

Original Research

Negligence of government in establishing borstal institutions and its impact on the juvenile inmates

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ABSTRACT

This study is related to the absence of the borstal institutions mainly due to the lack of interest by both the federal and provincial governments. The study further analyses the impact of the lack of borstal institutions on the well-being of juvenile prisoners in Khyber Pakhtunkhwa, Pakistan. The study was conducted using concurrent triangulation design of mixed methods in research under pragmatism philosophy. Simple random sampling was used as a sampling technique. Quantitative data were collected from 132 juvenile inmates out of 199 through interview schedule using a standard sample size table. The interview guide was used as a tool for qualitative data collection using the in-depth interview as a method for data collection from 20 juvenile prisoners, 10 jail staffs, 10 probation officers and 10 legal counsels. Quantitative data was analysed through chi-square to find the association between the dependent variables (well-being of juveniles) and independent variables (borstal institutions). Qualitative data was analysed through thematic analysis in the critical discussion section. Both the quantitative and qualitative data were compared for finding the similarities and differences in the data. It was observed that there were no recreational, medical and skill development facilities to provide a healthy environment to juvenile inmates at Khyber Pakhtunkhwa jails. Juveniles were living in an over-crowded jail environment where they were mentally disturbed and felt marginalized among the adult prisoners. This was mainly because of the adult jail environment that disturbed the smooth functioning of their healthy life and mental condition. It has been recommended that the federal and provincial governments must collaborate to establish borstal institutions in every district as mentioned in the Juvenile Justice System Ordinance (JJSO, 2000). The political leaders at the district, provincial and national level must address this major issue. They should take up in their respective legislatures to allocate special funding for ensuring the fundamental rights of the juvenile prisoners. Progress on the establishment of borstal institutions must be monitored by standing committees of parliamentarians so that juvenile inmates are not kept in an unhealthy environment of adult jails.

Keywords:

Role of government, Borstal institutions, Juvenile inmates, Impact on juveniles.

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INTRODUCTION

Borstal institution is a place where the juveniles are kept, and the government provides all the basic facilities for juveniles at borstal institutions. Adult jail's environment can be quite destructive to adolescents and children's lives (Smith, 1998). In the USA, juveniles are sent to the correctional and/or rehabilitation institutions (borstal institution) after hearing from the court. The judge usually declares the result of the hearing in which the sanction is determined (Stahl *et al.*, 1999). In Pakistan these correction institutions (borstal institution) fall under the category of special jails. The provincial government can establish special jails at any time where they are needed and can declare any existing jail as a special jail (Auolakh and Khan, 2003; Ali *et al.*, 2018). Like Pakistan, the juveniles in United States also comprise a small percentage of the total prisoners. In the US, the juveniles were less than 1% of the total prison population in the mid-1980s. However, from 1985 they increased to 2% of the prisoners and almost same was the ratio in Pakistan. Between 1985 and 1997, the number of juvenile offenders in the US doubled from 3,400 in 1985 to 7,400 in 1997 (Wordes and Jones, 1998; Khan *et al.*, 2018). It has been observed in the US that from the mid-1980s to the mid-1990s the detention rate of the juveniles increased by 68% (Wordes and Jones, 1998).

Juvenile judges and intake workers can use discretion when deciding whether to take a child into custody or not. Some studies found that incarceration rates diverse in percentage to the accessibility of imprisonment conveniences (Kramer and Steffensmeier, 1977; Lerman, 1977; Pawlak, 1977). Adult jail environment can be destructive to adolescents and juvenile's lives. Jail environment separates them from their friends, families and also affects their schooling. Some of the jails in the developed countries provide many types of services to the juveniles. The facilities include care of their mental health, physical health, recreational facilities and

educational facilities standard of which vary from jail to jail. Furthermore, due to overcrowding, some jails can't provide standard facilities to the juveniles (Smith, 1998; Rehman *et al.*, 2017a). Overcrowding in adult jails has been found to be contributing in increased disputes between staff and juveniles and has caused severe injuries to minors. The average duration of residence in juvenile detention facilities is 15 days as per law. However, some of the juveniles may stay just for few days, whereas others are housed in juvenile detention for longer period (Wordes and Jones, 1998).

Few scholars considered alternatives to the jail applications. The applications differ from place to place, but the following factors have consistently emerged: interviews and screening of juveniles, eligibility for admission, supervision and monitoring, rules for curfew, acquaintances in weekends, confirmation of obedience at school and at home, the addition of helpful society resources, and quick position into detention (Land *et al.*, 1998; Rehman *et al.*, 2017b). A juvenile detention alternatives program was started by the Annie E. Casey foundation in 1992. Five different urban jurisdictions with big cities were issued funds for starting programs for eradication of the unsuitable use of custody, decrease in the number of delinquents committing new crimes or those failing to appear before the court (IMNRC, 2001). It was also meant to avoid development of new detention centres and provision of beds for juveniles in favour to improve an expedited procedure for allaying the overloading in secure detention facilities (Rust, 1999; McCord, 2001).

In adjudicatory hearings, the cases of juveniles are scheduled in the juvenile court. After the court hearing, the judge declares the result of the hearing in which the adjudication is determined. Minor offenders may be sent to treatment such as community service. But the most common adjudication is probation; more than half of the cases in US were placed on probation in 1996 and almost 40% in Pakistan in 2015 (Stahl *et al.*, 1999;

Rehman *et al.*, 2018). There are four types of jails at each province of Pakistan, which includes special jails, central jails, district jails and sub-jails. Every division of the province has a central jail, which holds about 1,000 prisoners, irrespective of the duration of punishment. Moreover, provincial governments have the authority to upgrade any district jail as a central jail (Auolakh and Khan, 2003). Special jails include borstal institutions, juvenile training centres, open jails and women's prisons. Both the federal and provincial governments in Pakistan can establish new jails where ever required. Moreover, the government may declare any jail across the country as a special jail. Besides special jails and central jails in big cities or required areas, all other jails in Pakistan are located at district thus called as district jails. The district jails are established for prisoners having been sentenced up to five years and others are kept in the central jails. Another category of sub-prisons is those where the prisoners may be kept temporarily in custody or on remand (Auolakh and Khan, 2003).

The Juvenile Justice System (JJS) recognizes the rights of juvenile offenders under 18 years of age. When police arrest the juveniles, they cannot be treated as criminals. Firstly, they must be presented to the juvenile court within 24h and their parents or guardian should be informed. They must be held in juvenile facilities and should not be kept with adult prisoners in the jail. This offender should be exercised under the Juvenile Justice System Ordinance JJSO (2000) of Pakistan (Malik and Shirazi, 2010). Improvement, maintenance, and the establishment of jails are the responsibility of provincial governments (Akbar and Bhutta, 2012).

The concept of certified schools, borstal institutions, and reformatory schools has not been accomplished throughout Pakistan despite the existence of the relevant law (Malik and Shirazi, 2010). There are certified schools and industrial schools in Hyderabad and in Karachi, borstal institutions in Bahawalpur and Faisalabad and reformatory schools for juvenile inmates in the

whole of Pakistan. For female juvenile prisoners, there is no exclusive jail or school, thus female inmates are kept in same jails with adult women inmates. There are just four juvenile prisons in Pakistan, due to which juveniles are kept in same jails with adult criminals (Dawn, 2012). As of December 2007, in Pakistan, there were more than ninety jails. Out of these 90 jails 41 were built by the British. There were 22 jails in Khyber Pakhtunkhwa (KP), 22 in Sindh and 32 in Punjab and the remaining jails in Balochistan (Malik and Shirazi, 2010).

All jails of Pakistan have more juvenile inmates than they can handle. The factors involving in this issue include overcrowding, failure to hear prisoner's cases on time, lack of legal aid for those who are poor, deficiency of trained public prosecutors and refusal to give bail to prisoners who commit minor offenses. In Pakistan, the Punjab province has more than 53,000 prisoners in jails with a capacity of 21,527 inmates. There are 13,282 prisoners in Sindh jails which were originally prepared to house 10,450 prisoners. In KP there are 8,450 inmates in a place built to hold 8,000 inmates. In Balochistan jails, the prisoners' population is 2,643 whereas the jail capacity is only 2,481 inmates (ICG, 2011). There are more than 150 juvenile prisoners in four jails at Punjab who are not supported by schools from the government side. In the slogan of "Parha Likha Punjab" (educated Punjab), the juvenile prisoners are not included. In places of Punjab like Muzaffargarh, Rajanpur, and Sargodha, juveniles are placed in the dirtiest place in the jails and in this respect, Sargodha is the worst (Malik and Shirazi, 2010). Furthermore, jail authorities argue that there are no funds to build separate cells for the juvenile prisoners (Aziz and Khan, 2008).

There are more than 21,000 prisoners in Sindh jails, which have a capacity of about 12,000 (Daily Times, 2016). Sindh Chief Minister, Qaim Ali Shah was leading a meeting on prison reforms in the light of the supreme court orders and at the end of the federal Om-

budsman offices at the Chief Minister house said, "This overcrowding is the root cause of several other problems. The objective of turning jails into rehabilitation centres cannot be achieved under the present living conditions of prisoners, thus effective measures are the need of the hour" (The Express Tribune, 2016). In Khyber Pakhtunkhwa, although the capacity of prisoners was 8,091 in a total of 22 prisons, in judicial lockups there are 9,433 prisoners. The total accommodation of prisoners in Peshawar central jail is 850 but they kept 2,227 prisoners which are against the authorized accommodation (Dawn, 2015). In the central jail of Haripur, the present prisoners are 1892 against the authorized capacity of the jail, which are 1597 prisoners. The authorized capacity of Swabi jail is 70 but the current number of prisoners is 425. Similarly, in the case of Lakki Marwat district jail, the accommodation capacity is 99 but presently, 227 prisoners are present there. The district jails in Abbottabad and Swat are under construction, while the expansion of Dera Ismail Khan and Peshawar prisons has been in progress (Dawn, 2015).

The adolescent equity framework might stress the prosperity of the adolescent. It should guarantee that any response to adolescent wrongdoers might dependably be in the extent to the conditions of both the wrongdoers and the offense. Contacts between the law implementation organizations and an adolescent guilty party might be overseen to regard the legitimate status of the adolescent, advance the prosperity of the adolescent and stay away from mischief to her or him, with due respect to the conditions of the case. The threat to adolescents of "criminal defilement" while in confinement pending trial must not be thought little of. It is in this way imperative to pressure and the requirement for elective measures. In the United Nations standard least guidelines for the organization of juvenile justice, it empowers the contriving of new and imaginative measures to keep away from such detainment considering a legitimate concern for the prosperity of the adolescent. Con-

trol 17.1(b) infers that entirely corrective methodologies are not suitable. Though in grown-up cases, and perhaps at the same time in instances of extreme offenses by adolescents, simply leave and retributive approvals may be considered to have some legitimacy, in adolescent cases, such contemplations ought to dependably be exceeded by the enthusiasm of defending the prosperity and the eventual fate of the youngster. The advancement of the prosperity of the adolescent is of vital thought. Consequently, administer 24 underlines the significance of giving essential offices, administrations and other vital help as may assist the best advantages of the adolescent entirely through the rehabilitative process (UN, 1986).

For the researchers, the vital results include both due process, the degree to which essential social liberties are respected in adolescent court procedures, and prosperity, markers of physical, mental, and social well-being. In examining the two arrangements of results, it is basic to understand that kids' needs change throughout their lives. For instance, there is an accentuation on various results for new-born children, particularly physical security likewise includes instructive, physical, mental, sparing, sexual and so forth (Katz *et al.*, 2011; LCFCE, 2014).

MATERIALS AND METHODS

This study is related to juvenile inmates and the incompatible environment in adult prisons which are faced by these juvenile prisoners. This study is comprised of mixed methods of research where both the quantitative and qualitative data were collected, analysed and discussed in detail. The researcher used the concurrent triangulation design of mixed methods in which both the data collected at the same time but analysed differently where quantitative, followed by the qualitative data in the study (Creswell, 2014). Doing this project on mixed methods research was very important because in this research activity the researcher

Table 1. Basic life standards in jails-/Borstal Institution

S. No	Statement	Agree			Disagree			Don't Know			Total
		Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency	
1	Recreational services were available to juveniles at jail	08	6.1	121	91.7	03	2.3			132	
2	Jail life disturbed the smooth functioning of juveniles' lives	118	89.4	11	8.3	03	2.3			132	
3	Medical services were there at jail	10	7.6	121	91.7	01	0.8			132	
4	Skill development programs are there for juveniles	02	1.5	123	93.2	07	5.3			132	
5	Juveniles slept and lived a relaxed life at jail	03	2.3	127	96.2	02	1.5			132	

Source: FS, 2016

studied different elements of the justice system. This study followed the different philosophies of research, in the quantitative portion. Data were collected from 132 juvenile inmates out of 199 through Krejcie and Morgan (1970) table of sample size and interview schedule was used as a tool of data collection under the research philosophy of positivism. In the qualitative portion, an interview guide was used as a tool for data collection from different stakeholders of the justice system where data was collected through the in-depth interview with 10 jail staff, 10 probation officers, 10 legal counsels and 20 those juveniles whose age was between 15-18 years, a total of 50 respondents. Simple random sampling was used as a sampling technique. Quantitative data was analysed through the Statistical Package for Social Sciences (SPSS) and chi-square test was used for the association of the dependent variable (well-being of juveniles) and the independent variable (borstal institution). Qualitative data was analysed through thematic analysis whereas the theme was developed from the empirical data and then transcribed the theme for interpretation following interpretive/naturalism as a research philosophy. According to Creswell (2014), in concurrent triangulation strategy, the quantitative variable and the qualitative theme should be same for the comparison of both the data. After analysing both the data sets the researcher mixed both the data for critical analysis and found the convergent and divergent views of the respondents in concurrent triangulation design of mixed methods research under the research philosophy of pragmatism (Feilzer, 2010).

RESULTS AND DISCUSSION

The results and discussion section has been elaborated in quantitative and qualitative portions separately.

Analysis of the quantitative data

The quantitative data collected, and the results analysed through the SPSS have been discussed in dif-

Table 2. Association between the borstal institution and well-being of juveniles

S. No	Statement	Well-being of Juveniles			Total (%)	Statistics
		Agree (%)	Disagree (%)	Don't know (%)		
1	Recreational services were available to juveniles at jail	Agree	02(1.5)	06(4.5)	00	08(6.1)
		Disagree	60(45.5)	54(40.9)	07(5.3)	121(91.7)
		Don't	00	01(0.8)	02(1.5)	03(2.3)
		Total	62(47.0)	61(46.2)	09(6.8)	132(100)
2	Jail life had disturbed the smooth functioning of juvenile(s) lives	Agree	57(43.2)	56(42.4)	05(3.8)	118(89.4)
		Disagree	04(3.0)	05(3.8)	02(1.5)	11(8.3)
		Don't	01(0.8)	00	02(1.5)	03(2.3)
		Total	62(47.0)	61(46.2)	09(6.8)	132(100)
3	Medical care/treatment facilities were available at the jail	Agree	02(1.5)	08(6.1)	00	10(7.6)
		Disagree	60(45.5)	53(40.2)	08(6.1)	121(91.7)
		Don't	00	00	01(0.8)	01(0.8)
		Total	62(47.0)	61(46.2)	09(6.8)	132(100)
4	Skill development programs were introduced for juveniles	Agree	00	00	02(1.5)	02(1.5)
		Disagree	60(45.5)	56(42.4)	07(5.3)	123(93.2)
		Don't	02(1.5)	05(3.8)	00	07(5.3)
		Total	62(47.0)	61(46.2)	09(6.8)	132(100)
5	Juveniles' relaxed life at jail	Agree	00	01(0.8)	02(1.5)	03(2.3)
		Disagree	61(46.2)	60(45.5)	06(4.5)	127(96.2)
		Don't	01(0.8)	00	01(0.8)	02(1.5)
		Total	62(47.0)	61(46.2)	09(6.8)	132(100)

Note: The figure in the table denotes frequency while figure in parenthesis denotes percentage. The symbol (P) represents the significance level and (χ^2) represents the value of chi square.

ferent tables which shows complete analysis.

Table 1 indicates the data about the non-existence of basic standards in jails due to lack of borstal institution. Asking statement about whether recreational services and its availability to juveniles at the jail, got a response of 91.7% disagreement, 6.1% respondents agreed with the statement, and 2.3% juveniles did not share their views. While asking about the disturbance of smooth functioning of juveniles' lives due to jail life, most of the juveniles (89.4%) agreed with the statement that jail environment has disturbed the smooth life and personality of juveniles. However, while 8.3% juvenile respondents disagreed with the statement and 2.3% of juvenile respondents believed they did not know about the statement. Next, the majority (91.7%) of juvenile respondents reported the inadequacy of medical care facilities, 7.6% respondents agreed that there had

proper medical care facilities provided to juveniles, and 0.8% juvenile respondents did not express their views. When responding to a statement about the availability of skill development programs at the jail for juveniles, most of the respondents (93.2%) disagreed with the statement, 1.5% juveniles agreed that there had skill development programs at the jail and 5.3% did not share their views. While answering a statement about juveniles sleeping and living a relaxed life at the jail, most of the juvenile respondents (96.2%) disagreed with the statement, 2.3% juvenile respondents agreed and 1.5% of respondents did not share their opinion.

Table 2 is about the association of borstal institutions and well being of juveniles which shows that there were no recreational facilities for juveniles like cricket, football, volleyball etc. in the sampled jails of Khyber Pakhtunkhwa where a highly significant

($P=0.001$) association was found. A statement was asked whether jail life disturbed the smooth functioning of juveniles' life where a highly significant ($P=0.001$) association was observed with the well-being of juveniles. It has been analysed that juvenile prisoners have not been availing their right to access all the basic facilities at jails, as no facilities were provided to them. There were no education, physical health, and recreation facilities at the selected jails, which disturbed the smooth functioning of juveniles' lives.

There were no basic medical facilities for the juvenile inmates and even ambulances were not provided for handling an emergency where a significant ($P=0.001$) association was observed with the well-being of juveniles. A highly significant ($P=0.001$) association was found with the absence of developmental programs for juveniles at the jail. It was clear from the result that there were no such facilities provided to them. Furthermore, juveniles were not able to sleep or get relaxed at the jail where a highly significant ($P=0.001$) association was explicated with the well-being of juveniles. Data showed that due to poor living conditions and overcrowding, and a lack of separate beds, mattresses, and pillows they do not sleep well.

It is concluded from the whole findings of the table that juvenile prisoners did not feel secure in jails and the attitude of jail staff was negative. The rude behaviour and punishment strategy of the jail staff increases criminal tendencies in juveniles. Jail staff beat and treated juveniles like animals; used vulgar and abusive language to juveniles and there were no recreational and other basic facilities provided at jails.

Qualitative data about borstal institution

Data from juvenile inmates

Modern states of the world have introduced borstal institutions for providing exclusive environments for juvenile offenders. The exclusive environment is to provide maximum opportunities for juveniles' good personality and well-being. Moreover, it is to provide a

sound environment for their education and skills development. Such appropriate environments are provided for reformation to make them productive citizens when they complete their incarceration period and are released. On the other hand, if there is no borstal institution available for juveniles, they are sent to adult jails where they spend their incarceration along with adult prisoners in which a majority are criminals and gangsters. There should be separate cells for juvenile prisoners where jail staff should have control over juveniles' interactions with adult prisoners; however, most of the juvenile respondents said that at jails no facilities were provided to them. They also shared that the jail staff beats them when they commit any wrong doing; they shout at juvenile prisoners and use vulgar language. Juvenile prisoners were fearful of jail staff and were living in frustration due to their harmful attitudes and actions. Some of the juveniles said that they did not sleep well at nights because there were no separate beds and foams/mattresses for them. Due to overcrowding, some of them lived in toilets and spent whole night standing because there was no place for sleeping. Those who slept in Munda Khana (separate cell for juveniles) became attached to each other. The researcher asked about the facilities and shared with them about the borstal institution and JJSO (2000). Most of the juvenile inmates shared that at these jails no basic facilities were provided to them. They further shared that NGOs have provided the recreational facilities, but the jail staff took those goods from them. Furthermore, their response was that jail staff do not treat them well and did not provide the basic rights which are guaranteed in JJSO (2000).

One of the respondents from juveniles, Atif, said;

"I was very happy before imprisonment; jail environment finished my whole life, the jail disturbed the smooth functioning of my life. Police arrested me with hashish and the judge sent me to jail".

Jail environment was so bad and dangerous for

the personality development of juvenile inmates, and most of them were sent to jail for the first time. Atif was of the view that before imprisonment, he was very happy and lived his life smoothly and did not know about the high level of crimes. He further added that he met with dangerous criminals in jail and knew about more severe kinds of crimes. According to JJSO (2000) juvenile prisoners should not be kept at adult jails, they should be in borstal institutions. More than seventeen years following the introduction of JJSO, no serious and practical steps have been taken by the government to apply the JJSO (2000) in a practical manner for the betterment of juvenile inmates. In borstal institutions, every type of accommodation should be available for juveniles like health, education and other basic facilities like teachers for counselling. But unfortunately, in the whole province, there is no functional borstal institution for juvenile inmates.

Data from legal counsel

Most legal counsellors shared that borstal institutions existed all over the world. In Pakistan during Musharraf era, it was announced that there should be borstal institutions in every district of the country and was made mandatory in the JJSO (2000). They further added that borstal institutions are for the reformation, rehabilitation, and education of the juvenile prisoners. Juvenile inmates in the borstal institutions are not treated like adult prisoners, instead, they are dealt with normal members of the society. In the last 17 years in Pakistan, only three borstal institutions have been established. These are in Karachi, Bahawalpur and Faisalabad. In KP, the government has initiated is only one borstal institution, which is under construction and is not functional. Borstal institutions help reducing the social trauma related to a prisoner in an adult jail. Some of the respondents were of the view that in a borstal institution they could also work on skills development. Doing so, they could become effective members of the society when they are released from the institution. The

borstal institution can be considered as an alternative to the normal educational institutions. Juveniles are provided with proper, formal, informal and madrassa education inside the borstal institution.

One of the respondents from the legal counsels-Aftab Khan said that:

“There is not even a single functional borstal institution in the whole KP Province, due to non-availability of borstal institution juvenile inmates are kept in jails along with adult prisoners, which may cause lots of problems, they indulge and learn negative activities like drug use and adult prisoners exploit juvenile prisoners sexually”.

The presence of borstal institutions is of great importance everywhere. In the absence of borstal institutions in places like KP, juveniles are treated in a way that goes against the values of basic human rights. They are kept in an overcrowded and unhealthy environment with the adult prisoners. In the presence of the adult prisoners, juvenile inmates are exploited sexually which could be avoided if the borstal institutions were present. Adult prisoners have easy access to drugs; therefore, juvenile prisoners were also in some cases getting addicted to drugs due to frequent interaction with adult prisoners. Due to the absence of borstal institutions, the juveniles were kept in crowded cells close to each other, which results in reduced living conditions negatively affecting the overall health of the juvenile prisoners.

Data from probation officers

Probation officers were of the view that a borstal institution should be a place where the juvenile inmates are sent instead of jail. Most of the respondents said that the JJSO (2000) was meant to protect juveniles who commit any crime or engage in negative activity which is forbidden by the law. They further added that in JJSO (2000) there is a provision for mandatory availability of borstal institution for juveniles who are involved in any unlawful activity. Some of the probation officers shared that in borstal institutions, all the basic

facilities were provided to juveniles. They further added that the best way to socialize and guide juvenile prisoners was to release them on probation. The alternate was the borstal institution where they had access to a proper schooling system, health facilities, recreational facilities, religious education, skill development programs, rehabilitation and counselling were provided to juveniles.

A few of the respondents from the group of probation officers report;

“JJSO 2000 is not practically applied in Pakistan due to that there is no functional borstal institution in Khyber Pakhtunkhwa. Juvenile inmates are sent to jails where their rehabilitation is not possible, and they become a part of the criminals at jail”.

Respondents believed that the JJSO (2000) was not applied practically; this was due to a failure of the government to apply it. Juvenile inmates were sent to jail because of the non-availability of functional borstal institutions in Khyber Pakhtunkhwa. There was only one borstal institution at the province in district Bannu but that was also not functional. Juvenile inmates are sent to jail for rehabilitation and reformation, but in Pakistani jails, there are no rehabilitative measures for juvenile inmates. Juvenile inmates become further involved in negative activities in the jails they become habitual drug users and make relations with adult prisoners. Probation officers further added that juvenile inmates were fearful of jail staff who beat juveniles and used vulgar languages to juvenile inmates. Jail staff did not provide the recreational facilities and development programs mentioned in JJSO (2000) which calls for basic facilities to be provided to juvenile prisoners. Whereas, in borstal institutions, education, skill development programs, recreational facilities, shall be provided to juvenile inmates. They further added that in borstal institutions the socialization, counselling, rehabilitation and reformation of the juvenile inmates were quite better than that of adult jails.

Data from jail staff

According to JJSO (2000), there should be minimum one borstal institution in every district of the province, but still after the introduction of JJSO (2000), in the last 17 years there has been only one borstal institution in Bannu in the whole province of Khyber Pakhtunkhwa, but that was not functional. According to JJSO (2000), juveniles should be sent to borstal institutions rather than jail. Borstal institutions must be included with separate beds, toilet facilities, recreational facilities, hospitals, a psychiatrist, proper medical treatment and the environment will be highly hygienic. Most of the jail staff believed that they provided all the existing facilities to juvenile inmates in the jail but not as per standards of a borstal institution. They were of the view that despite the lack of borstal institutions they were trying to provide basic facilities at the jail. They further added that they wrote many applications to the magistrate complaining that they were stricken by overcrowding, due to which juvenile inmates were also disturbed psychologically. They shared that there was a need for separate jail or to release juvenile prisoners on probation, but their responses have not been appreciated. There were no borstal institutions for juvenile inmates, due to which they were put in the same jail with adult criminals. Some of the jail staffs said that there were no facilities of the academic education for juvenile inmates at the jail. They were trying their best to teach some of the juvenile prisoners who were already enrolled in schools before being arrested. They also added that at the jail, health facilities were provided but also acknowledged that these were not up to the mark as they had a limited financial budget for health facilities.

Critical discussion of borstal institutions for juvenile prisoners

The relative environment and services at selected jails of KP were evaluated. It has been discussed detail in this section with reference to borstal institution under the variable of no exclusive jails or borstal institu-

tions for juvenile inmates. From the provisions of JJSO (2000), there should be borstal institutions in every district but there was no single functional institution in the whole province. Juvenile inmates were living along with adult prisoners at the jail where they were not provided the recreation, proper education and health services mandated by JJSO (2000); this had disturbed the smooth functioning of their lives. The non-availability of such services which were provided at borstal institutions to juvenile inmates was discussed in detail with the consonant and inconsonant views of the stakeholders of the justice system.

Consonant views of juveniles vs agents of justice system

Table 2 is about the relative facilities and services at the jail with reference to the borstal institutions. When asked about the disturbance of the smooth functioning of juveniles' lives at the jail, most of the juvenile respondents in the quantitative portion of the study and all stakeholders in qualitative data supported and confirmed each other's results and said that jail life has disturbed the smooth functioning of juveniles' lives. They added that jail environment ended their freedom and their happiness because at jail there were no facilities were provided to them. They reported that every prisoner is considered a criminal at the jail. They had started a new life at the jail, which was very different from their own previous life at home. Juvenile inmates further added that without their family, relatives and friends, jail environment resulted in the disturbance of their normal life. Probation officers further added that jail is not an appropriate place for juvenile inmates. The better solution is to release them on probation, but the magistrates were not ready to release them on probation. The study findings of Smith (1998) supported both the results of the study; according to Smith, jail environment can be quite destructive to juveniles' lives. Jail separates them from their friends, families and it disturbs their schooling. According to him, some jails pro-

vided different types of facilities to juveniles for recreation, which differ from jail to jail. He further added that jail environment disturbs the personality of juvenile inmates because they interact with adult criminals and learn new techniques of crimes. No doubt, juvenile inmates have the right to the provisions of all basic facilities at the jail, but because there were no basic facilities for them in the selected jails of Khyber Pakhtunkhwa, the smooth functioning of juveniles' lives were disturbed.

Answering to a statement about the provision of skills development programs for juveniles at the jail, all agents of the justice system confirmed that there were no such development programs for juveniles at the jail. Both quantitative and qualitative data confirmed that there were no skill development programs. According to UNICEF (2006), at jails, there should be structured programs where skills of inmates shall be developed. Juveniles shall be supported in finding jobs for themselves after releasing from jails. It has been analysed from the discussion that the absence of skill development programs at the sample jails of KP have negative effects on the well-being of juveniles.

Inconsonant views of juveniles, probation officers and legal counsels vs jail staff

When asked about the availability of recreational services at the jail, juvenile inmates said that NGOs have provided sports goods, but the jail staff took those goods from them and did not provide them. The results of quantitative data were confirmed and supported by qualitative data from all stakeholders except jail staff. Legal counsel and probation officers argued that depriving recreational facilities to juveniles is the violation of JJSO (2000). On the other hand, jail staff in qualitative data reported that in each barrack of jail, there is television for the entertainment of juvenile inmates. They further added that due to the lack of a playground at the jail they could not provide outdoor recreational facilities to them. According to the findings of Smith (1998), jail

environment separates juvenile prisoners from their families and friends and disturbs their proper socialization; jail environment also disturbs their schooling. According to Smith (1998), across the world, many types of services are provided to juvenile inmates at borstal institutions. Such services include education, physical and mental health and especially recreational facilities. These kinds of institutions provide more recreational facilities for juveniles because it keeps them safe from different mental issues and criminal tendencies. Moreover, recreational facilities also help in the proper development and rehabilitation of juvenile inmates, so that they may become productive citizens when they are released from jail.

Similarly, when asked about the availability of medical facilities for juvenile inmates, juvenile prisoners shared that there were no such facilities for them in jail. Jail staff gives one kind of tablet for every kind of illness or disease. They further added that jail staff did not shift them to the hospital, even if they fell severely ill. All agents of the justice system except jail staff supported the above finding through qualitative data, whereas jail staff shared that they provided the entire medical facilities to them. Jail staff further added that there was a hospital in the jail in which they had a medical specialist doctor who provided medical treatment to juveniles. According to the ICG (2011), due to lack of funding and other governmental aid, prisoners face severe problems of health due to lack of medical facilities at the jail. The living environment for prisoners is terrible, irrespective of sufficient funding to jail. Moreover, there was a lack of health care services and adequate medical facilities. HIV/AIDS and other infectious diseases were also reported in some of the selected prisoners.

Furthermore, juvenile inmates reported that they haven't slept well at the jail. They were of the view that due to overcrowding, they had no place for sleeping neither did they have sleeping mattresses at the jail. The

above views of juveniles were supported through qualitative data of all agents of justice system except jail staff, who were of the view that they had provided all the available resources to juvenile prisoners. The findings of the Rodriguez (2007) and U.S Department of State (2013) supported the results of the study. According to their studies, many problems prevailed due to living conditions at different jails across the globe. The above discussion shows that juvenile prisoners had neither slept, nor they lived a relaxed life as per minimum standard at jail due to incongruous jail environment.

The results of this study highlights lack of basic living standard, environmental issues, dirty living areas and unhygienic food for juveniles. Besides the lack of borstal institutions and negligence of government to establish it, the data used in this study shows that the living standard and environment of the adult jails was not suitable for juveniles. These issues are the priority areas to be investigated and some policy measures be suggested. The results prove that adult jails of KP can't be recommended for the juvenile inmates because environment of sleeping areas, quality of food, cleanliness of washrooms and hygienic conditions of the kitchen and dining halls were not fulfilling the minimum standards. The lack of healthy and a standard environment has been badly affecting the physical condition, mental health and socio-psychological aspects of juvenile inmates. Therefore, not only the lack of separate borstal institutions is a serious issue, but provision of a healthy, safe and secure environment is also mandatory for the well-being of juvenile inmates.

CONCLUSION

It has been concluded from the study that there was no functional borstal institution for the juvenile inmates in the entire KP province to provide them a feasible living environment. Juveniles were incarcerated in the same jails with adult prisoners whereas the jail authority does not provide the basic facilities and

healthy environment to the inmates. There were no outdoor recreational facilities and human friendly social environment for the juvenile prisoners. In jail environment, most of the juveniles were feeling marginalized because they were having no friends and educated company to whom they can share their feelings and other related issues. Simply, the adult jail's environment disturbed their physical and mental health, and the happiness to live a healthy life. In adult jails, they were not provided medical facilities like those provided in the borstal institutions and their hygienic condition was very poor. There was no standard hospital in the jail, no qualified medical doctor for treatment and no ambulance to shift juveniles during an emergency to hospital. There were no skill development programs for juveniles in jails and they were facing overcrowding problem in jail environment. Due to over-crowding, juveniles did not sleep well, because there was no proper bedding system for juvenile inmates in targeted jails which ultimately affects their health. It has been suggested that government and jail authority must provide the basic facilities to the juvenile inmates such as medical facility, skill development programs and recreational facilities etc., in the jail environment. The political leadership of the country and the policymakers must practically apply the JJSO (2000). The law specifically mentions that the borstal institutions shall be established by the government in every district of the country for the juvenile inmates. The federal as well as provincial governments must provide more funds to the existing adult jails and develop new standard jails and borstal institutions for the inmates. Specific allocation of funds through the federal and provincial legislatures is direly needed.

The timely utilization of such funds must be monitored by parliament through special standing committees of their respective legislatures. Doing this would improve the living conditions of juvenile and the jail environment should be made much better for they are

one among the future individuals of the country.

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