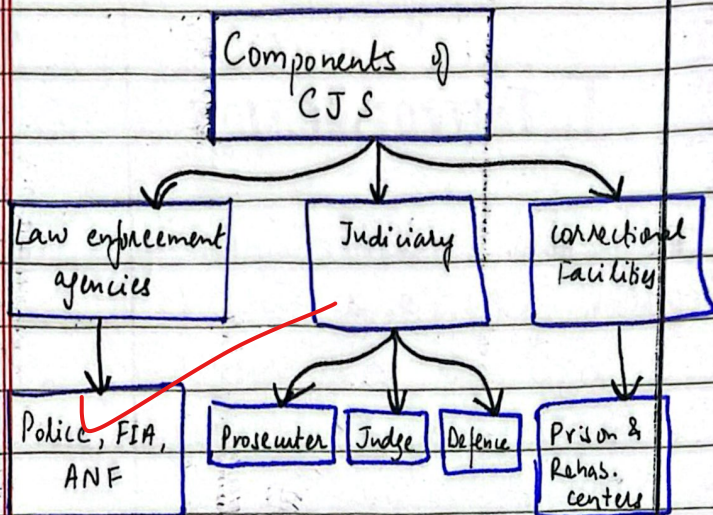


Q 04:

I. INTRODUCTION

The Criminal Justice system of Pakistan is defined as the set of legal and social institutions for enforcing criminal law. The system consists mainly of three parts namely the law enforcement agencies, judiciary and correctional facilities. They all work side by side to uphold the law. Juvenile Justice system is a part of the system. Several measures, including setting up of correctional facilities, training officers and establishment of guidance mechanisms are integral to promote a sound juvenile system and an improved justice system.

II. COMPONENTS OF CRIMINAL JUSTICE SYSTEM



A. LAW ENFORCEMENT AGENCIES - POLICE

(i) Role of agencies

The role of law enforcement agencies, particularly the police is are the following:

1. Protection of life and property of citizens
2. Registration of FIR and carrying out investigations
3. Ensure order and maintain peace
4. Assist civilians in danger

The duties of police are also highlighted within the Police Order 2002.

Under Article 4 of the order, the duties and functions of police are listed.

B. ROLE OF JUDICIARY

The judiciary plays an integral role in upholding justice in society. Under Article 10A of the Constitution, every citizen has the right to a fair trial.

(i) Procedure of the courts

The procedure starts upon the submission of challan by the Police. After committing a crime, the accused is brought to court after investigation. A state appointed or personal defense attorney represents the accused. The Prosecutor presents the case, including all the evidence collected during investigation to prove the guilt of the accused.

(ii) Judgement by courts

The punishments, ~~as~~ if found guilty are applied according to the Criminal Procedure Code 1898. The decision of judge may be contested at higher courts.

C. Correctional Facilities

(i) Prisons system

The prison is a confined space for the punishment of offender or where he is kept while awaiting trial. The purpose of it is to serve as a rehabilitation mechanism, incapacitation and treatment.

(ii) Probation

Probation refers to the ~~early~~ release of an offender by judge on certain conditions, instead of sending him to jail. It was first ~~exercised~~ exercised by Augustus, a judge in United States in 1841. Probation is allowed only if neither death nor life imprisonment awarded to an offender, at the discretion of the judge.

(iii) Parole

Parole is the conditional release of a convict before completion of sentence. It is defined under Prisoners Probation Release Act 1926. It cannot be awarded

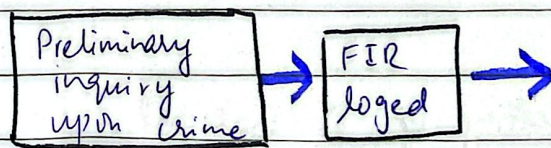
upon the death penalty. A parole officer is employed that regularly keeps a check on the offender after release.

III. OBJECTIVES OF JUSTICE SYSTEM

The objective of criminal system is based on five core concepts.

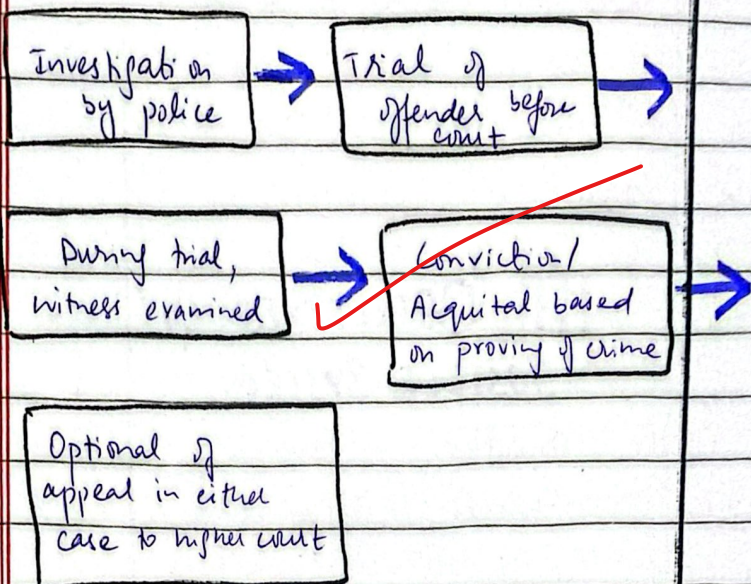
1. Rehabilitation: To make sure offender is transformed into a positive person.
2. Retribution: Make sure offenders is punished
3. Incapacitation: keep offender away from society entirely
4. Restitution: Compensation for the victims
5. Deterrence: To prevent recidivism

IV. PROCESS OF JUSTICE SYSTEM



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V. MEASURES TO IMPROVE JJS of PAKISTAN

The Juvenile justice system of Pakistan is established for treatment and prosecution of juveniles. Legally, it is backed by the Juvenile Justice System Act of 2018, which was updated from the previous Juvenile Justice system Ordinance 2000. There are many issues to tackle within the system. Some measures are as follows:

- (i) Setting up of Borstal institutions for juveniles

Currently very few borstal institutes exist for rehabilitation of juveniles. Thus measures are needed to improve situation.

(ii) ~~Separate~~ Separate housing institutes for juveniles

Currently, almost 70% of Juveniles are kept ~~with~~ in adult prisons, against the legal frameworks. Thus separate places are needed, for their protection.

(iii) Training and skills building for juveniles

To reduce recidivism, skills building capacity is required to ensure they find employment after release and ~~not~~ recind.

(iv) Capacity building of Probation Officers

Probation Officers need to be trained accordingly and taught how to interact and handle juveniles to ensure a positive impact.

(V) Age determining mechanisms development

Strong mechanisms are required to determine age of juvenile and confirm his status. A joint database with NADRA could ensure smooth processing of juveniles.

(Vi) Equal focus on female juveniles integral

Female rehabilitation centres are also short. Financing of boardal institutes for females juveniles is thus necessary.

VI. CONCLUSION

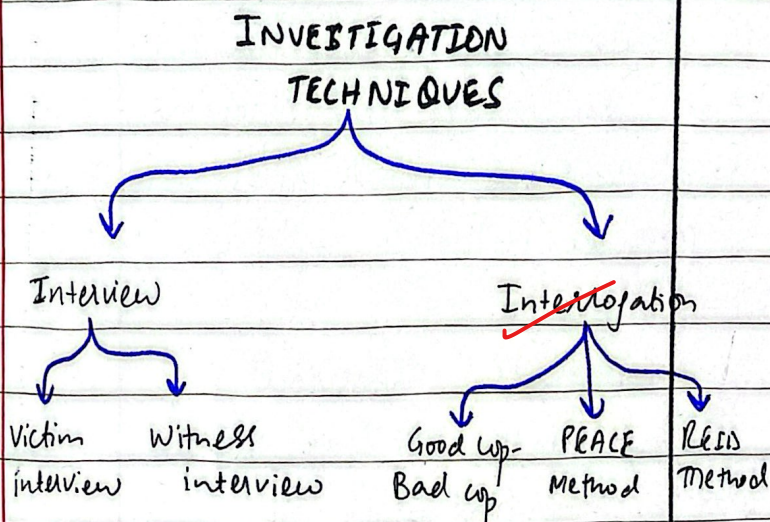
The Criminal Justice system of Pakistan encompasses a wide range of institutions and organizations. Several problems persist in the system, specifically with Juvenile justice system. Through proper financing and infrastructure however, the issues can be resolved.

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Q06:

I. INTRODUCTION

Interview and interrogation are the processes used during criminal investigation. The police and law enforcement agencies apply the methods while solving a case. Interview is less formal way of gathering information while interrogation is more accusatory and reserved for suspects. Several techniques are applied during interrogation to establish guilt of suspect. Measures like openness, no use of torture and legal protections ensure suspects are protected during the process.



II. INTERVIEW PROCESS

The interview is a method of gaining information about the case being investigated.

(i) Characteristics

The process is non-accusatory. There is no formal method being applied. The tone is generally friendly and the objective is not to find suspect. It takes place in less formal space and process is more open. mainly two types involved:

1. Victim Interview

This is to ensure a first hand view of crime. It is also to ascertain state of victim and if he or she may require any further assistance. The objective is to collect as much information as possible.

2. Witness Interview

Witness interviews are imperative in identifying the

suspects or any evidence. They provide "Res Gestae" statements, that are closely related to the actions involved in crime. Such information is ~~proves~~ integral to investigation.

III. INTERROGATION PROCESS

The interrogation of a suspect entails finding the guilt or ensuring a confession is obtained. The interrogation has many methods for achieving objectives.

(i) Characteristics

The interrogation ~~takes~~ place in ~~not~~ private settings. The tone is more accusatory. The objective is to sieve through the suspects and find the guilty offender. It is confrontational and non-friendly.

(ii) Types of Interrogation

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There are generally three types of interrogation techniques:

1. Good Cop / Bad Cop

This is a psychologically manipulative technique ~~wherein~~ one officer tries to gain antipathy of the suspect while the other ~~shows~~ ^{shows} sympathy. It tricks suspect into falling for sympathy and confessing to crime. The process is widely used but not morally sanctioned.

2. REID Technique

This technique was developed by John Reid in 1950's. It basically involved three components: Factual analysis, behavioral analysis and the interrogation itself.

3. PEACE Method

This is the most widely accepted form of interrogation

as it is more open and ensures transparency. It is generally successful as well and suitable for any type of interview.

IV. SALIENT DIFFERENCES BETWEEN BOTH

(i) Both have different objectives to achieve

Interview is mainly for information while interrogation is for guilt.

(ii) Difference in nature of processes

Interview is non-accusatory while interrogation is accusatory.

(iii) The subjects for both are different

Interview conducted for victims and witnesses while interrogation of possible suspects.

(iv) One is more psychologically engaging than the other

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Interview is less stressful while interrogation involves numerous techniques. ✓

(V) One requires focus and proper planning while the other less so

Interrogations require proper planning and thought out questions while interviews may be on the spot, or less prepared.

V, PROTECTION OF RIGHTS DURING INTERROGATION

All citizens of the state are given protection under the law. This applies to criminals as well. Following are some of the ways rights of criminals are protected.

(2) Protection through the constitution from torture

Under Article 14 of the constitution, all citizens have ✓

Right to inviolability of dignity.
This entails that a person
may not be tortured and
his dignity be ~~protected~~ ^{protected}.

(ii) Employing the PEACE technique as opposed to others

The Peace technique is
transparent and morally sanctioned.
It ensures that no manipulation
is involved during ~~interrogation~~ ^{interrogation}.
Thus it is best suited for protecting
rights.

(iii) Following rules of investigation

The procedure of investigation
is highlighted thoroughly
in Criminal Procedure Code
1998, Section 157. It is ~~imperative~~ ^{imperative}
that all rules are followed to
ensure protection of rights.

(iv) Maintaining ~~stiff~~ objectivity during interrogation

It is necessary that subjectivity is maintained. The officers need to remain professional and not let personal judgement cloud the interrogation.

(V) Ensuring interrogation recorded and reviewed

Process of record and review will ensure transparency and accountability during process. Thus, it will also aid in protecting rights of criminals.

VI. CONCLUSION

Interrogation and interview are important parts of the investigation procedure. Both help derive information and evidence that can help find the guilty. However, their methods and procedures differ. Several methods like record and review, constitutional rights implementation and upholding rules of investigation ensures that the rights of criminals are protected during interrogation.