

The Punjab Children (Juvenile Courts) Rules, 1960

PUNJAB

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Rule THE-PUNJAB-CHILDREN-JUVENILE-COURTS-RULES-1960 of 1960

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1. Short title.

- These rules may be called the Punjab Children (Juvenile Courts) Rules, 1960.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the East Punjab Children Act, 1949; and(b)"Section" means a section of the Act.

3. Constitution of Juvenile Courts.

- [Section 60 and 74(1)] - (1) The State Government may, in consultation with the High Court, establish in any area one or more Juvenile Courts under sub-section (1) of section 60.(2)Every Juvenile Court so established shall consist of -(a)a Stipendiary First Class Magistrate, appointed by the State Government; or(b)a bench of a Stipendiary First Class Magistrate and such Honorary Magistrates not exceeding two in number, one of whom shall be a woman, appointed by the State Government, with the Stipendiary Magistrate as President of the bench in each case.(3)In the absence of any Magistrate other than the President, the President singly or with such Magistrate as is present, shall exercise all or any of the powers of a Juvenile Court.(4)In the case of disagreement between the members of the bench the opinion of the President shall prevail.(5)Subject to the control of the High Court, the District Magistrate may determine the place at which, the date on which, and the manner in which the Juvenile Court shall hold its sittings.

4. Procedure of Juvenile Courts.

- [Sections 61 and 74(2) (v)] - (1) A Juvenile Court and in a case in which a child is not being tried jointly with a person who is not a child, a Magistrate empowered under section 6 to exercise the powers of a Juvenile Court shall, subject to the provisions hereinafter appearing, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of summons cases and recording evidence therein, in same proceedings against children under the Act. Provided that when a child and a person who is not a child, are charged together with an offence triable under the Code of Criminal Procedure, 1898, exclusively by a Court of Session, the Court may, if it thinks fit, commit the child along with such person for trial by a Court of Session. Provided further that instead of recording a conviction, the Court if it finds that an offence has been committed shall record a finding to that effect. (2) In all such cases the proceeding shall be conducted in as simple a manner as possible and no unnecessary formality shall be observed. Care shall be taken that the child accused of an offence understands the nature of the proceedings. (3) Throughout the proceeding the Court shall constantly have regard to the effect that the proceedings may have on the mind on the child and shall take all possible precautions to protect the child from mental shock or intimidation.

5. Exemptions from personal attendance.

- [Sections 61 and 74(2)(v)] - (1) The Court shall repeatedly consider if the personal attendance of the child is necessary throughout the proceedings, and shall make free use of the power to dispense with the personal attendance of the child and permit him to be represented by pleader. (2) If no Advocate of the High Court or legal practitioner has been employed to appear for the child, the Court shall consider the advisability of appointing a Probation Officer to plead for the child during such time as the personal appearance of the child is dispensed with.

6. Accommodation in Court.

[Sections 61 and 74(2)(v)] - The Court shall give careful consideration to the arrangement to be made for the accommodation of the child accused of an offence. Unless it is necessary to prevent the child from doing injury to himself or any other person, or from disturbing or interrupting the proceedings, the child shall not while in court be kept under the close guard of a police officer, but shall be directed to sit or stand, by himself or in the company of a relative or friend or Probation Officer, in some convenient place as near as may be to the presiding officer of the Court.

7. Witnesses to be questioned by the Court.

- [Sections 61 and 74(2)(c)] - When witnesses are produced for examination, the Court shall make free use of the power conferred on it by section 165 of the Indian Evidence Act, 1872, to so question them as to bring out any point that may go in favour of the child.

8. Examination of the child.

- [Sections 61 and 74(2)(c)] - In examining a child accused of an offence and recording statement, the Court shall not be bound by the provisions of section 564 of the Code of Criminal Procedure, 1898, but shall be free to address the child in any manner that may seem suitable in order to put the child at ease and to elicit the true facts not only in respect of the home surroundings and the influence to which the child has been subject, and the record of the examination shall be in such form as the court may consider suitable having regard to the contents of the statement and circumstances in which it was made.

9. Factors to be taken into consideration in passing orders.

- [Sections 61 and 74(2)(c)] - (1) For the purpose of passing any order which a Court has to pass under the Act, the Court shall have regard to the following factors:-(a)the character and age of the child;(b)the circumstances in which the child is living;(c)the reports made by the Probation Officer or Police Officer;(d)information given by any other person present in Court who may be in a position to give information in respect of (a) and (b) above; and(e)such other matters as may, in the opinion of the Court, require to be taken into consideration in the interest of the child;Provided that where a youthful offender is found to have committed an offence, the above factors shall be taken into consideration after the Court has recorded a finding against the youthful offender that he has committed the offence.(2)The report of the Probation Officer or any other report or information considered by the Court under sub-rule (1) shall be treated as confidential:Provided that if such report relates to the character, health or conduct of the child, or the circumstance in which the child or parent is living, the Court may, if it thinks expedient, communicate the substance thereof to the child or parent concerned, as the case may be, and may give the child or parent an opportunity to produce evidence as may be relevant to the matters stated in the report.

10. Provisions of Code of Criminal Procedure, 1898 to apply to proceedings under the Act unless excluded.

- [Sections 61 and 74(2)(v)] - Except as expressly provided under the Act or any rule made thereunder, the procedure to be followed in the trial of cases and the conduct of proceedings under the Act shall be in accordance with the provisions of the Code of Criminal Procedure, 1898.