

Subjective Part II

Section - I

Question No. 3

1- Introduction :

In the field of criminology, the widely accepted cause of crimes are social reasons or factors. Social learning theory explains that crime are result of social factors and its roots have grown from Albert Bandura's 'Social learning and Edwin Sutherland's Differential Association Theory. Both expressed that criminal behaviour is acquired through a combination of interacting with individuals.

2. Understanding the Social learning from Perspective of Crimes:

In criminology, the social learning is a concept that explains that:

“individuals learn through observation, imitation and modeling.”

This perspective suggests that people acquire new behaviours, values and attitude by observing the actions of

others and the consequences of those actions. Both Differential Association Theory and Social Learning explains this idea in a different way.

3. Differential Association Theory: and

Differential Association Theory was given by Edwin Sutherland in his book "Principles of Criminology" in 1939. According to this theory, criminal behaviour is learned from others in intimate or personal groups. The principles of Differential Association Theory are as follows:

i - Criminal Behaviour is Learned :

According to Sutherland, all important forms of human behaviour including criminal behaviour is learned from other human beings.

ii - Interaction with Others "Induces Criminal Behaviour :

People who are actively engaged in criminal behaviour, their fellows will learn the same from them. However, the important aspect of this learning is active contact on regular basis.

iii - Learning in Personal Groups :

Sutherland explains that people do not learn too much in large groups or through media such as by watching games or violent movies. Instead, they learn it in personal groups e.g. through family and friends.

iv. Learning Behaviour Includes Techniques and Motives :

People not only learn the techniques of committing crimes rather they learn justifications for their actions. For instance, they think whatever they are doing is right due to certain specified reason.

v. Perception of Legal Code and Motivation in Social Learning :

Edwin Sutherland argues that one's perception about legal codes and regulations also plays part in reason for committing a crime. Some people consider law as favourable, other restrained themselves from observing formal rules and regulations.

vi. Other Factors to Likelihood of Crimes :

Individuals are influenced differently based on the frequency, duration, priorities and intensity of their

interactions with others who are involved in criminal behaviours.

vii. Relationship between Underlying Needs and Social Learning:

Underlying needs and values of financial security and family support also leads to both criminal and non-criminal behaviours. However, most of the time it motivates a person to commit crime.

4. Social Learning Theory:

Social learning theory roots in Sutherland's Differential Association Theory and is proposed by Albert Bandura. He argues that learning is a not purely behavioural rather it is a cognitive process. Main principles of social learning theory are as follows:

i- Learning as Cognitive Process:

Albert Bandura highlighted the role of cognitive processes such as attention, memory and motivation in learning. He proposed that individuals not only learn by observing from others but also through mental process and making decisions based on their own observations.

ii- Criminal Behaviour as Social and Non-Social Learning:

Albert Bandura introduced the concept of self-efficacy which refers to an individual's belief in their ability to perform a specific task or behaviour. Apart from it, he emphasized that criminal behaviour is also learned through social behaviour.

iii- Modes of Social Learning:

Social Learning Theory argues that behaviour is learned in different ways. However, the most important modes of social learning are family, social models and symbolic models. These modes play a crucial role in determining the criminal behaviour of an individual.

5- Impacts of Theories in Criminology:

The impact of Social Learning theory and Differential Association Theory has been significant in shaping one's understanding of how criminal behaviour is learned within social context. Key impacts are:

i- Understanding Criminality as Learned Behaviour:

Both theories emphasized the role of

observational learning and influence of social models in the acquisition of criminal behaviour. This understanding has broadened criminologist's perspective on how individuals become involved in unlawful activities.

ii- Policy implications:

The emphasis on social learning has influenced the development of prevention and intervention strategies. Efforts often target altering environments and providing positive influences to counteract the negative impacts of exposure to criminal values.

iii- Implications on Rehabilitation Programs:

Social learning has influenced rehabilitation programs by recognizing the importance of addressing learned behaviours. Programs may focus on reshaping the individuals behaviour towards values and reduce the likelihood of reoffending.

iv- Media and Crime:

Social Learning Theory's insights into observational learning have been applied to the study of media's impact on criminal behaviour. Researchers explore how exposure to criminal content in media may

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contribute to the learning and normalization of deviant behaviours.

v. Development of Integrated Models:

Scholars have integrated the elements of Social Learning Theory and Differential Association Theory with other criminological perspectives, creating comprehensive models. These models consider both social influences and individual characteristics.

vi. Research and Empirical Support:

Both theories have garnered empirical support through research studies and have been used to explain various forms of criminal behaviour. This validation enhances their credibility and applicability in understanding the complexities of criminal conduct.

6. Conclusion:

In summary, both Social Learning Theory and Differential Association Theory have played a pivotal role in advancing criminological understanding by highlighting social processes. Their impacts extend to policy development, intervention strategies, and overall conceptualization of criminality in contemporary criminology.

Section II

Question No. 4

1- Introduction:

In every criminal system of the world, there is a legal age of adults and if there is someone who committed a crime and is below legal age is a juvenile. According to criminal system, he must be dealt under juvenile justice system and it includes all the processes including arrest, intake, detention or release, petition, adjudication hearing and disposition.

However, during the process certain factors are important to consider. In Pakistan, juvenile justice system is criticized for being weak and inadequate facilities.

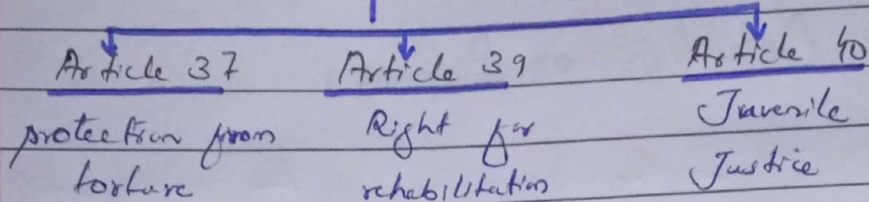
2- Defining Juvenile Justice Process:

Juvenile Justice Process is the legal system's response to cases involving juveniles who are accused of committing delinquent acts. The process is designed to address the unique needs and circumstances of young offenders.

In criminology, a term juvenile delinquency is used to explain the person who is involved in crime and is younger than statutory age of minority.

3- International Laws for Prevention of Juvenile Delinquency :

1- UNCRRC (United Nations Convention on Rights of Children)



2- Riyadh Guidelines 1985

3- Beijing Rules 1985

4- Havana Rules 1990.

4. Components of Juvenile Justice Process :

The components of Juvenile Justice processes are as follows :

i- Arrest :

Arrest begins when law enforcement apprehends a juvenile suspect. It mirrors the adult arrest process but often involves special procedures for juveniles. For Example, ~~Mr.~~ James who is 15 years old, is accused of robbery, however, he will not be arrested like adults. Police officers will not put handcuffs on his hands.

ii- Intake :

If the juvenile has committed a minor crime, he will be released after formal papers. However, if he is accused of heinous crimes with sufficient evidence, a formal process will start further.

iii- Detention or Release:

Based on the seriousness of the crime and juvenile's risk to the community, some jurisdictions emphasize alternative to detention.

iv- Petition:

Similar to trial in the adult system, a petition will be filed in the separate court called juvenile court. It involves fact finding to determine if the juvenile committed the offense.

v- Disposition:

It is a sentencing phase, where court determines the appropriate intervention. Options include probation, community service, counseling or placement in juvenile facility. Then a process of post-disposition is also followed to monitor the behavior of accused.

vi- Roles in Juvenile Courts:

a- Defense

He plays a part in the stages of the case. He also tries to

b- The Prosecutor

The Prosecutor hires a lawyer. He files a case against the

c- The Judge

The Judge is the grand jury's "parent". In most cases, judges are

d- Probation

Probation involves supervision of juveniles. Weekly reports are submitted to the center for monitoring on a regular basis.

a- Defense Attorney :

He plays a fundamental role in virtually all the stages of proceedings. He checks if the case is in session or juvenile court and he also tries for outside settlement.

b- The Prosecutor :

The Prosecutor is also called the State's lawyer. He is responsible for bringing the case against the accused juveniles.

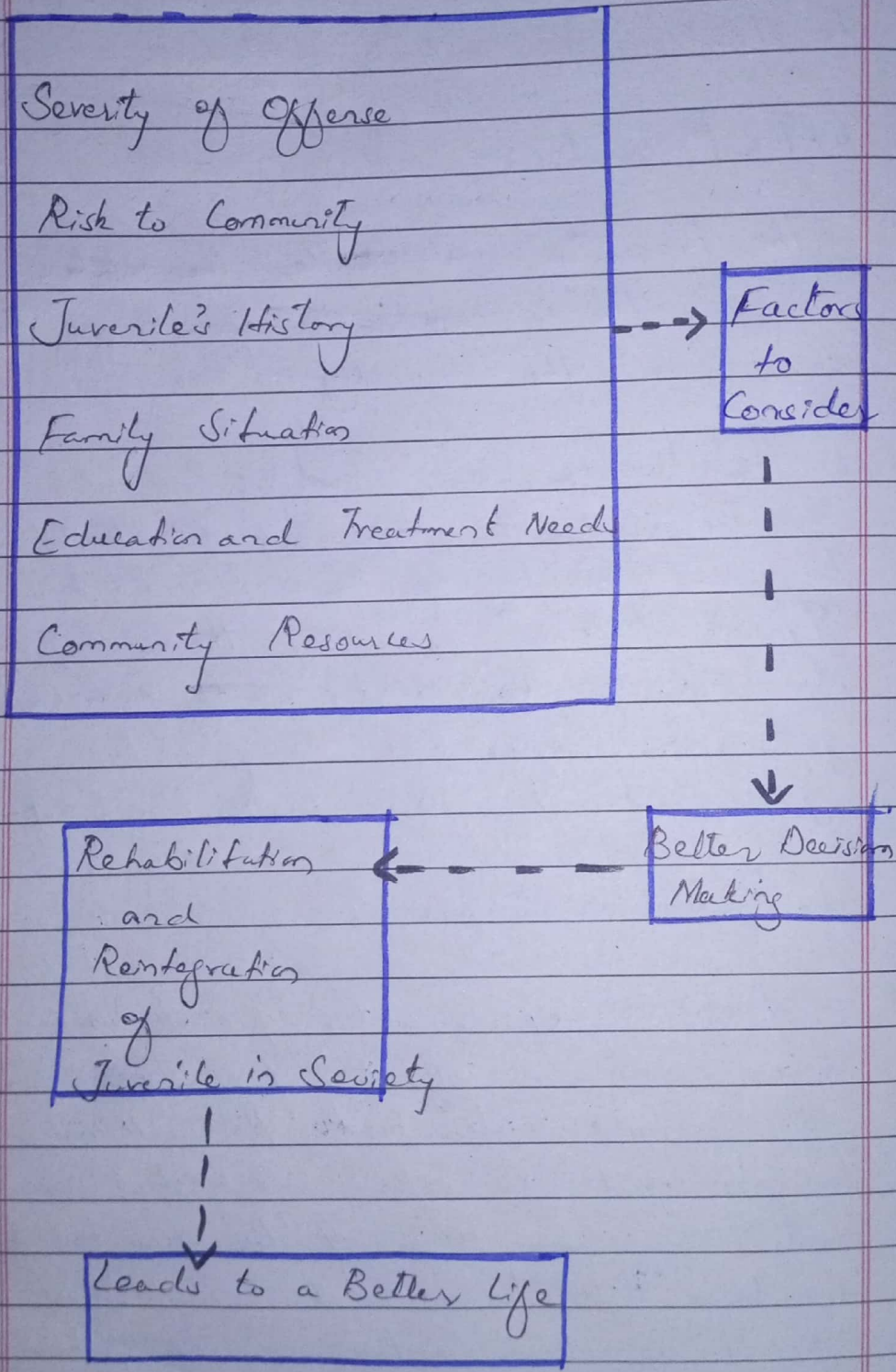
c- The Juvenile Court Judge:

The Judge is empowered to check the ground realities of the case and act as "Parent Patriae" (parent of the child). In most of the courts, usually female judges are appointed as juveniles judges, due to their motherhood aspect.

d- Probation Officers:

Probation officers under formal community supervision are placed for supervision of juvenile after bail. He will make weekly visit to either rehabilitation center or the home of the accused for monitoring. In the meantime, he will submit report of child in the court on regular basis.

5- Factors to Consider in Determining Appropriate Interventions for Juveniles:



6. Shortcomings in Pakistan Juvenile System :

In Pakistan, the written rules and laws are made to deal juveniles which are as follows :

1. Juvenile Justice System Ordinance 2000
2. Juvenile Justice System Act 2018.

Juvenile Justice System Act of 2018 provides a legal framework of dealing accused children. However, there are some shortcomings as well which are as follows :

i- Age Determination Issues :

There are challenges in accurate determining the age of juvenile offenders, which often lead to potential misclassification. For instance, in the judgement of Mr. Aslam case, the court ordered that mere production of school leaving certificate is not enough for juvenility. The case was ongoing for at least two years due to this issue.

ii- Inadequate Diversion Programs :

Moreover, the diversion programs are limited. This limited availability and accessibility of diversion programs hinders the alternatives to formal court processes.

iii- Overcrowded Juvenile Facilities:

There are limited detention centers for juveniles and also are overcrowded. Therefore it is better to establish new exclusive juvenile detention centers.

iv- Legal Framework Challenges:

Inconsistent gaps in the legal frameworks governing juvenile justice, affect the application of appropriate procedures. As per Sparc.pk.org, in 2019 there were total 1424 juveniles in jails. However, only 214 of them were convicted while 1210 were under trial since a long time.

v- Limited Rehabilitation Services:

Insufficient resources are allocated to rehabilitation services due to downfall of economy. As a result, there is hindrance in effective integration of juveniles in the society.

vi- Social Stigma:

More the social stigmatization is unfortunately more common among the Pakistani culture. This stigmatization

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7- Recommendations

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of juveniles offenders impacting their chances of successful integration

7- Recommendations :

→ Effective implementation of age determination mechanism →

→ Computerised Database →

→ Review and Revise Pakistan Prison Rules in Provision of Juvenile Justice Act 2018, →

→ Establish new Juvenile Court. →

→ All relevant laws need to be amended. →

(Anti-Terrorism Act 1997)

(Control of Narcotics Substances 1997).

Solutions

8- Conclusion :

Juvenile Justice system provides a legal framework to deal juveniles who are accused of crimes. There are different components and some factors need to be highlighted. In Pakistan, juvenile justice system is relatively weak and needs instant solutions.

Section III

Question No. 6

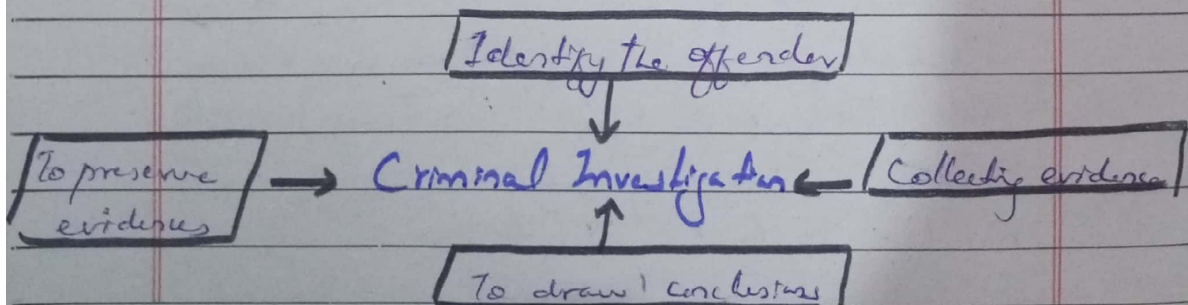
1. Introduction :

Criminal investigation is a necessary process for establishing guilt of the accused. Its goal is to recognize evidence, collect evidence, preserve evidence and documentation of crimes. In Pakistan criminal investigation involves both modern and legal methods for establishing guilt of accused. However, forensic investigation is most appropriate and scientific method of identifying the accused.

2. Criminal Investigation :

According to Section 4 of Code of Criminal Procedure, Criminal investigation is defined as,

"Investigation includes all the proceedings under this Code for collection of evidence collected by police officer or by any person who is authorized."



3- History of Criminal Investigation in Pakistan:

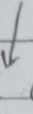
1906 (British Govt)

Bird Wood Road Lahore - First Forensic Lab



2002 (NFSA)

National Forensic Science Agency



2006 (Functional)



Solved High Profile Cases
(Merriol Hotel Blast
Lal Masjid Operation
Motorway Rape Case
Usman Mirza Case).

4- Methods of Criminal Investigation in Pakistan:

Criminal Investigation

Modern

Traditional



- 1- Intelligence operations
- 2- Database operations
- 3- Forensic Investigation
- 4- Electronic Investigation

- 1- Interviewing
- 2- Interrogation

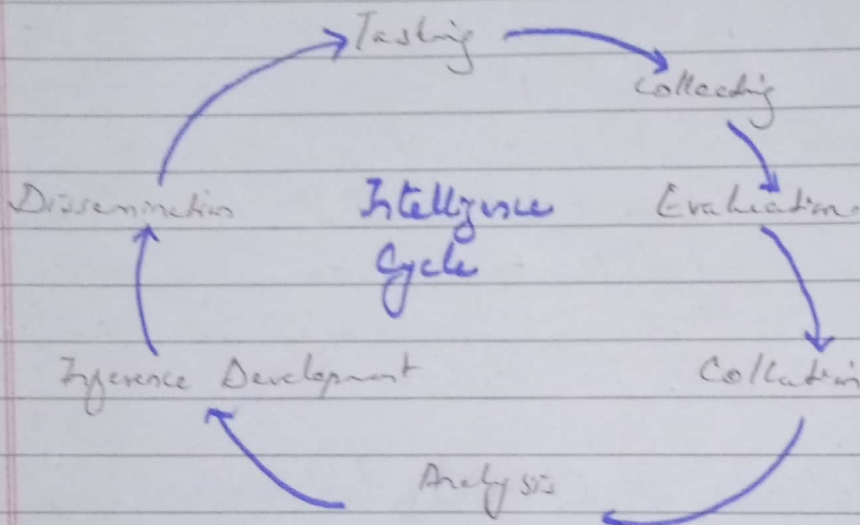
i- Modern Methods:

a- Intelligence Operations:

Intelligence operations in Pakistan are systematically used for collecting and evaluating information for the purpose of discovering the capabilities and intentions of their rivals.

For Example:

Most prominent case of Kalbushan Jadhav is example of intelligence operations.



ii- Data Base Operations :

They are used to analyse, retrieved and interpret data stored in structure of data repositories. Data is stored in form of rows and columns. In Pakistan NADRA has authority to store data of its citizens. NADRA has linked Database with FBR (Federal Board of Revenue) to identify tax payers from non-filers.

iii- Electronic Investigation :

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These types of operations are also used in Pakistan by checking the data of electronic gadgets. This method is used to retrieve information from electronic devices to either catch the criminals or building guilts. For Example, in the military operation against terrorists attack in APS (Army Public School) Peshawar, the investigator retrieved the radio signals from phones of terrorists.

iv. Forensics Investigation:

Forensics investigation is scientific method of identifying criminals through different techniques like DNA testing, Digital forensics, audio visual analysis, Toxicology, trace chemistry, polygraph and dentistry. This type of investigation has helped in solving the high profile cases in Pakistan. For Example, Zameer Raza incident, Noor Muekkadem case, Chinese Consulate attack etc.

A - Role of Forensics Technologies:

i - DNA Testing :

DNA Testing plays a crucial role in identifying and linking them

to crime scenes. It can establish or exclude suspects with a higher degree of accuracy.

ii- Fingerprints:

Analyzing fingerprints helps in identifying individuals present at the crime scene. It is a valuable tool for linking suspects to specific locations.

iii- Digital Forensics:

Examining electronic devices for evidence, such as computers and smart phones is essential for tracing digital evidence relevant to a crime scene.

iv- Toxicology:

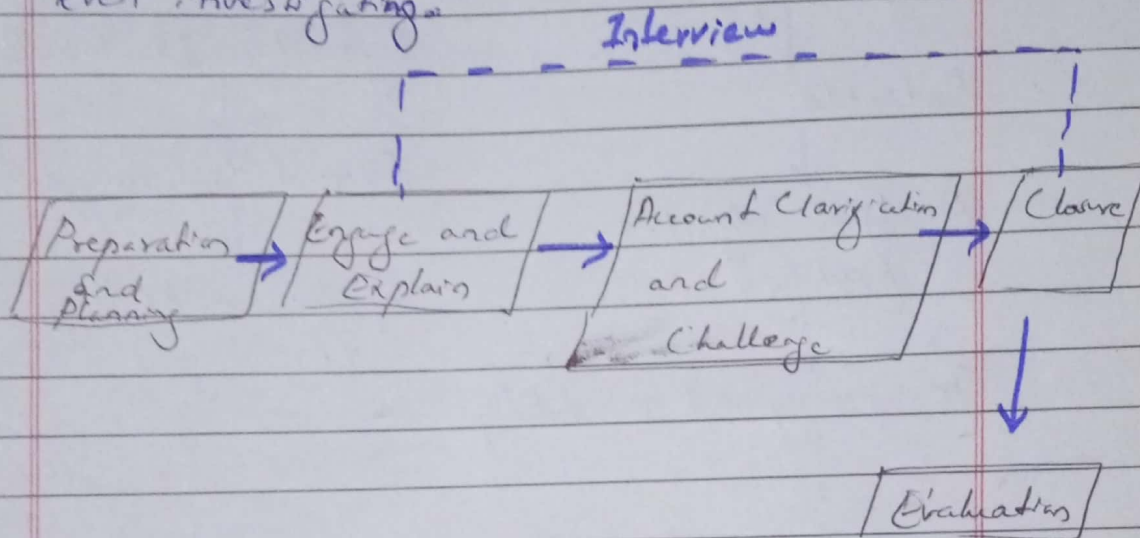
Analyzing biological samples for presence of drugs, poisons or toxins assists in understanding the circumstances surrounding a crime. This will clear the doubts related to a crime.

ii- Traditional Methods:

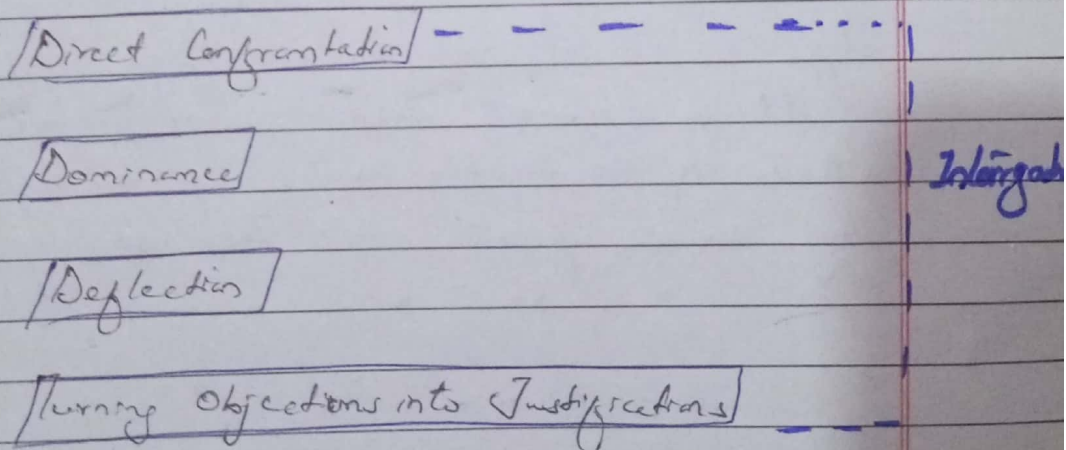
Traditional methods include interviews and interrogation.

a- Interviewing and Interrogation:

Interviewing is the most common method of investigation, in which concerned authority usually ask questions without revealing his identity. The person who answers does not aware of the fact that he is even investigating.



On the other hand, in interrogation the accused person is interrogated in a restricted boundary and is aware of the situation.



5- Role of Forensics and legal Procedures in Fair Investigation:

Forensics

Legal Procedures

Establish Facts in Courts

Immediate retention of accused.

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Apply scientific methods

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Eyewitness Identification

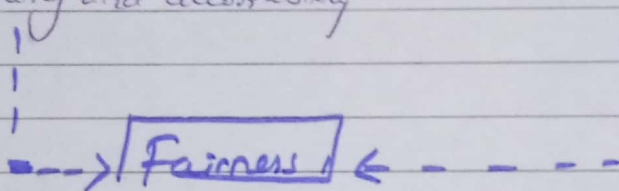
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Reliable

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Expert Testimony

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Analyze objective findings

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Informed suspects of their rights

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Transparency and accountability



6- Conclusion:

In the nutshell, criminal investigator plays a crucial role in identifying the guilt of accused. There are different methods of investigation are used in Pakistan. They ensure fairness in the society.

