

EXAMINING THE CAUSES OF JUVENILE DELINQUENCY IN PAKISTAN

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ABSTRACT

Juvenile delinquency refers to the behavior of the young people that violates the legal and social norms ranging from minor to serious types of actions which are against the society and family values (Champion, 1992). Young people involved in deliberate criminal acts take illegal advantage of the opportunities and continue with their criminal acts to become adult criminal. It has been considered that young people are at risk of delinquency who has suffered difficult life experiences like poverty, family dysfunction, substance abuse, childhood abuse and broken family. Further, unstable social environment, poorly developed skills and negative influence of peers predispose the young to delinquency. This paper investigates the socio-cultural factors and their influence on young people in adapting delinquent behavior in Pakistan. The paper also presents a historical background about the deviant behavior and presents statistics on the on trends in juvenile delinquency in Pakistan.

Key words: Juvenile delinquency; Crime; Conviction Rates; socio-cultural frame; Kidnapping; and Reformatations process.

INTRODUCTION

Juvenile delinquency is the broad-based term given to juveniles who commit crimes. The term Juveniles is defined as those people who have not reached adulthood or at the age of maturity⁴. Delinquency

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⁴ The adulthood or the age of majority in a court system is predetermined by law, especially for minor crimes. Major crimes may force the courts to decide to try a juvenile as an adult, a very

can be defined as the committing of those things considered crimes by the state, although delinquent can also mean abandoned. Thus, juvenile delinquency can cover anything from small crime. For example, student steals from the fallow student to very serious crimes like lawbreaking i.e. theft and murder. It is argued that delinquency is anti-social behavior against the norms of the society and laws. The paper aims at conceptualizing the socio-cultural frame in a society; paper also then explains key factors like interpersonal interactions; community ecological conditions; social change and socioeconomic status that instigate juveniles to adapt delinquent behavior. The paper is divided into three major parts: Part one presents background; part two show statistics examining trends of juvenile delinquency in Pakistan. Part three highlights key conclusion and recommendations.

BACKGROUND

There are many schools of thoughts⁵ as to the primary factors that contribute to juvenile delinquency. However, it is certainly the case that children who are neglected, abused or impoverished are statistically more likely to fall into delinquency trend. It is mentioned that delinquent behavior is not restricted to only above situation, juveniles who have good and loving parents, and suitable living circumstances may still fall in delinquent behavior.

Juvenile delinquency refers to “*any act which, if committed by an adult, would be a crime.*” Juvenile delinquency includes “*serious criminal activity*”. Delinquency is an activity to be called as crime if committed by under age children (18 years) but the same behavior may not be called a crime if is committed by an adult. Juvenile delinquency relates to the specific of the age at the time of the commission of any criminal activity. Children who are in between 7 to 18 years are liable for the accusation of their behavior. Children below 7 years as British law considers are not capable enough to have understanding between the right and wrong so do not possess the criminal intent (*mens rea*). Juvenile is a child between the age of 7 to 18 years and delinquency is the deviant behavior of the juvenile. Different countries according to

important distinction, since sentencing can then mean not just spending adolescence, but a lifetime in prison.

⁵ Boyden, J. (1997); Durkheim, Emile (1933); and Vold, George B. and Thomas J. Bernard (1986).

their sensitivity of the nature of the behavior and criminal statues fix the ages of the children as responsible for their delinquent acts.

Young people are the major concern of the society, their positive behavior is very much important for the smooth running of the society which is why their behavior from very childhood has been under study of the sociologists and concerned professionals. It is natural that all people do not behave same way, there are multiple factors which affect on the behavior of the people of all ages and resultantly social or asocial pattern of the behavior get developed. Crime is a behavior which is regarded as against the established laws and regulations of the society and justice system has codified laws to punish and deter the person responsible for their behavior/action.

Juvenile delinquency is referred to the behavior in violation of the criminal code committed by a youth not attained the age of maturity. It is essential to understand the term delinquent and delinquent act, that delinquent is the official term or label assigned a person below age who has deviated from the community norms and specific act which was in violation of the criminal code is called as delinquent act. A juvenile who breaks the school window or fights with other youth person is not automatically labeled as delinquent until series of the acts likewise are acted upon. Juvenile delinquency is primarily of two types: criminal offences and status offences. Acts like aggravated assault, rape, homicide, arson, larceny and drug related are illegal whether committed by minor or an adult and would be considered as crimes. These acts are the major concern of the criminal justice system and prompt actions are taken against to prevent the same. While status offences would not called crime if committed by an adult for example, running away from home, stay late night out of home, smoking cigarettes and leaving the office early but the same acts if are committed by a juvenile would be considered as delinquent acts in nature.

British common law did not make the below 7 years of children as legally responsible for delinquent acts, because it was considered that below the 7 years children did not have criminal intent⁶ required for the conviction. Children below the 7 were considered not having understanding to differentiate from right and wrong. Neil Postman (1982) explains it that the children had command of their speech at 7

⁶ Means area

and above years that was also the reason that 7 was selected as responsible age for the delinquent acts.

For the children who were deviant and thought as stubborn, law was passed in Massachusetts in 1646, as this law was under the influence of the Puritans in America colonies, made the children accountable to obey the commands of their parents. Parents had to bring their children who had disobeyed them to the court which was to execute the death penalty to the children. Before the 17th century, the children were dressed and treated like adults, dancing with adults, involvement in sex and playing with private parts did not make them delinquent children, but later the societal views regarding the children changed especially in Europe and life styles changed so the children were treated different from adults. Presently, the children becomes the concern of the community, moral and spiritual development of the children were given importance, display of the private parts by children were considered immoral and guidance and supervision were offered to those children who were involved in such deviant activities. As the children below 7 years were deemed as innocent and lacking the criminal responsibility, the term adolescent came to be used for the children in the time when in the mid of the 15th century the books were published and children were taught to understand about their behavior Postman, 1982.

Postman, 1982, explains that social factors lead the individuals to adopt the delinquency in the course of their life. If peers, family members, school and justice agencies have negatively affected the juvenile, he or she would engage in delinquency and that refers to the interpersonal interactions of juvenile with above agents. Community ecological conditions like bad conditions of the inner city areas, poor living styles and class differences would lead the individuals to delinquency. Social change that political upheaval, economic uncertainty and governmental ill decisions would negatively affect the minds of the young people. Socioeconomic status in the society would create conflict in mind of the individuals leading to lack of understanding and differentiating between right and wrong.

It is explained that criminology is to discover the 'patterns of social life and offer explanations for them'. It is to find out and evaluate the correlates of the social action that why certain people adopt different social actions: criminal and non-criminal- whether individual

characteristics or contextual factors lead the individuals to follow their choice or chose the alternatives for their course of action (Postman, 1982). Environment as external force influence the individuals for behavior settings: social and a social behavior and it is in cultural and structural context help create the situations where individuals make choices for their actions.. Juvenile delinquent who is under age usually below 18, committed a crime may not be sentenced as an adult. However, in USA, legislatures of several states reduces the age of criminal responsibility for serious crimes or for repeat offenders to as low as fourteen years.

Tendency of Juvenile delinquency in Pakistan

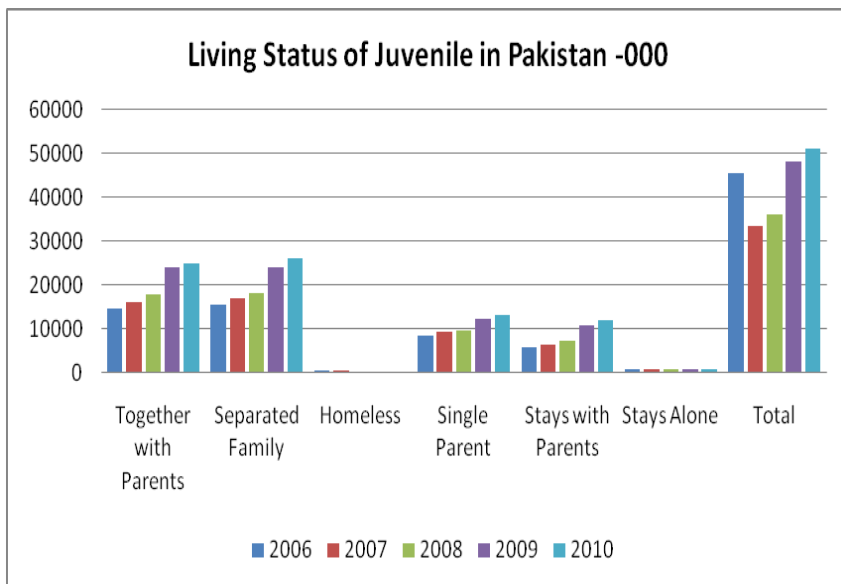
Juvenile delinquency is referred to the behavior in violation of the criminal code committed by a youth not attained the age of maturity. It is essential to understand the term delinquent and delinquent act, that delinquent is the official term or label assigned a person below age who has deviated from the community norms and specific act which was in violation of the criminal code is called as delinquent act. A juvenile who breaks the school window or fights with other youth person is not automatically labeled as delinquent until series of the acts likewise are acted upon. Juvenile delinquency is primarily of two types: criminal offences and status offences. Acts like aggravated assault, rape, homicide, arson, larceny and drug related are illegal whether committed by minor or an adult and would be considered as crimes. These acts are the major concern of the criminal justice system and prompt actions are taken against to prevent the same. While status offences would not called crime if committed by an adult for example, running away from home, stay late night out of home, smoking cigarettes and leaving the office early but the same acts if are committed by a juvenile would be considered as delinquent acts in nature. In Pakistan and elsewhere juvenile delinquency is an antisocial behavior of the children and adolescents. Children and adolescents involved in antisocial behavior violate the basic norms, rights and rules of the society, for example; telling lie is the breaking of the norm, stealing is the violation of the rights of one's property and running away from school is the breaking of the rule of the school.

Juvenile delinquency a social phenomenon refers to the behavior that violates the law. The growth of the industrialization, increasing urbanization and prevailing conditions in the labor class triggered the

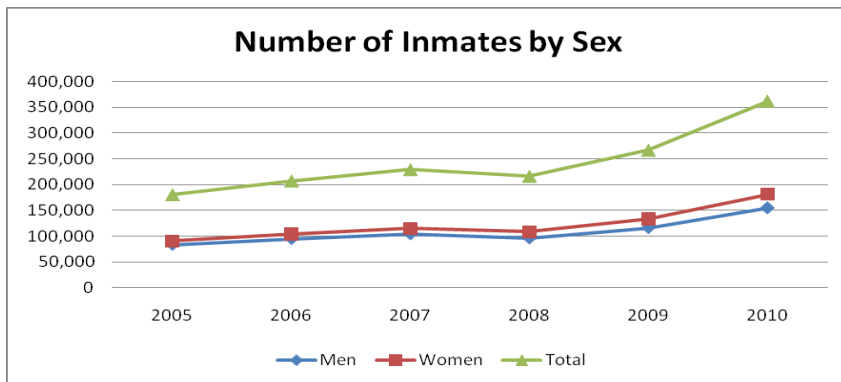
problem of delinquency among children and adolescents, and criminal tendencies in Pakistan; it is emerged in the society in the conflict of the discrimination between the social classes Such as varying state of pace of development in urban and rural society; unemployment rates; and literacy rates. Social reformists in these conditions demanded the changing role of the family, social institutions and governmental attention, and also called for the immediate actions to deal with this distinctive social problem of the society posed by the children.

The study conducted by Khalid and Cheema (2004) reported dispute between child's parents, and electronic media significantly influence the juvenile crime. The found through carrying out research in the Faisalabad jail the 70 percent juveniles caught on the charges of murder, they had difficult domestic life where they parents had regular conflict of social and economic nature.

Figure 1

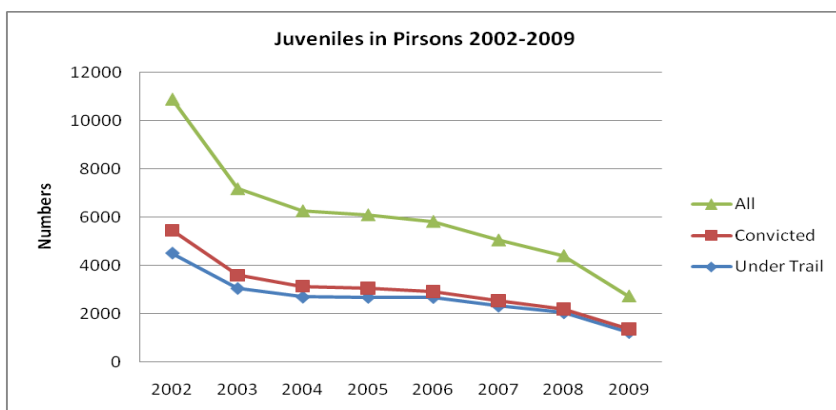


Source: Home department Government of Sindh, 2011

Figure 2

Source: Home department Government of Sindh, 2011

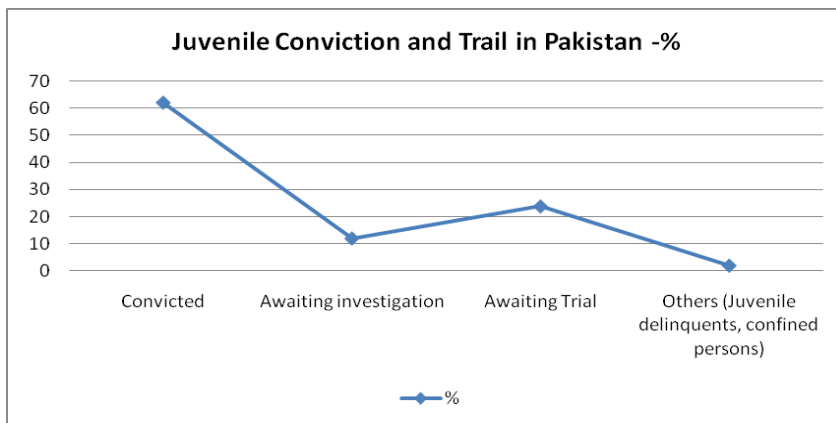
The offenders' responsibility age is described as 7 to 12 years in Pakistan. The age of responsibility derived from a range of criterion such as levels of maturity understanding and initiatives. There is a debate which suggests that the criminal responsibility be raised to 14 years. They argued that some other influencing factors could be used while setting the age of responsibility of juvenile offenders. These factors included as state of intellectual openness, mental approach for deciding about a right or wrong levels of emotional intend dealing with problem situation historical and cultural background in which the convict is grown.

Figure 3: Juveniles in Prisons 2002-2009

Source: Home department Government of Sindh, 2011

Human Rights Watch organizations such as the U.N. Commission for Human Rights reports that the juveniles in prisoners in Pakistan are not treated in accordance with the international treaties and declarations. The juveniles are not separated and kept in prison cells with adults, they are brought into the torture, sex offence and inhuman treatment while they are in the custody or while kept in the prisons. Ideally the juveniles are brought to prison with the intention that they will be reformed through training and rehabilitation processes so that once they come out of the prison they enjoy a successful life and become a part of community.

Figure 4



Source: Home department Government of Sindh, 2011

The reformatory school Act 1987 provides a provision of creating Boarstal institutions and industrial school. It also recommends that, in the case where juveniles are kept more than 3 months they are sent to Boarstal Schools. Human Rights Commissions in 2008 reported that a around 22% of inmates are kept in the industrial schools in Karachi were tortured by inmates. Also these schools provide an ideal environment of using drugs and other narcotics. In Bahawalpur juveniles are kept in solely confinement were to put in shackles the idea was to reform them. On the whole Pakistan fails to provide juvenile institutions and it fails to protect juvenile rights even though there are laws but the outcome has always been a question mark. In situation where separate ward cannot be made available they are kept in a cell especially during nights. While in the custody, the juveniles are subjected to all kinds of torture including physical manhandling

and abuse etc. Regularly these juveniles are faced with sexual abuse by adult prisons.

Crime Scenario in Pakistan

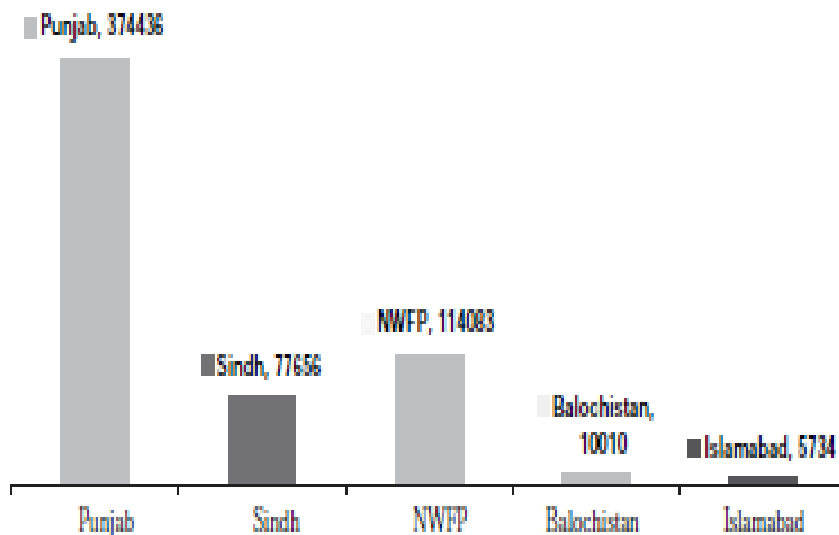
Crime rate is increasing in Pakistan partly because of the socio-economic conditions and deteriorating of social institutions and other by the ineffective criminal justice. Pakistan is a heterogeneous developing society undergoing a metamorphosis, where the state has still a weak writ of the governance required to ensure rule of law and democratic values. The criminal justice system is contaminated by corruption, political intervention, and a low level of capacity building. The policies of the justice system are based on a product of a whimsical approach to leadership rather than research.

Table 1: Reported Crime 2000 to 2011 in Pakistan

Year	All Crimes	Murder	Kidna- pping	Dacoity	Robbery	Others
2000	388,909	8908	7126	1297	7513	304081
2001	378301	9526	6548	1372	7612	304605
2002	399558	9396	6938	1631	8235	325322
2003	400680	9346	8450	1821	8434	321087
2004	440578	9719	9537	2338	11851	350760
2005	483984	9631	9209	2395	12199	358223
2006	537653	10048	10431	2895	14630	428768
2007	538048	10336	10725	3260	16639	432100
2010	592,503	12059	15135	4529	19943	465908
Increased % (2000 to 2010)	52%	35%	112%	249%	165%	63%

Source: Waheed 2010

Figure 4 **Crime Province wise in Pakistan**



Source: Waheed, 2010

CONCLUSIONS AND RECOMMENDATIONS

The paper highlighted the historical background that by furcated a juvenile with the adults. The paper also reviewed condition of jails, children courts and the socio-economic scenario in Pakistan that influence the juveniles to become the offender. It was revealed that the poor employment facilities, family structures, education and health were the major reasons for a juvenile to adopt delinquent behavior in the society. Similarly, factors such as sex differences; social differences; family environment with peer pressures are also attributing factors that influence juvenile delinquency in Pakistan. All out efforts must be taken into considerations to minimize the disparities in the society in Pakistan. Attempt was made to highlight the short comings in the juvenile justice in Pakistan for example it was explained that in different time periods the legal definition become, juvenile has been in conclusive. Finally, the laws in Pakistan are not fully implemented in the lateral sprit which makes juveniles large scale sufferers while they are arrested, trialed and placed in the prisons.

REFERENCES

1. Muhammad Athar Waheed 2010 *Victims of Crime in Pakistan*, a paper presented in 'the 14th International Senior Seminar Participants Papers'.
2. Boyden, J. (1997). *Childhood and the policy makers: A comparative perspective on the globalisation of childhood*. In A. James and A. Prout (Eds.), *Constructing and reconstructing childhood: Contemporary issues in the sociological study of childhood* (pp. 190-229). London: Falmer.
3. Champion Dean J. (1972) *Research Methods for Criminal Justice and Criminology*. Amazon.com. USA,
4. Champion, D. J. 2001. *The American Dictionary of Criminal Justice: Key Terms and Major Court Cases*. Los Angeles: Roxbury Publishing.
5. Cohen, A.K., and Short, J.F., Jr. (1958) *Research in Delinquent Subcultures*. Journal of Social Issues,. 14:20–37.
6. Durkheim, Emile (1933) *The Division of Labor in Society*
7. Government Spending in Pakistan, (2007) *PIDE Working Papers*, Pakistan Institute of Development Economics, Islamabad.
8. <http://legal-dictionary.thefreedictionary.com/juvenile+delinquency>
9. <http://www.talktalk.co.uk/reference/encyclopaedia/hutchinson/m0039084.html>.
10. Milloy, J.S. (1999). 'The charge of manslaughter': Disease and death, 1879-1946. In J.S. Milloy, *A national crime: The Canadian government and the residential schools system, 1879-1986* (pp. 77-107). Winnipeg: University of Manitoba Press.
11. Postman, N. (1982). *The disappearing child*. In N. Postman, *The disappearance of childhood* (pp. 120-142). New York: Vintage.
12. Smyth, David and Manas Chitakasem (1998). *The Sergeant's Society: Essays in Honor of Lauriston Sharp*. Ithaca, New York: Cornell.
13. Vold, George B. and Thomas J. Bernard (1986). *Theoretical Criminology*, third edition. New York: Oxford University Press.
14. Khalid Mahmood and Muhammad Asghar Cheema (2004) **Empirical Analysis of Juvenile Crime in Punjab, Pakistan** Faculty of Agricultural Economics & Rural Sociology, University of Agriculture, Faisalabad-Pakistan Pak. j. life soc. sci. (2004), 2(2):136-138