



JUVENILE  
INJUSTICE

# JUVENILE DELINQUENCY



# Juvenile Justice System in Pakistan

By

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# Juvenile Justice System - Stages

1. Incident
2. Complaint
3. FIR
4. Statement of complainant/victim
5. Statements of witnesses
6. Arrest

**7. Recovery**

**8. Investigation**

**9. Release/Challan**

**10. Trial(Evidence)**

**11. Order/Judgment[acquittal/  
conviction]**

Do you agree with the above?

If not, please **“Add”**

## Social Welfare Department

- Legislative initiatives
- Social worker for counselling
- Formal/informal and technical education for inmates and homeless/neglected children
- Coordination with stakeholders
- Policy making

## Home Department

- Probation officer for formulating report about child's social status
- Supervise child while released on probation

- Probation officer to submit report in court about offender's activities when released on probation
- Facilitate child, his family and court in observing terms & conditions of conditional release

## **National & International Non-governmental Organizations**

- Technical assistance for initiating research and studies
- Training to the stakeholders
- Sharing good practices followed in other jurisdictions
- Facilitate child in need as to reintegrate him/her in society
- Strengthen detention centres

# Relevant officials / department of criminal justice system

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## Complaint stage

1. Duty officer
2. Victim
3. Offender

## FIR Stage

1. Duty officer
2. Victim
3. Offender
4. Investigation officer

# Relevant officials/department of juvenile justice system

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## • Investigation Stage

1. Investigation Officer
2. Victim/Complainant
3. Offender
4. Witnesses
5. Magistrate/Court

## • Final Report Stage

1. Investigation Officer
2. Victim
3. Offender
4. Witnesses
5. Magistrate/Court

# Relevant officials/department of criminal justice system

- Trial stage

1. Offender

2. Prosecutor

3. Investigation  
Officer

4. Court's Presiding  
Officer

5. Detention Centre

Do you agree with the above?

If not, please **“ADD”**

# Relevant officials/department of criminal justice system

## • Complaint stage

1. Duty officer
2. Victim
3. Offender
4. **Parents of victim/offenders**
5. **Mediator/conciliator**

## • FIR Stage

1. Duty officer
2. Victim
3. Offender
4. Investigation officer
5. **Probation officer**
6. **Social welfare officer**

# Relevant officials/department of criminal justice system

## • Investigation Stage

1. Investigation Officer
2. Victim/complainant
3. Offender
4. Witnesses
5. Magistrate/court
6. **Parents**
7. **Mediators**
8. **Probation officer**
9. **Social welfare officer**
10. **Reformatory/social organizations**

## • Final Report Stage

1. Investigation Officer
2. Victim
3. Offender
4. Witnesses
5. Magistrate/Court

# Relevant officials/department of criminal justice system

- Trial stage

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1. Offender
  2. Prosecutor
  3. Investigation Officer
  4. Court's presiding officer
  5. Detention centre
  6. Parents
  7. Mediators
  8. Probation officer
  9. Social welfare officer
  10. Reformatory/social organizations

# Actors / Department of Juvenile Justice System

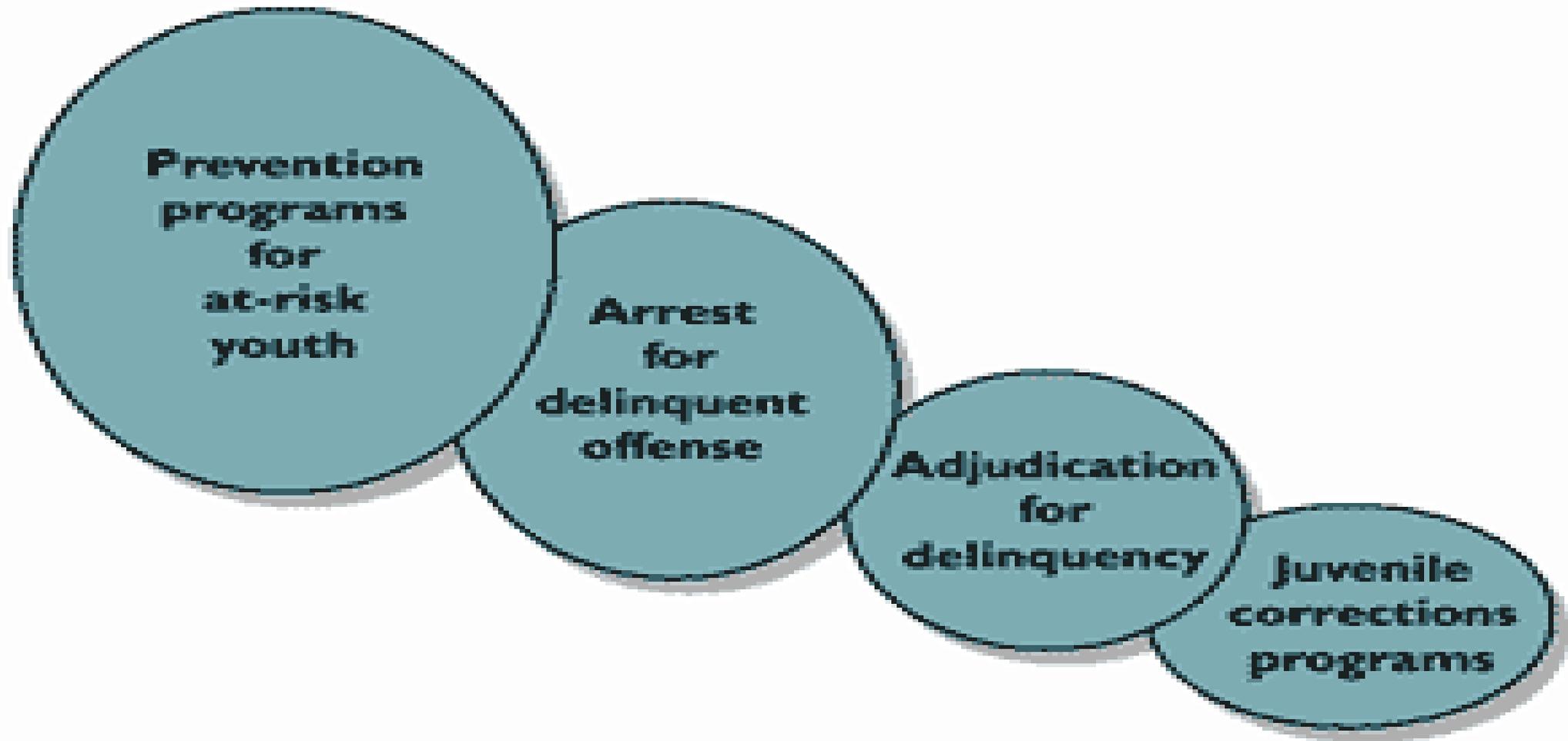
1. Investigation officer
2. Prosecutor
3. Magistrate
4. Judge

**How many more actors are  
required to play their role?**

- 1. Social Welfare Department**
- 2. Police Department**
- 3. Parole & Probation Department**
- 4. Court of Law**
- 5. Health Department**
- 6. Reformatory School**
- 7. Non-governmental Organizations**
- 8. Parents of the offender/victim**

## Figure 2:a Juvenile Justice System

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*Restorative justice* is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders. Practices and programs reflecting restorative purposes may respond to crime by:

- identifying and taking steps to **repair harm**;
- involving all stakeholders; and
- transforming the traditional relationship between communities and their governments in responding to crime.

In many jurisdictions(countries) following programmes and mode are followed to achieve objective of restorative justice:

Victim offender mediation

Conferencing

Circles

Victim assistance

Ex-offender assistance

Restitution

Community service

An authority/forum while *opting diversion* in favour of a juvenile offender may consider following points:

- The *seriousness of the offense*; (a list of offences may be provided at each Police Station those fall under this category however murder, rape, sexual offense, arson, drug, burglary, crime against nature or any criminal act which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon.)
- The juvenile's *previous record* of involvement in the legal system including previous diversions, if any;
- Consideration of the *victim*;
- The juvenile's *age*;
- Protection of the *community*; and
- The juvenile's *fault* in the alleged complaint.

### Section 3. Legal Assistance

(1) Every child who is accused of the commission of an offence or is a victim of an offence shall have the right of legal assistance at the expense of the State.

(2) A legal practitioner appointed by the state for providing legal assistance to a child accused of the commission of an offence, or victim of an offence, shall have at least five years standing at the Bar.

## **Section 4 Juvenile Courts.**

(1) The Provisional Government shall, in consultation with the chief Justice of High Court, by notification in the official Gazette, establish one or more juvenile Courts for any local area within its jurisdiction.

## **Section 5. No joint trial of a child and adult person,**

(1) Notwithstanding anything contained in section 239 of the Code, or any other law for the time being in force, no child shall be charged with or tried for an offence together with an adult.

If a child is charged with the commission of an offence for which under Section 239 of the Code, or any other law for the time being in force such child could be tried together with an adult, the Court taking cognizance of the offence shall direct separate trial of the child by the Juvenile Court.

## **Section 7. Determination of age**

If a question arises as to whether a person before it is child for the purposes of this Ordinance, the Juvenile Court shall record a finding after such inquiry, which shall include a medical report for determination of the age of the child.

## **Section 10. Arrest and bail,**

(1) Where a child is arrested for commission of an offence, the officer incharge of the police station in which the child is detained shall, as soon as may be, inform.

(a) the guardian of the child, if he can be found, of such arrest and inform him of the time, date and name of the Juvenile Court before which the child shall be produced; and

(b) the concerned Probation Officer to enable him to obtain such information about the child and other material circumstances which may be of assistance to the juvenile Court for making inquiry.

**Section 11. Release on Probation.-** Where on conclusion of an inquiry or trial, the Juvenile Court finds that a child has committed an offence, then notwithstanding anything to the contrary contained in any law for the time being in force, the Juvenile Court may, if it thinks fit..

Direct the child offender to be released on probation for good conduct and place such child under the care of guardian or any suitable person executing a bond with or without surety as the court may require, for the good behavior and wellbeing of the child for any period not exceeding the period of imprisonment awarded to such child: Provided that the child released on probation be produced before the Juvenile Court periodically on such dates and time as it may direct.

Make an order directing the child offender to be sent to a borstal institution until he attains the age of eighteen years or for the period of imprisonment whichever is earlier.

Section 12. Orders that shall not be passed with respect to a child...

Notwithstanding anything to the contrary contained in any law for the time being in force no child shall be: -

Awarded punishment of death, or ordered to labor during the time spent in any borstal or such other institution; and

Handcuffed, put in fetters or given any corporal punishment at any time which is custody;

Provided that where there is reasonable apprehension of the escape of the child from custody, he may be handcuffed.

# The Sindh Children Act, 1955

(e) “*certified school*” means an industrial school established or any other school or institution certified by the Provincial Government under section 25;

(1) “*place of safety*” includes a remand home, or any other suitable place or institution, the occupier or manager of which is willing temporarily to receive a child or where such remand home or other suitable place or institution is not available, in the case of a male child only a police station in which arrangements are available or can be made for keeping children in custody separately from other offenders;

## The Sindh Children Act, 1955

(q) “*supervision*” means the placing of a child under the control of a probation officer or other person for the purpose of securing proper care and protection of the child by his parent, guardian, relation or any other fit person to whose care the child has been committed. The expression ‘supervision order’ shall be construed accordingly;

(r) “*voluntary home*” means any place for the reception of children maintained wholly or partly by voluntary contributions;

**40. Children Found Homeless Destitute.** Any police officer, or other person authorized in this behalf in accordance with the rules made by the Provincial Government may bring:

(i) before a Juvenile Court if such Court is established for the area and is sitting; or

(ii) if a Juvenile Court is not established for the area or if it is not sitting, before a Magistrate empowered under section 8 with the powers of a Juvenile Court, any person who in his opinion is a child and who:

(a) has no home, or is found wandering without any settled place of abode and without visible means of subsistence, or is

found begging or is found doing for a consideration any act under circumstances contrary to the well-being of the child; or

(b) is destitute or illegitimate and has no means of subsistence, other than that of charity, or has no parent or guardian, or has a parent or guardian unfit to exercise or incapable of exercising proper care and guardianship, or who is not exercising proper care and guardianship; or

(c) is known to associate or live with any prostitute or person or persons of criminal or drunken habits; or

(d) is lodging or residing in or frequently going to a place or places used for the purposes of prostitution, drinking or gambling; or

(e) is otherwise likely to fall into bad association or to be exposed to moral danger, or to enter upon a life of crime.

**47. Uncontrollable Children.** (1) Where the parent or guardian of a child complains to the Juvenile Court, or if a Juvenile Court is not established for the area to a Court empowered under section 8 to exercise the powers of a Juvenile Court, that he is not able to control his child, the Court, if satisfied on enquiry that the case appears to be one of which cognizance should be taken, shall remand the child for observation or treatment and any further enquiries necessary.

(2) If the Court is satisfied that it is expedient so to deal with the child under this Act, it may order the child to be committed to a certified school, or a recognized institution.

(3) The Court may also, if satisfied that home conditions are satisfactory and what is needed is supervision, commit the child to the care of the parent, guardian or relative or any other proper person under a bond with or without sureties, and place him under supervision for a period not exceeding three years.

# JUVENILE DELINQUENCY

