

The Tamil Nadu Borstal Schools Act, 1925

TAMILNADU

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Act 5 of 1926

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The Tamil Nadu Borstal Schools Act, 1925 Act No. 5 of 1926 Statement of Objects and Reasons - The Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926). - The object of the Bill is to provide for the detention of adolescent offenders in special institutions in which they will be given industrial training and other instruction and subjected to such disciplinary and moral influences as will conduce to their reformation. It is now generally recognised that the period of adolescence is the most critical in an individual's life when the mind is specially susceptible to fresh impression* and when it is peculiarly important to prevent habits of immorality and crime from being formed, and that it is undesirable from all points of view to familiarise adolescents with ordinary jail life and bring them into contact with adult prisoners. The experiment has been made during the last few years of sending adolescent prisoners to the Borstal School at Tanjore in order to bring them under reformatory influences-the main features of the system being the special and individual training of the inmates and conditional release of such of them as appeared to deserve the privilege to enable them to enter the service of the societies or individuals. The results of the experiment have been satisfactory and the Bill is framed with a view to the expansion and extension of the system. The chief defect of the existing system is the admission in Borstal cannot profit by the Borstal treatment. The present procedure about releases is also cumbrous as every case has to be dealt with under section 401 of the Criminal Procedure Code. The Bill is intended to remove these defects. It empowers certain classes of Courts to pass orders detaining adolescent offenders - Those who are not less than 16 and not more than 21 years of age - in Borstal School for a term of not less than three years, instead of sentencing them in the ordinary way to imprisonment. Provision is made, subject to rules made by the Local Government, for the transfer to Borstal schools of adolescent offenders, whether convicted before or after the passing of the Act. A system of conditional releases on licence is also introduced with the necessary provisions for revocation and for forfeiture of a licence once issued. Statement of Objects and Reasons - The Tamil Nadu Borstal Schools (Amendment) Act, 1951 (Tamil Nadu Act XI of 1951). - There is now no provision in the Madras Borstal Schools Act, 1925 (Madras Act V of 1926), for the transfer of inmates of Borstal schools in this State who belong to other States in India to their home States, and vice versa. At present, such transfer of Borstal inmates is being effect only between this State and the State of Bombay by mutual agreement. Recently, the Bombay Government amended their Borstal Schools Act so as to provide

for the transfer of inmates of Borstal Schools in that State to their home States and vice versa. It is considered desirable to enact similar legislation in this State also. Clause 5 makes the necessary provisions.² At present, probation officers appointed under the Madras Probation of Offenders Act, 1936 (Madras Act III of 1937), carry on probation work under the Madras Borstal Schools Act under the executive orders issued by the Government. The term "probation officer" occurs both in this Act and in the rules made thereunder; but there is no definition of the term in the Act. Clause 2 seeks to insert in the Act a definition of that term. It is also considered desirable to make probation work under the Act a statutory function of the probation officers who are now functioning in all the districts. Clauses 3 and 4 make necessary provisions in this regard. Clause 7 is consequential on clauses 3 and 4.³ Section 14 empowers the State Government to commute a term of detention into one of imprisonment if a person detained in a Borstal School is reported by the Visiting Committee to be incorrigible. It is considered necessary that the Superintendent of the school as the head of the institution should have the power of making such a report. Clause 6 accordingly provides for this. Published in Part IV of the Fort. St. George Gazette, dated the 17th March 1925 (pages 98 and 99). Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. Statement of Objects and Reasons - The Tamil Nadu Borstal Schools (Amendment) Act, 1989 (Tamil Nadu Act 13 of 1989). - The Juvenile Justice Act, 1986 (Central Act 53 of 1986) has come into force with effect from 2nd October 1987 in this State. As per the Tamil Nadu Children Act, 1920 (Tamil Nadu Act IV of 1920), which was in force till then, the age limit for consideration of a person as youthful offender was 18 years. In conformity with this, boys above the age of 18 years were to be sent to the Borstal School as per the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926). However, according to the Juvenile Justice Act, 1986, which has come into force with effect from 2nd October 1987, the upper age limit of a juvenile is 16 years in the case of boys and 18 years in the case of girls. Hence, the boys between the group of 16 and 18 years will neither come under Juvenile Justice Act, 1986 nor under the Tamil Nadu Borstal Schools Act, 1925. It has, therefore, been decided to bring the boys in the age group of 16 years to 18 years under the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926).² The Bill seeks to give effect to the above decision. Published in Part IV-section 1 of the Tamil Nadu Government Gazette, Extraordinary dated the 28th April, 1989. Received the assent of the Governor on the 22nd February 1926, and that of the Governor-General on the 5th July 1926 which was published in the Fort St. George Gazette on the 20th July 1926. An Act to make provision for the establishment and regulation of Borstal Schools for the detention and training of adolescent offenders. Preamble. - Whereas it is expedient to make provision for the establishment and regulation of Borstal Schools in the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970 which was deemed to have come into force on the 14th January 1969.] for the detention and training of adolescent offenders therein; and Whereas the previous sanction of the Governor-General under section 80-A of the Government of India Act has been obtained to the passing of this Act. It is hereby enacted as follows:-

Part I

Preliminary

1. Short title.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, xv which came into force on the 14th January 1969.] Borstal Schools Act, 1925. (2) The [State Government] [Words 'Provincial Government' was substituted/or the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may, by notification from time to time, apply the whole or any of the provisions of this Act to adolescent offenders or any class thereof in any local area in the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970 which was deemed to have come into force on the 14th January 1969.], from such date as may be specified in the notification and may cancel or modify such notification. Notes. - This Act was extended to the merged State of Pudukkotta by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949). This Act was further extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957), repealing the corresponding law in force in that territory. So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962) in the State of Tamil Nadu except in the added territories was extended to the added territories by section 3 of, and the First Schedule to, the latter Act.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context- (1) "Adolescent offender" means any person who has been convicted of any offence punishable with imprisonment or who having been ordered to give security under section 118 of the [Code of Criminal Procedure] [See now section 117 the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).] (Central Act V of 1898) has failed to do so and who at the time of such conviction or failure to give security is [not less than 16 in the case of a boy and not less than 18 in the case of a girl, but not more than 21 years of age in either case;] [Substituted for the expression 'not less than 18 not more than 21 years of age' by section 2 of the Tamil Nadu Borstal Schools (Amendment) Act, 1989 (Tamil Nadu Act 13 of 1989).] (2) "Borstal School" is a corrective institution wherein adolescent offenders whilst detained in pursuance of this Act are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime; (3) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] to perform all or any of the duties imposed by this Act on the Inspector-General; (4) "Probation Officer" means a person appointed to be a Probation Officer under the [Tamil Nadu] [Substituted by section 2(H) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).] Probation of Offenders Act, 1936, ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came

into force on the 14th January, 1969.] Act III of 1936, or under the Probation of Offenders Act, 1958 (Central Act XX of 1958)).

3. Establishment of Borstal Schools.

(1)For the purposes of this Act, the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may establish one or more Borstal Schools.(2)For every Borstal School, a Visiting Committee shall be appointed by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.].

4. Rules.

(1)The [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may [x x x] [Word 'classification' was omitted by section 2(ii)(b) by the Adaptation Order of 1950.] make rules for the purpose of carrying into effect the provisions of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may be made with regard to-[2(a) the appointment, powers and duties of officials in such schools;] [Original clauses (a) and (c) of sub-section (2) were omitted and the original clauses (b) and (d) were re-lettered as clauses (a) and (b), respectively, by section 2(ii)(a) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).](b)the [x x x] [Word 'classification' was omitted by section 2(ii)(b) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).] treatment, maintenance, education, [professional, vocational or technical training] [Substituted for the words 'industrial training' by section 3(ii) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).] and control of inmates;(c)[the grant of permission to the inmates to absent themselves for short periods; [Clauses (c) and (d) were inserted by section 2(iii) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).](d)visits to and communications with the inmates; [x x x].](e)the temporary detention of adolescent offenders until arrangements can be made for sending them to Borstal Schools;(f)[powers and duties of Probation Officers under this Act.] [Added by section 3 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951).](3)All rules made under this Act [x x x] [Words 'except those referred to in the sub-section following' were omitted by section 2(iv) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936)] shall be published in the [Official Gazette] [Substituted for the words 'local official gazette' by the Adaptation Order of 1937.] and on such publication shall have effect as if enacted in this Act.(4)[All rules made under this Act shall, as soon as possible, after they are made, be placed on the table of [the Legislative Assembly] [Added by section 3(iii) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).] and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.]

5. Application of the Prisons Act, 1894 and the Prisoners Act, 1900.

- Subject to any alterations, adaptations and exceptions made by the Act and the rules framed under it, the Prisons Act, 1894 (Central Act IX of 1894), and the Prisoners Act, 1900 (Central Act III of 1900), and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the inmates prisoners.

6. Courts empowered under this Act.

- The powers conferred on Courts by this Act shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, (d) a Sub-Divisional Magistrate, (e) a salaried Metropolitan Magistrate or any other Metropolitan Magistrate empowered by a [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government to sit singly, and (f) any Magistrates of the First Class or any Bench of Magistrates constituted under section 15 of the Code of Criminal Procedure, 1898 [Central Act V of 1898] [See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).], invested with the powers of a Magistrate of the First Class specially empowered by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] in that behalf; and may be exercised by such Courts whether the case comes before them originally, on appeal, or in revision.

7. Procedure when Magistrate is not empowered to pass sentence under this Act.

(1)When any Magistrate not empowered to pass sentence under this Act is of opinion that an adolescent offender is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings [and forward the adolescent offender-] [Substituted for the words 'and forward the adolescent offender to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate' by section 3(i) of the Madras Borstal Schools (Amendment) Act, 1938 (Madras Act XI of 1938).](a)in case the Magistrate is a Metropolitan Magistrate, the Chief Metropolitan Magistrate or if he has designated a salaried Metropolitan Magistrate in this behalf by general or special order to such salaried Metropolitan Magistrate; and(b)in other cases to the District or Sub-divisional Magistrate to whom he is subordinate.(2)[The Magistrate to whom the proceedings are so submitted] [Substituted for the words 'The District Magistrate or Sub-divisional Magistrate to whom the proceedings are so submitted' by section 3(i) of the Madras Borstal Schools (Amendment) Act, 1938 (Madras Act XI of 1938).] may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such adolescent offender had originally been tried by him.

Part II

Committal to Borstal Schools

8. Power of Court to pass sentence of detention in Borstal School.

- [(1)] [Section 8 was renumbered as sub-section (1) of that section and in the sub-section as so renumbered the proviso was omitted by section 4(1) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).] When it appears to a Court having jurisdiction under this Act that an adolescent offender should, by reason of his criminal habits or tendencies, or association with persons of bad character, be subjected to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the Court, in lieu of passing a sentence of imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than two years and shall not exceed five years, [but, in no case, extending beyond the date on which the adolescent offender will, in the opinion of the Court, attain the age of twenty three years.] [Added by section 3 of the Madras Borstal Schools (Amendment) Act, 1936 (Tamil Nadu Act XIX of 1936).][x x x] [Section 8 was renumbered as sub-section (1) of that section and in the sub-section as so renumbered the proviso was omitted by section 4(1) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).](2)[Before passing a sentence of detention in a Borstal School under sub-section (1), the Court-(a)shall call for a report from the Probation Officer of the area in which the offender permanently resided at the time when he committed the offence and shall consider such report,(b)shall consider any other report or representation which maybe made to it, and(c)may make such further enquiry as it thinks fit, as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.(3)The report of a Probation Officer referred to in sub-section (2) shall be treated as confidential :] [Sub-sections (2) and (3) were added by section 4(2) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).]Provided that the Court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in the report.

8A. [Sentence on offender already under detention in a Borstal School.

[Inserted by the Tamil Nadu Borstal school (Amendment) Act, 1994 (Tamil Nadu Act 40 of 1994).]

- When an adolescent offender already undergoing a sentence of detention in a Borstal School is sentenced on a subsequent conviction to detention in a Borstal School or an offence committed prior to his detention in the Borstal School, the Court shall direct that the subsequent sentence of detention shall run concurrently with such previous sentence of detention. Reasons for insertion of section 8A. - The Prisons Reforms Commission has recommended that the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926) may be amended authorising the Court, before whom a Borstal inmate is found guilty of another offences committed prior to his detention in the school and sentenced to detention for that offence, to direct that the subsequent sentence of detention shall also run concurrently. Based on the recommendation of the Prison Reforms Commission, it has been decided to amend the said Tamil Nadu Act V of 1926 for the purpose. The Bill seeks to give

effect to the above decision. (See Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 2nd May 1994.)

9. Limitations on powers conferred by section 8.

- Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), shall be released on furnishing such security or on the passing of an order under section 124 of the Code. Notes. - The Code of Criminal Procedure, 1898 (Central Act V of 1898) was repealed and, in its place, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) was enacted which came into force on the 1st April 1974. Sections 118 and 124 of the Old Code corresponds to sections 117 and 123, respectively.

10. Power of Inspector-General to transfer prisoners to Borstal School.

- The Inspector-General may, subject to rules made by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.], if satisfied that any adolescent offender undergoing imprisonment in consequence of a sentence passed either before or after the passing of this Act might with advantage be detained in the Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall, thereupon, apply to such person as if he had been originally sentenced to detention in a Borstal School.

10A. [Power of [State] [Inserted by section 2 of the Madras Borstal Schools (Amendment) Act, 1939 (Madras Act XIII of 1939).] Government to transfer offenders sentenced to transportation to Borstal Schools.

- The [State] [Word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, if satisfied that any offender who has been sentenced to [transportation] [The sentence of transportation has been abolished and now only imprisonment for life as per the provisions the Indian Penal Code.] either before or after the passing of the Madras Borstal Schools (Amendment) Act, 1939 (Madras Act XIII of 1939), and who at the time of conviction was [not less than 16 in the case of a boy and not less than 18 in the case of a girl, but not more than 21 years of age in either case] [Substituted for the expression, 'not less than 18 nor more than 21 years of age' by Section 3 of the Tamil Nadu Borstal Schools (Amendment) Act, 1989 (Tamil Nadu Act 13 of 1989).] might with advantage to be detained in a Borstal School, direct that such offender shall be transferred to a Borstal School, there to serve the whole or any part of the unexpired residue of the sentence. The provisions of this Act shall apply to such offender as if he had been originally sentenced to detention in a Borstal School. An order may be made under this section notwithstanding that the sentence of [transportation] [The sentence of transportation has been abolished and now only imprisonment for life as per the provisions of the Indian Penal Code.] has been subsequently commuted into a sentence of imprisonment.]

11. Preliminary inquiry and finding as to age of adolescent offender.

(1) Before passing a sentence under section 8, the Court shall inquire into the age of the offender and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be. (2) A similar inquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 8 before submitting his proceedings and forwarding an adolescent offender [to the Chief Metropolitan Magistrate or other salaried Presidency Magistrate or the District or Sub-Divisional Magistrate] [Words were substituted for the words 'to the District Magistrate or Sub-divisional Magistrate' by section 3(1) of and the Second Schedule to the Tamil Nadu Repealing and Amending Act 1951 (Tamil Nadu Act XI of 1951).] as required by sub-section (1) of section 7. Notes. - According to clause (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any reference to a Presidency Magistrate or a Chief Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate or Chief Metropolitan Magistrate, as the case may be.

12. Government to determine the Borstal School to which adolescent offender shall be sent.

- Every adolescent offender directed by a Court to be sent to a Borstal School shall be sent to such Borstal School as the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may, by general or special order, appoint for the reception of adolescent offenders dealt with by such Court: Provided that if accommodation in a Borstal School is not immediately available for such adolescent offender, he may be detained in special ward or such other suitable part of a prison as the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

13. Removal from one school to another.

- The Inspector-General may, at any time, order an inmate to be removed from one Borstal School to another, provided that the whole period of his detention in Borstal School shall not be increased by such removal.

13A. [Receptions of offender from, and transfer of offenders to, other States in India. [Inserted by section 5 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951).]

(1) The State Government may, by general or special order notified in the [Fort St. George Gazette], direct that any specified Borstal School in this State shall be available for the reception of adolescent offenders in respect of whom a sentence of detention in a Borstal School or other school of a like

nature has been passed by any Court or Magistrate in [any other part of India] [Substituted for the words 'any other State in India' by section 4 of, and the Third Schedule to the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).]; and thereupon, provision may be made for the removal of the adolescent offenders concerned accordingly: Provided that no such order shall be made without the consent of the Government of the [other State concerned, or the Central Government, as the case maybe] [Substituted for the words 'other State concerned' by Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).]. (2) The State Government may direct any inmate of a Borstal School in the State, to be transferred to any Borstal School or other School of a like nature in [any other part of India] [Substituted for the words 'any other State in India' by section 4 of, and the Third Schedule to the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).]: Provided that no such transfer shall be made, without the consent of the Government of the [other State concerned, or the Central Government, as the case maybe] [Substituted for the words 'other State concerned' by Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).]. (3) The State Government may consent to transfer to a Borstal School in this State of a person retained in any Borstal School or other school of a like nature in any other part of India. (4) The provision of this Act shall apply to any person who is removed or transferred to a Borstal School in this State in pursuance of sub-section (1) or sub-section (3), as if he had been originally sentenced to detention in a Borstal School in this State.]

14. Transfer of incorrigibles, etc., to prisons.

- Where a person detained in a Borstal School is reported to the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1957 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] by the [Superintendent] [Substituted for the words 'Visiting Committee' by section 6 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951).] of such school to be incorrigible or to be exercising a bad influence on the other inmates of the school [or in the case of a person directed to be sent to a Borstal School before the commencement of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XI of 1936) to be over twenty-three years of age] [Words, brackets and figures were inserted by section 4 of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).], the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] commute the unexpired residue of the term of detention of such term of imprisonment of either description as the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may determine, but in no case exceeding-(a) such unexpired residue, or (b) the maximum period of imprisonment fixed for the offence or the failure to give security, as the case may be, or (c) the maximum period of imprisonment, which the Court that tried him had authority to award under the [Code of Criminal Procedure, 1898] [See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).] (Central Act V of 1898), whichever is shortest.

Part III

Release On Licence

15. Power to release on licence.

(1) Subject to any general or special directions of the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.], the Inspector-General, on the recommendation of the Visiting Committee, may, at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal School on condition that he may be placed under the supervision, or authority of any Government officer, or secular institution, or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him. (2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

16. Form of licence.

- Every licence granted under section 15 shall be in such form and shall contain such conditions as the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may by rules direct.

17. Revocation of licence.

- Subject to any general or special directions of the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.], a licence granted under section 15 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

18. Escape and forfeiture of licence.

- If any inmate escapes from a Borstal School or if any inmate absent on licence from a Borstal School removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a Sub-Inspector of Police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

19. Absence under licence to be counted towards period of detention.

- The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the school, provided that where that person has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the school.[Part III-a] [Inserted by the Madras Borstal Schools (Amend.) Act, 1936 (Tamil Nadu Act XIX of 1936).]
Control and Management of Borstal Schools

19A. Management of Borstal Schools.

- Subject to the orders of the Inspector-General and subject also to the rules made by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.], the control and management of every Borstal School shall vest in a Superintendent appointed by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.].

19B. Constitution, powers and duties of Visiting Committees.

(1)(a)Every Visiting Committee appointed under sub-section (2) of section 3 shall consist of the Sessions Judge, the District Magistrate, the District Educational Officer of the district in which the school is situated and four non-official members appointed by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.],(b)The non-official members shall hold office for a period of two years, but shall be eligible for re-appointment on the expiry of that period.(2)It shall be the duty of the Visiting Committee and its members-(a)to visit the school either individually or collectively on such occasions as may be fixed by the rules made under this Act in that behalf for the purpose of ensuring that the provisions of this Act are duly given effect to;(b)to make such suggestions for the improvement of the training therein as are considered necessary and to report to the State Government or to the Inspector-General, from time to time, any matter, which, in their opinion, should receive attention and annually on the progress of the school;(c)to interview the inmates immediately after their arrival and to make suggestions, as to the special training which each should receive;(d)to consider cases of release on licence under sub-section (1) of section 15 placed before them by the Superintendent; and(e)to consider such action as may be necessary in regard to the inmates whose term of detention is about to expire.(3)Subject to such rules as may be made in that behalf by the [State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.], every member of the Committee shall be entitled to call for information from the Superintendent, to examine the records of the school and to take such other action as he deems necessary for the due discharge of his duties.

19C. Classification of inmates.

(1)The inmates of a Borstal School shall be divided by the Superintendent according to their industry and good conduct into four grades, namely. -(i)the penal grade,(ii)the ordinary grade,(iii)the star grade,(iv)the special star grade.(2)The privileges of each grade shall be higher than those of the grade preceding, if any.(3)Every inmate shall, on reception in a Borstal School, be placed in the ordinary grade.(4)The Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), the rules made under this Act and the general instructions of the Visiting Committee.(5)Promotions and reductions shall be regulated by close personal observation of inmates and shall depend specially on their general behaviour, amenability to discipline and attention to instruction both literary and industrial.

19D. Punishment of offence.

(1)The punishments which may be inflicted on an inmate of a Borstal School for offences specified in the Prisons Act, 1894 (Central Act IX of 1894), and the rules made thereunder, shall be in the following forms and in no other:-(i)Formal warning;(ii)Extra drill;(iii)Deprivation of any of the privileges of the grade;(iv)Reduction in grade;(v)Cuts on the hand by ratan not exceeding six on each hand;(vi)[x x x] [Omitted by section 6 of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959)].(2)No punishment shall be awarded to any inmate by an official of the school except by the Superintendent or in his absence his official exercising his functions.

19E. Limitation of hours of work.

- No inmate of a Borstal School shall be made to work for more than eight hours a day:Provided that extra drill awarded as a punishment under sub-section (1) of section 19-D shall not be deemed, for purposes of this section, to be work.

19F.

[Section 19-F was omitted by section 7 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951)]

Part IV

Appeal and Revisions

20. Appeal and revision.

- For purposes of appeal and revision under the [Code of Criminal Procedure] [See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).], 1898 (Central Act V of 1898), a sentence of detention under section 8 of the Act shall be deemed to be a sentence of imprisonment for the same period.Any person affected by an order of the Inspector-General under this Act may appeal to the

[State Government] [Words 'Provincial Government' was substituted for the words 'Local Government' by the Adaptation of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] whose orders shall be final.

Part V

Miscellaneous

21.

[Omitted by section 4 of the Tamil Nadu Borstal Schools (Amendment) Act, 1989 (Tamil Nadu Act 13 of 1989)].

21A. [Power of State Government to discharge an inmate. [Inserted by the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act 19 of 1936).]

- The [State Government] may, at any time, order the discharge of an inmate of any Borstal School either absolutely or subject to such conditions as they may think fit.]

22. Removal of disqualification attaching to conviction for offence.

- The conviction of an adolescent shall not be regarded as conviction for the purposes of any disqualification attaching to a conviction for any offence.