



THE JUVENILE JUSTICE SYSTEM (AMENDMENT) ORDINANCE, 2000



CONTENTS

SECTIONS.

- 1 Short title, extent and commencement.
- 2 Definitions.
- 3 Legal assistance.
- 4 Juvenile Courts.
- 5 No joint trial of a child and adult person.
- 6 Procedure of juvenile courts.
- 7 Determination of age.
- 8 Prohibition to publish proceedings of cases.
- 9 Probation Officer.
- 10 Arrest and bail.
- 11 Release on probation.
- 12 Orders that shall not be passed with respect to a child.
- 13 Appeal, etc.
- 14 Ordinance not to derogate from other laws.
- 15 Power to make rules.

THE JUVENILE JUSTICE SYSTEM ORDINANCE, 2000

¹ORDINANCE No. XXII OF 2000

[1st July, 2000]

An Ordinance to provide for protection of the rights of children involved in criminal litigation

WHEREAS it is expedient to provide for protection of children involved in criminal litigation, their rehabilitation in society, re-organization of juvenile courts and matters connected therewith and incidental thereto;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and Provisional Constitution Order No. 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement.—(1) This Ordinance may be called the Juvenile Justice System Ordinance, 2000.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

¹This Ordinance shall apply to F.A.T.A., adjoining to N.W.F.P. vide S.R.O. No. 928(1)/2004. dt. 6-II-2004.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) "borstal institution" means a place where child offenders may be detained and given education and training for their mental, moral and psychological development;
- (b) "child" means a person who at the time of commission of an offence has not attained the age of eighteen years;
- (c) "Code" means the Code of Criminal Procedure, 1898 ([Act V of 1898](#));
- (d) "guardian" means a parent or a person who has actual care of the child and includes such relative who is willing to bear the responsibility of the child;
- (e) "juvenile court" means a court established under section 4;
- (f) "offence" means an offence punishable under any law for the time being in force; and
- (g) "Probation Officer" means a person appointed under the Probation of Offenders Ordinance, 1960 ([XLV of 1960](#)) or such person as the Provincial Government may appoint to perform the functions of Probation Officer under this Ordinance.

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

(2) A legal practitioner appointed by the State for providing legal assistance to a child accused of the commission of an offence, or victim of an offence, shall have at least five years standing at the Bar.

4. Juvenile Courts.—¹[(1) The Federal Government, or if so directed by it, the Provincial Government, shall in consultation with the Chief Justice of High Court concerned establish, by notification in the official Gazette, one or more Juvenile Courts in relation to any area as may be specified in this behalf by the Federal Government or the Provincial Government, as the case may be, or, the Federal Government, or if so directed by it, the Provincial Government, may designate an existing Atni-Terrorism Court established under the Anti-terrorism Act, 1997 (XXVII of 1997) to exercise the powers of a Juvenile Court.]

(2) The High Court may—

(a) confer powers of juvenile court on—

(i) Court of Sessions; or

¹[(ia) An Anti-Terrorism Court or any other Special Court established under law; or.]

(ii) Judicial Magistrate of the First Class; and

(b) appoint, from amongst practicing advocates having at least seven years standing at the Bar. Presiding Officers of Juvenile Courts with powers of a Judicial Magistrate of the First Class for the purposes of this Ordinance on such terms and conditions as the High Court may determine.

¹Subs. and Ins. by Ord. 05 of 2012, s. 2 (valid upto 26-9-2012).

(3) The juvenile court shall have the exclusive jurisdiction to try cases in which a child is accused of commission of an offence.

(4) Subject to sub-section (3), on commencement of this Ordinance, all cases pending before a trial court in which a child is accused of an offence shall stand transferred to the juvenile court having jurisdiction.

(5) The juvenile court shall not, merely by reason of a change in its composition, or transfer of a case under sub-section (4), be bound to recall or rehear any witness who has given evidence and may act on the evidence already recorded.

(6) On taking cognizance of an offence, the juvenile court shall decide the case within four months.

5. No joint trial of a child and adult person.—(1) Notwithstanding anything contained in section 239 of the Code, or any other law for the time being in force, no child shall be charged with or tried for an offence together with an adult.

(2) If a child is charged with commission of an offence for which under section 239 of the Code, or any other law for the time being in force such child could be tried together with an adult, the Court taking cognizance of the offence shall direct separate trial of the child by the juvenile court.

6. Procedure of juvenile courts.—(1) A juvenile court shall, unless provided otherwise in this Ordinance, follow the procedure provided for in the Code.

(2) A juvenile court shall not ordinarily take up any other case on a day when the case of a child accused is fixed for evidence on such day.

(3) No person shall be present at any sitting of a juvenile court except—

(a) members and officers of the juvenile court;

(b) parties to the case before the juvenile court and such other persons who are directly concerned with the proceedings including the police officers;

(c) such other persons as the juvenile court directs to be present; and

(d) guardian of the child.

(4) At any stage during the course of the trial of a case under this Ordinance, the juvenile court may, in the interest of such child, decency or morality, direct any person to withdraw from court for such period as the court may direct.

(5) Where at any stage during the course of the trial of a case, the juvenile court is satisfied that the attendance of the child is not essential for the purposes of the trial, the juvenile court may dispense with the attendance and proceed with the trial of the case in absence of the child.