

Judgment Sheet
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

Writ Petition No.40169/2024

(Rehana Nazir VS. District Police Officer, etc.)

JUDGMENT

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| Dates of hearing: | 27.06.2024, 01.07.2024, 03.07.2024, 09.07.2024, 15.07.2024 and 19.07.2024 |
| Petitioner by: | Nemo. |
| State by: | Mr. Shahid Nawab Cheema AAG with Noor-ul-Amin Mengal, Secretary Home, Muhammad Iqbal Khan, Secretary Social Welfare and Bait-ul-Maal Deptt., Mirza Nasar Ahmad, Additional Attorney General, Asad Ali Bajwa, Deputy Attorney General, Mohsin Raza Bhatti and Ijaz Ahmad Basra, Assistant Attorneys General, Syed Farhad Ali Shah, Prosecutor General Punjab, Hafiz Asghar Ali, Deputy Prosecutor General, Mr. Muhammad Usman Anwar, Secretary Public Prosecution Deptt., Owais Nauman Kundi, Additional Secretary (Admin), Wajid Aziz, S.O. (Lit), Mr. J.R. Sultan Section Officer, Abdul Rauf Addl. Secretary, Asmat Ullah Hunjra & Nawazish Ali Directors, PPD, Asim Raza Addl. Secretary, Prisons, Dr. Qadeer Alam AIG, (Judicial), Inspectorate of Prisons, Aamir Shafique Addl. Secretary, Tariq Ismail Litigation Officer, Husnain Khalid, Director Program, Muhammad Mumtaz Child Protection Officer, Shama Ilyas CPO, Mrs. Shazia Child Psychologist, Dr. Qais-ul-Malook, Medical Officer and Muhammad Riaz S.P/Investigation, Gujrat. |
| Amici Curiae: | M/s. Kamran Bashir Mughal, Aftab Maqsood and Dr. Zahid Farooq, Advocates. |

ALI ZIA BAJWA, J.:- Through this constitutional petition, filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as '*the Constitution*'), read with Section 491 of the Criminal Procedure Code, 1898 (hereinafter referred to as '*the Code*'), the petitioner sought the indulgence of this Court for the recovery of her grandson, namely Ghulam Murtaza (hereinafter '*the detenu*') aged eleven years from the alleged illegal custody of respondent No. 3, Hassan Abbas.

2. The *detenu* was presented before this Court by the Station House Officer, Police Station Dinga, District Gujrat, who apprised the Court that he (the *detenu*) was implicated in a theft case. It was further conveyed that, following the provisions of the Juvenile Justice System Act, 2018 (hereinafter referred to as '*The Juvenile Act*'), the *detenu* has been released on a surety bond. The *detenu* appeared in a pitiable condition, seemingly falling squarely within the definition of a 'destitute and neglected child' as delineated under Section 1(k) of The Punjab Destitute and Neglected Children Act, 2004 (hereinafter referred to as '*The Child Act*'). His custody was handed over to the Child Protection and Welfare Bureau, Punjab. A report filed by the Superintendent of Police (Investigation) of District Gujrat revealed that the *detenu* has five other siblings. Both the *detenu* and his brother, Ahmed, are involved in criminal activities with the active knowledge of the petitioner and their mother, Nabeeha. The younger sister of *detenu*, Shaheen Fatima, was also presented before the Court, suffering severely from skin diseases on her head. The custody of the neglected and destitute minors, Ahmed and Shaheen Fatima, was also entrusted to the Child Protection and Welfare Bureau, Punjab.

3. Reports of the concerned quarters indicate a disturbing lack of effort to properly implement The Juvenile Act. The learned Law Officers, representing both the Federal and Provincial Governments, unequivocally submit that their respective departments are ready to fulfill their obligations under The Juvenile Act to ensure its effective implementation.

4. At the heart of our criminal justice system, the treatment of child offenders should be guided by a reformative approach. These young individuals, often led astray by difficult circumstances, deserve a chance to find their way back to normal life and become valuable members of society. By focusing on reformation rather than punishment, we address the root causes of their behaviour. We give them the tools they need to succeed and prevent them from returning to a life of crime. Each child reformed is a success for our community, showing that with the right support, everyone can change for the better. To quote Nelson Mandela, 'There can be no keener revelation of a society's soul than the way in which it treats its children.'

5. International law strongly advocates for a reformative approach while dealing with child offenders. The United Nations Convention on the Rights of the Child (UNCRC), the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985), and the Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990) are key international legal instruments that bind Pakistan to ensure the proper treatment and protection of juvenile offenders. These instruments require Pakistan to uphold the rights of children, prioritize their rehabilitation over punishment, and implement measures to prevent juvenile delinquency. The UNCRC is a comprehensive human rights treaty that outlines the civil, political, economic, social, health, and cultural rights of children. Adopted by the United Nations General Assembly on November 20, 1989, the UNCRC is the most widely ratified human rights treaty in history, highlighting the global commitment to the well-being and protection of children. Pakistan is a signatory to the UNCRC, having ratified the treaty on December 12, 1990. Pakistan, as a signatory to several international treaties and conventions, has specific responsibilities regarding the treatment of child offenders. The primary international instruments that shape Pakistan's obligations include the UNCRC and its associated protocols.

6. It took over a decade for Pakistan to promulgate its first exclusive law dealing with juvenile offenders. This landmark legislation, the Juvenile Justice System Ordinance of 2000 (JJSO), was enacted in July 2000. The JJSO served as the cornerstone of juvenile justice in Pakistan, providing a framework for the treatment and rehabilitation of young offenders. However, as global perspectives on juvenile justice evolved, the need for more comprehensive legislation became obvious. On May 24, 2018, Pakistan ushered in a new era with the enactment of The Juvenile Act. This Act replaced the JJSO, marking a renewed commitment to the protection and rehabilitation of juvenile offenders. The Juvenile Act builds upon the foundations laid by the JJSO, incorporating modern principles of juvenile justice and ensuring alignment with international standards. It emphasizes the importance of rehabilitation over punishment, education over incarceration, and the inherent worth and potential of every child. With

The Juvenile Act, Pakistan has reaffirmed its dedication to nurturing its younger citizens, offering them hope and a pathway to a brighter future. The Juvenile Act harmonizes the legal framework of Pakistan with the principles outlined in key international instruments, emphasizing protection, dignity, and the opportunity for reform. It would be pertinent to take a comprehensive overview of the dynamic provisions within The Juvenile Act to fully grasp the legal framework it establishes.

Legal Assistance at State Expense

7. Every juvenile offender or a victim child of an offence is entitled to legal assistance at the expense of the State. Within twenty-four hours of being taken into custody, a juvenile must be informed of his legal rights by a legal practitioner. The legal practitioner, appointed by the relevant Provincial Government department or the Juvenile court to assist the child victim or juvenile offender, must have a minimum of seven years of experience at the Bar.¹ It provides legal assistance not only to a child who is a victim of an offence but also to a child who is accused. This provision ensures state-funded legal assistance for juveniles, both victims and accused, informing them of their legal rights within twenty-four hours of custody. It requires appointed lawyers to have at least seven years of experience, aiming to protect rights, ensure justice, comply with international standards, prevent wrongful convictions, and uphold a fair, child-sensitive legal process.

Constitution of Juvenile Courts

8. Under Section 4 of The Juvenile Act the Prime Minister, in consultation with the concerned High Court, shall establish or designate Juvenile Courts within three months of the commencement of this Act, as notified in the official Gazette. These courts may serve one or more Sessions Divisions, and trials may be held at locations specified by the High Court. Judges appointed to Juvenile Courts must be Sessions Judges, Additional Sessions Judges, Judicial Magistrates with the powers of Section 30 of the Code or practicing advocates with at least ten years at the

¹ Section 3 of The Juvenile Act

Bar, appointed under the terms set by the Prime Minister in consultation with the High Court. Juvenile Courts have exclusive jurisdiction over cases where a juvenile is accused of an offence. All such pending cases at other trial courts will be transferred to the appropriate Juvenile Court upon the commencement of The Juvenile Act. Changes in the court's composition or case transfers will not necessitate recalling or re-hearing witnesses; existing evidence remains valid.

9. The Juvenile Court is mandated to decide cases within six months of taking cognizance. If unable to meet this deadline, the court must seek an extension from the High Court, explaining the delay. Failing this, the complainant or juvenile may apply to the High Court for an extension. Additionally, the Juvenile Court may hold sittings at locations different from those used by ordinary courts for other trials. The purpose of holding Juvenile Court sittings at different locations from ordinary courts is to create a less intimidating environment for juveniles. This reduces the stress and anxiety of court proceedings, fostering a setting conducive to rehabilitation and fair treatment. It ensures sensitivity to the unique needs of juveniles, promoting a justice system that prioritizes their well-being and reintegration into society.

The Process of the Arrest of a Juvenile

10. Under Section 5 of The Juvenile Act upon the arrest of a juvenile, he must be kept in an observation home. The officer-in-charge of the police station is required to promptly inform the juvenile's guardian, if available, of the arrest, including the time, date, and name of the Juvenile Court where the juvenile will be presented. Additionally, the officer must notify the concerned probation officer to gather information about the juvenile and relevant circumstances to assist the Juvenile Court in its inquiry. No juvenile shall be arrested under preventive detention laws or the provisions of Chapter VIII of the Code. Furthermore, the report under Section 173 of the Code must detail the steps taken by the officer-in-charge to refer the case to the Juvenile Justice Committee for diversion, as envisaged by Section 9 of The Juvenile Act.

11. The purpose of this provision is to ensure that juvenile offenders are kept and treated separately from the ordinary criminal justice system and offenders. This separation aims to protect the unique needs and vulnerabilities of the juveniles, providing them with an environment and processes that focus on rehabilitation rather than punishment. It seeks to prevent juveniles from being exposed to the potentially harmful influences of adult offenders and to promote their reintegration into society as responsible individuals. This approach emphasizes a justice system that is tailored to the developmental and psychological needs of young offenders, fostering their growth and positive transformation.

Special Investigation Mechanism

12. As per Section 7 of The Juvenile Act, a juvenile must be interrogated by a police officer of at least the rank of Sub Inspector, under the supervision of a Superintendent of Police or an SDPO. The investigation officer shall be assisted by a probation officer or a government-designated social welfare officer. Together, they will prepare a social investigation report, which will be attached to the report prepared under Section 173 of the Code. The purpose of this arrangement is to ensure that the investigation of juvenile is conducted with appropriate oversight and support. By involving higher-ranking police officers and having the assistance of probation or social welfare officers, the process aims to be thorough, fair, and sensitive to the juvenile's circumstances. The social investigation report helps to provide a comprehensive understanding of the juvenile's background, which is essential for informed decision-making and promoting the juvenile's rehabilitation.

Arrest and Probation of Female Juvenile Offenders

13. Under no circumstances can a female juvenile be apprehended or investigated by a male police officer, nor shall she be released on probation under the supervision of a male officer. Furthermore, a female juvenile shall only be housed in a Juvenile Rehabilitation Centre that is established or certified exclusively for female inmates.² The purpose of

² Section 17 of The Juvenile Act

these provisions is to ensure the safety, dignity, and well-being of female juveniles within the criminal justice system. By prohibiting male officers from apprehending, investigating, or supervising female juveniles, it aims to prevent any potential abuse, harassment, or discomfort that might arise from interactions with male officers. Additionally, by mandating that female juveniles be kept in rehabilitation centers exclusively for female inmates, it seeks to provide a more secure and supportive environment tailored to their specific needs.

Constitution of Juvenile Justice Committee

14. Under Section 10 of The Juvenile Act, upon the commencement of this Act, and not later than three months thereafter, the Law and Justice Division, in consultation with the concerned Sessions Judge, shall establish a Juvenile Justice Committee for each Sessions Division. This committee will be comprised of four members: a serving Judicial Magistrate with powers under Section 30 of the Code, who will head the committee; the district Public Prosecutor; a member of the local Bar with at least seven years of standing, appointed by the Sessions Judge for a term of two years; and a serving probation officer or social welfare officer not below the rank of BPS-17. This composition aims to ensure a balanced and just approach to juvenile justice system. The purpose of the Juvenile Justice Committee is to oversee and ensure the fair treatment and rehabilitation of juvenile offenders. By bringing together a Judicial Magistrate, District Public Prosecutor, an experienced Bar member, and a probation or social welfare officer, the committee aims to provide a comprehensive and balanced approach to juvenile justice system. This multidisciplinary team works to ensure that juvenile cases are handled with the necessary legal oversight, prosecutorial guidance, legal advocacy, and social support, ultimately developing an environment conducive to the rehabilitation and reintegration of juvenile offenders into society.

15. The Juvenile Justice Committee, ideally located within the same premises as the Juvenile Court, plays a vital role in the juvenile justice system. It handles case diversions referred by the police, prosecution, or Juvenile Court, aiming to resolve them within a month. The committee also

inspects observation homes and Juvenile Rehabilitation Centres, issuing directives to enhance the welfare and social reintegration of juveniles. Additionally, it performs other prescribed functions, with the Sessions Judge of each District providing the necessary staff for its effective administration and functioning. This setup ensures a balanced and rehabilitative approach to juvenile justice system.

Disposal of Cases through Diversion

16. Diversion measures are innovative approaches designed to resolve legal cases without formal judicial proceedings, steering offenders away from traditional criminal justice system towards rehabilitation and reintegration programs. These measures aim to tackle the root causes of criminal behaviour, offering supportive interventions to prevent future offenses. Key elements include counselling and therapy to address behavioural issues, mental health problems, and substance abuse. Community service allows offenders to give back to society, fostering a sense of positive contribution. Educational programs provide valuable skills and knowledge, enhancing employability and lawful conduct. Restorative justice programs promote accountability and amends through mediation between offenders and victims. Probation or supervised release provides an alternative to incarceration, ensuring compliance with specific conditions. Youth diversion programs focus on mentorship, family support, and education, guiding juveniles away from criminal behaviour towards personal growth and societal harmony.

17. According to Section 9 of The Juvenile Act disposal of cases through diversion allows for certain juvenile cases to be resolved outside the traditional judicial process with the consent of the juveniles or their guardians. Diversion is applicable for all the juveniles accused of minor offenses or in cases involving major offenses, if they are under sixteen at the time of the offense. For diversion cases can be referred to the Juvenile Justice Committee, which handles the case through diversionary methods. Diversion can occur at any stage of police investigation or trial. When the police refer a case to the Juvenile Justice Committee, the required police report under Section 173 of the Code is postponed until the Committee

issues its final order. The Committee, with the victim's consent, may use various diversion methods, including restitution of movable property, reparation of damages, written or oral apologies, community service, fines, costs of proceedings, placement in a Juvenile Rehabilitation Centre, or written and oral reprimands. If the complainant is a state functionary and the offense does not involve a private individual, the case can still be diverted with the consent of the public prosecutor. All offenses, whether minor or major, are deemed compoundable for diversion purposes.

Special Procedure of Juvenile Court

18. Section 11 lays down that the Juvenile Court shall adhere to the procedures outlined in the Code unless otherwise specified by The Juvenile Act. Only specific individuals may be present at court sessions: the court staff and officers, parties to the case and those directly involved, the juvenile's guardian, and others as directed by the court. The court may order individuals to withdraw to protect the juvenile's decency or morality. If the court determines that the juvenile's presence is not essential at any point, it may proceed without the juvenile. Should a juvenile be found suffering from a serious illness, the court will ensure he receives necessary treatment at a hospital or medical institution, with the costs covered by the State. The purpose of these provisions is to ensure that the proceedings of the Juvenile Court are conducted in a manner that prioritizes the well-being and dignity of the juvenile. By restricting attendance to essential personnel and individuals directly involved in the case, the law aims to create a more private and less intimidating environment. This helps to protect the juvenile's privacy and fosters a sense of security.

19. Notwithstanding the provisions of Section 239 of the Code or any other prevailing law, a juvenile shall not be charged or tried for an offense alongside an adult. However, the Juvenile Court may permit a joint trial if it deems such an arrangement to be in the interests of justice. In case of joint trial, the court may waive the juvenile's physical presence, allowing participation through audio-visual technology. The purpose of these provisions is to protect juveniles from the potentially negative influences and pressures of being tried alongside adults. By generally prohibiting joint

trials with adults, the law aims to ensure that juveniles receive special consideration and treatment appropriate to their age and developmental stage.

20. It must be kept in mind that the general rule under the law mandates separate trials for juveniles and adult offenders. However, the law provides an exception that if the court is satisfied that a joint trial serves the interest of justice, it may proceed accordingly. '*If the court is satisfied*' connotes that the court has reviewed the circumstances and facts and has determined that a joint trial is appropriate and justifiable. It indicates that the court has exercised its judgment and discretion to reach a decision based on the interest of justice and fairness. When a court orders a joint trial, deviating from the general rule of separate trial for juvenile and adult, it must provide compelling reasons that demonstrate the careful application of judicial discretion.

The Anonymity of Name and Identity

21. Under Section 13 of The Juvenile Act, subject to the exceptions as provided in this Section, any person who prints or publishes the name or any information that could reveal the identity of a juvenile shall be subject to imprisonment for a term of up to three years and shall also be liable to a fine. Furthermore, anyone who prints or publishes any information regarding proceedings before a Juvenile Court, about a juvenile, without prior permission from the Juvenile Court, shall be punished with imprisonment for a term of up to two years and shall also be liable to a fine. The law aims to prevent potential harm, stigma, or undue attention that could negatively impact the juvenile's future. This protection ensures that juveniles can navigate the legal process without fear of public exposure, fostering a rehabilitative rather than punitive approach to juvenile justice system.

The Report of Probation Officer

22. Section 14 of The Juvenile Act mandates that the probation officer, upon the direction of the Juvenile Court, shall assist and prepare a report within the specified time regarding the juvenile's character,

educational, social, and moral background; any voluntary admission of committing an offense; evidence of the juvenile's involvement in the offense; the legal assistance provided to the juvenile and their family; steps taken towards mediation or compromise with the complainant or victim; and the possibility of sending the juveniles to a Juvenile Rehabilitation Centre or releasing them on probation. The report of the probation officer is to be treated as confidential, except where the Juvenile Court deems it appropriate to communicate its substance to the juvenile's guardian. If the guardians dispute the contents of the report, the juvenile court may allow them an opportunity to present relevant evidence.

23. The purpose of such a report is to provide the Juvenile Court with a comprehensive understanding of the juvenile's background and circumstances. This information aids the juvenile court in making informed, fair, and just decisions that prioritize the juvenile's rehabilitation and reintegration into society, rather than mere punishment. It ensures that the court considers the juvenile's overall well-being, potential for reform, and the best interests of both the juvenile and society.

Establishment and Certification of Observation Homes and Juvenile Rehabilitation Centres

24. Under Section 20 of The Juvenile Act the Interior Division, in consultation with the concerned Division, may establish and maintain observation homes and Juvenile Rehabilitation Centres for the reception of juveniles, including separate facilities for female juveniles. Additionally, the Interior Division may certify observation homes or Juvenile Rehabilitation Centres managed by non-governmental organizations for juvenile reception. Furthermore, the Interior Division may certify established associations or societies within local areas for the social reintegration or rehabilitation of juvenile offenders released on parole or discharged from a Juvenile Rehabilitation Centre. The Division is also empowered to regulate the activities and functions of such released or discharged juveniles in the prescribed manner. According to Section 22 of The Juvenile Act, in order to report to the juvenile court or Juvenile Justice Committee on measures for social reintegration, health, education, and

other conditions of the inmates, a member of the Juvenile Justice Committee along with a medical officer may inspect an observation home or a Juvenile Rehabilitation Centre. This inspection requires prior approval from the head of the Committee, or an officer authorized by the relevant Provincial Government department.

25. Unfortunately, The Juvenile Act has not been implemented in its true letter and spirit. This landmark legislation, designed to bring justice to a child victims and rehabilitation of juvenile offenders, remains more a promise than a reality. Its vision of Specialized Juvenile Courts, compassionate legal assistance, and rehabilitative measures have been dimmed by inadequate execution. The Juvenile Justice Committees, envisioned to protect the welfare and facilitate the social reintegration of young offenders, have unfortunately failed to become operational and fulfill the commendable objectives for which The Juvenile Act was enacted. The goals of protecting juveniles from harsh penalties and ensuring their dignified treatment have been undermined by systemic inefficiencies and a persistent gap between policy and practice. The failure of implementation of The Juvenile Act to be fully realized leaves many young lives still ensnared in the criminal justice system that struggles to provide the care and opportunity they deserve.

26. Law is not merely a formality; it is an obligation, a compulsion that ensures order and justice within society. The written statutes and regulations are more than ink on paper. The enforcement of a statute is not optional, but a mandatory duty entrusted to every state functionary, a responsibility that comes with the authority and power vested in their positions. This duty is not just about compliance rather it is about upholding the rule of law. The failure to implement the law results in a grave violation of the fundamental rights of those subject to it. However, when these laws are not enforced, the vulnerable are left unshielded, and their rights trampled upon. When laws are not implemented, resulting in the violation of the rights of those whom the law seeks to protect, the state functionaries responsible for this negligence must be held accountable. To turn a blind eye to the breach of these laws is to let the very foundation of justice crumble beneath our feet. Accountability must be the order of the day,

ensuring that those entrusted with the power to enforce the law do not shirk their responsibilities. Justice delayed is justice denied, and every state functionary who fails to implement the law is complicit in this denial.

27. The reports submitted by the concerned state functionaries reveal a disheartening situation. No serious effort whatsoever was made to implement The Juvenile Act. Such inaction on the part of state functionaries suggests that the Government is dragging its feet on a beneficial piece of legislation. The Juvenile Act, like many other laws, remained merely a paper law, with its noble intentions never translating into meaningful action.

28. Both executive agencies and Courts in Pakistan are constitutionally and legally bound to uphold the rule of law within their respective domains.³ This obligation is critical to maintaining justice, ensuring fairness, and protecting the rights of individuals. When a law is not implemented, the duty of the Constitutional Court encompasses several key actions. It undertakes judicial scrutiny, issues enforcement orders, protects Constitutional rights, holds government officials accountable, and prescribes remedial measures. Through these actions, the Court ensures that laws are not merely words on paper but are actively upheld and enforced, preserving the integrity of the legal system. In the above-discussed circumstances, this Court is compelled to issue the following directions to ensure the prompt implementation of The Juvenile Act:-

- I. The respective Government must take immediate and decisive steps to implement The Juvenile Act to the fullest extent and meaning without further delay. It is imperative that no further time is wasted in bringing the protections and reforms of this vital legislation to fruition. For the greater good of our youth, we must ensure that the commitments of this law are swiftly and fully realized.
- II. The Provincial Police Officer shall ensure that a juvenile offender shall be interrogated only by a police officer of a rank not below that of a Sub-Inspector. Such interrogation shall be

³ Dr. Arslan Iftikhar vs. Malik Riaz Hussain and Others- PLD 2012 SC 903

carried out under the supervision of a Superintendent of Police (SP) or a Sub-Divisional Police Officer (SDPO). The investigating officer shall be assisted by a probation officer or a social welfare officer notified by the Government.

- III. The Prosecutor General Punjab, as a principal stakeholder in the criminal justice system, must also ensure the strict compliance of The Juvenile Act. It is incumbent upon the concerned prosecutors to promptly identify and address any investigation conducted in violation of this law at the earliest possible stage. By doing so, they safeguard the integrity of the legal process and uphold the rights and protections afforded to juveniles under this beneficial legislation.
- IV. To achieve the true purpose of The Juvenile Act, it is essential to always opt for the disposal of cases through diversion following Section 9 of this Act. Diversion focuses on rehabilitation over punishment, reducing recidivism, minimizing stigma, improving efficiency in the justice system, and prioritizing the best interests and well-being of the juvenile offenders. During the investigation, the investigating agency, and during the trial, the prosecution and trial courts shall refer cases to the Juvenile Justice Committees for disposal through diversion in the prescribed manner.
- V. To ensure strict compliance with The Juvenile Act during investigations, the prosecution and investigating agency must maintain a close and effective liaison. This cooperation is essential to guarantee that juvenile offenders are treated in full accordance with the provisions of the Act, upholding both the spirit and letter of the law.
- VI. The Law and Justice Division, in consultation with the Sessions Judge, shall bring forth the Juvenile Justice Committee in each Sessions Division without slightest delay to ensure effective and meaningful implementation of The Juvenile Act. Without these committees being operational, the true spirit of this law cannot be fully realized.

VII. To meet the requirements of The Juvenile Act, arrested juveniles shall be kept in observation homes. The Government shall establish these observation homes to provide safe shelter for them in every District. The physical separation of juveniles from adult offenders in detention facilities is non-negotiable, with separate lockups and detention centers dedicated to young offenders.

VIII. Prosecutors and investigating officers must be thoroughly versed in the provisions and their applications within The Juvenile Act. It is advisable to hold training sessions for them in collaboration with the Prosecution and Police Departments. This proactive approach will ensure that all involved parties are fully equipped to uphold the law and administer justice following the mandates of the law.

29. The effective implementation of The Juvenile Act requires a multi-faceted approach involving all stakeholders. By adhering to the provision of this Act, we can ensure a criminal justice system that is fair, humane, and geared towards the rehabilitation of juvenile offenders. A copy of this judgment shall be transmitted through the Registrar's office of this Court to all stakeholders, including the Sessions Judges and Juvenile Courts, for its strict compliance. The compliance reports shall be filed by the Government, Prosecutor General Punjab and Provincial Police Officer, Punjab within two months to the Registrar's office of this Court for perusal in chambers.

30. The *detenu* and his siblings, Ahmed and Shaheen Fatima, having suffered neglect and destitution, shall be returned to the embrace of the Child Protection Bureau. Their custody shall henceforth be regulated by the Child Protection Court, which shall undertake all necessary measures to ensure that these vulnerable children are safeguarded from future involvement in any unwanted activities. It is expected that the state shall fulfill its obligation to nurture and shield these ill-fated minors. The investigating agency is also hereby directed to dismantle the gangs that exploit minors for their nefarious designs, ensuring that these vulnerable youths are no longer ensnared in

criminal activities. A report on this matter shall be submitted by the investigating agency through the Additional Registrar (Judicial) of this Court.

31. In the light of the aforementioned observations, this petition stands **disposed of**.

**(ALI ZIA BAJWA)
JUDGE**

The judgment was pronounced and written on 19.07.2024 and after completion it was signed on the same day.

JUDGE

Approved for Reporting

JUDGE

Khatar