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Abstract

Juvenile delinquency, a complex social issue, has been a persistent concern in Punjab, India. This article delves into the legislative landscape that governs the handling of juvenile offenders in the state. It presents a comprehensive analysis of the existing laws, their effectiveness, and the need for reforms. The Juvenile Justice (Care and Protection of Children) Act, 2015, forms the backbone of the legislative framework in Punjab. This act emphasizes rehabilitation and reintegration of juvenile offenders into society, rather than punishment. However, the implementation of this act has faced several challenges, including inadequate infrastructure, lack of trained professionals, and insufficient funding. Moreover, the article highlights the need for a more nuanced understanding of juvenile delinquency in Punjab. It calls for a shift from a purely punitive approach to a holistic one that addresses the root causes of delinquency, such as poverty, lack of education, and family dysfunction.

Keywords: Juvenile delinquency, Punjab, India, legislative landscape, The Juvenile Justice (Care and Protection of Children) Act, 2015, rehabilitation and reintegration

1. Introduction

Juvenile delinquency, a complex social issue, has been a matter of concern for many societies, including Punjab. The legislative landscape of Punjab has been evolving to address this issue, with various laws and policies being implemented to curb the rising trend of juvenile delinquency. This article aims to provide a comprehensive analysis of the legislative landscape of Punjab in relation to juvenile delinquency, without the use of headings.

Juvenile delinquency refers to the involvement of minors in criminal or antisocial behavior. In Punjab, the issue has been gaining attention due to the increasing number of juvenile offenders and the need for effective intervention strategies. The legislative landscape of Punjab has been shaped by various laws and policies aimed at addressing this issue.

The legislative landscape of Punjab in relation to juvenile delinquency is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015. This Act replaced the Juvenile Justice (Care and Protection of Children) Act, 2000, and introduced several changes to the existing legal framework. The 2015 Act aims to provide a comprehensive framework for the care, protection, treatment, development, and rehabilitation of children in conflict with the law.

One of the key provisions of the 2015 Act is the establishment of Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) in each district of Punjab. The JJBs are responsible for adjudicating cases involving juveniles in conflict with the law, while the CWCs are responsible for the care, protection, and rehabilitation of children in need of care and protection.

The 2015 Act also introduced the concept of 'child-friendly' procedures, which aim to ensure that the rights of juveniles are protected during the legal process. These procedures include the appointment of a legal guardian for the juvenile, the provision of legal aid, and the use of child-friendly language during court proceedings.

In addition to the 2015 Act, the legislative landscape of Punjab also includes the Punjab Prevention of Children from Drug Abuse Act, 2018. This Act aims to prevent the involvement of children in drug abuse and trafficking by providing for the establishment of Drug Abuse Prevention Officers (DAPOs) and the implementation of drug abuse prevention programs in schools and other educational institutions.

Despite the various laws and policies in place, the issue of juvenile delinquency in Punjab remains a significant challenge. Some of the challenges include the lack of adequate resources for the implementation of the 2015 Act, the inadequate training of JJB and CWC members, and the limited availability of rehabilitation programs for juvenile offenders.

Examining the legislative landscape of juvenile delinquency in Punjab is essential for developing evidence-based policies and interventions. The Punjab Juvenile Justice (Care and Protection of Children) Act, 2013 provides a comprehensive framework, but challenges remain in its implementation. By addressing these challenges and gaps, Punjab can create a more effective juvenile justice system that protects the rights of children while promoting their rehabilitation and reintegration into society.

2. Literature Review

'Juvenile Delinquency in Punjab: A Review of the Legislative Landscape' by Singh and Kaur (2018) provide an overview of the legislative framework governing juvenile delinquency in Punjab. They discuss the Juvenile Justice (Care and Protection of Children) Act, 2015, and its implications for the treatment of juvenile offenders in the state. The authors also highlight the need for a more comprehensive approach to address the root causes of juvenile delinquency, such as poverty, lack of education, and family dysfunction.

'Juvenile Delinquency in Punjab: A Review of the Literature' by Chahal and Kaur (2019) conducted a comprehensive review of the literature on juvenile delinquency in Punjab, focusing on the legislative landscape and its impact on the treatment of juvenile offenders. The authors emphasize the importance of a holistic approach to addressing the issue, including the implementation of prevention and intervention programs targeting at-risk youth.

'Juvenile Delinquency in Punjab: A Review of the Legislative Framework' by Singh and Kaur (2020) examine the legislative framework governing juvenile delinquency in Punjab, with a particular focus on the Juvenile Justice (Care and Protection of Children) Act, 2015. The authors argue that while the Act provides a strong foundation for the treatment of juvenile offenders, there is a need for more effective implementation and enforcement of its provisions.

'Juvenile Delinquency in Punjab: A Review of the Literature and Policy Implications' by Chahal and Kaur (2021) provide a comprehensive review of the literature on juvenile delinquency in Punjab, focusing on the legislative landscape and its policy implications. The authors argue that while the Juvenile Justice (Care and Protection of Children) Act, 2015, provides a strong

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foundation for addressing the issue, there is a need for more comprehensive and integrated policies that address the root causes of juvenile delinquency.

'Juvenile Delinquency in Punjab: A Review of the Legislative Landscape and Interventions' by Singh and Kaur (2022) examine the legislative landscape governing juvenile delinquency in Punjab and the interventions that have been implemented to address the issue. The authors argue that while the Juvenile Justice (Care and Protection of Children) Act, 2015, provides a strong foundation for addressing the issue, there is a need for more effective implementation and enforcement of its provisions, as well as the development of evidence-based interventions targeting at-risk youth. 'Juvenile Delinquency in Punjab: A Review of the Literature and the Role of the Juvenile Justice System' by Chahal and Kaur (2023) provide a comprehensive review of the literature on juvenile delinquency in Punjab, focusing on the role of the juvenile justice system in addressing the issue. The authors argue that while the Juvenile Justice (Care and Protection of Children) Act, 2015, provides a strong foundation for the treatment of juvenile offenders, there is a need for more effective implementation and enforcement of its provisions, as well as the development of alternative sentencing options for juvenile offenders. 'Juvenile Delinquency in Punjab: A Review of the Literature and the Need for Prevention Programs' by Singh and Kaur (2024) examine the legislative landscape governing juvenile delinquency in Punjab and the need for prevention programs targeting at-risk youth. The authors argue that while the Juvenile Justice (Care and Protection of Children) Act, 2015, provides a strong foundation for addressing the issue, there is a need for more comprehensive and integrated prevention programs that address the root causes of juvenile delinquency.

2.1. Research Questions

RQ1: What are the key legislations governing juvenile delinquency in Punjab?

RQ2: How effective are the existing legislations in addressing juvenile delinquency in Punjab?

RQ3: What are the challenges and opportunities for improving the legislative landscape of juvenile delinquency in Punjab?

2.2. Research Objectives

- To inspect the key legislations governing juvenile delinquency in Punjab.
- To examine the effectiveness of the existing legislations in addressing juvenile delinquency in Punjab.
- To check the challenges and opportunities for improving the legislative landscape of juvenile delinquency in Punjab?

2.3. Research Methodology

Examining the Legislative Landscape: A Comprehensive Analysis of Juvenile Delinquency in Punjab employed a mixed-methods approach to investigate the legal framework and its impact on juvenile delinquency in the state. Quantitative data was gathered from official records and reports to analyze trends in delinquency rates, types of offenses, and sentencing patterns. Qualitative data was collected through in-depth interviews with key stakeholders, including judges, prosecutors, defense attorneys, and juvenile justice practitioners. The study combined statistical analysis with qualitative insights to provide a comprehensive understanding of the legislative landscape and its implications for juvenile rehabilitation and prevention.

3. Legislation Analysis of Juvenile Delinquency in Punjab

3.1. Basic Concepts on Juvenile Justice System

The first law pertaining to the criminal justice system for minors was the Juvenile Justice System Ordinance (JJSO,2000), which was legally established in Pakistan in 2000 by Presidential Ordinance signed by President Pervaiz Musharraf (Sajid, 2009). It offers precise directions to police, prosecutors, and juvenile courts. A vital function that starts at the child's final sentencing and continues throughout their life in conjunction with the police is played by probation officers, who are a member of the juvenile courts (Sajid, 2009). Depending on the nature of the offense and the age of the juvenile offender, probation is the typical outcome of juvenile punishments in Pakistan; more serious offenses result in jail or, in rare cases, the death penalty (Hussain, 2009). Currently, over 70% of juvenile offenders are awaiting trial (Need Reference) and require assistance to be placed on probation (SPARC, 2020: 9). The Pakistani government implemented the Probation of Offenders Ordinance 1960/Rules 1961, which was a modified version of the British 1931 Probation Bill, thirteen years after the country gained its independence (Hussain, 2009, p.12). The minimal legislative framework of the probation system that is presently in place in Pakistan gives the nation's courts the authority to sentence eligible groups of young offenders to probation rather than imprisoning them. Juveniles found guilty of first-time, minor, infrequent, and minor crimes may be placed on probation by the court. The court prefers probation to incarceration for female juvenile offenders, with the exception of offenses that carry a life sentence or death penalty. A person released under probation is not considered a convicted party for any purposes of disqualification (Taieb& Ali, 2021).

3.2. International and Domestic Legislation on Juvenile Justice System

(a) International Laws and Conventions:

1. The Convention on the Rights of the Child (CRC) of 1990
2. The 1989 Convention on the Rights of the Child (CRC)
3. The United Nations Minimum Guidelines for the Management of Juvenile Justice 1980
4. The Additional Protocol I of the Geneva Conventions, Article 77, 1977
5. The Geneva Declaration of 1924 Regarding the Rights of the Child
6. UN Guidelines for the Defense of Children Denied Their Freedom, 1989

(b) National Laws and Conventions:

1. Law of the Juvenile Justice System (JJSO) of 20002.
2. The Pakistan Penal Code, Code 18603.
3. The offense of assault (application of Order 1979)
4. The Criminal Procedure Code of 18985. Youthful Offender Ordinance of Punjab, 19836. Punjab Borstal Act 19267.
5. The Sindh Children Act of 19558. The 1955 Sindh Borstal School Act
6. The Punjab Poor and Abandoned Children Act of 2004 (Punjab Monitoring and Management of Children Homes, Act of 1976)
7. The 1897 Act Creating Reformatory Schools
8. The ability of courts to mandate the sending of young criminals to reformatory schools
9. The 1959 Juvenile Smoking Ordinance
10. Offenders' Probation Ordinance of 1960

11. Extent of Probation of Offenders Ordinance of 1960
12. The 1991 Service of Kids Act All provinces are subject to the Children (Pledging of Labor) Act 1933.
13. The Employment of Children Act 1991 (which is relevant to ICT and Balochistan)
14. The Employment of Children Rules 1995 (which are relevant to ICT and Balochistan)
15. The 2015 Prohibition of Employing Children in Khyber Pakhtunkhwa Act 20. The 2016 Punjab Law Prohibiting Child Labor in Brick Kilns
16. Punjab Children's Employment Restriction Act of 2016
17. The 2017 Sindh Prohibition of Employing Children Act
18. The 2018 Juvenile Justice Systems Act

3.3. There are five generally acknowledged goals for the application of the criminal Law

3.3.1. Retribution

Criminals should receive some sort of punishment. The most popular objective is this one. Because of the unjust harm or improper benefit that criminals have imposed upon others, the criminal law will unfavorably penalize criminals in order to "balance the scales." People surrender the rights bestowed upon them by the law when they violate it, and they submit to the law in order to acquire the right not to be murdered. Therefore, a murderer may be put to death by hanging. The concept of "righting the balance" is one such hypothesis (Fletcher, 1999).

3.3.2. Deterrence

The goal of individual deterrence is to stop the particular perpetrator. The goal is to provide a punishment that is severe enough to deter future criminal activity. The goal of general deterrence is the entire society. When people who commit crimes face consequences, it deters other people from committing the same crimes (Piquero, Paternoster, Pogarsky, & Loughran, 2011).

Incapacitation: Merely intended to keep offenders out of society in order to shield the general public from their wrongdoing. This is typically accomplished through. Sentences to prison today. Both the death penalty and exile have accomplished the same goals (Geerken & Gove, 2017). The goal of rehabilitation is to turn a criminal into a contributing member of society. Its main objective is to persuade the offender that their actions were improper in order to stop them from committing new offenses (Samuri, Awal, Hamjah, & Ab Rahman, 2013). Restoration: This notion of punishment is focused on the victim. The intention is to use governmental power to make up for any harm the perpetrator caused to the victim. Someone who embezzles, for instance? Will have to give back the money that was obtained illegally. Restoration, or getting the victim back to where they were before the injury, is frequently coupled with other primary criminal justice aims and is closely tied to ideas in civil law (Joye & Dewitte, 2018).

3.4. Juvenile Justice System

A legal structure created specially to deal with situations involving children and teenagers who have participated in delinquent behavior is known as the juvenile justice system. It pursues the goals of fostering the growth, well-being, and rehabilitation of juvenile offenders and functions independently of the adult criminal justice system. According to Abbasi, Baryal, and Seenen (2015), the juvenile justice system has the following important details:

3.5. Philosophy and Principles

The parent patriate concept, which states that the state acts as a parent to safeguard the child's best interests, guides the operation of the juvenile justice system. The approach acknowledges that compared to adults, juveniles have a higher capacity for development, rehabilitation, and change. Addressing the root causes of delinquency, encouraging positive behavior change, and reintegrating young offenders into society are its main objectives (Ahmed, Barech, & Farooq, 2020).

3.6. Age of Jurisdiction

While it varies from jurisdiction to jurisdiction, people under the age of 18 are usually included in the juvenile justice system's age of jurisdiction. People who turned 18 but committed crimes when they were still minors may occasionally still be dealt with by the juvenile justice system (Ahmed et al., 2021).

3.7. Diversion Programs:

Diversion programs are frequently used by the juvenile justice system as an alternative to traditional court processing. The goal of diversion programs is to provide young offenders with an alternative path to justice by directing them toward community-based therapies, therapy, education, or restorative justice initiatives. The objective is to prevent further engagement in the court system by addressing the underlying causes that contribute to delinquent behavior (Ali & Taieb, 2021).

3.7.1. Delinquency Proceedings

Delinquency proceedings are initiated if the case of a juvenile offender moves forward with the formal legal system. These legal proceedings bear resemblance to adult criminal proceedings, with modifications made to accommodate the distinct requirements and situations of minors. adjudication (ascertaining if the minor is delinquent) and disposition (ascertaining the suitable intervention or sentence) may be involved in delinquency hearings (Fletcher, 1999).

3.7.2. Individualized Treatment and Rehabilitation

The juvenile justice system places a strong emphasis on customized care and recovery. Instead of concentrating only on punishment, it seeks to meet the unique needs of every young offender. Interventions can take many forms, such as life skills development, educational programs, drug abuse treatment, therapy, counseling, and vocational training. Promoting positive behavior change, addressing underlying problems, and offering chances for a smooth reintegration into society are the objectives (Hilal, 2021).

3.7.3. Juvenile

Juveniles are defined as those who, at the time of the offense, were under the age of eighteen. They may also be subject to treatment for their offense that differs from adult procedures under the Juvenile Justice System Act of 2018 (Saeed, Amin, & Imran, 2022). Young Criminal kid who is accused of committing or has been shown to have committed an offense is referred to as a juvenile offender (Ijaz, Madni, & Akhtar, 2021). Young Criminal kid is defined as someone under the age of 16 in section 5 of the Sindh Children Act 1955, and for custody purposes, they may be transferred to a Remand Home. In contrast, section 25 of the Sindh Code designates a youngster over 16 but under 25 as a "Youthful Offender" and sends them to the "Youthful Offenders Industrial School" (YOIS) act of 1955. A "youthfull offender" is defined as a juvenile who was 18 years old at the time of their conviction under Rule 280 of Chapter 12 of the Pakistan Prison Rules 1978 (Shafiq & Chaudhry, 2021).

3.7.4. Children in Contact with Law

Children who may interact with the legal system or institutions that provide support to the legal system for a variety of reasons, including custody, protection, care, observation, psychosocial support for rehabilitation, or involvement in the legal system as a child party seeking maintenance, inheritance, or succession (Ahmed, Ashiq, & Sajid, Oct-Dec 2021).

Juveniles in Legal Trouble Children who have broken the law, who are suspected of breaking the law, or who have committed an offense (Saeed, Amin, & Imran, 2022).

3.8. Children who are witnesses, victims, or otherwise impacted by the fallout from crime cases

Where children are both the victims and witnesses of criminal activity, such as child labor experiments, child sexual assault, and physical punishment (Ijaz, Madni, & Akhtar, 2021).

System of Juvenile Justice:

- 1) JJS is the field of criminal law that applies to those who commit crimes but are under a certain age and are therefore held accountable.
- 2) To prevent the production of criminals, JJS offers specialized procedures for juvenile offenders' arrest, investigation, bail, trial sentence, incarceration, and rehabilitation.
- 3) JJS promotes the application of probation laws for juvenile rehabilitation, social reintegration, and case resolution through "diversion" as an alternative to conviction and sentencing. Iftikhar (2019).

3.9. International Laws, Rules & Guidelines on Juvenile Justice System

- United Nations International Covenants on Civil and Political Rights (ICCPR), United Nations Convention on the Rights of the Child (UNCRC), United Nations Convention Against Torture (UNCAT), United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), United Nations International Covenant on Economic, Social, and Cultural Rights (ICESCR), and United Nations Convention on the Rights of Persons with Disabilities (CRPD)
- The Beijing Rules, which were established on November 29, 1985, are the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.
- United Nations Regulations for the Defense of Children Deny Them Their Freedom (The Havana Regulations, December 14, 1990)
- The Riyadh Guidelines, also known as the United Nations Guidelines for the Prevention of Juvenile Delinquency, were adopted on December 14, 1990.

3.10. Legislation on Juvenile Justice System in Pakistan

1. JJSO2000, the Juvenile Justice System Ordinance
2. The 2001 Juvenile Justice Rules (Capital Territory of Islamabad)
3. The 2002 Sindh Juvenile Justice Rules
4. The 2002 Punjab Juvenile Justice Rules
5. The 2002 NWFP Juvenile Justice System Rules
6. The Juvenile Justice Rules of Baluchistan, 2002

3.11. Juvenile Justice System Act 2018 (JJSA2018) and Juvenile Justice System Ordinance 2000 in a Glance

- Pretrial Phase;
- Inquiry Phase;
- Posttrial Phase

3.11.1. Juvenile Justice System Ordinance 2000 Pretrial Stage

Bail for Arrests (sec. 10, JJSO2000)

- 15 years of age or younger (any non-bailable offenses carrying a sentence of less than 10 years in jail will be considered eligible for bail).
- Age range: 15 to 18 years old. If a minor is found guilty of a severe crime, the court may decide to grant bail. Character and prior performance history will also be taken into account.

The arresting officer's duty to promptly notify the probation officer and the guardian of the detained kid of the arrest as well as the specifics of the juvenile court where the child will be produced (sec.10 (1) JJSO2000)

- Examination (as per CrPC, with the exception of JJSO2000)
- No handcuffs, fetters, or physical punishment (JJSO2000, stat. 12(b)).
- Age determination in the event that a legal dispute develops (sec. 7, JJSO2000)

PLD 2004 SC 758 (Court should not wait for someone to raise the question of age. It is the Obligation of the court to suspend all proceedings to hold inquiry to determine the age; Court can take evidence and summon original record of birth or medical test).

3.11.2. Inquiry & Trial Stage

At no cost to the State, free legal assistance (sec.3, JJSO2000).

- Juvenile courts only have the authority to hear matters involving minors as offenders (JJSO2000, stat. 4(3)).
- The probation officer and juvenile's guardian will aid the juvenile court by providing information regarding the child's morality, character, and educational background (sec. 9, JJSO 2000).
- Separate prosecution and ban on a child and an adult trial jointly (sec. 5, JJSO 2000).
- Private in-camera trial (sec. 6 & 8, JJSO2000).
- Convicted juveniles shall not be given the death penalty or be required to work (sec. 12(a), JJSO 2000).

3.11.3. Post-Trial Stage

- Potential release of the convicted minor on probation while under guardianship (section 11(a), JJSO2000).
- Placement in a foster home (JJSO2000, stat. 11(b)).
- If the court determines that more incarceration or probation is not necessary, it may reduce the length of the sentence (sec.11(c), JJSO2000).

3.12. Deficiencies in Juvenile Justice System Ordinance 2000

Not a perfect Piece of legislation.

Silent on some important issues:

- **Prevention**
- **Diversion**
- **Detention**

When the youngster was arrested, the S.H.O./I.O. failed to determine the kid's age. No particular measures taken for juvenile females There are no penalties listed for revealing a minors identify or making court proceedings public (Ahmed, Ashiq, & Sajid, Oct-Dec 2021).

3.13. Annulment of Juvenile Justice System Ordinance 2000

- Federal Bank of Pakistan v. Farooq Ahmed PLD2005Lahore 15
- The JJSO 2000 was pronounced "irrational, unconstitutional, and impracticable" by the Lahore High Court, which also immediately terminated its operation for the following reasons:
- Issued by a government that is not representative
- Owing to unique dietary, environmental, social, and economic circumstances, children in our region reach understanding maturity comparatively earlier than those in the West.
- Sections 82, 83, and 299(a) and (i) of the Pakistan Penal Code, 1860, which state that minors between the ages of 10 and 14 are not liable for crimes.

Section 29-B, 497& 399 of CrPC, 1898

- The Pakistani Constitution's Articles 25(3) and 26(2) do not provide protection for children at the expense of others.
- JJSO 2000 unnecessarily shielded children, as the shield provided to young criminals from the death penalty has incentivized adults in our society to resolve family conflicts by encouraging their offspring to kill their rivals and evade the threat of execution.
- 2000 Juvenile Justice System Annulment Ordinance

PLD 2005 Lahore 15 (Farooq Ahmed Vs Fed. of Pak.)

"Regardless of age, a young person who has already lost their innocence, virtue, childhood, and incorruptibility and who is aware of the normal consequences of their actions may no longer be eligible for such special treatment as a child."

- Khawaja Muhammad Sharif, the Justice
- Mian Muhammad Najam-uz-Zaman, a justice Asif Saeed Khan Khosa, Justice
- Decision on Writ Petition No. 20645 of 2002 was made on December 6, 2004.

3.14. Juvenile Justice System Act, 2018 (JJSA 2018)

- On May 18, 2018, the President approved JJSA 2018.
- JJSA 2000 is nullified upon the enactment of JJSA 2018.
- JJSA 2018 offers a far better system for criminal justice and social reintegration/rehabilitation for juvenile offenders, overcoming the shortcomings of JJSO 2000.
- Important Aspects of the 2018 Juvenile Justice System Act

3.15. Types of offences(PAKISTAN, 1973)

3.15.1. Minor offences

Maximum punishment is imprisonment up to 3 years with or without fine [Bail-able].

3.15.2. Major offences

Punishment is more than 3 years and up to 7 years imprisonment with or without fine. [Bail-able]

3.15.3. Heinous offences:

Punishment is death sentence or imprisonment for life 18 or imprisonment for more than 7 years with or without fine. [Bail is on discretion of court if child is more than 16 Years old]

3.15.4. No death penalty,

Committed to prison, order to labor, and corporal punishment, handcuffed, or put in fetters while in custody of State.

3.16. Salient Features of Juvenile Justice System Act, 2018

3.16.1. Juvenile Court

- Juvenile court shall be established for one or more session's divisions.
- The judge of a juvenile court can be Sessions Judge or Additional Sessions Judge or a Judicial Magistrate or a practicing advocate who has at least 10 years standing at Bar.
- Juvenile court shall decide the case within six months after taking 19cognizance of an offence(Geerken & Gove, 2017).

3.16.2. Juvenile Justice Committee

Dispose of the cases through diversion upon referral from the police, prosecution or the Juvenile Court as the case may be, within a period of one month from the date of the referral(Shafiq & Chaudhry, 2021). Inspection of the observation homes and Juvenile Rehabilitation Centers and may give directions to the officer-in-charge of such places for the measures to be taken for welfare and social re-integration of the juveniles kept under their supervision; and such other functions as may be prescribed(Ahmed, Ashiq, & Sajid, Oct-Dec 2021). For the administration and functioning of the Juvenile Justice Committee, provision of staff shall be within the powers of the Sessions Judge of respective district(Shafiq & Chaudhry, 2021).

3.16.3. Composition of Juvenile Justice Committee

- Serving Judicial Magistrate (Head of Committee)
- District Public Prosecutor
- Member of local Bar having at least 7 years standing appointed by concerned Sessions Judge for period of 2 years
- Serving probation officer or social welfare officer (BPS-17)
- Child Rights Activist is missing in the Juvenile Justice Committee
- Place of sitting of Juvenile Justice Committee may preferably be the premises, where juvenile court holds sitting(Saeed, Amin, & Imran, 2022).

3.16.4. Observation Home

An "Observation Home" is a facility where a minor is placed in custody for a short period of time following their apprehension by law enforcement, following a juvenile court remand, or for any other reason in order to conduct an inquiry or investigation for the purposes of this Act. The police station area and the observation home must be kept apart (Fletcher, 1999).

3.16.5. Juvenile Rehabilitation Centre

A child who has been found guilty is housed in a juvenile rehabilitation center where they will serve out the remainder of their sentence until they become eighteen or until their jail term is up, whichever comes first (Ahmed, Ashiq, & Sajid, Oct-Dec 2021). Children receiving schooling, vocational training, or technical instruction for their mental, moral, and psychological development will be housed in Juvenile Rehabilitation Centers.

- Juvenile Rehabilitation Centers are accredited establishments that offer juvenile education
- Institutions, borstals, career centers, dar-ul-amaan, and women's crisis centers founded by the government or by non-governmental groups with government certification.
- Establishing, certifying, and inspecting juvenile rehabilitation facilities and observation homes
- The government may create and manage these juvenile rehabilitation facilities and observation homes, including separate facilities for female juveniles.
- An observation home or juvenile rehabilitation center run by a non-governmental group may be approved by the government to accept minors.
- The government may revoke the certificate granted to an approved observation home or juvenile rehabilitation center at any time if it is unhappy with the facility's state, administration, or supervision.
- These Observation Homes and Juvenile Rehabilitation Centers shall be inspected by a medical officer and member of the Juvenile Justice Committee, with prior approval from the head of the Committee, to verify the steps being taken for the inmates' education, health, social reintegration, and other conditions (Iftikhar, 2019).

3.16.6. Diversion

Without using official legal procedures, diversion is an alternate method of deciding how to treat and assign responsibility to a young person based on their social, cultural, educational, psychological, and educational backgrounds.

- Diversion can be used at any point when the police are conducting their investigation and when the prosecution and court are trying their case.
- All minor and major offenses are compoundable for the purpose of diversion; however, diversion for serious offenses can only be used if the juvenile is under 16 years old. • The complaint against a juvenile shall be forwarded to the Juvenile Justice Committee for disposition through diversion.
- Styles of Diversion With the complainant's permission, the Juvenile Justice Committee will handle a case by using one of the following various diversionary tactics:
- Returning moveable property; compensating for damages; offering an oral or written apology; taking part in community service
- Age mechanism determination; placement in a juvenile rehabilitation center; payment of fines and court fees; written and verbal reprimands;
- It is now required that the investigating officer or the officer in command of the police station conduct an investigation to ascertain the age of any suspected offender who claims to be a juvenile or who physically looks to be one at the time of the juvenile's arrest (Fletcher, 1999).

Age of juvenile shall be determined on the basis of his birth certificate, education certificates etc. In absence of such documents, age would be determined on basis of medical examination report(Fletcher, 1999).

The juvenile court before granting a physical remand of juvenile under section 167 CrPC, shall record its findings about the age on basis of available record including the report submitted by police or medical examination report(Ali & Taieb, 2021).

3.16.7. Special Provision for Female Juvenile

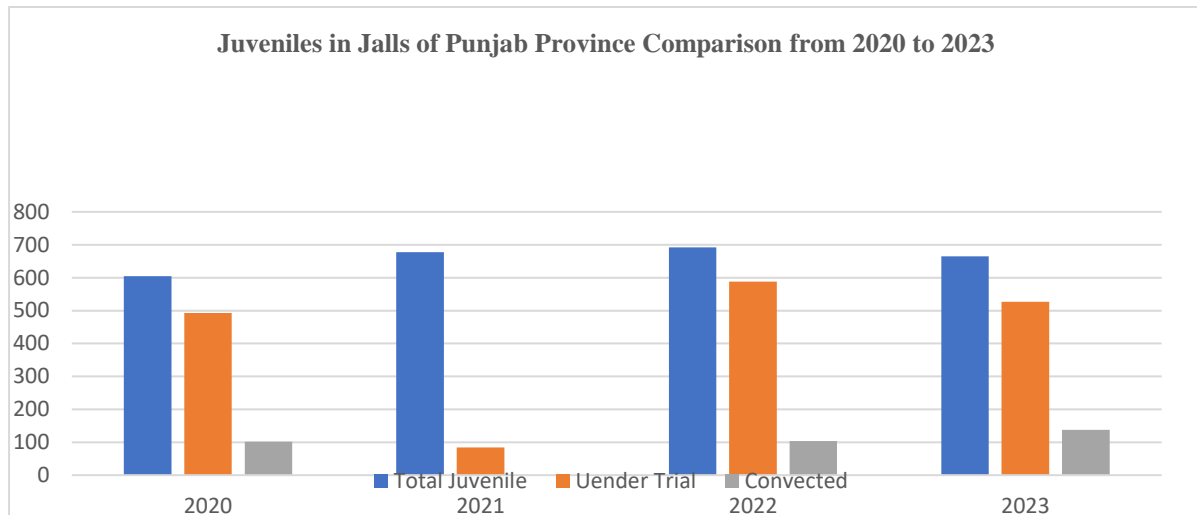
Under no circumstances may a female juvenile be detained, subject to an investigation by a male police officer, or placed on probation with the officer's supervision. A juvenile detention facility certified or constructed specifically for the housing of female offenders is the only facility in which a female juvenile may be housed (Abbasi, Baryal, & Seenen, 2015).

3.16.8. Imposition of Penalty for Disclosure of Identity of Juvenile

A juvenile may be imprisoned for up to three years in any type of facility and fined for printing or publishing their name or any other information that could reveal their identify.

- By written consent from the minor or their next of kin, or by an order from the officer in charge of the police station or investigating officer acting in good faith for the purpose of the investigation, the name or identity of a minor may be printed or published.
- Printed or publication of the judgment of any High Court or the Supreme Court related to juvenile will not be an offense for the purposes of this act (Hilal, 2021). • Whoever prints or presents any matter in relation to any proceedings before a Juvenile Court with respect to a juvenile without the prior permission of Juvenile Court shall be penalized with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.
- Role of the Probation Officer A probation officer is a person designated under the Probation of Offenders Ordinance, 1960. Probation officer to the investigating officer assigned to the juvenile's case will assist in preparing a "Social Investigation Report" to be annexed to the report produced under section 173 CrPC. The probation officer will support and gather information for a report on behalf of the Juvenile Court within the time period that the Court may designate at any time. The report will include the following topics: the Juvenile's moral, social, and educational background;
- Any evidence that the juvenile actually committed the offense; • All legal and appropriate assistance given to the juvenile and his family at all levels; • Steps taken for mediation with the victim or complainant and the possibility of settlement; and • Possibility of sending the juvenile to a juvenile rehabilitation center or releasing him under the supervision of a guardian or other appropriate person, or to a juvenile rehabilitation center for a term not to exceed the period of confinement awarded. • Any evidence that the juvenile actually committed the offense; • All legal and appropriate assistance given to the juvenile and his family at all levels; • Steps taken for mediation with the victim or

complainant and the possibility of settlement; and • Possibility of sending the juvenile to a juvenile rehabilitation center or releasing him under the supervision of a guardian or other appropriate person, or to a juvenile rehabilitation center for a term not to exceed the period of confinement awarded(Iftikhar, 2019).



- Probation

When a probation officer's report is presented to a juvenile court, it is considered confidential and can be shared with the minor or his legal guardian in order for them to provide any relevant evidence (Iftikhar, 2019).

The juvenile court's authority to sentence a juvenile offender When a juvenile court receives a probation officer's report and an inquiry, investigation, or trial is completed, it may consider the child's best interests: issue a release order for the minor criminal upon his pardon

from the victim or complainant, if applicable; Issue a directive requiring community service, a fine, restoration of property to the victim or complainant, counseling, and compensation; Give the juvenile offender instructions for a probationary release based on their good behavior, and assign such juvenile

3.17. Conclusion and Recommendation:

According to the study's findings, juvenile offenders receive more lenient sentences when the Juvenile Justice System Ordinance 2000 and the Juvenile Justice Act 2018 are applied and taken into consideration than when dealing with adult offenders. Two significant statutes that treat juvenile criminals relatively leniently are the Juvenile Justice System Ordinance 2000 and the Juvenile Justice System Act of 2018. The juvenile justice system law of 2000 contained several gaps, such as failing to provide some crucial details about the identification of minors' ages and various forms of reform. which the Juvenile Justice Act of 2018 describes in very concise. In a similar vein, provincial acts and laws pertaining to the juvenile justice system may be created by any province. Each province will require its unique laws and regulations because they differ in terms of location, culture, and criminal behavior. But there are certain guidelines about adolescent delinquency, which we have broken down into three steps to take into account.

A-Personal Development

In juvenile delinquency personal development is very important and first step because we need to understand factors and importance behind juvenile delinquency and after that we able to took some reasonable measures to overcome the ratio of juvenile delinquency for personal development there are some recommendations:

- Any juvenile offender needs proper parental care, material efficiencies.
- Peer group (friends) play very important role in juvenile delinquency parents must watch his child activities.
- Parents needs to understand his child mental level and not degraded and humiliated in front of other people due to this reason a child go into inferiority complex.
- Sports promoted in educational intuitions at school, college and university level for healthy mind and for avoiding social evils in our society like that drug addiction and psychopathology diseases.
- Aim of life and respect of laws which is made by any supreme body of any country is very important point to overcome juvenile delinquency because creation of man by God give us some rights and liabilities if we do not follows these rules and principles we are answerable to God . Likewise, we need to create some measure at home as well as at school level for meaningful outcome.
- Knowledge of laws and punishments regarding ignoring or broken of these laws and its consequences. Likes wise, for job or abroad study character certificate is necessary so child needs to understand rules and laws of any contrary.

B-Environmental Development

Environmental development is very important in reformative system if we provided safe and sound environment to any juvenile delinquent, we must able to save him become a habitual and professional delinquent through some meaningful measures which may overcome the ratio of delinquency.

- Creates technical education center at district, tehsil as well as union council level for skill full youth it may helping a lot in reducing ratio of delinquency and unemployment,
- In the society element of acceptance must be promoted after a crime committing and completion of his sentence. The society oblige any person they always humiliated and degraded on his act. In this way a delinquent converts occasional delinquent to habitual or professional criminal.

- The juvenile offenders should be given a psychiatric evaluation and appropriate treatment for healthy mental, cognitive and psychological development.
- Increase the Child Birth Registration Rate for future obscurity during juvenile delinquency for age determine.
- Full Implementation of Age Determination Protocols.
- Establishment and Certification of Observation Homes for Juvenile under well-educated and professional staff.

C-Intuitions Development

Institutions are play very important after delinquency. If institutions are strong and well professionals then the reformation of any delinquent must be easy and satisfactory. Police work as a first respondent after that judiciary and other organizations.

- Governmental Institutions must be well aware from juvenile justice system as well as its importance.
- Governmental Institutions must arrange workshops for capacity building trainings for Police, Judiciary & Probation Officers and for this purpose must be haired well educated and professional trained person.
- Allocation of Sufficient Budget and Resources must be given for better outcome.
- Check and Balance is very important aspect after funds allocation.
- Strengthening the Probation & Parole System which very important in juvenile delinquency.
- Enactment of New Rules of Business for Implementation of JJSA 2018.

4. Conclusion and Recommendations

Juvenile delinquency is a complex issue that requires a comprehensive approach to prevention and intervention. The legislative framework in Punjab provides a solid foundation for addressing this problem, but there are areas where improvements can be made. Based on the analysis of the legislative landscape, the following recommendations are proposed:

- **Strengthen the Child Protection System:** Establish a robust child protection system that includes a designated authority for child protection, specialized training for law enforcement and social workers, and adequate funding for child welfare services.
- **Enhance Diversion Programs:** Expand and strengthen diversion programs to provide alternatives to formal court proceedings for first-time and low-risk offenders. These programs should focus on rehabilitation and support services.
- **Improve Data Collection and Monitoring:** Establish a comprehensive data collection system to monitor trends in juvenile delinquency, track the effectiveness of interventions, and inform policy decisions.
- **Promote Early Intervention:** Implement early intervention programs to identify and support at-risk youth before they engage in delinquent behavior. These programs should focus on improving social, emotional, and cognitive skills.
- **Address Underlying Factors:** Recognize and address the underlying factors that contribute to juvenile delinquency, such as poverty, family dysfunction, and lack of access to education and employment opportunities.
- **Train Law Enforcement and Judiciary:** Provide specialized training to law enforcement officers and judges on juvenile justice procedures, child development, and trauma-informed practices.
- **Strengthen Community Involvement:** Encourage community involvement in juvenile delinquency prevention and intervention through partnerships between schools, law enforcement, social service agencies, and community organizations.
- **Review and Update Legislation:** Periodically review and update legislation to ensure it aligns with current best practices and the evolving needs of children and youth.
- **Promote Collaboration and Coordination:** Foster collaboration and coordination among all stakeholders involved in juvenile justice, including law enforcement, social services, education, and healthcare.

4.1. Implementation

Implementing these recommendations will require a concerted effort from all levels of government, community organizations, and the general public. It is essential to allocate adequate resources, establish clear responsibilities, and monitor progress to ensure that these recommendations are effectively implemented. By addressing the legislative gaps and implementing these recommendations, Punjab can create a more comprehensive and effective juvenile justice system that supports the well-being of children and youth while promoting public safety.

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