

Borstal School Act, 1963

Chapter 3 - Release on Licence

(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 a young 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) officer of Government,
- (b) secular institution,
- (c) religious society, or
- (d) responsible person,

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

(2) 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 16 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).

(3) 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.

(4) 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 purpose of computing his term of detention in such school, be deemed to be part of that detention.

Section 16 - Revocation of licence

(1) Subject to the prescribed conditions, the Inspector-General may, at any time and in the case of a request made by the institution, society or person, under whose supervision and authority the offender has by licence been permitted to live, shall, after considering the report of the Investigating Committee submitted to him under section 20, revoke a licence granted under section 15, and upon such revocation, the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school:

Provided that, if the Investigating Committee reports that the conduct of the offender has been such that he is unfit for detention in a Borstal School, the Inspector-General shall forward the report of the Investigating Committee to the State Government and the State Government may,-

- (i) direct the Inspector-General to revoke the licence as provided in this sub-section, or
- (ii) itself revoke the licence and commute the unexpired residue of detention of the offender to a term of imprisonment as provided under section 11.

(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) On the revocation of a licence under sub-section (2), the period beginning from the date on which the offender removed himself from supervision till the date on which he is arrested shall, subject to the provisions of section 18, be excluded in computing the period for which he has been ordered to be detained in a Borstal School.

Section 17 - Subsequent supervision

(1) When the Inspector-General and the Investigating Committee report that the conduct or progress of any offender detained in a Borstal School has been such that it is expedient that he shall remain under the supervision for a further period after the end of the term of detention, the State Government may direct that the offender 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 the rules made under this Act, may direct.

(2) The State Government may, after considering the report of the Investigating Committee, forwarded to it under section 20, direct the offender to be produced before the competent court, together with the report, and the court may, after satisfying itself about the accuracy of the report, 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) if the court is satisfied that the conduct of the offender has been such that he is unfit for detention in a Borstal School, to undergo imprisonment of such description 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.

Section 18 - Period of detention

No person shall be detained in a Borstal School after he has in the opinion of the State Government, attained the age of twenty-three years, or, if in any particular case, the State Government so directs, after he has attained the age of twenty-five years.

Section 19 - Discharge from Borstal School

The State Government may, at any time, order any person detained in a Borstal School to be discharged from such School, either absolutely or on such condition as it thinks fit to impose.

Section 20 - Investigating Committee to investigate into complaints against offenders discharged on probation, etc

(1) The State Government may, by notification, appoint an Investigating Committee.

(2) The Inspector-General may, by an order in writing, require any offender,--

(a) who is discharged on licence under section 15 or who is placed under supervision under section 17, and who is reported by the authority, institution, society or person, under whose supervision he has been permitted to live or has been directed to remain, to be of bad behaviour; or,

(b) who has broken any of the conditions of the licence granted to him under section 15,

to appear before the Investigating Committee within such time and at such place as may be specified in the order.

(3) The Investigating Committee shall examine the offender and after making such inquiry as it thinks fit, into his conduct, submit its report to the Inspector-General. If the Investigating Committee reports that the conduct of such offender has been such that he is unfit for further detention in a Borstal School and in every case where an offender had been directed to remain under supervision under Section 17, the Inspector-General shall forward a copy of the report of the Investigating Committee to the State Government.

(4) The offender shall, during the period of the proceedings under this section, be detained in a Borstal School or in a special ward or such other suitable part of a prison as the Inspector-General may, by general or special order, direct.

(5) If the offender fails to appear before the Investigating Committee in accordance with the order made under sub-section (2) or escapes while detained under sub-section (4), he may, on the request of the Inspector-General, or any officer authorised by him in this behalf, be arrested by any officer of Police without a warrant and without any order of a Magistrate and brought before the Investigating Committee or sent under custody to the place of detention under sub-section (4), as the case may be.

(6) The period beginning from the date on which the order under sub-section (2) is passed by the Inspector-General and ending with the day on which the order is passed under section 16 or section 17, shall be excluded in computing the total term of his detention in a Borstal School or in computing the period of one year referred to in section 17.

Section 21 - Arrest of offender escaping from Borstal School or escaping from supervision

Any offender, who, in contravention of the provisions of this Act, has escaped from a Borstal School or has escaped from a civil hospital to which he was removed for treatment under section 14 or has escaped from the supervision of any authority, institution, society, or person under whose supervision he has been directed to remain or has been permitted to live by licence under section 15, or has committed a breach of any of the conditions imposed under section 19, may be arrested by any officer of the Police without a warrant and without an order of the Magistrate and sent back to the Borstal School or civil hospital or to such authority, institution, society or person, as the case may be.
