

## Criminology

Q.2: How does deviance varies from  
Time to time and Place to place?  
Substantiate with Examples by keeping  
Pakistan in perspective

ANS:

**Deviance:** Deviance is the disapproved behavior or violation of social norms. It can be criminal when it violates the law but can be non-criminal when it doesn't violate the law but deviate social norms that can be disapproved by the set norms of society.

Deviant behaviors that violate social norms are telling lies or being extravagant or ~~to~~ disrespecting parents and family.

Those deviant behaviors that violate the laws are robbery, theft, harassment, murder, and all those acts that can be considered as crimes.



are deviant behaviors.

## A Debate of criminology over Deviance and Crime.

As crime and deviance are often used interchangeably due to close relation but they are put in different aspects because deviances are normally considered those behaviors which violate social norms and are not necessarily punishable by law. While crime in its literal means are those behaviors that are punishable and prohibited under criminal law. They provide a matter of investigation and many parties are involved in the investigation till solution and punishment of the problem.

**problems that precipitate deviances**

the problems varies from society, mind, psychology, environment, education, family and neighbours and relations with people. There is a wide array of problems that give rise to deviant behavior in a society. Particularly in Pakistan



the dissonance in family, the neighbours behaviour, the social issues of Puritan population, inflation, ethnic issue, terrorism all these give rise to the deviant and criminal behaviour.

### Deviance variation in ~~Puritan~~ places:

As there is a close relation of crime and deviance and can be used ~~in~~ in tandem but ~~the~~ narrow and straightforward ~~border~~ distinguish them from one another.

In a particular place a deviant behaviour is considered as a social deviant behaviour and considered as violation of social norm but not exactly liable to criminal law or investigation. On the other hand in another place or time the same deviant behaviour is considered as a criminal act and laws are formulated to stop that crime.

For instance a Sin and Murder  
Sin may or may not be liable



Unable to punishable investigation.  
but a murder is a sin that is  
punishable and a crime.

Example 2:

Extravagance is a harmful act  
in society and family but not  
liable to any criminal activity  
while corruption is an evil and  
considered as crime.

Behaviors are criminalized and  
decriminalized based on locality  
and time duration factors. It also  
changes with cultural understandings  
and sensibilities.

Examples in Pakistan: Deraise  
charges, criminalization and  
decriminalization.

In Pakistan crime and deraise  
take a shift from time to time  
and place to place. At one point  
of time the deraise behavior is considered  
as deraise only while the same  
act is criminalized in other places.



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For instance kite flying is criminalized in Lahore because it was needed at the time of taking lives of people. Although kite flying is considered as a game but its criminalization is the process by which an act is considered criminal when it is harmful and outside the law. So the an order was promulgated in 2001. called as 'Prohibition of Kite Flying - Ordinance 2001.'

In the same way Benami Transaction is known to be a way of corruption. It is considered as corruption in Pakistan and so an act was promulgated is called as Benami Transaction (Prohibition) Act 2017.

**Critical Analysis:**

It is important to bear in mind that crime is a social construction what counts for legal standing in a particular place or time is



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considered as crime while the  
other term delinquency denotes all  
these behaviours that breach informal  
social norms and rules. The  
same delinquency when takes  
the legal standing are considered  
crime. So the

### Conclusions

From above discussion it is  
analysed that crime is a social  
construction and constituted for  
the purpose when the delinquency  
take legal standing, particularly in  
Pakistan's context.

### Part - II Sect - II

Q4. Write a comprehensive ...  
System of Pakistan.

### Ans: Juvenile Delinquency:

Juvenile means a child, the one who  
has not reached to the age of 18  
year, and 'Delinquency' mean negligence  
or 'violation'. So when a child  
violates the social code of society



or a law is called 'Juvenile Delinquency'. So there are behavioural and legal aspects and dimensions of Juvenile delinquency. The one which breaks the law and legal standings are the legal dimension and the one that are the disapproved behavior of the children. For instance leaving home and elopement, ill-manner with elders, disrespecting parents. These are disapproved by society but not a crime.

**Causes:** There is a wide array of causes of Juvenile Delinquency ranging from physical defects in children to family society and set up of family and society. poverty, child labour, child abuse, illitray and the list moves.

### Juvenile Justice System:

Juvenile Justice systems are the laws and institutions made for dealing the juveniles who commit delinquency and that too the legal dimension of delinquency.



It is a separate system from other courts because the cases and nature of juvenile delinquency is way different from adult crimes.

It was first developed in England. Through a series of historical developments in dealing the juvenile crime the idea of a separate juvenile system originated.

### Juvenile Justice System in Pakistan:

The constitution of Pakistan has provision in the Article 235 to protect women and children. Also being the signatory to UN convention of the Rights of child in 1989, Pakistan govt is responsible for the protection of child.

#### a. Age of criminal liability in Pakistan.

According to section 82 and 83 of Pakistan Penal code 1860.

① Under 10 year of child's offence is not an offence.

② Nothing is an offence between the 10-14 age child crimes.



In Pakistan the first Juvenile Justice System Act 2018 was promulgated in 2018 and repealed the 2000 Ordinance of Juvenile Justice System.

## Provisions in Juvenile Justice System Act 2018

1. Definition of Juvenile : Below age of 18.
2. Separate courts : Called Juvenile Courts.
3. Construction of Observation homes and Rehabilitation centre in place of police station and prison.
4. Sub inspector under supervision. SDPO would investigate the cases of Juvenile.
5. Juvenile committees in every Division for proper investigation.
  - ① the role of committee to dispose the case in one month
  - ② inspection of homes and rehabilitation centres.
6. the concept of Diversion - if possible the crime involving the child through Firga system.



7. Separate trials from Adults offenders

8. Children who commit crime - will be legal assisted, as their rights

### The Role of police in Juvenile Justice System:

1. NOT to treat the child as adult offender.
2. avoid handicapping the child if there is no chances of run away
3. Inform the guardian in case of arrest
4. Keep ~~the~~ child in observation home instead of police station.

### Role of Probation Officer:

1. Take care of child.
2. continues monitoring and counsel
3. coordination with guardian
4. Assisting the court.

### Non-Implementation of Juvenile Justice System:

Unfortunately the Juvenile Justice System 2018 is just theoretical



but there is no progress in implementation.

There is no Juvenile court yet established along with that offenders identification is not enacted, ~~and~~ hence there is not rehabilitation ~~and~~ committee and no observation homes.

### Reasons for non-implementation.

- ① Juvenile is not a priority.
- ② The Act of 2016 is a British Law.
- ③ civil courts don't ask ~~for~~ children's rights
- ④ the role of media also suppress the issues
- ⑤ Implementations of laws are slow.

### Recommendations and Measures for Improvement of Juvenile Justice System:

1. legal actors need training to understand the Juvenile system and Rights of children as it is ~~a~~ new phenomenon in India
2. Orientation courses should be provided at sm level of education for



understanding Juvenile laws, probation law, procedure of courts and the whole process of Juvenile delinquency.

3. Fair trial and Equal treatment of police department is necessary.
4. Time limit should be strictly followed as mentioned in acts.
5. Separation of ~~adult~~ crimes and Juvenile delinquency is necessary to be understood by courts/judges.
6. Parol system is not properly evaluated as new to the courts of Pakistan.
7. conferences and seminars should be arranged at different universities, schools and colleges to bring awareness in the people.

### Conclusion:

Although Pakistan <sup>has</sup> documented a very proper ~~Juvenile~~ Crime act but unfortunately it is not implemented in court due to the new system. proper awareness and training may bring fruitful results in the future if implemented in Pakistan;

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lack proper segregations and headings