

# The Punjab Borstal Rules

HARYANA

India

## The Punjab Borstal Rules

### Rule THE-PUNJAB-BORSTAL-RULES of 1932

- Published on 12 July 1932
- Commenced on 12 July 1932
- [This is the version of this document from 12 July 1932.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Borstal Rules Published vide Punjab Government Notification No. 25749, dated 12th July, 1932

#### 1.

These rules may be called the Punjab Borstal Rules.

#### 2.

In these rules, unless there is anything repugnant in the subject or context :-(i)"The Act" means the "Punjab Borstal Act, 1926", (ii)"The Director" means the "The Director of Borstal Institution".

#### 3. [State] [Substituted by the Adaptation of Laws Order, 1951.] Government to declare a Borstal Institution. -

The [State] [Substituted by the Adaptation of Laws Order, 1951.] Government may declare by notification any place intended for the detention of offenders to be a Borstal Institution under the Act.

#### 4. Sections of a Borstal Institution and number of inmates to be detained in a Borstal Institution.

(1) There shall be two sections of a Borstal Institution, namely:-(a) for the detention of habitual adolescent offenders with definite criminal tendencies. (b) for the detention of habitual post-adolescent offenders with definite criminal tendencies. (2) Except with the special sanction of the [State] [Substituted by the Adaptation of Laws Order, 1951.] Government which will be granted very sparingly and only for urgent reasons of administrative necessity, not more than 500 inmates

shall be detained in any Borstal Institution.

## **5. Powers and duties of the Director, the governance of Borstal Institutions, and the report to be submitted by him.**

(1) In the exercise of the control over Borstal Institutions, the Director shall have the same powers and duties as the Inspector-General of Prisons has in the control of prisons except in so far as they are inconsistent with the Act. (2) The Director shall be generally responsible for the governance of Borstal Institutions in accordance with the provisions of the Act and these rules, and he shall as soon after the close of each calendar year as possible and not later than the 1st day of May in each year submit to the Local Government a report on the administration of Borstal Institutions, together with such statistical and other statements, returns and information and in such form as the [State] [Substituted by the Adaptation of Laws Order, 1951.] Government may from time to time by executive direction require.

## **6. Superintendent and other officials to be subject to rules in the Punjab Jail Manual in certain respects.**

- The Superintendent and other officials of Borstal Institutions shall be subject to the rules laid down in the Punjab Jail Manual, relating to their appointment, guidance, control, punishment and dismissal, and also in the matter of their responsibilities, duties and disabilities except in so far as they are inconsistent with the Act.

## **7. Duties and powers of a Superintendent and his responsibility for the proper management of the Borstal Institution.**

- The Superintendent shall have the same powers and duties as the Superintendent of a Jail has under the Punjab Jail Manual except in so far as they are inconsistent with the Act. He shall, subject to the orders of the Director, manage the Borstal Institution in all matters relating to training, discipline, punishment, control and expenditure in accordance with the provisions of the Act and these rule.

## **8. Maintenance of records and preparation and submission of reports.**

- The Superintendent shall be responsible for the maintenance of records and registers and for the preparation and submission of reports and returns required under the Act and these rules or as may be ordered from time to time by the [State] [Substituted by the Adaptation of Laws Order, 1950.] Government.

## **9. Feeding, clothing and bedding.**

- Subject to the sanction of the [State] [Substituted by the Adaptation of Laws Order, 1950.] Government the Director shall prescribe in respect of each grade of inmates and season a scales for

diet, clothing and bedding and may also prescribe uniforms for each grade. He shall also prescribe good conduct and other badges of distinctive token to be worn on the clothing.

## **10. Admission, removal and discharge of inmates and disposal of their effects during their detention.**

(1) Whenever an inmate is admitted into a Borstal Institution he shall be searched and all weapons and prohibited articles shall be taken from him. (2) Every inmate shall also, as soon as possible after his admission, be examined by the Visiting Medical Officer, who shall enter or cause to be entered in a book to be kept for the purpose, a record of the state of the inmate's health, vaccination and of any wounds or marks on his person and any observation which the Medical Officer thinks fit to add. (3) All money and other articles in respect whereof no order of a competent Court has been made and which may with proper authority be brought into the Borstal Institution by any inmate or sent to the Institution for his use shall be placed in the custody of the Deputy Superintendent or other Borstal Institution Officer who may be entrusted with this duty by the Superintendent. (4) All inmates previous to being removed to any other Borstal Institution or prison should be examined by the Visiting Medical Officer. (5) No inmate should be removed from one Borstal Institution to another or to a prison unless the Visiting Medical Officer certifies that the inmate is free from any illness rendering him unfit for removal. (6) No inmate should be discharged against his will from Borstal Institution if labouring under acute or dangerous distemper, nor until, in the opinion of the Visiting Medical Officer such discharge is safe.

## **11. Temporary detention of inmates pending admission in a Borstal Institution.**

- An adolescent offender, who has been directed by a Court or Magistrate, duly empowered in that behalf, to be detained in a Borstal Institution, but for whom accommodation is not immediately available in any of the Borstal Institutions in the Province, may be sent for detention to the adolescent Jail or if this is full to the nearest Central or District Jail, where he shall be detained in the ward reserved for adolescents and treated as far as possible as an inmate of a Borstal Institution till accommodation becomes available in any such Institution.

## **12. Transfer of an adolescent offender to the post-adolescent section of the Institution.**

- An adolescent offender will, on completing the age of 21, normally be transferred to the post adolescent section of the Institution, provided that if, in the opinion of the Medical Superintendent or Medical Officer of the Institution, the inmate is physically or mentally still under-developed and adolescent he may, by special order of the Superintendent, be retained in the adolescent section up to the age of 24. Post-adolescent offenders shall be subject to the same rules and training as ordinary adolescents. They will, however, be allotted a separate enclosure of the Institution, and will be kept there for sleep, rest and meals. They are permitted to associate, under supervision, with ordinary Borstal adolescents for drill, education, work and games. On transfer from the adolescent to the

post-adolescent section they will retain their grade and any other rank to which they may have been promoted. They may also be promoted in grade or rank after transfer to the post-adolescent section. Post-adolescents are eligible for appointment as inmate officials, work overseers, drill or games instructors and Scout Patrol Leaders, and will associate with adolescents in the execution of these duties.

### **13. Grading, Classification and treatment of inmates**

(1) The inmates of Borstal Institution shall be divided by the Superintendent into grades according to their industry and good conduct. (b) There shall be five such grades, namely :-(1) Penal Grade. (2) Ordinary Grade. (3) Special Grade. (4) Star Grade. (5) Monitor Grade. (c) All inmates on reception will be placed in the Ordinary Grade, promotion should be regulated by close personal observation of the inmates attention being specially paid to their general behaviour, amenability to discipline and the attention to instructions both literary and industrial. (d) An inmate will remain in the Ordinary Grade for at least six months. During this time he shall be employed on hard labour, as far as possible, in connection with the trade which he is desirous of bearing and suitable for his intelligence, caste, etc. He should be carefully observed by the staff, with special reference to his character, mental disposition, aptitude and fitness for the trade allotted. (e) Where an inmate is believed to be exercising a bad influence, he will be placed by the Superintendent in the Penal Grade for such period as the Superintendent considers necessary in the interest of the inmate himself or of the other inmates. While in this grade, an inmate shall be employed in separation on hard and laborious work and shall forfeit all privileges. The Superintendent should record in his journal particulars of the case of every inmate ordered by him to be placed in the Penal Grade with the reasons for such order and stating the period during which inmate is to remain so placed, but in no case shall an inmate be placed in the Penal Grade for a period longer than three months without the special sanction of the Director. (f) If the inmate had previously been in the Special, Star, or Monitor Grade, he shall not be restored thereto without passing through a period of probation in the lower grades for such periods as the Superintendent may determine. (g) If an inmate is, in the opinion of the Superintendent, guilty of any offence other than that described in Rule 28 he may take action according to Rule 29 or may place him in the Penal Grade for such period as he deems necessary; provided that without the special sanction of the Directors as laid down in sub-rule (e) such period shall not exceed three months at a time.

### **14. Separate sleeping accommodation, water supply and sanitary and other arrangements.**

(1) Every institution will, so far as possible, provide -(a) sufficient means of separating the inmates in single cubicles at night; (b) adequate accommodation for post-adolescents, separate from that for adolescents; (c) proper sanitary arrangement, water supply, food, clothing, bedding for the inmates detained therein; (d) the means of giving such inmates industrial training; (e) barracks or other suitable buildings to be used as a school for imparting education to inmates; (f) proper segregation wards for the quarantine of newly admitted inmates; (g) an infirmary, hospital, or proper place for the treatment of the sick; (h) proper infectious diseases ward or wards. (2) Each cubicle should have a verandah or open enclosure in front of it. (3) The quarantine yard and the infectious diseases ward

referred to in clauses (f) and (h) respectively, of sub-rule (1) above should have as far as possible direct communication with the hospital yard in order that the cases of illness be removed direct to and from the hospital without entering any other part of the Borstal Institution.

## 15. Interview and communications with inmates.

(1) Every newly admitted inmate will be allowed reasonable facilities for seeing or communicating with his relatives or intimate friends with a view to the preparation of an appeal or to procuring bail and will also be allowed to have interviews or write letters to his friends once or twice a month or oftener if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family matters. (2) Every inmate ordered to be detained in a Borstal Institution in default of furnishing security for good behaviour will be allowed to communicate by letter and have interviews at any reasonable time with his relations or friends for the purpose of arranging for the furnishing of security. (3) In addition to the privileges mentioned in sub-rules (1) and (2) above every inmate will be allowed to have an interview with his relatives or friends to write and receive a letter as given below :- (a) In the Ordinary Grade two interviews in the first month of his detention, and thereafter once in two months. (b) In the Special Grade once in month-and-a-half. (c) In the Star Grade once in a month. (d) In the Monitor Grade once in a fortnight. Provided that the exercise of this privilege will be contingent on good conduct and may be withdrawn or postponed by the Superintendent for bad conduct. Note. - (i) A letter merely arranging an interview will not be counted as a letter for the purposes of this rule. Note. - (ii) An inmate may, with the permission of the Superintendent, substitute a letter with reply for an interview or vice versa. (4) The Superintendent may at his direction grant interview or allow the despatch of receipt of letters at shorter intervals than provided in sub-rule (3) or in spite of the inmate's misconduct, if he considers that special or urgent grounds exist for such concession, as for example in the event of an inmate being seriously ill, or on the occurrence of the death of a near relative, or if the friends or relatives may come from a distance to see the inmate and it would inflict an undue hardship on them to refuse interview, or if the inmate is nearing release and wishes secure employment, or for other sufficient cause. Matters of importance such as the death of a relative may also be communicated at any time by the friends of an inmate to the Superintendent, who will if he thinks it expedient, inform the inmate of the substance of the communication. (5) No inmate should be allowed to have an interview or to receive or write a letter, except with the permission of the Superintendent, which shall be recorded in writing. (6) Application for interviews with inmate may be oral or in writing at the discretion of the Superintendent. If the inmate is not entitled to an interview the application will be informed at once unless the Superintendent has decided to grant the interview under sub-rule (4). (7) The Superintendent should not allow any visit from any person whom he thinks likely to exercise an undesirable influence upon the inmate. (8) The time allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion. (9) Every visit should take place in the presence, but not within the hearing of a Borstal Official, who shall if he observes anything unusual and irregular at once put an end to the visit and immediately make a report to the Superintendent. Note - The term "friend or relative" as applied to a prospective interviewer of inmates and as occurring in rule 15 is to be literally and strictly interpreted that is to say, no one should be allowed an interview with an inmate, who is entitled under the rules to interview unless he can submit proof of a personal and intimate

acquaintance or of near relationship. In the case of a relative the nature of relationship should be ascertained.

## **16. Superintendent's discretion in the matter of perusal and disposal of letters.**

(1)The Superintendent may peruse every letter written by or addressed to an inmate and may for any reason that he considers sufficient to refuse to issue or deliver any such letter and may destroy the same after informing the inmate concerned.(2)If a letter is addressed to an inmate who is not entitled under the rules to receive it, it may, unless the Superintendent decides to allow the receipt thereof by the inmate concerned, under sub-rule (4) of rule 15, be withheld and kept in Superintendent's custody until the inmate is entitled to receive it or is discharged when it shall be delivered to him or it may be returned to the sender with an intimation that the inmate is not entitled to receive it.

## **17. Notice of serious illness or death of inmates to their parents or close relations.**

- The parents of the inmates or the persons, most closely connected with them should, if their address is known, be informed by the Superintendent of any serious illness or of the death of the inmates.

## **18. Superintendent to answer reasonable inquiries regarding inmates.**

- The Superintendent should answer any reasonable enquiries made by any person interested in any inmate.

## **19. Custody of inmates and keys.**

(1)All inmates should be kept at night in cubicles, in which they shall be locked up at locking up time, and it shall be one of the special duties of the night warders to see that the inmates when in the cubicles do not talk or communicate with one another.(2)The Superintendent should make arrangement to keep the keys of the cubicles in such a manner that they shall be immediately accessible at all times.(3)The cubicles should be unlocked at 5 A.M., in the summer (April to September) and 7 A.M. in the winter, when the roll will be called and the inmates will be paraded. The precise time for locking up of the cubicles will be left to the discretion of the Superintendent, provided it is never before 8 P.M. for the Star and Monitor Grades and 7 P.M. for the other grades, after a parade and roll-call of each grade immediately before the hours fixed ; provided also that no inmate shall be allowed to remain at large in the enclosure after dark, but shall be kept in a barrack, reading hall or school room the doors of which shall be locked.(4)As far as possible the Superintendent or the Deputy Superintendent shall be present when the cubicles are locked up at night and unlocked in the morning, but if both be unavoidably absent, the fact shall be entered in the journal and the locking and unlocking shall be supervised by one of the Assistant

Superintendents.

## **20. Education and industrial training of inmates.**

(1) Every institution will ordinarily have in addition to class for general education, special industrial classes and workshops for teaching trades and other means of livelihood. (2) In the subject of industrial training special courses should be prescribed by the Superintendent and the Visiting Committee in consultation with Director and should be in general accordance with the scheme laid down for industrial schools in the [Haryana] [Substituted for the words 'Punjab' by Haryana Notification No.GSR22/PA/11/26s.34/70 dated 20.2.1970.]. (3) No inmate, on first admission, should be compelled to take up a particular industry. He will be given during the first two months, when he shall be generally employed, the choice of any of the industries taught in the institution, compatible with his caste, taste or other circumstances and if necessary he should be employed for a time on each. If he shows no special inclination or aptitude the Superintendent should decide the industry which he should be taught giving full consideration to his hereditary calling and caste. If an inmate proves unfit for the particular industry to which he is attached, the Superintendent may put him to any other industry, and he may also, if it is to the interest of the inmate, permit him to share in the training of an industrial class other than to which he had been attached. (4) The standard of general education will be that prescribed for Primary Schools in the [Haryana] [Substituted for the words 'Punjab' by Haryana Notification No.GSR22/PA/11/26s.34/70 dated 20.2.1970.], but it will be in the power of the Superintendent to raise the standard and to increase the subjects taught.

## **21. Physical drill and gymnastics.**

- Physical drill and gymnastics will be taught to all physically fit inmates; First Aid and Scout Craft, though voluntary, will be strongly encouraged.

## **22. Incurable inmates to be reported to Government.**

- If the Superintendent is of opinion that an inmate is incurable, or is exercising a bad influence on the other inmates of the institution or has been convicted under section 19 of the Act, or has committed any of the major offences specified in paragraphs 608 and 609 read with paragraphs 630 of the Punjab Jail Manual, he shall report the case, through the Visiting Committee, to the Director for the orders of the [State Government.] [Substituted by Adaptation of Laws Order, 1950.]

## **23. Prohibited articles.**

- The articles specified or included in paragraph 606 of the Punjab Jail Manual, shall be prohibited articles unless any such article has been -(a) introduced into any institution; (b) removed from any institution; (c) supplied to any inmate inside or outside the limits of any institution; or (d) received, possessed or transferred by any inmate; with the permission of the Superintendent or other officer empowered by him in this behalf or of the Visiting Medical Officer, provided that no article shall be deemed to be a prohibited article if it is an article of clothing necessary for the personal wear of an

inmate; provided also that if the tobacco is lawfully introduced it shall not be used without the express sanction of the Superintendent or the Visiting Medical Officer or in the presence of any other inmate.

## **24. Confiscation and disposal of prohibited articles.**

- Prohibited articles, introduced into the institution without due authority should be confiscated and may be destroyed or sold or otherwise disposed of by the Superintendent at his discretion.

## **25. Borstal Institution Offences.**

- The offences specified in paragraphs 608 and 609 of the Punjab Jail Manual shall constitute Borstal Institution Offences.

## **26. Punishment Book.**

- A punishment book shall be maintained as laid down in Punjab Jail Manual.

## **27. Punishment awardable for Borstal Institution Offences.**

(1)The punishment which may be inflicted on an inmate of a Borstal Institution for the Borstal Institution Offences shall be in the following form and in no other :-(i)punishment Drill;(ii)Reduction in grade;(iii)Deprivation of any of the privileges of the grade;(iv)Punishment described in paragraph 612 of the Punjab Jail Manual except punishment by handcuffs, fetters, and cellular confinement specified respectively in clauses 6, 7, 10 and 11 provided that nothing in this clause shall be deemed to permit "Separate" confinement under clause 8 of that paragraph for more than one month;(v)Cuts on the hand by a rattan, provided that the cuts shall be inflicted only in such cases and subject to such limitations and restrictions as apply to punishment by whipping under clause 13 of paragraph 612 of the Punjab Jail Manual.(2)No punishment shall be awarded to any inmate by any official of the Institution except the Superintendent.

## **28. Case to be referred to Magistrate for enquiry in certain offences.**

- When in the opinion of the Superintendent any of the following offences are established against an inmate, he shall refer the case to the Magistrate exercising jurisdiction for inquiry in accordance with the Code of Criminal Procedure, 1898, -(1)Offences punishable under sections 147, 148 and 152 of the Indian Penal Code;(2)Offences punishable under sections 222, 223 and 224 of the Indian Penal Code;(3)Offences punishable under sections 304-A, 309, 325 and 326 of the Indian Penal Code; and(4)Any offence triable exclusively by the Court of Sessions.



## **29. Superintendent's discretion when an act constitutes a Borstal Institution offence and offence under Indian Penal Code.**

- It shall be in the discretion of the Superintendent to determine with respect to any other act which constitutes both a Borstal Institution offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the Magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure, 1898.

## **30. Minor and Major Borstal Institution offences and punishments.**

- The punishment awarded to inmates of a Borstal Institution shall be minor or major as described in paragraph 630 of the Punjab Jail Manual except in so far as they are inconsistent with the Punjab Borstal Act and these rules. A Borstal Institution offence shall be considered a minor or major offence according as it is dealt with by a minor or major punishment.

## **31. Compensation of the Visiting Committee and appointment of the non-official members.**

(1)The Visiting Committee of a Borstal Institution will ordinarily consist of :-(1)The Deputy Commissioner(2)The Sessions Judge(3)The Superintendent of Police of the District in which the Borstal Institution is situated.(4)The Inspector-General of Schools.(5)The Reclamation Officer, [Haryana] [Substituted for the words 'Punjab' by Haryana Notification No.GSR22/PA/11/26s.34/70 dated 20.2.1970.].(6)One nominee of the Municipal Committee within the Municipal limits of which the Borstal Institution is situated, appointed by the State Government.(7)One nominee of the District Board of the district, within which the Borstal Institution is situated, appointed by the State Government.(8)Two non-officials to be appointed by the State Government.(9)Superintendent of the Borstal Institute, who also will act as Secretary to the Visiting Committee.Note - If the Superintendent of the Borstal Institution is not a medical man, the Civil Surgeon should be added to the Visiting Committee.(2)The term of non-official members in clauses 6, 7 and 8 of sub-rule 1 above will be three years but each member will be eligible for renomination and re-appointment on the expiration of his term.(3)The names of non-official members shall be notified in the [Haryana] [Substituted for the words 'Punjab' by Haryana Notification No.GSR22/PA/11/26s.34/70 dated 20.2.1970.] Government Gazette, and they will be chosen as far as possible on the ground of definite qualifications and special fitness such as taking active interest in Borstal Institution matters and prison reform or other social work, or ability, enthusiasm, and willingness to assist in finding work for Borstal lads and other prisoners on discharge and not merely and solely on the ground of social position, wealth and political influence.

## **32. Meeting of the Visiting Committee and its duties.**

(1)The Visiting Committee should meet once a quarter. The Superintendent should send notice of the meeting to all the members at least seven days before the day fixed with a statement of any special matters which under these rules requires the consideration of the Committee and are to be

laid before them at the meeting for which notice is issued. No special matter of which notice has not been given under this rule should be considered at a meeting except with the sanction of the Chairman and the unanimous consent of all the members present.(2)The Visiting Committee shall see that the requirements of Rule 14 are fulfilled.(3)They shall -(a)visit the Institution to see every inmates to hear complaints, and see that the management of the Institution is proper in all respects;(b)examine the Punishment Book and the Log Book or Journal;(c)bring any special cases to the notice of the Director; and(d)see that no person is illegally detained in the Institution.

### **33. Quorum of the meeting and Chairman thereof.**

- Four members will form a quorum and the official member who is senior in rank will preside. If a quorum is secured and no official member is present the members present should elect a Chairman from among themselves.

### **34. Reasons of inability to hold monthly meetings to be reported by the Superintendent to the Director.**

- If the Committee is unable to visit an Institution during the time fixed for its meeting, the Superintendent shall make special report for the information of the Director, of the reasons for such inability.

### **35. Superintendent to be present at every meeting and act as Secretary.**

- The Superintendent should be present at every meeting of the Committee and will act as its Secretary, and under the direction of the Chairman he will record minutes of the proceedings of every meeting. The minutes of every meeting should be signed by the Chairman of that meeting and be confirmed by the next following meeting, and immediately after each meeting the Superintendent will forward to the Director a copy of the minutes.

### **36. Superintendent to give to immediate effect to the resolutions passed by the Committee.**

- It shall be the duty of the Superintendent to give immediate effect to all resolutions passed by the Committee unless, for reasons to be recorded by him, he should consider any resolution to be inexpedient or ultra vires, in which case he shall obtain the orders, of the [State] [Substituted by Adaptation of Laws Order, 1950.] Government through the Director before giving effect to it. He should apply for these orders immediately.

### **37. Conditions of grant of licenses and the suspension, revocation and cancellation thereof.**

(1)A license granted under section 15 of the Act shall be in Form "A" appended to these rules and shall contain the conditions given below :-(i)That the licensee shall proceed forthwith to the place

and report himself to the Parole Officer, mentioned in his license.(ii)That he shall remain under the supervision of the said Parole Officer or any other Parole Officer to whose supervision he may be transferred by the Director of Borstal Institution during the period of the license and that he shall obey all the instructions of the Parole Officer issued to him either verbally or in writing regarding his residence, employment and conduct.(iii)That he shall not proceed beyond the limit of the places within which he may be restricted from time to time, by the Parole Officer, without the permission in writing of the said officer and that he shall proceed to any place indicated by the Parole Officer, and by the route prescribed by him.(iv)That he shall report himself at such times and places to such persons as the Parole Officer may from time to time direct.(v)That he shall apply himself with due industry and to the satisfaction of the Parole Officer to the work upon which the said officer may permit him to be employed.(vi)That he shall not commit any criminal offence punishable by the law of India and shall not associate with men of known bad character.(vii)That he shall receive such remuneration for his work as the said Parole Officer may direct.(2)No inmate will be sent out from an Institution without his consent and no inmate will be licensed unless the conditions of the license are personally explained to him by the Superintendent and are accepted by him. The fact that the conditions are explained to the inmate and were accepted by him shall be certified on the license by the Superintendent.(3)If the licensee is found to have committed a wilful breach of the conditions numbered (i) to (vi) in sub-rule 1, the license may be suspended or revoked in accordance with the provisions of section 18 of the Act and the licensee may be directed to return to a Borstal Institution.(4)On the suspension or revocation of the license, the licensee shall return to the Borstal Institution named in the order of suspension or revocation on or before the date specified for him to report himself in the said order.(5)If an inmate, to whom a license has been granted becomes unfit owing to disease or is otherwise incapacitated before leaving an Institution his license shall be cancelled by the Visiting Committee unless in the opinion of the Committee his unfitness or incapacity is of a temporary nature, in which case the license shall be kept pending with the Superintendent.

### **38. No inmate who has escaped should ordinarily be licensed.**

- Unless specially recommended by the Superintendent and the Visiting Committee no inmate will be licensed who has escaped or attempted to escape from the Borstal Institution or from an employer.

### **39. Superintendent to maintain a Register of licenses.**

- A register of licenses shall be maintained by the Superintendent and shall be laid before the Committee at least once in every two months.

### **40. Appointment of Parole Officers.**

(1)For every inmate discharged on license from an institution there should be appointed a Parole Officer. Such appointment will be made by the [State] [Substituted by the Adaptation of Laws Order, 1950.] Government and they will be either paid officials or private individuals interested in philanthropic or social work chosen, if possible for strength of character, enthusiasm for this kind of

work and sound personal influence provided-(i)That where more than one inmate licensed from an institution are employed in one locality one parole officer may be appointed for all of them; and(ii)that the Superintendent, Reformatory Farms, Burewala, shall be ex- officio Parole Officer for the inmates licensed for work at the Borstal Reformatory Farms there.(2)Two months prior to the release on license of an inmate the Superintendent shall request the [State] [Substituted by the Adaptation of Laws Order, 1950.] Government through the Director to appoint a suitable Parole Officer as provided in sub-rule (1).(3)The [State] [Substituted by the Adaptation of Laws Order, 1950.] Government will communicate all appointments of Parole Officers made under sub-rule (1) to the Superintendent in sufficient time for the inmates concerned being informed of their respective parole officers before their discharge on license from the institution.

#### **41. Powers, duties and control of a Parole Officer.**

- The Parole Officer shall play the part of "guide, philosopher and friend" to the licensed inmates placed under his supervision and as such shall perform the duties given below :-(1)To see that decent and respectable lodging and suitable work and employment are secured for every licensed inmate and that the licensee observes the conditions of his license.(2)To remain in close touch with every licensed inmate, watch over his conduct, advise him on occasion of difficulty, dissuade him from associating with unsuitable friends and generally direct and influence his conduct for good.(3)To visit or receive reports from the persons with whom the licensee is employed at such reasonable intervals as may be specified in the probation order or subject thereto, as the parole officer may think fit.(4)To report any misbehaviour on the part of licensee to the Visiting Committee.

#### **42. Powers and duties of after care societies and financial assistance to them.**

(1)An after care society where in existence or formed hereafter should exercise a close but friendly supervision over the lads on their final release in their respective district and should render them assistance in one or more of the following ways :-(i)To make all arrangements for the released inmate's reception at home or in decent lodgings and to arrange, if possible, for his immediate employment and if necessary, for his support until he becomes self-supporting;(ii)In needy cases, to provide the released inmates with working implements, tools and clothes, and pecuniary assistance in case of urgent necessity;(iii)To appoint paid or honorary agents who in addition to their duties as friends and helpers of released inmates in his circle is regular at his work, that he is living a sober and industrious life, and that he avoids bad associates.(2)Financial assistance will so far as possible be rendered by the Government to such after care societies as are recommended by their Director for the conspicuous and meritorious work.

#### **43. Religious observances of every inmate to be respected.**

- The religious observances of the inmates, in accordance with the particular religion in each case shall be duly respected and a part of every Sunday shall be devoted in accordance with arrangements

to be made by the Superintendent or the Visiting Committee, to direct moral instruction.

#### **44. Transfer of inmates.**

- The Director may transfer an inmate from one Borstal Institution to another.

#### **45. Detention in a Borstal Institution no disqualification for Government services.**

- Detention in a Borstal Institution will not disqualify an inmate for employment under Government.

#### **46. Rules in Punjab Jail Manual applicable for certain purposes.**

- The rules in the Punjab Jail Manual for the purposes enumerated below shall apply to a Borstal Institution except in so far as they are inconsistent with the Act :-(i) Selection and appointment of inmates as inmate officers and their reduction and dismissal and the responsibilities, duties and powers of such officers; (ii) Employment and control of inmates within and without Borstal Institution and disposal of the proceeds of their labour; (iii) Treatment of sick inmates; (iv) Use of arms against any inmate or a body of inmates and the use of fetters in case of an outbreak or attempt to escape; (v) Conditions and circumstances under which inmates in danger of death may be released; (vi) Rewards for good conduct; (vii) Transfer of inmates from Borstal Institution to an hospital or asylum or from a prison to a Borstal Institution; (viii) Treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in Borstal Institution; (ix) Appointment and guidance of visitors of Borstal Institution. Note. - In the Rules in the Punjab Jail Manual which have been made applicable to Borstal Institutions under this Rule substitute "inmate" for "convict or prisoner". Form 'A' License of Release under section 15 of the Punjab Borstal Act, XI of 1926. In exercise of the powers conferred by section 15 of the Punjab Borstal Act, 1926, the Visiting Committee, with the sanction of the Director of Borstal Institution, [Haryana] [Substituted for the words 'Punjab' by Haryana Notification No.GSR22/PA/11/26s.34/70 dated 20.2.1970.], conveyed in his Letter/endorsement No. \_\_\_\_\_, dated \_\_\_\_\_, and subject to the observance of the conditions hereinafter set forth, hereby grants license of release to \_\_\_\_\_ son of \_\_\_\_\_ caste \_\_\_\_\_ aged \_\_\_\_\_, resident of \_\_\_\_\_ District \_\_\_\_\_, inmate No. \_\_\_\_\_, at present detained in the Borstal institution \_\_\_\_\_, in pursuance of order of which a certified copy is/copies are attached. The Superintendent of the Borstal Institution shall personally verify the correctness of the certified copy or copies to be attached to the license and note thereon the remission earned by the inmates (if any) upto the date of his release. The period during which this license shall remain in force shall be calculated in accordance with the provisions of sections 15 and 16 of the aforesaid Act. On the expiry of the period of this license (except when it is suspended or revoked) the inmate shall be released from the observance of all the conditions set forth hereinafter. Conditions to be Observed by the Licensee (1) The licensee shall proceed forthwith to \_\_\_\_\_ and report himself to \_\_\_\_\_, Parole Officer. (2) He shall remain under the supervision of the said Parole Officer

or any other Parole Officer to whose supervision he may be transferred by the Director of Borstal Institutions, Punjab, during the period of the license. He shall obey all the instructions of the Parole Officer issued to him either verbally or in writing regarding his residence, employment and conduct.(3)He shall not proceed beyond the limits of places within which he may be restricted from time to time by the Parole Officer, without the permission in writing of the said Officer. He shall proceed to any place indicated by the Parole Officer and by the route prescribed for him.(4)He shall report himself at such times and places to such person as the Parole Officer may from time to time direct.(5)He shall apply himself with due industry to the satisfaction of the Parole Officer to the work upon which the said officer may permit him to be employed.(6)He shall not commit any criminal offence punishable by the law of India; and shall not associate with men of known bad character.(7)He shall receive such remuneration for his work as the said parole officer may direct.(8)If the licensee is found to have committed a breach of the conditions numbered (1) to (6) above, the license may be suspended or revoked in accordance with the provisions of section 18 of the Punjab Borstal Act, and the licensee may be directed to return to a Borstal Institution.(9)On the suspension or revocation of this license, the licensee shall return to the Borstal Institution named in the order of suspension or revocation on or before the date specified for him to report himself in the said order,(Sd/-)Secretary,Visiting Committee,DatedBorstal InstitutionI \_\_\_\_\_, hereby acknowledge that I understand the conditions specified in the above order of release as the conditions subject to which I am to be released and I accept them.(Sd/-)Signature or thumb-mark of the inmate.Certified that the conditions specified in the above order of release have been read over and explained to the inmate named in the said order and that he has acknowledged that he understands and accepts the same as the conditions under which he is to be released before the expiry of the term of his detention. I believe that he understands and accepts them.Dated(Sd/-)Superintendent, Borstal Institution.Form 'B'Order of Suspension of a License under Section 18 of the Punjab Borstal Act, XI of 1926In exercise of the powers conferred by section 18 of the Punjab Borstal Act, 1926, \_\_\_\_\_ Superintendent of the Borstal Institution \_\_\_\_\_ hereby suspended with effect from \_\_\_\_\_ to \_\_\_\_\_ the license under section 15 of the said Act, granted on \_\_\_\_\_ to son of \_\_\_\_\_ caste \_\_\_\_\_, aged \_\_\_\_\_ resident of \_\_\_\_\_, District \_\_\_\_\_, inmate No. \_\_\_\_\_, of the Borstal Institution \_\_\_\_\_ and direct that he be re-admitted into the Borstal Institution \_\_\_\_\_ and detained there for the period specified above subject to the provision of section 16 of the said Act. (The said inmate is directed to report himself to the Superintendent of the Borstal Institution at \_\_\_\_\_ on or before the \_\_\_\_\_).(Sd/-)Superintendent, Borstal Institution.Certified that the contents of this order have been explained by me personally to inmate described above.(Sd/-)Parole OfficerThe inmate described above reported himself on(Sd/-)Superintendent, Borstal Institution.Form 'C'Order or Revocation of a License under Section 18 of the Punjab Borstal Act, XI of 1926In exercise of the powers conferred by section 18 of the Punjab Borstal Act, 1926, the Visiting Committee, Borstal Institution, \_\_\_\_\_ on the recommendation of the Director of Borstal Institutions, Punjab, contained in his letter/endorsement No. \_\_\_\_\_, dated \_\_\_\_\_ hereby revokes with effect from \_\_\_\_\_ the license under section 15 of the said Act granted on \_\_\_\_\_, to \_\_\_\_\_, son of \_\_\_\_\_, caste \_\_\_\_\_, aged \_\_\_\_\_, resident of \_\_\_\_\_, district \_\_\_\_\_, inmate No. \_\_\_\_\_, of Borstal Institution \_\_\_\_\_ and to direct that he be re- admitted into the Borstal Institution, \_\_\_\_\_ to serve the rest of his term of detention subject to the provision

of section 1 - 6 of the said Act. [(The said inmate is directed to report himself to the Superintendent of the Borstal Institution at \_\_\_\_\_ on or before the).] [The portion within brackets should be omitted in the case of an inmate who has escaped from the supervision or authority of Parole Officer.](Sd/-)Secretary, Visiting Committee, Borstal Institution. Certified that the contents of the order have been explained by me personally to inmate described above. (Sd/-)Dated \_\_\_\_\_ Parole Officer. The inmate described above reported himself on (Sd/-)Superintendent, Borstal Institution. Form 'D' Proposed agreement between the Parole Officer and Employer

**1. I do hereby agree to employ \_\_\_\_\_ inmates who have been released under the Punjab Borstal Act, 1926, as \_\_\_\_\_.**

(a) at \_\_\_\_\_ per month per working day of approximately 8 hours work, or (b) at \_\_\_\_\_ per inmate per month inmates employed by the month shall be entitled to the holidays observed in Borstal Institutions, but on other days shall work approximately 8 hours per day; or (c) at a lump sum of Rupees \_\_\_\_\_ for performing the work hereinafter set forth.

**2. I will continue to employ this inmate/these inmates until \_\_\_\_\_ or I will give one month's clear notice to the parole officer.**

**3. I will pay the wages of these inmates to the Parole Officer, or wholly or partly to each released inmate himself as the Parole Officer shall require. If part payment only be made to the inmate, I will pay the remainder to the Parole Officer or as he shall direct. During the first month of each released inmate's employment I will pay wages after ten days and thereafter every fifteen days, unless the Parole Officer shall agree to monthly payments.**

**4. I will provide at my own expense such tools and implements, etc., as may be necessary for the carrying out of this work.**

**5. I will provide for the lodging of these inmates in quarter, tents or shelters to the satisfaction of the Parole Officer.**

**6. I will ascertain personally or through my agent that the released inmates are present every day, morning and evening at the hour fixed by the Parole Officer and will note this in the register provided for me by the Director, and if at any time it becomes known to me or to my agent that any of the inmates has been absent from the area to which he has been restricted, I will report at once to the Parole Officer.**

**7. If any of the released inmates in my employ shall fall ill I will see that he is conveyed to the nearest dispensary and will at once inform the Parole Officer.**