



**Legal Awareness  
Watch Pakistan**

# *Juvenile Justice* **NEWSLETTER**

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## NEWS FROM RECENT PAST:

- The facility to make **telephone calls** by prisoners on death row to their families across Punjab has been restored, said the Inspectorate General of Punjab prisons. The step has been taken to give physical and mental reprieve to prisoners on death row.<sup>1</sup>

**Note:** We at **LAW Pakistan** still unsure of whether telephone calls making facility would be given to all detainees on death row regardless of their age, colour, race, creed, and offence they're apprehended of and/or sentence to inhumane penal sanctions i.e., the death penalty and mass incarceration.

- On **10<sup>th</sup> February 2023** police of *Kahna* had arrested eight persons of **16-year-old "D", 15-year-old "I", and 18-year-old "T"**. It was said from the police that apprehended persons were involved in cock fighting during which they scuffled and one of them open ariel firing.<sup>2</sup> We at **LAW** believe that if there had been juvenile justice committees (s) operational and active across Punjab in lines with **section 10 of the Juvenile Justice System Act 2018 (JJSA 2018)** such like incidence (s) could have decided through non-penal sanctions through *diversion* i.e., reprimands, participation in community service, written oral apology, payments of fine and costs, etc.<sup>3</sup>

## RECENT DECISION OF THE LAHORE HIGH COURT:

- **The Lahore High Court** recently laid down<sup>4</sup> that if a person is less than sixteen years of age then by virtue of section 6(3) of the Juvenile Justice System Act, 2018 he should be granted bail as of right and not by way of grace of concession.

A holistic reading of the above sections of the **Act of 2018** reflects that a juvenile i.e. (person less than 18- years- of- age) suspect of a major or minor offence, should be granted bail as of right and not by way of grace or concession unless it appears that there are reasonable grounds for believing that the release of such juvenile may bring him in association with criminals or expose him to any other danger. If the offence for which a juvenile is charged is a heinous offence, the juvenile may be declined bail provided he is more than 16 years of age. I have also noted that sections 6(3) and 6(4) of the Supra mentioned Act have different

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<sup>1</sup> <https://e.jang.com.pk/detail/375123%22>

<sup>2</sup> <https://e.jang.com.pk/detail/365625>

<sup>3</sup> Provided that where the complainant is a state functionary and the offence has not been committed against a private person, the juvenile justice committees may dispose of the case (incidence) through *diversion* with consent of the concerned public prosecutor.

<sup>4</sup> Muhammad Manzoor @ Dani Versus State, etc. {2023 LHC 472}

meanings and purposes. Section 6(4) of the Act Ibid do not have an overlapping effect upon section 6(3) of the Act. ***Extract from the decision.***

We at **LAW** believe that the **JJSA 2018** was enacted to provide a separate justice system for children in conflict with law to socially reintegrate as well as rehabilitate them.

The Above cited extract to an extend is landmark, however, it is only aiming to grant bail/liberty to children those facing charges of minor and major violations such as kite flying, rash driving, loudspeaker violation, betting, etc. Under the **JJSA 2018** children more than **16-year-of-age** have not been given a right of bail--where they have been apprehended on suspicion of committing heinous nature violations such as, murder, dacoity with murder, narcotics smuggling, etc. This disparity in the law should be removed and children of all ages (up to 18-year-of-age) be treated under the law in the judicial procedures as same as less than 16-year-of-age in lines with **United Nations Convention on the Rights of Child (UNCRC)**



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**Dated:1<sup>st</sup> March 2023.**

**Note:** *This newsletter has not been professionally edited.*