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Section II

Ques #04

Discuss the major components of the juvenile Justice process, from ----- ?

Answer :

Juvenile Justice Process :

Juvenile Justice Process is a separate framework to handle the cases of juveniles (children less than eighteen years of age as per Section 3 of Majority Act 1875 in Pakistan) who are involved in committing crimes. Juvenile system is separate from adult criminal system and its focus is on rehabilitation rather than punishment. Juvenile Justice system aims to reintegrate adolescents in the society by equipping them with skills and education that make them good citizens and prevent the chances recidivism.

Working Limbs of Juvenile Justice System :

Juvenile Justice System consists of :

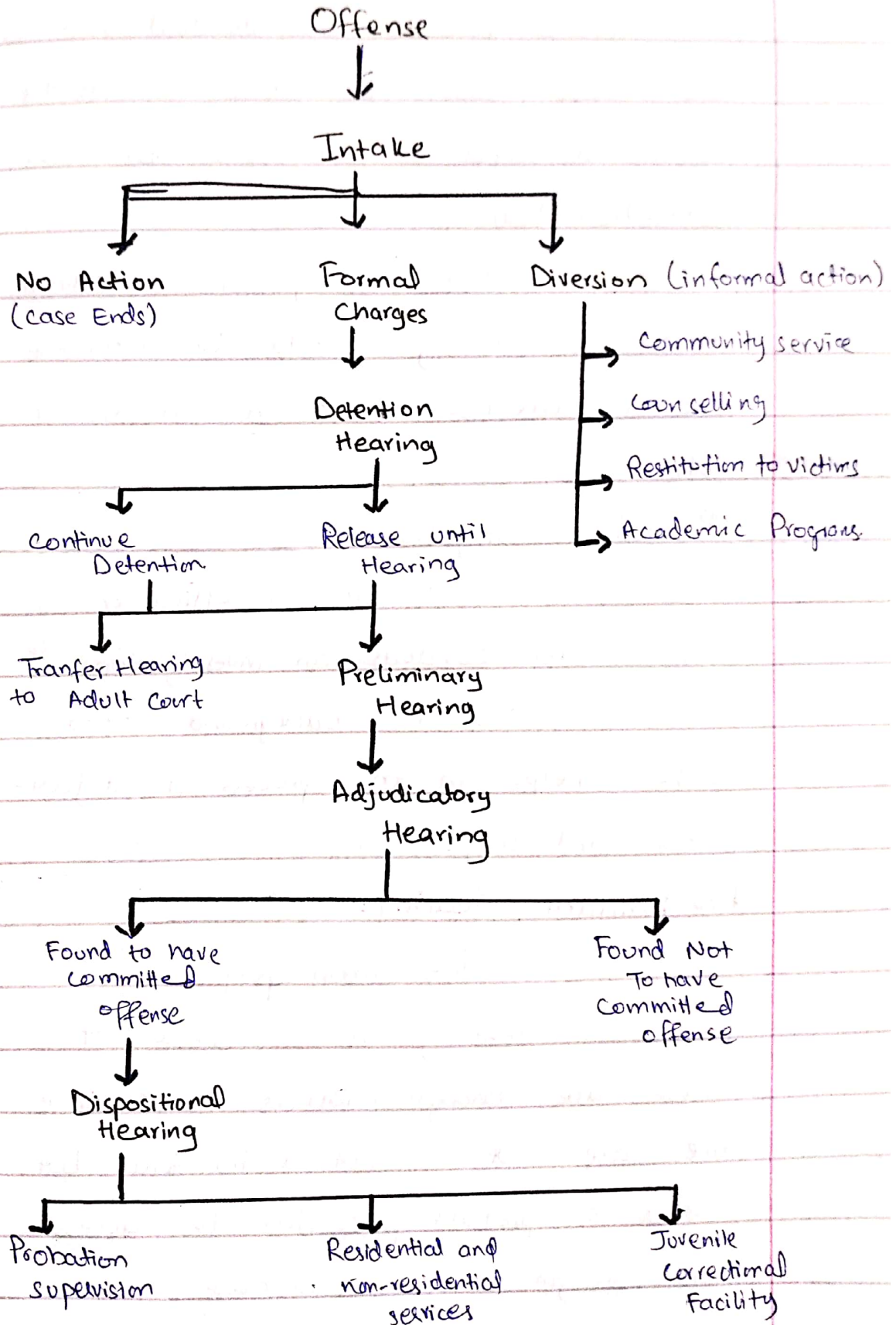
- Police
- Prosecution
- Judge
- Lawyer
- Probation Officer

Relevant Laws of Juvenile Justice System in Pakistan:

- Juvenile Justice System Ordinance 2000
- Juvenile Justice System Act 2017
- PPC 1860 , CrPC 1898
- Punjab Youthful Offender Ordinance 1983
- KPK Child Protection and Welfare Act 2010
- Sindh Children Act 1955.

JJSA 2018 came into effect on 18th May, 2018 , and classified the crimes of juveniles, on the basis of their severity , into major crimes , minor crimes , and heinous crimes.

Major Components of Juvenile Justice Process :



Pretrial Process:

Intake:

The process begins with intake of accused juvenile and decided whether the case should be solved outside the court or refer to the court for trial.

Detention Hearing:

When a juvenile is detained, a detention hearing is held to determine whether detention should be continued or not.

Pretrial Investigation:

A probation officer or social worker conducts an investigation relate to juvenile's background that further helps in the process of adjudication and disposition.

Preliminary Hearing:

The main purpose of preliminary hearing is to check if there are enough evidences to continue the case. It is not a full trial but rather a pretrial procedure to assess the strength of prosecution case.

Trial Process:

Adjudication Hearing:

At this stage, formal trial begins and evidences are presented before the court of Law to determine whether the crime is committed or not.

Dispositional Hearing:

If the juvenile is adjudicated delinquent, a disposition hearing follows. The court decides an appropriate course of action, focusing on rehabilitation. Disposition include probation supervision, residential or non-residential services, and juvenile correctional facility.

Factors for determining the appropriate interventions of juveniles offenders:

1- Mental Health Issues:

Mental health issues and substance abuse problems must be considered. Proper therapy and counseling of juveniles must be done to address this problem.

2- Risk of Recidivism:

In order to prevent the risk of future offense by juvenile, proper rehabilitation and counseling of juvenile must be done and juvenile's attitude and behaviour should be evaluated.

3- Addressing Family Issues:

The family environment is very important and court must play its role to provide juvenile a stable environment that helps his mind to stay stress-free and keep him away from criminal activities.

4- Educational Programs:

Educational and vocational programs must be considered as this not only provide skills to juveniles but also develops a sense of fulfillment that helps them away from delinquent behavior.

5- Nature of Offense committed:

The nature of offense committed by the juvenile must be

taken into account and their disposition must be determined accordingly. Minor, major, and heinous accounts must be treated separately.

Shortcomings of Juvenile Justice System of Pakistan:

1- Role of Police:

The role of police is very controversial in juvenile justice system of Pakistan. While ^{during} arresting juvenile and ^{his} further detention, police treat him in the same manner as adult criminal. This ^{more} provokes juvenile towards delinquent behavior. Lack of proper police training has worsened the situation.

2- Long Proceedings:

Long proceedings of trials has exacerbated the situation of juvenile justice process. The detained juveniles bear tortures in police custody. According to report by Society for the Protection of Rights of Child (SPARC), about 90% of child offenders are waiting for trials as per 2021.

3- No segregation b/w Juvenile and Adult Offenders:

One of the major flaws is that juvenile and adult offenders are kept in same prisons. According to Social Learning theory, individual learns from the environment. Same is the case of these juveniles, they become more criminal by observing and learning from adult criminals.

4- Death Penalties:

Despite having the Law of International Human Rights, the exemption of juveniles ^{from death penalty} in Pakistan, is at risk. It happened in the past where two juveniles were hanged to death and the probability of this remains in the future.

5- Lack of Proper Monitoring:

Juveniles are treated harshly and sexually abused in prisons, and there is no proper monitoring over this. This lead to increase in juvenile delinquent behavior and its proper address is the need of the hour.

Section I

Question # 03

Explore the principles of Social Learning Theory in Criminology, ----?

Answer :

Social Learning Theory :

Overview:

Social Learning theory was proposed by Albert Bandura. It had its roots in the theory, Differential Association Theory, proposed by Edwin Sutherland. The underlying principle of both theories is that crime is nothing but result of social interactions. It validated the famous saying that, "a man is known by the company he keeps." Individuals interact with peers and learn their behaviors, whether good and bad, and replicate those behaviors in their daily lives. This leads to emergence of criminal activities if individual is involve in bad company.

Differential Association Theory:

Differential associated theory, proposed by Sutherland, refers to the idea that individuals learn criminal behavior when they interact with others. If they are exposed to society where criminal activities are common, they are more likely to fall for criminal behavior.

→ He further explains that ^{learning the} criminal behavior is not behavioral, rather it is cognitive process.

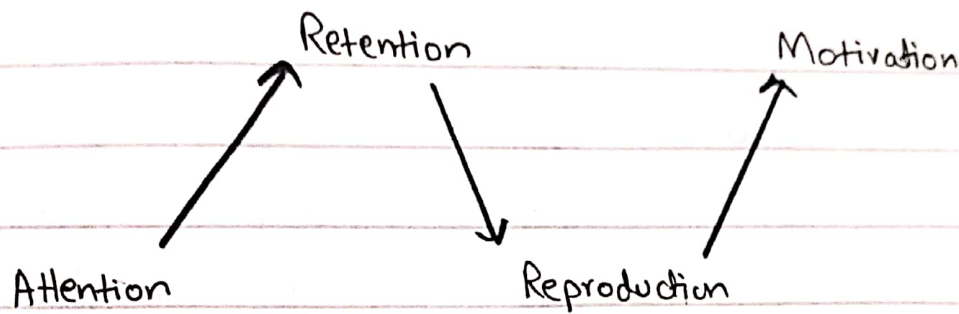
Social Learning Theory:

Social Learning theory, proposed by Albert Bandura, is extension of Differential Association theory and refers to the idea that individual observe, learn and then reproduce what is going on in his surrounding.

→ He explains that criminal behavior is learned by observing the actions of others and then consequences of those actions. If the results are good, individuals find them fascinating and develop these criminal behaviors.

Acquisition of Criminal Behavior through interactions:

The learning of criminal behavior involves 4 major steps:



Attention:

It depends upon to what extent, the individual is paying attention to specific behavior. Individual tend to observe the behavior fully and also assesses the consequences attached to it.

Retention:

It involves the retention of the learned behavior. Individual remember the behavior and very often thinks about it.

3 - Reproduction:

It is the process where individual reproduce the learned and retained behavior. It is the point where criminal activity occurred. The reproduction can be verbal or non-verbal.

4 - Motivation:

The following step is motivation. If individual gets desire results from the criminal activity, he is more likely to perform again and feels motivated.

Acquisition through Role-Models:

Role models play a significant role in shaping one's personality. If the impact of role model is negative, the individual is more likely to replicate his delinquent behavior.

Acquisition through Social Media:

One of the biggest flaw of social media is ~~the~~^{its} impact in increasing delinquent behaviors. Individual

Observe and learn through social media, either audio, video, or game, and then reproduce it in real life.

Acquisition through Bad Company:

Individual learn from their company, either good and bad, and then replicate those behaviors.

Case - study:

One of the highlighted case study from Gujarawala describes the Social Learning theory where a child killed his parents after learning it from a mobile game PUBG. The child observed and learned the behavior and then replicated it without considering the consequences.

Section III

Question # 06 :

Examine the process of criminal investigation in Pakistan, ----?

Answer :

Criminal Investigation :

Definition :

According to Black's Law Dictionary,

"Investigation means to inquire systematically and to make suspect the subject of criminal inquiry."

Also, Section 4(I) of CrPC states that,

"Investigation includes all the proceedings as defined in this Code for the collection of evidence either by a police officer or any other person who is authorized by magistrate (other than magistrate himself)."

Criminal Investigation in Pakistan through Modern Methods:

Criminal investigation in Pakistan is done through modern method including:

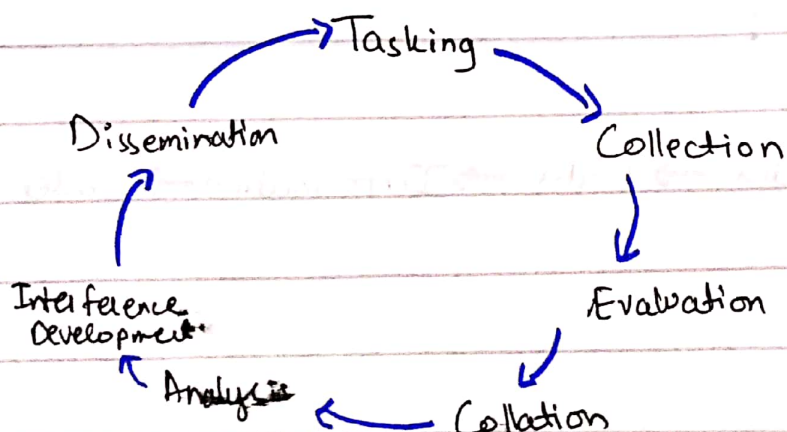
- 1- Intelligence Operations
- 2- Forensic Investigation
- 3- Database Investigation
- 4- Electronic Investigation.

1- Intelligence Operations:

Intelligence operation is a process through which military, intelligence agencies, and government work collectively to gather information and evidences to defend themselves against the rivals.

Process:

The intelligence operation is done through an intelligence cycle.



Tasking : Assigning tasks

Collection : Gathering data

Evaluation : Establishing validity

Collation : Organized collection.

Analysis : Threat Analysis

Inference Development : Drawing conclusions

Dissimination : Sending intelligence info for further actions.

2- Forensic Investigation :

Forensic investigation is the act of using science to make and validate facts or evidence which are further used in legal proceedings.

Process :

Forensic investigation is based on the following model :

Collection → Examination → Analysis → Reporting

Media → Data → Information → Evidence

Collection : gather potential evidence.

Examination : examining evidence, normally of bitwise copies of binary data.

Analysis : Analyzing the root cause evidence is pointing to

Reporting : Presenting evidence in court as an expert witness.

Case - Studies from Pakistan:

The intelligence operation led by the intelligence agency of Pakistan to arrest the RAW agent Kalbushan Yadav.

PFSA (Punjab Forensic Service Agency) is the only forensic laboratory in Pakistan and it successfully solved many cases including the Marriot Hotel case, 2008. and Motorway Rape Incident case.

3- Database Investigation:

Database investigation is a type of forensic investigation that deals with the forensic examination of databases and their

metadata.

Process :

The process of database investigation is similar to that of forensic investigation and involves the following steps :

- 1- Identification of crime.
- 2- Artifact Collection
- 3- Analysis
- 4- Documentation
- 5- Presentation.

4- Electronic Investigation:

Electronic investigation is a branch of forensic investigation that deals with the collection and analysis of electronic evidence.

→ Electronic evidence is very fragile and latent and must be handled carefully.

→ Electronic evidences include hard drives, external drives, mobile phone, cameras, laptops, tablets etc.

Process :

Process of electronic investigation is same as of forensic investigation

It includes the following steps :

- 1- Collection
- 2- Examination
- 3- Analysis
- 4- Reporting.

Case Study :

According to the facts of a court case, allegation was levelled against a boy of recording explicit content during his stay in a friend house without her consent. The case was proved through the electronic evidence i.e mobile phone.

Criminal Investigation in Pakistan through traditional methods :

1- Elicitation :

Elicitation is gathering information from people without letting them know that it is being done for specific purpose.

Process :

Elicitation does not have a specific process rather it can be done anywhere and anytime - at gatherings, roads, streets, or over the phone.

2- Interviewing:

Interviewing is done to extract information from the suspect before declaring him/her an accused.

→ If, during interview, subject lies, it is then challenged during trial in the court.

Process :

The process of interview begins at crime scene.

→ First identify the victims and witnesses ~~then~~ ^{and} separate them.

→ Interview both and get information.

→ Link and relate the extracted information with evidence.

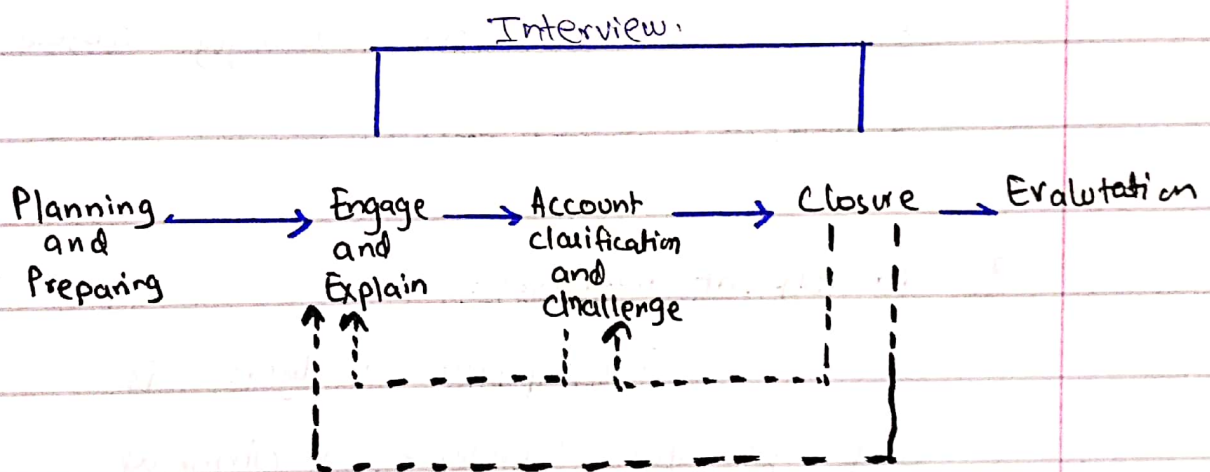
→ Make informed decision.

3 - Interrogation :

Interrogation involves the accusation of the suspect after completing all the necessary investigation and gathering evidences.

Process :

The interrogation is done through a method called PEACE Model.



→ Under this model, the suspect is allowed to present his/her story with interruption, and then it is checked if there are any contradictions b/w his/her story and evidences.

Role of Forensic Technologies in Criminal Investigation:

Many forensic technologies play a vital role in solving criminal cases.

1- DNA Analysis:

DNA analysis is used to identify the suspect and it is one of the most useful weapons of criminal investigation. It separates the criminal from the wrongly accused smoothly.

2- Fingerprint Analysis:

Fingerprint analysis is very powerful technique in criminal investigation. Investigator collect finger prints from the crime scene and identify the suspects / criminals.

3- Analyzing Weapons:

Analyzing weapons, bullets and shells are very useful to detect the culprit.

4- AI :

Artificial Intelligence is very useful in this regard as it processes the data very quickly and helps read face patterns.

5- Digital Forensics :

Digital forensic helps mitigate the cybercrimes, frauds, and other online offenses.

Role of Legal Procedures in Criminal Investigation :

Legal procedures include the following :

- 1- Search and seizure protocols
- 2- Stop and frisk operations

They help in upholding legal standard, protecting rights, and providing a fair legal process for a better criminal justice system.