

Borstal School Act, 1963

Section 10 - Transfer of Person from Prison to Borstal School

(1) If the Inspector-General is satisfied that a person imprisoned in consequence of a sentence passed under any law or undergoing imprisonment under an order made under section 123 of the Code, for failure to give security, is a young offender, who, 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 report the case to the State Government, and if the State Government, after making such inquiry, as it may deem proper or as may be prescribed, is satisfied that the person should, for the reasons mentioned in the report, be detained in a Borstal School, it may, by order in writing, direct such person to be transferred from the prison to a Borstal School established under this Act or subject to the provisions of section 13, to a Borstal School in any other State in India and to be detained in such School, in lieu of the unexpired residue of his sentence or of the period of imprisonment, which he is liable to undergo for failure to furnish security, as the case may be, 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 competent Court under section 5:

Provided that such person shall not be directed to be detained in a Borstal School for a period which, including the period of imprisonment undergone, exceeds the period of imprisonment to which such person has been sentenced or the period of imprisonment which he is liable to undergo for failure to furnish security, as the case may be.

(2) A person transferred to a Borstal School under sub-section (1) shall upon transfer to such School, be deemed to be an offender ordered to be detained by a competent Court under the provisions of section 5 and the provisions of this Act shall apply to such person accordingly.
