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***OFFICE OF THE PROBATION OFFICER, RECLAMATION AND PROBATION,  
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## Preface

Our organizations are campaigning for the abolition of the death penalty (DP) and of life imprisonment (LI) inflicted to minors, i.e. youngsters under the age of 18 at the time of the alleged offence. These sentences are still in the penal arsenal of 12 countries in the world for the DP and 67 countries for LI. However, almost all these countries have ratified the International Convention on the Rights of the Child (1989) which explicitly excludes the application of these two punishments.

Pakistan is among the countries likely to apply DP or LI to minors.

How many Pakistani minors are at risk of being executed or sentenced to DP or LI ? Where are they in custody? How long have they been detained? What are they accused of? How has the judicial authority certified the age of the juvenile at the time of the alleged offence? Who defends them before the competent courts? What is the status of each youth's legal proceedings? Have they benefited from the favorable provisions of the recent law JJSA 2018 granting minors' protection from DP and treatment better suited to their age, (conditions of detention, assistance by social services, ad hoc tribunals, etc.)? We previously have not found any authenticated answers to these questions.

The life, ill fate or death of thousands of young Pakistanis is at stake, perhaps even more. Each child is the future of all humanity. Each and every one of the youngsters in this study is of paramount importance to us.

Determined to have a clearer sight of this issue, within the limits of our human and financial means which are seriously narrow, we decided to start a survey throughout ten prisons in the states of Punjab and Sindh aiming at precise identification of the youngsters falling under the criteria set out in the introduction above. The objectives of this publication are straightforward:

1. Try to mobilize, as a second step but as soon as possible, the necessary resources to ensure the legal defense of a maximum number of the concerned youngsters who are currently deprived of it.
2. Try to activate the resources necessary to extend this survey to more prisons in Pakistan, or to encourage other organizations to do so.
3. Attempt to prompt political, judicial and prison authorities to better implement the JJSA 2018.

We are at the disposal of the readers of these pages for any further explanation. We are also at the disposal of any person, organization or public authority wishing to join and/or provide support to the action summarized above.

M Hoffman.

## **Introduction**

Legal Awareness Watch (hereinafter LAW) is a nonpartisan & non-profitable organization registered under law in 1999. LAW has been advocating and raising awareness in Pakistan on human rights including campaign on abolition of barbaric medieval time death penalty and life imprisonment practices upon juveniles and vulnerable for two decades.

LAW targeted that “Juvenile Justice System of Pakistan” shall be construed in lines with the UN Convention on Child Rights this Pakistan ratified in 1990. Despite ratification children across Pakistan have not granted civil, political, economic, health and cultural rights instead subjected them to gallows and mass incarceration in recent times. In light of this human rights treaty LAW is also committed to help stakeholders, and authorities on eradication of brutality, corporal punishment, and violence of all forms as inflicted upon juveniles/children across Pakistan in prisons, etc.

**For and on behalf of:**

**LEGAL AWARENESS WATCH (LAW)**

**SARMAD ALI ADVOCATE HIGH COURT**

**LL. B (HONS.) (U.K), LL.M (U.K)**

**126 LAWYERS CHAMBERS**

**DISTRICT COURT, LAHORE-PAKISTAN.**



## Introduction to Marvi Rural Development Organization-MRDO

Name of Organization:	Marvi Rural Development Organization (MRDO)			
Office Address:	House # 5, Sector 1, Sukkur Township, By pass Road Sukkur.			
District & Tehsil:	Tehsil New Sukkur , District Sukkur			
Year of Establishment:	1994			
Registration Details (Type of registering authority, number, year):	Registered under the Societies Registration Act 1860 on 6 <sup>th</sup> July, 2015.			
Key contact person(s) details: (Name, Designation, CNIC Number, Contact Number, Email ID)	Primary Contact:			
	Name		Designation	
	Ms. Ghulam Sughra Solangi		Chief Executive Officer	
	Name	Designation	Contact No	Email
	Saira Ahmed	Programs Manager	+92-335-4200382	Saira.mrdo123@gmail.com
Website Address:	<a href="http://www.marvi.org.pk">www.marvi.org.pk</a>			
Mission/Purpose:	To enhance the role and socio-economic status of people especially women & children of backward communities by providing them assistance & sustainable prospects			
Thematic Areas	<p>MRDO working on following thematic Areas;</p> <ul style="list-style-type: none"> <li>• Social Mobilization</li> <li>• Education</li> <li>• Capacity Building</li> <li>• Advocacy</li> <li>• Legal aid / Assistance</li> <li>• Interfaith harmony &amp; Peace</li> <li>• Infrastructure Development (Low cost housing scheme)</li> <li>• Livelihood Development</li> <li>• Disability</li> </ul>			
Mailing Address	<p>Head Office: House No. 5, Sector-1, Sukkur Town Ship, Main Bypass Road Sukkur Sindh.  E-mail: <a href="mailto:mrdopk@gmail.com">mrdopk@gmail.com</a> , Web: <a href="http://www.marvi.org.pk">www.marvi.org.pk</a></p>			

## **SUMMARY**

Pursuant to data released by the Punjab Prison Department until 1 December 2019 prisons across Punjab housed **618** under-trial and convicted juveniles. The subject of juveniles those facing and convicted of mass incarceration and transportation of life has been a mystery and talk of the town for many years. Punjab has 41 prisons including 02 prisons for juveniles having a total capacity of keeping 32,477 prisoners. However, 45,000 prisoners have been detained in them. Sindh has 26 prisons having a capacity of detaining 13,538 prisoners instead keeping 16, 315 prisoners have been kept. KPK province has total 20 prisons with capacity of 4519 prisoners instead 9900 have been kept. Balochistan has a capacity of keeping 2122 prisoners instead 25000 prisoners have been housed. These figures have been released by the Government of Pakistan in April 2020.

Marvi Rural Development Organization-MRDO & Legal Awareness Watch-LAW with the technical support of Michael Hoffman took an initiative on conducting a research activity on “Tracing of Juveniles facing/convicted of Offences Punishable by Death Penalty (DP) & Life Imprisonment (LI). The initiative started with a sight that prisons across Pakistan appeared to be over-crowded, notorious similarly its criminal justice system carrying the practices of death penalty and life imprisonment for vulnerable including children having not attained the age of majority. Pakistan still keeping LI, and DP to minors of age at the time of commission of an offence in its criminal justice system in sheer violation of its international obligations rising under the International Conventions and Treaties on the subject of rights of children i.e. United Nations Convention on the Rights of Child (CRC). LAW & MRDO has reduced data in to writing having not mentioned real names of children/juveniles in fulfilment of provisions of Juvenile Justice System Act (JJSA) 2018.<sup>1</sup>

### **Targeted Prisons/Jails in Punjab & Sindh:**

To this point our research activity covered following jails/prisons from March to June 2020:

- 1) **District Jail Lahore;**
- 2) **Kot Lakhpat Lahore;**
- 3) **Central Jail Gujranwala;**
- 4) **District Jail Kasur;**
- 5) **District Jail Sheikhpura;**
- 6) **District Prison Sukkur;**
- 7) **Central Prison Sukkur;**
- 8) **District Prison Larkana;**
- 9) **District Prison Shiekharpur;**
- 10) **District Prison Jacobabad.**

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<sup>1</sup> JJSA 2018 is a primary law specifically aimed at dealing with cases of juveniles who come in conflict with law. It is applicable all across Pakistan overriding all laws. See its section 23.

### **Methodology:**

LAW & MRDO opted to affect this research activity on tracing of juveniles facing LI, and DP by way of “Interviews” of those incarcerated having not attained the age of maturity i.e 18-year of age. LAW & MRDO during the whole course of research perused *Challan*<sup>2</sup> reports submitted under section 173 of Criminal Code of Procedure (CRPC) 1898 in the courts for understanding their implications in offence (s) carrying barbaric punishments i.e. death penalty and life imprisonment. LAW’s & MRDO’s group of volunteers and researchers also sought information and assistance from Prisons’ Administration, Reclamation and Probation Department Punjab particularly its Sessions Court Lahore probation officer, Legal Practitioners, Judicial Clerks, Prosecutors, and rights’ defenders and others those associated with LAW & MRDO on advocacy on effective implementation of JJSA 2018 across Punjab and Sindh for three years. In collaboration with above LAW has had planned as many as 05 forums & training workshops on the implementation of JJSA 2018 and latest of those held in February this year 2020 in Sindh in its district Sukkur having MRDO in the lead role. LAW received excellent feedback from stakeholders and participants those participated in past five forums and training workshops. The events held had have participation of folks around 80-100 which was huge than expected. The recommendation that surfaced out of those events related to “Age Determination” that it was to be effectively implemented across Punjab and Sindh in lines with international scientific testing method i.e. Ossification Test to avoid sending juveniles to gallows and serving life imprisonment in violent and notorious prisons of Pakistan.

### **Findings:**

Far from dealing only with the theoretical aspects, our affirmations and claims are based on tangible current hard facts that we monitored *in situ*. Among the most salient features of the data that we collected:

- Total juveniles traced out: 87;
- Female juveniles: 03;
- Juveniles convicted of LI 01 in Sindh and 05 in Punjab all male;
- Charged with terrorism 01 in Sindh none in Punjab;
- Folks of girls across those five prisons in Sindh claimed to be below the age of maturity at the time of commission of allege offence;
- All 87 claimed having no legal defense counsel;
- Involvement of a probation officer during the legal process: none in Sindh only in one case in Punjab.

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<sup>2</sup> Challan report and Charge sheet are used interchangeably in Pakistan. Under Criminal Code of Procedure 1898 in its section 173 a word ‘Challan’ is used instead charge sheet.

Appendixes n° 1 & 2 (pages 11 & 12) shows data as recorded case by case for all 87 youths in the concerned jails of both States. The following table summarizes global observations per topic.

	MRDO SINDH	LAW PUNJAB	TOTAL of 2 surveys
Topic	Results	Results	
<b>General overview</b>	A total of 16 interviews conducted during 3 visits, dated 11, 12 and 13 May 2020	A total of 64 interviews conducted during 16 visits in April and May 2020. Data was collected for 71 cases.	A total of 80 interviews. Data was collected for 87 cases.
Gender	All 16 cases are boys, no girls.	68 cases are boys, and 3 girls	84 boys, 3 girls
<b>S I N D H</b>	Population of juveniles detained at Larkhana District prison at time of the visit = 10	Among those 10, 4 cases are possibly facing DP or LI	
	Population of juveniles detained at Sukkur District and Central prisons at time of the visit = 13	Among those 13, 12 cases are possibly facing DP or LI	
	Population of juveniles detained at Shiekharpur District Prison and Jacobabad District Prison at time of the survey = none	Nil	
<b>P U N J A B</b>	Population of juveniles detained at Kasur District prison at time of the visit 16	Among those 16, 4 cases are possibly facing DP or LI	
	Population of juveniles detained at Lahore District and Central prisons at time of the visit : 10 + 40 = 50	Among those 50, 32 cases are possibly facing DP or LI (6/10, and 26/40)	
	Population of juveniles detained at Gujranwala District prison at time of the visit : 36	Among those 36, 18 cases are possibly facing DP or LI	
	Population of juveniles detained at Sheikupura District prison at time of the visit : 21	Among those 21, 17 cases are possibly facing DP or LI	
Total of cases in the two States			Among the 146 detained juveniles, 87 cases are possibly facing DP or LI
Under trial or already sentenced	Only 1 lad has already been sentenced to LI. 15 cases still under trial.	Five lads have already been sentenced. 66 cases still under trial.	Only 6 lads have already been sentenced. 81 cases still under trial.

Category of (alleged) offense	Rape : 3 cases Murder : 13 cases Terrorism : 1 case (combined with murder)	Rape : 24 cases Murder : 47 cases Kidnapping : 1 case (combined with rape )	Rape : 27 cases Murder : 60 cases. Terrorism : 1 case (combined with murder). Kidnapping : 1 case (combined with rape )
Involvement of a probation officer during the legal process	None at all in the 16 cases.	Only one case.	Only one out of the 87 cases.
Involvement of a defense advocate during the legal process	None at all in the 16 cases.	None at all in the 71 cases.	None at all in the 87 cases.
Current ages of the concerned juveniles	Only one boy is in his 18 <sup>th</sup> year of age. The other 15 range between 13 and 17 years old.	The 3 eldest boys are aged 24, 22 and 20 y.o. 3 others are 18. The other 62 boys' range between 11 and 17 years old. Female juveniles are 14, 15 and 17 years old	The 3 eldest boys are aged 24, 22 and 20 y.o. 4 others are 18. The other 77 boys range between 11 and 17 years old. Female juveniles are 14, 15 and 17 years old
Ages at the time of imprisonment	12 years old : 1 boy 13 y.o. : 2 boys 14 y.o. : 8 boys 15 y.o. : 2 boys 16 y.o. : 3 boys	10 years old: 4 boys 11 y.o.: 4 boys 12 y.o.: 1 girl and 7 boys 13 y.o. : 12 boys 14 y.o. : 1 girl and 25 boys 15 y.o. : 1 girl and 5 boys 16 y.o. : 1 boy 17 y.o.: 2 boys 21 y.o. : 1 boy	10 years old: 4 boys 11 y.o.: 4 boys 12 y.o.: 1 girl and 8 boys 13 y.o. : 14 boys 14 y.o. : 1 girl and 33 boys 15 y.o. : 1 girl and 7 boys 16 y.o. : 4 boys 17 y.o.: 2 boys 21 y.o. : 1 boy
Time spent in prison (at moment of the visit)	Ranges from 9 days to 3 years 7 months. Average 265 days, median 235 days	Ranges from some days to 4-5 years.	Ranges from some days to 4 - 5 years.

**Notes:**

- In several cases the precise date of birth is unknown. Where only year of birth is known we calculated age as if he/she was born on January 1<sup>st</sup>.
- Cases on bail: information not available if/how long the concerned endured imprisonment.



### **Age Determination:**

- LAW & MRDO observed that in Sindh those behind bars are between the age range of 13/15-year-old. LAW & MRDO in relation to Sindh submitted that those juveniles should not have been booked into criminal cases, at glance by virtue of section 82 read with section 83 of Pakistan Penal Code 1860. Sections 82/83 provided that nothing is an offence, if committed from the hands of a child until the age of 14-year. The courts should immediately acquit them in consideration of section 82 read along with section 83 of PPC 1860 on account of lacking of sufficient maturity having no control upon their actions at the time of alleged offence. It is also submitted that First Information Reports (FIRs) chalked out against those under section 154 of CRPC 1898 be quashed.
- However, in Punjab LAW & MRDO observed that age range of those behind bars fall within 15/17-year to the reason that ordinarily police investigation officer (s) determined age of arrested person on basis of their physical appearance having also paid heed to gravity of offence committed from the hands of that person, subsequently record it on 'Saza Slip'<sup>3</sup>. LAW & MRDO submitted this police assessment method of age determination across Pakistan appeared to be arbitrary having no legal force to the fact that age determination is only permitted to be done from 'Ossification Test' as warranted under section 8 of JJSA 2018. Section 8 in its letters and spirit placed emphasis upon age determination by means of medical science in absence of any documentary evidence (s) on age of accused. It is said that families across Punjab and Sindh do not tend to have birth certificates of their children from NADRA either due to lack of resources or ignorance in the wake of not needed. To this fact, LAW & MRDO submitted that the medical science method of ossification test be adopted in cases- where an arrested person even for a single impression appeared to be of insufficient maturity of age.
- LAW & MRDO further submitted that those have been behind bars in Punjab may have lesser ages than noted to the fact that investigation officer (s) without observing proper legal process of age determination as prescribed under JJSA 2018 arbitrarily assessed age of arrested person (s) to be of 18-year old or above 16 depending upon nature of the offence and related unnecessary and unlawful factors. Needless to mention that the under JJSA 2018 a juvenile of 16-year of age but less than 18-year of age is not entitled to bail as of a right. Thus, it could be said that the investigation officer (s) in order to make their cases fit for punishment tend to treat arrested persons/juveniles above 18-year old or around 16/17-year-old depending upon gravity and veracity of offence committed.

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<sup>3</sup> Saza Slip is a part of *Challan* report under 173 of CRPC 1898 to be appended with at the time of the submission of *Challan* report to the office of district prosecutor.

- It is observed that on account of receipt of *Challan* report under 173 of CRPC 1898 age factor does not surface at glance in courts to the reason that the trial judges across Punjab and Sindh have been inclined to give weightage to 'Saza Slip'/ police assessment on age of accused. Generally, age determination is ignored by trial courts in cases- where accused standing trial found to be involved in heinous offences. That self-developed "Judicial Waiver" system which allows treatment of juvenile offenders as an adult if they are accused of committing a heinous crime (between 16-18 years of age) be questioned and challenged. Such waiver is a sheer ignorance of law all across Punjab and Sindh. The upholders of law such as courts in recent times without adhering to age determination in recent times sentenced those having not attained the sufficient age of maturity to LI, & DP. Without adoption to scientific method on age determination from ossification, and/or wisdom teeth tests juveniles/children across Pakistan will likely be subjected to gallows. LAW & MRDO therefore, submitted to have advocacy campaign on 'Age Determination", if and when resources are available.

#### **Legal representation:**

It transpired that all 87 juveniles behind bars claimed to have no legal representation at all in courts. Section 3 of JJSA 2018 explicitly stated that 'every juvenile or a child who is a victim of an offence shall have the right to legal assistance at expense of the State'. Despite this provision of law juveniles in Punjab and Sindh have had no legal representation in courts at all. LAW & MRDO in this regard, on humanitarian grounds are ready to give these 87 Juveniles legal counsel at trial level or at High Court if and when resources are available. LAW & MRDO really believed that not only juveniles but all vulnerable even poorest of poor must have legal representation in courts all across Pakistan. Juveniles as being children below the age of 18-year-old must have legal representation in courts in order to establish their innocence beyond the reasonable doubt. It is observed that juveniles across Punjab and Sindh are victims instead assassins or rapists. In recent times, juveniles across Pakistan particularly in Punjab extra judicially gunned down on physical remand proceedings under section 167 read with section 344 of CRPC 1898 to the fact of rampant lawless and vicious violence across Pakistan has given free hands to law enforcing agencies and police to effect arrest of juveniles without having solid evidences against them. Section 5 (2) of JJSA 2018 provided that juveniles shall not be arrested for preventive measures or under Chapter VIII of CRCP 1898. However apart from those facing and convicted of LI, and DP countless juveniles across Pakistan have been detained on account of preventive measures by virtue of section 144 of CRPC 1898.

#### **Female Offenders:**

It is explicitly stated in JJSA 2018, that male investigation officer (s) shall not investigate case (s) where finding an involvement of female juvenile (s), however it is observed that those females who

have been behind bars including 03 traced out in our research activity across Punjab and Sindh being investigated and interrogated by male police investigation officer (s) in abuse of section 17 of JJSA 2018.

It is pertinent to mention that in our observation developed out of our figures no female juvenile has been traced/identified in targeted 05- prisons of Sindh to the reason that across interior Sindh families tend to register their daughters' birth dates with 3/5-year difference from the actual dates of birth with the view of marrying their daughters at their earliest even before the age of puberty i.e. Child Marriage which is now punishable section 496 B of PPC 1860. It is further noted that females those have been prisoned across Sindh have their age between 22/26-year on account of above stated reason. It is safe to suggest that those prisoned in Sindh put in prisons without age determination under section 8 of JJSA 2018. LAW & MRDO wished to defend them in courts making sure they be declared of insufficient maturity of age on the time of allege offence (s).

### **Youthful Offenders:**

Across Punjab sizeable number of male youthful offenders have been kept behind bars those on death row and some standing trial of offence (s) carrying LI and DP claimed to be below 18-year-old at the time of commission of alleged offence. It is pertinent to say that failure of implementation of appropriate legal procedure on age determination they have been considered to be youthful offender of above 18-year of age at the time of commission of an offence. LAW and MRDO submitted that all such offenders along with juveniles are at imminent risk of going to gallows and/or serving life sentence. Needless to say, Pakistan had already executed a juvenile on 29th September 2015 named 'Ansar Iqbal' despite the existence of computerized birth related credentials clearing having his age mentioned on the apex court of Pakistan disregarded the plea of juvenility as being irrelevant and not timely. Another example could be cited related to 'Muhammad Iqbal<sup>4</sup> alias Bali' who claimed to be a juvenile on the day of commission of an offence that he never committed at first place despite languishing in death row cell for 18-year and was set to be sent to gallows in 2017 until cancellation of his black warrants. LAW & MRDO submitted that criminal justice system is severely lacking in reliable mechanisms to identify juveniles and thereby bring them within the protections that are due to them under law.

### **Reclamation and Probation Department:**

The research activity findings made us recognized that Reclamation and Probation Department (hereinafter RPD) of Punjab and Sindh lacked proactive approach and inclined staying hibernated in crucial circumstances. Probation of Offenders Ordinance 1960 in its letters and spirit required RPD to be proactive- where a juvenile is found or reported to be in conflict with law to the fact that RPD is the nucleus of juvenile

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<sup>4</sup> Muhammad Iqbal has been seeking legal assistance from LAW since 2017.

justice system of Pakistan that developed after promulgation of JJSA. RPD across Punjab and Sindh in relation to their performance is bleak to the reason that of all 87 cases only in one case in Punjab the probation officer of district Kasur was directed to furnish "Social Investigation Report" under section 7 of JJSA 2018 by the trial court. Under JJSA 2018 report of section 7 of JJSA 2018 ought to be submitted by the probation officer (s) to the police investigation officer during investigation, and same to be appended with the *Challan* report instead furnishing of the same during trial proceedings. LAW & MRDO observed that probation officer (s) across two provinces preferably be given trainings on drafting of reports under JJSA 2018 to the reason that probation officers tend to report facts and figures in their reports those already noted and considered by the police investigation officer (s) in the *Challan* report under section 173 CRPC 1898 submitted to the trial court, however instead of those factual elements probation officers reports have to have elements of social & family backgrounds of juvenile, their behavioral, and psychological elements. LAW and MRDO, therefore envisioned having training workshops and capacity building programs and sessions with prosecutors, and probation officers in order to enhance their level of understanding on their roles rising under JJSA 2018, if and when resources are available.

#### **Juvenile Justice Committee:**

Under section 10 of JJSA 2018 provided establishing "Juvenile Justice Committee" within three months of its promulgation in consultation with the District and Sessions Judge for each Sessions division. The aim to having such a committee is to settling cases of minor nature except major and heinous nature cases *via* diversion having committee as an authority to decide upon minor nature cases those involved juveniles. For three years, it is observed that no such committee has been notified across Pakistan. Juveniles involved in minor offences such as, Kite Flying, Theft, One Wheeling under section 279 of PPC 1860 have to stand "Summary Trial" in the court of judicial magistrate across Pakistan with no hope of its conclusion to the fact of sordid criminal justice system. MRDO & LAW submitted that enormous resources are required for advocacy campaigns in collaboration with stakeholders such as, Members of the Parliament, Bureaucracy to urge the incumbent Federal and Provincial Governments to establish such committees in Punjab and Sindh in no time in fulfillment of section 10 of JJSA 2018 for settling of minor nature cases through diversion without putting juveniles in trial before judicial magistrates And, for juveniles above 16 year of age their determination of age from ossification test be ensured in order to determine actual and exact age on the day of commission of an offence for which charged and put to stand trial

#### **Juvenile Court:**

In pursuant of Lahore High Court direction dated 12-08-2016 a "Child Court" was established in Lahore covering whole of

Sessions division of Lahore district and its municipalities to deal with cases of Children as offenders, victims and witnesses. Thereafter, Home Department of Punjab issued a notification vide dated 8-10-2018 that declared all District and Sessions Judges as Juvenile Judges where presiding upon cases those involved juveniles. LAW & MRDO submitted that separate juvenile courts be established all across Punjab and Sindh by virtue of section 4 read along with section 5 of JJSA 2018. It is observed that out of 87 only one received LI from the Child Court rest standing trials in ordinary criminal courts.

**Conclusion:**

LAW & MRDO in culmination submitted that age determination from ossification test mechanism under section 8 of JJSA 2018 is to be made mandatory across Pakistan without its fulfillment juveniles will not get their due legal rights and may subject to LI, and DP. In absence of documentary evidence upon age of arrested juvenile/person the police have to have make an inquiry into the age of the arrest person by way of medical science without any justification. There is a dire need of development of consistent age-determination protocols in order to ensure that determination of juvenility by the police and by the courts is conducted in a manner that is fair, just and transparent.

It is also submitted that separate juvenile courts all across Pakistan be established under section 4 read with section 5 of JJSA 2018 with clear mandate of dealing with cases of juveniles' only. The observation homes and rehabilitation centers ought to be established across Punjab and Sindh for detention of juveniles in fulfilment of section 2 of JJSA 2018. Housing juveniles in ordinary prisons is a sheer violation of the law and refusal of giving their due rights. Failure to take such actions will lead juvenile justice system which is already despicable and sordid to un-recoverable destruction. It is acquiesced at the time of promulgation of JJSA 2018 authorities across Pakistan wished to meeting international standards of juvenile's justice system, however over the period of three years this law has found to be a complete failure on ground that the government of Pakistan is least bothered about juvenile justice system and child rights.

### Appendix 1:

Tracing of Juveniles those facing standing and/or convicted of offences those punishable by LI & DP detained in prisons across Sindh				
Assessed case n*	M/F	District of origin	Offence (s) for which charged	FIR No:
1	M	Jacobabad	Section 302, 324, 148, 149, 337 PPC Murder	04/2019
2	M	Larkana	Section 302, 201, 34 PPC & 6/7 ATA 1997	53/2019
3	M	Jacobabad	Section 302, 311, 201, 34 PPC	64/2019
4	M	Kamber Shahdadkot	Section 376(ii), 34 PPC Rape	13/2019 B-Section Shahdadkot
5	M	Khairpur	302,148,149, PPC Murder	116/2016
6	M	Naushahroferoze	376 PPC Rape	51/2019
8	M	Naushahroferoze	302, PPC Murder	80/2019
8	M	Naushahroferoze	302, PPC Murder	80/2019 Mehrabpur
9	M	Khairpur	302 Murder	96/2019, 98/2019, 68/2019
10	M	Khairpur	302,3776,511 PPC Murder	289/2019
11	M	Ghotki	302, PPC Murder	289/2019 A-Sec Ghotki
12	M	Sukkur	302, 147,148,149 & 114 PPC Murder	113/2019 Salehpat
13	M	Khairpur	302,114, PPC Murder	302,114, PPC
14	M	Shikarpur	302,34, PPC Murder	55/2019
15	M	Ghotki	302,324,147,148 149,109,337-Hii, PPC Murder	23/2020 Sarhad
16	M	Khairpur	376, 34,PPC Rape	34/2020 T.M Khan

### Appendix 2:

**Juveniles standing trial and/or convicted of offences those punishable by LI & DP across Punjab**

Assessed Case N°	M/F	District of origin	Offence (s) for which charged	FIR No:
1	M	Kasur	Section 302 (murder) of PPC 1908	337/15, P.S Raja Jang Kasur
2	M	Kasur	Section 302 (murder) read with Section 34 of PPC 1908	337/19, P.S Kasur 'B' Division
3	M	Kasur	Section 376 (rape) of PPC 1908	100/19, P.S Mandi Usman Wala
4	M	Kasur	Section 302 (murder) read with Sections 34 & 324 of PPC 1908	291/19, P.S Changa Manga
5	M	Abbotabad,KPK	Section 302 (murder) of PPC 1908	28/17, P.S Datta Darbar
6	M	Lahore	Section 302 (murder) of PPC 1908	Private Complaint under section 200 CRPC 1898
7	M	Okara	Section 302 (murder) of PPC 1908	190/12, P.S Garden Town
8	M	Lahore	Section 376 (3) read with Section 364 (A) of PPC 1908 & Section 511 of PPC 1908	430/18, P.S Raiwind
9	M	Lahore	Section 302 (murder) of PPC 1908	1735/18, P.S Shadara Town
10	F	Lahore	Section 302 (murder) of PPC 1908	283/19, P.S Tibi City
11	M	Lahore	Section 302 (murder) read with Section 394 (dacoity) of PPC	241/18, P.S Lower Mall
12	M	Lahore	Section 302 (murder) read with Section 452 (trespassing) of PPC	651/12, P.S Raiwind City
13	M	Lahore	Section 302 (murder) read with Section 324 of PPC 1908	877/18, P.S Nishtar Colony
14	M	Lahore	Section 376 (rape) of PPC 1908	720/18, P.S Kot Lakhpat
15	M	Lahore	Section 376 (rape) of PPC 1908	720/18, P.S Kot Lakhpat
16	M	Okara	Section 302 (murder) read with Section 34 of PPC 1908	344/19, P. S Shadara Town
17	M	Lahore	Section 376 (rape) of PPC 1908	2346/19, P.S Chung
18	M	Nankana Sahib	Section 302 (murder) read with Section 148 of PPC 1908	401/16, P.S Manga Mandi
19	M	Lahore	Section 302 (murder) read with Section 148 of PPC 1908	546/15, P.S Wahdat Colony
20	M	Lahore	Section 302 (murder) read with Section 148 of PPC 1908	546/15, P.S Wahdat Colony
21	M	Lahore	Section 302 (murder) read with Section 148 of PPC 1908	546/15, P.S Wahdat Colony
22	M	Lahore	Section 302 (murder) read with Section 148 of PPC 1908	546/15, P.S Wahdat Colony
23	M	Lahore	Section 377 (unnatural carnal rape) of PPC 1908	644/19, P.S Shadara
24	M	Gujranwala	Section 302 (murder) read with Section 324 of PPC 1908	511/19, P.S Cantt Gujranwala
25	M	Gujranwala	Section 302 (murder) read with Section 324 of PPC 1908	148/15 & 187/15, P.S Saddar Wazirabad
26	M	Gujranwala	Section 302 (murder) read with Section 377 (sodomy) of PPC 1908	41/18, P.S Wahndo Gujranwala
27	M	Gujranwala	Section 376 (rape) read with Section 377 (sodomy) of PPC 1908	449/18, P.S Peoples Colony Gujranwala
28	M	Gujranwala	Section 376 (rape) of PPC 1908	100/19, P.S Ali Pur Chatha Wazirabad
29	M	Gujranwala	Section 376 (rape) of PPC 1908	240/19, P.S Civil Lines Gujranwala
30	M	Gujranwala	Section 376 (ii) (rape) of PPC 1908	258/19, P.S Newshehra Vikran
31	M	Gujranwala	Section 302 (murder) read with Section 148 of PPC 1908	391/19 P.S Newshehra Virkan Gujranwala
32	M	Gujranwala	Section 302 (murder) of PPC 1908	54/20 P.S Model Town Gujranwala
33	M	Gujranwala	Section 376 (rape) read with Section 511 of PPC 1908	147/20, P.S Model Town Gujranwala
34	M	Gujranwala	Section 302 (murder) of PPC 1908	169/20, P.S Civil Line Gujranwala
35	M	Gujranwala	Section 302 (murder) of PPC 1908	850/19, P.S Khiali Gujranwala
36	M	Hafizabad	Section 302 (murder) of PPC 1908	342/19, P.S Saddar
37	M	Hafizabad	Section 302 (murder) of PPC 1908	706/19, P.S Jalalpur Bhatian Hafizabad
38	M	Hafizabad	Section 302 (murder) of PPC 1908	73/20, P.S Jalalpur Bhatian Hafizabad
39	M	Hafizabad	Section 377/367-A of PPC 1908	118/20, P.S Jalalpur Bhatian Hafizabad
40	M	Gujranwala	Section 377/337-A1-F1 of PPC 1908	240/20, P.S Khiali Gujranwala
41	M	Hafizabad	Section 367-A/377 of PPC 1908	734/19, Jalalpur Bhatian Hafizabad
42	M	Sheikhupura	Section 302 (murder) of PPC 1908	983/19, P.S Ferozwala
43	M	Sheikhupura	Section 302 (murder) of PPC 1908	28/20, P.S Ferozwala
44	M	Sheikhupura	Section 302 (murder) of PPC 1908	304/2020, P.S Ferozwala
45	M	Sheikhupura	Section 302 (murder) of PPC 1908	622/13, P.S Sadar Murdikey
46	M	Sheikhupura	Section 302 (murder) of PPC 1908	962/19, P.S A Division
47	M	Sheikhupura	Section 302 (murder) of PPC 1908	316/19, P.S Sadar Farooqabad
48	M	Nankana	Section 302 (murder) of PPC 1908	173/19, P.S Sadar Nankana Sahib
49	M	Sheikhupura	Section 376 (rape) of PPC 1908	677/19, P.S Sadar Sheikhupura
50	M	Sheikhupura	Section 376 (rape) of PPC 1908	408/19, P.S Factory Area
51	M	Nankana	Section 377 (unnatural carnal rape) of PPC 1908	690/19, P.S City Shahkot
52	M	Sheikhupura	Section 302 (murder) of PPC 1908	1254/19, P.S Ferozwala
53	M	Sheikhupura	Section 376 (rape) of PPC 1908	58/19, P.S Sharaqpur
54	M	Sheikhupura	Section 302 (murder) of PPC 1908	1334/17, P.S Sadar Farooqabad
55	M	Nankana	Section 365B (kidnapping) read with Section 376 (rape) of PPC 1908	64/20, P.S Sadar Nankana
56	M	Nankana	Section 376 (rape) of PPC 1908	480/19, P.S Warbarton
57	M	Nankana	Section 377 (unnatural carnal rape) of PPC 1908	233/20, P.S Sadar Sangla Hill
58	M	Sheikhupura	Section 302 (murder) of PPC 1908	392/19, P.S Sharaqpur Sharif
59	M	Lahore	Section 376 (rape) read with Section 364 (abduction) of PPC	963/18, P.S Kot Lakhpat
60	M	Lahore	Section 376 (rape) read with Section 364 (abduction) of PPC	963/18, P.S Kot Lakhpat
61	M	Lahore	Section 376 (rape) read with Section 364 (abduction) of PPC 1908	963/18, P.S Kot Lakhpat
62	M	Lahore	Section 302 (murder) of PPC 1908	598/20, P.S North Cantt
63	M	Lahore	Section 302 (murder) of PPC 1908	598/20, P.S North Cantt
64	M	Abbotabad,KPK	Section 302 (murder) of PPC 1908	683/18, P.S Badami Bagh
65	F	Abbotabad,KPK	Section 302 (murder) of PPC 1908	683/18, P.S Badami Bagh
66	M	Lahore	Section 302 (murder) of PPC 1908	2262/19, P.S Hanjarwal
67	M	Lahore	Section 302 (murder) of PPC 1908	918/18, P.S Bhangwanpura
68	M	Lahore	Section 302 (murder) of PPC 1908	906/19, P.S Nau Lakha
69	M	Lahore	Section 302 (murder) read with Section 201 (screening of evidence) of PPC 1908	55/2019, P.S Nawan Kot
70	M	Lahore	Section 302 (murder) read with Section 201 (screening of evidence) of PPC 1908	55/2019, P.S Nawan Kot
71	F	Lahore	Section 302 (murder) of PPC 1908	161/18, P.S Millat Park

**OFFICE OF THE PROBATION OFFICER, RECLAMATION AND  
PROBATION, SESSIONS COURTS, LAHORE.**

To,

Sarmad Ali,  
Legal Awareness Watch (LAW),  
Lahore.

**Subject: Analytical Note on Research Activity Conducted by LAW & MRDO On “Tracing of Juveniles Those Facing and Convicted of Offences Punishable by Life Imprisonment & Death Penalty in Selected Prisons of Punjab & Sindh”.**

I have gone through the manuscript of joint venture of LAW&MRDO in shape of research activity report in light of factual data provided considerable evidence to support the flaws in the process of implementation of Juvenile Justice System Act 2018 contrary to theory or pure logic. LAW&MRDO deserve applause for this magnum opus prototype research activity which was awfully needed keeping in view the plight of children who are in conflict with law across Pakistan.

Age determination has become nightmare for parents and guardians of those unfortunate juveniles who came across with justice system owing to less awareness of legal rights enshrined in JJSA2018. Strong arbitrary role of Investigation Officers further aggravates this situation. LAW&MRDO have highlighted all important issues confronted by juveniles in the journey of juvenile justice system through this qualitative research work very effectively.

As regard proactive role of Probation Officers is concerned, their proactivity depends upon the implementation of Section 5 of JJSA with letter and spirit which provides that officer in charge of police station shall as soon as possible inform the concerned Probation Officer to enable him to obtain information about the juvenile and other material circumstances which may be of assistance to the juvenile court, however implementation of this section is bleak which legally makes the role of Probation Officers inactive and interestingly monitors of justice system i.e. Prosecution and Learned Courts also ignore this technical negligence by the Police at the very outset of justice process.

At the end, I would like to suggest LAW&MRDO to replicate this research activity in all jails of both provinces so that those juveniles who have lost their right of juvenility may be surfaced timely before it is too late.

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**Rana Ghulam Sarwar  
Probation officer  
Sessions Courts, Lahore.**



Dated:28-05-2020