

The Maharashtra Borstal Schools Rules, 1965

MAHARASHTRA

India

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Rule THE-MAHARASHTRA-BORSTAL-SCHOOLS-RULES-1965 of 1965

- Published on 13 January 1966
- Commenced on 13 January 1966
- [This is the version of this document from 13 January 1966.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Borstal Schools Rules, 1965 Published vide Notification G. N., H. D., No. BSA. 1058/41652-23, dated 13th January, 1966 M. G., Part 4-B, page 37 In exercise of the powers conferred by sub-section (1) and clauses (a), (b), (c), (d), (e), (i), (i), (k) and (m) of sub-section (2) of section 19 of the Bombay Borstal Schools Act, 1929 (Bombay XVIII of 1929), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 19, namely

1. Short title.

- these rules may be called the Maharashtra Borstal Schools Rules, 1965.

2. Definitions.

- In these rules unless the context otherwise requires,-(a)"Act" means the Bombay Borstal Schools Act, 1929;(b)"inmate" means a young offender detained in a Borstal school under the Act or any law corresponding thereto in force in any other State in India;(c)"Medical Officer" includes the Assistant Medical Officer in-charge of the Borstal Schools Hospitals;(d)"Principal" means the Principal of a Borstal school;(e)"Probation Officer" means a probation officer appointed or recognised as such by the State Government under the Bombay Children Act. 1948;(f)"School" means a Borstal school;(g)"Section" means a section of the Act.

2A. [Certain offenders not to be detained in Borstal school. [Inserted by G. N. of 6.4.1973.]

- The following classes of persons shall not be ordered to be detained in a Borstal school that is to say,-(a)offenders who cannot take and follow instructions in Marathi for the purposes of training in

a Borstal School in this State, and(b)female offenders so long as a Borstal School for females is not established by the State Government.]

3. Control and management of Borstal school.

- Subject to the orders of the Inspector-General of Prisons, the control and management of a Borstal school shall vest in the Principal.

4. Appointments and transfers, etc. of officers.

(1)For the purpose of control and management of a Borstal school, the State Government shall appoint in addition to the Principal, a Medical Officer and such other officers as it thinks necessary.(2)The Principal and officer so appointed shall be liable to be transferred for service in connection with any prison in the State and vice-versa.(3)The Principal, the Medical Officer and the officers so appointed shall, during the term of their office in the Borstal school, also be subject to the rules made under the Prisons Act, 1894, except in so far as rules made thereunder are inconsistent with the Act and these Rules.

5. Duties of Principal.

- The Principal shall,-(a)exercise close and constant personal supervision;(b)daily visit and inspect the school premises where inmates work or live;(c)give special attention to every inmate who is a hospital patient;(d)at least once a fortnight, visit the school during the night and satisfy himself that everything is in order;(e)carry out all the duties specifically imposed upon him under these Rules.

6. Constitution of Visiting Committee.

(1)A Visiting Committee referred to in sub-section (2) of section 4 shall consist of eleven members. Of these, seven shall be officials and four shall be non-officials.(2)(a)The official members shall be -(i)the District Magistrate (who shall be the Chairman),(ii)the Chief Inspector of Certified Schools. State of Maharashtra or his nominee.(iii)the District Judge,(iv)the Civil Surgeon,(v)the Principal of the School,(vi)the Zilla Parishad Educational Inspector, and(vii)the Superintendent of Police.(b)Out of the four non-official members, two shall be nominated by the State Government from amongst the members of the State Legislature and two from social workers.(c)In the absence of the District Magistrate the senior-most official member shall act as the Chairman.

7. Term of office of non-official members of Visiting Committee.

(a)The non-official members of the Visiting Committee shall hold office for a period of three years from the date of their appointment or for such further period as the State Government may, by general or special order, direct.(b)The non-official members shall be eligible for re-nomination on the expiry of the term of their office.

7A. [Travelling allowance, etc. to the non-official members. [Inserted by G. N. of 21.6.1972.]

- The non-official members of a Visiting Committee shall be eligible for such travelling allowance, daily allowance or conveyance charges, as may be admissible according to Appendix XLII-A of the Bombay Civil Services Rules, 1959, Volume II.]

8. Powers and duties of Visiting Committee.

(1)The Visiting Committee shall -(a)visit the Borstal school on such occasion as may be fixed by the regulations in that behalf for the purpose of ensuring that the provisions of the Act are duly given effect to : provided that it shall be lawful to individual members of the Committee to visit the school on like occasions:(b)make such suggestions for the improvement in the training imparted to the inmates as is considered necessary and to report to the Inspector-General from time to time any matter which in its opinion should receive his attention;(c)consider all cases of release on licence under section 14 as may be placed before it. by the Principal;(d)consider such action as may be necessary in regard to the inmates whose term of detention is about to expire:(e)consider cases recommended by the Principal for release after being satisfied that there is a reasonable probability that the objects of training have been achieved;(f)consider cases of inmates who, owing to mental deficiency or other reasonable cause, are unfit for Borstal training;(g)inspect all parts of the Borstal school and see every inmate detained therein;(h)satisfy itself that the necessary disciplinary and reformatory measures are being carried out;(i)give every inmate an opportunity for making an application or a complaint to the committee and inquire into the same;(j)inquire into the details of the past history, the nature of the offence committed, the conduct and character in the Borstal school and the future intentions and prospects of every inmate whose case may be placed before it for consideration by the Principal and if it thinks fit, to recommend him to the Inspector-General for discharge on licence.(2)A member of the Visiting Committee or any of the inmate's dependants shall not have any interest in any contract made in respect of the Borstal school.

9. Meetings of Visiting Committee.

(1)The Visiting Committee shall meet once in every two months. The Principal shall send a notice fixing date, time and place of the meeting to all the members at least seven days before the date fixed for the meeting together with a statement of the business to be transacted thereat.(2)Five members shall form a quorum.(3)Where at any meeting there is no quorum, the Chairman shall adjourn the meeting to such hour on the following day or on some other future date as he may reasonably fix. A notice of such adjournment shall be issued to every member of the Committee, and put up at the office of the Principal. The business which would have been brought before the original meeting, had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be quorum present or not.(4)The proceedings of each meeting of the Visiting Committee shall be recorded in a book kept for the purpose, a copy whereof shall be sent to the Inspector-General for his information and orders.

10. Holidays.

- The Borstal school shall observe all Sundays and such other holidays as the Inspector-General may in this behalf direct. A special cultural and recreational programme should, as far as possible, be organised on these days by the Principal.

11. House System.

(1)The inmates in a Borstal school shall be classified and segregated into dormitories or Houses,-(a)according to age groups (i.e.. those between 15 to 18 years of age, those above 18 years but less than 20 years and those above 20 years of age); and(b)on the basis of institutional treatment (i.e., those having previous institutional experience and those having no previous institutional experience).(2)Each House shall have a House Master, who shall be responsible to the Principal for -(a)the tone and general behaviour of the inmates in the House,(b)the training of each inmate therein,(c)the cleanliness of the yards, rooms, clothing, bedding and utensils.(3)The House Master shall be present in the common dining hall at the time of the distribution of food. He shall ensure that the food served is wholesome and according to the prescribed scale and the inmates take their food in a congenial and healthy atmosphere and in an orderly manner.(4)A group of 10 inmates shall be under a Monitor selected by the House Master from amongst the inmates in the group. The Monitor shall wear a distinguishing mark.(5)The Principal shall select from amongst the Monitors a Head Monitor for each House who shall wear a special mark distinguishing his rank.(6)Each House shall be known by a "Name" and be distinguished by its "House Colour".(7)The inmates of the House shall wear a band of cloth having the "House Colour" on the sleeve of left arm.

12. Daily routine and programme of inmates.

- The programme of daily routine of the inmates in a Borstal school shall be as follows :-(A)Early morning -(i)Toilet;(ii)Meditation;(iii)Preparation for opening;(iv)Unlocking at day-break according to conditions of visibility;(v)Counting;(vi)Search;(vii)Leaving the House.(B)Morning -(i)Toilet;(ii)Prayers in groups;(iii)Morning conjee;(iv)Physical Training, drill, individual and group exercises, light yogasanas;(v)Educational classes (two hours);(vi)Vocational training (two hours);(vii)Bath;(viii)Meal and rest.(C)Afternoon -(i)Work and School;(ii)Outdoor games or Gymnastics upto 5.30 p.m.:(iii)Toilet.(D)Early evening -(i)Wash:(ii)Evening meal;(iii)Evening prayers;(iv)House Master's talk to the offenders in the House followed by lock-up;(v)Reading in Houses, listening into radio on loud-speaker, or other hobbies as may be allowed by the Principal;(vi)Lights out at 9 p.m.

13. Programme for Sundays and holidays.

- The programme for Sundays and holidays shall be as follows:-(A)Early morning -(i)Toilet;(ii)Meditation;(iii)Preparation for opening;(iv)Unlocking at day-break according to conditions of visibility;(v)Counting;(vi)Search;(vii)Leaving the House.(B)Morning -(i)Toilet;(ii)Prayers in groups;(iii)General cleaning of houses, open spaces, etc.:(iv)Cleaning of

equipment;(v)Washing of clothes;(vi)Bath;(vii)Inspection of equipment;(viii)Meal and rest.(C)Afternoon -(i)Cultural or social programme;(ii)Newspapers, books radio;(iii)Toilet;(iv)Games.(D)Early evening -(i)Wash;(ii)Evening meal followed by prayers, etc;(iii)Preparation for lock-up.Note. - (a) The above is a general outline of programme and daily routine.(b)The Principal is authorised to make necessary changes in the daily routine or programme to suit the needs of the institution.

14. Searches of new inmates.

(1)Every new inmate before he is received in a Borstal school shall be searched thoroughly and carefully at the gate of the school.(2)Every article (including private clothing, money and jewellery) shall be entered in the Property register and deposited in the store room. Tobacco in any form, if found with an offender on admission, shall on no account be allowed to remain with him. It shall be disposed of in a suitable manner as may be decided by the Principal.(3)Jewellery and other valuable articles shall be preserved in the manner detailed in Form 'A'.

15. Wash on admission of new inmates.

- Every new inmate shall be made to wash himself thoroughly immediately, after his admission and where such admission is given late after lock up, early next morning. For this purpose, every inmate shall be issued carbolic soap lotion at the scale of 57 MI. of lotion. The private clothing of every such inmate shall also be washed and disinfected, before it is stored in the store room.

16. Medical Examination of new inmates.

(1)The Principal shall be responsible to see that every newly admitted inmate is brought on the day or the day following his admission into a Borstal school for examination according to rules before the Maharashtra Medical Service Officer, who shall examine him thoroughly and record in his Health register in Form 'B' the following details; that is to say,-(a)Weight (both actual and physical equivalent).(b)Height.(c)State of health.(d)Class of labour for which the inmate is fit.(e)Whether the inmate has been vaccinated or has/had small pox.(f)Any other remarks.(2)If an inmate is not in a state of good health or is not fit for hard labour, reasons, therefore, shall be recorded in the register referred to in sub-rule (1) and also in the personal Record Sheet of the inmate.(3)The Maharashtra Medical Service Officer shall admit any sick inmate to the hospital for treatment.(4)Every offender shall, on his admission to a Borstal school, be kept in quarantine for such period, not being less than ten days as the Medical Officer may consider necessary.(5)Where any epidemic disease is prevalent and accommodation for new admission has been provided outside the Borstal school, then offenders shall not be admitted within such school except in accordance with the orders of Medical Officer or, in his absence, by the Maharashtra Service Officer.(6)Offenders shall, on admission into a Borstal school, be provided with clothing and other equipment.

17. Principal to submit nominal roll to Inspector-General.

- The Principal of every Borstal school shall on each Friday submit to the Inspector-General, a nominal roll of all inmates admitted to the school during the week together with full details of the delinquency and the detention period of such inmates.

18. Principal to report cases of incorrigibles, etc. to the Inspector-General.

- Where the Principal considers, whether on a report of the Medical Officer or otherwise, that any inmate detained in the Borstal school is unsuitable for training in a Borstal school, he shall immediately make a report to that effect to the Inspector-General. The Inspector-General shall decide whether the inmate should be transferred to a prison after obtaining the requisite orders of Government under section 12 of the Act.

19. Grades.

(1) The inmates of a school shall be divided by the Principal into the following grades :-(a) Grade I. (b) Grade II. (c) Grade III. (d) Penal Grade [(as provided in rule 26)] [Added by G. N. of 21.6.1972.]. (2) (a) All inmates, on their admission into a Borstal school, shall be placed in Grade III and promotion shall be regulated in the manner hereinafter specified by close personal observation of the inmates, attention being specially paid to their general behaviour, their amenability to instructions, both literary and industrial. (b) Every inmate shall remain in Grade III for at least six months after his admission to a Borstal school. During this period a suitable programme of work, vocational training and overall education shall be designed for the inmate commensurate with his physical and mental condition. The inmate shall be carefully observed by the House Master, teachers and other officials of the Borstal school, with special reference to his character, mental disposition and fitness for a special trade.

20. Facilities for inmates in Grade III.

- An inmate shall, on his admission into a Borstal school, be permitted at the cost of Government, to write one letter, and every month thereafter have one interview with his relatives and friends, and write one letter.

21. Maintenance of record of inmates in Grade III.

(1) A record of the conduct and industry of each inmate in Grade III shall be maintained in a register to be kept for the purpose. The Principal shall record therein every day his remarks, - "Very good", "Good", "Fair" and "Bad" - against the name of each inmate. Marks on the basis of these remarks shall be awarded to every inmate as shown below :-

Very good 3 marks.

Good 2 marks.

Fair 1 mark.

Bad Nil.

(2) The full marks for a month of 26 working days shall be 78 to which the Principal may, when he thinks fit, add 22 marks, to make up a monthly total of maximum of 100 marks.

22. Eligibility and promotion to Grade II.

(1) An inmate in Grade III, shall be required to earn at least 500 marks before he can be promoted to Grade II. A progress report in Form 'C' shall be maintained in respect of each such inmate by the House Master under the supervision of the Principal. (2) The progress reports so maintained shall be scrutinised by the Visiting Committee once in every two months, and indication of its approval or disapproval of the progress of the inmate in his demeanour, educational standard and daily out-turn of work, shall be given by the Visiting Committee to the House Master, who shall communicate the same in an intelligible manner to the inmate concerned so that the inmate could take it. as a reward or a warning, as the case may be, for showing better results in future. (3) In the first week of the seventh month from the date of admission of an inmate, the Principal shall review the progress of the inmate and his response to the institutional training. The Principal shall decide as to whether the inmate deserves promotion to Grade II immediately or after such period as the Principal thinks fit. (4) The decision of the Principal shall be communicated to the inmate concerned. If the inmate is required to remain for more than six months in Grade III, the number of additional marks to be obtained by him for promotion shall be increased by such number, as the Principal may consider necessary depending on the merits of each case. (5) Every inmate promoted to Grade II shall remain in that grade at least for six months from the date of his promotion. A suitable programme consisting of work, vocational training, overall education, and recreational and cultural activities shall be designed for such inmate.

23. Facilities to inmates in Grade II.

- Every inmate, on his promotion to Grade II, shall be permitted to accompany members of the staff on route marches; to write one letter at Government cost and one more at his own cost, and have one interview with relatives and friends, every month.

24. Promotion to Grade I.

- In the first week of the seventh month from the date of promotion of an inmate to Grade II, the Principal shall examine the case sheet, progress reports and other relevant records of the inmates and if it appears to him that any such inmate can safely be placed in a position of special trust, he may be promoted to Grade I. Every inmate so promoted to Grade I shall wear a distinctive badge.

25. Facilities to inmates in Grade I.

(1) Every inmate on promotion to Grade I shall be given the following facilities, namely :-(a) to play in the school matches on outside play grounds; (b) to accompany members of the staff on route

marches;(c)to write one letter at the Government's cost, and two at his own cost every month:(d)to have one interview with his relatives and friends, every fortnight.(2)The Principal shall select from among the inmates in Grade I, Monitors not exceeding ten per cent, of the total number of such inmates.(3)A monitor shall be eligible for being released on furlough for a period of 10 days every year. The period of release shall be treated as detention in the school.

26. Penal Grade.

- Where there are reasons to believe that an inmate in a school is exercising a bad influence, or is guilty of any serious misconduct, the Principal shall place him in the penal grade for such period, as he may deem necessary, in the interest of the other inmates in the school. For similar reasons, an inmate in Grade I or Grade II may be placed in Grade III or penal grade, as the Principal may think necessary.(2)While in the penal grade, an inmate shall be employed separately on hard and laborious work, and shall forfeit all privileges previously allowed to him. The Principal shall record in his Order Book particulars of every case in which he orders any offender to be placed in the penal grade, with the reasons therefor, stating the period during which he is to be so retained. This record shall be placed before the Visiting Committee at each visit. If an inmate has been placed in the penal grade, or if he is reverted to Grade III, or Grade II, he shall not be restored to the Grade, from which he was degraded, until he has served such period in the lower grade as the Principal may determine.

27. Wages.

- Wages may be paid to the inmates for work done by them at such scales as may from time to time be determined by the State Government on condition that they complete their daily quota of work to the satisfaction of the Borstal school authorities, with a view to -(a)offering on incentive and stimulus for effort, work and industry:(b)making school work purposive and meaningful;(c)developing a sense of responsibility and self-respect amongst the inmates;(d)enabling inmates to purchase their sundry daily extra requirements from the school canteen; and(e)helping inmates to effect savings for their post release rehabilitation and also for extending economic help to their family members, that is to say, father, mother, brother and sister.

28. Savings and Expenditure.

(1)Every inmate shall be allowed to utilise not more than two-thirds of his earnings (the remainder being kept as compulsory savings for his rehabilitation needs) for the following purposes, that is to say :-(a)purchasing articles from the school canteen,(b)purchasing post cards, envelopes and the like,(c)remittance to family members,(d)purchase of approved books, and(e)other items are approved by the Principal, such as purchase of National Savings Certificates.(2)Wages earned by an inmate shall be credited in the wage account of each inmate. All wage disbursements shall be done through debit adjustments in the inmate's wage account.(3)All matters pertaining to work and wages shall be handled by the concerned staff members.(4)At the time of an inmate's release on parole or furlough if the inmate so desires, the Principal may, in his discretion pay him in cash the balance or portion of his balance after reserving one-third portion of his earnings.

29. Hours of work.

- All inmates, provided they are medically fit shall be required to labour for nine hours on every working day. The day's work shall ordinarily be divided as follows

- (a) Drill and Physical exercises 1 hour.
- (b) Recreation 1 hour.
- (c) Literary instructions 2 hours.
- (d) Manual Work (including agriculture) 5 hours.

30. Clothing, bedding and equipment.

- The items to be supplied at Government cost to inmates of the school shall be as follows :-(1)[Clothing - [Substituted by G. N. of 19.10.1976.]

- Shirts - half sleeves with thread buttons and with arms and the seal of the Borstal school,
- (i) stitched on the breast of the shirt with collar and without pockets, made of white doubledungaree pattern 2
- (ii) Half Pants - (khaki) drill with flaps, thread buttons without pockets 3
- (iii) Caps - cotton (white) 2
- (iv) Triangular Langota - cotton (white) 2
- (v) Standard convict Towel 1
- (vi) Bandi (cotton or wool) 1
- (vii) Underwear (Chuddies) 2
- (viii) Banians without sleeves 2]

[One set of the clothing of the inmates shall be washed and ironed[once in a week] [Added by G. N. of 10.11.1981.] at Government cost.](2)(1) Monitors and inmate in Grade I shall have to wear armed bands of red and saffron colours respectively.(2)Cotton or woollen bandi shall be issued every two years.(3)Bedding and other equipment -

- (i) Chaddar - cotton or woollen 1
- (ii) Pillow and pillow-case 1
- (iii) Cotton sheet 1
- (iv) Loom carpet 1
- (v) Aluminium mug 1
- (vi) Aluminium bowl 1
- (vii) Aluminium katora 1

(4)Cotton or woollen chaddar and cotton sheet shall be given every two years, the loom carpet every five years and the aluminium mug, bowl and katora every three years.(5)In addition to the clothing supplied as above, the inmates may be allowed by the Principal to receive from their relatives or friends one vest and one pair of shorts to be used for recreational purposes.(6)Every inmate on release may be supplied with one outfit of suitable clothing at Government cost, if he has no suitable

clothing of his own.

31. [Diet. [Substituted by G.N. of 3.3.1982.]

(1)The inmate in a Borstal school shall, subject to the provisions of this rule, be provided with daily food according to the scale laid down in Appendix I.(2)The rules in the Maharashtra Prison (Diet for Prisoners) Rules, 1970 shall apply mutatis mutandis in relation to inmates in the Borstal school so far as they are not inconsistent with the Act and these rules.]

32. Canteen for inmates.

(1)There shall be a canteen in every Borstal school run on self-supporting basis.(2)The following articles may be stocked in every such canteen, namely :-(a)Tea, coffee, milk:(b)such eatables and articles as the Inspector-General may, from time to time, approve:(c)soap, oil, combs, and the like:(d)fruits like bananas and mangoes;(e)tooth paste, tooth powder, tooth brushes; and(f)stationery articles like pencils, exercise books and papers.(3)No inmate other than one working in the canteen shall have access to the canteen stores. Arrangements shall be made to sell the articles therefrom to the inmates by means of trolleys kept outside the canteen at such places and during such hours as may be fixed by the Principal.(4)The inmates shall be permitted to purchase the articles referred to in sub-rule (2) from the canteen either from the amount of wages standing to their credit or from their private cash or both.

33. Exhibition of Films.

(1)Necessary arrangements to exhibit suitable films for the benefit of the inmates shall occasionally be made by the District Publicity Officer of the State Government in consultation with the Principal.(2)The Principal may request the District Publicity Officer to communicate to him the names and subject-matter of the films he intends to exhibit so as to enable him to consider the suitability of the films for exhibition to the inmates of the school.(3)The District Publicity Officer shall record his visit to the school in a register maintained for the purpose together with the names of the films exhibited by him and his remarks thereon, if any.(4)The Principal shall submit a monthly report to the Inspector-General stating therein the number of films so exhibited with the dates and the names and subjects of the films exhibited. He shall also forward along with his report the relevant extract of the register referred to in sub-rule (3).

34. Annual Sports.

(1)The Principal shall arrange for the Borstal school annual tournaments and for distribution of prizes of an amount not exceeding Rs. 75, to the first three inmates in each item of sport as under:-First Prize of Rs. 7;Second Prize of Rs. 5;Third Prize of Rs. 3 :Provided that, the Principal may, with the previous sanction of the Inspector-General, distribute prizes not exceeding Rs. 150.

35. Discipline.

(1)The Principal shall be responsible for maintaining discipline in the Borstal school.(2)In dealing with an inmate, no officer shall use force unnecessarily. When force has to be applied, no more force shall be used than is necessary. No officer shall act in a manner calculated to provoke or annoy any inmate.(3)If the Principal is satisfied that the behaviour of any inmate is such that in the interest of his own training or for the good of the other inmates, he should be temporarily removed from the normal community life, he may order the removal of the inmate from his House for a specific period, and the inmate may be accommodated in a separate room under such restrictions regarding association and privileges as the Principal may impose.

36. School offences and punishment therefor.

(1)Every offence against school discipline shall be reported forthwith to the Principal who shall investigate into the same as early as possible. If the offence is proved, the Principal may award one or more of the following punishments, that is to say -(a)Minor punishment -(a)Formal warning.(b)Change of labour.(c)Forfeiture of wages for a period not exceeding three months.(d)Reduction in grade for a period not exceeding three months.(e)Extra drill.(f)Deduction of marks upto a maximum of 50 at a time.(g)Penal Grade not exceeding one month.(h)Forfeiture of any of the privileges of the grade for a period not exceeding three months.(b)Major punishment -(a)Reduction in grade for more than three months.(b)Combination of any of the punishments, specified in clause (a).(c)Deduction of marks over 50 but not exceeding 100 at any one time.(d)Penal grade exceeding one month but not exceeding three months.(e)Forfeiture of any of the relevant privileges of the grade for a period exceeding three months, but not exceeding six months.(2)No punishment as aforesaid shall be awarded to any inmate by any person other than the Principal or in his absence the officer exercising his functions.(3)If the Principal is of the opinion that an inmate has committed any of the offences specified in section 45 of the Prisons Act, 1894, he shall report the case to the Inspector-General.

37. Medical Care.

(1)In every school, there shall be provided by the State Government a hospital for the treatment of sick inmates. It shall be properly equipped and furnished.(2)The Medical Officer in-charge of the Hospital shall have the care of the mental and physical health of every inmate. He shall visit the sick inmates every day. Every inmate who complains of illness shall be immediately brought before the Medical Officer who shall examine and decide whether the inmate should be treated in the hospital or detained therein for observation or treated in any hospital outside.(3)The Medical Officer shall advise the Principal regarding the fitness of an inmate for games, exercise and training.(4)All raw and cooked food shall be approved by the Medical Officer before it is used.(5)The Medical Officer may alter the scale of diet in any deserving case on medical grounds, which shall be recorded in the Report Book.

38. Release on Licence under section 14.

(1) No inmate shall be eligible for release on licence under section 14 of the Act. unless he has completed a period of at least six months in the school. The Principal shall obtain the opinion of District Probation Officer regarding the suitability for discharge on licence of an inmate and place it before the Visiting Committee. The recommendations of the Committee shall state whether any society or responsible person is willing to take charge of the inmate under its or his supervision and provide work for him and whether the inmate is willing to be placed under the authority and supervision of such society or person. Cases of release recommended by the Visiting Committee shall be submitted for orders to the Inspector-General. (2) The licence granted under section 14 of the Act shall be in the Form D' appended to these rules. (3) An inmate discharged on licence shall ordinarily be accompanied by a member of the school staff to the place of his destination. (4) When the release of an inmate is about to fall due, the Visiting Committee shall take such measures as it thinks fit, inclusive of the following :-(a) sending the inmate to his home, (b) finding employment for him, or (c) otherwise assisting him. (5) The Visiting Committee may recommend the grant of an award not exceeding Rs. 20 to a deserving inmate at the time of his release. The amount so recommended shall be paid through the Probation Officer to such inmate if he does not go home or does not find any employment.

39. Form of licence.

- Every licence granted in Form 'D' appended to the rules shall contain following conditions that is to say (a) that the licensee shall proceed forthwith to the place mentioned in his licence and report himself to the Probation Officer; (b) that he shall remain under the supervision of the Probation Officer under whose care an inmate has been placed or any other Probation Officer to whose supervision he may be transferred by the Inspector-General during the period of the licence and he shall obey all the instructions of the Probation Officer issued to him either verbally or in writing regarding his residence, employment and conduct; (c) that he shall not proceed beyond the limits of the places within which he may be restricted from time to time by the Probation Officer, without the permission in writing of the said Officer, and that, he shall proceed to any place indicated by the Probation Officer and by the route specified by him; (d) that he shall report himself at such time and at such places and to such persons as the Probation Officer may, from time to time, direct; (e) that he shall apply himself, with due industry and to the satisfaction of the Probation Officer, to the work upon which the said officer may permit him to be employed; (f) that he shall not commit any criminal offence and shall not associate with men of known bad character; (g) that he shall receive such remuneration for his work as the said Probation Officer may settle; (h) that the licence shall be liable to be revoked if there is a breach of any of the conditions mentioned in clauses (a) to (f).

40. General provisions regarding release on licence.

(1) No inmate shall be sent out from a Borstal school without his consent, and no inmate shall be licensed, unless the conditions of the licence are personally explained to him by the Principal and are accepted by him. The fact that the conditions are explained to the inmate and are accepted by him shall be certified on the licence by the Principal. (2) On the suspension or revocation of the

licence, the licensee shall return to the Borstal school named in the order of suspension or revocation on or before the date specified in the said order.(3)If an inmate to whom a licence has been granted becomes unfit or incapacitated to leave the school, whether due to disease or otherwise, his licence shall be cancelled by the Inspector-General, unless in the opinion of the Visiting Committee, his unfitness or incapacity is of a temporary nature in which case the licence shall be kept pending with the Principal.(4)The Principal in such cases, shall obtain the opinion of the District Probation Officer regarding the suitability for discharge on licence or parole, as well as of his surety and place it before the Inspector-General.(5)If at any time during the period of licence, a Probation Officer under whose care an inmate is placed is of the opinion that the inmate has not made any efforts to show progress in his work or finds that his conduct is not satisfactory, he shall immediately report the matter to the Principal who shall immediately report to the Inspector-General for his orders.(6)Unless especially recommended by the Principal and the Visiting Committee, no inmate who escaped or attempted to escape from a Borstal school or from an employer shall be released on licence.(7)Every inmate shall, for a period of one year from the date of his discharge from the school excluding the period under licence, be under the supervision of such society or person (being the Probation Officer), as may be approved by the Inspector-General and while under supervision he shall be under an obligation to comply with such requirements as may be specified. Such society or person shall send a half-yearly report on the conduct and work of the ex-inmate to the Principal of the Borstal school.(8)A register of licences shall be maintained by the Principal, and shall be laid before the Visiting Committee at least once in every two months.

41. Release on parole and furlough.

- The provisions of rules 2 to 31 (both inclusive), of the Prison (Bombay Furlough and Parole) Rules, 1959 (in Appendix II, hereto) shall mutatis mutandis apply in relation to an inmate detained in a Borstal school, as if the school were a prison, the inmates prisoners, and the Principal, Superintendent.

42. Report on death of inmate.

- On the death of any inmate, the Medical Officer shall forthwith record in a register the following particulars so far as they can be ascertained, namely :-(1)the day on which the deceased inmate first complained of illness or was observed to be ill.(2)the labour, if any, on which the inmate was engaged on that day,(3)the scale of diet on the day of the death of the inmate.(4)the day on which the inmate was admitted to hospital,(5)the day on which the Medical Officer was first informed of the illness.(6)the nature of the disease,(7)when the inmate was last seen before his death by the Medical Officer,(8)when the inmate died.(9)any other remarks that may in the opinion of the Medical Officer be made.

43. Temporary detention of inmates pending admission in Borstal school.

(1)If accommodation for an adolescent offender, who has been directed by a Court to be detained in a Borstal school, is not immediately available in the Borstal school in the State, he may be sent for detention, to a juvenile section of any prison.(2)The period so spent in the juvenile section shall be

(1)The Principal shall be responsible for the maintenance of records and registers and for the preparation and submission of the reports and returns required under the Act and these Rules or as may be ordered, from time to time, by the State Government.(2)Statistics shall be maintained of all inmates who are -(a)discharged from the Borstal school and who are settled down; and(b)reconvicted by Courts.

- On the commencement of these rules, the rules made under the Cental Provinces Borstal Act, 1928 and the Hyderabad Borstal Schools Act, 1956 and in force in Vidarbha and Hyderabad areas of the State shall stand repealed; except as respects things done or omitted to be done before such repeal.

Form A(See rule 14(3))	Register No.	Name	Sentence	Arrival in School	Release date	Party
Form B(See rule 16(1))	Register of lads showing particulars of Health on their Admission and Discharge from the School for the year 19 ...					

[illegible]

1. Number

2. Name

3. Date of initial classification

4. Physical and Mental Health

5. Work (task, proficiency, quality, etc.)

6. Education

7. Interest taken in institutional activities (P. T., Prayers, recreational and cultural activities)

8. Discipline

9. Change in habits, attitudes and behaviour

10. Attitude towards staff

11. Attitude towards inmates

12. Borstal offences and punishments

13. Individual problems, if any (about family, land litigation, business, etc.).

14. General assessment about progress

DateHouse Master/Principal,Borstal SchoolRecommendation of the Visiting CommitteeOrders of the Principal.DatePrincipal,Borstal School.Form D(See rule 38)(Order for discharge on licence)I, the Inspector-General of Prisons, State of Maharashtra, do by this licence permit son of. residence.....number.... who was ordered to be detained in a Borstal school by the.....Court.....under section 6 of the Bombay Borstal Schools Act, 1929 (Bombay XVIII of 1929) for a term of.....on the.....day of.....19 and who is now detained in the Borstal school, at to be discharged from the said school on condition that he be placed under the care, supervision, and authority of.....during the remaining portion of the aforesaid period of detention.This licence is granted subject to the conditions endorsed hereon, upon the breach of any of which, it will be liable to be revoked.Inspector-General of Prisons,State of MaharashtraConditions

1. The licensee shall proceed forthwith to the place mentioned in his licence and report himself to the Probation Officer there.

2. The licensee shall -

(a)remain under the supervision of the said Probation Officer or any other Probation Officer to whose supervision he may be transferred by the Inspector-General during the period of the

licence:(b)obey all the instructions of the Probation Officer issued to him, either verbally or in writing regarding his residence, employment and conduct;(c)report himself at such time and at such places and to such persons as the Probation Officer may, from time to time, direct;(d)apply himself with due industry and to the satisfaction of the Probation Officer, to work upon which the said officer may permit him to be employed;(e)not proceed beyond the limits of the places within which he may be restricted, from time to time, by the Probation Officer without the permission in writing of the said Officer and shall proceed only to the place indicated by the Probation Officer and by the route indicated by him;(f)neither commit any criminal offence, nor associate himself with persons of bad character.

3. The licensee may receive such remuneration for his work as settled by the Probation Officer.

I hereby acknowledge that I am aware of the above conditions which have been explained to me. Signature or mark of the inmate of the Borstal School at.....Certified that the conditions specified in the above order for discharge on licence have been read over to the inmate named in the said order, and that he has accepted them as the conditions under which he is discharged before the expiry of the term of his detention. Principal, Borstal School Certified that the inmate in the above order for discharge on licence has been discharged on and made over toPrincipal, Borstal School at.....(Here the Signature of the person under whose supervision and authority the inmate is required to live)[Appendix I [Substituted by G. N. of 3.3.1982.](See rule 31)Diet scale for Borstal Lads

Sr. No.	Article of Food	Scale in grams	Remarks
(1)	(2)	(3)	(4)
			All values are expressed in grams/ mililitres are for daily issue, unless otherwise expressed.
1.	Conji	35	Rice or wheat or jawar according to availability.
2.	Wheat flour/Jawar or Bajri flour	650	According to availability.
3.	Rice	270	Twice a week subject to availability in lieu of equal quantity of wheat, jawar or bajri flour.
4.	Pulses and dais	100	Except on Sundays
5.	Leafy Vegetables	100	
6.	Root Vegetables	100	
7.	Other Vegetables	100	
8.	Gur	55	
9.	Vegetable ghee	30	(On Sundays only).
10.	Gram flour	30	(On Sundays only).
11.	Onion	55	(Thrice a week).

12.	Sweet Oil	40	
13.	Groundnuts seeds	75	Groundnut seeds and gur may be issued between 8.00 p.m. to 9.00 a.m.
14.	Salt	20	
15.	Condiments	9	Turmeric 1/2 gram, Corriander 3/4 gram. Garlic 3/4 gram. Chillies 5 gram, Jira 1/4 gram, Rai 3/4 gram, Methi 3/4 gram, Asafoetida 1/4 gram.
16.	Tamarind	5	
17.	Milk	225 Mililitres	To be reconstituted from 40 grams of skimmed milk powder.
18.	Fuel	680]	

Appendix II(vide rule 41)No. MIS. 5157/74036 (XXIV)-IV, dated 22nd June, 1959. - In exercise of the powers conferred by clauses (5) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Bombay, the Government of Bombay hereby makes the following rules, namely :-

1. Short title and extent. - (1) Those rules may be called the Prisons (Bombay Furlough and Parole) Rules, 1959.

(2) They extend to the whole of the State of Bombay. Rules Regulating the grant of Furlough

2. Sanctioning Authority. - The Inspector General of Prisons or the Deputy Inspector-General of Prisons (Headquarters), when the former is out of headquarters (hereinafter referred to as "the Sanctioning Authority") shall, subject to these rules, be competent to grant furlough to convicted prisoners as hereinafter mentioned.

3. When prisoner may be granted furlough. - (1) A prisoner, who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, may be released on furlough for a period of two weeks at a time for every year of actual imprisonment undergone.

(2) A prisoner, who is sentenced to imprisonment for a period exceeding five years may be released on furlough for a period of two weeks at a time for every two years of actual imprisonment undergone : Provided that, a prisoner sentenced to imprisonment for more than five years but not to imprisonment for life may be released on furlough every year instead of every two years during the last five years of his unexpired period of sentence; Provided further that, a prisoner sentenced to life imprisonment may be released on furlough every year instead of every two years after he completes seven years actual imprisonment. Note 1. - The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case the amount of fine is not paid; Provided that, if fine is paid during the period of imprisonment and the total sentence thereby reduced to a term not

exceeding 5 years, he shall thereafter eligible to be released every year in accordance with sub-rule (1) instead of every two years under sub-rule (2). Note 2. - For the purposes of this rule, the period of imprisonment shall be computed as the total period for which a prisoner is sentenced even though one or more sentences be concurrent. Note 3. - If at any time, a prisoner who could have been granted furlough is either not granted or is refused the same, the period for which he could have been granted the furlough shall not be carried forward but shall lapse. Note 4. - The period of two weeks may be initially extended up to three weeks in the case of prisoners desiring to spend the furlough outside the State of Bombay. Note 5. - An order sanctioning the release of a prisoner on furlough shall cease to be valid if not given effect to within a period of two months of the date thereof.

4. When prisoners shall not be granted furlough. - The following categories of prisoners shall not be considered for release on furlough :-

(1) Habitual prisoners. (2) Prisoners convicted of offences under sections 392 to 402 (both inclusive) of the Indian Penal code. (3) Prisoners convicted of offences under the Bombay Prohibition Act, 1949. (4) Prisoners whose release is not recommended in Greater Bombay by the Commissioner of Police and elsewhere, by the District Magistrate, on the ground of public peace and tranquillity. (5) Prisoners who, in the opinion of the Superintendent of the prison show a tendency towards crime. (6) Prisoners whose conduct is, in the opinion of the Superintendent of the Prison, not satisfactory enough. (7) Prisoners confined in the Ratnagiri Special Prison [other than prisoners transferred to that prison or jail services;] [Inserted by Maharashtra vide Notification No. MIS. 5157/74036 (24)-4, dated 13.10.1959.] (8) Prisoners convicted of offences of violence against person or property committed for political motives, unless the prior consent of the State Government to such release is obtained. (9) A prisoner or class of prisoners in whose case the State Government has directed that the prisoner shall not be released or that the case should be referred, to it for orders. (10) Prisoners who have at any time escaped or attempted to escape from lawful custody or have defaulted in any way in surrendering themselves at the appropriate time after release on parole or furlough.

5. Furlough not to be granted after return from parole. - Ordinarily furlough shall not be granted to a prisoner within a period of six months from the date of his return from parole.

6. Furlough not to be granted without surety. - A prisoner shall not be granted furlough unless he has a relative willing to receive him while on furlough and ready to enter into a surety bond in Form A appended to these rules for such amount as may be fixed by the Sanctioning Authority.

[Provided that, the Sanctioning Authority may dispense with the requirement of execution of such bond by relatives of prisoners confined in Open Prisons as defined in clause (b) of rule 2 of the Maharashtra Open Prisons Rules, 1971.] [Proviso was inserted by Maharashtra vide Notification No.

RJM. 0174/16-25, dated 17.10.1975.]

7. Prisoners to give personal bond before release on furlough. - Every prisoner desirous of release on furlough shall be required to give a personal bond of the required amount in Form B appended to these rules.

8. How applications for grant of furlough should be dealt with. - (1) Two months before a prisoner becomes eligible to be considered for release On furlough, the Superintendent of Prison shall inform the prisoner accordingly. If the prisoner desires to be considered for such release, he shall make an application (in duplicate) to the Inspector General of Prisons through the Superintendent of Prison stating clearly the name and full address of the place where he desires to spend the furlough, the full name of the relative willing to receive him on furlough and prepared to execute the surety bond, and shall also state whether he is in a position to bear the expenses of the journey both ways or either way and, if not, the amount of expenses that may be required by him for such journey.

(2) On receipt of the application under sub-rule (1), the Superintendent of Prison shall, unless the prisoner is prima facie not entitled to release on furlough, forward it expeditiously to the District Magistrate concerned through the District Superintendent of Police of that District or to the Commissioner of Police, Greater Bombay, as the case may be, with such remarks as he deems fit. A copy of this communication together with the prisoner's Nominal Roll shall be endorsed by the Superintendent of Prison to the Inspector General of Prisons, and such endorsement shall inter alia state -(a) the amount of money the prisoner has to his credit including the amount he may have earned in prison, (b) the amount of money required for the journey both ways, (c) the amount of security the Superintendent considers proper, (d) the name of the village, taluka and district and the State in which the prisoner proposes to spend his furlough, (e) the name of the District from which he hails, (f) the name of the District in which he was convicted. The District Magistrate or the Commissioner of Police, Greater Bombay, as the case may be, should be requested to furnish, along with his opinion, the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough (a) their relationship with the prisoner concerned, (b) whether such relatives are willing to keep the prisoner while on furlough, (c) whether they (viz., relatives) are willing to enter into surety bond. (3) The District Magistrate or the Commissioner of Police, Greater Bombay, as the case may be, shall thereafter forward the application to the Inspector General of Prisons together with his recommendations. (4) The District Superintendent of Police shall, before forwarding the application to the District Magistrate concerned and the Commissioner of Police, Greater Bombay shall, before forwarding the application to the Inspector General of Prisons, cause enquiries to be made regarding the prisoner's statement, if any, that he is not able to bear the expenses of the journey both ways or either way, as the case may be, and make recommendations accordingly. (5) If furlough is not recommended, adequate reasons therefor shall be given. (6) If on

receipt of the application together with the recommendations under sub-rule (3), the Sanctioning Authority considers that furlough be granted, it shall make an order for the release of the prisoner on furlough on such conditions as may be specified in the order.

9. Fresh application for furlough. - A prisoner may, if he so desires, make a fresh application for furlough, six months after the rejection of the previous application.

10. Conditions of release. - The Sanctioning Authority shall grant furlough to a prisoner subject to his executing a personal bond or giving cash security in Form C appended to these rules and also subject to a surety executing a bond, in Form A appended to these rules, if so required. The release may further be subject to all or any of the following conditions :-

(1)that the said prisoner shall reside at Taluka in the District/Greater Bombay during the period of release on furlough and shall not go beyond the limits of the said District/Greater Bombay without the permission of the District Magistrate/Commissioner of Police, Greater Bombay, or such Officer as the said District Magistrate/Commissioner of Police may appoint in this behalf,(2)that the said prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law in force in India,(3)that the said prisoner shall not associate with bad characters or lead a dissolute life,(4)that the said prisoner shall, in case he proposes to change his religion during the period of furlough, give a minimum of seven days prior intimation to the said District Magistrate/Commissioner of Police as also the Superintendent of the Prison from which he has been released, about such intention, and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposes to adopt,(5)that the said prisoner will surrender himself to the Superintendent of the Prison from which he was released on the expiry of the period of furlough,(6)[that the said prisoner will report once a day to the officer in-charge (...) police station during the period of furlough, [To be inserted in appropriate cases and with such modifications as the Sanctioning Authority deems fit.]orthat the said prisoner shall, immediately on arrival at the place mentioned in (1) above report at the police station nearest to the said place, and thereafter.]

11. Declaration before release. - Before releasing a prisoner on furlough, a declaration as under shall be taken from him on the release order itself :-

"I hereby accept and agree to abide by the above conditions of the release order and I acknowledge that should I fail to fulfill these conditions or any portion of them, the Sanctioning Authority may revoke the order of release and forfeit the amount of security furnished by me and I may be arrested by any police officer without warrant and remanded to undergo the unexpired portion of my sentence, and I further acknowledge that should I fail to fulfill these conditions or any portions of them, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000, or with both, under section 51 -B of the

Prisons Act, 1894, as applicable to the State of Bombay."

12. Prisoner ordinarily to bear journey expenses. - When a prisoner is released on furlough, the cost of his journey both ways shall be borne by the prisoner concerned :

Provided that, if in the opinion of the Sanctioning Authority, the Prisoner is not able to bear the expenses of journey both ways or either way, as the case may be, the Sanctioning Authority may direct that the whole or any portion of such expense's be borne by the State Government.

13. Extension of the period of furlough. - Notwithstanding anything contained in the foregoing rules, the Sanctioning Authority may, on the application of a prisoner or otherwise, by an order in writing extend the period of furlough [The Sanctioning Authority may determine the extension of furlough level shall be granted for only 14 days only once in calendar year and no further extension shall be granted to prisoner on the same conditions] [This portion was substituted for the portion beginning with the words 'for such further period' and ending with the words 'Sanctioning Authority may determinine' by Maharashtra vide Notification No. MTS. 0198/20/CR-69/ PRS-2, dated 2.12.2003 (M. G. G., Part 4-A, page 36).].

14. Intimation of release and of non-surrender of prisoner. - (1) Whenever any prisoner is released on furlough an intimation of his release on furlough shall forthwith be given by the Superintendent of prison

(i)to the Inspector - General of Prisons,(ii)to the District Magistrate and the District Superintendent of Police of the District in which the prisoner intends or agreed to spend his furlough and if the prisoner intends or agreed to spend his furlough in Greater Bombay, to the Commissioner of Police,(iii)to the District Magistrate and the District Superintendent of Police of the District in which the prisoner was convicted and if the prisoner was convicted in Greater Bombay, to the Commissioner of Police,(iv)if the prisoner belong to this State, to the District Magistrate and the District Superintendent of Police of the District from which the prisoner hails and if the prisoner hails from Greater Bombay, to the Commissioner of Police.(2)Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of furlough, the Sanctioning Authority may, if it is satisfied that any of the conditions on which the furlough was granted has not been fulfilled, cancel its order granting such furlough. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the Officers specified in clauses (ii), (iii) and (iv) of sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

15. Release order inoperative on a prisoner's surrender to the prison authorities. - As soon as a prisoner released on furlough surrenders himself to the prison authorities, his order of release shall become Inoperative. Where, therefore, a prisoner who is released on furlough has applied for the extension of the period of furlough and before his application has been sanctioned surrenders himself to the prison authorities he shall not be released after such surrender without obtaining a fresh order from the Sanctioning Authority.

16. Furlough to be counted as remission of sentence. - The furlough period shall be counted as a remission of sentence :

Provided that, where any furlough period has been extended under Note 4 below rule 3 or under rule 13, the period of extension shall not be counted as a remission of sentence.

17. No legal right to furlough. - Nothing in these rules shall be construed as conferring a legal right on a prisoner to claim release on furlough.

Rules Regarding the grant of parole

18. [Authorities competent to sanction parole. [Rule 18 was substituted by Maharashtra vide Notification No. PAR. 4579/ 3731-PRS-3, dated 5.7.1982.] - The authority competent to sanction release of a convicted prisoner on parole (hereinafter referred to as "the Competent Authority") shall be as follows namely :-

(i)the State Government in the following cases(a)prisoners convicted by Courts situated outside the State of Maharashtra,(b)prisoners convicted by Courts situated within the State of Maharashtra, but confined in prisons situated outside the State,(c)prisoners convicted of political offences,(d)any other case or class of cases wherein the State Government has directed that the case or specified class of cases be referred to it for orders, and(ii)[the Commissioner of the Division, in all other cases in a Division, in which the convicted prisoner is confined, or when the Divisional Commissioner is out of headquarters, the Additional Divisional Commissioner :Provided that, if an application for release on parole or for an extension of the period of parole is refused by the Divisional Commissioner, as the case may be, an appeal shall lie to the State Government, whose decision thereon shall be final.](2)Notwithstanding anything contained in sub-rule (1), the Superintendent of Prison shall also be the Competent Authority to release a convicted prisoner on parole for a period not exceeding fifteen days, in case of death of his close relation i.e. father, mother, sister, spouse or child of the prisoner.]

19. [When a prisoner may be released on parole. [Rule 19 was substituted by Maharashtra vide Notification No. PAR. 4582/1/PRS-2, dated 21.11.1989.] - A prisoner may be released on parole for such period not exceeding thirty days at a time, as the Competent Authority referred to in rule 18, in its discretion may order, in cases of serious illness, or death of nearest relative such as mother, father, sister, brother, children, spouse of the prisoner, or in case of natural calamity such as house collapse, floods, fire. No such parole or extension of parole shall be granted without obtaining a police report in all cases except in the case of death of his nearest relatives mentioned above :

Provided that, a prisoner shall not be released on parole for one year after expiry of his last parole except in case of death of his nearest relatives mentioned above.]

20. Parole not to be counted as remission of sentence. - The period spent on parole shall not count as remission of the sentence.

21. Application for grant of parole. - A prisoner may be granted parole either on his own application or on an application made by his relatives or friends, or legal adviser.

22. Applications for parole how to be dealt with. - (1) Any prisoner desiring to be released on parole shall ordinarily submit his application (in triplicate) in Form D appended to these rules to Superintendent of Prison who shall endorse his remarks thereon and submit one copy direct to the Competent Authority along with the nominal roll of the prisoner and the other to the District Superintendent of Police of the District in which the prisoner proposes to spend his parole period and to the Commissioner of Police if such place is in Greater Bombay.

Note. - Prisoners who apply for parole on false grounds or who abuse the concession or commit breach of any of the conditions of parole are liable to be punished under section 51B of the Prisons Act, 1894, as applicable to the State of Bombay.(2)The District Superintendent of Police concerned or the Commissioner of Police, Bombay, as the case may be, shall immediately make enquiries to ascertain whether the ground or grounds on which parole is applied for is or are genuine and submit immediately his report to the Competent Authority mentioning inter alia whether it recommends the grant of parole and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

23. Enquiries may be made on receipt of application. - On receipt of an application for parole, the Competent Authority may make such enquiries as it considers necessary, and pass such orders as it considers fit. If the Competent Authority considers that there is no objection to release the prisoner concerned on parole it shall make an order for his release on parole.

24. Conditions subject to which prisoners may be granted parole. - The Competent Authority may grant parole to a prisoner subject to his executing a surety bond and a personal bond in Forms A and B respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the Competent Authority :

Provided that, when prisoners convicted of serious offences are released on parole, a condition shall be included in the parole order directing or requiring the prisoner to report at the Police Station nearest to the place where he intends to spend his parole initially on his. reaching such place and thereafter once or twice a week at such intervals as may be considered expedient :Provided further that, when a prisoner applies for parole for the purpose of appearing at an examination he will not be eligible to be released on parole unless the Inspector-General of Prisons has passed an order permitting him to appear at such examination.

25. [Extension of the period of parole. [Rule 25 was substituted by Maharashtra vide Notification No. PAR. 4582/ 1/PRS-2, dated 21.11.1989.] - The Competent Authority may, on the application made by the prisoner or by his relatives or friends, or legal advisor one week in advance, before the expiry of the period of parole granted, by an order in writing, extend the period of parole for such further period or periods as may be specified in such order, on the same grounds, and on the same conditions on which the prisoner was originally granted parole, or on such other conditions as the Competent Authority may determine :

Provided that, the total period of parole so extended shall not exceed ninety days.]

26. Parole order ineffective on prisoner's surrender. - As soon as a prisoner released on parole surrenders to the Prison Authority, his original order of release will be inoperative. Where, therefore, a prisoner who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned surrenders himself to the Prison Authority, he shall not be released after such surrender without obtaining a fresh release order passed by the Competent Authority.

27. Intimation of release and of non-surrender of a prisoner. - (1) Whenever any prisoner is released on parole, an intimation of his release on parole shall forthwith be given by the Superintendent of Prison to the authority which granted him parole and copies thereof shall also be sent-

(i) to the Inspector-General of Prisons, (ii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner intends to spend his parole and if the prisoner intends to spend his parole in Greater Bombay, to the Commissioner of Police. (2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of parole, the Competent Authority may, if it is satisfied that any of the conditions on which the parole was granted has not been fulfilled, cancel its order granting such parole. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the officers specified in clause (ii) of sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

28. Application of certain rules to parole cases. - The provisions of rules 8(5), 10, 11 and 12 shall mutatis mutandis apply in the case of release of prisoners on parole.

Miscellaneous

29. [Form of order of release on furlough or parole. [Rule 29 was substituted by Maharashtra vide Notification No. SJF. 0190/ 2(205)/PRS-2. dated 12.11. 1993.] - Every order of release on furlough or parole shall, -

(a) if it is made by the State Government under clause (i) of sub-rule (1) of rule 18, or 11 re Commissioner of the Division or the Additional Divisional Commissioner under clause (ii) of sub-rule (1) of rule 18 shall be made in Form 'E'. (b) if it is made by the State Government in appeal against the order made by the Commissioner of the Division or the Additional Divisional Commissioner under clause (ii) of rule 18 shall be made in Form 'F'.]

30. Forms in general. - The Forms appended to these rules, with such variations as the circumstances, of each case requires, may be used for the respective purposes therein mentioned, and if used, shall be sufficient.

31. Reference to "District Magistrate" to be construed as reference to Collector and Additional District Magistrate. - Reference to "District Magistrate" in these rules shall be construed, in relation to the Hyderabad area of the State of Bombay, as references to the Collector and Additional District Magistrate.

32. Repeal. - The following rules and orders (including the forms referred to therein), that is to say,-

(i)rules 1500, 1500-A, 1500-B, 1500-C, 1501, 1502, 1503, 1504, 1505, 1506. 1507, 1508, 1509, 1510, 1511, 1512, 1513 and 1514 contained in the Bombay Jail Manual, 1955;(ii)rule 757, 758, 759, 760, 761, 762, 763, 764 and 765 of the Hyderabad Prisons Rules, 1955;(iii)all rules and orders made by the Governments of the pre-Re-organisation States of Saurashtra, Madhya Pradesh and Kutch in the matter of grant of furlough or parole and in force in the Saurashtra area, Vidarbha region and Kutch area of the State of Bombay, immediately before the commencement of these rules, are hereby repealed :Provided that, such repeal shall not affect any furlough or parole granted under the rules or orders so repealed or the conditions on or subject to which such furlough or parole was granted, unless and until superseded or modified under the Act or these Rules.

Form ASurety Bond(See rules 6, 10, and 24)I,..... inhabitant of.....hereby declare myself surety for prisoner No.....and give the guarantee that he shall duly observe the conditions of release on furlough/parole set out in Schedule *'A' and shall appear himself before the Superintendent of.....Prison aton the expiration of the period of his release on furlough/parole and in case of his making default herein, I hereby bind myself to pay to the Government of Bombay, the sum of Rs.....And I agree that the Government of Bombay may, without, prejudice to any other rights or remedies of Government, recover from me the said sum as an arrear of land revenue.And I agree that any extension of time given to prisoner will not discharge me from my liability to pay the said amount.Dated thisday of..... 19Signed by the abovenamed Surety in the presence of.....

1.

2.

.....Signature of Surety.[Schedule A] [The conditions of release should be attached to this Bond as a Schedule.](To be filled in.)Form BPersonal Bond(See rules 7 and 24)Whereas I (name).....inhabitant of (place).....have been sentenced to undergo imprisonment for the term of..... years.And whereas the Government of Bombay/(he Inspector General of Prisons, State of Bombay/the Deputy Inspector General of Prisons (Headquarters)/Commissioner, Division/the Assistant Commissioner.....has been pleased to release me on parole/furlough for the term of (.....) commencing from.....and ending on.....op condition of my executing a Personal Recognition Bond for my appearance on the following date viz.....I hereby agree with and bind myself unto the Government of Bombay to abide by the conditions mentioned in the Schedule attached and further agree to appear and surrender myself before the Superintendent, of.....Prison at.....o'clock on the following date viz.,.....and in case the period of parole/furlough is extended then on the date following the date of expiry of such extended period of parole/furlough and in case of my making default herein I bind myself to pay to the Government of Bombay a sum of Rs. and I agree that the Government of Bombay may, without prejudice to any other rights or remedies, recover the said sum from me as an arrear of land revenue.Dated this day of.....19Before meSuperintendent.....Prison.Signature of the Prisoner.

E

(To be filled in.) Form CBond giving a Cash Security(see rule 10)Whereas I (name)inhabitant of (place) have been sentenced to undergo imprisonment for the term of years.And whereas the Government of Bombay/Inspector General of Prisons, State of Bombay/the Deputy Inspector General of Prisons (Headquarters)/Commissioner..... Division/the Assistant Commissioner has been pleased to release me on furlough/parole for the term of.....commencing from and ending on on condition of my giving a cash security for my appearance on the following date viz.,I hereby agree with and bind myself unto the Government of Bombay to abide by the conditions mentioned in the appended Schedule and further agree to appear and surrender myself to the Jail Authorities at.....at.....o'clock on t lie following date viz.,in case the period of furlough/parole is extended then on the date following the date of expiry of such extended period of furlough/parole and in case of my making default herein I bind myself to forfeit to the Government the sum of Rs.Dated this day of..... 19.....Before meSuperintendent,.....Prison.Signature of the Prisoner.

E

(To be filled in.)Form DForm of Application for Release on Parole(See rule 22)To,The Commissioner.....Division.Sir,I (name of Prisoner) Prisoner No Prison hereby apply for parole for.....to my native place at (full address to be given here).. following reasonsSigned by the Prisoner before me.Jailor, Prison.Signature of PrisonerDateThe Prisoner confirms that the facts stated by him are true. He is prepared for the action that may be taken against him if they prove to be false.Superintendent,..... Prison,No.....of.....Prison Office,Dated.....

Forwarded to the| District Superintendent of Police/Commissioner of Police, Bombay with a request to make immediate enquiries to ascertain if the ground or grounds on which parole is applied for is or are genuine and to submit his report immediately to the Commissioner..... Division mentioning inter alia whether he recommends the grant of parole and. if so for what period, and also whether there is a likelihood of breach of peace if the prisoner is released on parole.Superintendent,.....PrisonCopy, with the Nominal Roll of the Prisoner, submitted to the Commissioner..... Division.Date.....Place.....Superintendent,.....PrisonForm E(See rule 29)Form of Order of Release of Furlough/ParoleNo..... - In exercise of the powers conferred by rule 2/18 oi the Prisons (Bombay Furlough and Parole) Rules. 1959, the Government of Bombay/Inspector General of Prisons/Deputy Inspector-General of Prisons Commissioner of the Division [or the Additional Divisional Commissioner] [Inserted by Maharashtra vide Notification No. SJF. 0190/2(205)/PRS-2, dated 12.11.1993.] of...../Assistant Commissioner of the Division of...../hereby suspends for a period of.....days with effect from the date of release on furlough/parole, the execution of the sentence of imprisonment awarded to the prisoner (No.....) subject to the following conditions, namely :-

(To be filled in

Place Signature.....

Date Designation.....

"I hereby accept and agree to abide by the above conditions of the order of release on furlough/parole and I acknowledge that should I fail to fulfil any of these conditions, the Sanctioning Authority/Competent Authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of my sentence, and I further acknowledge that should I fail to fulfil any of these conditions, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both, under section 51-B of the Prisons Act, 1894, as applicable to the State of Bombay."Dated thePrisoner.....Certified that the foregoing conditions were read over and explained to the Prisoner and accepted by him in my presence.Dated theWitnessDated theSuperintendent.....[Form F] [Form F was inserted by Maharashtra vide Notification No. SJF. 0190/ 2(205)/PRS-2, dated 12.11.1993.][See rule 29(b)]In exercise of the powers conferred by the proviso to clause (ii) of sub-rule (1) of the rule 18 of the Prisons (Bombay Furlough and Parole) Rules, 1959, the Government of Maharashtra hereby set aside the Order No. dated the passed by the Divisional Commissioner/Additional Divisional Commissioner and suspends, for a period of.....with effect from the date of release on parole, the execution of the sentence of imprisonment awarded to prisoner No..... subject to the following conditions namely :-(1)That the said prisoner will reside at Taluka District state during the period of suspension and will not go beyond the limits of the said district without the permission of the District Magistrate or such officer as the District Magistrate may appoint in this behalf.(2)That the said prisoner will be of good behaviour and will also not commit any offence punishable by any law in force in India.(3)That the said prisoner will not associate with notoriously bad characters or lead a dissolute life.(4)That the said prisoner shall, in case he proposes to change his religion during the period of suspension of sentence, give minimum of seven days, prior intimation to the said District Magistrate as also the Superintendent of the Prison from which he has been released, about such intention and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposed to adopt.(5)That the said prisoner will report himself to the Superintendent of the Jail on the expiry of the period of suspension.(6)That the said prisoner will report himself to the officer in-charge of the Police Station, which is nearest to the place of the residence, immediately on his arrival at.(7)That the said prisoner will furnish a surety bond to the tune of Rs. 1,000 or Rs. 2,000".I hereby accept and agree to abide by the above conditions of the order of release on parole and I acknowledge that should I fail to fulfil any of these conditions, the Government of Maharashtra may revoke the order of release and I may be arrested by any of Police Officer, without warrant and remand to undergo the unexpired portion of my sentence: and I further acknowledge that should I fail to fulfil any of these conditions I am liable to be punished on conviction with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both under section 51-B of the Prisons Act, 1894 as applicable to the State of Maharashtra.Dated thePrisoner.Certified that the foregoing conditions were read over and explained to the prisoner and accepted by him in my presence.Dated theSuperintendent.WitnessDated the