

THE BALOCHISTAN BORSTAL INSTITUTIONS

ACT, 2014

(Baln Act XXIII of 2014)

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THE BALOCHISTAN BORSTAL INSTITUTIONS ACT, 2014

(Baln Act XXIII of 2014)

[9th September, 2014]

An Act to provide for the establishment and regulation of Borstal Institutions in Balochistan and for the matters connected therewith or ancillary thereto.

Preamble.

WHEREAS it is expedient to provide for the establishment and regulation of Borstal Institutions in Balochistan for the detention of juveniles for their education and training for their mental, moral and psychological development;

AND WHEREAS it is necessary to take measures for the rehabilitation of juveniles and matters connected and incidental thereto;

It is hereby enacted as follows:—

Short title, extent
and
commencement.

1. (1) This Act may be called the Balochistan Borstal Institutions Act, 2014.

(2) It extends to whole of the Balochistan except the Tribal Areas.

(3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Balochistan Borstal Institutions Act, 2014;

(b) “Borstal Institution” means an institution established under section 3 of the Act, where juveniles may be detained and given education and training for their mental, moral and psychological development;

(c) “Court” means a Juvenile Court or any other Court of competent Jurisdiction before whom a Juvenile is produced for

¹ This Act was passed by the Balochistan Assembly on 30th August, 2014: assented to by the Governor of Balochistan on 3rd September, 2014: published in the Balochistan Gazette (Extraordinary) No. 122, dated 9th September, 2014.

inquiry or trial or which may pass or passed an order for conviction to a Juvenile accused in any offence.

- (d) "Government" means the Government of Balochistan;
- (d) "Incharge" means a person appointed by the Provincial Government as Incharge of Borstal Institution under section 5 of the Act;
- (e) "Inmate" means all those Juveniles who are placed and detained in a Borstal Institution by an order of the Court;
- (f) "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;
- (g) "Offence" means an offence punishable under any law for the time being in force;
- (h) "Ordinance" means the Juvenile Justice System Ordinance, 2000 (Ordinance No. XXII of 2000);
- (i) "Parole Officer" means a person appointed by Government to perform the function of Parole Officer in the Reclamation and Probation Department under the Good Conduct Prisoners Probation Release Act, 1926 (Act No. X of 1926) and rules framed and in force for the time being;
- (j) "Prescribed" means prescribed by rules made under this Act; *and*
- (k) "Province" means the Province of Balochistan.

(2) Words and expressions used in this Act but not herein defined in subsection (1) shall have the same meanings as respectively assigned to them in the Ordinance.

Establishment of
Borstal
Institutions.

3. (1) The Government shall establish and maintain one or more Borstal Institutions in each District of the Province or at such other place or places as it may deem necessary, for the training and rehabilitation of juveniles in such Borstal

institution:

Provided that at least one Borstal Institution shall be established at the Provincial Headquarter within a period of six month or within such periods as the Chief Minister Balochistan may extend to its satisfaction, on the request of concern authorities.

(2) All arrangements relating to education and training for their mental moral and psychological development, health, hygiene, medical care, accommodation, meeting and food shall be provided within the Borstal Institution in such manner as may be prescribed.

Principle of Administration.

4. (1) The protection and rights of children deprived of their liberty as set out in the Schedule, shall be respected and ensured during their detention in the Borstal Institutions, by all the concerned staff, officers and authorities.

(2) The Government may amend the Schedule in such manner as it may deem necessary, by a notification in the Official Gazette.

Appointment of Director, Officers, staff and Visiting Committees.

5. (1) Government shall appoint a Director of the Borstal Institution with such other staff as it may deem fit for the purpose of this Act, who shall exercise, subject to the order of Government, general control and superintendence of all Borstal Institutions, the qualifications, functions and terms for the appointment of Director shall be as may be prescribed:

Provided that no person who belongs to any police service shall be eligible for such appointment.

(2) For every Borstal Institution the Government shall appoint an Incharge and such other officers and staff, as it may deem necessary.

(3) For every Borstal Intuition a visiting committee shall be formed/appointed in such manner as may be prescribed.

Powers of Courts to direct the juvenile to be sent to a Borstal Institution.

6. Where on conclusion of an inquiry or trial, the Court finds that the juvenile has committed an offence, then notwithstanding anything to the contrary contained in any law for time being in force, the Court may, if it deem fit—

(a) make an order directing the juvenile to be sent to a Borstal Institution until he attains the age of eighteen years or for the period of imprisonment whichever is

earlier;

- (b) reduce the period of imprisonment in the case where the Court is satisfied that further imprisonment shall be unnecessary.

Juveniles to be admitted in Borstal Institution.

7. (1) No Juvenile shall be admitted into a borstal Institution, except under a lawful order issued by a Court, addressed to Incharge of the 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, and shall maintain a register to record all requisite information about each inmate such as his name, parentage, complete address, education, section of law under which he 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 Medical Officer for diagnostic purposes of any present or future disease and for this purpose relevant medical tests of the juvenile shall be taken, the Medical Officer shall also record age, weight, height, identification marks and shall maintain or cause to be maintained a health report of every inmate the diagnostic report along with reports of medical tests shall also made part of the health report.

(4) The Medical Officer shall take appropriate steps for treatment of sick inmates for the purposes of any present and future disease.

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

Detention of Female Juveniles.

8. (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 lockup or prison.

Release of
Juveniles.

9. (1) On receipt of written release order from the 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 adjustment in the society, this or other educational certificates and certificates of any other accomplishment obtained during stay at Borstal Institution shall not in any way disclose the fact of any conviction or detention of the juvenile.

Mentally
disordered
inmates.

10. (1) Where it appears to the Incharge that any inmate is of unsound mind, the Incharge may order his removal to psychiatric facility or other place of safe custody within the Province, to be kept and treated as Incharge directs during the remainder of the term for which he has been ordered to be detained or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the inmate or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Incharge that an inmate so kept and treated has become of sound mind, Incharge shall, by a warrant directed to the person having charge of the inmate, if still liable to be detained, remand him to the Borstal Institution from which he was removed or to another Borstal Institution within the Province or, if he is no longer liable to be detained, order him to be discharged.

(3) The provisions of the Mental Health Ordinance, 2001 (Ordinance No. VIII of 2001) shall apply to every person so removed under subsection (1), after the expiration of the term for which he was ordered to be detained and the time during which an inmate is confined in a psychiatric facility under that subsection shall be reckoned as part of the term of detention which he may have been ordered to undergo.

(4) In any case in which Incharge is competent under subsection (1) to order the removal of an inmate to psychiatric facility or other place of safe custody within the Province, Incharge may order his removal to any such psychiatric facility, or place of safety within any other province by agreement with the government of such other province and the provisions of this section respecting the custody, detention,

remand and discharge of an inmate removed under subsection (1) shall, so far as they can be made applicable, apply to an inmate removed under this sub section:

Provided order of removal of an inmate to any other psychiatric facility or other place of safe custody in any other province has to be approved by the Home Department of the Province from which such inmate so removed.

Opportunity to perform remunerated work.

11. Wherever possible, inmates shall be provided with the opportunity to perform remunerated work in such manner as may be prescribed:

Provided that all protective national laws and international standards applicable to child labour and young workers shall apply to the inmates at Borstal Institutions.

Inspection and Complaints.

12. (1) Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the Borstal Institution shall be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative in such manner as may be prescribed.

(2) Every inmate shall have an opportunity to make a request or complaint to an independent and impartial authority, without censorship as to substance in such manner as may be prescribed.

Discipline in the Borstal Institution.

13. Discipline and Order shall be maintained in the Borstal Institution, but with no more restriction than is necessary for safe custody and maintenance of peace and order within the borstal Institution in such manner which may be prescribed.

Facility of release on parole for Inmates.

14. (1) The Government shall provide the maximum facility of conditional release through parole to the inmates.

(2) The parole officer appointed in the district where Borstal Institution is situated shall be responsible to visit Borstal Institution regularly for the identification of inmates for their release on parole and to complete all relevant documents in the shortest possible time.

(3) Juveniles released conditionally from Borstal Institution shall be assisted and supervised by the Reclamation and Probation Department through parole officer and shall receive full support of the department and the community.

(4) The parole officer shall be responsible for supervision, care and guidance of Juvenile for his or her

constructive and productive role in society.

Power to make rules.

15. The Government may make rules for carrying out the purposes of this Act.

Terms and conditions of appointments.

16. Notwithstanding anything contrary to the provisions of this Act, all the officers and staff appointed under this Act including the Director and Incharge of Borstal Institutions, shall deem to be Civil Servants and governed under the provisions of the Balochistan Civil Servants Act 1974 (Act No. IX of 1974) and the rules made their under or hereinafter made or adopted therefore.

Power to remove difficulties.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the official Gazette, make such provisions, not inconsistent with this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of twenty-four months from the commencement of this Act.

(2) Every notification issued under this section shall be laid before the Provincial Assembly.
