

**GOVERNMENT OF ¹[Khyber Pakhtunkhwa]
HOME AND TRIBAL AFFAIRS DEPARTMENT**

NOTIFICATION

Dated Peshawar the 9th May 2002.

No. SO(Prisons)HD/4-63/2002.---In exercise of the powers conferred by section 15 of the Juvenile Justice System Ordinance, 2000 (Ord. No. XXII of 2000), Government the of ²[Khyber Pakhtunkhwa] is pleased to make the following rules:

PART –I

PRELIMINARY

1. Short title and commencement.---(1) These rules may be called the ³[Khyber Pakhtunkhwa] Juvenile Justice System Rules, 2002.

- (2) They shall come into force at once.
- (3) They shall extend to the whole of the ⁴[Khyber Pakhtunkhwa].

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

- (a) “Government” means the Government of the ⁵[Khyber Pakhtunkhwa];
- (b) “Incharge” means Incharge of a borstal institution appointed by Government;
- (c) “inmate” means all those juveniles who are placed and detained in the borstal institution;
- (d) ‘juvenile’ means a person who at the time of commission of an

¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

offence has not attained the age of eighteen years and includes a child and a youthful offender; and

(e) “Province” means the ⁶[Khyber Pakhtunkhwa].

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 to engage any other legal practitioner at the expense of State.

(2) A panel of legal practitioners shall be constituted by the Sessions judge for the purpose of legal assistance at the expense of the State wherein 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 determined by the Session Judge, subject to minimum payment of rupees five thousand and shall not exceed to rupees ten thousand.

(4) The cases of juveniles shall not be dealt by the same legal practitioner again and again at the expense of State, unless otherwise asked for by the Juvenile court.

PART –II

INSTITUTIONAL TREATMENT

4. Establishment of borstal institutions.---(1) Government shall establish and maintain a borstal institution in at least every district of the Province to keep and accommodate juveniles in such borstal institution as soon as possible under these rules.

(2) All arrangements relating to juveniles education and training for their mental, moral and psychological development shall be provided within such borstal institution.

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

⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

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

6. Juveniles to be sent borstal institution.---If the juvenile court thinks that a juvenile has to be sent to a borstal institution, it may make an order directing the juvenile delinquent to be sent to a borstal institution until he or she attains the age of eighteen years or for the period of imprisonment whichever is earlier.

7. Juveniles to be admitted in borstal institution.---(1) No juvenile shall be admitted into a borstal institution, except under a lawful order issued by a juvenile court, addressed to Incharge of borstal institution to admit such juvenile in the borstal institution.

(2) On admission to a borstal institution, the Incharge, shall be responsible to receive the juvenile delinquents, and shall maintain a register to record all requisite information about each inmate such as his/her name, parentage, complete address, education, section of law under which he/she is convicted, First Information Report number, name of police station where the First Information Report has been lodged, address of the court concerned, date of production in court, if any, and the term of detention.

(3) On admission to a borstal institution, every juvenile shall be examined by District Health Officer, who shall record age, weight, height, identification marks and shall maintain or cause to be maintained a health report of every inmate.

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

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

8. Thorough search of every juvenile.---(1) On admission to a borstal institution, every inmate shall be thoroughly searched.

(2) No inmate shall be allowed to keep any article, the keeping whereof is prohibited under any law or rule for the time being in force.

9. Transfer of juveniles.---(1) All juveniles order to be detained

under any of the laws pertaining to juveniles, shall immediately be transferred to a borstal institution.

10. Detention of female juveniles.---(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.

11. Facility of meeting for juveniles. ---(1) Every juvenile shall be allowed reasonable facilities for seeing or communicating with his or her relatives, friends and legal adviser in connection with judicious matters or family affairs and shall be allowed to have meetings with them at least twice a week.

12. 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 into the validity of the release order.

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

13. Health, hygiene and medical care.---(1) A medical file of every inmate shall be maintained in each institution, alongwith previous medical history.

(2) There shall be regular medical check up of the inmates after every three months and inmates shall be advised to maintain proper health and hygiene by the District Health Officer.

(3) All types of medical tests, as and when required, shall be arranged inside the borstal 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 borstal institution along with latest medical reports.

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

14. 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 instructions, education upto high school level and industrial/vocational/ technical training under proper supervision.

15. Teaching 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, preference or other circumstance as far as possible.

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

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

16. Physical training sports and recreation.---(1) Physical drill, gymnastics, indoor and outdoor games and training in scouting shall be provided for all inmates.

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

(3) A spacious 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 inmate and in this connection, their natural instincts and skills shall be developed and promoted.

(2) Inmates shall not be allowed to waste his or her time unnecessary within the borstal institution.

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

18. Complaints and requests by inmates.---(1) Each and every complaint and request made by juvenile shall be properly attended by the Incharge of borstal institution and every grievance shall be redressed within the shortest possible time.

(2) A false and malingering report made by a inmate may, however, be discouraged for the sake of maintenance of institutional discipline.

19. Discipline in the borstal institution.---(1) Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and maintenance of peace and order within the borstal institution.

20. No stigmatization.---(1) No inmate shall be stigmatized in any of the matters relating to arrest, inquiry, court proceedings, prosecution, probation and conviction unless specifically authorized by the court.