

Borstal School Act, 1963

Chapter 5 - Miscellaneous

(1) For the purposes of appeal and revision under the Code, an order of detention under section 5 of this Act shall be deemed to be a sentence of imprisonment for the same period.

(2) Any person aggrieved by an order of the Inspector-General under any provision of this Act, may, subject to the prescribed conditions, appeal to the State Government and the orders of the State Government on such appeal shall be final.

Section 29 - Removal of disqualification

The 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.

Section 30 - Presumption and determination of age

(1) Where it appears to a competent Court that a person brought before it under any of the provisions of this Act, is a young offender, such Court shall make due enquiry as to the age of that person and for that purpose, shall take such evidence as may be forthcoming and shall record a finding whether a person is a young offender or not, stating his age as nearly as may be.

(2) No order of a competent Court shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a young offender and the age recorded by the competent Court to be the age of the person so brought before it, shall for the purposes of this Act, be deemed to be the true age of that person.

Section 31 - Power to make rules

(1) The State Government may, by notification, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:

- (a) regulation, control and management of any Borstal School established under this Act;
- (b) the appointment, powers and duties of officials in such Schools;
- (c) the constitution, power and duties of Visiting Committees;
- (d) the classification, control, discipline, training, instruction and treatment of young 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 communications 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;
- (i) the removal of offenders to Borstal Schools in other States and the reception and detention in a Borstal School established under this Act of offenders transferred from other States in India;
- (j) the form and conditions of licences granted under section 15;
- (k) the supervision of offenders after the expiration of the term of their detention;
- (l) the transfer of incorrigible offenders from a Borstal School to a prison;
- (m) the conditions on which an offender may be discharged under section 19;
- (n) the constitution, procedure, powers and duties of Investigating Committees;
- (o) the manner of detention of an young offender under arrest or remanded or committed for trial.

(2) Every rule made under this section be laid as soon as may after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section 32 - Repeal and savings

The Mysore Borstal Schools Act, 1943 (Mysore Act XLVI of 1943), as in force in the Mysore Area, the Hyderabad Borstal School Act, 1956 (Hyderabad Act XV of 1956), as in force in the [1](#) [Gulbarga Area], the Bombay Borstal Schools Act, 1929 (Bombay Act XVIII of 1929), as in force in the [1](#) [Belgaum Area], and the Madras Borstal School Act, 1926 (Madras Act V of 1926), as in force in the [1](#) [Mangalore and Kollegal Area], are hereby repealed:

Provided that section 6 of the [1](#) [Karnataka] General Clauses Act 1899 ([1](#) [Karnataka] Act III of 1899), shall be applicable in respect of such repeal and section 8 and section 24 of the said Act shall be applicable as if the said enactments are repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptations of Laws Order. 1973 w.e.f. 01.11.1973.
