



## The Tamil Nadu Borstal Schools Act, 1925

Act 5 of 1926

**Keyword(s):**

Adolescent Offender, Borstal School, Inspector General, Probation Officer

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[TAMIL NADU] ACT No. V OF 1926.<sup>1</sup>

[THE [TAMIL NADU] BORSTAL SCHOOLS ACT, 1925.]

(Received the assent of the Governor on the 22nd February 1926, and that of the Governor-General on the 5th July 1926 ; the assent of the Governor-General was first published in the Fort St. George Gazette of the 20th July 1926.)

**An Act to make provision for the establishment and regulation of Borstal schools for the detention and training of adolescent offenders.**

WHEREAS it is expedient to make provision for the establishment and regulation of Borstal schools in the [State of Tamil Nadu] for the detention and training of adolescent offenders therein; and WHEREAS the previous sanction of the Governor-General under

Preamble

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated the 17th March 1925, pages 98-99 ; for Report of the Select Committee, see Appendix IV, pages 355-365 of Volume XXVI of the Madras Legislative Council Proceedings ; for Proceedings in Council, see Proceedings, dated the 19th and the 20th August 1925, pages 249, 254, 356-362 of Volume XXIV, *ibid* ; dated the 16th and the 17th December 1925, pages 312-346, 397-435 of Volume XXVI, *ibid*.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957) repealing the corresponding law in force in that territory.

So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962) in the State of Madras except in the added territories was extended to the added territories by section 3 of, and the First Schedule to, the latter Act.

<sup>3</sup> This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

section 80-A of the Government of India Act has been obtained to the passing of this Act ; It is hereby enacted as follows :—

## PART I.

## PRELIMINARY.

Short title.

1. (1) This Act may be called the “<sup>1</sup>[Tamil Nadu] Borstal Schools Act, 1925”.

(2) The <sup>2</sup>[State Government] may, by notification, from time to time, apply the whole or any of the provisions of this Act to adolescent offenders or any class thereof in any local area in the <sup>3</sup>[State of Tamil Nadu], from such date as may be specified in the notification and may cancel or modify such notification.

Definitions.

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

(1) “Adolescent offender” means any person who has been convicted of any offence punishable with imprisonment or who having been ordered to give security under section 118 of the Code of Criminal Procedure\* has failed to do so and who at the time of such conviction or failure to give security is <sup>4</sup>[not less than 18] nor more than 21 years of age ;

<sup>1</sup> These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

<sup>2</sup> The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

<sup>3</sup> This expression was substituted for the expression “Presidency of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

<sup>4</sup> These words and figures were substituted for the words and figures “not less than 16” by section 2 (i) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

\*See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), section 117.

(2) "Borstal school" is a corrective institution wherein adolescent offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime ;

(3) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the <sup>1</sup>[State Government] to perform all or any of the duties imposed by this Act on the Inspector-General.

"(4) 'Probation Officer' means a person appointed to be a Probation Officer under the <sup>3</sup>[Tamil Nadu] Probation of Offenders Act, 1936 (<sup>3</sup>[Tamil Nadu] Act III of 1937), or under the Probation of Offenders Act, 1958 (Central Act 20 of 1958).]"

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

(2) For every Borstal school a Visiting Committee shall be appointed by the <sup>1</sup>[State Government].

4. (1) The <sup>1</sup>[State Government] may \* \* \* Rules, \* \* \* ] make rules for the purposes of carrying into effect the provisions of this Act.

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

\* This clause was substituted by section 2 (ii) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

\* These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

\* The words "after previous publication" were omitted by section 3 (i) of the Tamil Nadu Borstal Schools (Amendment) Act 1959 (Tamil Nadu Act 15 of 1959).

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

<sup>1</sup>[(a) the appointment, powers and duties of officials in such schools ;

<sup>2</sup>[(b) the "[ . . . ] treatment, maintenance, education, "[professional, vocational or technical training] and control of the inmates;

<sup>3</sup>[(c) the grant of permission to the inmates to absent themselves for short periods ;

(d) visits to and communications with the inmates ; <sup>4</sup>( . . . )]

(e) the temporary detention of adolescent offenders until arrangements can be made for sending them to Borstal schools ;

<sup>5</sup>[(f) the powers and duties of probation officers under this Act.]

(3) All rules made under this Act "[ . . . ] shall be published in the "[Official Gazette] and on such publication shall have effect as if enacted in this Act.

<sup>1</sup> Original clauses (a) and (e) of sub-section (2) were omitted and the original clauses (b) and (d) were re-lettered as clauses (a) and (b) respectively by section 2 (ii) (a) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

<sup>2</sup> The word "classification" was omitted by section 2 (ii) (b), *ibid.*

<sup>3</sup> These words were substituted for the words " industrial training" by section 3 (ii) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

<sup>4</sup> Clauses (c) and (d) were inserted by section 2 (iii) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

<sup>5</sup> The word "and" at the end of clause (d) was omitted by section 3 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951).

<sup>6</sup> This clause was added by section 3, *ibid.*

<sup>7</sup> In sub-section (3) the words " except those referred to in the sub-section following" were omitted by section 2 (iv) of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

<sup>8</sup> These words were substituted for the words "local officials gazette" by the Adaptation Order of 1937.



(4) All rules made under this Act shall, as soon as possible after they are made, be placed on the Table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.]

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

6. The powers conferred on Courts by this Act shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, (d) a Sub-divisional Magistrate, (e) a salaried \*Presidency Magistrate [or any other \*Presidency Magistrate empowered by the (State) Government to sit singly] and (f) any \*Magistrate of the first class or any bench of Magistrates constituted under section 15 of the Code of Criminal Procedure, 1898†, invested with the powers of a \*Magistrate of the first class

<sup>1</sup> This sub-section was added by section 3 (iii) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

<sup>2</sup> These words were inserted by section 2 of the Madras Borstal Schools (Amendment) Act, 1938 (Madras Act XI of 1938).

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

\*According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate.

†The provision contained in section 15 of the Code of Criminal Procedure, 1898 (Central Act V of 1898) relating to Benches of Magistrates does not find a place in the present Code of Criminal Procedure, 1973 (Central Act 2 of 1974). This is in deference to the view of the Joint Committee that the system of appointing Benches of Magistrates should be abolished.

specially empowered by the <sup>1</sup>[State Government] in that behalf; and may be exercised by such Courts whether the case comes before them originally, on appeal, or in revision.

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

7. (1) When any Magistrate not empowered to pass sentence under this Act is of opinion that an adolescent offender is a proper person to be detained in a Borstal school he may, without passing sentence, record such opinion and submit his proceedings <sup>2</sup>[and forward the adolescent offender—

(a) in case the Magistrate is a \* Presidency Magistrate to the \* Chief Presidency Magistrate or if he has designated a salaried \* Presidency Magistrate in this behalf by general or special order, to such salaried \* Presidency Magistrate; and

(b) in other cases, to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.].

(2) <sup>3</sup>[The Magistrate to whom the proceedings are so submitted] may make such further inquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such adolescent offender had originally been tried by him.

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>2</sup> This was substituted for the words "and forward the adolescent offender to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate" by section 3 (i) of the Madras Borstal Schools (Amendment) Act, 1938 (Madras Act XI of 1938).

<sup>3</sup> These words were substituted for the words "The District Magistrate or Sub-divisional Magistrate to whom the proceedings are so submitted" by section 3 (ii), *ibid.*

<sup>4</sup> According to clause (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any reference to a Presidency Magistrate or a Chief Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate or Chief Metropolitan Magistrate, as the case may be.

## PART II.

## COMMITTAL TO BORSTAL SCHOOLS.

8. [(1)] Where it appears to a Court having jurisdiction under this Act that an adolescent offender should, by reason of his criminal habits or tendencies, or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the Court, in lieu of passing a sentence of imprisonment, to pass a sentence of detention in a Borstal school for a term which shall not be less than two years and shall not exceed five years<sup>1</sup> [but in no case extending beyond the date on which the adolescent offender will, in the opinion of the Court, attain the age of twenty-three years].

Power of Court to pass sentence of detention in Borstal school.

[ \* \* \* \* \* ]

[(2) Before passing a sentence of detention in a Borstal school under sub-section (1), the court—

(a) shall call for a report from the Probation Officer of the area in which the offender permanently resided at the time when he committed the offence and shall consider such report,

(b) shall consider any other report or representation which may be made to it, and

<sup>1</sup> Section 8 was renumbered as sub-section (1) of that section and in the sub-section as so renumbered, the proviso was omitted by section 4(1) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

<sup>2</sup> These words were added by section 3 of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

<sup>3</sup> These sub-sections were added by section 4(2) of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

(c) may make such further inquiry as it may think fit,

as to the suitability of the case for treatment in a Borstal school and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

(3) The report of a Probation Officer referred to in sub-section (2) shall be treated as confidential :

Provided that the court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in [the report].

9. Any person detained in a Borstal school for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1898,\* shall be released on furnishing such security or on the passing of an order under section 124 of the Code\*.

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10. The Inspector-General may, subject to rules made by the <sup>1</sup>[State Government], if satisfied that any adolescent offender undergoing imprisonment in consequence of a sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal school, direct that such person shall be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal school.

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<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

\* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), sections 117 and 123 respectively.

<sup>1</sup> [10-A. The \* [State] Government may, if satisfied that any offender who has been sentenced to transportation either before or after the passing of the Madras Borstal Schools (Amendment) Act, 1939, and who at the time of conviction was \* [not less than 18] nor more than 21 years of age, might with advantage be detained in a Borstal school, direct that such offender shall be transferred to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall apply to such offender as if he had been originally sentenced to detention in a Borstal school.

Power of State Government to transfer offenders sentenced to transportation to Borstal schools.

An order may be made under this section notwithstanding that the sentence of transportation has been subsequently commuted into a sentence of imprisonment].

11. (1) Before passing a sentence under section 8, the Court shall inquire into the age of the offender and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

Preliminary inquiry and finding as to age of adolescent offender.

(2) A similar inquiry shall be made and finding recorded by every magistrate not empowered to pass sentence under section 8 before submitting his proceeding; and forwarding an adolescent offender \* [to the \* Chief Presidency or other salaried \* Presidency Magistrate or the District or Sub-divisional Magistrate] as required by sub-section (1) of section 7.

<sup>1</sup> This section was inserted by section 2 of the Madras Borstal Schools (Amendment) Act, 1939 (Madras Act XIII of 1939).

<sup>2</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

<sup>3</sup> These words and figures were substituted for the words and figures "not less than 16" by section 5 of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

<sup>4</sup> These words were substituted for the words "to the District Magistrate or Sub-divisional Magistrate" by section 3 (1) of and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

\* According to clause (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any reference to a Presidency Magistrate or a Chief Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate or a Chief Metropolitan Magistrate, as the case may be.

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

12. Every adolescent offender directed by a Court to be sent to a Borstal school shall be sent to such Borstal school as the <sup>1</sup>[State Government] may, by general or special order, appoint for the reception of adolescent offenders so dealt with by such Court :

Provided that, if accommodation in a Borstal school is not immediately available for such adolescent offender, he may be detained in a special ward or such other suitable part of a prison as the <sup>1</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.

Removal from one school to another.

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

Reception of offenders from, and transfer of offenders to other States in India.

<sup>2</sup> [13-A. (1) The State Government may, by general or special order notified in the *Fort St. George Gazette*, direct that any specified Borstal school in this State shall be available for the reception of adolescent offenders in respect of whom a sentence of detention in a Borstal School or other school of a like nature has been passed by any Court or Magistrate in <sup>3</sup>[any other part of India]; and thereupon, provision may be made for the removal of the adolescent offenders concerned accordingly :

Provided that no such order shall be made without the consent of the Government of the <sup>4</sup>[other State concerned or the Central Government, as the case may be].

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>2</sup> This section was inserted by section 5 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951).

<sup>3</sup> These words were substituted for the words "any other State in India" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957)

<sup>4</sup> These words were substituted for the words "other State concerned" by, *ibid.*

(2) The State Government may direct any inmate of a Borstal school in this State to be transferred to any Borstal school or other school of a like nature in <sup>1</sup>[any other part of India]:

Provided that no such transfer shall be made without the consent of the Government of the <sup>2</sup>[other State concerned or the Central Government, as the case may be].

(3) The State Government may consent to the transfer to a Borstal school in this State, of a person detained in any Borstal school or other school of a like nature in <sup>1</sup>[any other part of India].

(4) The provisions of this Act shall apply to any person who is removed or transferred to a Borstal school in this State in pursuance of sub-section (1) or sub-section (3), as if he had been originally sentenced to detention in a Borstal school in this State].

14. Where a person detained in a Borstal school is reported to the <sup>3</sup>[State Government] by the <sup>4</sup>[Superintendent] of such school to be incorrigible or to be exercising a bad influence on the other inmates of the school <sup>5</sup>(or in the case of a person directed to be sent to a Borstal school before the commencement of the Madras Borstal Schools (Amendment) Act, 1936, to be over twenty-three years of age), the <sup>6</sup>[State Government] may commute the unexpired residue

Transfer of  
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<sup>1</sup> These words were substituted for the words "any other State in India" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

<sup>2</sup> These words were substituted for the words "other State concerned" by *ibid.*

<sup>3</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>4</sup> This word was substituted for the words "Visiting Committee" by section 6 of the Madras Borstal Schools (Amendment) Act, 1951 (Madras Act XI of 1951).

<sup>5</sup> These words, brackets and figures were inserted by section 4 of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

of the term of detention to such term of imprisonment of either description as the [State Government] may determine, but in no case exceeding

(a) such unexpired residue, or

(b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or

(c) the maximum period of imprisonment which the Court that tried him had authority to award under the \* Code of Criminal Procedure, 1898,

Central Act V  
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whichever is shortest,

### PART III.

#### RELEASE ON LICENCE.

Power to  
release on  
licence.

15. (1) Subject to any general or special directions of the <sup>1</sup>[State Government] the Inspector-General, on the recommendation of the Visiting Committee, may, at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal school on condition that he be placed under the supervision or authority of any Government officer, or secular institution, or person, or religious society professing the same religion as the inmate, named in the licence who may be willing to take charge of him.

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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



(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

16. Every licence granted under section 15 shall be in such form and shall contain such conditions as the <sup>1</sup>[State Government] may by rules direct. Form of licence.

17. Subject to any general or special directions of the <sup>1</sup>[State Government] a licence granted under section 15 may be revoked at any time by the Inspector-General and where a licence has been revoked the person to whom the licence related shall return to the Borstal school. Revocation of licence.

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

19. The time during which a person is absent from a Borstal school under a licence shall be treated as part of the term of his detention in the school; provided that where that person has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the school. Absence under licence to be counted towards period of detention

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

## [PART III-A.]

## CONTROL AND MANAGEMENT OF BORSTAL SCHOOLS.

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19-A. Subject to the orders of the Inspector-General and subject also to the rules made by the [State Government] the control and management of every Borstal school shall vest in a Superintendent appointed by the [State Government].

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19-B. (1) (a) Every Visiting Committee appointed under sub-section (2) of section 3 shall consist of the Sessions Judge, the District Magistrate, the District Educational Officer of the district in which the school is situated and four non-official members appointed by the [State Government].

(b) The non-official members shall hold office for a period of two years but shall be eligible for reappointment on the expiry of that period.

(2) It shall be the duty of the Visiting Committee and its members—

(a) to visit the school either individually or collectively on such occasions as may be fixed by the rules made under this Act in that behalf for the purpose of ensuring that the provisions of this Act are duly given effect to ;

(b) to make such suggestions for the improvement of the training therein as are considered necessary and to report to the [State Government] or to the Inspector-General from time to time any matter, which, in their opinion, should receive attention and annually on the progress of the school ;

(c) to interview the inmates immediately after their arrival and to make suggestions, if any, as to the special training which each should receive ;

<sup>1</sup> Part III-A was inserted by section 5 of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

<sup>2</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(d) to consider cases of release on licence under sub-section (1) of section 15 placed before them by the Superintendent ; and

(e) to consider such action as may be necessary in regard to the inmates whose term of detention is about to expire.

(3) Subject to such rules as may be made in that behalf by the [State Government] every member of the Committee shall be entitled to call for information from the Superintendent, to examine the records of the school and to take such other action as he deems necessary for the due discharge of his duties.

19-C. (1) The inmates of a Borstal school shall be divided by the Superintendent according to their industry and good conduct into four grades, namely :—

Classification  
of inmates.

- (1) the penal grade,
- (2) the ordinary grade,
- (3) the star grade,
- (4) the special star grade.

(2) The privileges of each grade shall be higher than those of the grade preceding, if any.

(3) Every inmate shall, on reception in a Borstal school, be placed in the ordinary grade.

(4) The Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), the rules made under this Act and the general instructions of the Visiting Committee.

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<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(5) Promotions and reductions shall be regulated by close personal observation of the inmates and shall depend specially on their general behaviour, amenability to discipline and attention to instructions both literary and industrial.

Punishments for offences.

19-D. (1) The punishments which may be inflicted on an inmate of a Borstal school for offences specified in the Prisons Act, 1894, and the rules made thereunder, shall be in the following forms and in no other :—

Central Act IX of 1894.

- (i) Formal warning.
- (ii) Extra drill.
- (iii) Deprivation of any of the privileges of the grade.
- (iv) Reduction in grade.
- (v) Cuts on the hand by a rattan not exceeding six on each hand.

<sup>1</sup> [ (vi) \* \* \* \* ]

(2) No punishment shall be awarded to any inmate by any official of the school except by the Superintendent or in his absence the official exercising his functions.

Limitation of hours of work.

19-E. No inmate of a Borstal school shall be made to work for more than eight hours a day :

Provided that extra drill awarded as a punishment under sub-section (1) of section 19-D shall not be deemed, for the purposes of this section, to be work.

<sup>2</sup> [ \* \* \* \* ]

<sup>1</sup> This clause was omitted by section 6 of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

<sup>2</sup> Section 19-F was omitted by section 7 of the Madras Borstal schools (Amendment) Act, 1951 (Madras Act XI of 1951).

## PART IV.

## APPEAL AND REVISION.

20. For purposes of appeal and revision under the Appeal \*Code of Criminal Procedure, 1898, a sentence of and detention under section 8 of this Act shall be deemed revision. to be a sentence of imprisonment for the same period.

Any person affected by an order of the Inspector-General under this Act may appeal to the <sup>1</sup>[State Government] whose orders shall be final.

## PART V.

## MISCELLANEOUS.

21. In areas to which the <sup>2</sup>[Tamil Nadu] Children Act, 1920, <sup>3</sup>[has not been extended the figures 18 appearing in clause (1) of section 2 of the Act shall be read as 17].

Minimum age-limit of adolescents in areas to which the <sup>2</sup> [Tamil Nadu] Children Act, 1920 has not been extended.

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>2</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>3</sup> These words, figures and brackets were substituted for the words, figures and brackets "has not been extended the figure 16 appearing in section 2(1) of the Act shall be read as 15" by section 7 of the Tamil Nadu Borstal Schools (Amendment) Act, 1959 (Tamil Nadu Act 15 of 1959).

<sup>4</sup> See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Central Act V of 1926.

Tamil Nadu Act IV of 1920.

**Power of  
State  
Government  
to discharge  
inmates.**

<sup>1</sup>[21-A. The [State Government] may at any time order the discharge of an inmate of any Borstal school either absolutely or subject to such conditions as they may think fit.]

**Removal of  
disqualifica-  
tion attach-  
ing to convic-  
tions for  
offences.**

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

<sup>1</sup> Section 21-A was inserted by section 6 of the Madras Borstal Schools (Amendment) Act, 1936 (Madras Act XIX of 1936).

<sup>2</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.



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Part IV—Section 2  
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 19th May 1989 and is hereby published for general information :—

ACT No. 13 OF 1989.

*An Act further to amend the Tamil Nadu Borstal Schools Act, 1925.*

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Borstal Schools (Amendment) Act, 1989. Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act  
V of 1926.

2. In section 2 of the Tamil Nadu Borstal Schools Act, 1925 (hereinafter referred to as the principal Act), in clause (1), for the expression "not less than 18 nor more than 21 years of age", the expression "not less than 16 in the case of a boy and not less than 18 in the case of a girl, but not more than 21 years of age in either case" shall be substituted. Amendment of section 2.

3. In section 10A of the principal Act, for the expression "not less than 18 nor more than 21 years of age", the expression "not less than 16 in the case of a boy and not less than 18 in the case of a girl, but not more than 21 years of age in either case" shall be substituted. Amendment of section 10A.

4. Section 21 of the principal Act shall be omitted. Omission of section 21.

(By order of the Governor.)

P. JEYASINGH PETER,  
Secretary to Government, Law Department.

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(A Group) IV-2 Ex. (303)—1

[ 33 ]

soap powders, detergent powders and liquids.

(A Group) IV-2 Ex. (317)—2a.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 20th August 1994 and is hereby published for general information :—

ACT No. 50 OF 1994.

*An Act further to amend the Tamil Nadu Borstal Schools Act, 1925.*

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows :—

1. This Act may be called the Tamil Nadu Borstal Schools (Amendment) Act, 1994. Short title,

Tamil Nadu  
Act V of 1926.

2. After section 8 of the Tamil Nadu Borstal Schools Act, 1925, the following section shall be inserted, namely :—

Insertion  
of new  
section 8-A

“8-A. *Sentence on offender already under detention in Borstal Schools.*—When an adolescent offender already undergoing a sentence of detention in a Borstal School is sentenced on a subsequent conviction to detention in a Borstal School for an offence committed prior to his detention in the Borstal School, the Court shall direct that the subsequent sentence of detention shall run concurrently with such previous sentence of detention.”.

(By order of the Governor)

M. MUNIRAMAN,  
Secretary to Government, Law Department.