

SECTION - II

Q#1. Explain juvenile delinquency. What are the socio-economic, demographic and environmental factors that lead to juvenile delinquency?

INTRODUCTION: Juvenile Delinquency and its causes

Juvenile Delinquency includes actions that violate law, committed by a person who is not old enough. In ancient times, juveniles were also treated as adult offenders. Romans were the first who drew a strict line between adult offenders and juvenile offenders. Juvenile delinquency is fueled by number of causes: social, demographic, economic and environmental factors. Socio-economic disparities, lack of parents' control, ^{delinquent} peer groups foster the criminal tendencies in a child. Environmental factors have loomed large

SECTION II
impact on children development. It is
well expressed by Judge Lindsey
who highlighted the juvenile offenders
in the following way:

“A child who is delinquent
is not a criminal, but a
child in need of help,
guidance and direction.”

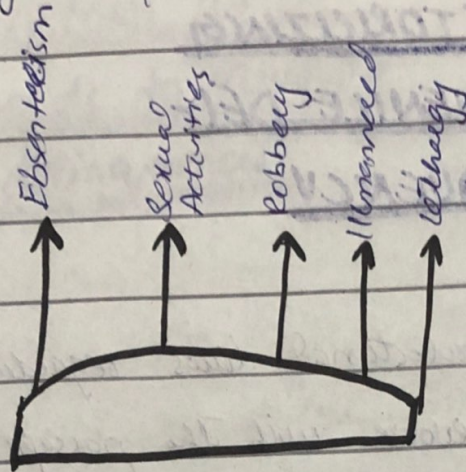
He pointed out that there are
other root causes of delinquent behavior.

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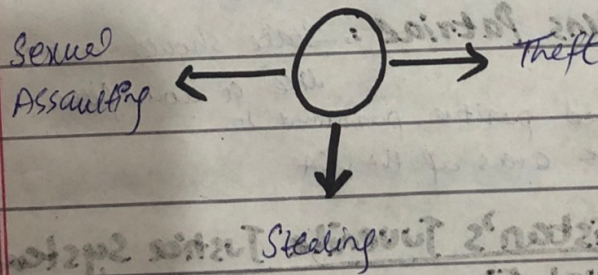
LEGAL AND BEHAVIORAL DEFINITION OF JUVENILE DELINQUENCY

According to the behavioral
definition of juvenile delinquency,
it is an antisocial behavior that

is beyond parents control.



According to the legal definition of juvenile delinquency, it includes violation of law.



Larry J. Siegel has defined it in the following words.

“It is the act of participating in unlawful behavior as a minor”

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HISTORICIZING JUVENILE DELI QUENCY

The protectional laws regarding juveniles evolve with the passage of time.

○ During Britain Colonial Empire

Child trafficking, labour, child sexual assault were at peak in the USA.

○ After colonial Era

Movements started to safeguard children.

Pater Patriae: State should act like a loving father.
Banned punitive punishment in some areas of the USA.

○ Pakistan's Juvenile Justice System evolution

Before partition.

Article 82 of Juvenile ordinance deals with juveniles.

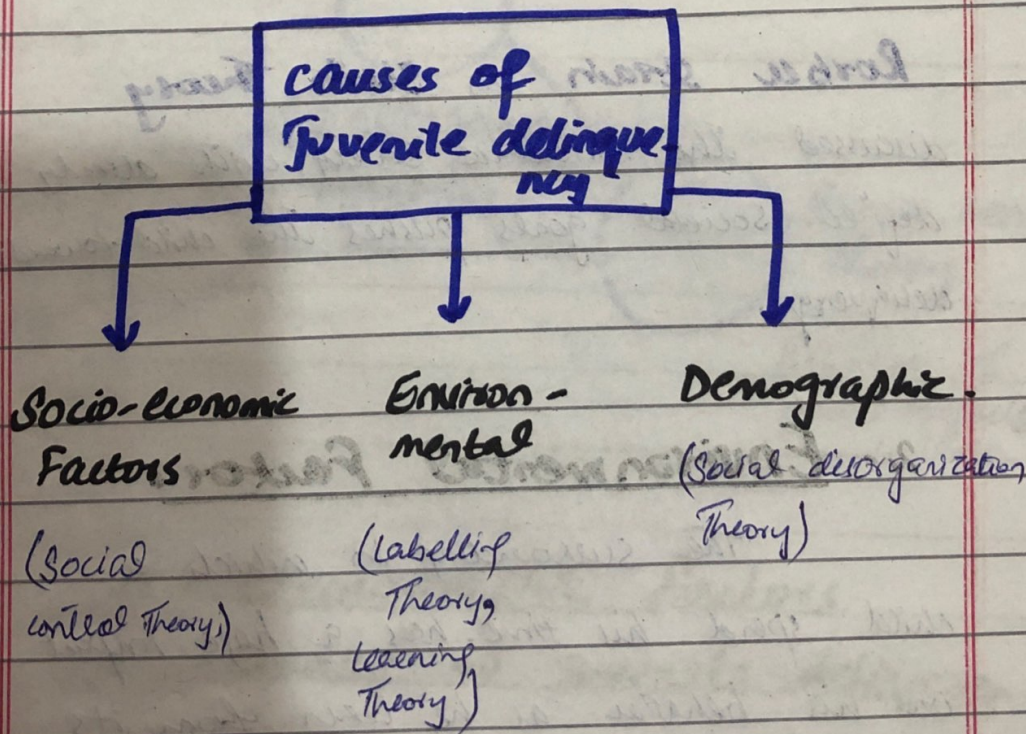
Juvenile Justice Ordinance - 2000

Juvenile Justice Act - 2018

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FACTORS which leads to Juvenile delinquency

Juvenile delinquency is exacerbated by number of factors. These factors are social, environmental, demographic and others.



1- Socio-economic factors Leading to juvenile delinquency

Socio-economic disparities in one of the major cause which push a child towards criminal behavior. In order to meet the standards of society while absence of resources is a leading factor. Poverty is a root cause as stated by Aristotle,

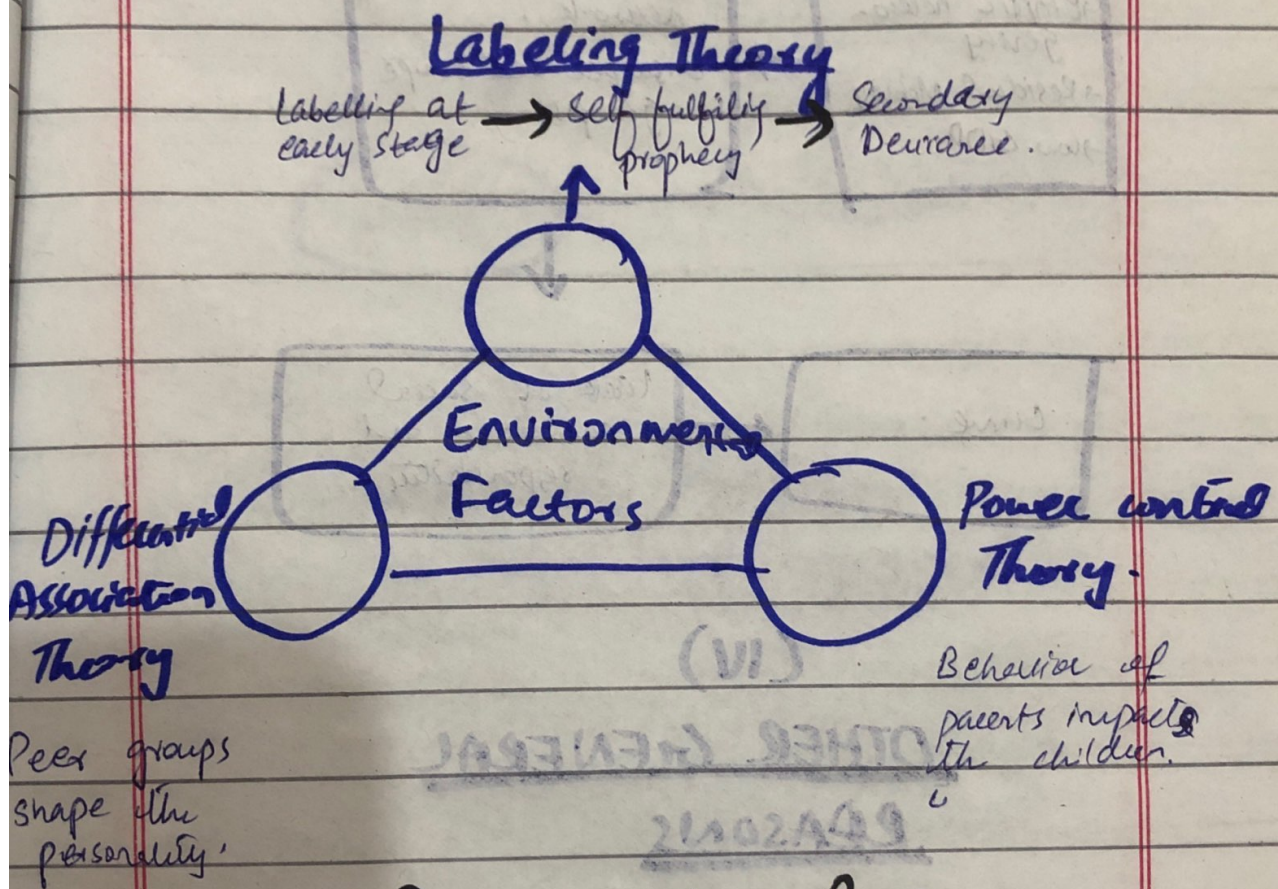
— " —
Poverty is the parent
of revolution and
crime — " —

Rollen strain in Strain Theory
discussed the imbalance society with already defined societal goals pushes the child towards delinquency.

2. Environmental Factor.

The surrounding in which a child spend his time has a huge impact on his behavior as he learn from its surrounding. Negative behaviors are learned the same way as the skills or good

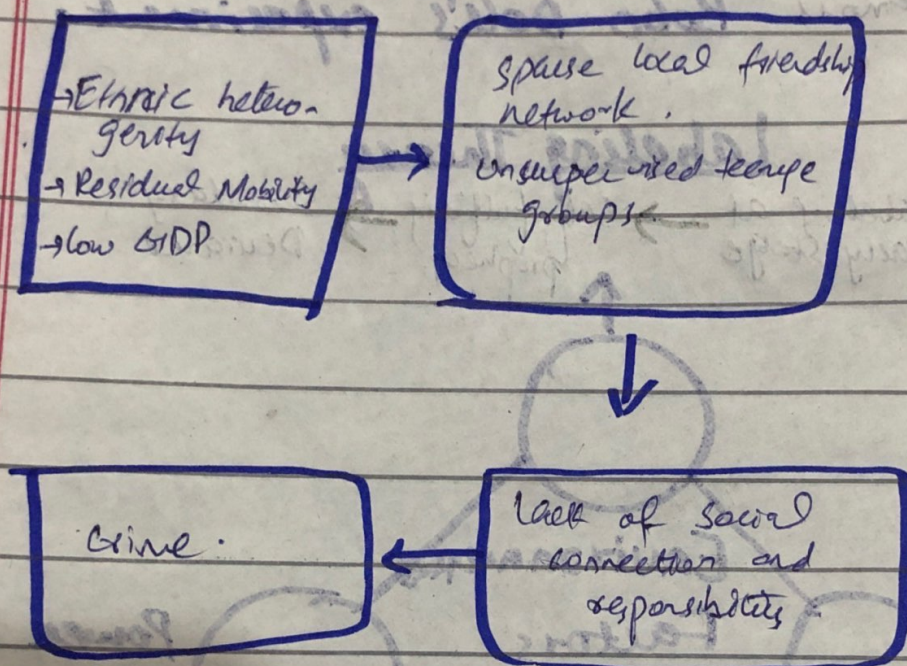
behaviors are learned. Albert Bandura in his work, Learning Theory, stated how the human brain retain information and repeat the same patterns. Similarly child learn from his/her surrounding as illustrated by famous Bobo Doll's experiment.



3 - Demographic Factors Leading to juvenile delinquency

Demographic factors include the structure of place in which a child lives. It comprise of school, society, peer group

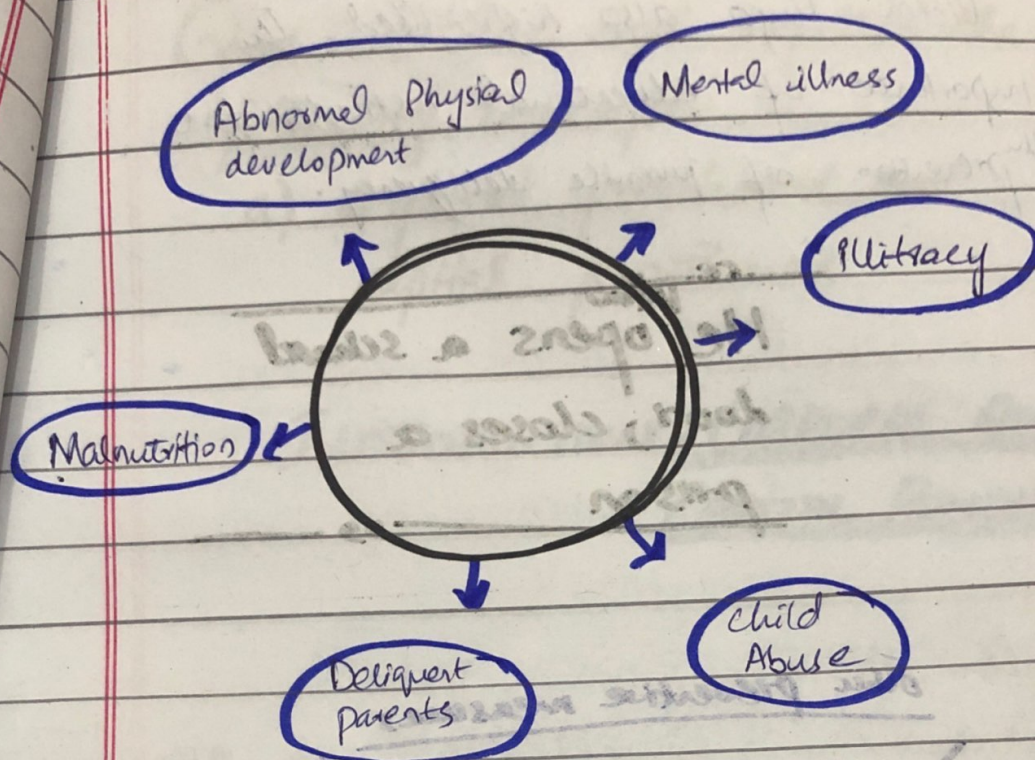
and the place - Shaw and McKay have pointed out some demographic characteristics of place which foster delinquent behaviour in children.



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OTHER GENERAL REASONS

Other general reasons of child delinquency is listed below.



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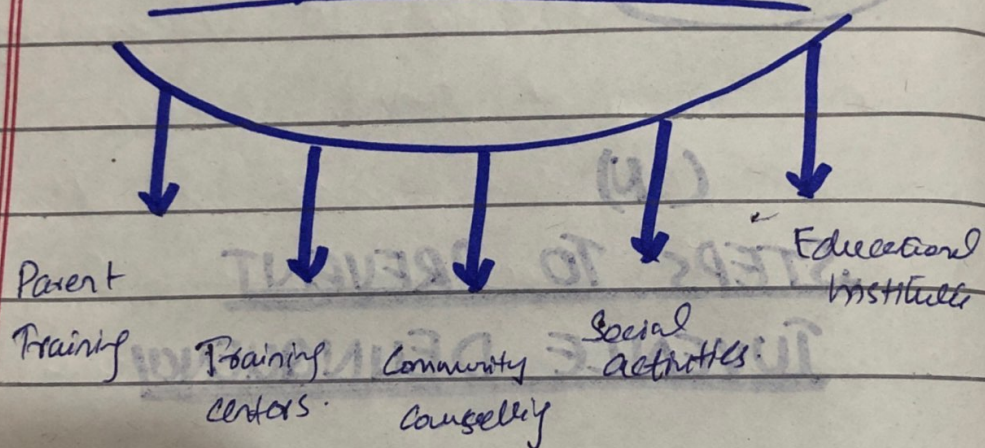
STEPS TO PREVENT JUVENILE DELINQUENCY

Juveniles did not take rational decisions, so they should be guided by other institutes instead of punishment. Some preventive measures should be taken down. There is a need to establish training and counseling series to empower them.

Victor Hugo also highlighted the importance of educational institutes for the prevention of juvenile delinquency.

“Who
He opens a school
door, closes a
prison”

Other preventive measures



Conclusion:

The number of juvenile delinquents are increasing. ~~Th~~ Childhood experiences shape the personality of children. Hence, preventive measures should be taken to empower juveniles.

Q No 2. Define and explain the following concept.

a) Corporal punishment and capital punishment.

INTRODUCTION : CORPORAL AND CAPITAL PUNISHMENT

Punishment includes any physical pain which is unpleasant. In contemporary era, two kinds of punishments are given to offenders based on the severity of their crimes. Corporal punishment is physical pain which includes **Flogging, branding or mutilation**. It is banned in some countries of world as it is against human dignity. Capital punishment is giving the death penalty to offender. Both concepts are under debate. Corporal punishments are often discussed in the context of children.

who faces violence from caregivers.
The number of such cases are rising
as stated by UN.

“
60% of the children
between age 2-14
faces violence by
caregivers”

- UN -

Such kind of behavior is observed
in undeveloped or developing countries.
This is being linked with the societal
norms.

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CORPORAL PUNISH- MENTS

Corporal punishments are the
physical punishments given to offender
by a legal authority. United Nations
committee on the Rights of children
has defined this in the following
words.

Definition by UNCR

Any punishment
in which physical
force is used to
cause some degree
of discomfort

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STATUS QUO OF CORPORAL PUNISH- MENTS

Severe corporal punishments were
practiced in ancient time period. In these
20th century, these punishments
are being removed by developed
countries.

Case Study: Sweden - first
country - banned all
forms of corporal
punishments

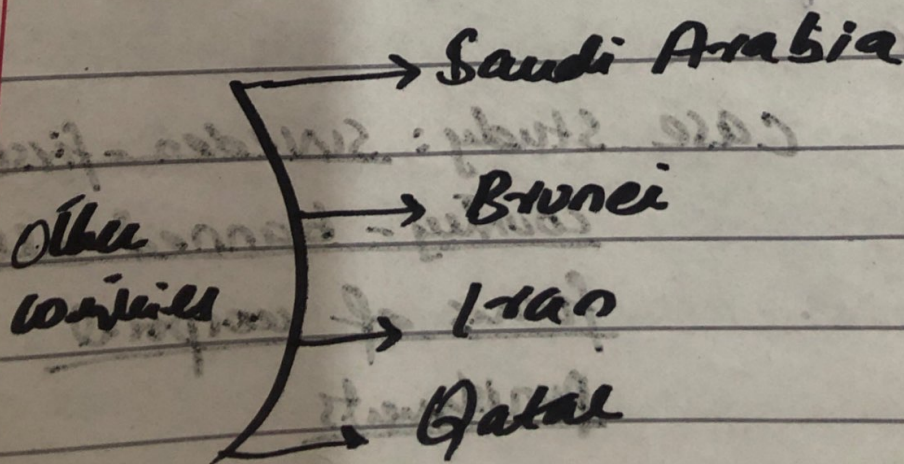
Sweden has banned all kinds of
punishments from their state. Country - A
shootfall in child abuse has been
observed there.

Around **35** countries are still practicing
it. A report by **SPARC** is submitted
in which the condition of Pakistan
is discussed -

81% children bear
violence in home
35% children faces
abuse in schools

A report by **SPARC**

In Pakistan, it is being part of
the societal norms.



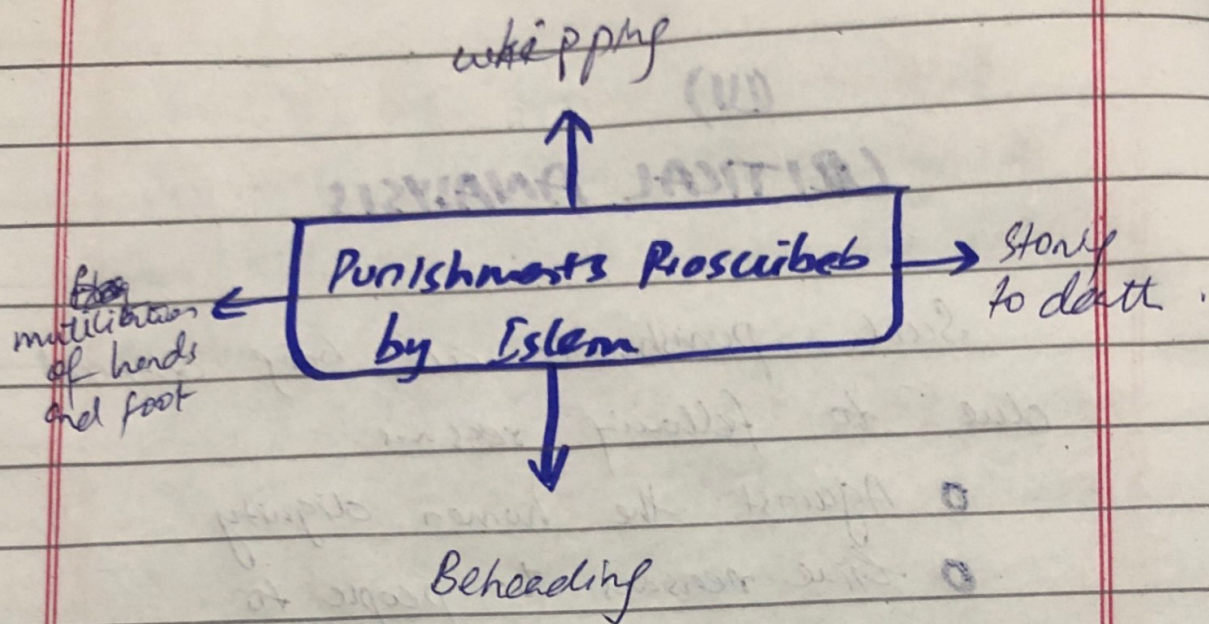
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CRITICAL ANALYSIS

Such punishments are being criticized due to following reasons.

- Against the human dignity
- Give reasons to people to become rebellious.
- Vicious cycle of violence continues.
- Violation of UN Convention
- Against modern standards of civilization.

Though it has been criticized due to following reasons but some deterrence should be ^{prevail in} ~~provided~~ society by government to ensure peace and prosperity. Some punishments are prescribed by ~~them~~ as well.



(V) CORPORAL PUNISHMENTS UNDER THE CONSTITUTION OF PAKISTAN

Corporal punishments should be given to offenders under Section 89 of PAK. It should be given by correctional officers. The corporal punishment should be given according to severity of crime.

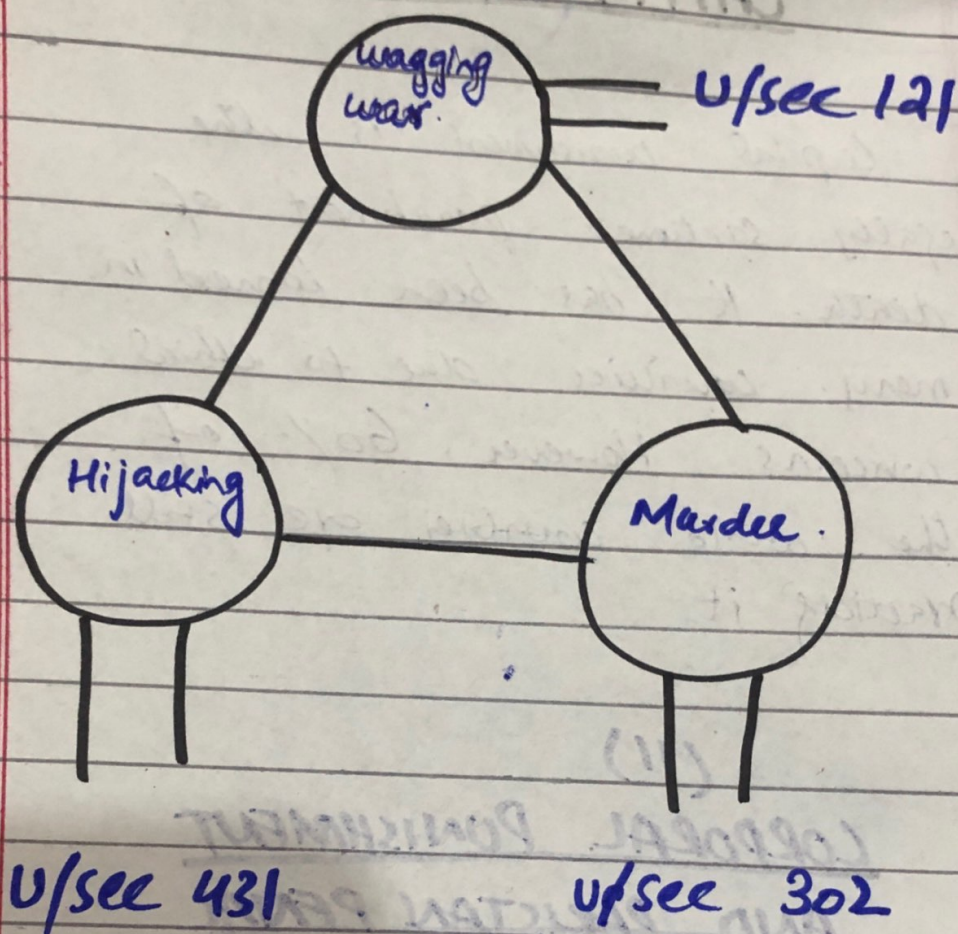
CAPITAL PUNISHMENT

Capital punishment is the legally sanctioned punishment of death. It has been banned in many countries due to ethical concerns. However, 60% of the world countries are still practicing it.

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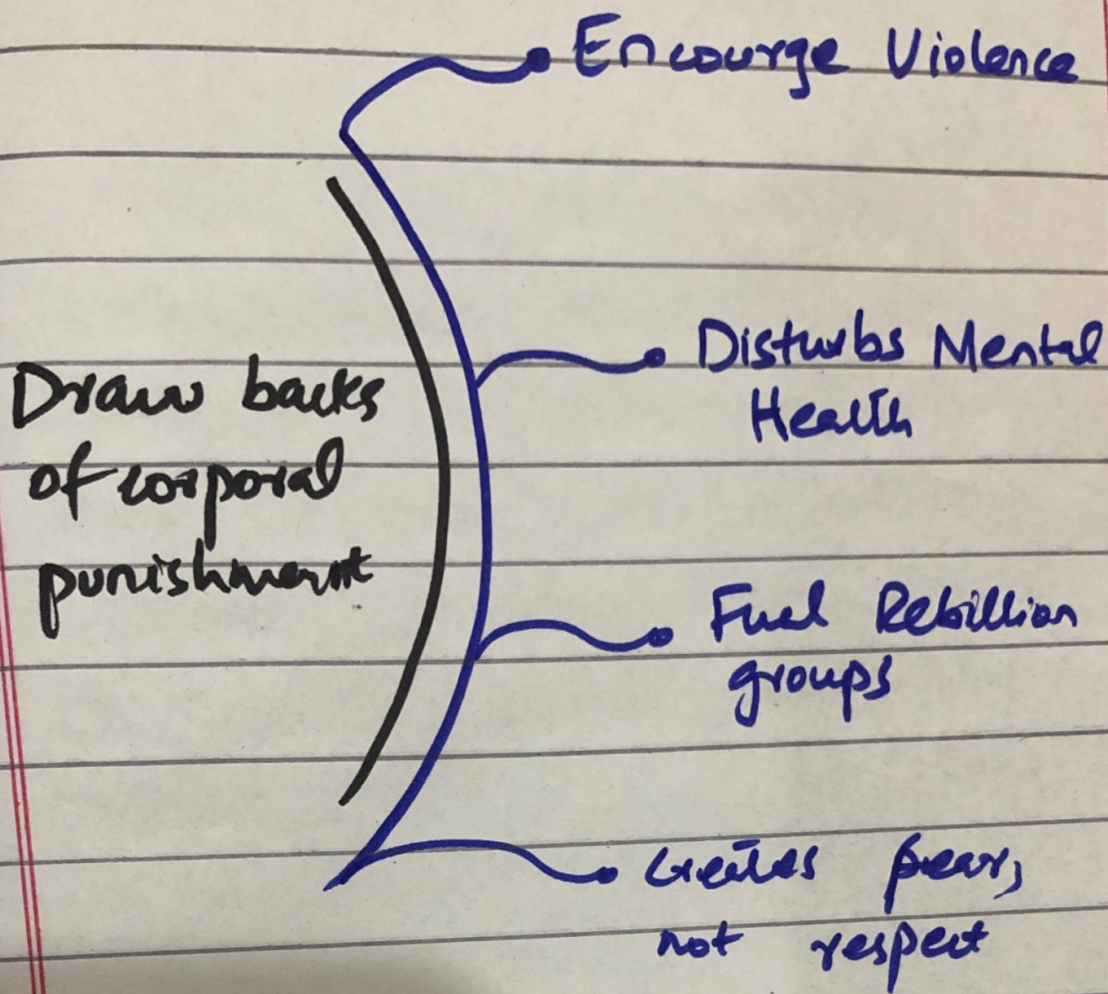
CORPORAL PUNISHMENT AND PAKISTAN PENAL CODE

Corporal punishment can be given to the member due to below mentioned reasons.



The sole purpose of capital punishment is creating deterrence and sending message to the other members of society, to not commit such mistakes.

In the contemporary area 106 countries have abrogated this law.



Conclusion :

Punishment is given to offender to transform his/her behavior, if there is no other way of doing it. However, severe punishments are against human rights and modern standards of civilization.