

# The Juvenile Justice Rules, 2001

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S.R.O. 867 (1)/2001. —In exercise of the powers conferred by Section 15 of juvenile justice systems Ordinance 2000 (XXII of 2000), read with justice Division's Notification No. F-17(2)/80-Pub. Dated 31.12.1980 issued in pursuance of (Article 2 of 1980) and all other powers relating in that behalf the Government of Pakistan, ICT administrations is pleased to make the following rules, namely: --

## PART I PRELIMINARY

**1. Short title, commencement and application.** —(1) These Rules may be called (as juvenile justice rules, 2001;

(2) They shall come into force at once.

(3) They shall extend to the whole of the Islamabad Capital Territory.

**2. Definitions.** —(1) In these rules, unless there is something repugnant in the subject or context.--

(a) "Incharge" means a person appointed by the [provincial Government] as Incharge of the Borstal Institution.

(b) "Income" mean all those juveniles who are placed and detained in [a] Borstal Institution;

(c) "Juvenile" means a person who at the time of commission of an offence has not attained the age of eighteen years [or a child as defined in the juvenile System Ordinance, 2000];

(d) "parole officer" means a person appointed by the provincial Government to perform the function of parole officer in the Reclamation and Probation Department under the good conduct prisoners Probation Release Act, 1926 (Act X of 1926) and other rules framed and enforce for the time being.

(e) He and its derivative are hereinafter used for any juvenile whether male or female.

(f) the words importing singular number include plural number and the words importing plural number include singular number.

(2) "Words and expression" used but not defined shall have the same meanings as assigned in the respective laws.

**3. Legal Assistant.** —(1) Where it appear to a juvenile court that a legal practitioner appointed by the State to Conduct a case of juvenile is not competent or diligent, the court may direct to engage any other legal practitioner for the purpose at the state expense.

(2) A penal of legal practitioners shall be constituted by the Sessions judge for the purpose of providing legal assistance to the juvenile at state expense, [Whereas,] a legal practitioner shall not be appointed for more than two cases of the juvenile at the same time.

(3) The legal practitioner, appointed to defend the case of a juvenile, shall be entitle to receive fee determined by the Session judge subject to [the] minimum [limit] of [Rs. 5000/- rupees five thousand] and not [exceeding] [Rs. 10,000/- ten thousand].

(4) The case of juveniles shall not be dealt by the same legal practitioner successively at the state/expense unless otherwise asked for by the juvenile court.

## PART II INSTITUTIONAL TREATMENTS

**4. Establishment of Borstal Institutions.** —(1) [The Provincial Government] shall establish and maintain [at least] one Borstal Institution in ICT to keep and accommodate [the juveniles therein.]

(2) All arrangements to impart education and training with respect to their mental physical, moral and physiological development shall be provided within the Borstal Institutions.

**5. Accommodation for juvenile.** —(1) the Borstal institutions shall provide accommodation to the juveniles with reasonable facilities such as toilets, bath rooms, cleanliness [and sanitation].

(2) The juvenile shall be provided, if possible, with cellular accommodation for the purpose of their separation [from their] inmates at night.

**6. Juveniles to be sent to Borstal Institution.** —If the juvenile court on the conclusion of an enquiry or trial, finds that the juvenile has committed the offence, the court ma make an order directing the juvenile to be sent to a Borstal institution until he attains the age of eighteen years or for such period of imprisonment as awarded to him by the Court which ever, is earlier.

**7. Juveniles to be admitted in Borstal Institution.** —(1) No juveniles shall be admitted to a Borstal institution except under a lawful warrant or an order issued by a juveniles court having jurisdiction into the matter addressed to the incharge of the Borstal institution.

(2) On admission to a Borstal institution, the incharge, responsible to receive the juveniles shall record the requisite information regarding each juvenile such as name, parentage complete address, education, section of law charged, first information report number, police station, address of the court concerned, date of production in court, if any, and the term of his detention in the Borstal Institution.

(3) On admission to a Borstal institution, every juvenile shall be examined by the District health officer, who shall record his age, weight, height, identification marks and health report of every such juvenile so admitted in the Borstal Institution.

(4) The District Health officer shall take appropriate steps for treatment of the sick juveniles.

(5) On admission to the Borstal institution, a female juvenile shall be death only by the female staff in all matters relating to the female juvenile.

**8. Thorough search of every juvenile.** —(1) On admission to a Borstal institution, every juvenile shall be thoroughly searched.

(2) No juvenile shall be allowed to keep any prohibited article prohibited in any law or rule relating to detention of the offenders for the time being force.

**9. Transfer of juvenile.** —All juveniles already ordered to be detained under any of the laws pertaining to the juveniles, shall immediately by transferred to the Borstal institution.

**10. Detention of female juvenile.** —(1) Female juveniles shall be detained in a separate enclosure of the Borstal institution exclusively established for the purpose.

(2) In case there is no such enclosure as mentioned in Section (1) above, they shall immediately be transferred to any care home as ordered by the Court.

(3) Female juveniles shall in no case be kept in a police lock up or prison.

**11. Facility of meeting of juvenile.**—Every juvenile shall be allowed reasonable facilities of seeing or communicating with his relatives, friends and legal adviser in connection with his family affairs or judicial matters and shall be allowed to have meeting with them at least twice a week.

**12. Release of juvenile.**—(1) On receipt of written release order from the juvenile court, the juvenile shall immediately be released from the legal custody after due satisfaction into the validity of the release order.

(2) On release of every juvenile, he shall be provided with a certificate as to his character, health, Education and [the training received] by him during his detention in the Borstal institution by the Incharge of the institution which may be help full in his adjustment in the society.

**13. Health, hygiene and medical care.**—(1) A Medical file of every juvenile shall be maintained in the Borstal institution alongwith his previous medical history, if any,

(2) There shall be regular medical check up of the juvenile detained in the Borstal institution after every three months and they shall be advised properly by the District Health officer, to maintain their health and hygienic satisfactory.

(3) All types of the [necessary medicines/medical facilities shall be arranged within the Borstal institution including the arrangements for their necessary medical tests.

(4) Cases of patients of Tuberculosis, Asthma, chronic Bronchitis, hepatitis H&C, HIV/AIDS & Cancer, Epilepsy leprosy and any other serious disease shall be forwarded to the juvenile court for ball etc. by the Incharge of the Borstal institution alongwith latest medical reports.

(5) Less serious patients may be treated in isolation from their inmates within the hospital of the institution.

**14. Moral treatment.** — (1) All juveniles shall be given careful individual attention to develop their moral conduct and attitude in order to mark them disciplined citizens.

(2) [Special treatment programs shall be arranged with respect to religious] education upto the high school level [along with] industrial/vocational/technical training under proper supervision.

**15. Technical training.** ---(1) Every juvenile shall be allowed to choose any of the industrial training to be imparted in the institution and shall be encouraged to receive the Raining of his choice or the training compatible with his preference, profession or circumstances, as far as possible.

(2) If [a juvenile] shows no special inclination or aptitude [ in any of the training, program as discussed earlier], the head of the institution may decide the industry [which he should be taught gibing full consideration to his hereditary calling and the pursuit which he would follow after his release for the Borstal institution under the circumstances in order to enable him to earn respectable livelihood in the society.

(3) The services of [the] juveniles may be utilized in the [field] of architecture [as well].

**16. Physical training sports and recreation.** —(1) [Facilities] [of] physical drill, gymnastics, [scouting and] indoor/outdoor games shall be provided to the [juveniles detained in the Borstal] [institutions].

(2) Instructions if first-aid and sanitation shall also be imparted regularly.

(3) A specious playground shall be provided in every Borstal institution.

**17. Psychological development of juveniles.** — (1) All possible steps shall be taken to improve the mental caliber of the juveniles and in this connection, their natural instincts and skills shall be [identified], developed and promoted.

(2) Juveniles shall not be allowed to waste [their] time [in the Borstal institution].

(3) Juveniles shall be encouraged to play their role, both individually and collectively, in the area of national reconstruction and development.

**18. Complaints and requests by juveniles.** — (1) Each and every complaint and requests made by the juveniles shall be properly attended[to] by the Incharge [of] the Borstal institution and every [such] grievance [shall] be redressed [as is necessary for the purposes of the juvenile justice System within the] shortest possible time.

(2) [Any] false [or] malingering report made by [a] juvenile may however, be discouraged for the sake of maintained of [the] institution order and discipline.

**19. Discipline and punishment.** — (1) Discipline and order shall be maintained with firmness, but with nor more restriction [and force] than is necessary for safe custody of the juveniles and maintenance of peace and order within [ the Borstal] institution.

**20. No, stigmatization.** —No juvenile shall be stigmatized in any of the matter relating to arrest, inquiry, court proceedings, prosecution, probation and conviction unless specifically authorised by the [juvenile] Court.