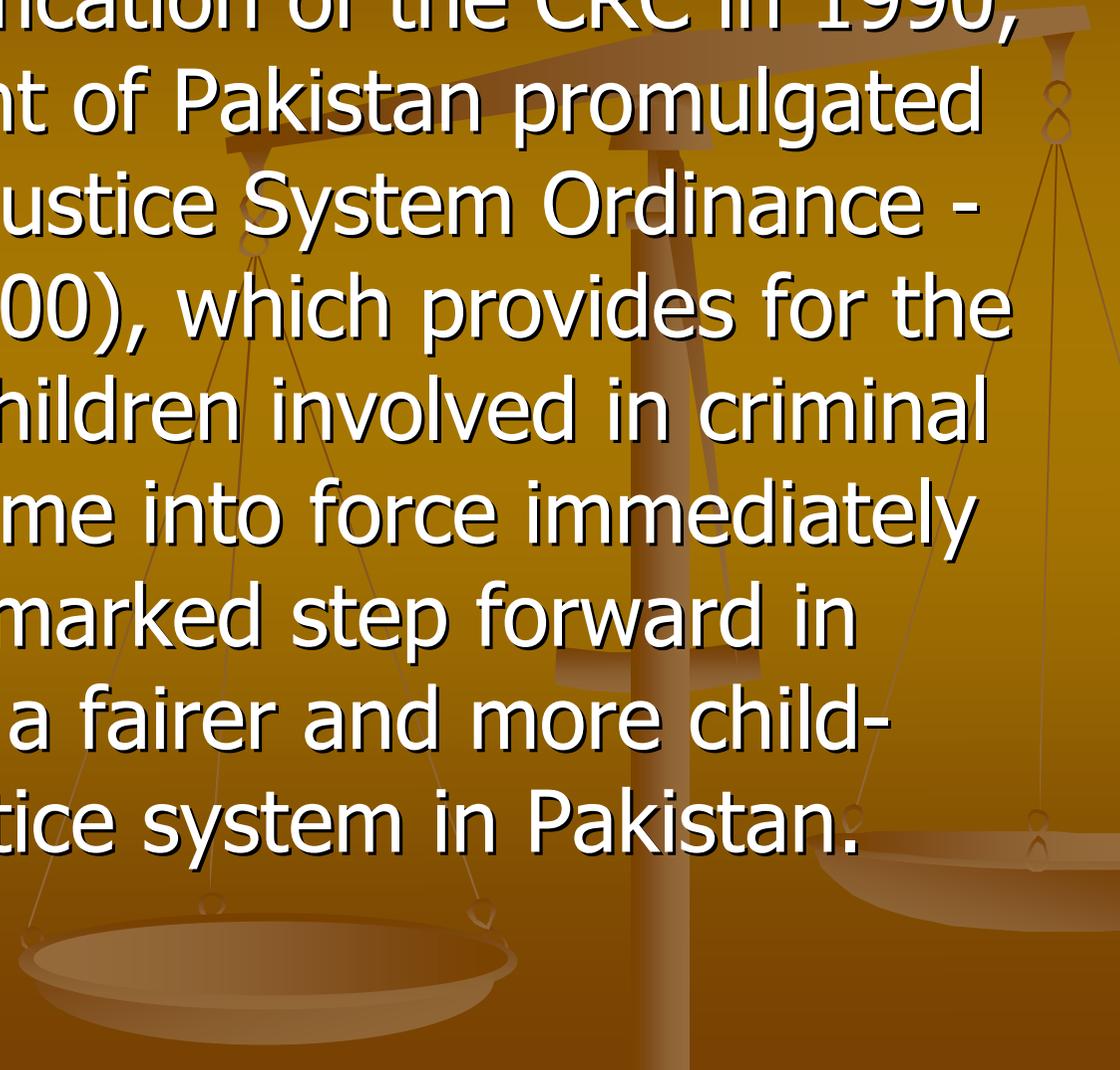


KASHIF MUSTAFA
On behalf of SACH-MADAWA
Juvenile Justice System Ord. 2000.



Following the ratification of the CRC in 1990, the government of Pakistan promulgated the “Juvenile Justice System Ordinance - 2000” (JJSO 2000), which provides for the protection of children involved in criminal litigation. It came into force immediately and was a marked step forward in establishing a fairer and more child-friendly justice system in Pakistan.

Adopted,
opened
4 sign by
Gen.Assembly
Enter into
Force 2nd
Sep1990

Conflict of Laws regarding Age of Minor/Child

UNCRC
Art. 1

- **J.J.S.O 2000**

Sec.2(b): Child means a person who at the time of commission of an offence, has not attained the age of 18 years.

- **Pakistan Penal Code**

Sec.82: Nothing is an offence which is done by a child under seven years of age.

Sec.83: Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

- **Offence Of Zina (Enforcement Of Hadd)Ord.1979**

Sec.2(a)Adult means a person who has attained, being a male, the age of eighteen years or being a female, the age of sixteen years, or has attained puberty.

- **Code Of Criminal Procedure 1898**

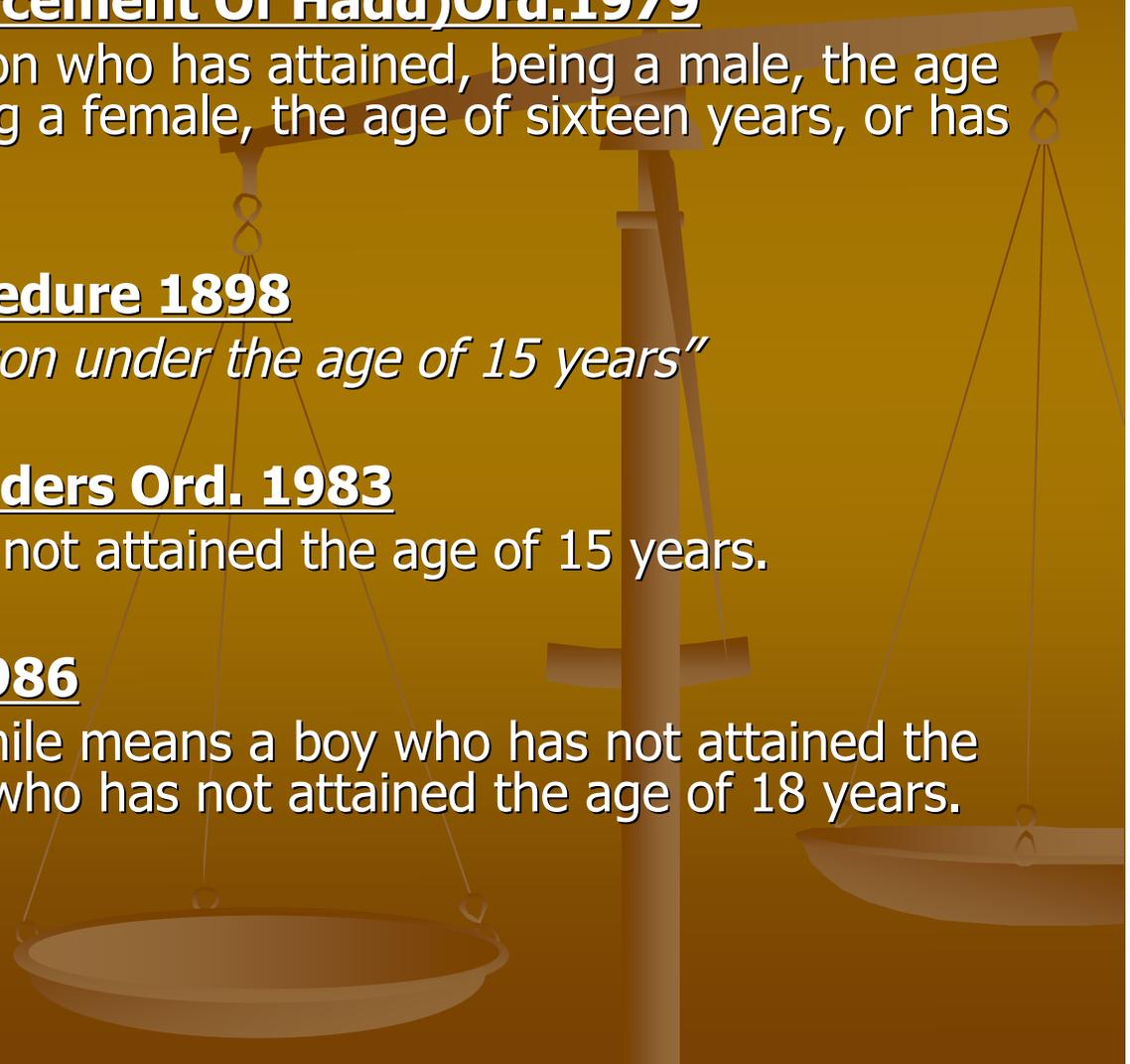
Sec.29-B "Juvenile as a person under the age of 15 years"

- **Punjab Youthful Offenders Ord. 1983**

Sec.2(1)(a)Child is a person not attained the age of 15 years.

- **Juvenile Justice Act 1986**

Sec.2(h) In Indian law Juvenile means a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years.



Juvenile Justice System Ord. 2000.

■ S. 5

No joint trial of a child and adult person, separate trial of the child by the Juvenile Court.

■ S. 7

Court of Sessions, J.
Mag. 1st Class,
4Months

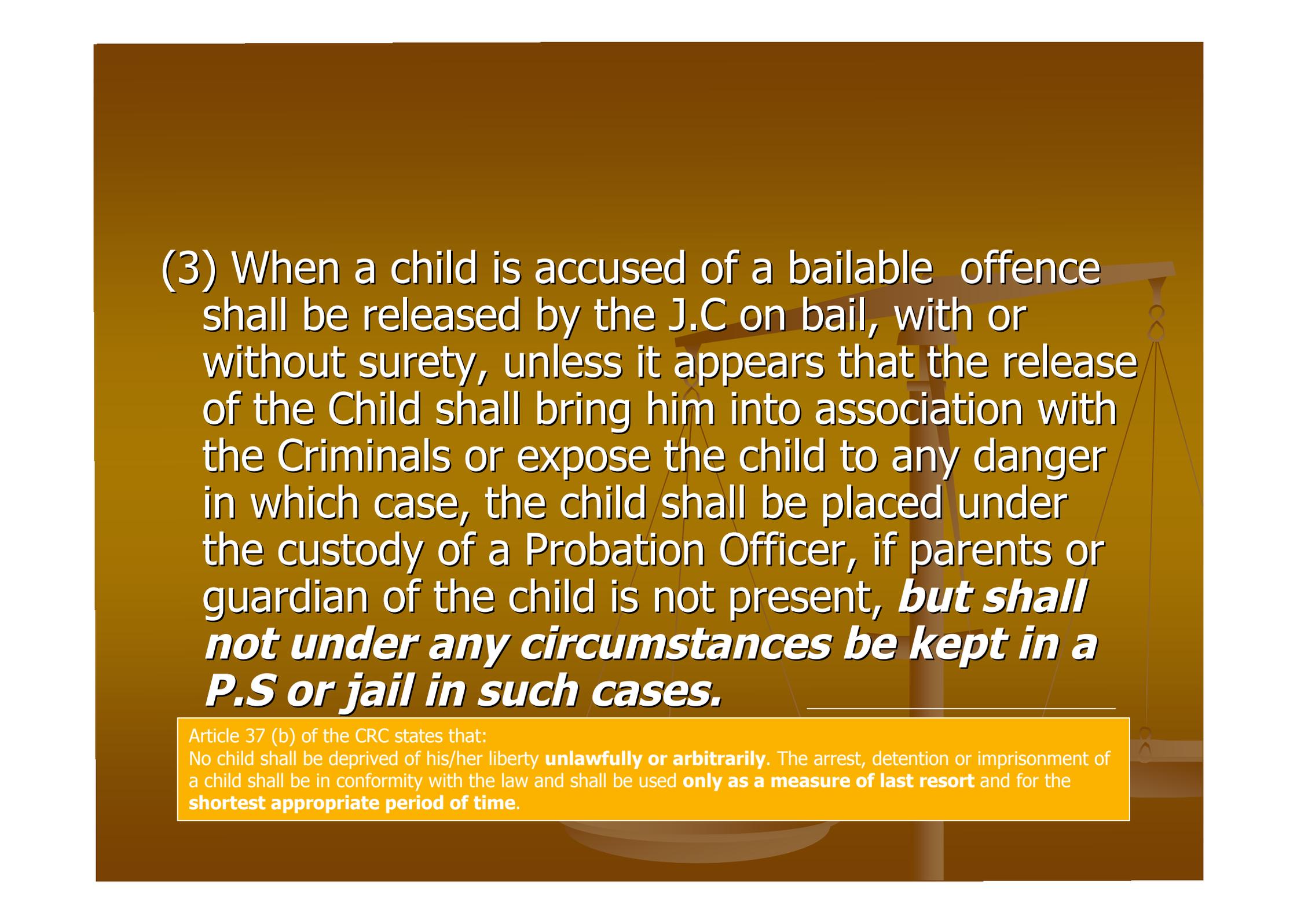
Determination of Age

S. Certif.
Birth Certif.
Med. Rept
Ossification test

If a question arises as to whether a person before it is a child for the purpose of this Ordinance, the Juvenile Court shall record a finding after such inquiry which shall include a medical report for determination of the age of the child.

Arrest and Bail

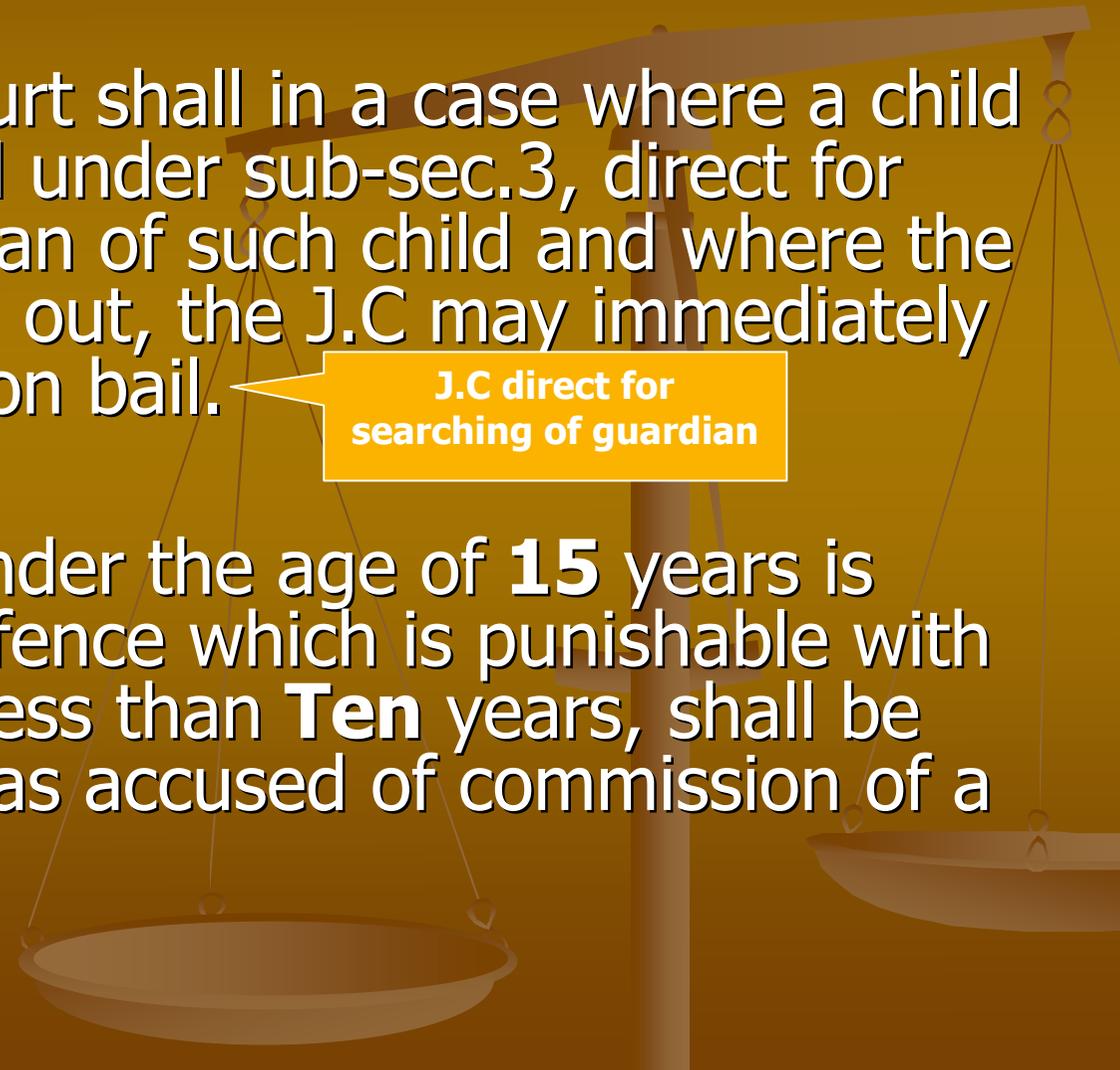
- *Sec 10:* Where a child is arrested for commission of an offence, the officer in charge of the police Station in which the child, is detained shall, as soon as may be, inform:-
 - (a) The guardian of the child,
 - (b) The concerned Probation Officer to enable him to obtain such information about the child and other material circumstances which may be of assistance to the Juvenile Court for making inquiry.

A faint, stylized background image of a pair of scales of justice, with the central pillar and the two pans hanging from a horizontal beam. The scales are rendered in a light brown color against the dark brown background.

(3) When a child is accused of a bailable offence shall be released by the J.C on bail, with or without surety, unless it appears that the release of the Child shall bring him into association with the Criminals or expose the child to any danger in which case, the child shall be placed under the custody of a Probation Officer, if parents or guardian of the child is not present, ***but shall not under any circumstances be kept in a P.S or jail in such cases.***

Article 37 (b) of the CRC states that:

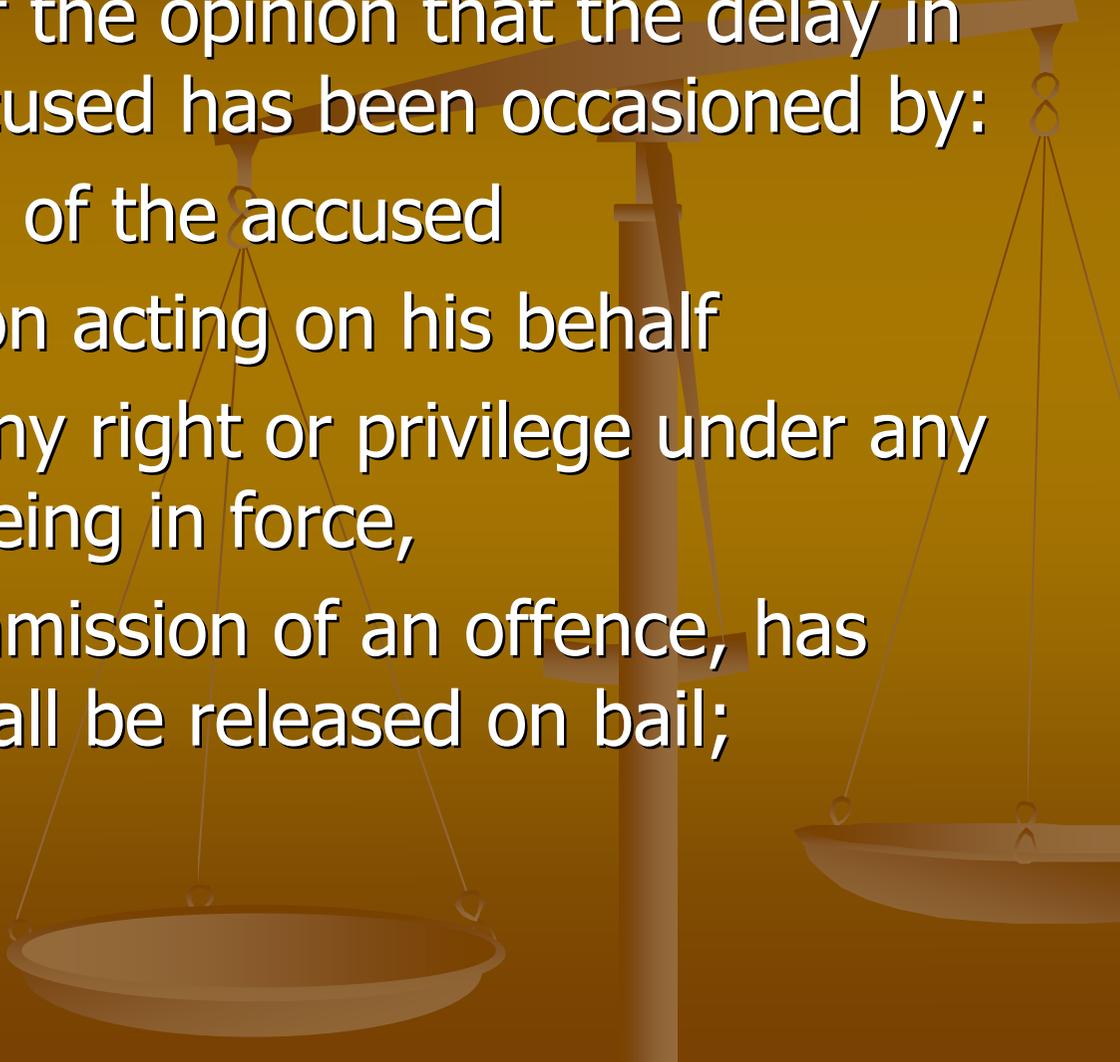
No child shall be deprived of his/her liberty **unlawfully or arbitrarily**. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used **only as a measure of last resort** and for the **shortest appropriate period of time**.



(4) The Juvenile Court shall in a case where a child is not granted bail under sub-sec.3, direct for tracing the guardian of such child and where the guardian is traced out, the J.C may immediately release the Child on bail.

J.C direct for
searching of guardian

★(5) Where a child under the age of **15** years is arrested for an offence which is punishable with imprisonment of less than **Ten** years, shall be treated as if he was accused of commission of a Bailable Offence.

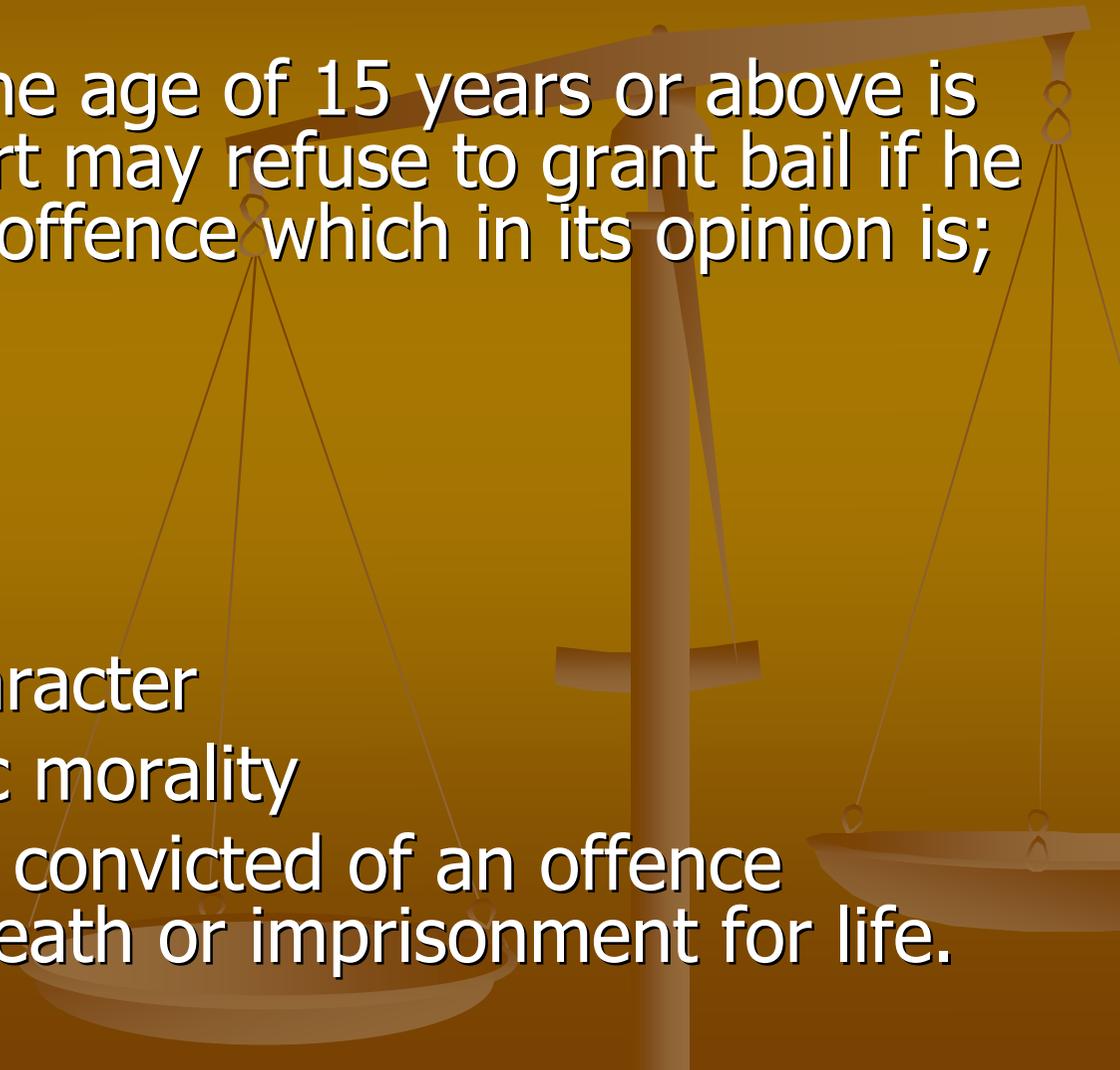


(7) Where a J.C is of the opinion that the delay in the trial of the accused has been occasioned by:

- an act or omission of the accused
- or any other person acting on his behalf
- or in exercise of any right or privilege under any law for the time being in force,

A child who, for commission of an offence, has been detained, shall be released on bail;





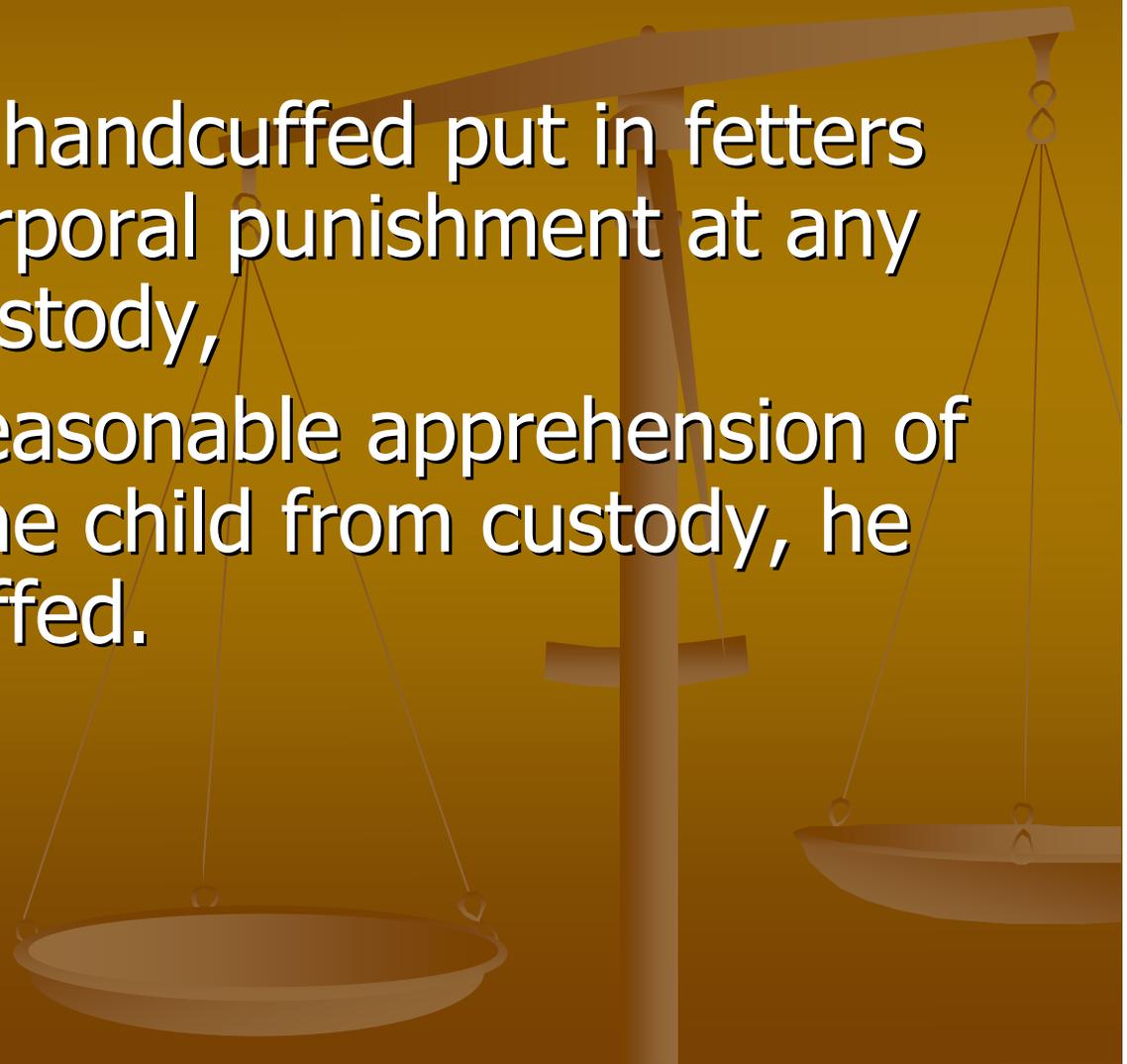
Where a child of the age of 15 years or above is arrested, the Court may refuse to grant bail if he is involved in an offence which in its opinion is;

- Serious,
- Heinous,
- Gruesome,
- Brutal,
- Sensational in character
- Shocking to public morality
- He is a previously convicted of an offence punishable with death or imprisonment for life.

Sec 12;

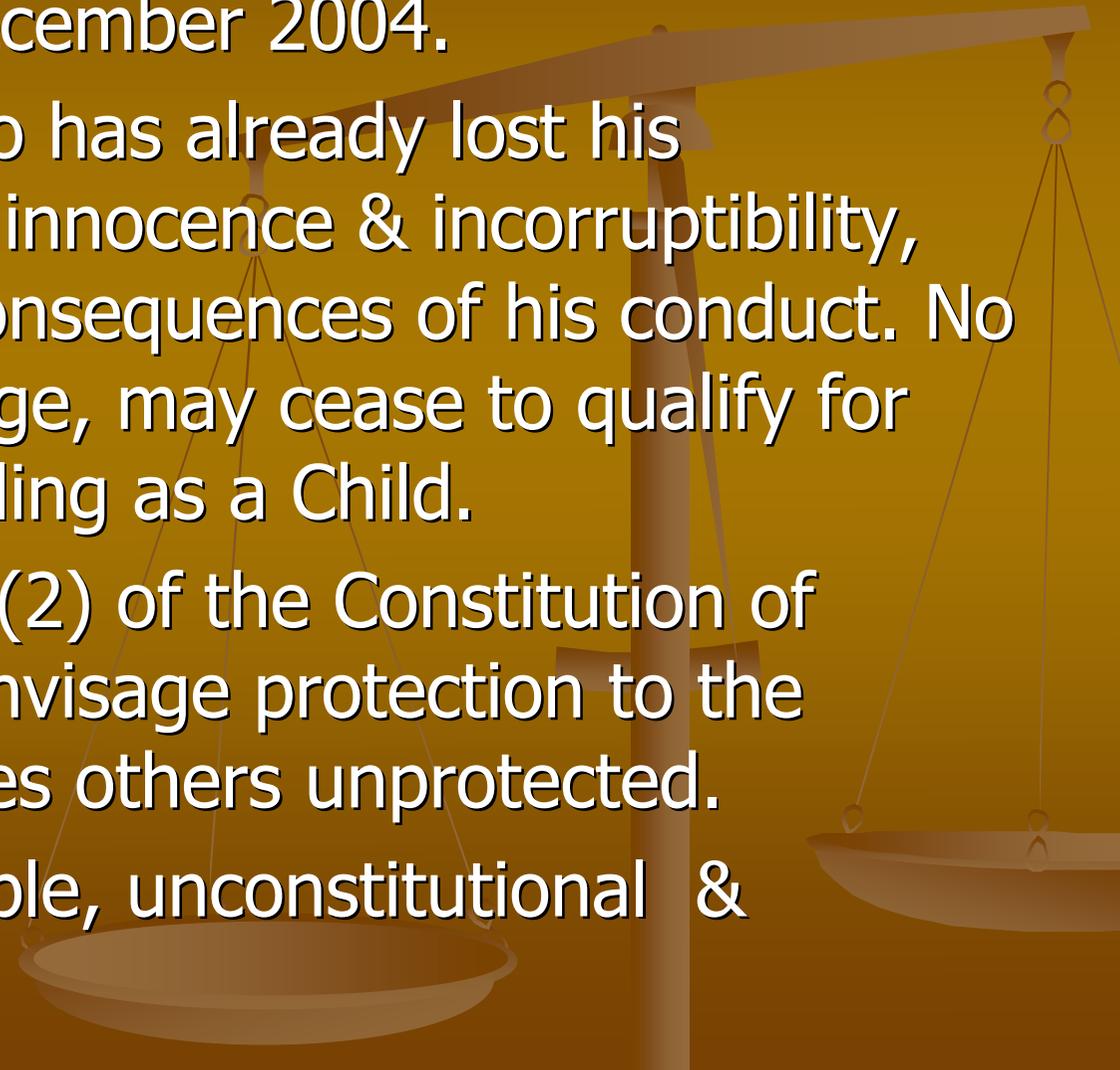
No child shall be handcuffed put in fetters or given any corporal punishment at any time while in custody,

Unless there is reasonable apprehension of the escape of the child from custody, he may be handcuffed.



Farooq Ahmed Vs. Federation of Pakistan

PLD 2005 LH 15

- Decided on 6th December 2004.
 - Young person who has already lost his childhood, virtue, innocence & incorruptibility, understand the consequences of his conduct. No matter what his age, may cease to qualify for such special handling as a Child.
 - Article 25(3) & 26(2) of the Constitution of Pakistan do not envisage protection to the children that leaves others unprotected.
 - Being unreasonable, unconstitutional & impracticable.
- 

SUO MOTU CASE

2006 SCMR 1805

- Decided on 28th April 2006.
- Two young boys having been kept for two days in police lock-up while police tied feet of one boy with fetters fearing his escape from P.S.
- The impugned judgement suspended by the Apex Court by an ORDER on 11-02-05
- A.G of PAK. Contended that the reasons assigned for holding JJSO ultra vires to the Const. are not sustainable in Law, findings of H.Court are based upon extra legal consideration and while interpreting Articles 4,9 & 25 of the Const. learned H.Court failed to consider the real spirit of these Articles.

**Detention of 3 minor flashed on geo TV.
1 age 6 years remained police custody 2 days.**

Jud. Magst. J. Custody Order, Although age 14/15 Reasoning no Prob. Parents, Guardian.