

**PUNJAB JUVENILE JUSTICE
SYSTEM RULES, 2002**

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PUNJAB JUVENILE JUSTICE SYSTEM RULES, 2002

TEXT

Notification: No. SO(R&P)10-38/35 Vol.III—in exercise of the powers conferred upon under Section 15 of the Juvenile Justice System Ordinance, 2000(XXII of 2000), the Governor or the Punjab is pleased to make the following Rules:-

PART I

PRELIMINARY

1.Short Title and commencement.—(1) These Rules may be called the Punjab Juvenile Justice System Rules, 2002.

(2) They shall come into force at once.

2. Definition.—(1) in these rules, unless there is anything repugnant in the subject or context:

- (a) “Incharge” means a person appointed by the Provincial Government as in-charge of a Borstal Institution;
- (b) “Inmate” means all those juveniles who are placed and detained in the Borstal Institution.
- (c) “Juvenile” means a person who at the time of commission of an offence has not attained the age of eighteen years and includes a child and youthful offender; and
- (d) “Probation Officer” means a person appointed by the Provincial Government to perform the function of Probation Officer in the Reclamation and Probation Department under the Probation of Offenders Ordinance, 1960 (XLV of 1960) and under the Juvenile Justice System Ordinance, 2000 (XXII of 2000).

(2) Words and expressions used but not defined in these Rules shall have the same meanings as are assigned to them in the respective laws.

3.Legal Assistance.—(1) Where it appears to a Juvenile Court that a legal practitioner appointed by the State is not competent or diligent the Court may direct that any other legal practitioner be engaged at the expense of the State.

(2) A panel of legal practitioners shall be constituted shall be constituted by the Sessions Judge for the purpose of legal assistance at the expense of the State but a legal practitioner shall not be appointed for more than two cases of juveniles at a time.

(3) The legal practitioner, appointed to defend the case of juvenile shall be entitled to receive a fee to be determined by the Sessions Judge but it shall not be less than five thousand rupees and more than ten thousand rupees.

PART II

INSTITUTIONAL TREATMENT

4. Establishment of Borstal Institutions.—(1) The Provincial Government shall establish and maintain Borstal Institution at least one for every District of the Province to, keep and accommodate juveniles in such Borstal Institution.

(2) All arrangements relating to education and training for their mental, moral and psychological development-shall be provided within the Borstal Institution.

COMMENTS: The institutional treatment of the juvenile delinquents is most urgent to save the nation from habitual criminality and repeaters as this is biggest problem in the West, specially U.S.A., U.K Germany and France as well as Japan and China, Juveniles ‘ delinquency is the nursery for habitual, recidivist, professional, desperate and terrorist criminality Borstal Institution/Schools are under the Prison Department. These Rules have been framed to execute the Juvenile Justice System Ordinance, 2000 by some community based semi-institutional treatment Social Welfare Department are re-enforced Directors of Reclamation and Probation with their Certified Schools could have done better job in this behalf.

5.Accommodation for juveniles.—(1) The Borstal Institution shall provide accommodation to the juveniles with reasonable facilities such as sanitary, toilets and bath rooms.

(2) The juvenile shall be provided, if possible, with, cellular accommodation for the purposes of separation of inmates at night.

6. Juvenile to be admitted in Borstal Institution.—(1) No juvenile shall be admitted into a Borstal Institution except under a lawful warrant or order issued by a Juvenile Court, having jurisdiction, as addressed to Incharge of Borstal Institution.

(2) On admission to a Borstal Institution, the Incharge, responsible to receive the juvenile delinquents, shall record all requisite information about, each inmate such as name, parentage, complete address; education, Section of law, first information report number, police station, address of the Court concerned, date of production in the Court, if any, and the term of detention.

(3) On admission to a Borstal Institution, every juvenile shall be examined by District Officer Health, who shall record age, weight, height, identification marks and health report to every¹inmate

(4) The District Officer Health shall take appropriate steps for treatment of stick inmates.

(5) On admission to Borstal Institution, a female juvenile shall be dealt only by female staff in all related matters.

7. Thorough search of every juvenile.—(1) On admission to Borstal Institution, every juvenile shall be thoroughly searched.

(2) No person shall be allowed to keep any prohibited article as explained in any law or rule for the time being in force.

8. Transfer of Juvenile.—All juveniles ordered to be detained under any of the laws pertaining to juveniles, shall be immediately transferred to the Borstal Institution.

9. Detention of Female Juvenile.—(1) Female juveniles shall be detained in separate enclosure of the Borstal Institution exclusively established for this purpose.

(2) In case there is no, such enclosure, they shall be immediately 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.

10. Facility of meeting for juveniles.—Every juvenile shall be allowed reasonable faculties for seeing or communication with his or her relatives, friends and legal adviser in connection with judicious matters or family affairs and shall be allowed to meet them at least twice a week.

11. Release of Juveniles.—(1) On receipt of written release order from the Juvenile Court, the juvenile shall be immediately released from the legal custody after due satisfaction-to the validity of the release order.

(2) On release of every juvenile, he or she shall be provided with a certificate, by the in charge of the institution which may be helpful for adjustment in the society.

(3) Government may at any time for reasons, to be recorded in writing, order a juvenile to be discharged from a Borstal Institution or released from the custody of fit person either absolutely or on such conditions as Government deems appropriate.

12. Health, hygiene, and medical care.—(1), Medical file of every inmate shall be maintained in each, institution along with previous medical history.

(2) There shall be a regular medical check-up of the inmates after every three months and they shall be, advisedly the District Officer Health to maintain proper health and hygiene.

COMMENTS: The D.H.O (District Health Officer) is now redesignated as E.D.O. Health. This step under the rules is most reformative-change for physico-psychological well being of the youthful in Borstal Treatment.

(3) All types of medical tests shall be arranged inside the institution.

(4) Cases of patients of tuberculosis, asthma, chronic-bronchitis, hepatitis B&C, HIV/AIDS, cancer, epilepsy, leprosy and any other serious disease shall be forwarded to the Juvenile Court for bail etc, by the Incharge of the institution alongwith latest medical reports.

(5) Less-serious patients may be treated in isolation or in hospital of the institution.

¹ The “District Officer Health” has been re-designated at the “Executive District Officer Health under the Devolutions Plan, 2000.

13. Moral Treatment.—(1) All juveniles shall be given careful individual attention; in order, to develop their conduct, moral attitudes and discipline.

(2) The treatment programmes shall be arranged through religious instruction, education up to high school level and industrial/vocational/technical training under proper supervision.

14. Technical Training.—(1) An inmate shall be encouraged to pick-up the training of his or her choice and shall be given the choice of any of the industries taught in the institution compatible with his or her profession, vacation, preference or other circumstances as far as possible.

(2) If the inmate shows no special inclination or aptitude, the head of the institution, may decide, the industry where inmate shall be taught giving full consideration to his or her hereditary calling and which he or she follow after release to enable him or her to have respectable live hood.

(3) The services of juveniles may be utilized in the field of architecture also.

15. Physical training, sports and recreation.—(1) Physical drill, gymnastic, indoor and outdoor games and training in scouting shall be imparted to all inmates.

(2) Instructions in first-aid and sanitation shall be regularly given.

(3) A spacious playground shall be provided in every Borstal Institution.

16. 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 developed and promoted.

(2) Juveniles shall not be allowed to waste their time unnecessarily within the institution.

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

COMMENTS: The provisions of Rules 12 to 16 are really the need of the day for the juvenile under-trials and convicts not only in all the prisons but also in the Borstal Institution and Juvenile Jails, Bahawalpur. The new) Borstal Jail, Faisalabad under the Prison Department will have, to manage it like a school than, as a juvenile jail if these, ideals of Rules 12 to 16 be realized as prescribed.

17. Complaints and requests by juveniles.—(1) Each and every complaint and request made by the juveniles shall be properly attended by the Incharge of Borstal Institution and every complaint be redressed within the shortest possible time.

(2) A false and malingering report made by the juvenile may strictly be discouraged for the sake of maintenance of institutional discipline.

18. Discipline and punishment.—Discipline and order for safe custody and maintenance of peace and order –within institution shall be maintained with firmness.

19. No stigmatization.—No juvenile shall be stigmatized in any of the matters relating to arrest, inquiry Court proceedings, prosecution, probation and conviction, unless specifically authorized by the Court.