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## *A Study of Juvenile Prisoners in Borstal Jail Bahawalpur*

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### **ABSTRACT**

The study aims to ascertain the nature and reasons for crime by juveniles in the borstal institute and juvenile jail in Bahawalpur. There are inadequate jails for juveniles in Punjab province. The data was collected from the borstal institute and juvenile jail in Bahawalpur. The results manifest the particular age group involved in crimes which are of course different. It is pertinent to investigate factors which motivate juveniles to the crime. The system of the reformation of juvenile offenders is also discussed in this research. The findings are the number of offenders who have opted for education and the number of people who adopted professional and technical training in the last part of the study. The success rate of formal and informal education is determined. The findings of this study also include the psychological factors of juveniles committing a crime. The research recommends the reformations in policy measures of jail and to bring more change in the reformation of juveniles for their rehabilitation and their reintegration into society.

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### **Introduction**

Former Attorney General of the United States of America, Janet Reno stated that,

***“The Effective way to reduce and prevent juvenile crime is balance through enforcement measures with targeted, effective and intervention initiatives.”***

Children are the greatest resource and asset of any country. It is the prime responsibility of a country to provide fundamental rights, particularly the Right to life, health facilities, education and a healthy environment to grow and become a purposeful citizen. The state must strive to reduce the increasing inequality and ensure social justice during the period of its growth. The term “Juvenile” is used for offenders who are under 18, special laws govern their trial and separate Jails and reformatory schools are established for their welfare. Due to tender age, or teenage, such a child is unable to make the right decisions. Hence the rights of Juveniles are protected under international Laws as well as the Domestic Laws of Pakistan. Pakistan has ratified a few international conventions to protect the rights of Children. Among them, Article 37 of the *Convention on the Rights of Child* states that state parties shall protect children from cruel, inhumane, or degrading treatment and life imprisonment and the death penalty shall not be awarded to any child under 18 years of age (Convention on the Rights of Child). In light of that provision of the Convention on the Rights of Child, Pakistan has given some important safeguards to Juvenile offenders by prohibiting capital punishment and giving special treatment during all stages of trial i.e., arrest, investigation, bail, detention, inquiry and execution of punishment.

The Constitution of Pakistan 1973 is very comprehensive while granting the rights and freedoms to the citizens of Pakistan and It also safeguards and protects the rights of Children. As far as the legislation on this subject is

concerned, under International Obligations (Hilal, 2021), Pakistan passed Juvenile Justice System in 2000 which was repealed by Juvenile Justice System Act 2018. Under this later Act, a Juvenile is defined as a child “*who has not attained the age of 18 years*”, while in the former ordinance, the age was restricted to 16 years.

The Reformatory theory of Punishment is put into motion while awarding punishment to any juvenile, the purpose is not to deter or prevent but to reform. All the process of the trial and conviction is intended to reform the mind and bodies of juvenile offenders. Thus, the laws and safeguards granted under domestic and international Laws are of paramount importance to meet this objective. This research is pertinent in observing the pattern and the routine followed in the Borstal Jail of Bahawalpur to meet the outcome of reformation.

In the Islamic context, it has been directed that “*children/juveniles should not be punished like an adult offender*”. Moreover, the Holy Prophet (P.B.U.H) exempted minors from responsibility for their actions. It has been emphasized greatly in the teachings of Islamic Scholars those juveniles/young offenders must be dealt with a soft hand as compared to their adult counterparts (Siegal & Welsh, 2014).

Punjab Borstal Act was passed in 1926, according to which the Borstal Institutions were established in Punjab. There are only two Borstal Jails in Punjab, one is in Bahawalpur and the other is in Faisalabad. The Borstal facility of Bahawalpur was established before independence and is fully functional. The research contains the primary data received from the administration of Borstal Jail regarding juvenile offenders, the nature of their crimes, and their educational background. The secondary data is received from secondary sources such as books, research articles, reports etc.

Legislation on the Rights of Children was started in 1923 when Eglantyne Jebb wrote the first declaration on Child’s rights. After that, the *United Nations Convention on the Rights of Child* provided for the protection of the civil, social, cultural, economic and political rights of the child. In another document of paramount importance, the *Universal Declaration of Human Rights 1948*, it was declared that children must be dealt with due protection and care. The United Nations also prescribed some rules, known as Beijing rules for the administration of Juvenile Justice.

Article 3 of UNCRC (United Nations Convention on the Rights of Child) states that:

*“State parties shall ensure that institutions, departments that are responsible for the protection of children and shall conform the standards established by competent authorities in the area of safety, health, in the number and suitability of their staff under competent supervision.”*

Article 40 of UNCRC states that:

*“A child in conflict with the law has a right to receive treatment which promotes the child’s dignity and worth takes the child’s age into account and is aimed at his or her reintegration towards society. the child is entitled to a basic guarantee as well as legal assistance for his defence. judicial proceedings and institutional placement shall be avoided wherever possible.”*

The presence of international laws and provisions on this sensitive issue increases its importance. Granting special immunities and treatment to underage or Juvenile offenders led to their reformation and hence becoming a respectable citizen of society again.

### **Objectives of the study:**

The study aims to find out the following objectives:

- To investigate how Juvenile Justice System is contributing to the reformation of Juveniles.
- To study the juvenile social conditions in Borstal jail.
- To study the impacts of different factors on crimes committed by Juveniles
- To suggest some policy measures and improvements, to save juveniles from hardened criminals.

### **Methodology:**

The following research is mixed, a combination of both quantitative and qualitative. The primary data is collected from the administrative staff/superintendent of the Borstal Jail to analyze and interpret the research. The information has been gathered from the Jail superintendent in the form of a semi-structured interview. The Secondary data has

been collected from secondary sources, i.e., books, reports and research articles.

### Research Questions:

In light of the above aims and objectives, the researcher is going to answer the following research questions;

1. What is the Juvenile Justice System in Pakistan? How it is contributing to the reformation of Juveniles?
2. What are the conditions of Juveniles in Borstal Jail Bahawalpur? What is the ratio of their age, education and nature of the crime?
3. What are the Socio-psychological factors that are affecting the behaviour of Juveniles?

### Literature Review:

Many researchers and scholars have written on Juvenile Justice System and its reformation all around the globe. The research conducted by Azka Murtaza in *“A case study conducted at Juvenile Prisons in Punjab”* deals with the factors that affect the delinquency of Juveniles in Punjab (Ahmad & Murtaza, 2016). The methodology used was qualitative in nature and data was collected from the prisons of three districts of Punjab (Central Jail Rawalpindi, District Jail Lahore and District Jail Sargodha). The objective was to investigate the factors of deviant behaviour of juveniles and their delinquency as well as to analyze the socio-economic and demographic factors affecting them. The researcher concluded after interviewing 6 respondents in depth by adopting a convenient sampling technique. This study concludes that many psychological and socio-economic factors are involved in the commission of crimes by juveniles. Moreover, other factors are, family rejection, unemployment, poverty, lack of moral education, negligent behaviour of parents, poor educational performance, and deviance from cultural norms leading to juvenile delinquency. The study conducted by D. A Romig on *“Justice for our children: An examination of Juvenile delinquent rehabilitation programs”* discusses that fighting with friends, families and neighbourhoods and direct exposure to an environment of violence are the risk factors which will ultimately lead to criminal behaviour of Juveniles (Romig, 1978). This book incorporates the vast study of Juveniles, drawing inferences from many articles and 825 books. The objective was to frame a better rehabilitation program for juvenile offenders.

Amjad Hilal writes about the latest enacted law “Juvenile Justice System Act 2018” and its impacts on the reformation of juveniles. The research is titled, *“The Gap between the Juvenile Justice System Act 2018 within the criminal justice system of Pakistan: Time to reform the Act”*. In the following research, the loopholes and gaps are identified and recommendations are given to improve the following activities for better administration of Justice (Hilal, 2021).

## 1 Juvenile Justice System in Pakistan

In Juvenile Justice System Act 2018, a child is defined as:

*“A person who has not attained the age of eighteen years”*

Children all around the world get involved in crimes or illegal activities. Due to their tender age and inability to judge the outcomes of their actions, Children are the most vulnerable strata of any country, and giving some special treatment is beneficial for both the individual and the country. Developed countries, such as the UK, USA and other European countries have well-established and separate Juvenile Justice systems. To meet the ends of Justice and give juvenile offenders leeway, High Courts have designated some courts as *“Juvenile Courts”* only mandated to try a child. Likewise, Pakistan has also adopted the same to meet its international obligations. According to Juvenile Justice System Act 2018;

“**Child**” means a person, who has not attained the age of eighteen years.

“**Juvenile**” means, a child who may be dealt with for an offence in a manner which is different from an adult.

“**Juvenile offender**” means a child who is alleged to have committed or who has been found to have committed an offence.

### 1.1 Existing laws in Pakistan

Following laws exist in Pakistan on the reformation, welfare, and criminal justice of Juvenile offenders.

- Juvenile justice system ordinance 2000.
- Juvenile justice system act 2018.
- Sindh children act 1955.
- The Punjab borstal act 1926.
- The probation of offender ordinance 1960.
- The Punjab juvenile smoking ordinance, 1959.

- Punjab youthful offender's ordinance 1983.
- Reformatory schools act 1897.
- The Pakistan penal code 1860.

### ***1.1.1 Key features of the above-mentioned acts are;***

The purpose of the ***Juvenile justice system ordinance 2000*** was to protect of rights of children who indulge themselves in criminal cases. It saves a child from the humiliation of jail due to their tender age if he/she is accused of any offence and it ensures that a juvenile must not be placed with an adult offender. This act allows accommodating juveniles in rehabilitation centres and borstal institutes. They shall be tried in separate juvenile courts if they are less than 18 years of age but if a child commits an offence under the anti-terrorism act then that offence would be debarred u/s 4(3) of ordinance 2000.

***The Sindh Children Act 1955*** is a provincial act which extends to the whole of Sindh. The purpose of this act is to amend the law relating to the custody, protection, and treatment of youthful offenders for trial and other purposes. The government may establish industrial schools for the protection of youthful offenders and may also declare remand at home. The act contains clauses for medical inspection of that certified industrial schools. The medical officer is appointed by the government to visit and report on the health of inmates and the conditions of the school.

The aim of ***The Punjab Borstal Act 1926*** is to establish and regularize the borstal institutions in Punjab for the detention and training of juvenile offenders. If any prisoner escapes from a borstal institution, he may be convicted by a magistrate and punished with imprisonment of two years or a fine, or with both.

***The Probation of offender Ordinance 1960*** deals with the release of offenders on Probation. It extends to the whole of Pakistan. ***The Punjab juvenile smoking ordinance 1959*** deals with the prevention of smoking and tobacco by juveniles in Punjab. If any juvenile sells tobacco, he shall be punished fine and imprisonment.

***The Punjab youthful offenders ordinance 1983*** is derived from the Sindh children act 1955. In this act, a juvenile or youthful offender is defined as an offender who has not attained the age of 15 years. If a youthful offender is sentenced to more than three months of imprisonment, then he may be sent to reformatory school under rule 281 of jail manual laws being extracted from the chapter on juvenile and youthful offenders.

According to ***The Reformatory Schools Act 1897***, the youthful offender under 15 years of age and not exceeding 18 years of age shall be sent to reformatory schools. It contains provisions for the management of schools and rules for disseminating formal and informal education to youthful offenders.

### ***Pakistan penal code 1860:***

The penal code of Pakistan provides provisions to protect a child from harsh punishments. According to section 83 of Pakistan penal code 1860, if a child commits any offence above 7 years of age and under 14, he shall not be punished because a child at this age is not in the position to understand the nature and results of his act. According to another penal clause, if any adult person instigates a child to commit the murder of any person and the child is not capable of understanding nature, then there will be criminal liability for that child.

In ***Juvenile Justice System Act 2018***, the legislature repealed the Juvenile Justice system ordinance 2000 due to the impracticability of some of its provisions. The parliament enacted new laws and added more effective provisions in it that address the disposal of cases through diversion, making juvenile justice committees, the procedure of arrest of juveniles, and release of juveniles on bail in bailable offences only. The aim was to align the domestic laws of Pakistan with international principles and obligations.

The juvenile justice system act 2018 was enacted for the administration of justice for juveniles and to protect their rights in Pakistan. This act applies to the whole of Pakistan. A few important provisions of the act are:

- JJSA 2018 not only provide rights to the offender but also to the victim.
- The right to legal assistance is provided to the child under section 3 of JJSA 2018.
- A Juvenile is protected from preventive detention.

- A juvenile shall not be arrested with a handcuff.
- A juvenile who is arrested shall be kept in a home or rehabilitation centre for observation.
- Right to bail is granted to a juvenile under sections 496 to 498 of the code of criminal procedure and the court shall hand over the custody of juveniles in bailable and non-bailable offences to the guardian.
- Right to provide medical treatment by the state if a juvenile is found to be mentally ill.
- A death sentence cannot be granted to any person/child if, at the time of the commission of an offence, he was a Juvenile.

## 1.2 Gap Between Theory and Practice:

Despite the enactment of stringent laws and rules in Pakistan relating to Juveniles, there is a massive gap between theory and practice. In 2019, 2020 and 2021 alone, various cases were reported when juveniles were arrested by Police and later found dead or brutally tortured. This shows that the Juvenile Justice System is only interesting to read, as there is no stringent implementation. The Police officers and other stakeholders don't show any compliance with these laws. When any matter came to the limelight, the Government only suspends the concerned officer which later results in a compromise with the family. Thus, strong legislation is needed in Pakistan to protect the rights of Juveniles and strict Punishments must be incorporated into the laws in case of non-compliance.

## 2 Case Study of Borstal Institute Bahawalpur

The data was collected from the Superintendent and administrative staff of borstal jail. The data contains the number of juvenile offenders from 2011 to 2022. The number of current offenders, their education and their age were also given by the above-mentioned personnel. The analysis of data and the varying pattern is given next.

The Concerned Borstal Jail of Bahawalpur is situated near the fareed gate, the heart of the city and was established in 1882. The purpose is to do reformation of juveniles and work for their welfare. The Borstal system is a form of prison for juvenile offenders which was established in the late 19<sup>th</sup> century. Its purpose was to reform and rehabilitate the juveniles because the environment of jail was not up to the mark for their welfare. This is a place of alternative punishment in penal methods for juveniles who committed any offence and served with conviction.

### 2.1 Juveniles in Detention

The data given by the Borstal Jail staff is for 11 years, spanning from 2011 to 2021. Figure no. 1 illustrates the total number of Juveniles who remained in detention. The blue line indicates the under-trial juveniles and the orange line indicates the convicted juveniles. In the year 2011, there was a total of 393 juveniles in Borstal Jail and only 33 of them were convicted while others were under trial. In the year 2012, there was a little decrease in the number, as 328 offenders were in total out of which only 20 were convicted. In 2013, a sharp increase is seen by the researcher, as the total number, last year increased to 394. In 2014 and 2015, the number of prisoners significantly plunged to 197. The researcher noted a rise in the year 2016 when the number of total juvenile offenders increased to 434, the highest in the previous 5 years, although the convicted prisoners were still abysmally low at just 25. The years 2017, 2018 and 2019 were relatively on average as compared to other years. A steep rise was seen in crimes in the years 2020 and 2021. The year 2021 has a total number of 665 prisoners in Borstal Jail, the highest number of all time. The convicted prisoners were 17%, 2<sup>nd</sup> highest percentage of all time. The data for 2021 shows that there were 549 prisoners there, and 30% of offenders were convicted, while others were undergoing trial.

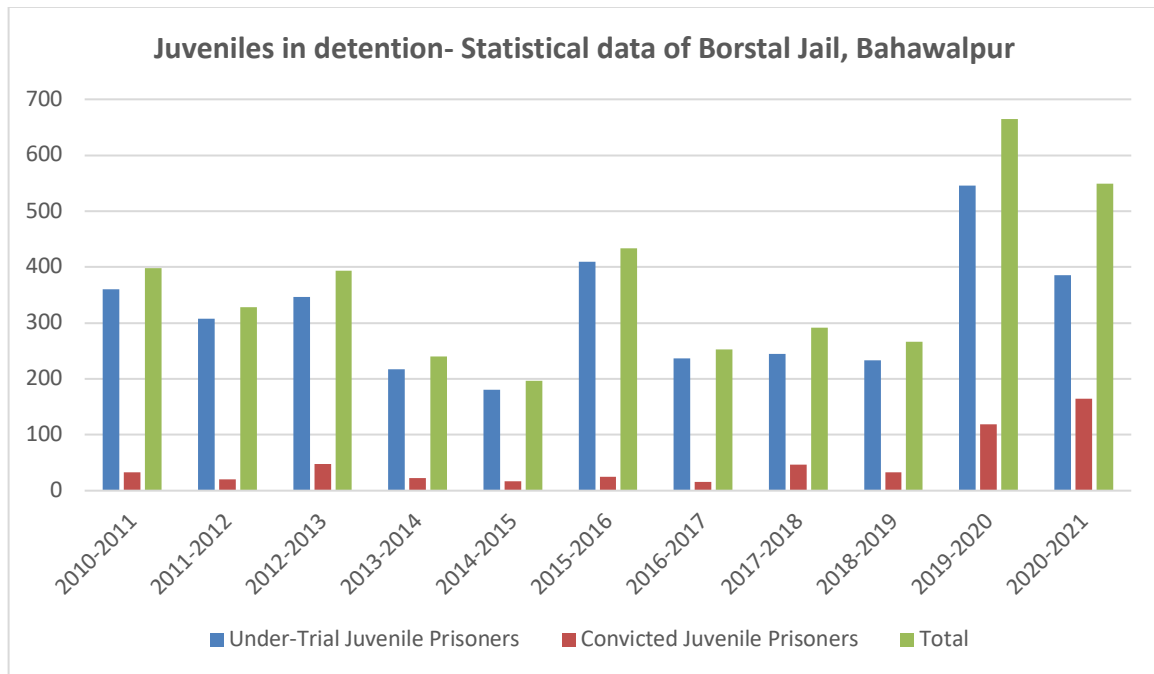


Figure: 1

Source: Borstal Jail, Bahawalpur

The researcher observed that there was a hike in the number of offenders in the years 2020 and 2021. Owing to various social factors, the major of them is poverty. As COVID-19 hit the underprivileged strata of society the most, paving way for an increase in the crime rate. The poverty-stricken juveniles, with no employment opportunities, contended themselves with the commission of crimes. The hike in the years 2020 and 2021 can amount to such an important factor. Moreover, the researcher also observed that the conviction rate of juveniles increases substantially in 2020 and 2021. It can be due to the implementation of the Juvenile Justice Act 2018 that the number of convicted juvenile prisoners increased in the Borstal Jail, Bahawalpur.

## 2.2 Age Structure of Juveniles

According to the data received from Borstal Jail, there are currently 92 prisoners in this facility. The age is divided into three groups i.e., 12-14 years, 14-17 years and 18-20 years. Most of the offenders in Borstal Jail Bahawalpur are between the ages group 14 to 17 years. Out of the total of 92 prisoners, 86% of prisoners lie between the above-mentioned age group.

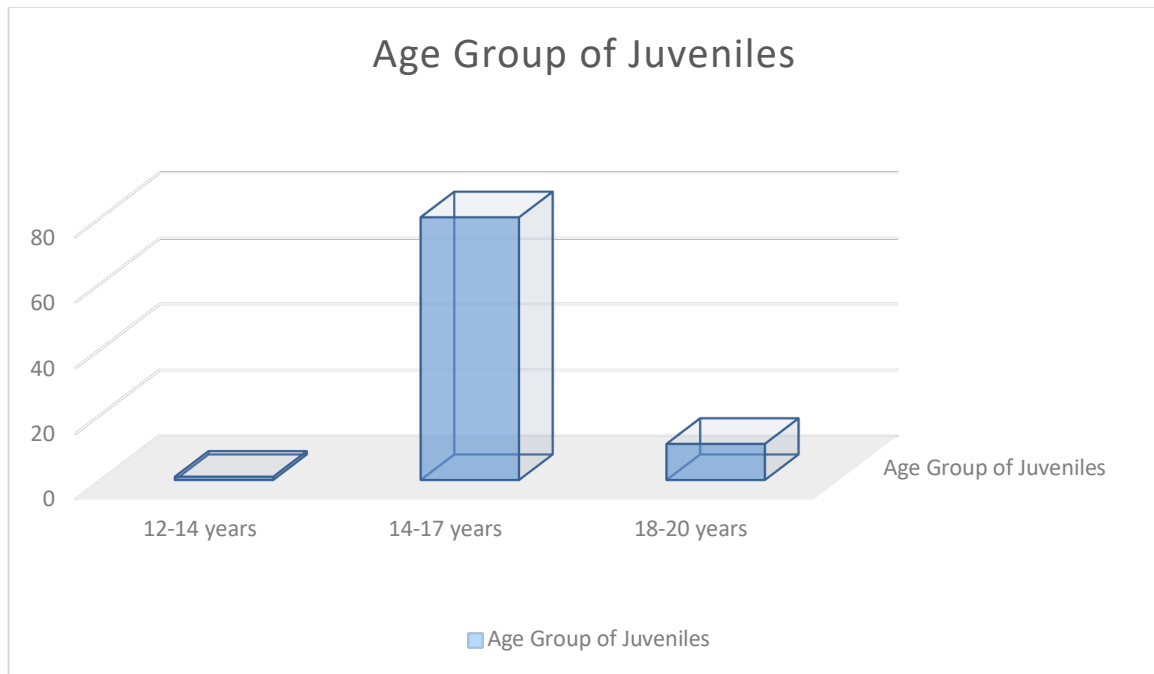


Figure: 2

Source: Borstal Jail Bahawalpur

Tender age or the age of a minority is the most vulnerable, as it can be shown from the statistics. 86% of juveniles are less than 17 years. Thus, at this particular age, the Government should devise policies to engage the youth of the country in some productive work, rather than involved in criminal activities.

### 2.3 Crime Ratio in Juveniles (2021-2022)

Figure no. 3 indicates the percentage of crimes committed by juveniles; the concerned data is given by the Superintendent of Borstal Jail. The Data shows that 34% of juvenile offenders are booked under the charges of Zina/Rape and abduction. This data is from the current year and sorted from the total number of juveniles under detention in Borstal Jail Bahawalpur. Moreover, after rape and abduction, the juveniles are booked under the charges of Murder. Theft or dacoity is on 3<sup>rd</sup>, amounting to 13% of total offenders and narcotics is the last one under which 5% of juveniles are booked.

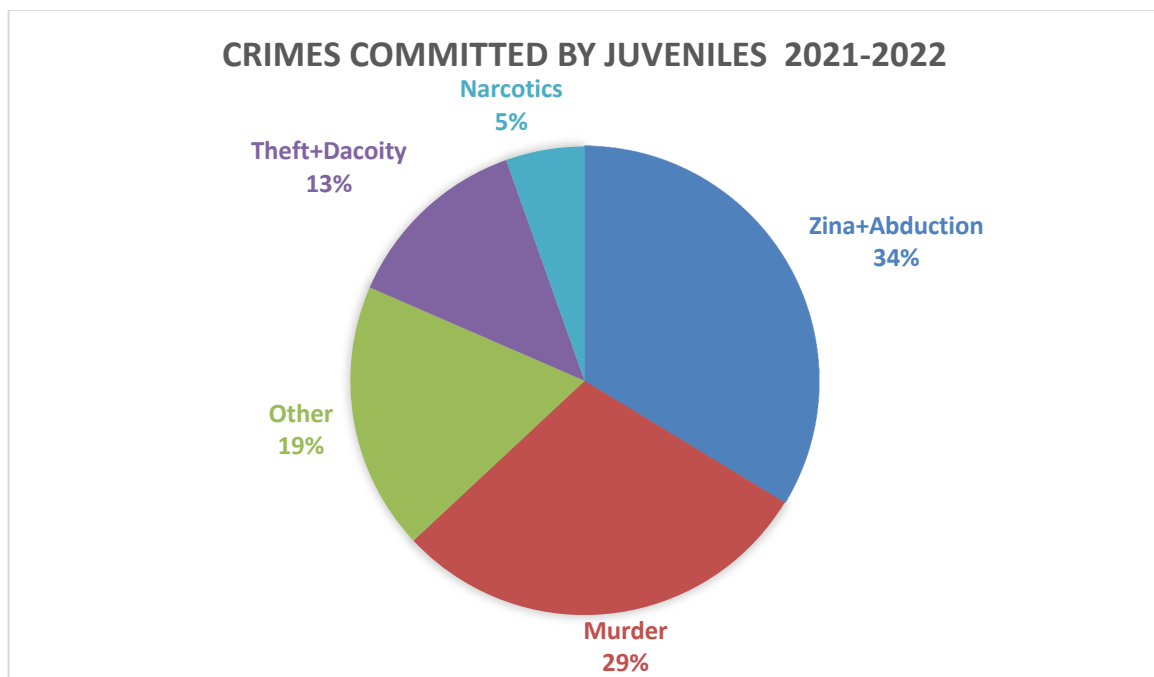


Figure: 3

Source: Borstal Jail Bahawalpur

The researcher has observed from the data that due to illiteracy and lack of knowledge; juveniles are committing serious crimes such as murder and rape. This issue needs to be addressed in its entirety. The counselling of young minds should be done through religious seminaries and schools. Moral norms shall be inculcated in this tender age to avert such disastrous results.

## 2.4 Educational Background of Juveniles

Based on data, collected from the Borstal Jail it can be easily ascertained that illiteracy is closely related to the commission of crimes. Figure no. 4 shows that majority of the juveniles undergoing detention. According to the statistics, 65% of juvenile offenders are illiterate or have passed nursery, while only 7% of offenders have completed their intermediate.

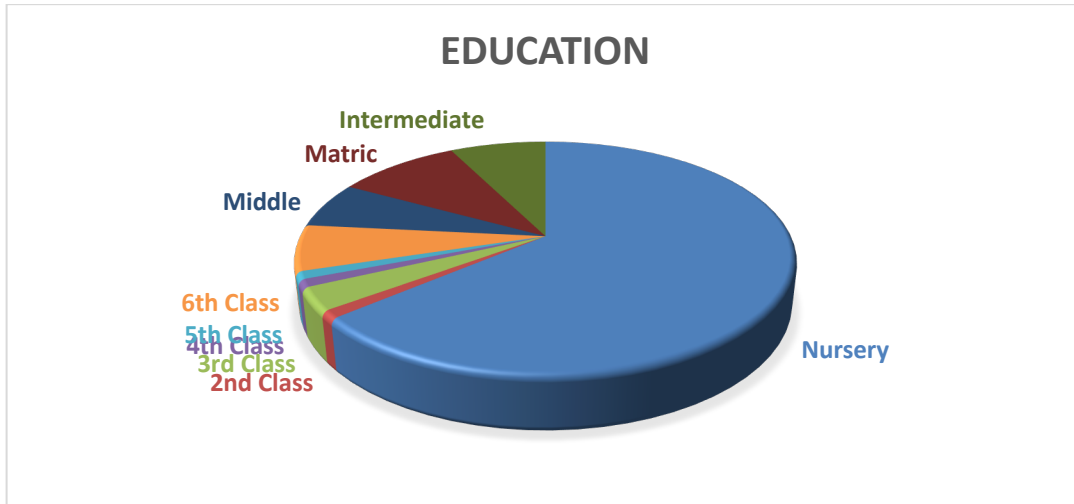


Figure: 4

Source: Borstal Jail Bahawalpur

The researcher observed that illiteracy is directly proportional to the commission of crimes. The dissemination of education to every underprivileged child can lead to better outcomes. Ensuring basic education for every child will make them better and law-abiding citizens.

## 2.5 Reformation of Juveniles in Borstal Institute

The observation made by the researcher and in the light of data gathered from the staff of Borstal Jail, the reformation of juveniles for their betterment is occurring in the following ways.

### 2.5.1 Moral Treatment of Juveniles:

It was observed by the researcher that in the borstal institute, juvenile prisoners are provided moral treatment in the form of religious and formal education. Islamic principles of morality are instilled in the juveniles, and proper Quran classes are taken in the facility. The purpose is to make such juveniles better and more purposeful citizens after getting released from prison so they can contribute to the welfare of society and their Country (Khan, Rehman, & Khan, 2019).

In addition to religious knowledge, formal knowledge is also disseminated in Borstal institutes. The juveniles study in their barracks and two teachers are assigned to teach inmates from primary to higher education keeping in view the interest of the student. There is also a library and computer lab to train modern knowledge juvenile prisoners. The inmate can also choose any profession or industry depending on his interest (Aulakh, 1978). The purpose of all this education is to make a juvenile a law-abiding citizen after his release.

### 2.5.2 Vocational Training

The juveniles under detention are facilitated to learn any productive skill in the borstal facility. Any inmate can learn the skill of tailoring, knitting, woodwork etc. as per his interest. This vocational and industrial training is given along with formal education. The purpose of this vocational training is to make inmates able to earn their respectable



livelihood after their release and contribute to society.

In addition to mental growth, the environment of Borstal institute encourages inmates to participate in recreational activities. Many games are arranged for juveniles in their leisure time which reseats in their reformation and rehabilitation. Both Indoor and outdoor games such as cricket, volleyball, carom-board, football, badminton etc. are played in the facility.

### **2.5.3 Psychological Development of Juveniles**

The Borstal facility of Bahawalpur ensures the psychological development of its prisoners. A psychologist is always present in Juvenile Jail to look after the mental well-being of juveniles. Although there is a loophole in this psychological development because there is not any proper infrastructure for the treatment of a mentally ill person. The psychologist is only able to diagnose but cannot treat due to a lack of services.

### **2.5.4 Living Conditions in Borstal Jail**

The facilities given in borstal jail to inmates are very encouraging, it allows the juveniles to pursue their interest in sports, handicraft and education. The administration of Borstal institute works under *Punjab Borstal Rules 1932* and *Punjab Juvenile Justice System Rules 2002*. The responsibilities and conduct of officials are also regularized under these rules. It is prescribed under Law, that within 3 months, the convicted juvenile shall be transferred to Borstal Institute. When the juvenile reaches the age of 21, he is then transferred to the Central Jail. As per *Punjab Borstal Rules 1932*, the juvenile should be provided proper clothing, food and bedding. In Borstal Jail of Bahawalpur, the accommodation is as per the requirements and well established. A proper sanitary and bath system is operational, and during the night, inmates have separate cells where they sleep. During the night, the wardens of the facility ensure that juveniles are completing their sleep cycle and restrict any form of communication among them.

## **2.6 Psycho-Social Problems faced by Juveniles**

Many sociological elements affect a child's behaviour and persist in delinquency. Some of them are poor parenting, anti-social parents, lack of supervision, maltreatment, lack of academic performance in school and other inside and outside factors that deviated a child towards crime. Some factors which are observed during the survey are:

### **2.6.1 Influence of Family:**

Family plays a major role in putting any child in the wrong company and they start committing crimes. The lack of parental guidance and supervision, conflicts between parents, and physical abuse can make any child vulnerable. Feeling disrespect from own parents breeds resentment in the child. In case, the parents of a child are divorced, then the child is unable to get his due attention. With the desire to fit in and gain respect in the family, he decides to make his own decisions, which are usually criminal in Nature. It is also a lacking of educational institutions to instil moral values in youth. A child brought up in such a turbulent family will likely disturb the peace of society. A study reveals that poor parenting, more excess technology, lack of support from parents, and lack of confidence can invoke the rage to commit crimes at an early age (Ndaita, 2017). Children's nature is to imitate their behaviour in society, they express their upbringing through their conduct. The negligent behaviour of the family ultimately ends in the company of criminal-minded people.

### **2.6.2 Influence of Society:**

Society around an individual plays a major role in his grooming. The influence of a community can indulge any child or adult in the crime world. When youngsters socialize in a community of ill-reputed people, they are more prone to getting preyed on them. The juveniles develop their mentality towards crime because of their company. This awful company can destroy the future of children and youngsters (Hompson & Bynum, 2016).

### **2.6.3 Lack of Resources:**

It is also observed from the survey that the economic situation of a family plays a major role in the commission of crimes. When a child experiences poor financial conditions in a family he ends up committing crimes such as drug trafficking, theft, robbery, mobile snatching etc. Due to the lack of resources and employment opportunities, it is very difficult to ensure a sustainable livelihood nowadays.

### **2.6.4 The Role of educational institutions:**

The role of educational institutions in the mental growth of a child cannot be ignored. After home, a child learns the social norms from his schools and colleges. But nowadays the environment at these institutes is merely business-oriented. They are no more contributing to the grooming of children. Without necessary education and moral

learning, children resort to criminal activities at a very early age. The lack of proper administration at schools, colleges and universities allow children to join bad and ill-reputed companies (murali, 2021). Bunk culture is also very prevalent in our educational institutes, and because of that, the job market proves to be tough for such youth.

### **2.6.5 Economic Problems:**

Economic problems are the root cause of crimes. Poverty, inflation, food shortage, unemployment etc. can lead to the commission of crimes in every society. These factors can compel an even innocent person to resort to crime to feed his family. No one can tolerate the hunger of his family and children. To fulfil the basic needs of a family, with no employment at all, one commits a crime like robbery, theft, carjacking, etc. The children who live in underprivileged areas or slums are more likely to coming theft to feed their families. Thus, poverty is the main cause of the criminal behaviour of a child (Hastings, Dunbar, & Bania, 2013).

### **2.6.6 Peer Factor**

Another social factor that can influence the juvenile's behaviour is peers' involvement in their daily life and they become inclined towards anti-social acts due to their peers' involvement in such anti-social activities (Lipsey & Derzon). When someone sits in this type of anti-social circle in which the acceptance and rejection of their peers are like more than the parents then peer pressure can lead to delinquent behaviour. The effect of delinquent behaviour is more significant in such youth relationships when parents are less supportive (McCord, Widom, & Crowell, 2001).

## **2.7 Psychological Disorders in Juveniles**

The Research shows that various psychological issues are detected in Juveniles along with the above-mentioned sociological issues. Owing to the mental condition of a person, the emotions become unfettered. Lack of intellectual development is due to mental retardation which makes a person unable to judge between right and wrong. The study reveals that a higher percentage of mental illness is found among habitual offenders. Various disorders are observed by the researcher in Juveniles, explained next:

### **2.7.1 Conduct disorder**

This is the first disorder where the conduct of a Juvenile is flawed before he becomes an offender. From childhood to adolescence the first emerging factor that steps in a child is the disturbance in his behaviour which affect him in multiple domains like education, social life, and recreation. Initially, he shows some behaviour conduct like lying, shoplifting, and theft then he moves towards offences like murder, rape, unnatural lust and drug usage (Hasan & Adil, 2020).

### **2.7.2 Psychosis Disorder**

It is a mental disease which is caused by mutations in the nervous system. For example, paralysis can occur. Children may have difficulty understanding what is right or wrong. The Symptoms of this disorder include hallucinations. psychoses are mostly found in juveniles and this disease gradually increases from childhood to adulthood. The majority of mental disorders include dementia praecox, manic-depressive insanity, paranoia, etc. Suicide may be the result of this disorder (Bridges, 1927).

### **2.7.3 Hysteria**

These are sudden, spontaneous panic attacks and unconscious acts. It leads to insensitive or hypersensitive skin areas, impaired vision, and nausea, accompanied by autonomic symptoms and polyphonic behaviour. It is developed as a result of mental conflict and repression. In other words, a hysterical symptom may be the substituted expression of a repressed desire. Delinquency due to hysteria may be the outcome of impulsion.

### **2.7.4 Psych asthenia**

This is characterized by obsessions, fears, impulsions or manias such as suicidal mania, and feelings of inferiority and unreality, accompanied by mental anguish. It is also the result of mental conflict and repression. This type of fear may lead to immediate delinquent actions, and other forms of obsession may produce long-term delinquent behaviour.

### **2.7.5 Psychopathic Condition (including Emotional Instability).**

The term psychopathic is mostly quoted by psychiatrists and juvenile courts to account for juvenile delinquency. It involves the abnormalities in the feelings and emotional life of the juvenile. This disorder may be grouped as follows.

- ❖ Emotionally unstable

- ❖ Hypersensitivity
- ❖ emotionally deficient

### 2.7.6 *Inferiority Complex*

An inferiority complex issue in juveniles to commit an offence may arise out of an actual defect, physical or mental; or it may develop based on a supposed deficiency. In cases of the latter type, the belief in his inferiority often arises in a child through his instinct by ignorant or careless mothers, nurses, teachers, or peers. A child may be senseless at his lessons just because he has been called dull. He will not try when the assignment appears fruitless. This disease is usually derived from psychoneurosis.

### 2.7.7 *SED (serious emotional disturbance)*

This type of disorder is mostly seen in juveniles. It includes psychotic learning and conduct disorder. The psychologist diagnosed different categories in SED which are depression and schizophrenia. It is estimated that 30% of juveniles have been detected with serious mental health problems (Cocozza, J., Skowrya, & R., 2000).

After that, when any mentally ill juvenile is detained in prison due to the harsh conditions given to them in jail, it is difficult for inmates to get through these disorders. It can impose the worst impacts on detainees on their mental health, so there is a need to treat them in borstal jail. The importance of mental health issues needs to be discussed rather than services provided to juveniles for their rehabilitation. Treatment of the mental health of prisoners should be one of the main rehabilitation factors for prisoners in borstal institutions. In addition to rehabilitation, the authority needs to provide relevant facilities for the mental illness of juveniles.

## 3 Conclusion

The researcher observed from the visit to Borstal Jail, that there is a need for a proper curriculum for students who want to study formal education. Although there are two religious' teachers for disseminating the knowledge of the Quran and Islam, for formal education, there are no teachers available. So, a proper curriculum for students must be devised and teachers should also be recruited. The infrastructure of Borstal Jail Bahawalpur is also very archaic, as many rooms or cells are on the verge of demolition. So, to prevent any mishap, the archaic infrastructure should be demolished or renovated.

The above research was conducted in the Borstal Jail Bahawalpur, a facility established for the welfare of juvenile offenders. There are many reasons which lead an underage child to commit an offence. Social Reasons such as peer pressure, the influence of family and society, and lack of resources and food compel any child to resort to criminal activities. Meanwhile, psychological factors also play their part in the commission of offences by juveniles. The case study of Bahawalpur shows the age of the majority of offenders, their education and their crimes. It has been recommended that more rehabilitation centres are needed to protect the rights of such prisoners in light of international obligations. The loopholes in domestic legislation and flawed mechanisms can cause sexual abuse and maltreatment of underage offenders. Thus, it is the prime duty of the Government to take pragmatic steps to establish more and separate rehabilitation centres and implement stringent laws. The lack of budget allocation for this crucial issue is causing hindrances in welfare. Pakistan has to devise its policies in light of international obligations, as Pakistan is a party to two international conventions. It is also recommended by the researcher that proper data collection should be ensured about underage offenders so that accurate policy should be formulated and implemented. Although Government is doing appropriate work it can be improved by following the recommendations and the welfare of juveniles can be ensured.

## 3.1 Findings

The researcher observed that there was a hike in the number of offenders in the years 2020 and 2021. Owing to various social factors, the major of them is poverty. As COVID-19 hit the underprivileged strata of society the most, paving way for an increase in the crime rate. The poverty-stricken juveniles, with no employment opportunities, contended themselves with the commission of crimes. The hike in the years 2020 and 2021 can amount to such an important factor. Moreover, the researcher also observed that the conviction rate of juveniles increases substantially in 2020 and 2021. It can be due to the implementation of the Juvenile Justice Act 2018 that the number of convicted juvenile prisoners increased in the Borstal Jail, Bahawalpur.

According to the data received from Borstal Jail, it has been founded that there are currently 92 prisoners in this facility. The age is divided into three groups i.e., 12-14 years, 14-17 years and 18-20 years. Most of the offenders in Borstal Jail Bahawalpur are between the ages group 14 to 17 years. Out of the total of 92 prisoners, 86% of prisoners lie between the above-mentioned age group. Tender age or the age of a minority is the most vulnerable, as it can be shown from the statistics. 86% of juveniles are less than 17 years. The Data also shows that 34% of juvenile offenders are booked under the charges of Zina/Rape and abduction. This data is from the current year and sorted from the total number of juveniles under detention in Borstal Jail Bahawalpur. Moreover, after rape and abduction, the juveniles are booked under the charges of Murder. Theft or dacoity is on 3<sup>rd</sup>, amounting to 13% of total offenders and narcotics is the last one under which 5% of juveniles are booked.

According to the statistics, 65% of juvenile offenders are illiterate or have passed nursery classes, while only 7% of offenders have completed their intermediate. The researcher observed that illiteracy is directly proportional to the commission of crimes. The dissemination of education to every underprivileged child can lead to better outcomes. Ensuring basic education for every child will make them better and law-abiding citizens.

In light of these findings, the researcher takes the liberty to suggest that all the stakeholders should come forward and implement those suggestions to protect the rights of Juveniles.

## **3.2 Suggestions**

### **3.2.1 Legislative Measures**

The Legislative Framework for Juveniles is not up to the mark. To safeguard juvenile offenders from any injustice, discrimination and repute, it is pertinent for the state to devise an effective policy and align the relevant provisions of the constitution in accordance with international obligations and standards. The legislature of Pakistan must come up with effective laws to prevent such underage offenders from the cruelty of the system. The role of Lawyers is also very important and their input is required to reform the justice system for Juveniles.

### **3.2.2 Separate Juvenile Institutions and Juvenile Courts:**

The conventional Judicial System of Pakistan is overloaded with the pendency of cases. In such a situation, the welfare of juveniles cannot be ensured. The ratio of Judges in the districts is abysmally low, which is the root of many issues. Separate institutions and courts for juvenile offenders are the need of the hour to implement laws for their betterment. Justice cannot be ensured with limited courts and judges and these gaps are creating difficulties for juveniles. A speedy trial can also be ensured through separate or special courts. It takes a lot of time for the completion of the trial, and during the trial, the accused is detained in custody which is detrimental to their mental and physical health. Till now, the budgetary allocation to improve the conditions of Borstal Jails and reformation facilities has not been properly done. A healthy environment must be established where juveniles feel like normal children and improve themselves for their welfare. To cope with this issue, the judiciary must come forward and make a setup for juvenile offenders in the existing courts. Reform can be done by allocating separate days and time for juvenile cases in existing courts to pace up the trial of Juveniles. Moreover, the number of judges must be increased to cater for this problem. There are only a limited number of Juvenile institutes in Pakistan, this number should be increased and this facility must be established in every district. The necessary steps should be taken to separate underage juveniles (Under 18 years of age) from adults to protect them from sexual abuse. In addition to that, a healthy environment should be ensured for the physical, mental and psychological growth of all inmates particularly Juveniles.

### **3.2.3 Administrative Structure:**

The administrative structure plays its role while the administration of Justice to Juveniles needs overhauling. The staff that is mandated to look after juveniles must be adept at giving psycho-social support to them. Government should implement the policies that are followed in western countries for the welfare of Juveniles. Required training should be given to the staff of Borstal Jail so they can deal with the juveniles with due diligence and care. All the

stakeholders involved in the Juvenile Justice System such as Police, Lawyers, Judges, Prosecution, Probation officers, and Jail Staff must synergize to develop an environment of Welfare for Juveniles.

#### ***3.2.4 Age of Criminal Liability:***

According to Pakistan Penal Code, the exempted age of Criminal Liability is 7 to 14 years. Being 14 years the maximum age, it is the discretion of the court to ascertain the maturity level of a child, and whether he can understand the intensity of his act or not. The situation is different around the globe, there is no minimum or maximum age for criminal liability. For instance, in developed countries, age is not considered a threshold for criminal liability but it depends upon the mental capacity of that child in relation to his environment. Thus, in Pakistan, the same process should be adopted to ascertain the mental level of an offender rather than declaring an age limit.

## References:

- Ahmad, U., & Murtaza, A. (2016). Factors Affecting Juvenile Delinquency in Punjab, Pakistan: A Case Study Conducted at Juvenile Prisons in Punjab Province. *Mediterranean Journal of Social Sciences*.
- Aulakh, D. A. (1978). *Jail Manuals and the Prison Rules*. Lahore: Manzoor Law Book House.
- Bridges, K. (1927, February). Factors Contributing to Juvenile Delinquency. *Journal of Criminal Law and Criminology*, 17(4).
- Cocozza, J., J., Skowrya, & R., K. (2000). Youth with Mental Health Disorders: Issues and Emerging Responses. *Juvenile Justice*, 7(1), 3-13.
- Hasan, S., & Adil, M. (2020). Managing juvenile offenders with conduct disorder in Pakistan. *The Lancet Psychiatry*, 7(8).
- Hastings, R., Dunbar, L., & Bania, M. (2013). *Leaving Criminal Youth gangs: Exit Strategies and Programs*. Publicsafety.gc.ca.
- Hilal, A. (2021). The Gap between the Juvenile Justice System Act 2018 within the criminal justice system of Pakistan: Time to reform the Act. *Islamabad Law Review*, 5(2), 93.
- Hompson, W. E., & Bynum, J. E. (2016). *Juvenile Delinquency: A sociological approach*. Rowman & Littlefield.
- Khan, I. U., Rehman, A. U., & Khan, N. U. (2019). Impact of the Attitude of the Jail Staff on the Juvenile Inmates. *Pakistan Journal of Criminology*, 11(3), 29-42.
- Lipsey, M. W., & Derzon, J. H. (n.d.). Predictors of violent or serious delinquency in adolescence and early adulthood: A synthesis of longitudinal research. *Sage Publications*.
- McCord, J., Widom, C. S., & Crowell, N. A. (2001). *Juvenile Crime, Juvenile Justice: Panel on Juvenile Crime: Prevention, Treatment, and Control*. National Academy Press.
- murali, G. (2021). Sociological factors influencing juvenile delinquents in India. *International Journal of Creative Research Thoughts*, 9(10), 14.
- Ndaite, T. E. (2017). *Psycho-Social Factors Influencing Juvenile Delinquency Among Girls at Kirigiti and Dagoretti Rehabilitation Centres*.
- Romig, D. A. (1978). *Justice for our children: "An examination of juvenile delinquent rehabilitation programs"*. Lexington, Mass.
- Siegal, L. J., & Welsh, B. C. (2014). *Juvenile Delinquency: Theory, Practice, and Law*. Cengage Learning.