

The M.P. Borstal Rules, 1960

MADHYA PRADESH

India

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The M.P. Borstal Rules, 1960 Published vide Notification No. 20-3-Jail, Madhya Pradesh Rajpatra Part 4 (Ga), dated 4-3-1962 In exercise of the powers conferred by Section 33 of the Madhya Pradesh Borstal Act, 1928 (IX of 1928), the State Government hereby makes the following rules for the regulation, management and classification of the Borstal Institutions, the same having been previously published, as required, by the said section, namely :

1. Management and regulation of the Institutions.

- Subject to the orders of the Inspector General of Prisons, the regulation and management of the Borstal Institutions shall vest in the Superintendent appointed by the State Government.

2. Powers and duties of the Inspector General of Prisons.

- Subject to the orders of the State Government the Inspector General of Prisons shall exercise general control and superintendence over the Borstal Institutions in accordance with the rules laid down in the Central Provinces and Berar Jail Manual, Vol. I, Part II, Chapter IX, Section 1, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

3. Government of Borstal Institutions and the appointment, guidance, control and punishment and dismissal of officers and their responsibilities, duties, disabilities and powers.

(a) The Director of Health Services and the District Magistrate shall exercise such powers and perform such duties in the Government of Borstal Institutions as are laid down in the Central Provinces and Berar Jail Manual Rules 255, 256 to 263 and 306, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928. (b) The rules in the Central Provinces and Berar Jail Manual relating to Jailors shall apply to Deputy Jailors, Assistant Superintendents and those relating to Assistant Jailors shall apply to School-masters, Physical Instructors and

Store-keepers of the Borstal Institutions except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.(c)The Superintendents and other officers of the Borstal Institutions shall be subject to the rules laid down in Chapter IX of the Central Provinces and Berar Jail Manual, Volume I, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.(d)The rules regarding security and security bonds, as laid down in Section XIX of Chapter IX of the Central Provinces and Berar Jail Manual and the rules regarding uniform, accouterments, ordinance, supplies and military training as laid down in Section XX of the said Chapter of the said Manual shall likewise apply to Borstal Institutions except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

4. Maintenance of records and submission of reports.

- The record of the Borstal Institutions shall be maintained in accordance with the provisions of Section 12 of the Prisons Act and the Rules 801 and 803 to 808 of the Central Provinces and Berar Jail Manual. The preparation and submission of reports shall be governed by the Rules 136, 187, 289, 302, 334, 488, 542, 882, 1008, 1061, 1084 and 1085 in the Central Provinces and Berar Jail Manual except in, so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

5. Selection and appointment of inmates as Inmate Officers.

(a)The selection of Inmate Officers shall be made from the inmates of the special star grade. The selection shall be regulated by close personal observation of the inmates, attention being especially paid to their general behaviour, their amenability to discipline, and their attention to instruction, both literary and industrial.(b)Inmate Officers may act as monitors in different capacities, and may be placed in authority over other inmates on parades, in the workshops or recreation rooms, and in other situations where they can assist the administration in various ways.

6. Punishment, reduction and dismissal of Inmate Officers.

- The punishment, reduction and dismissal of Inmate Officers shall be governed by the rules as laid down in Part II of Chapter XVII of the Central Provinces and Berar Jail Manual, Volume I, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

7. Duties and powers of Inmate Officers.

- The duties and powers of Inmate Officers shall be governed by the rules laid down in Part II of Chapter XVII of the Central Provinces and Berar Jail Manual, Volume I, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

8. Temporary detention of Inmates.

- Adolescents convicted in any district shall be detained in the local jail until arrangements are made for their transfer to a Borstal Institution.

9. The admission, removal and discharge of inmates and disposal of their effects.

- The admission, removal and discharge of inmates and disposal of their effects shall be governed by the rules as laid down in Chapter XXIV, Part II, of the Central Provinces and Berar Jail Manual, Volume I, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928

10. Custody, discipline, grading, treatment and control of inmates.

- There shall be following grades of inmates : (i) Ordinary grade. (ii) Star Grade. (iii) Special star grade. (iv) Penal grade. The privileges of each succeeding grade shall be higher than those of the preceding grade. All inmates on reception shall be placed in the ordinary grade. Promotion shall be regulated by close personal observation of the inmates, attention being specially paid to their general behaviour, their amenability to discipline and their attention to instruction, both literary and industrial. (i) Ordinary grade - An inmates shall remain in the ordinary grade for at least six months, during which he shall be employed on domestic service, gardening or farming. During this period he shall be carefully observed by the staff with special reference to his character, mental disposition by the Superintendent, the inmate so promoted being placed in a trade period, subject to good behaviour, to take part in games on Saturdays and to write and receive one letter and have one interview every month. (ii) Star grade. - Promotion to the star grade shall be made by selection by the Superintendent, the inmate so promoted being placed in a trade suitable to his individual taste and capacity. While in this grade, inmates shall be permitted to join in games twice a week, to accompany members of the staff on route marches, write and receive one letter and have one interview every month, and by exemplary conduct to earn badge money of one rupee a quarter. The badge awarded to inmates in the star grade may be spent by them on objects approved by the Superintendent, or sent to their relations, or invested in the local Saving Bank. (iii) Special star grade - When after close observation of his general demeanor and efficiency, the Superintendent is satisfied that an inmate in the star grade may be safely placed in a position of special trust, he may be promoted to the special star grade. Such inmate shall wear a distinctive dress. They shall be permitted to take part in games every day and to play in school matches on the extra-mural play-grounds; to accompany members of the staff on route marches; to write and receive one letter and have one interview each month and by exemplary conduct to earn badge money of three rupees a quarter. The badge money awarded to inmates in the special star grade may be spent by them on objects approved by the Superintendent, or sent to their relations or invested in the local Saving Bank. (iv) Penal grade. - When inmate is believed to be exercising a bad influence or is guilty of any misconduct, he shall be placed by the Superintendent in the general grade for such period as the Superintendent considers necessary in the interests 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 shall record in his journal particulars of the case of every inmate placed in the penal grade with the reasons for such order and the period during which the inmate is to remain in the grade. 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 Inspector General of Prisons. Exceptions. - If an inmate who is guilty of any misconduct is a member of the star or special star grade, the Superintendent may place him in the ordinary grade, if he considers that the

circumstances of the case are such as to warrant placing him in the penal grade.

11. Feeding, clothing and bedding of inmates.

- All inmates shall be given the diet according to the scales laid down in section I of Chapter X in Part II of the Central Provinces and Berar Jail Manual Volume I. Their clothing and bedding shall be as follows :

Penal grade	Ordinary grade
Blue cap	Khaki cap
Blue jacket	Khaki jacket
Blue shorts	Khaki shorts
Blue Langooti	White Langooti
Ordinary Blankets	Ordinary blankets
(one or more)	(one or more)
Coir mat	Aloe mat
Star Grade	As for the ordinary grade, with the addition of a brass star on the right breast of the jacket.
Special Star Grade	
White cap	White towel
White jacket	Blankets (one or more)
White shorts	Cotton sheet
White langooti	Kora mat

12. Education of inmates.

(a) Drill and physical exercise for the inmates shall be conducted under the supervision of qualified instructor. (b) Literary instruction shall be given in the inmate's language and limited to the elements of reading, writing and arithmetic. The educational section shall be inspected annually by an officer deputed by the Education Department and a report of his examination of each class shall be submitted to the Inspector General of Prisons. (c) Moral instructions shall as far as possible be given on Sundays to an inmate by persons or by honorary lecturers approved by the Inspector General of Prisons.

13. Employment of inmates and disposal of proceeds of their labour.

(a) Such industries as the Superintendent, with the approval of the Inspector General of Prisons, considers suitable shall be taught to the inmates under the guidance of specially trained instructors. (b) The Director of Industries in the case of industrial operations and the Director of Agriculture in the case of agricultural operations shall depute officers of their respective departments to inspect the Borstal Institution, from time to time, and submit a report to the Inspector General of Prisons. (c) In deciding on the particular industry which any inmate is to be taught the Superintendent shall take into consideration the inmate's previous training, his social

status, his physical and mental capabilities and his inclination.(d)The Instructor in the educational section and workshops shall maintain registers showing the progress made by each inmate. These registers shall be produced before the Superintendent once a month.(e)The Superintendent shall personally supervise the kind of work which each inmate is called upon to perform. Articles manufactured in a Borstal Institution shall be sold at market rates and the proceeds shall be credited to Government. All inmates, provided they are medically fit shall be required to labour for 7½ hours every working day. The day's programmed for ordinary, star and special star grades shall be as follows :

From 1st March to 25th July

Unlocking 5.30 a.m.	Morning meal, latrine parade, etc.
6-30 to 7-00	Drill
7-00 to 7-30	Distribution of labour, tools, materials, etc.
7-30 to 9-30	Institution work at trade or maintenance duties.
9-30 to 11-00	School
11-00 to 2-30 p.m.	Mid-day meal, bath and rest.
2-30 to 5-00	Work.
5-00 to 5-30	Latrine parade.
5-30 to 6-30	Games and bath.
6-30 to 7-30	Evening meal.
7-30 to 9-00	School, reading and indoor games.
Number of hours of work	Four and a half.
Number of hours of school	Three.

From 16th July to the end of February

Unlocking 6.00 a.m.	Morning meal, latrine parade, etc.
7-00 to 7-30	Drill
7-30 to 8-00	Distribution of labour, tools, materials, etc.
8-00 to 10-30	Institution work at trade or maintenance duties.
10-30 to 11-30	School
11-30 to 1-30 p.m.	Mid-day meal, bath and rest.
1-30 to 4-00	Work.
4-00 to 5-00	Games.
5-00 to 7-00	Evening meal, bath and latrine parade, etc.
7-00 to 8-30	School.
Number of hours of work	Five.
Number of hours of School	Two and half.

14. Treatment of sick inmates.

- The treatment of sick inmates shall be governed by the provisions contained in Chapter VIII of the Prisons Act, 1894, for such prisoners, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

15. Borstal offences and their classification into major and minor offences.

- The following offences shall be considered Borstal offences : (1) Footing. (2) Assaulting a public servant. (3) Escape or aiding escape. (4) Sodomy or attempted sodomy. (5) Attempts to commit suicide. (6) Voluntary causing grievous hurt. (7) All other offences against discipline and good order, with the exception of such as must be dealt with by prosecution under the Indian Penal Code. The offences included in sub-heads (1) to (6) and offences under the Indian Penal Code, shall be major Borstal Offences. Those included under sub-head (7) shall be minor Borstal offences.

16. Punishment for offences.

(1) The punishment which may be inflicted on an inmate of a Borstal Institution for offences specified in the Prisons Act, 1894, and the rules made thereunder shall be restricted to punishments prescribed by the Prisons Act, 1894, and the rules made thereunder except punishment by hand-cuffs, fetters, gunny clothing, and cellular confinement specified in clauses (5) to (7), (10) and (11) of Section 46 of the said Act and the rules relating thereto : Provided that nothing in this rule shall be deemed to permit separate confinement under clause (8) of that section for more than fourteen days. (2) No punishment shall be awarded to any inmate by any official of an institution except the Superintendent.

17. Procedure for dealing with acts constituting both a Borstal offence and an offence under the Indian Penal Code.

(1) When in the opinion of the Superintendent, any of the following offences are established against any inmate, he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the [Code of Criminal Procedure, 1898] [See Now Code of Criminal Procedure, 1973 (2 of 1974).] : (a) offences punishable under Sections 147, 148 and 152 of the Indian Penal Code; (b) offences punishable under Sections 212, 223 and 224 of the Indian Penal Code; (c) offences punishable under Sections 304-A, 309, 325 and 326 of the Indian Penal Code; (d) any offence triable exclusively by the Court of Sessions. (2) It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitute both a prison 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] [See now Code of Criminal Procedure, 1973 (2 of 1974).] :

18. Awarding of marks.

(a) For the purpose of encouraging diligence and good conduct, and thereby to promote discipline amongst the inmates, a system of awarding daily one mark for conduct and school work and one mark for trade shall be observed. On holidays two marks shall be allowed for conduct. The teachers and trade masters shall maintain a register for the purpose of marks or rewards in which daily marks of rewards shall be recorded against the names of the inmates who have earned them. (b) An inmate shall be entitled to a gratuity calculated at the following scale for every 13 marks gained by him during the week and still standing to his credit at the end of it; Penal grade-Six Paise. Ordinary grade-Nine Paise. Star grade-Twelve Paise. Special star grade-Sixteen paise. (c) A minimum of 10 marks for each week shall entitle the inmate to the award of half of the amount given in rule (b). (d) The inmates shall be allowed the privileges of spending one-third of the money so earned by them on sweets, toys and other articles not forbidden by the institution rules. In times of epidemic sickness the purchase of sweets may be forbidden at the discretion of the Superintendent. (e) The remaining two-third of the money, together with any rewards earned under Rule 10 (ii) and (iii) shall be deposited by the Superintendent in the local Saving Bank. A ledger shall be kept in the office with a debtor and crediting account of each inmate's name, and on Sundays parades he shall be informed of the amount to his credit. The interest granted by the Post Office shall be distributed amongst the inmates borne on the register on the 1st July approximately in proportion to the amount of their deposits

19. Shortening of the periods of detention.

- Shortening of the periods of detention of inmates shall be governed by the rules regulating remissions of sentences as laid down in Chapter IV of Part II of the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

20. Use of arms and fetters.

- The use of arms against any inmate or body of inmates and use of fetters in the case of an outbreak or attempt to escape shall be governed by the Rules 168 to 172 and 1188 to 1193 of the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

21. Release of inmates in danger of death.

- The release of inmates in danger of death shall be governed by the rules laid down in Chapter VI of Part II of the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

22. Transfer of inmates.

- The transfer from one State to another of inmates whose term of detention is about to expire shall be governed by the Rules 1171, 846, 847, 849 and 854 of the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

23. Articles, introduction or removal of which is prohibited.

- The defining of articles, the introduction or removal of which into or out of Borstal Institutions without due authority is prohibited, shall be governed by the Rules 737 to 739 in the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

24. Rewards for good conduct.

- Inmates other than those on the remission system shall be allowed gratuity at the following rates :
(i) For good conduct. - Any inmate, who, for a period of one year reckoned from the first day of the month following the date of his detention or the date on which he was last punished for a Borstal offence other than by a warning, has committed no Borstal offence whatever, shall be awarded a gratuity of one rupee per year in addition to any other gratuity admissible under these rules.
(ii) For extra work. - Any inmate whose out-turn of work exceeds the task fixed shall be granted gratuity at the rate of twelve paise for every day's additional task performed by him. No inmate shall receive more than fifty paise in any one month under this rule.
(iii) For work as prison servants. - Inmates employed on prison service who work on Sundays and Jail holidays, shall be allowed gratuity of twelve paise per day in addition to any other gratuity admissible under these rules.
(iv) For work as night-watchman. - Inmates who are employed as night watchman shall, if they have worked to the entire satisfaction of the Superintendent, be granted a gratuity of nineteen paise per month which shall be drawn in the manner laid down in Rule 844 of the Central Provinces and Berar Jail Manual, Volume I.

25. Transfer of inmates to hospitals, etc.

- The transfer of inmates from one Borstal Institution to another or to a hospital, or asylum, and from a Borstal Institution to a prison, or from a prison to a Borstal Institution shall be governed by Rules 1032 to 1042 and 1044 to 1053 in the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

26. Treatment, etc. of criminal lunatics.

- The treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics shall be governed by the Rules 866 to 882 and 885 to 887 in the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

27. Transmission of appeals and petitions from inmates and their communication with their relatives and friends.

- The transmission of appeals and petitions from inmates and their communications with their relatives and friends shall be governed by Rules 888 to 892, 895 to 899, 902 to 910, 911 (i) and 912 to 927 in the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.

28. [Appointment and tenure of visiting committees. [Substituted vide Madhya Pradesh Rajpatra, Part IV (Ga), dated 17-8-1973.]

- A visiting committee shall be appointed under sub-section (3) of section 3 of the Madhya Pradesh Borstal Act, 1928 for each Borstal Institution by the State Government on the advice of the Commissioner of the Division in which it is situated. The Committee shall consist of not more than ten members, of whom three shall form a quorum. The Inspector General of Prison, the District Magistrate, Narsimhapur, the District and Sessions Judge, Narsimhapur, the Deputy Director of Industries Narsimhapur and the Superintendent, Borstal Institution, Narsimhapur shall be ex-officio members. The Inspector General of Prisons and the Superintendent, Borstal Institution, Narsimhapur shall be Chairman and Secretary of the Committee respectively. The members of the Committee other than ex-officio members shall hold office for three years or until their successors are appointed.]

29. Appointment, powers and control of parole officers.

- [(a) For every inmate discharged on licence from a Borstal Institution there shall be appointed a parole officer. Two months prior to the discharge, the Superintendent shall request the District Magistrate to appoint a suitable parole officer and his appointment shall be made by the District Magistrate of the District in which the inmate so discharged would ordinarily reside, in consultation with the Local Borstal Association, if any, and the local authorities in the district, where the inmate resided before he was ordered to be detained. The District Magistrate shall communicate all appointments of parole officer to the Superintendent in sufficient time for the inmate concerned to be informed of their respective parole officers before discharge from the institutions :Provided that in such districts where Probation Officers have been appointed by the State Government or recognized as such by the State Government, such Probation Officer shall be parole officers under these rules] [Substituted Notification No. 752-1462-III-Jail, dated 6-4-1964.].(2)& (3) [xxx] [Omitted by Notification No. 752-1462-III-Jail, dated 6-4-1964.](4)It shall be the duty of the parole officer to look after the conduct and welfare of his protege and generally to act in loco parentis. Should the protege's conduct be bad, it shall be duty of the parole officer to report the fact to the District Magistrate.

30. Powers and duties of visiting committees.

(a)The powers and duties of visiting committee shall be governed by the rules laid down in Chapter XXII of Part II of the Central Provinces and Berar Jail Manual, except in so far as they are inconsistent with the Madhya Pradesh Borstal Act, 1928.(b)The visiting committee of each institution shall act as an advisory body for recommending the release of inmates. Its proposals for the release of inmates under section 401, Criminal Procedure Code, shall be submitted for the orders of Government through the Inspector General of Prisons.

31. [General holidays. [Substituted by Notification No. 1944-2312-III-Jail. dated 28-9-1963]

- Sundays, Republic Day, Independence Day, Holi, Muharrum, Gandhi Jayanti, Dasehra, Diwali (Two days), Christmas Day, Id-ul-Fitr, Id-i Milad, Shivaratri, Janmastami, Ramnavami, Rakshabandhan, Ganesh Chaturthi, Mahabir Jayanti and Guru Nanak Day shall be regarded as general holidays for the institution and no work except such as may be necessary for the internal management and domestic economy of the institution, or is required by an emergency, shall be permitted.]

32. Repeal.

- The Central Provinces and Berar Rules for the Control and Management of Borstal Institutions in their application to Mahakoshal region are hereby repealed :Provided that any order made or thing done or action taken under the rules so repealed shall be deemed to have been made, done or taken under the corresponding provisions of these rules.

FormLicence for the discharge of inmates of a Borstal Institution under Section 14 of the Madhya Pradesh Borstal Act, 1928.

Whereas..... is at present detained in the..... Borstal Institution, under a warrant signed by.....and dated.....;And Whereas the said has conducted himself to the satisfaction of the Superintendent and whereas.....being a trustworthy and respectable person/secular institution/religious society is willing to receive and take charge of the said.....;Now, therefore, these presents witness that the said.....is hereby licensed to live under the charge of..... from this date, subject to the conditions stated on the reverse thereof, will be released on.....Dated (Signed).....Superintendent of.....Borstal Institution.

ConditionsThe following are the conditions on which inmates are licensed from the Borstal Institution :

(i)The inmate must not be employed on any work which is contrary to his religion.(ii)The guardian shall arrange for the lodging, clothing and maintenance of the inmate or shall pay such sum as shall be sufficient for the inmate's food, clothing and house rent if he is required to hire a place for his lodging at the wish of the guardian.(iii)The licence shall be in force for the unexpired portion of the inmate's sentence, but may be determined at any time by the following :

(a)Unsatisfactory work or conduct on the part of the inmate.(b)The death of the guardian or the closing up of his business.(c)The winding up of the society or institution to which the inmate is licensed.(d)The request of the inmate or the guardian.(iv)The licence shall be cancelled by the Visiting Committee on the recommendation of the Inspector General of Prisons, if the guardian has

ill-treated the inmate or inadequately provided for his lodging and maintenance, or for other adequate reason.(v)The guardian shall not be responsible for the safe custody of the inmate, but it is expected that he will exercise every effort to make the inmate happy and comfortable so that the latter will not desire to leave his protection. For this reason it is desirable that lodging, etc., should be provided if possible on the guardian's own premises.(vi)The guardian will give for the work done by the inmate an adequate wage approximating the market rate, allowing for the inferiority at first of the inmate's untrained labour, [or such sum as may be fixed by the Inspector General of Prisons, from time to time exclusive of the cost of his clothing and maintenance] [Substituted by Notification No. 2224-1462-(62)-III-Jail, published in Madhya Pradesh Rajpatra Part IV(Ga) dated 18-10-1963.].(vii)Any wages which the inmate receives over and above the amount required to cover the cost of his clothing and [maintenance of such sum as has been fixed by the Inspector General of Prisons under condition No. (vi) of the licence] [Substituted by Notification No. 2224-1462-(62)-III-Jail, published in Madhya Pradesh Rajpatra Part IV(Ga) dated 18-10-1963.] shall be remitted to the Superintendent of Borstal Institution every month. The amount shall be credited to the inmate's account and the total amount shall be remitted to the inmate on the expiration of his period of detention. The Superintendent is empowered to give to the inmate monthly such pocket money as he may consider sufficient from the wages received.(viii)If any inmate escapes from the charge of a guardian, the latter shall give immediate information in writing to the District Magistrate, the District Superintendent of Police and the Superintendent of Borstal Institution.(ix)Any inmate who escapes from the charge of his guardian may be arrested by any police officer without a warrant.