

BOMBAY ACT No. XVIII OF 1929.<sup>1</sup>

[THE BOMBAY BORSTAL SCHOOLS ACT, 1929.]\*

[25th November 1929]

Amended by Bom. 10 of 1932.

" " " 3 of 1934.

" " " 18 of 1935.

" " " 2 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council,

Amended by Bom. 39 of 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 23 of 1951.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 21 of 1960, (1-1-1961)

" " " 57 of 1975 (19-12-1975)†

An Act to provide for the establishment of Borstal Schools in the  
<sup>2</sup>[State of Maharashtra].WHEREAS it is expedient to provide for the establishment of Borstal schools in the <sup>2</sup> [State of Maharashtra]; <sup>3</sup>\* \* \* \* \*

\* \* \* \* \* It is hereby enacted as follows :—

1. This Act may be called the Bombay Borstal Schools Act, 1929.

Short title.

2. <sup>4</sup>[(1) It extends to the whole of the State of Maharashtra.]

Extent and commencement.

(2) It shall come into operation <sup>5</sup>[in the pre-Reorganisation State of Bombay] on such date as the <sup>6</sup>[State] Government] may, by notification in the <sup>8</sup>[Official Gazette], appoint <sup>9</sup>[in this behalf; and in the Vidarbha and Hyderabad areas of the State of Maharashtra, it shall come into operation on the commencement of the Bombay Borstal Schools (Extension and Amendment) Act, 1960.]

Mah. XXI of 1960.

1 For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 1291 for Report of the Select Committee, see *ibid.*, 1929, Part V, p. 143, and for Proceedings in Council see *Bombay Legislative Council Debates*, 1929, Vols. XXVI and XXVII.

2 These words were substituted for the words "Presidency of Bombay" by Mah. 21 of 1960, ss. 3 and 4.

3 The portion beginning with "and whereas" and ending with "passing of this Act" was deleted, *ibid.*, s. 4 (2).

4 Sub-section (1) was substituted for the original, *ibid.*, s. 5 (1).

5 These words were inserted, *ibid.*, s. 5 (2).

6 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

8 The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

9 This portion was substituted for the words "in this behalf" by Mah. 21 of 1960, s. 5 (2).

\* This Act was extended to, and shall, by virtue of such extension, be in force in that part of the State of Maharashtra to which, immediately before the commencement of Mah. 21 of 1960, it did not extend (*vide* Mah. 21 of 1960, s. 2).

† This indicates the date of commencement of Act.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Borstal school" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) "Inspector-General" means the Inspector-General of Prisons and includes <sup>1</sup>[a Deputy Inspector-General of Prisons to whom the Inspector-General may delegate all or any of his duties under this Act, with the prior approval of the State Government; and also] any officer appointed by the <sup>2</sup>[<sup>3</sup>[State] Government] to perform all or any of the duties imposed by this Act on the Inspector-General;

(c) "Prescribed" means prescribed by rules made under this Act.

Establishment of Borstal schools. 4. (1) For the purposes of this Act the <sup>2</sup>[<sup>3</sup>[State] Government] may establish one or more Borstal schools.

<sup>4</sup>[(1A) For every Borstal school, there shall be a Principal and such other officers and servants as the State Government thinks necessary.]

(2) For every Borstal school, a visiting committee shall be appointed in such manner as may be prescribed.

Application of the Prisons Act, 1894, and the Prisoners Act, 1900. 5. Subject to any alterations, adaptations, and exceptions made by this Act and the rules framed under it, the <sup>5</sup>Prisons Act, 1894, and the <sup>6</sup>Prisoners Act, 1900 IX of 1894, and the rules framed thereunder shall apply in the case of every Borstal school III of 1900. established under this Act as if it were a prison <sup>6</sup>[the inmates, prisoners and the Principal Superintendent.]

Court may pass order for detention in a Borstal school. 6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure V of 1898. 1898, \*whether any previous conviction is proved against him or not, and it appears to the Court—

(a) that the offender is not less than sixteen or, in any district or place in which <sup>7</sup>[the Bombay Children Act, 1948, the Central Provinces and Berar Children Act, Bom. LXXI of 1948, 1928 or the Hyderabad Children Act, 1951], is not in operation less than fifteen, C P. and Berar X of 1928. nor more than twenty-one years of age, and Hyd XXXII of 1951.

(b) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation,

it shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898, \*an order for the detention of V of 1898.

1 This portion was inserted by Mah. 21 of 1960, s. 6.

2 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

3 This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

4 Sub-section (1A) was inserted by Mah. 21 of 1960, s. 7.

5 See Central Acts.

6 These words were substituted for the words "and the inmates prisoners" by Mah. 21 of 1960, s. 8.

7 This portion was substituted for the words and figures "the Bombay Children Act, 1924", *ibid*,

s. 9.

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

the offender in a Borstal school <sup>1</sup>[established under this Act or subject to the provisions of section 13A, in a Borstal school in any other <sup>2</sup>[State] in <sup>3\*</sup> India] for such term, not being less than <sup>4</sup>[three] years nor more than five years, as the Court subject to rules made under this Act, thinks fit :

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in <sup>5</sup>[such Borstal school], and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

7. The <sup>6</sup>[<sup>7</sup>[State] Government] may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school. Power of Government to exempt pt.

8. The powers conferred on Courts by this Act shall be exercised only by the High Court, a Court of Session, <sup>8\*</sup> \* \* \* \* \* Courts empowered to pass order for detention. a salaried Presidency Magistrate, or a Magistrate of the first class and may be exercised by such Courts whether the case comes before them originally, or on appeal or in revision.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of the opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure 1898, <sup>9</sup>is a proper person to be detained in a Borstal school, he may, without passing any order, record such opinion and submit his proceedings and forward the offender to the <sup>9</sup>[Magistrate of the first class] or the Chief Presidency Magistrate, as the case may be, to whom he is subordinate. Procedure when Magistrate is not empowered to pass an order under this Act.

(2) The <sup>9</sup>[Magistrate of the first class] or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The <sup>9</sup>[Magistrate of the first class] or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

10. Any offender detained in a Borstal school for failure to furnish security when ordered to do so under section 106 or section 118 of the Code of Criminal Procedure 1898, <sup>9</sup>shall be released on furnishing such security or on the passing of an order under section 124 of the said Code. Limitation on powers conferred by section 6.

1 These words, figures and letter were inserted by Bom. 2 of 1936, s. 2 (1).  
 2 This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.  
 3 The word "British" was omitted by the Adaptation of Laws Order, 1950.  
 4 The word "three" was substituted for the word "two" by Bom. 17 of 1935, s. 2.  
 5 The words "such Borstal school" were substituted for the words "a Borstal school" by Bom. 2 of 1936, s. 2 (2).  
 6 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.  
 7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.  
 8 The words "a District Magistrate, a sub-divisional Magistrate" were deleted by Bom. 23 of 1951 s. 2, Schedule—Part III.  
 9 These words were substituted for the words "District Magistrate", *ibid.*  
 \* See now the Code of Criminal Procedure, 1973. (2 of 1974).



Transfer  
from prison  
to Borstal  
school <sup>13</sup>[or  
vice-versa]

<sup>1</sup>[11. (1) If the Inspector-General is satisfied that a person undergoing transportation or imprisonment in consequence of a sentence <sup>2</sup>[passed under any law or undergoing imprisonment under an order made under section 123 of the Code of Criminal Procedure, 1893\* for failure to give security] being within the limits of <sup>V</sup> of 1898. age within which persons may be ordered to be detained in a Borstal school, by reason of his criminal habits or tendencies, or association with persons of bad character, might with advantage be detained in a Borstal school, the Inspector-General may by order in writing direct such person to be transferred from prison to a Borstal school <sup>3</sup>[established under this Act or subject to the provisions of section 13A, to a Borstal school in any other <sup>4</sup>[State] in <sup>5</sup>\* India] and to be detained in such school, in lieu of the unexpired residue of his sentence, <sup>6</sup>[or of the period of imprisonment which he is liable to undergo for failure to give security, as the case may be.] for such period as together with the period of transportation or imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under section 6 :

Provided that the Inspector-General shall not, without the previous sanction of <sup>7</sup>[the <sup>8</sup>[State] Government], direct such person to be detained in a Borstal school for a period which including the period of imprisonment or transportation undergone exceeds the period of imprisonment or transportation to which such person has been sentenced <sup>9</sup>[or the period of imprisonment which he is liable to undergo for failure to give security, as the case may be.]

(2) A person transferred to Borstal school under sub-section (1) shall upon transfer to such school be deemed to be an offender ordered to be detained by a Court under the provisions of section 6 and the provisions of the Act shall apply to such person accordingly.]

<sup>10</sup>[(3) Where a person transferred to a Borstal school under this section is at any time found unsuitable for training in the school, the Inspector General may, on the recommendation of the Visiting Committee, commute the unexpired residue of the term of detention to such term of imprisonment as he may determine but in no case exceeding <sup>11</sup>[the term of imprisonment in consequence of which such person was transferred to the Borstal school reduced by the period of imprisonment already undergone and of the period of detention in the Borstal school] and issue a warrant for confinement of the offender in a prison and thereupon the provisions of sub-section (2) of section 12 shall apply to such offender as if he had been so ordered to be confined in the prison by warrant under the hand of a Secretary to the State Government.]

<sup>12</sup>[(4) Where any person after he has been detained in a Borstal school has been found guilty of an offence committed before his detention therein and sentenced to imprisonment mentioned in sub-section (1) by a court of law, then the Inspector General may by order in writing commute the period of such imprisonment to that of detention in a Borstal school, and notwithstanding anything contained in this Act direct that such person be detained in the Borstal school beyond the normal period

1 This section was substituted for the original by Bom. 3 of 1934 s. 2.

2 These words were substituted for the original by Bom. 39 of 1948, s. 2 (i)

3 These words, figures and letter were inserted by Bom. 2 of 1936, s. 3.

4 This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

5 The word "British" was omitted by the Adaptation of Laws Order, 1950.

6 These words were inserted by Bom. 39 of 1948, s. 2 (ii)

7 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

9 These words were inserted by Bom. 39 of 1948, s. 2 (iii)

10 Sub-section (3) was added by Mah. 21 of 1960, s. 10 (1).

11 These words were substituted for the words, brackets and figures "the shorter of the two periods referred to in sub-section (1) of section 12" by Mah. 57 of 1975, s. 2 (1).

12 Sub-section (4) was added, *ibid.* s. 2 (2).

13 These words were added by Mah. 21 of 1960, s. 10 (2)

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

of detention therein for such period as together with the period of imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under section 6 :

Provided that, no such person shall be detained in the Borstal school after he has attained the age of twenty-five years.]

12. (1) Where an offender detained <sup>1</sup>[by a Court] in a Borstal school escapes, or is reported to the <sup>2</sup>[<sup>3</sup>[State] Government] by the Inspector-General to be incorrigible or to exercise <sup>4</sup>[or to be likely to exercise] a bad influence on the other inmates of the school, <sup>5</sup>[or to be more than twenty years of age], <sup>6</sup>[<sup>7</sup>\* \* \* \* \* or is, in

Transfer of incorrigibles, etc., to prison.

the opinion of the <sup>3</sup>[State] Government, otherwise unsuitable for training in a Borstal school], the <sup>2</sup>[<sup>3</sup>[State] Government] may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the <sup>2</sup>[<sup>3</sup>[State] Government] may determine, but in no case exceeding the shorter of the following two periods :—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal school \* \* \* \* \*

(2) Such offender may be confined in any prison within the <sup>9</sup>[State of Maharashtra] by warrant under the hand of a Secretary to <sup>10</sup>[the <sup>3</sup>[State] Government] and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

13. (1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the <sup>2</sup>[<sup>3</sup>[State] Government] may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :

<sup>3</sup>[State] Government to determine the Borstal School in which a person shall be detained and may order removal.

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the <sup>2</sup>[<sup>3</sup>[State] Government] may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

1 These words were inserted by Mah. 21 of 1960, s. 11(1).

2 The words "Provincial Government" were substituted for the words "Governor in council" by the Adaptation of Indian Laws Order in Council.

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 These words were inserted by Bom. 39 of 1948, s. 3. (i)

5 The words "or to be more than twenty years of age" were inserted by Bom. 10 of 1932, s. 2.

6 This portion was inserted by Bom. 39 of 1948, s. 3. (ii)

7 The words "or where a licence granted under section 14 is revoked by the State Government under clause (ii) of the proviso to sub-section (1) of section 15" were deleted by Mah. 21 of 1960, s. 11 (2).

8 The words "or ordered to be transferred to and detained in such school by the Inspector-General" were deleted, *ibid*, s. 11 (3).

9 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

10 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

(2) The <sup>1</sup>[Inspector General] may order the removal of any offender from any one Borstal school to any other Borstal school <sup>2</sup>[established under this Act or to a Borstal school in any other <sup>3</sup>[State] in <sup>4</sup>\* India] <sup>5</sup>\* \* \* \* \*, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

Power to order detention in, or removal of offenders to, a Borstal school in another <sup>3</sup>[State]. <sup>6</sup>[13A. (1) No order for the detention in or transfer or removal to a Borstal school in any other <sup>3</sup>[State] in <sup>4</sup>\* India <sup>5</sup>\* \* \* \* \* shall be passed except with the previous concurrence of the officer in charge of such Borstal school and unless the <sup>7</sup>[<sup>8</sup>[State] Government] of the said <sup>3</sup>[State] <sup>9</sup>\* \* \* \* \* under any law in force therein or by general or special order, has consented, or is empowered, to receive such offender for detention in such Borstal school.]

Power to accept transfers of offenders from another <sup>3</sup>[State] to a Borstal school in the Presidency. (2) The officer in charge of a Borstal school established under this Act may, subject to the rules made in this behalf, give effect to any order for the detention therein of any person passed by any authority under any enactment in force in any other <sup>3</sup>[State] in <sup>4</sup>\* India <sup>5</sup>\* \* \* \* \*. A person detained in such Borstal school under this provision shall be deemed to be an offender ordered to be detained under the provisions of section 6 and the provisions of this Act shall apply to such person accordingly.]

Removal of person detained to civil hospital in <sup>3</sup>[State] for medical treatment. <sup>10</sup>[13B. (1) If an offender detained in a Borstal school is suffering from any illness and the Inspector-General is satisfied that it is not possible to render to him proper medical care or treatment in the school, the Inspector-General may provide for the removal of such offender to any civil hospital in the <sup>3</sup>[State] for the purpose of undergoing medical treatment and for his return to the school after such treatment is undergone.]

(2) The period during which an offender is absent from a Borstal school under sub-section (1) shall, for the purposes of computing his term of detention in the school, be deemed to be part of that detention.]

Power to release on licence. 14. (1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal school and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such—

- (a) <sup>11</sup>[Government officer],  
(b) secular institution,

1 These words were substituted for the words "State Government" by Mah. 57 of 1975, s. 3.  
2 These words were inserted by Bom. 2 of 1936, s. 4  
3 This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.  
4 The word "British" was omitted, *ibid.*  
5 The words "or in an Acceding State" were omitted, *ibid.*  
6 Section 13A was inserted by Bom. 2 of 1936, s. 5.  
7 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.  
8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.  
9 The words "or the Government of the said Acceding State" were omitted by the Adaptation of Laws Order, 1950.  
10 This section was inserted by Bom. 39 of 1948, s. 6.  
11 These words were substituted for the words "servant of the Crown" by the Adaptation of Laws Order, 1950.



(c) religious society, or

(d) responsible person,

as may be approved by the Inspector-General and willing to take charge of the offender.

<sup>1</sup>[(1A) The Inspector-General may, subject to the prescribed conditions, discharge any offender who had been previously granted a licence but whose licence was subsequently revoked under section 15 and grant him a fresh written licence and in such case the provisions of this Act shall apply as if such fresh licence had been granted under sub-section (1).]

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

<sup>2</sup>[15. (1) Subject to any general or special directions of the State Government, a licence granted under section 14 may at any time be suspended by the Principal of the Borstal school or the Inspector-General for a period not exceeding three months or be revoked by the Inspector-General in consultation with the Visiting Committee. For the purposes of such revocation, the Inspector-General or the Visiting Committee may make such enquiry as he or it deems necessary, either through a Probation Officer or otherwise. Suspension or revocation of licence.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

(3) When any licence is suspended or revoked or deemed to be revoked, the offender shall forthwith return to the Borstal school and if he fails to do so he may be arrested by any Police Officer without a warrant and sent back to the school.

(4) On the suspension or revocation of a licence, the period beginning from the date on which the licence is suspended or revoked or deemed to be revoked till the date on which the offender returns to the school or is arrested, whichever is earlier, shall, subject to the provisions of section 17, be excluded in computing the period for which he has been ordered to be detained in a Borstal School.]

16. (1) When the Inspector-General and the Visiting Committee report that the conduct <sup>3</sup>[or progress] of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the <sup>4</sup>[State] <sup>5</sup>[Government] may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to rules made under this Act, may direct. Subsequent supervision.

1 This sub-section was inserted by Bom. 39 of 1948, s. 7.

2 Section 15 was substituted for the original by Mah. 21 of 19 0, s. 12.

3 These words were inserted by Bom. 39 of 1948, s. 9 (1)

4 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>1</sup>[(2) The <sup>2</sup>[State] Government may, <sup>3</sup>[on a further report by the Inspector-General and the Visting Committee or otherwise and after making such enquiry as it considers necessary], direct that the offender who is under supervision in accordance with sub-section (1) shall—

(a) again be detained in a Borstal school for such period as it may think fit, or

(b) <sup>4</sup>\* \* \* \* \*  
undergo imprisonment of such description and for such period as it may direct :

Provided that, the total period of supervision, detention and imprisonment under this section shall not exceed one year.

(3) The provisions of sub-section (2) of section 12 shall apply when an offender is directed to undergo imprisonment under sub-section (2) of this section.]

Period of 17. No person shall be detained in a Borstal school after he has, in the opinion  
detention. <sup>5</sup>[of the <sup>2</sup>[State] Government], attained the age of twenty-three years, or, if in any particular case the <sup>5</sup>[<sup>2</sup>[State] Government] so directs, after he has attained the age of twenty-five years.

Discharge <sup>6</sup>[17A. The <sup>5</sup>[<sup>2</sup>[State] Government] may at any time order any person detained  
from Borstal in a Borstal school to be discharged from such school either absolutely or on such  
school. conditions as may be imposed.]

17B. [*Investigating Committee to investigate into complaints against offenders discharged on probation, etc.*] Deleted by Mah. 21 of 1960, s. 14.

Arrest of 18. Any offender who in contravention of the provisions of this Act, has escaped  
offender from a Borstal school <sup>7</sup>[or has escaped from a civil hospital to which he was removed  
escaping from for treatment under section 13B] or has escaped from the supervision of any  
Borstal authority, institution, society or person under whose supervision he has been  
school, or escaping directed to remain, or has been permitted to live by licence under section 14, <sup>8</sup>[or  
from escaping has committed a breach of any of the condition imposed under section 17A] may  
supervision. be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school <sup>7</sup>[or to the civil hospital] or to such authority, institution, society or person, as the case may be.

1 These sub-sections were substituted by Bom. 39 of 1948, s. 9 (ii)

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words were substituted for the words "after considering the report of the Investigating Committee forwarded to it under section 17B" by Mah. 21 of 1960, s. 13(1).

4 The words "if the Investigating Committee report that the conduct of the offender has been such that he is unfit for detention in a Borstal school" were deleted, *ibid*, s. 13(2).

5 The words "Provincial Government" were substituted for the word "Governor in Council" by the Adaptation of Indian Laws Order in Council.

6 Section 17A was inserted by Bom. 3 of 1934, s. 4.

7 These words were inserted by Bom. 39 of 1948, s. 11.

8 These words, figures and letter were inserted by Bom. 3 of 1934, s. 5.



19. (1) The <sup>1</sup>[State] Government] may make rules for the regulation and Rules. management of any Borstal school and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

- (a) the control and management of Borstal schools established under this Act;
- (b) the appointment, powers and duties of officials in such schools;
- (c) the constitution, powers and duties of visiting committees <sup>3</sup>[and allowances to be paid to the non-official members thereof];
- (d) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until arrangements can be made for sending them to such school;
- (e) the regulation of visits to, and communication with, offenders detained in such school;
- (f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles;
- (g) the period for which offenders or any class or classes of offenders may within the limits fixed by this Act, be ordered to be detained in such school;
- (h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;
- <sup>4</sup>[(hh) the removal of offenders to Borstal schools in other <sup>5</sup>[States] in <sup>6</sup>\* India and the reception and detention in a Borstal school established under this Act of offenders transferred from other <sup>5</sup>[States];]
- (i) the form and conditions of licences granted under section 14];
- (j) the supervision of offenders after the expiration of the term of their detention;
- (k) the transfer of incorrigible offenders from a Borstal school to prison;
- <sup>7</sup>[(l) the conditions on which an offender may be discharged under section 17A;]
- <sup>8</sup>[(m) for the award of marks, the suspension or remission and consequent shortening of the term of detention in a Borstal school and the grant of release on parole or furlough and determining the conditions on which and the authority by which the term of detention may be suspended or remitted and the offenders may be released on parole or furlough.]

1 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words were added by Mah. 57 of 1975, s. 4.

4 Clause (hh) was inserted by Bom. 2 of 1936, s. 6.

5 This word was substituted for the word "Provinces" by the Adaptation of Laws Order, 1950.

6 The word "British" was omitted, *ibid*.

7 Clause (l) was added by Bom. 3 of 1934, s. 6.

8 Clause (m) was substituted for the original by Mah. 21 of 1960, s. 15 (1).

(3) The making of rules under this section shall be subject to the condition of previous publication. [All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.]

**Removal of disqualification.** 20. The <sup>2</sup>[<sup>3</sup>State Government] may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal school on account of such detention.

**Appeal or revision.** 21. For the purposes of appeal and revision under the Code of Criminal V of 1898. Procedure, 1898, \*an order of detention under section 6 of this Act shall be deemed to be a sentence of imprisonment for the same period :

\* \* \* \* \*

**Repeal of C. P. and Berar IX of 1928 and Hyd. XV of 1956 and saving.** <sup>5</sup>[22. On the commencement of the Bombay Borstal Schools (Extension and Amendment) Act, 1960, the Central Provinces and Berar Borstal Act, 1928, in its application to the Vidarbha region of the State of Maharashtra, and the Hyderabad Borstal Schools Act, 1956, in its application to the Hyderabad area of the State of Maharashtra, shall stand repealed : **Mah. XXI of 1960. C. P. and Berar. IX of 1928. Hyd. XV of 1956.**

Provided that, the repeal shall not affect—

- (a) the previous operation of any of the laws so repealed, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the laws so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the laws so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Bombay Borstal Schools (Extension and Amendment) Act, 1960 had not commenced in the area in which the repealed law was in force : **Mah. XXI of 1960.**

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment made, detention order passed, notification, order or direction issued, rule or form, framed, licence or certificate granted) under any such law shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.]

1 This portion was substituted for the portion beginning with "Such rules" and ending with "may rescind the rule" by Mah. 21 of 1960, s. 15 (2).

2 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 The proviso was deleted by Bom. 39 of 1948, s. 13.

5 Section 22 was added by Mah. 21 of 1960, s. 16.

\* See now the Code of Criminal Procedure, 1973, (2 of 1974.)