



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुव्वार, मे १०, १९८४/वैशाख २०, शके १९०६

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या मागाला बेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अखिलविद्यमान्यदे तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांच्यातिरिक्त) नियम व आदेश

HOME DEPARTMENT

Mantralaya, Bombay 400 032, dated the 10th May 1984

BOMBAY BORSTAL SCHOOLS ACT, 1929.

No. BSA. 0179/2(846)-PRS-2.—In exercise of the powers conferred by sub-section (1) and clauses (a), (d) and (f) of sub-section (2) of section 19 of the Bombay Borstal Schools Act, 1929 (Bom. XVIII of 1929) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Borstal Schools Rules, 1965, the same having been published as required by sub-section (3) of the said section 19, namely :—

1. These rules may be called the Maharashtra Borstal Schools (Amendment) Rules, 1984.
2. In rule 30 of the Maharashtra Borstal Schools Rules, 1965, in sub-rule (1), for the words "once a month" the words "once a week" shall be substituted.

By order and in the name of the Governor of Maharashtra,

A. A. SAKHALKAR,

Assistant Secretary to Government

Note.—The Maharashtra Borstal Schools Rule, 1965, were last amended by Government Notification, Home Department, No. BSA. 0177/191/(961)-PRS-2, dated the 3rd March 1982 and published on pages 143-145 of the Maharashtra Government Gazette (Extraordinary) Part IV-B, on the same day.

(२३६)

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शासकीय मध्यवर्ती मुद्रणालय, मुंबई

(2) The State Government may appoint the District Magistrate or any other person or persons to visit such prisoners or class of prisoners specified under sub-rule (1) and may issue such instructions for the guidance of the person or persons so appointed as it may think fit.

18. *Action on remarks by visitors.*—(1) Where any visitor has brought to notice any grave irregularity or other important matter requiring immediate attention or where any remarks made by a visitor require specific attention, the Superintendent of the prison shall at once forward a copy of the visitors' remarks recorded in that behalf in the Visitors' Book to the Deputy Inspector-General of Prisons (Regional); and the Superintendent shall also forward to the Deputy Inspector-General of Prisons (Regional) a copy of every other entry made by a visitor in the Visitors' Book on the first day of the month immediately-following the month in which such entry was made with such remarks as the Superintendent may desire to offer.

(2) The Deputy Inspector-General may take such action and pass such orders in respect of any communication received by him under sub-rule (1) as he considers appropriate, and he may, where he deems fit so to do, bring any matter to the notice of the Inspector-General of Prisons. The Superintendent shall also in due course inform in writing the visitor concerned or the Board, as the case may be, about the action taken.

19. *Visits to prisons by persons other than prison officers and visitors.*—(1) Save as herein before provided and subject to the provisions of sub-rule (2), no person other than a prison officer or a visitor shall be allowed to enter a prison without the previous permission of the Superintendent, ¹[the Deputy Inspector General of Prisons of the region] the Inspector-General or the State Government. Every such person shall be accompanied by a jailor.

²[(2) Subject to the provisions of rule 17, permission to visit any prison may be granted,—

(a) in the case of any person conducting research studies who is sponsored by any statutory University or Research Organisation recognised by the Government, by the Superintendent; provided that such research worker agrees in writing to take adequate precautions that in his thesis or research paper to be published or presented to any University or Educational Institution on the conclusion of his research, the identity of any individual prisoner is not disclosed and to submit such thesis, paper or publication to the Government for approval before it is so published or presented;

(b) in the case of a person who desires to visit any prison as a part of his academic curriculum in any University or other recognised Educational Institution, by the Deputy Inspector-General of Prisons of the region concerned at the request of the appropriate educational authority;

1 Ins. by G. N. of 23rd May 1973.

2 Subs. by G. N. of 23rd May 1973.

(c) in the case of representatives of the press by the Inspector-General of Prisons, subject to the condition that such representative, undertakes in writing not to publish any material relating to his visit to the prison without the previous approval of Government;

(d) in the case of any person desiring to visit only a specific yard of a prison like the Gandhi Yard and Tilak Yard in Yeravda Central Prison, Vinoba's cell in Dhulia District Prison and such other spots of historical interest, by the Superintendent of the Prison concerned;

(e) in any other case, by the Superintendent, Deputy Inspector General of Prisons or the Inspector-General of Prisons, subject to the condition that such person agrees to abide by the conditions as the Superintendent, Deputy Inspector-General of Prisons or as the case may, be the Inspector-General of Prisons may consider necessary in the case.*]

20. *Power of Police officers to visit prisons.*—(1) Except in such special circumstances as may be determined by the Superintendent, the Superintendent may, with a view to affording an opportunity of recognising old offenders, permit, not oftener than once a week, a Police Officer duly deputed in the Greater Bombay by the Commissioner of Police, and elsewhere, by the District Superintendent of Police, to have access in the prison office to the admission register and release diary; and it shall be lawful for the Police Officer on the basis of this register and diary to prepare lists of prisoners admitted during the week immediately preceding that in which the inspection was made, of prisoners likely to be discharged in the week following such week and of any unidentified prisoners still under police enquiry, whom the Police may have to inspect on parade.

(2) The prisoners who have been convicted under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code of offences punishable with three years; or of attempts to commit offences punishable under section 328, 363, 364, 365, 366, 366A, 367, 368 and 369 persons bound down under sections 109 and 110 of the Code of Criminal Procedure, 1898 and undertrial prisoners whose names are contained in a list prepared under sub-rule (1) shall be paraded at the weekly parade, separately from others; and Police Officers (not exceeding twenty in number), selected by the Commissioner of Police, or as the case may be, the District Superintendent of Police shall be permitted to inspect all these prisoners in the presence of a Jailor. The Police Officers shall not be permitted to hold communications with any prisoners except such as is necessary for the purpose of identification :

Provided that no woman prisoner shall be paraded for the inspection of Police Officers.

(3) The Superintendent shall for purposes of sub rules (1) and (2) inform the Commissioner of Police and the District Superintendent of Police of the hour at which the Police Officer can have access to the Prison Office and of the day on which the weekly parade of prisoners will be held.

21. *Power of certain officers to interrogate prisoners etc.* — (1) (a) The Inspector General of Police, Deputy Inspector-General of police, the commissioner of Police, Greater Bombay and District Superintendent of Police elsewhere than in Greater Bombay may authorise by letter any Police Officer not below the rank of an Inspector in Greater Bombay and of Sub-Inspector elsewhere (unless for special reasons recorded in such letter a Police officer of a lower rank is specified) or

(b) any prohibition officer not below the rank of Assistant Collector of Excise may likewise authorise by letter any prohibition officer not below the rank of an Inspector, [Unless for special reasons recorded in such letter, a prohibition officer of a lower rank is specified to interrogate any prisoner or to bring witnesses or informers to the prison for the purpose of identifying any prisoner or prisoners, should such a course be necessitated during the investigation of any case. Such letter shall be addressed by the officers aforesaid to the Superintendent of the prison concerned].

(2) The Superintendent on receipt of a letter addressed to him under sub-rule (1) shall permit —

(a) the officer specified in the letter to interrogate the prisoner in the presence but not within the hearing of the Jailor or some other officer approved by him and also witnesses and informers to be brought in the prison for the aforesaid :

Provided that no prisoner or prisoners shall be Paraded by any jailor before such witnesses or informers for identification except along with a number of prisoners clad in a similar manner.

(3) Except as provided in sub-rule (1) no police officer or a prohibition officer (neither of such officer being an *ex-officio* visitor) shall interrogate any prisoner.

Sd./ K. B. Dabholkar,
Assistant Secretary
to Government of Maharashtra