



**ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL**

Available Online: <https://assajournal.com>  
Vol. 05 No. 01. Jan-March 2026. Page#. 2866-2878  
Print ISSN: [3006-2497](https://doi.org/10.3006-2497) Online ISSN: [3006-2500](https://doi.org/10.3006-2500)  
Platform & Workflow by: [Open Journal Systems](https://openjournal.org)



**Natural Disasters as Criminogenic Forces  
A Socio-Legal Analysis with Reference to Pakistan**

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**Abstract**

*The 2005 Kashmir Earthquake, whose epicentre was Muzaffarabad, caused more than 73,000 to 87,350 but some estimates were higher than 100,000 casualties, and massive displacement in Khyber Pakhtunkhwa and Kashmir. Although the physical damage that occurred during the disaster was immediate, its socio-legal impacts in the long run have not been well-researched. This paper discusses how far natural disasters can lead to criminogenic forces, which lead to the development of criminal behaviour. This paper examines how structural failures, such as poor rehabilitation and social dislocation, may create entry points to criminality through a socio-legal analysis of a case study of a person who lost his parents in the earthquake and then found himself in a severe state of deprivation in the aftermath of the disaster. The paper also evaluates the possibility of such states resulting in abuse of basic rights and greater susceptibility to state abuses. This paper argues that when natural disasters, together with poor state response, may provide conditions that allow crime to thrive, a re-evaluation of disaster management policies in the light of criminology and human rights is required.*

**Keywords:** Criminogenic Forces, Socio-Legal Analysis, epicenter, casualties, deprivation

### **Chapter 1 Introduction**

The 2005 Kashmir Earthquake stands as one of the most devastating natural disasters in Pakistan's history, resulting in tens of thousands of deaths, widespread destruction, and the displacement of millions across Khyber Pakhtunkhwa and Azad Jammu and Kashmir. Entire towns such as Balakot and Muzaffarabad were reduced to rubble, leaving communities fragmented and vulnerable.

While the immediate physical destruction of the disaster has been widely documented, its long-term socio-legal consequences remain insufficiently explored. In particular, the relationship between large-scale natural disasters and the emergence of criminal behaviour has received limited academic attention within the Pakistani context.

Natural disasters often disrupt social structures, weaken institutional control, and create conditions of economic deprivation and psychological trauma. Such environments may contribute to increased vulnerability to criminal activity, either as a means of survival or as a consequence of social disorganization.

This paper examines the extent to which natural disasters can serve as criminogenic forces, with a specific focus on Pakistan. It argues that inadequate post-disaster governance, coupled with social and economic dislocation, can create conditions conducive to criminality and may also expose affected individuals to violations of fundamental rights. The study adopts a socio-legal approach, supported by case study analysis, to explore these dynamics.

### **Chapter 2 Background and Context**

The South Asia earthquake, or the 2005 Kashmir earthquake, is a disastrous natural disaster that hit the Himalayan region on October 8, 2005, at 8:50 AM local time. It was about 10 KM deep. Located near the city of Muzaffarabad, the capital of Pakistan-administered Azad Jammu and Kashmir (AJK). This shaking was about 60 seconds long, and more than 1,700 aftershocks by the year-end. In Pakistan, the number of deaths registered was somewhere around 73, 000 to 87, 350, but there are estimates of above 100, 000. More than 138, 000 individuals were wounded. Whole towns and villages were flattened, leaving almost 3 to 4 million homeless. The earthquake affected three countries, though northern Pakistan was the worst-affected country. (Parsons, Yeats et al. 2006)

The towns of Balakot and Bagh were almost destroyed. Thousands were buried in school and hospital buildings in Muzaffarabad. India reported about 1,350 to 1,360 deaths in Jammu and Kashmir, mostly in the Uri and Tangdhar sectors. Minor damage and four fatalities were reported in Afghanistan. (Ali, Mir et al. 2010)

According to the report of Relief Web published by Reuters, it was observed that almost 850 children were buried and trapped under the debris of two schools. A faint voice of a boy from debris in which 200 children were buried, according to residents, it was "Save me, call my mother, call my father,". On Sunday morning, a teenage girl by the name of Busra was dragged out, dust-covered, and with leg injuries. We were sitting down when it happened, we tried to stand up and fly, but all just caved in, she said. I was buried in there up to my neck. They have a lot of others there. (Reuters 2005)

In Balakot, Garlat Government High School of Boys, there is a mass grave holding the bodies of 82 to 85 students killed when the school building collapsed. When school was formally reopened by Prime Minister Shaukat Aziz saw a row of graves of children who died when the school building collapsed on October 8. The prime minister was informed that 200 students of the school died in the quake, out of 735 students of the school. The school also lost four teachers and two other employees, and the school building was destroyed. (Ahmed 2005)

On October 17, 2005, UNICEF warned that children who were separated after the 2005 Pakistan earthquake were extremely vulnerable to exploitation by traffickers, recommending that such children be strictly registered and guarded by the government. The alarm, which is quoted as "Pakistan: UNICEF warns against possible exploitation of child earthquake victims," has pointed out the risk taken by unscrupulous people when there are no traditional guardians around (and it has announced an emergency to all individuals who were victims of the

earthquake). Omar Abdi, UNICEF Pakistan Representative, mentioned that it is too early yet to discuss adoption. He also said that unaccompanied children who might be orphans are best taken care of by the authorities, who are well prepared to take care of them. UNICEF is working through the government's Ministry of Social Welfare and Child Protection whose officers will provide care for the children until every effort to try and trace their relatives and reunite them with their families has been exhausted, "beside all of these international bodies existence and emphasis on again and again regarding adoption of all those who lost their caregivers were the main priority. . (UNICEF 2005)

Beside all of this de-jure system and de-facto to some extent, some unofficial adoption that wasn't recorded of all those children of disasters, by either their families or some NGOs was never recorded, few unofficial adoption was also adopted at Battal a remote village of district Mansehra kpk Pakistan at Latitude: 34°35'0" N (34.5833°) Longitude: 73°9'0" E (73.1500°).our subject name is Amir(pseudonym used ) was also one of them .they were three siblings one sister and two brothers, Amir after death of his parents was adopted by his uncle and his others siblings was also adopted by other family members one by one, Amir was youngest of them all.

Separation from his siblings was the first major change Amir faced in his life, following the death of his parents. His uncle informally adopted Amir, and he was compelled to reside in the home of his uncle with completely different people and new brothers and sisters. Having been deprived of any immediate post disasters treatment and not staying in the trauma centres he had to adapt to a completely new place after some time he chose the culture of such family and there was a show of weapons(gun culture) in new home where Amir was living in and his uncle admiring him became a major part in influencing his behaviour which can be replicated in his life.. His other sibling (two brothers and a sister) was adopted by other families other than his. One of Amir's brothers is working as a coffee artist in the Gulf; the other one is working in a multinational company in Pakistan. Amir has a sister who is married to a Pakistani businessman.

The 2005 earthquake was not horrible in itself, but it marked the beginning of an endless series of operations of destruction that, in addition to the gross physical devastation, led to a significant social dislocation of the population, such as family separation and displacement, as well as institutional weakening. These conditions resulted in settings that were characterized by financial difficulties, absence of parenting, and vulnerability, especially among children and the disadvantaged. Such situations, as the voices of various organizations like UNICEF show, raise the chances of exploitation and deviant behavioral consequences in the post-disaster period. (UNICEF 2005)

It is necessary to study these circumstances in the light of criminological theories and a case example to explain how disasters act as a criminogenic force.

### **Chapter 3: Theoretical Framework: Explaining Crime in Post-Disaster Contexts**

In analyzing the criminogenic effect of the 2005 earthquake, our work will revolve around multiple theories that will build up a narrative on how disasters act as a criminogenic force.

#### **3.1 Social Disorganization Theory**

The theory can be traced to the 1920s -1930s when the Chicago School of Robert E. Park, Ernest W. Burgess, Clifford R. Shaw, and Henry D. McKay formulated the Social Disorganization Theory that explains differences in crime rates among neighborhoods by highlighting the importance of community structure and social cohesion, as opposed to individual characteristics.(Kubrin 2009) As the disaster or some unexpected event shakes up the institution or disorganizes the population of such a place, lawlessness of the state develops, or a wave of crimes appears. These displaced individuals suffer mentally, physically, and emotionally, and they can no longer live in a conducive environment. (Gonzales, Fajardo et al. 2024)

These institutional structures are disrupted by nature by natural disasters. Mass displacement, destruction of infrastructure, and community fragmentation were caused by the large-scale events like the 2005 Kashmir

Earthquake. These conditions undermine informal social controls and produce the conditions of instability and uncertainty, which can lead to more criminal behavior.

This theoretical approach is evident in the case of Amir, who, after displacement, was moved to a new environment in an urban setting. Lack of stable social institutions and communal support systems exposed him to disorganized social environments, thus making him more vulnerable to deviant influences. This shows how disorganization in the social fabric in the wake of a disaster can pave the way towards criminality. The ultimate violation of the societal standards on the part of Amir was not a consequence of some underlying criminality, but an understandable reaction to the disintegration of the social constructs that had previously dictated his actions.

### **1.2 Anomie and strain theory**

Emile Durkheim's concept of anomie (Anomie comes from the Greek *anomia*, meaning "without law" or "derangement") is a state of normlessness. It tells us that when society goes through a sudden, harsh challenge, it breaks the very social moral fabric that was upholding it. The state/society falls into a Hobbesian state, and the very moral norms upholding society collapse, weakening social control. (Durkheim 1897)

Such a concept was extended in strain theory by Robert K. Merton; it poses societal emphasis on success without equal and legitimate access to needs\goals it creates a strain (a gap or frustration that drives behaviors of an individual). He further argued that when legitimate opportunities to achieve culturally approved goals like wealth are blocked, individuals adapt through five modes: conformity, innovation, ritualism, retreatism, and rebellion. Crime often emerges in the "innovation" response, where societal goals are accepted but illegitimate means are used. (Merton 1938)

For Amir, the earthquake was the ultimate 'Anomic' event. The state's failure to fulfill its *Parens Patriae* (Parent of the Nation) duty. failures to provide structured trauma care or formal guardianship led to his 'informal adoption' into a stranger's household—his uncle's family. This displacement acted as a criminogenic force; by separating him from his siblings and depriving him of a stable, supportive home (the 'legitimate means' for development), the environment created an intense psychological strain. Following Merton's typology, Amir adapted through 'Innovation' (using illicit means for survival) and eventually 'Rebellion,' as he rejected the legal structures of a society that had effectively abandoned him in his moment of greatest need.

### **1.3 General Strain Theory**

Merton has been reformulated by Robert Agnew in the 1990s. His General Strain Theory increased the causes of strain. It points out that it is not just the economic factors that make an individual deviate in his behavior (criminals), but some of the emotional or psychological behavior also support it (e.g., death of a loved one), negative treatment (e.g., bullying), and failure to achieve goals. It proposed the emotional responses, particularly anger, as intermediaries between strain and delinquent behavior. (Agnew 1992)

In the case of Amir, the 2005 earthquake represented an apocalyptic removal of positive stimuli with the sudden death of his parents. This trauma was exacerbated by the negative stimuli of the unregulated, unofficial adoption. Being displaced to a new social order with new brothers and unfamiliar people, Amir was subjected to what Agnew defines as chronic strain. His deprivation of economic relief as well as emotional stability turned into an internal, frustrating force that became criminogenic. Without state-funded trauma intervention, Amir never chose to become a criminal; it was an emotional response to a world where he had no legitimately available means of psychological or physical healing.

#### **1.4 Social Learning Theory,**

Social Learning Theory was developed by Albert Bandura in the 1960s and 1970s, and it describes how individuals learn behaviors, values, and attitudes by observing and imitating others. The seminal experiments by Bandura in the Bobo Dolls showed that children did not require direct rewards to learn aggression, but only needed to be exposed to a model of the act to learn to perpetrate it.(Bandura 1963) Bandura's experiments with Bobo Dolls demonstrated that children did not need a direct reward to learn aggression, but just needed to be exposed to a model of the action to learn to commit it.(Bandura 1961) In a post-disaster context, the social environment becomes a critical 'criminogenic force' as traditional moral anchors are replaced by whoever is present in the survivor's immediate circle.(Bandura 2021)

This theory is a direct cause of how Amir became a victim of the earthquake and the potential offender. The lack of traditional guardianship and formal registration exposes separated children to grave threats of exploitation and negative influence, as UNICEF cautioned on October 17, 2005. Since state-run rehabilitation and trauma centers had to pass Amir over, he was left in an unmonitored setting with his uncle. In this case, he underwent vicarious reinforcement whereby, through watching and being admired to imitate a gun culture, he internalized the idea that weaponry and intimidation are acceptable means of social power. This initial exposure to the illicit behaviours offered the special technical and mental training that was later to be exhibited in his Karachi criminal activities. In the light of Social Learning Theory, these environmental factors are very important determinants of behavioral outcomes. These processes of normalizing and supporting deviant practices in the immediate environment of Amir were one of the contributing factors to his heightened vulnerability to committing a crime, thus showing how post-disaster spaces can serve as criminogenic spaces.

#### **3.5 Routine Activity Theory (RAT)**

Routine Activity Theory is a theory proposed by Lawrence Cohen and Marcus Felson (1979), and it assumes that crime is not an event that is complex event in the psychological situation but rather an event. It involves the meeting of three crucial factors in space and time: (1) a Motivated Offender, (2) an Adequate Target, and (3) the Lack of a Competent Guardian. According to the theory, the absence of any of these elements will prevent the criminal act.(Cohen and Felson 1979)

The 2005 earthquake served as a disastrous upheaval of parenting in the case of Amir. Since his early childhood, the disaster had deprived him of his primary guardians (his parents) and his secondary guardian (the protective administrative reach of the state). This 'Guardian Vacuum' continued into adulthood. After internalizing a motivated criminal identity by means of Social Learning (on behalf of his uncle), Amir started to find criminal circles in Karachi. These associations brought the ultimate convergence: they singled out Suitable Targets, including victims of robbery, in places where there was no guardianship. (Cromwell 1995) His last robbery that resulted in his encounter and death is the culmination of a lifetime of insufficiency of protection and an acquired incentive to criminal profit.

### **Chapter 4: Case Study Analysis**

#### **4.1. Introduction to the Case Study**

The process of transforming a person into a victim of a natural disaster into a perpetrator of violent crime is not a linear one; instead, it is an interplay of environmental degradation, psychological trauma, and state-based guardianship failure. The story of an orphan Amir of the 2005 earthquake can be discussed as a rather sad empirical confirmation of the theories examined in the previous chapter. His life path shows how Anomie, which appeared out of the blue after the tragedy, disrupted the main social restraints of his life, and the General Strain of losing his parents put a lasting emotional frustration in his soul.

Amir was hurled into a chaotic city setting in Karachi in the absence of the Capable Guardianship that is required by international standards and cautioned by the UNICEF. In this case, his moral education was substituted by the process of Social Learning with a gun culture, and his survival instinct turned into a criminal habit. This chapter shows that a disaster is a criminogenic agent by examining how Amir travelled, through the destruction of Mansehra, and through the informal adoption by his uncle, to his ultimate fatal confrontations with the Sindh Police, in the absence of a protective legal and social vacuum provided by the State to its most vulnerable survivors.

#### **4.2 Early Life and Disaster Impact**

The traditional "informal social controls" of a stable family unit ruled the life of Amir before the disastrous events of October 2005 in Mansehra. His parents and the orderly surroundings of his local community controlled his behaviour as a ten-year-old child- things that criminologists consider to be the greatest deterrents of juvenile delinquency. In this pre-disaster phase, the Capable Guardians were evident, and his social development was in tandem with the normal societal expectations. The October 8, 2005, earthquake was a criminogenic catalyst of violence that immediately liquefied these protective structures.

The 7.6 magnitude earthquakes not only ruined the physical infrastructure in Mansehra, but they also wiped out the Social Fabric that supported the world of Amir. The abrupt loss of both his parents was the final "Removal of Positive Stimuli," to use the words of the General Strain Theory by Robert Agnew. Within a few seconds, Amir was transformed from an endangered child into an endangered survivor in a state of Anomie (normlessness).(Bandura 2021)

This was an immediate post-disaster state of nature that was Hobbesian in nature, with the rule of law giving way to the struggle for survival. The loss of his family and his house, destroyed by fire, left an institutional vacuum. When the State was failing to put in place trauma centers or even official registration of the separated children, Amir was placed into a high-risk "Guardian Vacuum." This absence of direct action by the state and the trauma of his loss formed the original psychological Strain, a strong feeling of injustice and fear, which would form the basis of his future deviance. This loss was traumatizing, and there was no immediate psychological or institutional support, which preconditioned the conditions in line with the concept of anomie, when the established norms and structures are no longer effective.

#### **4.3 Post-Disaster Displacement and Social Breakdown**

The movement after the earthquake of October 8, 2005, was a complete disintegration of the social order and not a simple change of location of people. Having left more than 3.5 million people homeless and destroyed about 600,000 homes, the ensuing huge internal migration deprived those who survived, such as Amir, of their communal identities and protective ties.

In criminology, Social Breakdown is a situation where the institutions that uphold order, such as family, schools, and local law enforcement, are dysfunctional. Those structures were destroyed by the earthquake, with more than 6,000 school buildings collapsing and thousands of students and teachers being killed, leaving a vacuum in administration, and legal and moral laws were disregarded. This Anomie was especially risky to the most vulnerable group: separated children. When survivors were rounded up, either into tented camps or into other cities such as Karachi, UNICEF sounded a red flag on October 17, 2005, of the possible exploitation of child earthquake survivors by unscrupulous elements. The agency especially requested the government to put in place stringent registration procedures and to put in place the use of Child Protection Officers to check against unauthorized, informal adoptions. But Amir's path shows the devastating effects of getting lost in these institutional gaps.

Amir lost all his "Collective Efficacy" by going around the state registration system and relocating to Karachi without any bona fide check. He grew up in a small, close-knit community, where all adults were guardians in the small town of Mansehra; in Karachi, where the city was not organized at all, he was an anonymous figure.

This dislocation trap did not merely shift his place; it had taken away his "Capable Guardians" and put a threatening space in its place, which led him to later turn into a criminal, a sociologically predictable repercussion of a failed state-defensive process. These conditions are indicative of the dynamics in the Social Disorganization Theory, in which a weakened community structure and broken social networks make people susceptible to the effects of deviant influence.

#### **4.4 Exposure to Deviant Environment**

The social vacuum and the following deviant environment also influence the transformation of an earthquake victim into a perpetrator significantly. After the 2005 earthquake, Amir was propelled into a criminogenic social setting by the unofficial adoption into a family where the rule of law took a back seat to survival and authority. This change is most aptly explained by the Differential Association Theory by Edwin Sutherland, which states that criminal behaviour can be acquired through exposure to small personal groups. By relocating to Karachi to live with his uncle, Amir was cut off from the law-abiding definitions of his parents and hometown. Here, he was introduced to a new environment of a so-called Gun Culture in which guns were rebranded and turned into a status symbol instead of an instrument of violence. Since these associations commenced at the impressionable age of ten (priority) and included a large father figure (intensity), the definitions that were favorable to the violation of the law soon preponderated over those that were not. This was then further cemented by the concept of Social Learning Theory.

This was then further cemented by the concept of Social Learning Theory, (Bandura 1961) of Albert Bandura, namely via the process of modelling. Without state-sponsored trauma counselling, Amir's uncle was his main role model; Amir learned through his uncle that might is right by watching the way he was intimidating his victims. An important psychological trigger was when Amir used weapons at a tender age, and when it was met with humor and compliments, which Bandura would term vicarious reinforcement. This social acceptance of aggressive behaviour practically removed the moral brakes that normally prevent a child from being violent.

Finally, the 2005 earthquake was a silent enabler as it ruined the capacity of the state to keep an eye on the vulnerable orphans. Although UNICEF made an explicit warning on October 17, 2005, about the dangers of exposing children who are separated to such a situation, the inability of the state to screen the new environment that Amir was entering ensnared him in a criminal social group where gun handling and denial of authority were considered as survival mechanisms as opposed to criminal offenses. In terms of Social Learning Theory, this exposure was a key factor in his behaviour development. These patterns Amir started to internalize through the means of observation and imitation, and as time progressed, he found himself associating power and social acceptance with the use of force.

#### **4.5 Transition into Criminal Behaviour**

The last phase of the Amir trajectory- the transformation of a traumatized young man into a convicted criminal- is most likely to be explained by the Routine Activity Theory (RAT). (Bandura 1963) Amir became a Motivated Offender with the strain of his early losses imprinted in his mind and a gun culture inculcated in him through social learning. The move of Amir to the hyper-urban and socially disorganized Karachi gave the two other conditions needed to commit predatory crime: Suitable Targets and the Lack of Capable Guardians. The "informal social controls" that would have discouraged him in Mansehra were absent in the urban high-density, anonymous streets of the city.

Amir started associating with criminal gangs and finding victims to snatch and rob with a gun, which Amir had been conditioned psychologically to consider survival strategies and not crimes. It was this shift that resulted in the murderous robbery that saw him arrested and eventually executed. His acquired habits, combined with a circumstantial occasion, led to a bloody clash in which the state, which had hitherto been non-existent as a Protective Guardian in the child, ultimately became a reactive element, a force of punishment.

The subsequent experience of Amir with the Sindh Police is the ironic tragedy of the life of Amir: the state could not recognize him as a vulnerable orphan in 2005, but managed to recognize and deal with him as a hardened criminal a few years later. Finally, the earthquake in 2005 served as the main criminogenic factor and deprived Amir of parental controls, and substituted them with a legal and social vacuum. It was this vacuum that enabled the habituation of crime to take root, and it was a fact that, in the absence of prompt state action, the effects of a natural disaster can be directly used to breed the process of generational violence and crime.

Such conditions are in line with General Strain Theory that stresses the importance of emotional reactions in deviant behaviour, e.g., anger and frustration. Also, a lack of proper guardianship and access to criminal circles of influence gave a chance to engage in crime. This is a representation of the structure of the Routine Activity Theory, wherein the interaction of a motivated criminal, appropriate targets, and the absence of supervision enhances the chances of committing a crime.

#### **4.6 Analytical Synthesis: The Natural Disaster as a Criminogenic Force**

The example of Amir offers a terrifying empirical map of the way in which a natural catastrophe serves as a long-lasting criminogenic pressure. The earthquake of 2005 did not just leave physical destruction; it was a sort of sociological engine that propelled a child who had been law-abiding into a criminal path. This synthesis combines our theoretical point of view to demonstrate that the disaster itself, rather than the individual, brought about the criminal result.

First, the disaster was a Macro-Level Disruptor as it created a state of Anomie. The earthquake destroyed the ethical parameters that govern human conduct by immediately destroying the so-called informal social controls (homes, schools, and community elders) in Mansehra. This institutional breakdown resulted in what criminologists refer to as Social Disorganization, where the catastrophe-induced relocation of millions left the survivors without identities as a community and pushed survivors into the anonymous, risky urban spaces of places like Karachi.

Secondly, the disaster was a Psychological Catalyst by way of General Strain. The catastrophic emotional trauma was formed because of the earthquake, the Removal of Positive Stimuli that was the sudden death of both parents. The legitimate means of survival were covered in the debris of the tragedy, and the victim had to turn to the Mertonian Innovation. The tragedy did not simply result in sorrow; it brought about a survival-at-all-costs mentality in which criminal deviance was an acceptable solution to a setting that was now devoid of all the usual supports.

Lastly, the disaster was a Crime Situational Enabler. The earthquake left a lasting Guardian Vacuum by destroying the existence of the so-called Capable Guardianship (the family unit and local security). This vacuum created by disasters, which had been warned by UNICEF on October 17, 2005, enabled the habituation of crime to set roots. The Disaster gave the Motive (Strain), the Environment (Disorganization), and the Opportunity (Lack of Guardians). In the end, Amir's path confirms the 2005 earthquake as the main criminogenic factor; it put a blank slate in a place and, with a series of catastrophe-driven events, socially constructed a convicted criminal.

The example of Amir shows that natural disasters can be criminogenic forces using a series of pathways that are interconnected with each other. The first disturbance brought about by the disaster was the generation of circumstances of anomie and social disorganization, which were exacerbated by emotional stress and institutional non-support.

Exposure to deviant social surroundings over time helped to learn and normalize criminal behaviour, and also the lack of effective guardianship helped to transition into actual criminal behaviour. The multi-layered process emphasizes the idea that criminal behaviour after the disaster cannot be explained by a single factor, but rather it can be gained as a result of structural, emotional, and environmental interactions.

Natural catastrophes, in turn, along with the insufficient system of governance and social protection, can set the grounds that may substantially raise the likelihood of criminal consequences. This case is in line with the current criminological literature on social breakdown and vulnerability following a disaster.

## **Chapter 5: Legal and Human Rights Analysis**

### **5.1 The Doctrine of Parens Patriae and State Responsibility**

The major legal issue in the case of Amir can be investigated based on the doctrine of parens patriae (parent of the nation), according to which the State must take the responsibilities of those people who cannot take care of themselves, especially orphans and the weak. This doctrine has been considered to be the foundation of the protective role of the State towards such populations. This duty became particularly important in the aftermath of the 2005 Kashmir Earthquake, when there were many displaced and unaccompanied minors. Nonetheless, the constraints in the execution of child protection measures, such as registration and monitoring procedures, which were mentioned by UNICEF, led to the gaps in governance in some cases.

This regulatory vacuum may be associated with the informal placement of the subject in the unregulated environment in the current case. Lack of proper state control led to lack of proper guardianship, thus leaving the individual at the mercy of the social forces that could be detrimental. Moreover, the role of the State is not limited to immediate relief but long-term rehabilitation and reintegration of disaster-stricken children. Any constraints in meeting these requirements can add to the circumstances that make one susceptible to criminogenic routes. In this respect, the inability to provide a sufficient level of post-disaster protection may be regarded as one of the factors of the larger socio-legal mechanism by which the power of natural disasters acts as a criminogenic factor.

### **5.2 Violation of Constitutional Guarantees (Constitution of Pakistan, 1973)**

The case of Amir brings up critical issues pertaining to the degree to which key rights enshrined in the Constitution of Pakistan, 1973, can be affected in post-disaster situations. Some of the provisions of the Constitution are especially applicable to the evaluation of the responsibilities of the State towards vulnerable people who suffered during the Kashmir Earthquake in 2005.

Article 9 (Right to Life and Liberty): Courts have also understood the right to life as encompassing the right to life not only in its physical sense of survival but in a dignified life, as well as one that is safe and secure. The lack of effective post-disaster guardianship and monitoring systems in the current case could be a signal of constraints in the provision of protection of the wider aspects of this right. This absence of orderly supervision of Amir placed him in conditions that could have led to his susceptibility. (1973)

Article 25-A (Right to Education): Article 25-A provides the right to free and compulsory education to children aged 5-16 years. After the calamity, the disturbances in the availability of education, coupled with the lack of proper state-funded alternatives, could have restricted Amir from further formal education. This type of deprivation would make one more prone to negative social influences and less social mobility, which in turn would lead to circumstances related to deviant behaviour. (1973)

Article 35 (Protection of Family): The Constitution states that the State has to protect the family, the mother, and the child. This role is expanded to orphaned children, where the need is to ensure that they are placed in safe and controlled conditions in cases of disaster. Global standards like those offered by organizations like UNICEF call for the need to verify, register, and monitor unaccompanied minors through strict procedures. The informal arrangements in the case of Amir and the lack of proper supervision can indicate the absence of securing these protective duties. (1973)

All these factors indicate that restrictions in the application and execution of constitutional guarantees in the aftermath of disasters can lead to factors that make individuals more prone to social disorganization and criminogenic factors, as opposed to becoming criminals.

### **5.3 International Human Rights Framework (UNCRC)**

As a State Party, Pakistan is bound by the international law requirements of the United Nations Convention on the Rights of the Child (UNCRC), and is bound by the international law requirements to make sure that the best interests of the child are considered as a paramount factor in all matters relating to children. The UNCRC

framework of protection, care, and development lays special focus on the protection and care of children, especially those who are vulnerable to situations like loss of family support or displacement.(Nations 1989)

Article 19 of the UNCRC asks States to ensure all the relevant legislative, administrative, social, and educational steps are taken to ensure that children are not subjected to any form of physical or mental violence, neglect, or exploitation. This should be applied in post-disaster situations where children who are unaccompanied or orphans should be taken into secure homes and not subjected to risky influences.(Nations 1989)

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Following the 2005 Kashmir Earthquake, due to the displacement of huge masses of people, the execution of such obligations became a very hard task. The lack of formalized systems, like a centralized or effective orphan registration and monitoring system in the case of Amir, could be indicative of the shortcomings of the assurance of the so-called special protection as provided in Article 20.(Nations 1989)

Consequently, the dependency on informality in care arrangements without proper supervision could have led to settings where vulnerable children were exposed to negative social effects. Socio-legal, these gaps point to the inadequacy of incorporating international child protection standards into the post-disaster environment, as they can indirectly raise the risk of social disorganization and criminogenic factors, but not necessarily lead to deviant behaviour.

#### **5.4 State Responsibility, Juvenile Justice, and the Transition from Victimhood to Criminal Liability**

The example of Amir is the critical approach to the connection of state responsibility and juvenile justice and the transition between victimhood and criminal responsibility. During the immediate aftermath of the 2005 Kashmir Earthquake, the administration's response seemed to be insufficient in identifying and registering unaccompanied children as persons in need of protection. This absence of timely intervention can point to the deficiency of the mechanisms aimed at protecting vulnerable groups in the case of large-scale disasters.

Conversely, the role of the State changed to enforcement and prosecution when Amir engaged in criminal activities later. The shift underscores structural imbalance within the criminal justice system, where protective roles in the initial stages are not necessarily accompanied by preventive or rehabilitative measures.

In terms of juvenile justice, contemporary legal systems underline the need to take into account age, background, and psychological trauma as factors in determining criminal responsibility. During the cases of those who have undergone major negative childhood events such as loss of family and exposure to unstable environments, these factors might come into play in the interpretation of how behaviour develops and the mitigating factors.

The lack of sufficient attention to the trauma caused by disasters in the context of the overall criminal justice response poses some significant questions about whether juvenile justice systems are capable of tackling the long-term consequences of massive humanitarian crises. The case in this situation indicates a larger systemic problem, namely the shift in a protective duty at the early stages to a punitive strategy at the later stages, without a proper consideration of preventive, rehabilitative, and child-centered legal protection.

This finally brings to light the necessity of taking a more holistic perspective in both the legal and policy spheres, in which the responsibility of the state is not restricted to post-offense responsibility but is rather extended to a proactive protection approach, prompt identification of vulnerable populations, and integration of trauma-informed factors into the juvenile justice system.

## **Chapter 6: Conclusion and Recommendations**

### **6.1 Conclusion**

This paper aimed to explore the role natural calamities can play as criminogenic factors by reviewing the example of Amir, a Kashmir Earthquake orphan. Bringing together the views of criminological theories and legal frameworks, the study proves that crime in post-disaster settings cannot be explained by a single case of failure on an individual level, but as a combination of structural, psychological, and institutional factors.

Using theories like Social Disorganization Theory, General Strain Theory, Social Learning Theory, and Routine Activity Theory, it was found that the earthquake caused a series of disorganization, which pushed everyone onto the path of crime together. Dissolution of the family unit led to a state of anomie, dislocation undermined social bonding, exposure to deviant environments made it easy to learn behaviour, and lack of good guardianship made it possible to engage in criminal behaviour.

In legal terms, the legal review of the constitutional guarantees in the Constitution of Pakistan, 1973, and international duties as a signatory country to the United Nations Convention on the Rights of the Child, reveals a lack of protection to the vulnerable children in terms of protective measures. The lack of formal post-disaster monitoring, rehabilitation, and guardianship mechanisms can be a contributory factor to circumstances that indirectly enhance vulnerability to deviant consequences.

Outside of the specific example, similar trends have been noticed at a larger scale. The results that are brought to light by the Human Rights Commission of Pakistan (HRCP) reveal that even natural disasters like floods have been linked to heightened vulnerabilities of affected populations, including heightened incidences of child marriage, exploitation, and other types of social ills. These are consequences of how displacement caused by disasters, economic instability, and failure of social safety nets can result in conditions where vulnerable populations are vulnerable to negative social stress and maladaptive coping strategies. This evidence supports the claim that the criminogenic effects of natural disasters are not event or case-specific, but can occur in various disaster situations where structural disruptions may be similar.

Besides, the research paper portrays an imbalance of structure in terms of state response, where protective responsibilities during the post-disaster period are not necessarily balanced by long-term rehabilitative plans. The shift of victimhood to criminal responsibility in the case of Amir shows the significance of timely intervention, regular monitoring, and trauma-informed interventions in the disaster management system and the juvenile justice system.

Finally, the results indicate that natural disasters alone are not a direct cause of crime, but when they are combined with institutional failures and the absence of social protection systems, these events can be a major factor contributing to criminogenic environments. The combination of examples of empirical cases evaluation with general observations like those made by HRCP shows that calamities may have ripple effects that go beyond the immediate physical harm into long-term societal impacts. This increases the necessity of a more integrated strategy that brings together disaster management, social policy, and criminal justice in order to reduce the impact of these effects and to ensure that the vulnerable groups are not plunged into deviance and marginalization cycles.

### **6.2 Recommendations**

One of the lessons that can be learnt as a result of this study is that the response to natural disasters should shift beyond the immediate relief and become long-term, preventative, and systemic. This is especially applicable to the discussion of policy, where it is always stated: "We should not pull people out of the water, but rather go up the river and see why people are falling in the water in the first place."*(McKinlay 1975)* This perspective is particularly relevant in the context of disaster management, where addressing root causes is more effective than repeatedly responding to downstream consequences. Applying this principle, the following recommendations are proposed:

First, it is necessary to develop an effective system of child protection after the disaster. This involves establishing a central and compulsory National Orphan and Vulnerable Children Registry whereby all children who have been separated from their families during catastrophes are registered, monitored, and appropriately placed under known caregivers. This system would avoid informal and unregulated adoption that could subject children to unsafe or criminogenic homes.

Second, there is a need to enhance the institutional coordination between disaster management, social welfare, and child protection agencies. The deployment of trained Child Protection Officers in disaster-affected areas should be given priority to expose vulnerable children, offer them psychosocial assistance, and place them safely in certified rehabilitation centers.

Thirdly, the State must invest in long-term trauma-informed care programs and rehabilitation. The loss of family members and displacement can cause psychological trauma that may have a long-term impact on behaviour. The chances of vulnerable individuals resorting to deviant coping mechanisms can be minimized by offering counselling services, educational continuity, and social reintegration programs.

Fourthly, there should be tight control and supervision of the guardianship and adoption procedures. The issue of informal adoption, in any form, should be discouraged in law and open to verification using official avenues. The welfare of adopted children can be monitored regularly to ensure that they are in a safe and healthy environment.

Fifthly, disaster response frameworks must also respond to secondary social harms in the face of broader evidence, such as findings reported by the Human Rights Commission of Pakistan (HRCP), such as child marriage, exploitation, and economic vulnerability. These problems point to the fact that disasters have cascading social impacts necessitating multi-sectoral policy responses in addition to emergency relief.

Lastly, prevention governance policies must be aligned to disaster management policies, such as community awareness, resilience building at local levels, and early warning systems that must include consideration of physical risk reduction, as well as social protection planning. This is consistent with the larger concept that successful intervention should target structural vulnerabilities prior to their development into long-term social and criminogenic outcomes.

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