

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS
ON, "THE JUVENILE JUSTICE SYSTEM BILL, 2017"

I, Chairman of the Standing Committee on Human Rights, have the honor to present this Report on the Bill to provide for criminal justice system for juveniles [The Juvenile Justice System Bill, 2017] referred to the Committee on 24th May, 2017.

2. The Committee comprises of the following:-

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| 1. | Mr. Babar Nawaz Khan | Chairman |
| 2. | Sahibzada Muhammad Yaqub | Member |
| 3. | Sayed Essa Nori | Member |
| 4. | Begum Tahira Bukhari | Member |
| 5. | Ms. Farhana Qamar | Member |
| 6. | Ms. Phyllis Azeem | Member |
| 7. | Ms. Surriya Asghar | Member |
| 8. | Ms. Kiran Haider | Member |
| 9. | Ms. Asiya Naz Tanoli | Member |
| 10. | Ms. Zahra Wadood Fatemi | Member |
| 11. | Ms. Amra Khan | Member |
| 12. | Dr. Fehmida Mirza | Member |
| 13. | Dr. Shazia Sobia | Member |
| 14. | Ms. Musarat Rafique Mahesar | Member |
| 15. | Ms. Munaza Hassan | Member |
| 16. | Mr. Kanwar Naveed Jameel | Member |
| 17. | Ms. Kishwer Zehra | Member |
| 18. | Ms. Aliya Kamran Murtaza | Member |
| 19. | Mrs. Naseema Hafeez Panezai | Member |
| 20. | Mr. Sajid Nawaz Khan | Member |
| 21. | Minister for Human Rights | Ex. officio Member |

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A in its meeting, held on 4th July, 2017 and made the following amendment:-

Clause 8

In clause 8, in sub-clause (1), in second line after the word "appears" the words "or claims" shall be inserted.

4. The Committee recommends that the Bill as reported by the Standing Committee placed at Annex-B, may be passed by the National Assembly.

Sd/-
(JAWAD RAFIQUE MALIK)
Secretary
Islamabad, the 8th November, 2017

Sd/-
(BABAR NAWAZ KHAN)
Chairman
Standing Committee on Human Rights

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

Annex-A

A

Bill

To provide for criminal justice system for juveniles

WHEREAS it is expedient to provide for criminal justice system and social reintegration of juveniles;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**-(1) This Act may be called the Juvenile Justice System Act, 2017.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
2. **Definitions.**-In this Act, unless there is anything repugnant in the subject or context;
 - (a) "best interest of the child" means the basis for any decision taken regarding the child to ensure fulfillment of his basic rights and needs, identity, social well-being, physical, emotional and psychological development;
 - (b) "child" means for the purposes of this Act a person who has not attained the age of 18 years;
 - (c) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
 - (d) "diversion" means an alternative process of determining the responsibility and treatment of a juvenile on the basis of his social, cultural, economic, psychological and educational background without resorting to formal judicial proceedings;

- (e) "Government" means the Federal Government or the Provincial Government, as the case may be;
- (f) "guardian" in relation to a juvenile means a parent or a person who has been appointed as a guardian by the Court or a person who has actual care of the child;
- (g) "heinous offence" for the purposes of this Act mean an offence which is serious, gruesome, brutal, sensational in character or shocking to public morality and which is punishable under the Pakistan Penal Code, 1860 (XIV of 1860) or any other law for the time being in force with death or imprisonment for life or imprisonment for more than seven years with or without fine;
- (h) **"juvenile" means, for purposes of this Act, a child who may be dealt with for an offence in a manner which is different from an adult;**
- (i) "Juvenile Court" means a court established under section 4;
- (j) "Juvenile Justice Committee" means a committee established under section 10;
- (k) "Juvenile Rehabilitation Centre" means a place where a juvenile may be kept and given education, vocational or technical training for his mental, moral and psychological development and includes certified institutions, juvenile training institutions, borstal institutions, vocational centres, *dar-ul-amaan* and women crises centres established by the Government or by voluntary Organization certified by the Government;
- (l) **"juvenile offender" means a child who is alleged to have committed or who has been found to have committed an offence.**
- (m) "major offence" for the purposes of this Act means an offence for which punishment under the Pakistan Penal Code (XIV of 1860) or any other law for the time being in force is more than three years and up to seven years imprisonment with or without fine;

- (n) "medical officer" means a medical officer notified as such by the Government;
- (o) "minor offence" for the purposes of this Act means an offence for which maximum punishment under the Pakistan Penal Code, 1860 (XLV of 1860) or any other law for the time being in force is imprisonment up to three years with or without fine;
- (p) "observation home" means a place where a juvenile is kept temporarily after being apprehended by police as well as after obtaining remand from the Juvenile Court or otherwise for conducting inquiry or investigation for the purposes of this Act;
- (q) "prescribed" means prescribed by rules made under this Act;
- (r) "probation officer" means a person appointed under the Probation of Offenders Ordinance, 1960 (XLV of 1960); and
- (s) "suitable person" means any person, trust, association or society duly recognized by law whose object is the welfare and protection of children.

Explanation:- person means the guardian of a juvenile or any other person appointed by a Juvenile Court for the purposes of this Act.

3. Legal assistance.-(1) Every juvenile or a child who is victim of an offence shall have the right of legal assistance at the expense of the State.

(2) A juvenile shall be informed about his rights available under the law by a legal practitioner within twenty four hours of taking him into custody.

(3) A legal practitioner appointed by the Government or by the Juvenile Court for providing legal assistance to a child victim of an offence or a juvenile shall have at least seven years standing at the Bar.

4. **Juvenile Court.**-(1)The Government in consultation with the concerned High Court shall establish or designate one or more Juvenile Courts, by notification in the official Gazette, within a period of three months of the commencement of this Act.

(2) A Juvenile Court may be established for one or more sessions divisions and in that case the Court may hold trial of a case at such place as the High Court may specify.

(3) No person shall be appointed as a Judge of a Juvenile Court unless he is or has been a Sessions Judge or an Additional Sessions Judge, or a Judicial Magistrate vested with powers under section 30 of the Code or a practicing advocate who has at least ten years standing at Bar, and the latter shall be appointed on such terms and conditions as the Government may determine in consultation with the concerned High Court.

(4) The Juvenile Court shall have exclusive jurisdiction to try cases in which a juvenile is accused of commission of an offence.

(5) Subject to subsection (4), on commencement of this Act all cases pending before a trial Court in which a juvenile is accused of an offence shall stand transferred to the Juvenile Court having jurisdiction.

(6) The Juvenile Court shall not, merely by reason of a change in its composition or transfer of a case under subsection (5) be bound to recall or rehear any witness who has given evidence and may act on the evidence already recorded.

(7) If any Court taking cognizance of an offence finds that an accused brought before it, is a juvenile, it shall transfer his case to the Juvenile Court for further proceedings.

(8) On taking cognizance of an offence, the Juvenile Court shall decide the case within six months.

(9) Where the case is not decided within six months in term of sub-section (8), the Juvenile Court shall seek extension from the High Court concerned explaining the reasons for not being able to decide the case within prescribed time limit. If no such extension has been