

The Policy Vacuum After Borstal School Repeal Act (1925) In Tamil Nadu and the Future of Youth Justice: Unprotected Adolescents

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Abstract

This paper critically examines the implications of the repeal of the Tamil Nadu Borstal Schools Act, 1925, and the resulting shift of young adult offenders (18–21 years) into adult prisons. Historically, Borstal Schools provided rehabilitative environments through education, vocational training, and structured discipline, offering a transitional framework between adolescence and adulthood. The closure of these institutions and the absence of alternative mechanisms create significant risks, including exposure to violence, exploitation, and criminogenic influences within adult prisons. Drawing on developmental psychology, criminology, and emerging adulthood theory, this study highlights the distinct rehabilitative needs of young offenders and the dangers of neglecting them. To address this gap, the paper proposes a Young Adult Rehabilitation and Reformation Framework (YARRF), advocating for dedicated semi-custodial centers, legislative reforms, and reintegration programs that prioritize reformation over punitive incarceration.

Keywords: Borstal Schools, Young Adult Offenders, Rehabilitation, Criminal Justice Reform

Introduction

In 1920, Tamil Nadu passed the Tamil Nadu Children Act to care for children who committed crimes. This law focused on their custody, trial, education, punishment, and rehabilitation. In 1925, another law, the Tamil Nadu Borstal Schools Act, was created. Its purpose was to detain and train adolescent (teenage) offenders that is, young people who committed crimes. This Act allowed Boys aged 16–21 years and girls aged 18–21 years to be admitted to Borstal Schools. They could be released from these schools after turning 23 years old. (Tamil Nadu government Gazette, January 8, 2025, Regd.No.TN/CCN/467/2012-14, Tamil Nadu Bills, Part IV-Section 1)

Borstal School

Borstal schools were specialized institutions designed for individuals aged 18 to 21 (Post JJ Act, 2015, age limit increased from 16 to 18) who have been convicted of offenses. These facilities provide industrial training and various forms of instruction, aiming to instill "disciplinary and moral influences" that facilitate inmates' rehabilitation. A judicial panel comprising Justices A. Selvam, M. Sathyanarayanan, B. Rajendran, R. Mala, and P. N. Prakash emphasized that the original Borstal School Act mandates all inmates participate in drill, study, and labor for at least eight hours each working day. The scheduled activities include prayer, parades, physical training, workshops, educational programs, agricultural

training, recreational activities, and games, from 5:30 AM to 7 PM. Additionally, borstal schools are required to employ a range of professionals, such as psychologists, physical education instructors, bandmasters, secondary grade teachers, carpenters, and other trainers. (<https://timesofindia.indiatimes.com/city/chennai/abolish-concept-of-borstal-school-madras-hc-tells-governement/articleshow/53952494.cms>) ("Abolish concept of Borstal school, Madras HC tells Government," TOI, TNN/Sep 1, 2016, 12:38 am IST). The Borstal School Act of 1925 sets the age limit for inmates within this category, defining young adults or emerging adults as individuals aged 18 to 21 years. (https://www.newindianexpress.com/cities/chennai/2016/Sep/01/borstal-schools-act-outdated-does-not-serve-any-purpose-1515067.html?utm_source=chatgpt.com)

Aim

This research was initiated in response to the recent policy change by the Tamil Nadu government, which mandates the incarceration of young adult offenders convicted by the court within adult prison facilities. Previously, individuals aged 18 to 21 who received custodial sentences were directed to a Borstal School in Pudukkottai, a specialized institution tailored for this demographic, or to district sub-jails that had been repurposed as temporary Borstal Schools to accommodate young offenders. The practice of fully integrating these young individuals into the general population and operational framework alongside adult offenders has not been subjected to formal evaluation(Thody,2012). The primary aim of this study is to assess the implications and repercussions of incarcerating young and emerging adults within adult prisons in Tamil Nadu.

Borstal School-The Obsolete in Tamil Nadu.

As per the description by the panel members, Tamil Nadu has one Borstal School in Pudukkottai. Apart from that, there are no dedicated “Borstal Schools” in Tamil Nadu. In an investigative research, it has been found that there are institutional data discrepancies regarding Borstal Schools in Tamil Nadu. The official website of the Tamil Nadu Prison Department lists only one functioning Borstal school in the state. However, a review of NCRB (National Crime Records Bureau) reports over the past 10–15 years consistently indicates the existence of 12 Borstal schools in Tamil Nadu.(NCRB,PSI reports). Such inconsistencies undermine data reliability, especially in academic and policy research.This calls for harmonization of data between central and state government sources to ensure accuracy and transparency. The other Borstal schools mentioned in the report are district sub jails converted into Borstal schools to accommodate the undertrial inmates by the state government. The Panel addressed several legal inquiries and subsequently annulled a government order to convert district sub jails into borstal schools. The order was proposed since these sub jails did not serve any purpose of Borstal School. (<https://timesofindia.indiatimes.com/city/chennai/abolish-concept-of-borstal-school-madras-hc-tells-governement/articleshow/53952494.cms>) (Abolish concept of Borstal school, Madras HC tells Government, TOI, TNN/Sep 1, 2016,12:38 am IST)

Changes in the Law

The Central Government of India enacted the Juvenile Justice Act in 1986, which was implemented nationwide and effectively superseded the earlier Tamil Nadu Children Act. Subsequently, the 1986 legislation was replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000. This was

further revised with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, which came into effect in 2016.

Key point of the New Law

Under the new national law (JJ Act 2015), any child below 18 years of age at the time of committing the offence is considered a juvenile and gets protection under this law.

This law now applies across India, including Tamil Nadu. The Madras High Court, in a case of H.C.P. NO. 1441 of 2007 said that the Borstal Schools Act has outlived its purpose and should be repealed. (Tamil Nadu government Gazette, January 8, 2025, Regd.No.TN/CCN/467/2012-14, Tamil Nadu Bills, Part IV-Section 1) Based on all these developments, the Tamil Nadu Government has decided to officially repeal (cancel) the Tamil Nadu Borstal Schools Act, 1925. (Tamil Nadu government Gazette, January 22, 2025, Regd.No.TN/CCN/467/2012-14, R.Dis.No.197/2009, Tamil Nadu Acts and Ordinances, Part IV-Section 2).

Consequences of the Repeal Act on Adolescent inmates of Tamil Nadu.

A substantial body of literature on the incarceration and treatment of young people underscores the heightened risks associated with placing them in facilities alongside adult offenders. Empirical studies suggest that such integration significantly increases their exposure to harm (Austin et al., 2000; Rutter & Giller, 1983), victimisation (Maitland & Sluder, 1998), and incidents of physical violence perpetrated both by other inmates and correctional staff (Ziedenberg & Schiraldi, 1998). Furthermore, younger prisoners are consistently reported to display higher levels of institutional misconduct, including violent incidents and other rule infractions, compared to their older counterparts (Camp, Gaes, & Saylor, 2003; Cooke, 1998; Cunningham & Sorensen, 2006).

Explanations for these patterns are found within psychological and developmental frameworks. Theories of attachment (Bowlby, 1973), identity formation (Erikson, 1982; Kroger, 2007), biological processes (Rutter & Giller, 1998), and moral development (Kohlberg, 1984) all highlight the developmental vulnerabilities of adolescents. Complementary evidence from neuropsychology underscores the critical role of brain maturation during adolescence, particularly in relation to impulse regulation and decision-making (Cauffman, Steinberg, & Piquero, 2005).

The criminological literature also offers theoretical perspectives that clarify these developmental patterns. Tittle (2000) provides an assessment of explanatory models of youth offending, drawing attention to Moffitt's (1993) influential two-path theory. This framework differentiates between individuals whose neurological deficits limit behavioural self-regulation and those who experience a transient, adolescence-limited pattern of delinquency. In the latter case, high levels of offending and antisocial behaviour are largely confined to the teenage years, with a marked decline as individuals transition into adulthood.

Disadvantages of mixing Young offenders with Adults

The incarceration of young people has frequently been characterised as inhumane and detrimental to their healthy transition into adulthood. This concern has been substantiated by evidence of disproportionately high suicide rates among young inmates in certain establishments (Rutherford, 1992). Research further demonstrates that young people in custody face heightened vulnerability to sexual victimisation (Forst, Fagan, & Vivona, 1989).

Rose (2002) emphasises the critical role of positive adult role models in the rehabilitation of young offenders, noting that those entering the prison system often present with chaotic, hostile, destructive, and antisocial behaviours. These individuals may engage in self-harm, display aggression, and exhibit persistent delinquency. They are also more likely to have experienced disrupted education, low self-esteem, and prior institutionalisation, such as placements in care homes. Rose argues that addressing these underlying difficulties requires a markedly different experience of adult relationships within secure settings, asserting that the influence of staff must contrast sharply with the negative adult interactions young people have typically encountered (Rose, 2002).

This principle, however, becomes problematic when young offenders are integrated into adult regimes, where exposure to older, convicted prisoners severely limits the potential for constructive role modelling. The broader literature supports the contention that the criminogenic risks and rehabilitative needs of young offenders differ substantially from those of adult prisoners. Adolescents and emerging adults develop and mature at a different pace, necessitating tailored interventions and management strategies that reflect their distinct psychological and developmental trajectories (Caulum, 2007).

Emerging Adulthood

Emerging adulthood, as defined by Arnett (2000), is a distinct developmental phase occurring between the ages of 18 and 25, situated between adolescence and young adulthood. This stage is characterized by a degree of independence from societal roles and expectations, allowing individuals to explore various life directions in areas such as love, work, and worldviews. Arnett emphasizes that emerging adulthood is not a universal experience but rather a phase that has developed under specific cultural and historical conditions, becoming more prominent in certain societies in recent times.

A study conducted among Indian college students aged 18 to 25 in Delhi and Vadodara explored the concept of emerging adulthood in India and young people's views on adulthood (Chopra, 2012). The findings indicated that while many participants were actively pursuing their education and career goals with aspirations for self-reliance, a significant number felt they had not yet reached full adulthood. Some students acknowledged their independent living situations, but most still relied on parental guidance and financial support, reflecting uncertainty in their self-perception as adults. (Aruna & Karunanidhi, 2019).

The Gap:

With the repeal of the Tamil Nadu Borstal Schools Act, 1925, and the complete implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, there remains a legislative and institutional vacuum for young adult offenders aged 18–21 years. While individuals below 18 will be protected under the JJ Act, those above 18 are now treated under adult criminal law without transitional support mechanisms for rehabilitation.

Young adults aged 18–21 are in a critical stage of cognitive and emotional development. Scientific studies show that the brain, particularly the prefrontal cortex responsible for judgment and impulse control, continues to develop into the early twenties. These individuals will be more susceptible to peer pressure; Often first-time offenders; Capable of reformation through structured intervention. However, placing them directly in adult prisons increases the risk of hardened criminal behavior, exposes them to violence and exploitation; and reduces the chances of social reintegration

Recommendations

The Government of Tamil Nadu should consider introducing a comprehensive framework titled the Young Adult Rehabilitation and Reformation Framework (YARRF) to address the legislative and institutional void created by the repeal of the Borstal system. This framework would focus on the unique needs of young adult offenders, particularly those between the ages of 18 and 21, who represent a transitional stage between adolescence and adulthood.

Establishment of Rehabilitation Centers

A central feature of Young Adult Rehabilitation and Reformation Framework YARRF would be the establishment of Young Adult Rehabilitation Centres (YARCs). These centres would cater specifically to first-time or non-violent offenders in the 18–21 age group. Unlike conventional prisons, YARCs would function as semi-custodial, reformation-oriented institutions aimed at separating young adults from hardened criminals and providing them with constructive opportunities for personal growth. The services offered within these centres should include vocational training, mental health counseling, drug de-addiction programs where necessary, life skills and legal literacy education, and placement or career support initiatives.

Legislative Amendments

To operationalize this model, a legislative amendment is required. Either a new state-level Act or modifications to existing prison regulations should be enacted to define, regulate, and formalize the functioning of Young Adult Rehabilitation Centers (YARCs). Such legislation must also include diversionary provisions enabling judges to direct eligible young adult offenders to YARCs as an alternative to conventional imprisonment.

Eligibility Criteria

Eligibility for admission into YARCs should be carefully defined. The proposed criteria would limit entry to first-time offenders or minor repeat offenders with no involvement in heinous or organized crimes. Admission should further be contingent upon a psychological and behavioral assessment to evaluate the individual's potential for reformation.

Monitoring and Review Mechanism

For accountability and effectiveness, a robust monitoring and review mechanism can be instituted. A Rehabilitation Board consisting of a judicial officer, probation officer, social worker, and mental health expert could oversee each Young Adult Rehabilitation Centre (YARC). This multidisciplinary board would periodically review the progress of each individual, recommending either early release, extended rehabilitation support, or alternative interventions as appropriate.

Reintegration Support

Reintegration into society is a crucial aspect of this framework. Upon release, young adults should be supported through probationary supervision, community-based mentoring programs, and linkages to education and employment opportunities. Family reintegration counseling should also be prioritized to strengthen support systems and reduce the likelihood of recidivism.

Partnerships and Collaborations

Furthermore, partnerships with non-governmental organizations, Corporate Social Responsibility (CSR) initiatives, and skill-development institutions would enhance the quality and reach of YARC programs. Collaborations with organizations such as the National Skill Development Corporation (NSDC), Tata STRIVE, and the Kaivalya Education Foundation could provide structured vocational training and mentorship opportunities tailored to the needs of this age group.

Conclusion

In conclusion, the age group of 18–21 years represents both a high-risk and high-potential stage of human development. Rather than subjecting these individuals to punitive incarceration, the state should prioritize reformative measures that foster rehabilitation and reintegration. A dedicated policy such as Young Adult Rehabilitation and Reformation Framework YARRF would not only address the legislative vacuum created by the repeal of the Borstal system but also represent a progressive and evidence-based approach to criminal justice in Tamil Nadu. By focusing on reformation over punishment, YARRF has the potential to reduce recidivism, enhance public safety, and ensure a more humane and constructive response to young adult offending.

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