

## SECTION - II

### QUESTION # 04

#### ANSWER

##### INTRODUCTION:

Pakistan introduced separate Justice system ~~from~~ for juveniles in 2000 through Juvenile Justice Ordinance, which ~~was~~ later made an Act in 2018. It introduces provisions of separate justice courts, trials, rights and rehabilitation through observational homes and centers. However, Pakistan ~~lies~~ behind in its formulations, the country does not have observational center for juvenile rehabilitation, lack of resources and training of concerned staff create miserable situation for # juveniles in Pakistan.

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## JUVENILE JUSTICE SYSTEM OF PAKISTAN.

### (a) Background:

Pakistan did not have any separate justice system for juveniles till the promulgation of Juvenile Justice Ordinance (JJSO) in 2000. The ordinance was later made as an Juvenile Justice System Act (JJSA) in 2018.

### (b) Provisions:

#### i. legal Assistance:

According to Section-3 of JJSA-2018, legal assistance for juvenile is executed on state. State is obliged to assist a juvenile offender with legal practitioner, who will inform juvenile about his rights within 24 hours

ii. Separate Courts:

Juvenile Justice System Act 2018 promulgates establishment of separate courts for trial of juveniles called "Juvenile Courts."

iii. Investigation:

Under section-7 of JTSA-2018, investigation of the crime is devised on the police officer not below the rank of Sub-Inspector or Superintendent, with assistance of probation officer or welfare officer.

iv. Age of Offender

JTSA-2018 sets the age of Juvenile to 18 years, which can be confirmed through birth certificate, educational records or medical exam.

v. Juvenile Justice Committee:

The Act introduces formation of Juvenile Justice Committee under section-10 of the Act.

Juvenile Justice Committee were to be formed in every session districts.

The ~~was~~ committee is formed by Judicial Magistrate, public prosecutor, probation officer and a lawyer.

The functions of the JJC includes:

- Checking Observation Centers.
- Dispose disputes through Diversion
- Administration of JJC by Session Judge of District.

#### vi, Penalties:

Under Section-16 of JJSA-2018, Juveniles ~~are~~ cannot be awarded death penalties, corporal punishments, handcuffed or fettered. Moreover, they ~~are~~ to be placed in observation homes and rehabilitation centers instead of prisons.

#### vii, Female Provisions:

Female juveniles are to be investigated by ~~female~~ officers only. They ~~are~~ also to be placed in female rehabilitation centers.

### viii, No Joint Trial:

Juveniles are not trial with adult offender in regular courts. Instead, ~~juvenile~~ will be trialed in juvenile courts only.

### ix, Diversion:

Diversion is resolution of conflict or dispute through informal setting. JJSA-2018 introduced this method, it is ~~to~~ advised to JJC to resolve matter through diversion.

### x, Completion within ~~Six~~ months:

JJSA-2018 formulates a standard timeline for completion of juvenile cases within six months. After which, special grant is taken from higher courts.

### xi, Observation Homes:

Juveniles are to be place in observation homes and rehabilitation centers for quick and easy rehabilitation instead of prisons. They are to be build in collaboration of NGOs.

xii, Prohibition to disclose Identity:

It is commanded to not disclose the identity of Juvenile offender and not public the proceeding to sustain juvenile rights in the ~~future~~ life.

## MEASURES TO IMPROVE

### JJS IN PAKISTAN

(a) Allocation of Funds

~~Pakistan~~ should allocate funds and resources for establishment of Juvenile courts and observation homes

(b) Training and Capacity-Building:

The concerned people of Juvenile Justice system such as lawyer, Judges, officers should be trained and educated about modern justice system and updates.

(c) Quick Justice:

Although Juvenile Justice System of Pakistan restricts courts

to complete proceedings and trial within 6 months, but still many juvenile cases are trialed beyond standard timeline, due to which there is severe backlog of the cases. Thus, cases should be completed within due time and quick justice should be given.

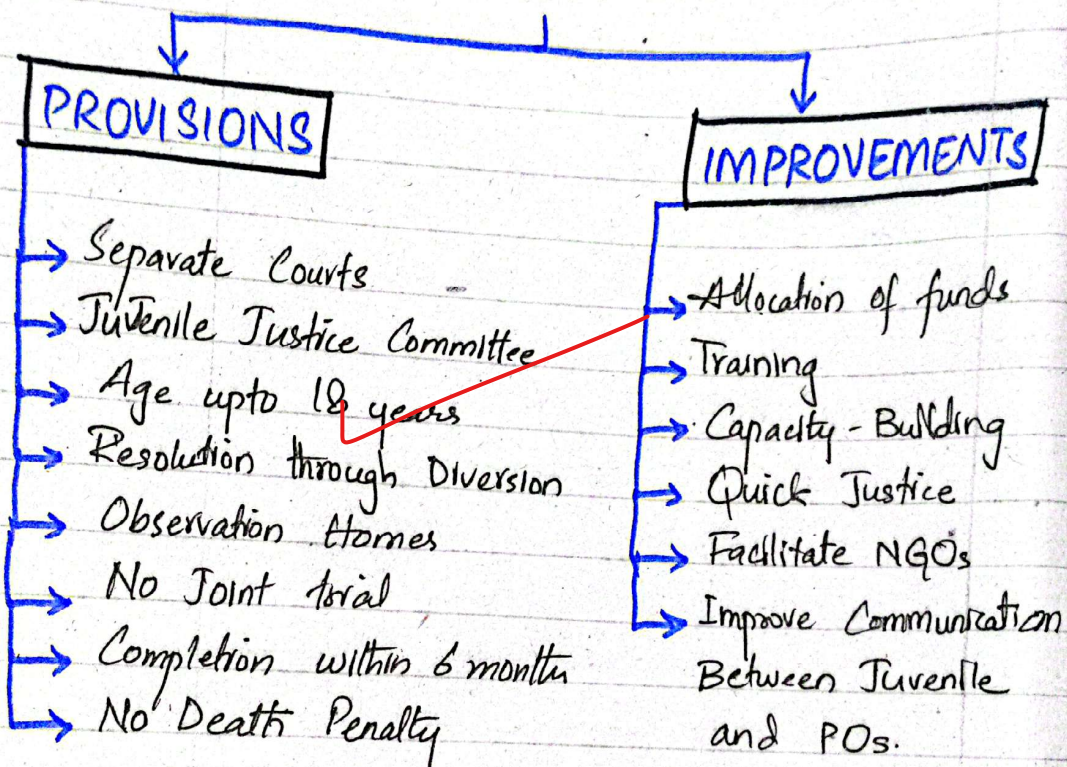
#### d. Facilitation of NGOs:

National Non-Governmental organizations should be facilitated to establish rehabilitation centers and observational homes. They face severe restrictions and legislative provisions which hinders their progress in this domain.

#### e. Communication between Juvenile and Probation Officers:

Probation officer is made obliged to observe juvenile behaviour and work of his rehabilitation. But unfortunately, Probation officers in Pakistan do not work wholeheartedly and thus there should be strong communication between juveniles and POs for quick rehabilitation.

# JUVENILE JUSTICE SYSTEM OF PAKISTAN



## CONCLUSION:

Pakistan formulated separated Justice system for Juveniles which try to rehabilitate juveniles and upheld their rights. However, Juvenile Justice system needs some improvement such as resource allocation, capacity-building, establishment of observational houses, which can improve quick delivery of juvenile Justice in the country.

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## SECTION - I

### QUESTION # 02

#### ANSWER:

#### INTRODUCTION:

Deviance is an any act which is ~~in violation of~~ social norms and values. It varies from time to time and place to place with respect to its social values and expectations. Different cultures, traditions, religions and linguistic groups set standards based on their moral fundamentals which sometime align to criminal legislature or are incorporated within criminal system of ~~respective state~~ to uphold its ~~moral~~ ideologies. Pakistan also set certain basic values and social boundaries, outside which certain acts are considered as deviant. Meanwhile, It is a country

of diverse ethnic groups, cultures, traditions and linguistic origins. Deviant acts varies based on moral and social standards from place to place and time to time.

## DEVIANCE VARIES FROM TIME TO TIME IN PAKISTAN:

### a. Women's Job:

Pakistan is an Islamic country, due to which it implies certain regulation on women's work based on situations. Previously, women's work outside house was considered as deviance and against Islamic principles. However, nowadays women are actively participating in public domain and thus normalized within many communities.

### (b) Intermingling of Sexes:

Due to religious footprints on Pakistan's Ideology, many

actions such as free intermingling of opposite genders was considered as religious violation. But nowadays, it is a social norm among many family. It should be noted here that, not all deviant actions will always be criminal acts, but all criminal acts will be deviant within any society. Keeping this perspective in mind, intermingling of sexes is not a crime in Pakistan but considered a deviance due to religious beliefs.

### (c) Gender Issues:

~~The recent waves of Gender perception and Individuality identification into many genders such as lesbian, Gay, transgender, bisexual, and queer (LGBTQ) are considered deviance in Pakistani society. The Pakistani society considered division of sexes into strict binary set i.e. male or female. The individual identity of Gender was unacceptable. However, nowadays, many people consider it as a right of every individual and thus try to make it acceptable.~~

LGBTQ are not genders!!!

## (d) Digital Use:

Previously, women were restricted to be involved at digital platforms and was considered violation of social norms. However, past few years women have actively participated in digital media, and digital professions such as free-lancing and online business where they sell their skills and technical work. Thus, ~~prev~~ deviant act of digital use by women has progressed with time.

## DEVIANCE VARIES FROM

## PLACE TO PLACE IN PAKISTAN

### (a) Rural-Urban Demarcation:

Many social norms and values which are religiously followed in rural areas of Pakistan, are not considered as ~~standardized~~ procedure to follow in urban area. Similarly, many acts in ~~the~~ urban area of Pakistan are considered ~~as~~ against social norms in rural areas.

## (b) Alcohol and Drug Usage:

Alcohol and Drug usage as deviance varies from place to place in Pakistan. Many communities consider it as against norms and values, while many societies consider the use of Alcohol and drugs as normal and within moral boundaries.

## (c) Political Activism:

Pakistan has roots to historical feudal system and religious autonomy. Many societies consider against social norms to stand against the higher authorities and thus consider Political activism as a deviant behaviour. Moreover, inclusion of women in politics of the country is also controversial in the society. Some communities consider it as deviance and women should be restricted within boundaries of houses. Thus, deviant acts in Pakistan varies from place to place.

# DEVIANCE VARIES IN PAKISTAN

## FROM TIME TO TIME

- Women's Job
- Intermingling of Sexes
- Gender Issues
- Digital Use

## FROM PLACE TO PLACE

- Rural - Urban Demarcation
- Alcohol and Drug Use
- Political Activism
- Political Inclusion of Women.

## CONCLUSION:

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Hence, it can be concluded that deviance varies from time to time and place to place in Pakistan. Actions which were considered deviant previously such as women's job, sexes integration and individual perception and digital use of women have been accepted and evolved. Similarly, alcohol use and political involvement varies from place to place.

## SECTION- III

### QUESTION # 06

#### ANSWER

#### INTRODUCTION:

Stop and frisk operations is authority of Police officers to check any ~~see~~ individual suspected to possess any illegal thing. These operations are called snap checking in Pakistan. However, arbitrary use of snap checking can evoke resentment among the public at large due to unchecked intervention of police in public domain and irresponsible or irrational behaviour by police officers. Many people believe it violates individual rights and is against freedom. However, certain standards and regulatory measures can stop unregulated violation of police authorities and individual's rights.

## HOW ARBITRARY USE OF STOP AND FRISK OPERATIONS EVOKE RESENTMENTS:

### (a) Irresponsible Behaviour shown by Police Officers:

Regular arbitrary use of stop and frisk operations within any community evoke resentment among public. This is mainly due to ill-behaviour shown by police officers at regular check-posts.

### (b) Violation of Individual's Rights:

Many people consider these operations as violation of individual's right and their freedom. These operations restrict their free movement and actions within their life and society and thus evoke resentments against police.



## (c) Unregulated Operations:

Stop and frisk operations are carried within community to maintain law and order. However, unregulated operations creates disharmony and social chaos. People believe that certain check and balances should be imposed upon police for regulation of these operations.

## REGULATION OF STOP AND FRISK OPERATIONS:

### (a) Legislative Measures:

The state should introduce certain standard operation measures (SOPs) for regulation of operations and minimize arbitrary use. This will reduce public inconvenience and also maintain law and order in the society.

## (b) Autonomous Regulatory Body:

Stop and frisk operations of the police should be regulated through the surveillance of autonomous bodies. These regulatory bodies should have authority to take actions against the violator of standard measures and take transparent legal measures.

## (c) Behavioural Training:

Police officers should be trained for responsive behavioural patterns and actions. They should be trained psychologically, socially, so that they should interact with public without making them feel insecure or resentful.

## (c) Transparent Accountability:

Police officers violating moral conducts or using

unregulated authority in public domain should be held accountable of their actions: Transparent accountability should be prevailed in the system, so that precedent cases should be averted beforehand.

#### (d) Facilitate Communication:

Communication between police and public should be facilitated with establishment of citizen portals for police complaints against unregulated operations. This will create increase public support for maintenance of law and order within community and also prevent further escalation of conflict between police and public.

#### (e) Public Awareness:

Public should be aware about stop and frisk operations needed to regulate

Law and order in the country, through digital platforms and campaigns or seminars. This will reduce tensions and friction between the police and general population.

### MEASURES TO CONTROL ARBITRARY USE OF STOP AND FRISK OPERATIONS

- Legislative Measures
- Autonomous Regulatory Body
- Behavioural Training
- Transparent Accountability.
- Facilitate Communication
- Public Awareness and Education.

## CONCLUSION:

Stop and frisk operations are done to maintain law and order within society. Contrary, many believe these operations as violation of individuals right and freedom. However, the resentment between police and public evoked due to arbitrary use of these operations can be curtailed by certain legislative measures, regulatory bodies above police officers, training of police and public awareness or education.



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## SECTION- IV

### QUESTION # 08

#### ANSWER

#### INTRODUCTION:

In order to prevent crime, recent criminal systems include participation of communities as a measure to prevent crime. The involvement of <sup>un</sup>community to prevent and deter crime is known as ~~community~~ community policing. It is an effective tool to subside crime ratio in a society by bridging the distance between police and public. Furthermore, it will help to involve several institutions to create policies with respect to community provisions. It will help raise public awareness and decrease time needed for focused approach in prevention of crime.

## COMMUNITY POLICING AN EFFECTIVE TOOL TO SUBSIDE CRIME RATIO:

### (a) Leverage Communication Gap:

Community policy will bridge community gaps between law enforcement authorities and public. Incorporation of community will create favourable environment for masses to reach out for possible crime risks.

### (b) Deterrence from Crime:

Involvement of community in regulation of law and order will create deterrence against illegal activities. Many elders and peer groups will assist police in any operations and thus reduce crime ratios.

### (c) Prevention of Juvenile Delinquency:

Community policing will create sense of responsibility among elder member of a society to look for young children and continuous surveillance of elders will prevent juvenile delinquency.

### (d) Social Adherence:

~~For~~ Incorporation of community in subsidizing crime ratio within a society will provide social adherence and avoid anomie in community, which is ultimate source of crime according to social disorganization theory of crime.

### (e) Institutional Involvement:

Community policing not only involve community but



also incorporates different law enforcement institutions and legislative institution to make legislature for prevention of crime based on social and community pretexts

#### (f) Public Awareness:

In order to reduce crime ratio within society, community policing is an effective tool to raise awareness about consequences of crime. Instead of strict corporal punishments, education about negative consequences of committing crime will prevent people from illegal activities.

#### (g) Problem-Solving mentality:

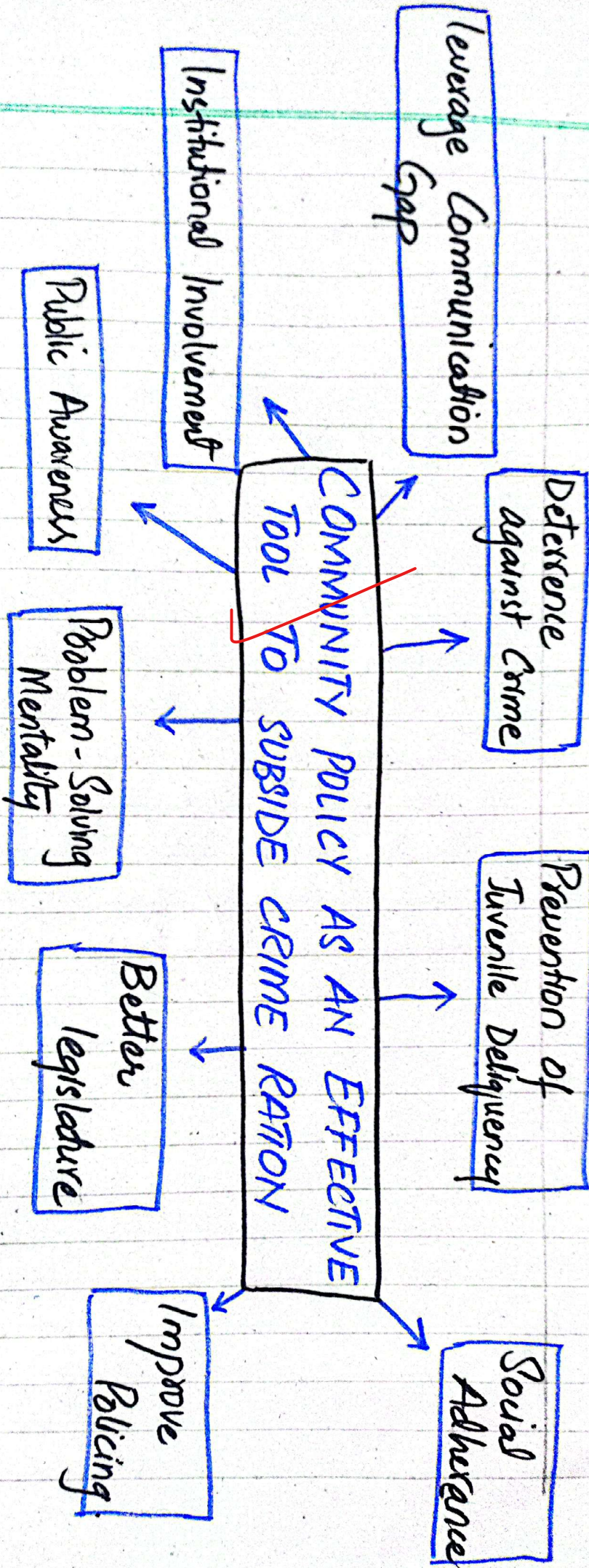
Community policing will create a social responsive attitude among members of a society. This will create mentality to solve problems and ills of society collectively.

## h. Better legislature:

Keeping community out of crime preventive measures will create ~~baseless~~ and impracticable laws to prevent crime. However, community policing will generate incorporation of community concerns and contexts while making crime preventive legislature.

## i. Improve Policing:

Community policing will improve policing by creating focused and targetted approach to prevent crime ~~within~~ any society. Police ~~and~~ other law enforcement authorities can get benefits by cooperating community to know cultural, racial or religious factors to prevent and deter crime from society.



Leverage Communication Gap

Deterrence against Crime

Prevention of Juvenile Delinquency

Social Adherence

Improve Policing

Better legislature

Problem-Solving Mentality

Public Awareness

Institutional Involvement

COMMUNITY POLICY AS AN EFFECTIVE TOOL TO SUBSIDE CRIME RATION

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## CONCLUSION:

Hence, it can be concluded that community policing is an effective tool to subside crime rates within a society. Because it improve policing, legislature, and communication gap between police and public. Furthermore, it will create sense of responsibility and social Adherence which will prevent juvenile delinquency and deter other illegal activities.

