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12/10/2007

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Sl.no. 105

243



44924/PW.1/07,

Office of the Additional Director
General of Prisons, Chennai - 8
Dated: 02/10.2007.

Sub: Prisons - Transfer of Adolescent convicts to
Borstal School, Pudukottai - Reg.

- Ref:
1. G.O.Ms.No.1094, Home (Pr.VI)
Department, dated 6.5.1987.
 2. This Office memo No.19436/PW.1/2002,
dated 22.4.2002.
 3. This Office Fax message
No.44924/PW.1/2007, dated 4.10.2007.

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ச. 7/2-6.7/அண்ண. 2007
மார்ச் 2007

ச. 7/2-6.7/அண்ண. 2007
மார்ச் 2007

Copy of G.O.Ms.No.1094, Home (Pr.VI) Department, dated 6.5.87 is communicated once again for reference, wherein Government directed that adolescent offenders who are transferred from the Central Prison to Borstal School in accordance with the terms of section 10 of the Tamil Nadu Borstal School Act 1925, should be released on the date, on which they attain the age of 23 years and that they need not be transferred to Central Prison to undergo the un-expired portion of their sentence of imprisonment.

2. The details of convicted adolescent prisoners received from the Superintendents of Prisons concerned was reviewed. It was noticed that the adolescent prisoners who can be transferred to Borstal School, Pudukottai are being kept in Central Prisons without sending any proposals to this office. This is not correct. Therefore, the Superintendent is requested to send proposal to this office for transferring adolescent prisoners in the age group of 18-23 to Borstal School, Pudukottai. The Superintendent is directed to bear in mind to send proposals then and there on admission of the adolescent convicts between the age group of 18 to 23.

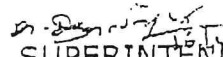
who can get this release, before the completion of 23 years of
transfer them Borstal School, Pudukottai without any violation of Judgement
of Supreme Court of India. Hence care should be taken to see once again
that no prisoners should be transferred to Borstal School, Pudukottai who
may have to undergo their sentence beyond the age group of 23 years.

3. The receipt of this memo should be acknowledged at once.

R.Sekar,
Additional Director General of Prisons.

To
The Superintendents of all Central Prisons / Borstal School, Pudukottai
Copy to:
All Range Deputy Inspector General of Prisons.
Deputy Inspector General of Prisons (HQ)
Personal Assistant (HQ) / Personal Assistant (Admin.)
PS / PW. Section Superintendents.
PW.1 / PW.2 / PW.3 / PS.1/ PS.2 / PS.3 and PS.4.

Forwarded / By order


SUPERINTENDENT

Sa/15.10.


16/10/07
No. 2956 / 16.10.07

தேதி: 10.10

தேர்வு குறிப்புகள் கீழ்க்கண்ட, தேர்வு குறிப்புகள் கீழ்க்கண்ட

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Superintendent
District Jail
& Borstal School,
Pudukottai.

4/4
22/10/07

பி.பி.பி. -
தேதி: 22.10.07 / 16.10.07

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GOVERNMENT OF TAMIL NADU.
ABSTRACT

Tamil Nadu Borstal School Act, 1935 (Tamil Nadu Act V of 1935) - Not to retransfer the inmates detained in Borstal School under section 10 of the Tamil Nadu Borstal School Act, 1935 on attaining the age of 23 years - Orders issued.

HOME (PRISONS VI) DEPARTMENT

G.O. MS. No. 1084

Dated: 6th May, 1987
Circular 25 - Prisons
Chiruvallur, Varadachari
2018.

1. From the Director General of Prisons, Madras, D.O. letter No. 6329 LW/34-2, dated 14.12.1984.
2. From the Advocate General, High Court, Madras, Opinion No. 15/86, dated 7.10.1986.

ORDER:

The Supreme Court of India in its Judgment in Writ Petition (Crl.) No. 981/84 has held that the State Government of Tamil Nadu cannot keep any adolescent offenders, who is convicted of a capital offence but sentenced to imprisonment for life, in respect of whom an order is made under section 10-A of the Tamil Nadu Borstal Schools Act in a Borstal School or in any other kind of detention, after he has attained 23 years of age. The State of Tamil Nadu has been directed to release all such inmates of the Borstal Schools in Tamil Nadu, who have attained 23 years of age.

2. As it is likely that the orders of the Supreme Court requiring the release of all adolescent convicts detained under section 10-A of the said Act may be extended to the cases of adolescent prisoners ordered to be detained in the Borstal Schools under section 10 of the Act also, that as such a contingency may result in release of hundreds of inmates and that as

each release will demoralise the society. The Advocate General of Prisons has proposed that sections 10 and 10-A of the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1925), may be amended suitably so as to transfer the inmates of the Borstal Schools to the Central Prison, after they have completed the age of 23 years to serve the unexpired portion of their sentence.

3. The Advocate General, Madras who was requested to give his considered views in the matter has expressed the view that once the adolescent offender has been directed to be transferred from the Prison to the Borstal School in terms of section 10 or Section 10-A of the said Act, after taking into account the facts and circumstances mentioned in the said section, it would not be in order to provide for the re-transfer of such person to the Prison to undergo the unexpired portion of the sentence. He has, ~~therefore~~ therefore, opined that the proposed amendment would be opposed to the Scheme and object of the Borstal Schools Act and that, therefore, it may not be in order.

4. The Government after careful consideration, accept the views of the Advocate General, Madras and direct that the adolescent offenders, who are transferred from the Central Prison to the Borstal School in accordance with the terms of section 10 of the Tamil Nadu Borstal Schools Act, 1925 should be released on the date, on which they attain the age of 23 years and that they need not be transferred to the Central Prison to undergo the unexpired portion of their sentence or imprisonment.

(BY ORDER OF THE GOVERNOR)

T. V. VIGNATHARAN,
SPECIAL COMMISSIONER AND SECRETARY TO
GOVERNMENT.

To
The Director General of Prisons,
Madras. 600 010.

The Advocate General, Madras. 600 104.

The Registrar, High Court, Madras. 600 104.

Copy to
The Superintendent of All Central Prisons.
The Superintendent, Borstal School, Pudukkottai.
The Superintendent, Madras. 600 000.
The Law Department, Madras. 9.
The Home (Pr. IV) Dept., Madras. 9.

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Superintendent,
Borstal School, Pudukkottai.

DKM/

DEPT. OF PRISONS
Borstal School - Pudukkottai.