

REPORT OF THE
COMMITTEE APPOINTED
TO CONSIDER THE
TREATMENT OF JUVENILE
DELENQUENCY ~~IN~~ IN



BURMA

1928

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OF THE

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in Burma

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Resolution

ON THE REPORT OF THE

Committee appointed to consider the Treatment of
Juvenile Delinquency in Burma

Judicial Department Resolution by His Excellency the Governor-in-Council,—
No. 97Z28, dated the 21st March 1928.

READ—

Miscellaneous Department Resolution No. 192V26, dated the 21st April 1926,
appointing a Committee to consider the treatment of Juvenile
Delinquency in Burma.

READ ALSO—

The Report of the Committee.

RESOLUTION.

The Governor in Council has read the Report of the Committee
appointed to consider the treatment of Juvenile Delinquency in Burma
with great interest. The Committee have dealt very thoroughly with
the matters referred to them, and their report is a comprehensive one
which will be of great assistance to the Local Government in dealing
with the problem of juvenile criminals in this Province. His Excellency
in Council is much obliged to the Hon'ble Mr. Justice Carr and the
members of the Committee, and desires to tender his best thanks to
them for their very valuable report and for the time, labour, and skill
which they have given to its preparation. He proposes at once to take
into consideration the various recommendations of the Committee. In
the meantime the report will be published for general information.

ORDER.

Ordered that a copy of the Committee's Report and of this Resolution
be forwarded to the Registrar, High Court of Judicature at Rangoon,
for the information of the Hon'ble Judges; to all members of the
Legislative Council; to the members of the Committee; to all Com-
missioners of Divisions and Deputy Commissioners; to the Inspector-
General of Prisons; and to the Inspector-General of Police; Deputy
Inspectors-General of Police and District Superintendents of Police.

By order of His Excellency the Governor in Council.

H. L. NICHOLS,

Secretary to the Government of Burma,
Judicial Department.

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GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT.

(Miscellaneous Resolution No. 192V.-26, dated the 21st April 1927.)

The problem of the juvenile criminal has long been recognised by enlightened opinion as one of the utmost importance to every State, and is now receiving ever-increasing attention in all progressive communities. In spite of the generous qualities of its people, this Province is unfortunately not free from the responsibility for unfortunate children growing up in circumstances which warp or pervert their minds and lead them directly to a life of crime; and, mainly owing to financial considerations the Government of Burma has not yet been able, by adopting the best modern precedents to its needs, to ensure that children and young persons falling into crime shall be given the best opportunity of reforming and growing up into honest and useful citizens.

2. Up to the present the only alternatives to the influences of prison life which have been provided for juveniles in Burma are the Reformatory School at Insein and the Juvenile Jail at Meiktila. These institutions though they are believed to do a great deal of good, are not up-to-date and are inadequate for the needs of the Province; and the Local Government has long recognised the need for the establishment of a Training School similar to the Borstal Institutions in England. It was principally with a view to obtaining advice on the general lines of a scheme for this purpose that the Local Government sought assistance from England, and was fortunate enough to obtain the services of Mr. A. Paterson, M.C., His Majesty's Commissioner of Prisons for England and Wales, an acknowledged expert in all matters relating to the treatment of the juvenile criminals to advise upon this matter and upon prison administration generally. Mr. Paterson's interesting Report was published with the Local Government's Resolution dated the 2nd October 1926, and that Report, while resolving any doubts that may have existed as to the desirability or practicability of instituting Training Schools in Burma, has also disclosed the need for comprehensive consideration of the measures necessary for dealing with juvenile offenders of all classes.

3. The Ministry of Education, in its Resolution, dated the 18th December 1926, appointed a Committee to consider certain recommendations of Mr. Paterson's for improving the education of the youth of the country with a view to rendering them more immune from the danger of being led astray by passion or by evil associates; and it now remains to provide for the reclamation of those who have lapsed from the path of rectitude or are in special danger of so lapsing. It is necessary to consider what can be done for children, principally in the large towns, who have parents unable or unwilling to control them or no parents at all, and who are leading a precarious life on the brink of the abyss of crime; and to decide how children and young persons should be treated while they are under trial on a criminal charge, what institutions are necessary for the reclamation of those of any particular age, and what further steps should be taken after their release from detention to ensure that they shall not relapse into crime. A closely related question is that of a system of probation by means of which detention may be cut short or even avoided altogether in suitable cases; and provision for probation and the aftercare of released prisoners is required for adults as well as for juveniles. It is possible that financial considerations and difficulties of a practical nature may prevent the introduction of a comprehensive scheme dealing with all these matters at once, or within a limited period. In the case of rescue work, probation

and aftercare, in particular, no finality can be reached until further public interest has been roused, and a public spirit created which will lead charitable people to admit the claim of the unfortunate upon their personal services as well as upon their pockets. In addition, therefore, to deciding upon the system which it is desirable to bring into being when all circumstances are favourable, the steps by which progress will be possible in the first instance must be defined. Mr. Paterson attached to his report a draft of a "Prevention of Crime Bill," which it is necessary to examine in order that it may be determined what amendments are necessary to fit it for the requirements of this Province, and also to enable the system which it prescribes to be introduced gradually as circumstances may demand. The Governor-in-Council decided to appoint a Special Committee to consider and make proposals in connection with the above matters and their practical application; but action was deferred until the services of Mr. A. J. M. Lander, M.C., I.C.S., who had been deputed to England to study Borstal and other methods of dealing with juveniles, would be available as Secretary of the Committee.

4. The Committee, which is now appointed, will consist of the following:—

- (1) The Hon'ble Mr. Justice W. Carr, I.C.S., *Chairman*;
 - (2) Mr. F. B. Leach, I.C.S., Commissioner, Pegu Division;
 - (3) Lieutenant-Colonel P. K. Tarapore, I.M.S., Inspector-General of Prisons, Burma;
 - (4) Mr. A. Eggar, *Barrister-at-Law*, Government Advocate;
 - (5) Mr. M. S. Merrikin, Commissioner of Police, Rangoon;
 - (6) U Ba Kin, K.S.M., T.D.M., Deputy Commissioner, Hanthawaddy;
 - (7) Mr. F. G. French, Headmaster, Government High School, Rangoon;
 - (8) Mr. J. S. Morris, Superintendent of Jail, Tharrawaddy;
 - (9) Mr. R. S. Dantra, *Barrister-at-Law*; and
 - (10) U E Maung, *Barrister-at-Law*,
- with Mr. A. J. M. Lander, M.C., I.C.S., as *Secretary*.

5. The recommendations of the Committee are desired on the subject of juvenile criminals in general, and on the following points in particular:—

(i) the policy to be adopted in the treatment of juveniles of different ages, who are likely to become criminals or who are convicted of criminal offences,—

- (a) before they are charged with any offence (*cf.* Recommendation 5 of Mr. Paterson's Report);
- (b) during their trial for a criminal offence (*cf.* Recommendations 6 and 7 of Mr. Paterson's Report);
- (c) after conviction and during any period of detention to which they may be sentenced (*cf.* Recommendations 9, 10, 11 and 23 of Mr. Paterson's Report); and

(NOTE.—The question of substituting the cat-o'-nine tails for the cane need not be considered.)

- (d) when they are released from detention on the expiry of the sentence, or otherwise (*cf.* Recommendation 12 of Mr. Paterson's Report);

(ii) the introduction of a system of probation for all offenders (*cf.* Recommendation 8 of Mr. Paterson's Report);

(iii) the extent to which the policy recommended may, apart from financial considerations, be given effect to at once; and the steps by which its fulfilment should be approached;

(iv) the legislation necessary to give effect to the policy, such legislation to provide, where necessary, for the gradual development of any part of the system—the recommendations to take the form of a draft Bill—(*cf.* Recommendation 14 of Mr. Paterson's Report);

(v) the institutions which should be established or maintained by Government and by charitable organisations, and the ages and classes for which each should provide;

(vi) the conditions to be enforced during detention in any institution, including any necessary modifications in the rules of existing institutions;

(vii) the size and location of each institution;

(viii) the staff required for each institution, and the manner in which it should be recruited, and

(ix) the manner of administration of the institutions proposed (*cf.* Recommendation 13 of Mr. Paterson's Report).

ORDERED that a copy of this Resolution be forwarded to the Chairman and all Members of the Committee.

ORDERED ALSO that the Resolution be published in the *Burma Gazette* for general information.

By order of the Governor in Council,

H. L. NICHOLS,

*Deputy Secy. to the Govt. of Burma,
Home and Political Dept.*

Government of Burma, Judicial Department (Miscellaneous), Resolution No. 192V26,
dated the 17th May 1927.

With reference to paragraph 4 of Miscellaneous Department Resolution No. 192V26, dated the 21st April 1927, constituting a committee to consider the problem of juvenile criminals in Burma, the Governor in Council is pleased to appoint Mr. J. R. Baird Smith, Messrs. Irrawaddy Flotilla Company, Limited, Rangoon, to be a member of the Committee.

ORDERED that a copy of this Resolution be forwarded to the Chairman and all members of the committee.

ORDERED ALSO that the Resolution be published in the *Burma Gazette* for general information.

By order of the Governor in Council.

H. L. NICHOLS,

*Secretary to the Govt. of Burma,
Judicial Department.*

Government of Burma, Judicial Department (Miscellaneous), Resolution No. 192V26, dated the 23rd May 1927.

With reference to paragraph 4 of Miscellaneous Department Resolution No. 192V26, dated the 21st April 1927, constituting a committee to consider the problem of juvenile criminals in Burma, the Governor in Council is pleased to appoint Major C. H. Fielding, M.B., I.M.S., officiating Inspector-General of Prisons, Burma, to be a member of the committee in place of Lieutenant-Colonel P. K. Tarapore, I.M.S., Inspector-General of Prisons, Burma, who is proceeding on leave.

ORDERED that a copy of this Resolution be forwarded to the Chairman and all members of the committee.

ORDERED ALSO that the Resolution be published in the *Burma Gazette* for general information.

By order of the Governor in Council.

H. L. NICHOLS,
*Secretary to the Govt. of Burma,
Judicial Department.*

REPORT

OF THE

Committee appointed to consider the Treatment of Juvenile Delinquency in Burma

INTRODUCTION.

1. The committee was appointed by the Government of Burma (Home and Political Department) to consider and report upon the subject of juvenile criminals in general and in particular on the policy to be adopted in the treatment of juveniles of different ages who are likely to become criminals or who are convicted of criminal offences. The terms of reference are set forth in Home and Political Department Resolution No. 192V26, dated the 21st April 1927, published in the *Burma Gazette* and prefixed to this report.

2. The methods of jail administration in the Indian Empire including the measures for prevention of committal to prison have been reviewed in the Report of the Indian Jails Committee, 1919-20 and we have followed the principles expressed in that report in making our recommendations. We are indebted also to the Report of the Departmental Committee on the Treatment of Young Offenders which has recently been submitted by the Secretary of State for Home Affairs to Parliament, for its review of recent developments in the treatment of juvenile delinquency in England. A list of the other books and publications consulted will be found appended to the report.

3. The committee met first on Saturday, May 7th, 1927, and has held thirteen meetings in all; a sub-committee was appointed to draw up the draft of the legislation proposed, and other sub-committees have from time to time considered and reported to the committee upon specific points of the report. In the course of our deliberations we have heard and considered the opinions of some of those gentlemen in Rangoon interested in social work in connection with neglected or delinquent

juveniles. Many of their suggestions have been incorporated in the report. We particularly regret the absence on leave of Colonel Tarapore from all but the first two meetings, in view of his wide experience of the reformatory treatment of criminals in this province. Some or all of the members of our committee have visited the existing institutions of the province in which the reformatory training of juveniles is now being carried out. The sincere thanks of the committee are due to the heads of these institutions who were kind enough to show us all that there was to be seen, and to all those who have assisted us with advice and criticism, and particularly to the chairman and committee of the juvenile jail for their hospitality on the occasion of our visit to Meiktila.

CHAPTER I.

HISTORICAL SUMMARY.

4. In order to understand the lines upon which progress has been made in England in the special treatment of juvenile and adolescent offenders, it is necessary to go back some years and review the history of the private philanthropic enterprises of which the development and recognition by the state were the origin of the present system. The history of the industrial and reformatory schools and of the beginnings and subsequent progress of the Borstal institutions is described in the Report of the Departmental Committee on the Treatment of Young Offenders that was presented to Parliament in March 1927. There is also a considerable number of books available on the subject of the Borstal and parallel methods of training to which those wishing to know more of the present system may be referred. A brief account of conditions in England is however desirable for the full understanding of the lines of advance proposed by us in this province, and for the account of the English institutions we are indebted mainly to the report quoted above.

English
Origins.

5. It appears that in England juvenile delinquency began to assume menacing proportions under the influence of the conditions in which children lived and were employed in the new towns that sprang up as a result of the industrial revolution. The conditions under which they worked were unregulated, parents and children alike worked ten or twelve hours a day and no proper home life or moral supervision was possible. The early years of the nineteenth century saw the beginnings of factory and mining legislation and subsequent Acts have broadened and extended the protection then afforded. "In other directions too," in the words of the report, "as in the enactments restricting the employment of children and making cruelty a punishable offence on the part of the adult, society has accepted responsibility for the physical, as well as the moral welfare of children, and it is now a commonplace to say that a child has a right to special care and protection. The same principle has been applied slowly but surely throughout the century to the treatment of young offenders."

6. The reformatory schools were the first institutions to be founded for the special treatment and reformation of children. The well-known Philanthropic Society founded in 1788, received in its institution both young offenders and the sons and daughters of convicted persons. Another reformatory school came into existence in 1818 at Stretton-on-Dunsmore. "These institutions," in the words of the report, "and

Refor-
matory
Schools.

many others which grew up later on their model, were based on the idea of reformation rather than punishment. They relied entirely on voluntary funds and had no powers of compulsion over the children whom they received. They were first brought into contact with the state by an administrative practice whereby a pardon was granted to a youthful offender under sentence of transportation or imprisonment on condition that he placed himself under the care of some charitable institution for the reception and reformation of young offenders." The first legislative recognition of separate treatment for the young offender was the establishment of the separate prison for youthful offenders sanctioned under the Parkhurst Act of 1838. There was no age limit, but Parkhurst was in fact reserved for those under 18. "It was not until 1854," continues the report, "that the first Reformatory Schools Act was passed by which the courts were empowered to send young offenders to the existing institutions. The institutions remained under voluntary management and received legal powers of detention and control while the interests of the state were safeguarded by certification and inspection. Many minor amendments of the law were introduced by subsequent acts, but the principles then laid down have remained unchanged and were finally incorporated in the Children Act of 1908." It was found however during the recent war that the financial resources of many of the institutions were unable to meet the increased cost of living. Since 1919 practically the whole of the expense incurred in the maintenance of Home Department (reformatory and industrial) schools has been met by grants from the Exchequer and the local authorities.

Industrial Schools.

7. "Industrial schools," in the words of the report, "although sprung from a different origin have developed on similar lines. The Ragged schools in England and the industrial feeding schools in Scotland which may be regarded as the parents of the industrial schools were an attempt to deal more radically with the problem of child welfare by providing education and industrial training for the class of children from whom the delinquents were mainly drawn. Legal recognition was first given to these schools in Scotland by the Industrial Schools Act of 1854 and three years later a similar law was passed for England. By these laws the courts were empowered to send children to existing schools and the principles of management and control were the same as those employed in the reformatories." Subsequent legislation has tended to remove the original differences between the two classes of schools; the name of "Industrial" and "Reformatory" schools has been dropped and the two types of schools are known respectively as junior and senior certified schools.

8. "Reformatory and Industrial schools," continues the report, "had thus been recognized by the state as alternatives to prison as early as the

middle of the last century, but the power to send children to prison was not abolished until 1908. The Children Act declared that no person under 14 shall in any circumstances be received into prison while persons between 14 and 16 may be received either on remand or on conviction only with a special certificate from the court. Places of detention are specially provided for in the Act for the reception of young persons under 16 on remand, and where detention after conviction is considered necessary it may be ordered up to one month in these places. The effect of these provisions is strikingly shown by a comparison of the statistics for 1907 and for 1925. In the former year, 572 persons under 16 were received into English prisons on conviction; in 1925 the number was only 8."

9. "The first experiment for the complete separation of young prisoners from adults in order to give them specialized treatment and training was made in 1902 in the premises of the Borstal prison near Rochester. The experiment was followed by the Prevention of Crime Act 1908, which authorized the establishment of Borstal institutions for the training of offenders between 16 and 21 who 'by reason of criminal habits or tendencies or association with persons of bad character' appear to be in need of such discipline. The Borstal institution therefore represents the latest extension of the reformatory system, but it must be remembered that conditions for admission to Borstal are strictly limited and that the number of persons between 16 and 21 committed to English prisons each year is considerably greater than the number sent to Borstal institutions." Some amendments in the law regarding detention in Borstal institutions were made by the Criminal Justice Administration Act of 1914. Progress has been made in the extension of the classes of juveniles for whom Borstal training is provided; greater freedom and responsibility is allowed to the inmates of the institutions, and an early release on license is granted in the case of boys or girls for whom it is considered that institutional treatment is no longer required.

Borstal Institutions.

10. It has been felt that while the age for Borstal treatment (16 to 21) was wisely chosen there is left a large category of young persons of both classes who though over 21 years of age are in many cases youthful in habit and demeanour and ought not to be relegated to the adult class without some effort being made, at least in those cases which offer some chance of amendment, to divert them by means of special treatment from a life of crime. The Prison Commissioners therefore began to experiment in two or three jails by separating offenders of 21 to 25 years of age who would, apart from the fact of their age, have been suitable for the Borstal treatment. These prisoners were not placed in any sense under the Borstal system; the orders were that they should be kept in strict discipline, employed at hard and continuous labour and that they should be the subject of special interest on the

Modified Borstal Training.

part of the senior officers and of the unofficial visitors. Special attention was also to be given to their assistance on discharge. The Prison Commissioners concluded in their Report for 1913, "We see no reason why a cautious step forward should not be taken by extending the age for special treatment to 25, and though success cannot be assumed, it is worth making the effort to attain it if the criminal career of even a small percentage of the young recidivists can be arrested before it is too late."

**Founda-
tion of the
Reforma-
tory in
Burma.**

11. In Burma the reformatory school was until 1907 the sole institution specially provided for the purpose of the detention of juvenile offenders. The Reformatory Schools Act of 1876 was extended by the Chief Commissioner to British Burma on the 1st of September 1881. The building originally used as a reformatory was a small lock-up at Paungdè providing accommodation for only twenty lads. Some twenty-five acres of land were available in the neighbourhood of the building for a model farm, and the institution was subsequently extended until it was capable of accommodating seventy-five inmates. A new building capable of accommodating two hundred inmates was constructed at Insein near Rangoon and opened in 1896, the Reformatory Schools Act being extended at that time to Upper Burma exclusive of the Shan States. At the same time a proposal was made to provide a separate reformatory for girl prisoners but the proposal was negatived, the number of female prisoners under the age of fifteen admitted into the jails of the province at that time being very small. Among the reasons given for the removal of the reformatory to the Insein site was included the greater accessibility of Insein as compared with Paungdè, a matter of some importance as most of the members of the visiting committee were and still are residents of Rangoon. It was considered also that there was better soil and more room for cultivation at Insein and greater facilities for the disposal of the products of the industries of the school, and that the new reformatory school being situated close to the central jail at Insein could be placed under the supervision of the superintendent of that jail. It is unfortunate that according to the ideas then prevalent the building so constructed was itself of the nature of a jail with high enclosing walls and the usual barrack type of accommodation. Much private building has been done in the Insein area since 1896, and the neighbourhood of the jail and the reformatory is no longer rural. In spite of these disadvantages it is generally agreed that the results of the treatment carried out at the reformatory have been on the whole beneficial though the records of discharged inmates have not been so well maintained that an accurate statement can be compiled. The place was visited on several occasions by Mr. Paterson during his stay in Burma, and many of the suggestions made by him at that time have since been put into practice with considerable benefit to the general welfare of the school.

12. It was recognized that separate accommodation in the jails was required for juvenile prisoners, and in July 1907 it was decided that the Meiktila jail should in future be set apart for that purpose. It was also directed that separate accommodation should be provided for juvenile first offenders and juvenile habituals. Action was taken in respect of the conversion of the buildings of the Meiktila jail to render them suitable for the accommodation of juveniles, and accommodation was to be provided for about one hundred and forty inmates. It was however considered necessary that a part of the jail should be reserved for the detention of undertrials and civil prisoners, an arrangement which has unfortunately been continued up to the present day. At a later date arrangements were made for the concentration of juvenile habitual prisoners with sentences of three months or over (six months in the case of prisoners from certain of the more distant jails) in a separate block at the Insein central jail. Efforts have been made to develop a course of special training and instruction for these lads, but not much progress has been achieved, funds for the provision of a schoolmaster in this jail having been refused by the Finance Committee. Special treatment is given in the Rangoon jail also to about two hundred and fifty juvenile or adolescent casual prisoners, chiefly first offenders and not convicted of serious offences or sentenced to long terms of imprisonment.

Opening of
the Juven-
ile Jail at
Meiktila.

13. The first mention in this province of the Borstal system appears to have been made in 1908 when a short note was placed before His Honour Sir Herbert Thirkell White with the suggestion that the actual system of discipline employed under the Borstal system might be reproduced in Burma and that juveniles and adolescents might be segregated from adult prisoners. Lieutenant-Colonel Bell, then in charge of the Jails Department, made certain suggestions for amending the Burma Jail manual. Mr. Lewisohn in a note dated the 25th of November 1908 pointed out that these proposals did not go very far and suggested that Colonel Bell had missed a great opportunity of instituting more advanced methods of treatment. He considered it a suitable time to adopt new principles in the treatment of juvenile prisoners, and suggested the appointment of a committee to examine the whole question of the treatment of juveniles committed to the jails. He recommended also—

- (a) That all juveniles whose sentences exceeded four months or who had four months of their sentences to run should be sent to Meiktila.
- (b) That provisionally the age limit for the juvenile should be eighteen.
- (c) That the cases of juvenile prisoners whose release was not due when they attained the age of eighteen should be submitted for the orders of local government.
- (d) That certain prisoners whose sentences were over five years might be sent to Meiktila jail.

The 1909
Committee.

14. The committee then appointed went fully into the whole question of the treatment of juveniles in prisons in Burma and at the same time made recommendations regarding the means to be taken to provide for discharged prisoners on their release. Their report was dated the 14th of May 1909. A large proportion of their recommendations was accepted in a Resolution issued on the 26th of May 1910. Rules were framed for the treatment of juvenile offenders in jail and these rules have been in substance continued from that day to this. Many of the principles of the Borstal system were embodied in these rules but apparently it was not felt possible at that time to convert the juvenile jail at Meiktila into a real Borstal institution. During the next two or three years various details were worked out in regard to the treatment of juvenile prisoners when confined in the Meiktila jail, the steps to be taken on their release, the appointment of a suitable staff and the amendment of various manuals including the Jail manual and the Courts manual. Instructions were issued to magistrates regarding the type of prisoners who should be sent to the juvenile jail. During the following years and up to the time of the report of the Indian Jails Committee nothing more was done than to carry on the system established in 1910.

Indian
Views.

15. The Indian Jails Committee (paragraphs 389, 394 and 395 of their report) consider it undesirable that adolescent criminals between the ages of sixteen and twenty-one should be sent to ordinary jails where the enforcement of discipline and the exaction of labour have necessarily to be made the first consideration and render complete segregation from more hardened offenders difficult, if not impossible. They accordingly recommend the institution of a special adolescent institution in each Province which will be essentially reformatory in character and will be for the adolescent what the reformatory school is for the child offender, and where special efforts will be made to bring the adolescents under reforming influences and to improve their minds by education both generally and specially as well as by religious and moral teaching. The conference of Inspectors-General of Prisons which was held at Delhi in March 1923 endorsed the view that an act to be known as the Borstal Act on the lines of the English legislation was necessary in order to deal with this class of offenders. The Government of India have expressed their approval of the major provinces undertaking such legislation, the question of undertaking central legislation having been deferred until experience has been gained from the working of the provincial enactments in those provinces.

16. The report of the Indian Jails Committee raised afresh the whole question of the treatment of juvenile offenders, and the local government was addressed by the Government of India on the subject of the recommendations made by that committee. These various recommendations were examined in detail, and the difficulty that was experienced

by the committee which was appointed in 1909 to consider the introduction of the Borstal system into Burma was again brought to notice in the course of the notes made on the recommendations of the Indian Jails Committee's Report, namely, that charitable organizations and in particular Burmese Buddhist societies do not exist in this country to an extent sufficient to enable them to undertake the care of discharged prisoners during the critical period immediately after release. A large number of the recommendations of the Jails Committee were however accepted and steps were taken to put them into practice. Later in 1923 the question of legislation for the prevention of cruelty to children—a Children Bill—was raised by the Government of India, and in the same year a general letter was issued by the High Court in which magistrates had their attention drawn, not for the first time, to the necessity of avoiding short sentences of imprisonment in the case of juvenile offenders. The question of the special training of adolescent offenders was examined at some length, and it was due to notes prepared by Major Tarapore, the then Inspector-General of Prisons after a visit to a number of jails in India and England that a further advance was suggested, and his proposals for the establishment of a Borstal institution were in effect accepted administratively by the Home and Political Department. When laid before the Finance Committee the proposals were negatived, but consent was obtained to the necessary budget provision being made for the expenditure involved in obtaining an expert from England to visit Burma and advise upon the best line of advance. From this decision resulted Mr. Paterson's visit to the province and his subsequent report on which action in various directions is now being taken.

CHAPTER II.

EXISTING INSTITUTIONS.

Reforma-
tory
School,
Insein.

17. The two special institutions maintained by government for the detention of juvenile offenders are the reformatory school at Insein and the juvenile jail at Meiktila. The former is constituted under the Reformatory Schools Act VIII of 1897, of which section 5 gives the local government power to establish, maintain or abolish reformatory schools and to use as such schools kept by private persons.

Section 8 (3) gives the local government power to make rules defining what youthful offenders may be sent to a reformatory school, and regulating the periods for which they may be so sent. Section 26 gives power to make rules for the management of the schools and for certain other matters. The rules made under these powers are to be found at page 49 seq. of the Burma Rules Manual, Volume II. The rules made under section 8 (3) are also reproduced in paragraphs 717 and 718 of the Burma Courts manual.

Section 4 (a) of the act defines a "youthful offender" as "any boy who has been convicted of any offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of fifteen years."

Section 8 (1) empowers a court, after sentencing a youthful offender, to direct that instead of undergoing his sentence he shall be detained in a reformatory school for not less than three or more than seven years.

The local government has by rule (Rules Manual, II, 50, and Courts Manual, paragraph 717) directed that no youthful offender may be sent to a reformatory school if he has been previously convicted and has served either a sentence of imprisonment in a jail or a term of detention in a reformatory school. Thus a youthful offender who has previously been convicted but has been either fined, whipped or dealt with under section 562 of the Criminal Procedure Code or section 31 of the Reformatory Schools Act is still eligible for detention in a reformatory school.

The powers given by sections 8 (1) and 31 of the Act may be exercised only by the High Court, the Court of Session, a District Magistrate or any other magistrate specially empowered by the local government [sections 8 (2) and 31 (3)]. These courts may exercise these powers either in original or in appellate jurisdiction. It is probable that insufficient use has been made of these powers both in original trials and on appeal.

A magistrate other than one of those specified above cannot himself pass an order for detention in a reformatory school or act under section 31 but may, if he thinks fit, refer the case to the district magistrate with his opinion, and on such a reference the district magistrate may deal with the case either under section 8 (1) or section 31 or otherwise, as he thinks fit. It is probable that this power of reference has also been insufficiently used. A magistrate will usually avoid a reference if he can possibly deal with the case himself in some other manner.

18. Section 29 (B) of the Criminal Procedure Code may be taken as supplementary to the Reformatory Schools Act. It provides that a person under the age of fifteen may be tried by the district magistrate or by any magistrate specially empowered under section 8 (1) of the Reformatory Schools Act for any offence not punishable with death or transportation for life.

19. Paragraphs 712 to 717 of the Burma Courts manual deal with the procedure of committal to the reformatory school and magistrates are instructed to send juvenile offenders on committal direct to the reformatory school and not, if it can be avoided, to a jail. In paragraph 717 are laid down the rules defining the class of juvenile offenders that may be sent to a reformatory school. Paragraph 715 has recently been revised at our suggestion by the Hon'ble Judges. As a result of the visit of our committee to Insein one of the members pointed out that paragraph 715 of the Burma Courts manual as it then stood probably deterred many magistrates from committing boys to the reformatory school. The committee agreed, and on our representations the Hon'ble Judges have modified the instructions contained in this paragraph. The old and new paragraphs are printed for reference in appendix A of our report.

20. Possibly owing to the impression created by this paragraph the Insein reformatory which has accommodation for two hundred boys has never contained more than two-thirds of that number, and inclusive of boys released on license the average population in 1926 amounted only to one hundred and eight. The boys are now divided into houses in charge of teachers on the ordinary vernacular scale of pay with the addition of free quarters, and vocational and educational training is carried on. The superintendent, Mr. Walkem, is a member of the Burma Educational Service, and the school is under the control of the Director of Public Instruction. Boys on discharge from the school are placed under the supervision of the deputy inspector of schools for the area in which they reside, but in actual fact touch is lost with nearly half the boys who leave the school, and nothing definite is done to assist a good number of the remainder. Only about one-third of the boys appear to take up the

occupations, *i.e.*, carpentry, canework and metal work, taught in the school. It appears to be difficult to find suitable work for the boys on discharge or when released on license, and some of them appeared to us to have been detained in the school for too long a period. If a suitable employer cannot be found it is possible that a certain number of boys could be sent on license to the care of relatives or parents provided the latter are both willing and fit to take charge of them. The urgent needs of this school are removal to a site where greater freedom can be allowed and where there are fewer associations with the idea of a jail, and the provision of a satisfactory system of aftercare for boys leaving the school on license or discharge. We shall make detailed recommendations for the future of the school in a later chapter.

The Juvenile Jail.

21. From the 17th February 1909 the Meiktila jail was reserved for youthful offenders from fifteen to eighteen years of age but excluding those sentenced to transportation and those whose sentences were less than four months (paragraph 6 of the Prison Administration Report for 1909). The arrangement now in force is that casual prisoners only with sentences of three months or over (six months in the case of prisoners from Arakan, Tavoy and Mergui) are admitted. Paragraph 719 of the Burma Courts manual deals with admissions to the juvenile jail and advises careful enquiry into the age of accused persons who claim to be eligible for admission to the jail. The juvenile jail is in charge of the civil surgeon, Meiktila, the whole-time staff consisting of a jailor and deputy jailor with an additional jailor in charge of the seed farm on which the boys are employed. As a result of Mr. Paterson's visit to Meiktila in 1926 and under the direction of Dr. Lynsdale and Dr. DaCosta the system of training has been liberalized. The house system has been introduced, and well-behaved lads are now taken for ronte marches, and allowed to take part in football tournaments and other forms of recreation. Facilities for the exercise of religious duties have also been increased. The result of these changes appears to have been satisfactory and the tone and discipline of the jail have been considerably improved. The committee paid a brief visit to the juvenile jail and we were impressed by the evident success of the methods of treatment employed. It appeared to us that the main point open to criticism was the fact that the vocational training given is not likely to be of much use to the lads on their release. Steady work in itself has perhaps a beneficial effect, but it is preferable that the work should be of such a nature as to train the lad in the employment he is likely to take up on his release. The work done on the Agricultural Department seed farm is not likely to be of much practical use to the lads on their release. To provide practical and profitable work appears to be a perennial problem at all jails in the province, and owing to the scanty rainfall Meiktila is not, unless irrigated land is available, a particularly favourable locality for the provision of farm training.

22. The accommodation in the jail excluding the civil and undertrial prisoners' wing is sufficient for one hundred and twenty lads. This number represents only a small proportion of the adolescents confined in the jails of the province, and all habitual prisoners as well as casual prisoners with sentences of less than three months are excluded from admission by the existing rules. As there is always a waiting list of lads eligible for admission, magistrates are not empowered to send prisoners direct to the Meiktila jail, but the lads must await their turn in an adult jail and are exposed accordingly to contamination by hardened offenders before their arrival. It appeared to us that the next step in the extension of the work now being carried out at the juvenile jail should be to secure the removal of the civil and undertrial prisoners from the section of the jail which is now occupied by them. Proposals to this effect have been under consideration for some time but have been delayed on the supposition that the juvenile jail would be merged in a Borstal institution situated in the Meiktila or Shwebo cantonments. We do not propose, however, to recommend the abolition of imprisonment in the case of lads over sixteen, and there will remain two classes of lads who will not be included amongst the inmates of a special institution—

Accommodation in the Juvenile Jail.

- (a) Those whom magistrates through ignorance of the principles of penology or from mistaken motives of leniency have sentenced to short terms of imprisonments, and
- (b) Those in whose case heavy sentences are rendered necessary for the protection of the community by the serious nature of the offences committed.

We think that the juvenile jail should be maintained and developed on its present lines for lads between sixteen and nineteen who have been sentenced to imprisonment, and a small jail set aside for the special training of juvenile habitual offenders also.

23. In this connection we may quote paragraph 394 of the Report of the Indian Jails Committee :

"There are, however, great difficulties in the way of placing all classes of adolescents in one class of special institution. A period of detention which would be adequate for the ordinary adolescent offender would be quite insufficient for the youth who is convicted of such grave crime as murder, culpable homicide, rape, dacoity and the like, and for those who have relapsed into crime after undergoing a term of detention in a special adolescent institution or who are classed by the court as incorrigible criminals. For this class of adolescent we see no alternative but to retain the juvenile jail, a type of institution which is essentially jail-like in character, where labour and education are conducted on jail lines, where remission is earned under jail rules and where there is no limit to detention except the sentence of the court. We therefore

recommend that any adolescent convicted of grave crime of the character above described, when sentenced to transportation or imprisonment, shall be committed to a juvenile, and not to an ordinary, jail."

24. It is generally admitted that thorough training cannot be given to a lad who has fallen into bad habits unless the sentence extends to at least six months. On the other hand, it is not advisable to send lads sentenced to very long terms of imprisonment to a Borstal institution, where the hope of an early release is one of the chief inducements to good behaviour. To deal with these two classes it will be necessary to retain the juvenile jail and even to extend the system so far as possible to the more hopeful cases of habitual offenders. The Meiktila jail is doing excellent work in its present capacity and has acquired a tradition and built up a good tone amongst its inmates. It would not be a suitable place for conversion into a Borstal institution; the accommodation is limited and the buildings are of the jail type, near the centre of the civil station, and without any surrounding area suitable for farm training.

Long
term
Adoles-
cent
Prisoners.

25. The present regulations for the juvenile jail do not appear to have provided for the future training of prisoners who, when committed to the jail, were classed as adolescents, but attain the age of twenty during the course of their sentence. At present these lads are sent to the non-habitual wing of an ordinary jail, as well as a number of lads with long sentences whose case is considered when they reach the age of eighteen and who then return to an adult jail to make room for other lads with shorter sentences. The training which has been received in the juvenile jail at Meiktila is accordingly very largely wasted, and the good which has been done is extremely likely to be spoiled by the associations of the adult jail. It is clearly undesirable either to send these lads to an adult jail or to keep them in close contact with lads of sixteen. Lieutenant-Colonel Sandeman, O.B.E., I.A., Deputy Commissioner, Meiktila, wrote to us to press this point after the visit of the committee to the Meiktila jail as follows:—

"I have the honour to bring to your notice that every year there are a number of admissions to the juvenile jail, Meiktila, under sections 302, 304, 392, 395 and 397, Indian Penal Code. Some of these are real criminals, but in a number of cases, these lads have committed their offences in the heat of the moment, or in the cases of dacoity or robbery, either "for the fun of the thing," or because they have been led astray by older men.

"A report by the headman of the young criminal's village on his previous character and an examination of the trial record by, say, the sessions judge and district magistrate jointly should reveal whether any lad who, after two or three years' internment in the juvenile jail, is well reported on by the superintendent is a confirmed criminal, or a more or less accidental criminal.

"On attaining the age of eighteen every inmate of the juvenile jail is brought before the committee who discuss whether he shall remain in the institution until he is twenty—the maximum age—or be sent at once to an adult jail. In the cases of lads with long terms to serve the committee almost always send them to the adult jail at the age of eighteen in order to make room for the admission of other juveniles.

"Now with regard to those prisoners whom I have described as accidental criminals there can be little or no doubt that detention for several years in an adult jail converts them into real criminals and when they are released—generally before they are forty—they probably become the curse of the countryside in which they reside. If they could be kept away from the deteriorating influences of the adult jail and serve their sentences in surroundings which are healthy both morally and physically I suggest that it would be a great boon to the country, as it would put a stop to the transforming of a steady stream of accidental malefactors into case-hardened criminals.

"It is obvious that a boy who, in the heat of passion has taken life, cannot be released after two or three years' detention in a juvenile jail, but it should be possible to dispose of him otherwise than by sending him to an adult jail, and I suggest that, with this end in view, the system of employing convicts (other than murderers or dacoits) on extramural labour might be extended to employing selected juveniles, irrespective of their offences, on such labour, care being taken to employ them apart from convicts from the adult jails.

"The superintendent of the juvenile jail has recently experimented, on the lines of Mr. Paterson's experiment, in extramural games and route marches, and has introduced a modified system of communal, as against individual responsibility for good behaviour. As this system expands it will make the guarding of juveniles employed on extramural work extremely simple and inexpensive, and the boys having been imbued with the system when within the walls of the jail, will understand its application when employed in building tanks, or making roads.

"I am in favour of starting on a small scale with one or two gangs and steadily increasing the numbers from the juvenile jail, if the experiment succeeds, the aim in view being that none save the recidivist will ever have to be sent to an adult jail.

"If this suggestion to employ juveniles on extramural work is approved, I could put forward plans for starting with an experimental camp on some work of public utility in this district."

26. In appendix C of this report we have printed a letter from Colonel Sandeman to the Commissioner, Mandalay Division, explaining his proposals for the extramural employment of selected lads from the

Extra-
mural
Employ-
ment at
Meiktila.

Meiktila jail. Colonel Sandeman's scheme if approved and carried out should provide an example on a small scale of what we hope may be effected by the proposals for a farm training institution on Borstal lines outlined in Chapter XII of our report. Colonel Sandeman proposed to meet the difficulty of disposing of offenders who attain the age of twenty before the expiry of their sentence by sending them to a special extramural camp. The only objection to this proposal is that it would involve the formation of a number of such camps or in the alternative the detention in one camp of offenders of widely different ages. We consider that the difficulty may best be met by the liberal remission of sentences in the case of well-behaved lads, or conditional release, combined with accommodation in an extramural camp, for those whom it is found impossible to release. In the alternative a special wing might be set apart for such cases in one of the adult jails. When imprisonment is prohibited in the case of persons under sixteen it should be possible to raise the maximum age of detention in the juvenile jail to twenty-one, and the maximum age of admission to nineteen. Whatever measures may be adopted we are very strongly of opinion that no lad should be sent from Meiktila to complete his sentence in an ordinary jail.

Juvenile wing, Rangoon Central Jail.

27. About two hundred and fifty casual adolescent prisoners, of whom some fifty claim to be under the age of nineteen, are confined in the Rangoon central jail. They have separate sleeping accommodation, but come into contact with the older prisoners at work and at meals; very little reformatory training is possible in so large an institution, and except for the provision of a schoolmaster their treatment is in no way different to that of adult prisoners. Some of them should be in a special institution, others might have been placed on probation were a system of supervision by probation officers in existence. The establishment of a Borstal institution and the extension of the age-limits of admission to the juvenile jail should ensure that very few prisoners of the casual class under nineteen years old should be confined in the adult jails of the province.

Juvenile wing, Insein Central Jail.

28. The conditions in the Insein central jail, where about eighty or ninety juvenile and adolescent habitual offenders are confined in a special block, are still more unsatisfactory. Segregation from adults is impossible and contamination inevitable. The lads are taught by adult convicts who are of course habitual offenders, and have no proper qualifications for the work. We recommend that one of the smaller jails, such as that at Paungde, which was originally used as a reformatory, should be set apart for juvenile habituals up to the age of nineteen on conviction, and should be run on more liberal lines than is possible in a large central jail. In particular the lads should receive instruction from qualified teachers who are not convicts.

29. The Salvation Army Industrial Home in Tamwe Road, Rangoon, receives and employs juvenile prisoners on license from the Rangoon and Insein jails, between the ages of eighteen and twenty on admission. They remain in the Home until the expiry of their sentence. There is no definitely reformatory treatment carried out in this institution, but the lads are worked hard and well fed and housed. They are allowed a considerable measure of freedom, play football in the evenings and are allowed out for walks unaccompanied. The institution receives support on a generous scale both from Government and the Rangoon Corporation. No precise figures are available as to the future conduct of boys passing through the Home but many of them appear to be doing well. The Salvation Army maintains also in Rangoon a home for girls which has recently been removed to a larger building in the neighbourhood of the Industrial Home. About twenty girls, chiefly orphans or neglected girls, have been maintained in the home, and cases have from time to time been received on license from the prisons.

Salvation Army Homes.

30. The Burma Prisoners' Aid Society which began work in 1922 maintains a small hostel in Tamwe Road for the reception and care of prisoners released from the Rangoon and Insein Central Jails. Only twenty-three persons passed through the home during the year 1926, and some forty more discharged prisoners were assisted with money or clothing to the value of Rs. 554-14-0. This society deals mainly with adults, and cannot be of much assistance to ex-prisoners who wish to return to their homes, as it has no agents outside the city of Rangoon. As most of the prisoners confined in the Rangoon and Insein jails come from the countryside it is not to be expected that the work of the society should be very extensive. We are informed that the society propose as an experiment to delegate the management of the hostel to the Salvation Army with a view to extending the scope of the work.

Burma Prisoners' Aid Society Hostel.

31. Attached to the Evanson Street Mosque is the Musjid Madrasa Rounaq Islam school and orphanage, at present under the management of Mr. Syed Yousuf Ali. This gentleman in his evidence before us stated that the institution was founded by his father in 1901. It boards, maintains and educates free of charge some eighty Mohammedan orphan boys and in addition educates free of charge some twenty more boys of the same class. It receives grants from the Rangoon School Board and possesses property from which an income is derived. For the rest it relies upon voluntary subscriptions, which are not easy to obtain, with the result that the total income received is barely sufficient for its maintenance. Mr. Syed Yousuf Ali stated that he would be willing to receive boys of other religions if the cost of their maintenance were paid, but on the question of their religious instruction being raised it was evident that the teaching would be of a character so definitely Islamic as to make it impossible for government to send boys of other religions to the school.

Rounaq Islam School.

He added that homeless Mohammedan boys were occasionally brought to the school from the streets of the city, but that in most cases they ran away from the school after a few days. Some of the members of our committee visited the school. They considered that it is doing meritorious work which deserves more recognition and support than it receives, but they are of opinion that the buildings are not adapted for the detention of delinquent or neglected boys who must be kept there against their will, and that it is therefore not suitable for certification as a training school. It can do more valuable work by continuing on its present lines.

Burma
Buddhist
Mission
School,
Mandalay.

32. Attempts have been made from time to time to found an institution for the reception of homeless boys from the streets of Mandalay. The Burma Buddhist Mission School situated on a former Monastic site in the Pyigyí-Myetshin Quarter, Mandalay, has recently been opened, and has with the sanction of Lieutenant-Colonel Stuart, I.A., then officiating Commissioner, Mandalay, taken over the funds of the dormant Mandalay Boys' Home. The managing committee of the Burma Buddhist Orphanage Association which controls the school has agreed by way of experiment to take in five waifs and strays from the town; a separate hut has been built for their accommodation and one *pôngyi* will have entire charge. If the experiment proves a success an effort will be made to raise funds by voluntary subscriptions in order that a larger number of boys may be taken in. One of our members has visited the institution, and we are informed that there is no present intention of asking for financial assistance from government.

CHAPTER III.

SOME RECOMMENDATIONS MADE BY MR. PATERSON.

33. The recommendations made by Mr. Paterson as a result of his visit to Burma in 1926 are summarised on pages 1—3 of his Report on the Prevention of Crime and the Treatment of the Criminal in Burma.

Of these Nos. 5 to 14 and 23 have been referred to this committee for consideration in the terms of Resolution No. 192V26, dated April 21st, 1927, which is prefixed to this report. We deal here with certain important points that may be disposed of before entering upon the detailed recommendations contained in the later chapters of the report.

34. *Recommendation 5.*—"That the government shall take power in a Provincial Act to establish a preventive school or schools to which a court may commit boys under fourteen who are living in such circumstances as will ordinarily conduce to crime and cannot be dealt with by voluntary agencies." This proposal is divisible into two parts—

Boys'
Clubs and
Hostels

(i) Relating to the establishment of boys' clubs or hostels in Rangoon and perhaps later in other large towns (paragraphs 52 to 55 of Mr. Paterson's report).

(ii) Relating to the establishment of a preventive school (paragraphs 56 and 98).

Of these the second part can be more appropriately dealt with when considering the subject of schools generally. But the first can conveniently be considered here.

As to the establishment of boys' clubs or hostels we are in general agreement with Mr. Paterson's views. In particular we agree that the matter is one for private initiative rather than government action, but that government should encourage and aid any society undertaking this work (paragraph 55). We are informed that the Y.M.C.A. is willing to undertake the establishment of such a hostel, but has not sufficient funds and would only be able to do so if given financial assistance. We are of opinion that any such assistance given by government would be amply repaid by the diminution of juvenile crime in Rangoon. But we think that in view of the great extent of the city and the distance between its eastern and western suburbs and industrial areas the provision of several hostels would be necessary. These could best be established and managed by a society established expressly for that purpose. It is hardly to the credit of Rangoon that while it has an active Society for the Prevention of Cruelty to Animals it has no society whose object is to care for and protect children who have passed

the period of infancy. In Madras the Children's Aid Society has recently been formed to carry out the technical provisions of the Madras Children Act and deal with delinquent and other children who come under the Act. The Madras Society for the Protection of Children has agreed to take charge of and care for in their orphanage all destitute children who might be sent through the Children's Aid Society. Every encouragement should be given to the formation of such a society in Rangoon, which might, in the first instance, establish and maintain hostels or homes for girls and boys and later extend its operations by assisting in the organization of probation and aftercare, and by undertaking the protection of children generally. It might also at a later stage form branches or affiliate similar societies for work in other parts of the province.

Prohibition of Imprisonment of juveniles.

35. *Recommendation 10.*—"That no offender under nineteen years of age shall be sent by a court to jail. We are not able to agree with Mr. Paterson that no sentence of imprisonment should be passed upon offenders under the age of nineteen. We consider rather that at the outset it would be advisable to go slowly and not court failure by too ambitious a programme. It will for example be some years before so good a tone and standard of discipline can be built up in the schools that all offenders under nineteen—many convicted of serious crimes—can be properly trained. Government will have in reserve the power of transfer from the jails to the institution of adolescent offenders who appear to possess the requisite qualifications, and for those who remain in the jails accommodation will generally be available in the juvenile jail, where reformatory treatment in a modified form can be carried out. Madras, Bengal and Bombay have all accepted the age of sixteen in this connection and the Indian Jails Committee in paragraph 367 of their Report take the same view. The Home Office departmental committee that submitted their report to Parliament in March 1927 recommended the extension of the age of reformatory treatment to seventeen. We think it best to await the experience gained by some years of the working of the system under the lower age limit before taking steps to advance to such an extent the age under which imprisonment is prohibited in this province. Committal to a prison should, we think, be prohibited in the case of all offenders under sixteen. The arguments against the imprisonment of juvenile and adolescent offenders are set out in paragraph 444 of the report of the Indian Jails Committee. There is, we think, some danger that magistrates from mistaken motives of leniency may continue to sentence adolescent offenders to short terms of imprisonment instead of committing them for a considerable period to a special institution. This tendency has already appeared in the case of the reformatory school, which has never been more than two-thirds full although probably one hundred boys a year who are eligible for treatment in that institution are sent to jail, often for periods of ten or fifteen days. Such sentences are useless for

deterrent or reformatory purposes, and have repeatedly been condemned by the Hon'ble Judges and the local government in their circulars. It is essential to educate the magistrates of the province as to the undesirability of such short sentences, particularly in the case of juveniles and adolescents. We are not prepared to recommend the abolition of imprisonment in the case of offenders over sixteen years of age.

36. In clause 7 of his draft bill Mr. Paterson proposes that the court when placing an offender on probation should do so without proceeding to a conviction. We have considered this question and the recommendations of the Home Office committee on the point (section 4, page 32) and are of the opinion that the arguments for the avoidance of the words "conviction" and "sentence" have little or no force in this province. To prohibit the use of these terms would involve considerable added complexity of legislation, particularly in regard to appeals. We think that the balance of advantage is in favour of retaining the present practice in this matter, and that therefore the courts should in all cases convict an offender before passing any sentence or order against him.

Conviction of Juvenile Offenders.

37. Mr. Paterson in recommendation 23 (paragraph 151) of his report proposed that a special jail where a more strenuous programme might be set in operation should be set aside for the training of persons between nineteen and twenty-five years of age. We are in sympathy with the eventual extension of the age of reformatory treatment in the light of the experience that will be gained by the training of the younger offenders, but if we are to express an opinion on this point we think that the provision of special treatment on satisfactory lines for the offenders of the less mature ages dealt with in our report should be the first consideration.

Extension of the Age of Special Training

CHAPTER IV.

TRAINING SCHOOLS.

**Institutional
Treatment.**

38. The aim of the legal administration of a progressive country must be to avoid as far as possible the commitment of juvenile offenders to the prisons, or indeed to penal institutions of any description. Whenever reasonably possible such offenders should be dealt with by other methods of treatment or punishment. There will however remain a certain number of cases in which owing either to the shiftlessness of the parents, the undesirable nature of the home surroundings, or possibly to the lack of one or both of the parents, a delinquent child cannot suitably be left in the parents' or guardian's home, and in which institutional treatment becomes inevitable. If therefore it is accepted, as it is to-day in all enlightened countries, that juvenile offenders should receive special reformatory treatment, there must be set up in the interests of the public the institutions necessary to deal with the cases of children or young persons whose offences are of so serious a nature or whose conditions of life are so unfortunate as to make it desirable that they should not be left even under supervision in their own homes.

39. In England as is pointed out in the Report of the Committee on the Treatment of Juvenile Offenders (1927) the existing institutions for the treatment of children sprang from two very different beginnings but have developed on similar lines. The industrial schools were originally rescue homes or places of refuge for destitute or neglected children rather than places of detention for actual offenders against the law, while the reformatory schools have developed as a substitute for the commitment of juvenile offenders to the jails and were originally designed as much with a view to the employment of punitive as of reformatory methods of treatment. The distinction between the type of schools is now tending to disappear and while the inmates of the reformatory (senior certified) schools are still admitted only on conviction by the courts it has been found practicable to send to the junior schools a certain number of boys and girls who have been convicted of offences which do not indicate moral depravity.

40. Until a few years ago English reformatory and industrial schools were under private management and were financed chiefly from charitable sources. There are still many voluntary homes and hostels which have not accepted government aid and are not subject to government inspection and control. It has been found however that

in order to secure the employment of modern methods of treatment in the certified schools it has become necessary for the Exchequer and the local authorities to bear between them all but a small proportion of the costs of maintenance. It would appear therefore that after a trial of many years and the attainment of a considerable measure of success the voluntary system has broken down at least so far as financial considerations are concerned. While unaided voluntary homes do still exist in considerable numbers they do not appear to be as well managed or as adequately staffed as the institutions that are mainly dependent upon government grants.

41. In this province the motives which in England induce benevolent persons to subscribe money or to devote personal service to work of Social value have led more generally to the pursuit of religious objects. In our opinion the public of Burma will regard the treatment of juvenile offenders as a matter to be organized and financed by the government. It is possible that some of the Christian missions which are carrying on educational work in the province might be induced if assisted by adequate grants to take up the organization of the schools that we propose should be employed in the reformatory treatment of juveniles, but it would not be desirable to adopt this course on account of the danger of offending national and religious feelings by entrusting the care of juvenile offenders to religious bodies of a persuasion other than that of the children themselves. Whilst therefore emphasizing the desirability of enlisting the aid of private benevolence we are of opinion that it is not practicable at the present stage of development of public interest in the treatment of juvenile delinquency to rely to any great extent upon voluntary effort to provide schools suitable for certification and the grant of financial assistance. We therefore recommend that schools of the varying types required for the treatment of children and young persons who have committed offences or who are living in circumstances conducive to crime should be established and maintained by government.

42. Recommendation 11 of Mr. Paterson's report contains his proposals for the institutional treatment of actual or potential juvenile offenders in Burma.

He proposed that government shall maintain—

- (a) A preventive school or schools for unconvicted young persons under fourteen living in such circumstances as would ordinarily conduce to crime.
- (b) Reformatory schools for young persons under fourteen who have been convicted.
- (c) Training schools and perhaps ships for offenders who are over fourteen but not yet nineteen.

**Voluntary
Effort.**

**Government
Training
Schools.**

In the preventive and reformatory schools the inmates were to be under fourteen on admission and to be discharged on license or otherwise on or before their sixteenth birthday. In the training schools the minimum sentence was to be three years (the third year is generally spent on license) inmates to go to a special section if not discharged at twenty-one. As regards the type of school Mr. Paterson recommends a camp school to be started on a small scale in charge of four officers from England acting as housemasters, and to be extended in size as the traditions and discipline of the school might permit.

Age Limits in the Schools.

43. It will perhaps be desirable at this stage to formulate our ideas on the subject of age classification in the schools. Mr. Paterson considered that the early maturity of the Burmese boy should be the determining factor in fixing the dividing line between the preventive and reformatory schools on the one hand and the training schools on the other at fourteen and not at sixteen as in the case of the English and Madras Acts. After some consideration we are of opinion that the early physical maturity of the Burmese boy is counter-balanced by a somewhat retarded mental development, and we have preferred to fix the boundary-line between the admission ages of the reformatory (senior training) school and special (Borstal training) institution at sixteen. It appears to us that if the training schools recommended by Mr. Paterson were to admit boys with such a wide variation in age limits on admission as fourteen and nineteen it would be necessary almost at once to start at least two classes of training schools, the one for younger lads and the other for those who have already passed the age of puberty. By retaining the reformatory school as the senior training school for boys up to an admission age of sixteen the necessity of the establishment of two classes of Borstal training school can be avoided. When later the special treatment of adolescents up to the age of twenty-one on conviction is taken in hand, as we hope it will be when experience has decided the right lines of the application of special treatment for adolescents in this province, it will be easy to open a second Borstal school to provide the additional accommodation needed for lads of the admission ages of nineteen to twenty-one. We therefore propose that our reformatory (senior training) school should have a maximum admission age of sixteen and the Borstal training school a maximum admission age of nineteen with the possibility of a future extension of the age to twenty-one. It appears to us undesirable to stereotype the age of nineteen by fixing it as anything more than a temporary maximum, necessitated by the large numbers that would have to be dealt with if the maximum age of admission were fixed at twenty-one and the desirability of gaining practical experience of the working of the proposed system before setting about the larger task. The junior school will therefore for the most part deal with children who have not reached the age of puberty,

the senior training school with those who are passing through this stage of their development, and the Borstal training school with those who have already attained the age of puberty for the most part but whose mind and habits of conduct are still so far unformed as to enable them to be trained in right conduct with good prospects of success.

44. We think that the best name for this type of school will be that of "training school." Mr. Paterson applied the designation "training school" only to the institution intended for the reception of offenders between the ages of fourteen and nineteen. The same principles of reformatory treatment are applied throughout the schools with the modifications proper to the ages and circumstances of the individual boys. We are of opinion therefore that the name "training school" may be applied to the preventive and reformatory schools as well as to the special institution for adolescents. The preventive school we propose should be called the "junior training school," the reformatory school for the younger lads the "senior training school," and the special institution for adolescents the "Borstal training school." In the event of the certification of private institutions for the reception of young persons of these ages we propose that the schools should be named either junior, senior, or Borstal "certified training schools." The designation "certified" which has been adopted in Madras does not appear particularly appropriate in the case of schools maintained by government, which could hardly refuse to certify a school maintained by its own agents. The word Borstal has no objectionable associations and is more convenient than the phrase "special institution" which appears in the Report of the Indian Jails Committee in reference to institutions for the treatment of adolescent offenders. We propose therefore the establishment and maintenance of the following schools for boys and youths :—

Designation of the Schools

- (i) *Junior Training School*.—To take (a) convicted boys under the age of 12 and in special cases between the ages of 12 and 14 on admission; (b) boys under the age of 14 found living in circumstances conducive to crime and committed to the school by a court (compare paragraph 56 of Mr. Paterson's report).
- (ii) *Senior Training School*.—To take convicted boys between the ages of 12 and 16 on admission.
- (iii) *Borstal Training School*.—To take convicted juvenile offenders at the start between the ages of 16 and 19 on admission. The school to be extended to offenders over 19 and under 21 on admission as soon as sufficient experience has been gained. The maximum age at which the youth may remain in the school to be 21 in the first instance and 23 later.

When the junior and senior training schools are established the present reformatory school will cease to have a separate existence and

should be absorbed into the junior and senior training schools, the younger boys going to the junior school and the older ones to senior school.

Term of Detention in the Schools.

45. In England the minimum term of detention in the institutions corresponding to the proposed junior training schools is left entirely to the discretion of the court, and this provision has been adopted in the Madras, Bengal and Bombay Children Acts. We note that the Home Office Committee, 1927, recommend on pages 75 to 77 of their report that commitment should be in all cases for three years, leaving the school authorities to release the children earlier on license in suitable cases. We are of opinion that it is desirable to prescribe a minimum term of commitment to the schools in this province. If the training given in these schools is to have any permanent effect on the boy's character it must be continued for a considerable time. If the minimum term of commitment is left entirely to the discretion of the courts we fear that magistrates will too frequently commit boys for unduly short periods, a state of affairs that is likely to continue until the subject of the reformatory training of children and juveniles is more generally understood in this province. We agree also with the remarks of the Home Office Committee (page 75 of their report) as to the undesirability of too long an extension of institutional training. It is generally realized that too long a term of detention in an institution tends to destroy self-reliance and responsibility. All things considered we are of opinion that the minimum term of detention in all three classes of schools should be two years whilst the maximum should be such terms as will bring the lad—

- (i) In a junior school to the age of 16,
- (ii) In a senior school to the age of 18,
- (iii) In a Borstal school to the age of 21 (to be raised to 23 when the maximum age of admission to these schools is raised to 21).

Within these limits the term of commitment may be left to the discretion of the court regulated as far as may be necessary by rules made by the local government. But we consider that the terms prescribed in the rules under the Reformatory Schools Act are in many cases too long. We would emphasize also our opinion that very free use should be made of the power to release on license before the expiry of the term of commitment. Three years training in a school is the maximum that should ordinarily be imposed. However good institutional training may be it cannot fully equip a boy to cope with the difficulties that he will meet with when he goes out into the world, and if it is continued too long it is likely to destroy his initiative and to render him less competent to deal with the difficulties that will confront him when he returns to everyday life.

46. With our detailed recommendations in connection with the establishment of a senior training school we deal in a later paragraph. We may however make reference here to paragraph 381 of the Report of the Indian Jails Committee. Some of the members of that committee visited the reformatory school at Insein and the opinion of the committee upon that class of institution is contained in paragraph 381 of their report. "We cannot say that we were, on the whole, favourably impressed by this class of institution. In every case they consist of large centralized buildings, without any attempt to reproduce the features of home life. In several cases, e.g., Madras, Burma, and Bihar and Orissa, they are located in old jail buildings; there is generally a high wall round them, they are often located next door to a jail, and the jail atmosphere has not altogether disappeared. The number of boys collected in these institutions is, in nearly every case, much too large for a single superintendent to be able to give attention to individual cases; the absence of all female care is a marked defect; and the general impression we obtained was that, except in one or two instances, the reformatory schools were too apt to approximate to juvenile jails rather than to real schools." The Indian Jails Committee were incorrect in their statement that the reformatory buildings at Insein were originally used as a jail, but the buildings certainly have a jail atmosphere and a site so near to the central jail as to render advance difficult upon the lines now considered desirable for the treatment of juvenile delinquents. We are of opinion that a site should be found for the senior training school, which will deal with the bulk of the boys now committed to the reformatory, in a locality where greater freedom can be given to the boys and better facilities for agricultural training can be provided.

47. With regard to the Borstal training school we agree that Mr. Paterson's proposals regarding the formation of camp schools should be given a trial. But in various matters of detail we do not accept his suggestions. We think that such camp or farm schools could only be run satisfactorily in connection with a permanent school as the base of operations. It is necessary to have some place where boys can be received on commitment by the court, and where their cases can be studied for some time before they are sent out to the camp or farm school and to which if necessary they can be returned. There will always be a certain percentage of boys who for one reason or another fail to respond to the training given in a farm school, and who must be brought back for training under a more rigid discipline within the walls of a permanent institution. Mr. Paterson suggests the use of the Meiktila jail as such a base, in conjunction with a camp school or schools situated at Myindaik near Kalaw. But the boys in the Meiktila jail have been sentenced to very varying terms of imprisonment, and we think that these farm or camp schools should form a part of the Borstal training scheme and not of the jails system. We do not of course exclude the possibility of the adoption of a similar system in

Farm Schools.

connection with the juvenile jail such as is proposed in Col. Sandeman's scheme which we have printed in Appendix . Such a scheme if it is sanctioned and carried out will be of great assistance in defining the principles upon which more extensive experiments should be made.

We do not share Mr. Paterson's view that young Borstal officers coming straight from England would be able satisfactorily to undertake the direct control and training of Burmese boys of whose language and characteristics they must necessarily be ignorant. It is essential that the officers in immediate contact with the boys should be men who can talk Burmese fluently, and know the Burman intimately. It is equally essential that the officer in charge of the institution should be an expert in Borstal ideas and methods. In our opinion those immediately in charge of the boys should be local men, themselves guided and trained by an experienced English superintendent or deputy superintendent. Detailed recommendations with regard to the staffing of the Borstal training schools will be found in a later chapter.

48. In one other point also we are unable to go the whole way with Mr. Paterson. We consider that after the novelty of these schools had worn off, if not before, it would be unsafe to rely entirely upon moral influence to prevent the boys absconding from the farm school. Mr. Paterson's experiment with boys in camp was of too short a duration to give results upon which reliance can safely be placed. We do not propose the erection of a jail wall or anything approaching it around the farm school of which the plan should as far as possible reproduce the conditions to be found in the ordinary Burmese village, but we think that in order to avoid escapes upon the impulse of the moment these schools should be surrounded by a substantial fence, of the nature perhaps of a superior village fence, an arrangement which would have the additional advantage of keeping intruders away from the school itself.

Eligibility
for Borstal
Training.

49. We accept the views of the Home Office Committee as to the definition of offenders suitable for Borstal training. Their opinion as expressed on page 126 of their report is that "Prominence should be given rather to the need of training than to the existence of formed criminal habits. Commitment should be made to depend on the decision of the court, after full consideration of the young offender's personal and social history and his mental and physical condition, that owing to his tendency to anti-social conduct and breaches of the law he stands in need of training in the duties and responsibilities of a citizen and further, that for this purpose the supervision of a probation officer will not suffice, but that the offender needs training in a residential institution." We have omitted any such definition from our draft bill and prefer to leave the matter to the discretion of the courts subject to any instructions that local government may see fit to issue on the point. We are of opinion however that imprisonment should so far as possible be replaced by Borstal training in cases where the boy is eligible for such treatment, and recommend that the desirability of

this should be impressed upon the courts, and the power of transfer of suitable cases from the prisons to the schools should be exercised freely where necessary by the local government.

50. We have considered the problems involved in the reformatory treatment of juvenile offenders whose mentality is such that whether from abnormality or subnormality they would be unable to derive benefit from the training afforded in the schools. There are however no sufficient sources of information available for us to formulate definite proposals for the treatment of this class of offender. In England the lad sentenced to detention in a Borstal school is received at the Boys' prison at Wandsworth; he is carefully examined by mental experts and systematic tests of mental capacity are applied in order to place him in his proper mental category. In this province and so far as we are aware in India generally the mental norm necessary for the application of intelligence tests has not as yet been defined. We can only suggest that so soon as the training schools are established the subject should be made the special study of the medical officers attached to the schools, and that as soon as sufficient information is available on the subject a separate institution should be established for the purposes of dealing with cases of this nature. If they are allowed to remain in an ordinary training school their presence renders it difficult to raise the standard of training and discipline to the pitch necessary in order to obtain satisfactory results. On the other hand, it is clearly inequitable to send such cases to the jails. The only practicable way of dealing with them at present is that they should be boarded out or returned to the care of the parents or guardian or, if that is impracticable, to the care of any employer who is sufficiently humane and enlightened to take an interest in their welfare. It is in fact impossible to make any satisfactory recommendations with regard to the reformatory training of children or juveniles of this type until better facilities for the diagnosis and treatment of their cases are brought into existence.

Mental
Defectives.

51. We have already given it as our opinion that religious or philanthropic individuals will not be forthcoming in this country to take up the work of the reformatory training of the young delinquent; we think that the responsibility for the establishment of training schools is one that rests upon government and should be undertaken by it. Essentially the question is whether the young delinquent shall be imprisoned or detained in a school. No doubt the cost of the individual detained in a school will be higher than if he were merely confined within the walls of a prison. But if the system that we propose results, as we hope it will result, in a considerable decrease of both juvenile and adult crime throughout the province then the money spent on the establishment and maintenance of these schools will have been very profitably invested.

The Res-
ponsibility
of Govern-
ment.

CHAPTER V.

THE SPECIAL TRAINING OF GIRLS.

Institutional
treatment.

52. Apart from emphasizing the need of segregating the younger women confined in the jails from the more hardened offenders and from those who have committed offences connected with prostitution. Mr. Paterson made no special recommendations on the subject of the treatment of female delinquents. The problem of the delinquent girl will always be one exceedingly difficult to solve. "Institutional life" in the opinion of Mr. Clarke Hall* "is even less desirable for girls than for boys While there are undoubtedly cases where strict discipline is necessary as a deterrent, to them more than to boys home life, home ties, and home affections are particularly vital." We think however that it is desirable that the legislative provisions for girls should be the same as for boys and that a school should be available for their training also. But in view of the small number of girls and young women convicted each year by the courts it is probable that one school will suffice for all classes up to the admission age of nineteen. The number of girls under sixteen committed to the jails of the province in each year averages some ten or twelve and of those under the age of nineteen some thirty only are sentenced to imprisonment during the same period. Some of these girls may be mentally or physically unfit to undergo reformatory training, or may even have committed crime of so serious a nature that a sentence of imprisonment must be imposed for the protection of the public. Allowing for a minimum period of two years residence in the training institution with a subsequent period of one year's probation or license under supervision accommodation would have to be provided for not less than forty girls of all ages. As in the case of boys no girl under sixteen should be committed to a prison except on the certificate of the magistrate hearing the case that she is of so depraved a nature, or that other circumstances are such that she is unlikely to benefit from a course of training in the school.

The Madras
School.

53. The arrangements that have been made for the reception of delinquent girls in the Madras Presidency include an orphanage maintained by the Madras "Society for the Protection of Children" which has been certified as a junior school for girls but takes in a large number of girls of all ages, and a senior certified school for girls which

was established by the Madras Children Aid Society on the 31st of December 1926. The Madras Government has extended the Children Act to girls as from the 1st of January 1927. The intention at the outset was that the society should act as a sort of clearing house placing girls received on conviction or rescue from unsuitable surroundings in homes already in existence. It soon became evident however that suitable institutions were not available for dealing with all such girls and the society decided to apply for the certification of a school in which girls might be trained who could not be placed in any other home. Three-fourths of the costs of the school is borne by government and the present average number of inmates is not more than about ten or twelve.

54. The methods of training employed if such a school is to attain success must not be repressive but adaptable to the needs of individual girls. This is not easy to secure in an institution directly maintained by government, and we think that the school may best be maintained in this province also through the agency of a society formed for the purpose and preferably unconnected with any specifically religious body. But if no society comes forward in this province to take up the work that is done in Madras by the Children Aid Society we are of opinion that a small training school admitting girls aged on conviction or commitment between twelve and nineteen should be opened and maintained by government. Girls committed or convicted below the age of twelve should ordinarily be boarded out. Elementary education and instruction in spinning, weaving, and cane work should be given. We recommend that accommodation should be provided at the outset for forty-five to fifty girls with the following staff :—

Management
of the training
school.

(1) Lady Superintendent (Burmese or Anglo-Indian lady on Subordinate Education Service scale) at	Rs. 175
(2) Two Assistant Mistresses at	80
(3) Two Technical Instructresses at	60
(4) Two Durwans at	20

The accommodation required will not be of a special nature and a private house may be rented for the purposes of the school in any of the more accessible towns in Burma.

55. The provision of institutional training for delinquent or neglected girls is complicated by the difficulties attached to the problems of prostitution. It is not desirable to allow girls who have definitely taken up a life of prostitution to live in close contact with the other girls committed to a school. The function of the school should be limited to dealing with the cases of girls who are living in circumstances conducive to crime or immorality or who would otherwise be

* "Children's Courts" by W. Clarke Hall, George Allen and Unwin, Limited, 1926.

committed to a jail on conviction in cases not connected with prostitution. We are of opinion that any institution which may be founded in this province for the reception of girls who have already adopted the profession of a prostitute should be maintained and financed by voluntary philanthropic or religious agencies.

**Probation
for Girl
Offenders.**

56. Whenever possible however probation should be employed for the training of delinquent girls rather than institutional treatment. There should be no insuperable difficulty in the appointment and training of suitable women such as vernacular or anglo-vernacular school teachers to act as part-time probation officers, and we anticipate that when the probation and aftercare system is established in the more advanced parts of the province the average population of the training school for girls will be considerably less even than that which is at present likely to be detained in the school.

CHAPTER VI.

JUVENILE COURTS AND THE TREATMENT OF YOUNG PERSONS WHEN UNDER TRIAL.

57. The existing instructions for the trial of juvenile offenders are contained in Chapter XXIII of the Burma Courts Manual, paragraphs 699 to 702. It is recommended that in order to prevent the contamination of boys and girls in the jails magistrates should utilize to the full the provisions of the Code of Criminal Procedure as now amended in regard to the grant of bail. Such persons should be confined in the women's cages in the police station even in places where there is a jail. When women undertrial prisoners occupy these cages they must give way to the youthful offender; failing this the youthful accused is to be kept in the house of either the police station officer or the nearest headman, the cost of such an arrangement being a legitimate charge against the contingencies account of the court (paragraph 702). Magistrates are instructed also to give precedence to cases in which youthful offenders under sixteen are the accused and in the case of child offenders the trial is to be held in chambers and so far as possible at a time and place different to that at which the ordinary sittings of the court are held (paragraphs 703 and 704). In paragraph 705 it is laid down that youthful offenders should not be sentenced to imprisonment unless in the nature of the case it is impossible to release them either after due admonition under section 31 of the Reformatory Schools Act, 1897, or on probation under section 562 of the Criminal Procedure Code; other methods of disposal of such cases are to discharge them after due admonition or to deliver them to their parents or guardians or relatives on the latter executing a bond to be responsible for the offender's good behaviour, or to whip them or to send them to a reformatory school. These possible courses are to be considered in the order in which they are set out above.

Existing
arrange-
ments.

58. Mr. Paterson in recommendation 6 of his report proposed that no young person under fourteen should be committed to a lock-up or a jail when awaiting trial but should be sent instead to a place of detention (paragraph 79); in recommendation 7 he proposed that charges brought against young persons under fourteen should be heard in a separate place, and that women magistrates should be appointed to assist in the hearing of such cases. We agree in principle with Mr. Paterson's recommendation No. 6, but consider that the maximum age limit should be raised in conformity with our previous recommendations with regard to the senior training school to sixteen instead of

fourteen. It appears from the report of the Home Office Committee, 1927, that in England if a child or young person after apprehension is not released on bail he must be sent to a place of detention provided under the Children Act, 1908, unless the police officer certifies that it is impracticable to do so or that he is of so unruly a character that he cannot be safely so detained, or that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him. We propose that the difficulties inherent in the proper detention of young persons when under trial should be avoided so far as possible by making all offences bailable in such cases, and we have adopted a provision (clause 9) accordingly in our draft bill. A similar provision is incorporated in the Madras, Bengal and Bombay Children Acts. To provide for cases in which bail cannot be furnished or is refused under the discretionary powers given there should be established where possible remand homes in which young persons when under trial may be detained. The average daily population in the London places of detention is about 26 boys and 15 girls. In Rangoon the average number of boys in police custody throughout the year 1926 was 45, the highest number detained at one time being 12. It would not appear therefore that special homes are necessary in this province except in Rangoon and possibly also in Mandalay, in which places they might also be used to accommodate persons committed to training schools when passing through those cities on their way to the schools. The same building might also be used to accommodate the offices of the whole-time probation officers whose appointment we recommend in a later chapter. In places other than Rangoon and Mandalay we accept Mr. Paterson's suggestion that the young person should be placed in the custody of a married police officer, or some other reliable person. Such duties are not always sought after by police officers owing to the risk of reprimand if the young person absconds. It will be necessary therefore to pay fairly generously for the lodging provided, and we recommend the sum of one rupee a day as the normal scale. We think that as a rule it would be preferable after the case has reached the court to place the young person in the charge of some one other than a police officer.

Suggested
Rules for
custody of
juveniles.

59. In this connection we suggest the following rules :—

(i) No person under the age of sixteen shall be detained in the police lock-up or cage or in a jail unless he is so unruly or uncontrollable that it is impossible to provide otherwise for his safe custody.

(ii) When a remand home is available any such person shall be detained therein. When no remand home is available the police officer arresting or the court remanding any such person shall place him in the custody of any woman or married man who in his opinion is fit to undertake such custody and can be relied upon to produce the young person when required to do so.

(iii) The person so entrusted with the custody of any such person shall provide him with suitable food and lodging and shall be entitled to remuneration at the rate of one rupee for each twenty-four hours or part of twenty-four hours during which the young person remains in his custody. Such remuneration shall be paid in advance daily by a police officer and weekly or for the period of remand by a court.

60. In respect of persons over sixteen we do not suggest any special provisions, but recommend that the police and the courts be instructed to make the fullest reasonable use of the discretionary power to release on bail persons accused of non-bailable offences given by section 497, Code of Criminal Procedure. This should be done whatever the age of the person concerned, but is especially important when he is under twenty-one. Such action should help to protect first offenders from contamination by contact with criminals in lock-ups and undertrial wards. It should also materially lessen the congestion in such places and reduce the cost of guarding and feeding undertrial prisoners.

61. We observe that it is stated in paragraph 8 of the Local Government Resolution on Mr. Paterson's report that the new magistrates' courts building in Rangoon will provide accommodation for the trial of young offenders. We deprecate this arrangement; it is generally agreed that magistrates of juvenile courts should whenever possible sit in a building apart from the ordinary courts. This is particularly desirable in a provincial capital such as Rangoon where a large number of courts are accommodated in one building. We recognize that it is impracticable to provide separate buildings for the juvenile courts throughout the province but we consider that it should be possible to do this at least in Rangoon and Mandalay and suggest that in these places the juvenile court should occupy the ground floor of the building of which the upper floors would be used as the remand home and possibly as the office and residence of the whole-time probation and aftercare officer. Elsewhere we think it impracticable to do more than to secure that so far as possible all magistrates trying persons under sixteen should sit in a different place or at different times to those at which the ordinary sittings are held. It appears from the statistics we have collected that about three hundred such cases are tried each year in Rangoon and one hundred or over in a number of the larger districts. These numbers do not justify the appointment of a whole-time magistrate in any of the districts of the province but the magistrates selected as magistrates of the juvenile court should be instructed to reserve special days or special hours for the trial of juvenile cases and these cases should be heard in the magistrate's chamber and not on the bench. It is generally recognized as being undesirable that children when under trial should be brought into contact with adult offenders, or that the hearing of such cases should take place under the unhealthy

Juvenile
Courts.

conditions of excitement sometimes attaching to a public enquiry. The child is apt either to enjoy the proceedings and to imagine himself to be the hero of the piece, or alternatively is nervous and timid and unable to do himself justice when called on to explain his side of the case. We are of opinion that the public should not be admitted to the hearing of cases in juvenile courts under any circumstances, those present being restricted to the parties to the case, their pleaders, officers of the court and others directly interested in the proceedings. We provide for the separate hearing of cases against young persons in our draft bill and also for the exclusion of the general public during such trials.

62. In the larger districts of the province the district magistrate has already in most cases appointed a special magistrate to hear cases from the headquarters jurisdiction in which children are involved. We recommend that in all district headquarters and in most outlying subdivisional headquarters one magistrate empowered under the Act should be nominated by the local government as the magistrate of the juvenile court. He should hear all cases ordinarily triable at that station against young persons under sixteen unless they are charged jointly with persons over nineteen. It should not however be necessary to bring in from outlying townships for trial by the special magistrate cases against young persons which can satisfactorily be disposed of in the township court under its ordinary magisterial powers. Magistrates selected as magistrates of juvenile courts should be experienced and reliable officers and possessed of sound judgment, patience and good temper. The magistrate appointed at district headquarters should be the chief assistant of the district magistrate in all matters concerning young persons, and in particular should supervise the working of the probation system if it has been instituted in the district. To enable him to perform those duties satisfactorily it will be necessary to ensure that he is not overburdened with ordinary criminal work or with executive or other duties. We think that this system of concentrating juvenile cases in the hands of a few selected magistrates will conduce to efficiency in the working of the proposed new law.

Honorary
Magis-
trates.

63. Mr. Paterson in paragraph 6 of his draft bill recommended that the stipendiary magistrate of the juvenile court should whenever possible be assisted by honorary magistrates and that the local government should appoint a number of women as honorary magistrates with power to assist the stipendiary magistrate in the hearing of cases against young persons under sixteen. In our opinion the accepted methods of dealing with juvenile offenders are so little understood by the general public in the province at the present day that it would not be practicable to introduce the system throughout the province. In Rangoon however it should be possible to appoint a strong bench of honorary magistrates with first class powers to hear the less serious cases in which young

persons are the accused, and if the experiment proved a success it might be extended to the larger towns of the province. It has been suggested to us that honorary magistrates should sit with the stipendiary magistrate in an advisory capacity. We do not think that persons of standing suitable for appointment as honorary magistrates of the juvenile bench would be willing to assist in the hearing unless they had an equal voice in the disposal of the case, and therefore do not recommend the arrangement. It is essential that the honorary magistrates appointed to the juvenile bench should be men of wide sympathies and interested in social work. It is desirable also to associate women of similar qualifications with the work of the juvenile bench. We think that of the two or three magistrates who would sit together in the juvenile court one should generally be a woman. If experience justified the experiment women magistrates might be appointed when the system is extended to the larger towns.

64. We recommend elsewhere that power should be given to the court trying a person under sixteen first to record a finding of his guilt in respect of the offence charged and then before passing sentence to enquire into the previous character circumstances and environment of the offender, and to take into account such evidence when determining the sentence or order. In this connection evidence of repute should be admissible and the help of social workers and others interested in the care of juveniles should particularly be sought. We recommend in Chapters VII and VIII the appointment of a cadre of probation and aftercare officers. These officers in addition to their formal duties should be able to assist the court by helpful enquiries into the character and antecedents of youthful offenders, enquiries which it is not always desirable that the police should be asked to undertake.

Evidence
of Charac-
ter

CHAPTER VII.

PROBATION.

65. We are asked to frame proposals for a system of probation for all offenders. The system of probation which we suggest in this chapter is, we think, equally suitable for offenders of all ages. But in view of the manifest difficulties that will be encountered in its development we recommend that at the outset it should be made applicable only to those who at the time of conviction are under twenty-one years of age.

The Existing Law.

66. The provisions of the law in force with regard to probation in this province are section 562, Criminal Procedure Code and section 31, Reformatory Schools Act. The former section applies only to first offenders; the latter is not limited to first offenders but applies only to persons under fifteen. Section 562 of the Code of Criminal Procedure, 1898, has recently been amended. Formerly this section provided that any first offender convicted of theft, theft in a building, dishonest misappropriation, cheating, or any other offence under the Penal Code punishable with not more than two years' imprisonment, might, instead of being at once sentenced to imprisonment, be released on a bond to keep the peace and be of good behaviour, and to appear and receive sentence when called upon. This bond was to be in force for not more than one year. In 1923, with effect from the 1st September, the scope of the section was considerably extended, though it is still applicable only to first offenders. Now, under sub-section (1A), such first offenders as are described in the original section may, if the court thinks fit, be discharged after "due admonition."

67. Under sub-section (1) any first offender convicted of an offence punishable with imprisonment for not more than seven years or, if the offender is a woman or is under twenty-one years of age, if convicted of any offence not punishable with death or transportation for life, may be released on a bond which may be for any period up to three years. The power conferred by this section may not be exercised by a magistrate of the third class nor by a magistrate of the second class unless specially empowered by the local government. If any magistrate not empowered under the section is of opinion that this section should be applied he may refer the case to a magistrate of the first class or to a subdivisional magistrate.

68. Section 31 of the Reformatory Schools Act, 1897, allows a court empowered under that Act, on convicting any person under the age of

fifteen of any offence punishable with transportation or imprisonment, either to discharge the offender after due admonition or to deliver him to his parent or guardian on a bond for his good behaviour for a period not exceeding twelve months.

69. Both of these provisions have been of great use in the past but both of them are open to the objection that after the release of the offender the court hears no more about him unless he commits a breach of the conditions of his bond. The meaning of the words "to be of good behaviour" is not defined and we do not know of any judicial interpretation of the phrase. In practice, action is never taken on the bond unless during its currency the offender is again convicted of a criminal offence. And it is to be feared that even if he is so convicted it is only very rarely that the liability of the sureties is enforced.

Defects of the Existing System

70. These defects can be cured only by active supervision of the offender during the term of his bond. Such supervision is an essential element of probation as the term is understood in countries in which the system is in operation. The offender is not merely released on a bond or recognizance for good behaviour; he is also made subject to a probation order which specifies the conditions which he must observe, and is placed under the supervision of the probation officer whose duty it is to see that he observes those conditions and to bring to the notice of the court any material breach of them. Further and more important duties are to exercise such influence over the probationer as to keep him in the right path, if that is possible, to assist him with advice, and to give him material aid in obtaining employment. In the words of the Report of the Departmental Committee on Probation, 1922. "The underlying idea is the value of the influence which a man or woman of strong personality may exercise over one of weaker or more immature character, who, owing to lack of discipline, bad associations, or other circumstances, has been led to commit offences, and is liable to fall into or persist in criminal habits."

Probation officers.

71. The qualities required in a probation officer are defined in Rule 33 of the Statutory Rules and Orders for the probation of offenders published by the Home Secretary in 1926. "In the selection of a person for appointment as a probation officer the appointing authority shall satisfy itself that the candidate has a strong character and a personality which is likely to influence for good the probationers placed under his supervision. It shall also satisfy itself as to the candidate's physical fitness for the work."

72. The duties of a probation officer are to make such preliminary enquiries, including enquiries into the home surroundings, as the court may direct in respect of any offender in whose case the question of the

making of a probation order may arise to undertake the supervision of any offender placed on probation and to visit the home of the probationer and make enquiries as to his behaviour, mode of life, and employment. The officer should keep in close touch with the probationer, see that he understands the conditions of his recognizance, and by warning and persuasion endeavour to ensure his observance of them. A probation officer should advise, assist, and befriend the probationer and, when necessary, endeavour to find employment for him. For these purposes he should secure, as far as possible, the co-operation and assistance of social and religious workers or agencies. If the probationer fails to obey any of the conditions of the order the probation officer should report him to the court.

73. This system has been evolved by a process of gradual development, which still continues. In England its inception was due, as is the case with many English institutions, to voluntary charitable and benevolent efforts. The Church Missionary Society provides a considerable proportion of court probation officers, and many other religious bodies have representatives in the courts. There is available in England a larger number of persons with leisure and money to take up and support the work of supervising those placed on probation by the courts than can be expected in a young and undeveloped country such as Burma.

Selection
and control
Pro-
bation
officers.

74. Bearing in mind the qualities required in a probation officer and the nature of the duties to be performed by him, it is evident that the selection, training and control of such officers will be a task of no little difficulty. It is obviously not possible to appoint a sufficient number of whole-time salaried probation officers to provide for the supervision of offenders on probation over any large area of the province. It will be necessary, therefore, to enlist the services of a large number of persons who are willing to undertake such supervision as part-time workers, whether gratuitously or for remuneration. A roll must be maintained of such persons, giving their names and addresses and defining the areas within which they are prepared to undertake the work. Copies of this roll must be kept in all courts concerned and these copies must be periodically corrected and brought up to date. It is only when this has been done that the courts will be able freely to exercise the power of passing probation orders for which we have made provision in the draft bill (clause 26).

75. Care will be necessary in the selection of fit persons for enrolment as part-time workers. It will be necessary to instruct them in their duties. However well fitted a person may be to undertake the duties of a probation officer it cannot be expected that he will be able to assimilate the essential idea of the system without it being fully explained to him. Instruction in the details of his duties is also essential. In the

large towns the difficulty of doing all this in a satisfactory manner will be great enough, but we do not think it should be insuperable. In rural areas, however, the only agency by which it can be done is that of executive officers—the deputy commissioner, subdivisional officer, and township officer. Practically all such officers in Burma are already overburdened with work and it would be difficult for them to find time for these additional duties. Their clerical staff also is likely to be inadequate for the extra work. It would moreover be necessary first to instruct the officers themselves in the principles of the probation system and the details of its working.

76. We think therefore that any attempt immediately to apply the probation system on a large scale in rural areas would inevitably break down. It is, however, very necessary that a beginning be made and we recommend that this be done at once in Rangoon and the larger towns, and that the system be extended gradually to smaller towns and rural areas as soon as conditions permit. We recommend therefore that the provisions of the draft bill regarding probation should be extended in the first instance only to Rangoon and certain other more accessible and developed districts, the headquarters of which are situated at towns of considerable size, such as Mandalay, Moulmein, Akyab, Bassein, Pegu, Prome and Myaungmya. Our proposals for the organization of the system are as follows :—

77. *In Rangoon.*—A whole-time salaried probation officer, to be known as the Senior Probation Officer, should be appointed. It is probable that before very long it will be found necessary to appoint a second such officer but at the outset one should suffice. At the same time a probation committee should be established, constituted approximately as follows :—

The Pro-
bation
System in
Rangoon

Chairman.—The District Magistrate, Rangoon.

Vice-Chairmen { The Commissioner of Police, Rangoon.
The Magistrate of the Juvenile Court.

Secretary.—The Senior Probation Officer.

Members.—Representatives of—

- (a) The Honorary Magistrates, particularly those of the Juvenile Bench ;
- (b) The Corporation ;
- (c) Voluntary or other part-time workers ;
- (d) Any private society instituted to undertake probation work.

Efficiency would probably best be served by setting up a small executive sub-committee elected by the members of this committee. This sub-committee should meet at least once in each month, the full committee meeting only quarterly or half-yearly. The business of this

committee should be to select persons suitable for, and willing to undertake, the duties of part-time probation officers, and to authorize their appointment as such by the courts. It should also be responsible for the organization and control of probation and aftercare work throughout the city.

The Senior Probation Officer might himself undertake direct charge of a few probationers but his main duty would be to act as the secretary of the committee and as its chief executive officer. He would take a large part in the selection of part-time officers and in their instruction when selected, and would supervise and co-ordinate their work, maintain touch between them and the probation committee and the courts, and be responsible for the maintenance of the necessary records. He should be under control of the probation committee and directly responsible to it.

The Probation System in the districts.

78. *In other districts.*—Ideally it is desirable that a whole-time probation officer should be appointed in every district to which the system is extended, but in view of the expense involved and of the fact that the system is new to the province we do not recommend such appointments at the outset. We think, however, that they should be made as the work develops.

In the first instance we propose that in all districts except in the case of frontier districts or in undeveloped areas, where it would be difficult to find suitable persons to undertake the work, a probation committee should be established, constituted on lines similar to those proposed for Rangoon, but including also representatives of local bodies throughout the district. In the absence of a salaried probation officer the magistrate of the juvenile court at district headquarters should be the secretary of the committee, and should maintain the records and undertake so much of the duties of the senior probation officer as can suitably be performed by him. Other such duties might perhaps be undertaken by a joint secretary elected by the committee.

The committee should work on the same lines as we have proposed for Rangoon, but should be free to extend its operations beyond the limits of the headquarters town as soon as it finds itself in a position to do so. It could profitably do this by selecting part-time probation officers in villages in the immediate vicinity of the headquarters town, and in other places so easily accessible, by rail or otherwise, that supervision is practicable. It could also set up sub-committees to undertake the work in towns of some size situated elsewhere in the district, and in their environs. As soon as the work in any district has sufficiently developed, a whole-time officer should be appointed for that district.

Backward areas.

79. In some districts there are large tracts of country in which it is unlikely that it will be possible to employ the probation system satisfac-

torily except in the very remote future. In such cases we think that the system should be extended only to the more thickly populated parts. But in the majority of districts, though most of them contain at least some such tracts, we think it desirable that the probation provisions of the bill should be extended to the whole district, so as to permit of the unrestricted expansion of the system wherever practicable. Those provisions have advisedly been limited to the giving to the courts of the power to pass probation orders, and it will be sufficient if magistrates are instructed not to pass such orders unless there is an approved probation officer available to take charge of the offender.

80. *Appointment and remuneration of probation officers.*—We recommend that whole-time salaried probation officers should be appointed by the local government. In order to secure men of the requisite qualifications these should, in our opinion, receive pay on the scale of the Burma Educational Service (Rs. 250 to Rs. 675). In Rangoon it will probably be necessary to pay also a conveyance allowance and Rangoon allowance. In the first instance members of the Educational Service or of the Subordinate Civil or Judicial Services might be seconded for the duty, but others should be eligible for the post. Preferably the first officers selected should be sent to England for six months' training; failing this they should be required to study the available literature on the subject, and should receive as much theoretical and practical training as can be given locally.

Remuneration of probation officers.

Part-time workers should be selected and appointed by the probation committee. Representatives of all communities and religions should be included in their numbers, and as far as possible every probationer should be placed under the supervision of an officer of his own race and religion. It is possible that a few persons will be found who are willing to undertake probation work without remuneration, but in most cases it will be necessary to pay them either by part-time salaries or by fees. Payment by fees is not an ideal method; since the fees must necessarily cease when the offender is committed or recommitted to a school or prison, and the probation officer therefore loses financially when he brings to notice misconduct of the probationer which leads, or is likely to lead, to such commitment. But we see no possibility of avoiding this system entirely. Part-time salaries could profitably be paid only when the officer is actually in charge of at least a moderate number of cases; those who undertake only a few must necessarily be paid by fees. We suggest as a suitable scale of fees the immediate payment of Rs. 10 to the part-time probation officer on his taking charge of the case, and the payment of a further sum of Rs. 15 after six months. Thereafter a further payment of Rs. 25 should be made at the end of each period of six months during which the probationer remains under the supervision of the officer.

CHAPTER VIII.

AFTERCARE.

The provision of aftercare.

81. Aftercare is essentially an extension of the probation system to offenders on their release after serving a term of detention in a school or prison. In England this work is done by the Central Association and the local committees of the Discharged Prisoners' Aid Society and in Madras by the Madras Presidency Discharged Prisoners' Aid Society. The Burma Prisoners' Aid Society works only in Rangoon. It deals mainly with adult prisoners and can do little except for such prisoners as come from Rangoon or the immediate neighbourhood, or are willing to take up work in Rangoon on release. We are informed that the society finds considerable difficulty in raising subscriptions from the public to finance its present efforts. It is unlikely that any charitable or benevolent organization formed in this province would be able in the near future to collect the funds necessary to carry on the work of aftercare on an extensive scale, and if the provision of aftercare is to be financed mainly by government it will prove in our opinion more economical to have the work done direct than to employ the agency of a semi-official voluntary society.

The 1909 Committee.

82. A departmental committee was appointed in Burma during the year 1909 to consider the treatment of juveniles in the prisons and the means to be taken to provide for discharged prisoners on their release. The committee were of opinion that a strong central association should be formed in Rangoon and committees at all district headquarters to assist discharged prisoners with advances or gifts of money for subsistence during the search for employment or for the purchase of tools or stock in trade. They were confident that reliance could be placed upon the charity of the public in Burma for the provision of funds for carrying on the work and hoped that volunteers would be found to render the personal services upon which such a system largely depends. They considered, however, that it would be necessary in Rangoon and Mandalay and possibly in some other of the larger towns to entertain whole-time agents who would get in touch with local employers and secure work for discharged prisoners. It was considered that in the smaller centres the work of the agent might be undertaken as a part-time employment by some suitable person on a monthly allowance. The association and the local committees were to be assisted financially by a liberal annual grant towards

the fixed establishment charges and also where possible by the provision of offices for their agents. The Lieutenant-Governor, however, on consideration of the report, decided that the time was not as yet quite ripe for the establishment of the proposed central association or for an appeal to the public for help in money and personal services. It was decided that the work should be confined therefore to the assistance and supervision of prisoners discharged from the juvenile jail, and the hope was expressed that after experience had been gained it would be possible to extend operations to all discharged prisoners and to appeal to the general public for their co-operation.

83. Apart from the help afforded by the Burma Prisoners' Aid Society to prisoners from the Rangoon and Insein central jails no aftercare is provided for the prisoners discharged from the jails of the province. The Education Department in the case of the reformatory school and the committee of the Meiktila juvenile jail obtain as much information as they can about boys who have left these institutions, but their enquiries fail to produce any result in nearly fifty per cent. of the cases. Even in the remaining cases a bare statement of the boy's occupation is all that is generally received. No attempt is made or can under existing conditions be made to guide and assist the boys on their release.

Aftercare at Insein and Meiktila.

84. One of the most valuable means of supervision of boys and lads discharged from the Home Department schools in England has proved to be the auxiliary homes which are established in connection with the larger industrial and reformatory schools, and which undertake the care and supervision of boys discharged under license from these schools and working at an employment. The boys live in the home and are licensed to the care of the manager of it, but so far as possible are given the control of their wages subject to the necessary deductions for board and lodging. Such homes have proved particularly useful in the case of boys without parents or suitable guardians who would otherwise find it difficult to obtain respectable lodgings in the neighbourhood of their work. It is more difficult to apply such a scheme in the case of boys whose general occupation is that of agriculture, but much could be effected by the establishment of an auxiliary home in Rangoon and possibly also in Mandalay for boys who are unwilling to return to their native villages and for whom employment has been found in those towns. The Industrial Home maintained by the Salvation Army in Rangoon might be classed as an auxiliary home, but that the lads in it do not go outside to work. The provision of an auxiliary home is perhaps best carried out by private effort, but government might well assist financially any society which would undertake the provision of a home for lads taking up work in Rangoon or one of the larger towns after their release from the schools.

Auxiliary Homes.

Release on
License.

85. The provision of aftercare takes two forms :—

(a) *Release on License.*—After a certain period an offender sentenced to detention in a school may be released on license, although his term of detention has not yet expired. The license is subject to certain conditions and permits the offender "to live with any trustworthy and respectable person named in the license willing to receive and to take charge of him." The person so named ordinarily employs the offender though he need not necessarily do so. We think that offenders who are qualified for release should be placed whenever possible in the charge of a parent or relative provided that the latter is fit to be entrusted with the charge, and employment can be found for the offender in the neighbourhood of his home. The danger to be avoided is that where the parents are weak and employment not at once forthcoming the boy should pick up idle habits and forget the vocational training given in the school. For such release on license it is not essential that there should be a probation system in operation. There is even some danger that the employer will resent the visit of a probation officer, if there is one appointed to the area where the boy resides. But if the officer exercises due tact and discretion in his relations with the employer this danger can be avoided and the interests of the boy safeguarded against exploitation. We think, therefore, that one of the conditions of a license to be accepted both by the offender himself and by the person to whose care he is committed, should be that the offender shall submit himself to the authority of a probation officer. This condition should be struck out if there is no probation officer available to undertake such supervision, or if the person to whose care the offender is committed is considered sufficiently reliable to be allowed to exercise complete control over him.

The
Necessity
of close
Super-
vision.

(b) *Probation after expiry of a Term of Detention.*—It is most desirable that every offender who passes through a training school should, after the expiry of his term of detention, be under the supervision of a probation officer, and should be liable, if he commits an offence or breaks the conditions of his license during the period for which he is so under supervision, to be recalled to the school. The Home Office Committee, 1927, says at page 109 of its report :— "Efficient aftercare is a necessity. However liberal the principles on which an institution is run, the conditions of life in it must inevitably be different from those of the outside world. The lad or girl who has done well in the institution may fail when brought into contact with the hard facts and temptations of life. It is then that sympathetic advice and help are needed. The whole value of an expensive training may be thrown away if they are not forthcoming at a critical moment." But it is clear that this ideal can only be attained if there is a probation officer available to supervise every offender who is released. And this will not be the case until a probation system is in operation all over the province.

It is not possible, therefore, to lay down by law that such a term of supervision *must* be attached to every sentence of detention. All that is practicable is to give the courts power to add such a term to any sentence when satisfied that there will be a probation officer available to exercise supervision over the offender after his release. We have made provision accordingly in Clause 26 (4) of the draft bill and in view of the probability that large changes may occur in the probation system in any locality during the offender's detention in a school we have so framed the provision as to allow the court to make a probation order shortly before the offender is to be discharged.

86. The difficulty in both cases is for the institution to get into touch with the right type of man to supervise the boy on release. In this connection a suggestion from Lieutenant-Colonel Sandeman, I.A., Deputy Commissioner, Meiktila, for the employment of a retired chief jailor of the juvenile jail to arrange for the supervision of lads conditionally released from the juvenile jail was placed before us by the Inspector-General of Prisons. Lieutenant-Colonel Sandeman wrote : "U Maung Gale, A.T.M., Chief Jailor, Meiktila Juvenile Jail, will retire from the service shortly. It seems to me that it might be a good thing for him to be employed, if he agreed, as a sort of probation officer for those juveniles who are conditionally released on remission of sentence. He might personally conduct each juvenile so released to his village and arrange for either the local schoolmaster, the headman or some other suitable person to act as probation officer for the boy. While at the village U Maung Gale would also arrange for immediate employment of the lad in some suitable work. The village probation officer would agree to report to U Maung Gale once a quarter on the behaviour of the boy in his charge. U Maung Gale would be paid a small sum monthly, in addition to his pension, for this work and travelling allowance at the rate drawn by officers of the provincial service. He would have to maintain a register of all boys dealt with, showing the details of reports received from the village probation officers. This register would be inspected by the civil surgeon, or other officer, in the place where U Maung Gale lives permanently. The village probation officer should receive the sum of Rs. 2 for each report submitted to U Maung Gale. Township officers would be asked to check the reports of village probation officers once a year. I suggest that in this way we should be able to test gradually the potential value of the probation system in Burma besides obtaining a check on the behaviour of the conditionally released lads. It would cost very little and might prove to be well worth the money."

Colonel
Sandeman's
Sug-
gestions.

87. The chief objection to this scheme in our opinion is that the local aftercare officer must necessarily be appointed by an authority with local knowledge, generally the district magistrate, and in order to avoid

Link with
the
probation
system

overlapping should take all cases within the small area assigned to him. Generally, the same man will be both probation and aftercare officer for his area and even then the work will be only on a part-time basis. We think it better therefore that the juvenile jail and the schools should rely upon the aftercare officers selected by the local authorities, though it is possible that they might send some one with the lad on release to put him in touch with these officers. In areas where the probation system has not been set up we must frankly admit that we are unable to recommend anything better than the present very unsatisfactory system of supervision of boys released from these institutions.

88. We are of opinion that the only sound method of extending the system of aftercare is to link it with the probation system. The qualities required in a probation officer are very similar to those required for the aftercare of discharged prisoners, and once the ground has been broken in any area by the appointment of whole or part-time probation officers it will be easier to discover persons willing to undertake the duties of aftercare. We recommend that the same scale of fees should be paid to persons willing to take up part-time duties as aftercare officers as in the case of part-time probation officers, and that aftercare work should be included in the duties of such whole-time probation officers as may be appointed if the scheme described in Chapter VI of our Report is put into operation.

CHAPTER IX.

THE DRAFT BILL.

89. The English and Indian enactments consulted during the preparation of this draft will be found set out on page (viii). We have followed the main lines common to these Acts, but in matters of detail have freely made such alterations and additions as have seemed to us desirable. We give here a brief explanation of such clauses as are not sufficiently explained elsewhere in our report. The Indian Acts.

Clause 2.—We have discarded definitions of classes of persons such as “children,” “young persons,” and “youthful” or “adolescent offenders” in our draft. Such definitions are useful in so far as they contribute to brevity in the body of the act, but when such brevity can be obtained without their use we think they are better omitted. We think that the draft itself shows that these definitions are unnecessary.

Clause 3.—It is intended that Part I should come into force as soon as the bill has been passed. It would be inconvenient so to word this clause as to extend the Reformatory Schools Act at once to girls and to persons under 16. We have therefore left it to the local government to make these changes as soon as provision has been made for dealing with such cases. There seems, however, to be no obstacle to the very early extension of the reformatory school age to sixteen in regard to boys.

Clause 4.—The considerations referred to under clause 3 do not apply to this clause.

Clause 8.—This clause is intended to allow of the establishment of a single school for girls of all ages up to nineteen and also of the notification of the reformatory school as both a junior and a senior training school during the preliminary stages of the introduction of the measures proposed. It also permits any private institution, whether for boys or for girls, to be certified as a training school of more than one class.

Clause 9.—This makes all offences bailable when the person arrested is under sixteen subject only to the discretion of the station officer or the court to refuse bail for special reasons. Its provisions are therefore much wider than those of section 497 of the Code of Criminal Procedure.

Rules for the custody of such persons when not released on bail are suggested in Chapter VI, paragraph 59 of the report.

Clause 10.—When section 29B of the Code of Criminal Procedure was first enacted it was not uncommonly interpreted as restricting the jurisdiction of magistrates not specially empowered under the terms of the section to try persons under fifteen. To avoid any similar misconstruction of our draft we have added the explanation to this clause.

The express restrictions referred to are :—

- (i) Restriction of sentences of imprisonment on persons under sixteen. (Clause 15.)
- (ii) Prohibition of "bad livelihood" proceedings against persons under fourteen. (Clause 19.)
- (iii) Prohibition of orders under the Burma Habitual Offenders Restriction Act, 1919, against persons under nineteen. (Clause 25 (2).)

Clause 14.—This clause is so worded as to confer finality on a finding of age only when it is recorded by a court empowered under this Part.

Clause 16 (b).—This provision has been inserted to allow a court to pass a sentence of fine only in cases in which it considers such a sentence suitable, notwithstanding that under the ordinary law imprisonment may be imperative.

Whipping.

Clause 16 (c).—We are inclined to agree with the opinion expressed by Mr. Paterson in paragraph 95 of his report that whipping as at present administered to juveniles has not proved a very effective deterrent. We do not therefore recommend any extended use of this form of punishment, except as set out in clause 17, nor do we recommend the infliction of whipping in addition to a probation order or to an order for detention in a training school; it is likely to give rise to a feeling of resentment in the mind of the boy which is not the best frame of mind in which to start upon a period of reformatory training, whether in an institution or under a probation officer. We think, however, that whipping is in some cases a useful substitute for other forms of punishment, and propose therefore that the existing provisions of the law with regard to whipping should be retained.

A second sentence of whipping should not ordinarily be passed on a juvenile if the first sentence has proved ineffective, but there may be cases in which such a sentence may suitably be passed, and we do not therefore propose that such second sentences should be prohibited. But we think that a second sentence of whipping should not be passed unless a considerable time (at least six months) has elapsed since the first sentence was imposed.

Clause 17.—Imprisonment of persons under sixteen being prohibited by clause 15 a difficult problem arises in cases where such persons are convicted of offences punishable with fine only. A common and troublesome instance of such cases is the offence of travelling by train without a ticket. In England such cases appear to be dealt with by short sentences of detention in a special place of detention set apart for juvenile offenders. It might be possible to provide such places in Rangoon and one or two other large towns, but their provision throughout the province is clearly out of the question. We do not think that detention in police lines would be either deterrent or desirable. This solution therefore is not open to us. The Indian Acts consulted do not deal with this problem at all. We are of opinion that a boy who has

twice been convicted of offences of this class, and who has no parent or guardian who can be compelled to pay a small fine, will almost invariably be a fit subject for reformatory treatment in a training school. The solution provided by this clause is the only one that seems to us practicable.

Clause 19.—"Bad livelihood" proceedings against persons under fourteen are not likely to be numerous. Any case which might arise can best, we think, be dealt with under clause 20. The age limit is the same in both clauses.

Clause 22.—While we think that the imposition of a fine on a young offender is not ordinarily desirable we consider that such a sentence may be very useful in many cases if the parent or guardian is ordered to pay the fine. Such an order is likely to awaken a parent or guardian to a sense of his responsibility for the conduct of his child or ward. In sub-clause (4) we have adopted the views expressed by the Home Office Committee (1927) on page 66 of its report that it is desirable to give power to the court to order payment of compensation or restitution for damage done by the juvenile offender out of the amount of the fine, and to make this amount payable also by the parent or guardian. Such an order may reasonably be combined with custody in a school or with a probation order. The fine or compensation should be made payable, if necessary, by instalments, and the due payment of instalments should be made a condition of the bond.

Clause 24.—The terms of detention for which provision is made are explained in chapter IV, paragraph 45 of our report.

Clause 25 (2).—This provision has been inserted because we consider it most undesirable that any boy under nineteen should be removed from his home and restricted to a distant village, where he will be among strangers. The provisions of Chapter VIII of the Code of Criminal Procedure, read with clause 25 (3) of the draft bill give adequate power of dealing with cases of bad livelihood among adolescents.

Clause 26.—We have thought it desirable to limit the legislative provisions regarding probation to the absolute essentials, leaving other details of the system to be prescribed by rule. It is probable that experience will dictate many changes in the system as first framed, and it is much easier to make the necessary changes in rules than in a legislative enactment.

It is generally accepted that the passing of a second probation order in cases where the first order has proved ineffective is to be deprecated, and it may prove to be necessary to advise magistrates against the passing of such orders when a period of training in a school is required in the interests of the offender himself.

In sub-clause (4) we have made provision for the aftercare of persons discharged from training schools. (See chapter VIII, paragraph 85.)

**Evidence
of
Character.**

Clause 28.—Section 54 of the Indian Evidence Act provides that "In criminal proceedings the fact that the accused person has a bad character is irrelevant." There are certain exceptions to this rule with which we are not now concerned. We are far from suggesting that the principle enunciated is erroneous, but we are decidedly of opinion that it is much too broadly expressed. While a court should not be allowed to consider the bad character of an accused person for the purpose of deciding whether he is or is not guilty of the offence charged, it should have the power, after having come to a finding that he is guilty, to take into consideration his character, whether good or bad, for the purpose of deciding upon the sentence or order to be passed on him. If his previous record is good then he may be dealt with relatively leniently ; if it is bad leniency may be misplaced. We consider that this is especially important in relation to young offenders. Two boys may be convicted of the joint commission of one offence. If nothing is to be considered but the facts of the offence itself the court should deal with both in the same way. But inquiry into the character and environment of the two boys may show that one is a boy of thoroughly bad disposition, who requires drastic treatment if he is to be reformed, while the previous conduct of the other has been such as to suggest that milder measures are likely to be effective. It may also show that the boy has a good home and parents or guardians who have ordinarily exercised satisfactory control over him, or on the other hand that he is subject to no satisfactory guardianship and is likely, if left in his existing circumstances to drift or be led into crime. All of these circumstances should be factors in the determination of the order to be passed.

This was the view taken by the Indian Jails Committee in paragraphs 373 and 435 of its report. In England when an offender has been convicted a police officer very commonly gives the court an account of his previous history, after which sentence is passed. The Home Office, in a recent circular to juvenile courts, has laid down that "the court should always equip itself with full information about the home conditions, the school record and the medical history at school of the offender." We have obtained, without prejudice, certain opinions as to whether in India a court may, after recording a finding of guilt, proceed to inquire into the character of the offender for the purpose of determining the sentence to be passed. The majority of those consulted are of opinion that, notwithstanding the broadness of the terms of section 54 of the Evidence Act, a court may do this. But though all consulted agree that a court ought to have this power opinions are not unanimous that it has.

We have therefore inserted clause 28 in our draft bill in order to leave no doubt that the courts have this power in respect of those classes of persons to whom the provisions of Part II may have been extended. The clause is so worded as to make it clear that the inquiry into character and environment is to be made only after a finding of the guilt of

the person concerned has been recorded. And since direct evidence of character is often difficult to obtain we have provided that in such an inquiry the court may accept as evidence statements that under the ordinary law of evidence would be hearsay and inadmissible. We have not considered it desirable to make such an inquiry compulsory, but we think that it should ordinarily be made in all cases other than the most trivial, and that the superior courts should insist on it being made in all suitable cases.

Part III.—In this part we have gone beyond the terms of our reference by making provision for the protection of young persons against certain offences. It has seemed to us desirable that such legislation should be undertaken. If it is not desired to proceed with this legislation, part III and clause 5 (3) may be struck out.

**Offences
against
young
Persons.**

THE PREVENTION OF CRIME (YOUNG OFFENDERS) BILL.

SCHEME.

PART I.

- SECTION 1.—Short title and extent.
 2.—Definitions.
 3.—Amendment of Reformatory Schools Act, 1897.
 4.—Amendment of section 29B of the Code of Criminal Procedure.
 5.—Application of Parts II and III.

PART II.

- SECTION 6.—Training Schools established by Government.
 7.—Places certified as training schools.
 8.—Combined schools.
 9.—Custody of persons under 16.
 10.—Courts empowered to deal with persons under 16.
 11.—Procedure when court is not empowered.
 12.—Conduct of proceedings concerning persons under 16.
 13.—Appeals.
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 15.—Restriction of sentences in respect of persons under 16.
 16.—Substitutes for imprisonment of persons under 16.
 17.—Offences punishable with fine only.
 18.—Conviction not to be disqualification in case of person under 16.
 19.—Bar to security orders against persons under 14.
 20.—Protection of persons under 14 from circumstances conducive to crime.
 21.—Uncontrollable children under 14.
 22.—Liability of parent or guardian of persons under 16.
 23.—Custody orders in respect of persons under 16.
 24.—Order sending persons under 16 to training school.
 25.—Borstal schools for reception of persons between 16 and 21.
 26.—Probation Orders.
 27.—Power to amend orders.
 28.—Bonds.
 29.—Investigation of character and circumstances.
 30.—Transfers from prisons to training schools.
 31.—Transfer between senior and junior schools, and from training schools.
 32.—Inter-action with India.
 33.—Boarding out.
 34.—License to live out.
 35.—Discharge.
 36.—Inspectors.
 37.—Inspection of private institutions.
 38.—Penalty for obstructing inspector.
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PART III.

- SECTION 41.—Ill-treatment of persons under 16.
 42.—Encouraging begging by person under 16.
 43.—Permitting person under 16 to frequent brothel.
 44.—Encouraging seduction of girl.
 45.—Custody of person in respect of whom an offence is committed or likely to be committed.
 46.—Search warrant.
 47.—Bond by parent or guardian.
 48.—Power to make Custody Order or send person to training school.
 49.—Compensation for frivolous information.

THE PREVENTION OF CRIME (YOUNG OFFENDERS) BILL.

Bill No. of 1927.

A Bill to provide for the protection of young persons living in circumstances conducive to crime.

WHEREAS it is expedient to provide for the training and care of young persons who are by their circumstances likely to enter upon a life of crime ; for the custody, trial, and control of young persons who have committed offences ; for the probation of offenders ; and for the punishment of offences against young persons ;

And whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act.

It is hereby enacted as follows :—

PART I.

1. (1) This Act may be called the Prevention of Crime (Young Offenders) Act, 1927.
 Short title and extent.

- (2) This Part shall extend to the whole of Burma.

2. In this Act, unless there is anything repugnant in the subject or context,—
 Definitions.

- (a) a "person under (a specified age)" means an individual who has not attained that age ;
 (b) a "person between (specified ages)" means an individual who has attained the lesser age but has not attained the greater ;
 (c) "guardian" means a person having the actual control or charge of another ;

- (d) "training school" means a school established or certified under this Act, being a "junior school" if for the reception of persons under 14, a "senior school" if for the reception of persons between 14 and 16, and a "Borstal school" if for the reception of persons between 16 and 21; and
- (e) "prescribed" means prescribed by rules made under this Act.

3. The Reformatory Schools Act, 1897, shall be deemed to be amended so as to provide in the manner following, namely :—
Amendment of Reformatory Schools Act, 1897.

- (a) the definition of "youthful offender" shall be deemed to be subject to the proviso that the Local Government may, by notification, direct that the term shall include females and that the limit of age shall be sixteen; and
- (b) the Local Government may declare any training school established or certified under the Prevention of Crime (Young Offenders) Act, 1927, to be a reformatory school.

4. Section 29B of the Code of Criminal Procedure, 1898, shall be amended in the manner following, namely :—
Amendment of section 29B of the Code of Criminal Procedure.

- (a) for the word "fifteen" the word "sixteen" shall be substituted; and
- (b) for the words "Chief Presidency Magistrate," the words "Sub-divisional Magistrate" shall be substituted.

5. (1) The Local Government may, by notification, apply any of the provisions of Part II to any local area and to any class of persons therein.
Application of Parts II and III.

(2) When the provisions of section 15 and 16 have been applied to any class of persons in any local area, the provisions of the Reformatory Schools Act, 1897, except section 15 thereof, shall for the time being cease to have effect in such area in respect of such class of persons, and every reformatory school in such area shall be deemed to be a training school and persons detained therein shall be deemed to have been duly committed thereto under Part II.

(3) The Local Government may apply Part III to any local area and to any class of persons therein.

PART II.

6. The Local Government shall establish and maintain one or more training schools for the reception of persons dealt with under this Part and shall appoint, for each such school, a Superintendent and a Committee of Visitors who shall be the managers of the school and responsible for the conduct thereof in the prescribed manner.
Training Schools established by Government.

7. (1) If the Local Government is satisfied that any institution is fit for the reception of persons dealt with under this Part and has a governing body fit to be the managers of the school and to conduct it in the prescribed manner, the Local Government may certify such institution to be a training school of a specified class or classes.
Places certified as training schools.

(2) The managers of a training school certified under sub-section (1) may decline to receive any person under this Part; but having received any such person, the managers shall be deemed to have undertaken to teach, train, lodge, clothe and feed him in proper manner until he is duly discharged or transferred.

(3) The Local Government may, by notice served on the managers of any such school, prohibit for such time as may be specified in the notice the reception in such school of persons sent to a training school under this Part.

(4) The managers of any such school may, after six months' notice in writing given to the Local Government, surrender the certificate of the school.

(5) The Local Government may withdraw the certificate of any such school by notice of withdrawal served on the managers.

(6) No person shall be received into any such school under this Part after notice has been given of surrender or withdrawal of the certificate of the school; but the obligation of the managers in respect of the persons detained in the school shall, except in so far as the Local Government may otherwise direct, continue until such persons are discharged or transferred by the Local Government.

8. The Local Government may direct that any training school shall be a junior school, a senior school and a Borstal school, or any two of such schools, combined.
Combined schools.

9. (1) If any person under arrest appears to the officer in charge of the police-station to which he is brought, or to the court before which he is brought, to be under 16 he shall (notwithstanding the provisions of section 497, sub-section (1), of the Code of Criminal Procedure, 1898), be released on bail unless such officer or court believes, for reasons to be recorded, that such release would defeat the ends of justice or would bring such person into association with any reputed criminal.
Custody of persons under 16.

(2) When any such person is not released on bail he shall be detained in custody in the manner prescribed.

10. The powers and duties conferred and imposed on Courts by this Part may be exercised and performed by any of the Courts hereunder mentioned, in original, appellate and revisional jurisdiction, in cases within their powers and jurisdictions as defined by other laws.
Courts empowered to deal with persons under section 16.

- (a) the High Court,
(b) Courts of Session,
(c) District and Additional District Magistrates,
(d) Subdivisional Magistrates, and
(e) Magistrates or Benches of Magistrates having first class powers authorized by the Local Government to exercise powers under this Part either generally or as to specified matters, areas or persons.

Explanation.—Nothing in this section shall be deemed to limit the exercise by any court of the jurisdiction conferred on it by any other law except in so far as such jurisdiction is expressly limited by this Act.

11. When any court not empowered under this Part is of opinion that any person brought before it or tried by it should be dealt with under this Part, it shall record such opinion and submit its proceedings and forward the person to the nearest magistrate so empowered having jurisdiction in the case ; and such magistrate may continue the proceedings or commence them anew as he thinks fit, and may pass any order which he might have passed if the person had originally been brought before or tried by him.

12. Every court trying or holding an inquiry against any person under 16 who is not dealt with jointly with any person of the age of 19 or more shall, whenever practicable, sit in a building or room other than that in which the ordinary sittings of the court are held or on days or at times other than those on or at which such sittings are held ; and, except by leave of the court, no person other than the members and officers of the court, the parties to the case and their pleaders, and other persons directly concerned with the case shall be present during such proceedings.

13. In addition to the right of appeal provided in ordinary course by the Code of Criminal Procedure, 1898, every person affected by an order made under this Part, except on a finding as to age under section 14 or an order under section 11, by any court subordinate to a Court of Session, may appeal therefrom to the Court of Session, but subject to any time limit prescribed for the presentation of such appeals.

14. When any person is brought before any Court empowered under this Part in circumstances indicating that, by reason of his age, he should be dealt with by such Court under this Part, the Court shall, after making such enquiry as it may deem sufficient, record a finding as to the age of such person ; and such finding shall be final.

15. Notwithstanding anything contained in any other law, no person under 16 shall be sentenced to death or transportation, and no person under 16 shall be sentenced to imprisonment except by a court empowered under this Part and on the certificate of the court that the offence is so serious or the offender is of so unruly or depraved a character that the methods of dealing with him provided by this Part are not suitable.

16. If any person under 16 is convicted by any Court empowered under this part of an offence punishable with death, transportation or imprisonment, and is not sentenced to imprisonment on a certificate under section 15, the court may—
(a) discharge him after due admonition ; or
(b) sentence him to fine ; or

(c) sentence him to whipping, if such sentence may be legally imposed under any other law ; or

(d) by an order, hereinafter called a "custody order," commit him to the custody of his parent or guardian or an adult relative (if any such person can be found who in the opinion of the Court is fit to be the custodian), or to the custody of any trustworthy person ; provided that the custodian shall execute a bond, with or without sureties as the Court shall think fit, to be responsible for the good behaviour of the person so entrusted to him according to the conditions of the bond for a period not exceeding twelve months ; or

(e) order him to be sent to a training school ; or

(f) use the powers specified in clause (b) and (d) combined.

17. (1) When any person under 16 is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine, unless action against his parent or guardian under sub-section (3) of section 22 is practicable.

(2) If in any case such as is described in sub-section (1), the offender has previously undergone a sentence of whipping passed under that sub-section he may, in default of payment of fine, be sent to a training school for a period of two years.

18. Where a person under 16 is convicted of any offence and is not sentenced to imprisonment on certificate under section 15, the conviction shall not have effect under section 75 of the Indian Penal Code or section 565 of the Code of Criminal Procedure, 1898, or as a disqualification for office or election under any law.

19. No person under section 14 shall be dealt with under Chapter VIII of the Code of Criminal Procedure, 1898, or any of the provisions of that Chapter as applied by any law to persons who earn a livelihood by unlawful means.

20. (1) If any Court has reason to believe that any person under 14 within the local limits of its jurisdiction—
(a) has neither parent nor guardian nor home, or
(b) has no legitimate means of subsistence, or
(c) has a parent or guardian who, by reason of criminal or drunken habits or insanity or disease or other cause, is unfit to exercise proper guardianship, or
(d) frequents the company of any reputed criminal, prostitute, or brothel-keeper, or
(e) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime,

the Court may, by a summons directed to the parent or guardian of such person or a warrant to be executed in the prescribed manner, by a police-officer not below the rank of Sub-Inspector, cause such person to be produced in Court.

(2) Any person authorized in this behalf in the prescribed manner may, without warrant, arrest and bring before any Court to be dealt with under this section, any person under 14 whom he has reason to believe to be in circumstances such as are described in sub-section (1).

(3) When any person is brought before any Court under this section, the Court shall inquire into the case and, if satisfied by evidence of repute or otherwise that such person is in circumstances such as are described in this section, the Court may order him to be sent to a junior school, or make a custody order for him to be detained in custody for any period up to the age of 16.

21. Where the parent or guardian of a person under 14 proves to a Court that he is unable to control such person and satisfies the Court that he desires such person to be sent to a junior school, the Court may, if after inquiry it thinks fit so to deal with such person, order him to be sent to a junior school.

22. (1) In any trial or proceedings in which any person under 16 is to be dealt with under this Part, the Court may, in so far as it deems reasonable, cause the parent or guardian of such person, or both the parent and the guardian, to attend at all stages of the trial or proceedings.

(2) No order under this Part shall be made against any parent, guardian or other person without giving him an opportunity of being heard, unless his absence is due to failure, without reasonable cause, to attend the Court on being duly required so to do.

(3) If a Court convicting any person under 16 of any offence is of opinion that a fine would be a suitable punishment, whether with or without any other punishment, the Court may, and if such person is under 12 shall, order that the fine shall be paid by the parent or guardian; unless the Court is satisfied that the parent or guardian cannot be found or has not conducted to the commission of the offence by neglecting to exercise due care of the person convicted.

(4) If a person under 16 is convicted of any offence, the Court may, in addition to or in substitution for any other sentence or order which the Court may pass, direct the parent or guardian of such person to pay compensation for any loss or damage caused by such person in the commission of the offence and any costs of the trial which the Court may deem reasonable.

(5) Any Court which makes an order sending any person under 16 to a training school or committing him to custody may, at the time of making the order or thereafter, direct that such payments as the Court may deem reasonable for his maintenance shall be made by the person who, from the evidence in the case or after such further inquiry as the Court may deem reasonable, appears to be responsible for such maintenance, and the Court may vary any maintenance order made in respect of the person first mentioned under section 488 of the Code of Criminal Procedure, 1898 :

Provided that the Court may, at any time on proof of change of circumstances, vary any order made under this sub-section or cancel such order or substitute therefor any other order of like nature.

(6) All moneys ordered to be paid by a parent or guardian or other person under this section shall be recoverable in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines; provided that imprisonment shall not be awarded in default of payment.

And the Court may at any time order that any such moneys shall be payable in instalments covering a period not exceeding six months.

(7) Any moneys recovered under this section may be applied under the direction of the Court, in the manner described in sections 545 and 546A, and subject to the provisions of section 546 of the said Code.

23. (1) A custody order shall take effect over the right of the parent or guardian to have the custody of the person in respect of whom the order is made, and the custodian named in the order shall have a right, equal to and in supersession of the right of the parent or guardian, to exercise discipline and control over such person.

(2) It shall be deemed to be a condition of the bond executed by the custodian under a custody order, that he shall feed, clothe and house in suitable manner the person committed to his custody and shall cause him to be brought up in accordance with his religion as ascertained by the Court and mentioned in the order.

(3) In the event of a custodian failing to observe or perform the conditions of any bond executed by him in pursuance of a custody order, the Court which made the order may, in addition to or in substitution for enforcing the penalty of the bond, cancel the custody order and substitute therefor any other order which the Court might have passed in its stead.

24. Every order sending a person under 16 to a training school shall specify—

(a) the school by name, being such as in the opinion of the Court is best suited to the age, religion and class of such person: Provided that a person under 12 shall be sent to a junior school and a person between 12 and 14 shall, on conviction, be sent to a senior school unless the Court, for reasons to be recorded, thinks fit to send him to a junior school; and

(b) the period for which the person shall be detained in the school, subject to the provisions of this Part for dealing with persons so detained: Provided that the period shall be such as the Court deems proper for his training being not less than two years and not extending beyond the age of (i) 16, in the case of a person sent to a junior school and (ii) 18, in the case of a person sent to a senior school.

25. (1) In any trial against any person between 16 and 19 where a sentence of imprisonment would ordinarily be passed, the Court may, instead of passing such sentence, direct that such person shall be sent to a Borstal school for a period of not less than two years and not extending beyond the age of 21 :

Provided that the Local Government may, by notification, declare that any ages other than 19 and 21 shall be substituted therefor in this section.

(2) No order under the Burma Habitual Offenders Restriction Act, 1919, shall be passed against any person under 19.

(3) When any person under 19 has failed to furnish security in pursuance of any order made against him under Chapter VIII of the Code of Criminal Procedure, 1898, or any of the provisions of that Chapter as applied by any law to persons who earn a livelihood by unlawful means, the Court shall order him to be sent to a Borstal school and be detained until he furnishes the security ordered, or until two years shall expire.

Provided that, if the Court certifies that such person is of so unruly or depraved a character that he ought not to be sent to a Borstal school, the Court may commit him to prison according to law.

26. (1) In any case in which a Court convicting a person under such age as may be prescribed in this behalf passes a sentence of fine or makes a custody order or uses both of such powers, or makes an order under sub-section (1) of section 562 of the Code of Criminal Procedure, 1898, the Court may by a further order (hereinafter called a "a probation order") direct that the offender shall submit himself to the authority of a person named in the order (hereinafter called a "probation officer") and shall obey such further directions as the court may think fit to make, whether with respect to the residence of the offender, his abstention from intoxicating liquors and drugs, his association with reputed criminals or persons of immoral character, or such other matters as may be prescribed.

(2) The terms of a probation order shall be included in the bond to be executed under the custody order or, as the case may be, under section 562 of the said Code

(3) On the commission of any breach of a probation order or of a bond in terms thereof, the Court may forfeit the bond wholly or in part and may—

- (a) pass such order or sentence on the offender as it might have passed when convicting him, or
- (b) when the bond is forfeited in part only, direct that it shall remain in force, for the amount not so forfeited, until the expiry of the term originally fixed.

(4) The Court under whose sentence or order any person is detained in a training school may, on an application made in this behalf in the prescribed manner by the managers of the school, pass a probation order placing such person under the supervision of a probation officer for a period not exceeding twelve months after his discharge from the school.

(5) The probation officer to be named in a probation order shall be a person selected by the Court in a manner prescribed.

27. Without prejudice to the powers of courts of appeal and revision any custody order or probation order may be amended, by the Court which made the order, in respect of the person named as custodian or probation officer and in respect of such matters of detail as may be prescribed.

28. The provisions of sections 513, 514, 514A and 516 of the Code of Criminal Procedure, 1898, shall so far as may apply to bonds taken under this Part.

29. For the purpose of determining the sentence or order which a Court ought to pass or make under this Part against any person tried by or brought before it, the Court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence whether based upon direct knowledge, or information, or general repute.

30. Notwithstanding the requirements of sub-section (1) of section 401 of the Code of Criminal Procedure, 1898, as to the acceptance of the conditions for the suspension of sentences, the Local Government may direct—

- (a) that any person under 16 who is undergoing transportation or imprisonment under the sentence or order of any Court in Burma shall be sent to a senior school for any period not extending beyond the end of his sentence; or
- (b) that any person of an age suitable for Borstal training who is sentenced to transportation or imprisonment, or is ordered to undergo imprisonment, or is undergoing transportation or imprisonment under the sentence or order of any Court in Burma, shall be sent to a Borstal school for any period not extending beyond the end of his sentence.

31. The Local Government may order:—

(a) that any person detained in a senior school shall be transferred to another senior school; or

- (b) that any person under 14 detained in a senior school shall be transferred to a junior school; or
- (c) that any person over 12 detained in a junior school shall be transferred to a senior school, or
- (d) that any person detained in a training school whose character is detrimental to the discipline of the school shall be transferred to a prison.

32. (1) The Local Government, acting with the managers of any senior school, may consent to the transfer to that school of any person under 16 in respect of whom an order has been made by proper authority in any other part of India of the nature of an order under this Part directing him to be sent to a training school.

(2) The Local Government may order any person under 16 to be transferred from any senior school to any school of like nature in India in respect of which arrangements in this behalf have been made by the Governor-General in Council.

33. (1) Any person under 10 who is detained in a training school may, with the consent of the Chief Inspector of training schools appointed under this Part, be placed by the managers under the care of any suitable person outside the school.

(2) Every person so boarded out shall, except in so far as may be prescribed, be subject to the authority of the managers as if he were in the training school, and may be recalled by them whenever they think fit.

34. (1) The managers of any training school may, by license, permit any person detained in the school for any period to live outside the school for the remainder of the period with any trustworthy person named in the license and on the prescribed conditions ; provided that such license shall not, except with the sanction of the Chief Inspector of Training Schools, be granted before 18 months of the period have expired.

(2) Every such license shall be revoked by the managers if the person named in the license so requires or if the managers for any other reason deem it advisable to revoke it, and on such revocation, the person so licensed shall return to the training school and if he delays in so doing the period for his detention shall be extended to cover such delay.

35. The Local Government may order that any person detained in any training school or licensed out or committed to custody under this Part shall be discharged either absolutely or subject to conditions.

36. (1) The Local Government shall appoint a person to be Chief Inspector of training schools and such other persons as may be necessary to act as his deputy and assistants as may be prescribed.

(2) Every training school shall be inspected by a duly appointed inspector at least once a year, and the managers of the school shall give the inspector access to every part of the school and to all papers, registers and accounts, at all reasonable hours.

(3) Where any training school is for the reception of girls only, the inspection shall, where practicable, be made by the Chief Inspector or by a woman inspector.

(4) The Local Government may appoint any registered medical practitioner to inspect any training school and report on the health of the inmates and the sanitary condition of the school.

37. The Local Government may authorize any person to inspect any institution for the reception of poor persons under 16 which is supported wholly or partly by voluntary contributions and which does not come within any other scheme of inspection by Government :

Provided that, where such institution is carried on in accordance with the principles of any religious denomination, the managers may require that the inspector shall be a person of that denomination, and where the institution is for the reception of girls only, the inspector shall be a woman.

38. Whoever obstructs an inspector in the execution of his duties under this Part, shall be punishable with fine not exceeding fifty rupees.

39. (1) Where any person who is ordered or is required by this Part to be detained in a training school or in custody avoids or escapes from such detention, he may be apprehended by or under the authority of the managers of the school or the custodian as the case may be, and such managers or custodian may apply to a Court for the arrest of the fugitive and for such order on the parent or guardian to produce the fugitive as the Court, after such inquiry as it may deem necessary, finds suitable to the circumstances of the case.

(2) Whoever, without reasonable excuse, fails to comply with an order for the production of a fugitive under this section shall be punishable with fine not exceeding fifty rupees.

(3) Whoever knowingly assists or induces directly or indirectly any person to avoid or escape from detention or custody under this Part, or to commit any breach of any license under which he was released from such detention shall, on conviction, be punishable with imprisonment which may extend to two months or with fine which may amount to two hundred rupees, or with both.

40. (1) The Local Government may make rules generally for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Local Government may make rules for all or any of the following matters, namely—

- (a) the appointment and remuneration of managers of training schools established by Government ; the conditions to be satisfied before any place is certified as a training school ; the manner in which a training school shall be conducted ; and the circumstances in which the certificate of a training school may be withdrawn ;
- (b) the place and manner of custody of persons under 16 who are under arrest ;
- (c) subject to the local limits of the jurisdictions of Courts, the time, place and mode of trial of persons under 16 ;
- (d) the time-limit for appeals from orders under this Part ;
- (e) the persons by whom and the manner in which the arrest of persons under 14 may be made under section 20 ;
- (f) the conditions of bonds to be executed in pursuance of custody orders ;
- (g) the maximum age at which persons shall be subject to a probation order ; the directions which may suitably be included in such order ; the appointment, remuneration, control, and duties of probation officers ; the manner of selection of a probation officer by a Court ; and the procedure to be followed in making and hearing applications under sub-section (4) of section 26 ;
- (h) the matters in respect of which custody orders and probation orders may be amended by a court.
- (i) the transfer of persons from one training school to another, or to a prison ; their boarding out and licensing to live outside the training school ; and the care of persons discharged from training schools ;
- (j) the appointment, remuneration and duties of inspectors of training schools and of private institutions.

PART III.

41. (1) Whoever, being the parent or guardian of a person under 16 abandons, exposes, or wilfully neglects or ill-treats such person in a manner likely to cause unnecessary suffering or injury to the health of such person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain a person under 16 shall be deemed to neglect or ill-treat him if he fails to provide him with such food, clothing, medical aid, and lodging, as would, in the opinion of the Court which hears the case, be suitable to his condition in life.

(3) Nothing in this section shall be deemed to affect the right of a parent or guardian to administer reasonable punishment to a person in his charge.

42. Whoever for his own profit causes, or being the parent or guardian allows, any person under 16 to beg in any public place shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

43. Whoever being the parent or guardian of any person between 14 and 16 allows that person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

44. (1) Whoever being the parent or guardian of a girl under 16 causes or encourages the prostitution of the girl or causes or encourages anyone other than her husband to have sexual intercourse with her shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(2) For the purposes of sub-section (1) the parent or guardian shall be deemed to have caused or encouraged the mischief therein mentioned if it has occurred after he has knowingly allowed the girl to consort with any prostitute or person of like character.

45. In any case in which a police-officer not below the rank of sub-inspector, or a person authorized in this behalf in the prescribed manner, is of opinion that an offence under this Part has been, or is likely to be, committed in relation to any person under 16, he may cause such person to be placed in safety in such manner as the Local Government may, by rule, prescribe provided that such person shall not without an order of a Court empowered under Part II, be detained for more than twenty-four hours in addition to the time necessary to produce him before such court.

46. In any case in which any Court empowered under Part II has reason to believe that an offence under this Part has been or is likely to be committed in relation to any person under 16 within its jurisdiction, the Court may cause the production of such person by a search warrant and the provisions of the Code of Criminal Procedure, 1898, shall apply to such warrant as if it were issued under section 100 of the said Code.

47. (1) If any Court empowered under Part II, after such inquiry as the Court thinks reasonable, is of opinion that a person under 16 is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under this Part, the Court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offences in relation to such person and in default of his furnishing such security the Court may order him to suffer simple imprisonment for a term which may extend to six months or to pay a fine which may extend to one hundred rupees.

(2) The provisions of sections 513, 514, 514A and 516 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this section.

48. Where the parent or guardian of a person under 16 is convicted of offence under this Part or under Chapter XVI of the Indian Penal Code, 1860, in relation to such person the Court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such person or to send him to a training school as if he were dealt with under Part II.

49. If in any case dealt with under this Part, the Court is of opinion that the case was instituted without reasonable cause or on frivolous information given by any person not empowered under section 45 the Court, after calling upon him to show cause, may order that he shall pay such compensation not exceeding one hundred rupees as the Court may deem reasonable to the person against whom the case was instituted or the information given, and such compensation shall be recoverable as a fine under the Code of Criminal Procedure, 1898.

CHAPTER X.

THE NUMBERS AFFECTED BY THE PROPOSALS.

**The
Figures of
Juvenile
Crime.**

90. There is good reason in this province for making the treatment of juvenile criminals our special study. In the course of one year no less than three thousand offenders below the age of twenty-one years pass through the jails. During the year 1926 the number rose to over four thousand. When we compare the figures of commitment in this province with those of the major provinces of India we find that Burma unfortunately heads the list in proportion to population. The figures for 1925 are as follows :—

Province.	Number of juveniles admitted in 1925.	Ratio per million of population	Census population in 1921.
Burma	3,310	282	1,17,14,800
Bengal	2,640	56	4,66,95,536
Bombay	1,861	96	1,93,48,219
Madras	2,475	58	4,23,18,985
Punjab	3,410	165	2,06,85,024
United Provinces	2,650	58	4,53,75,787
Central Provinces	468	33	1,39,12,760
Bihar and Orissa	1,340	39	3,40,02,189
Assam	312	41	76,05,230
North-West Frontier Province	603	267	22,51,340
India ... Total ...	19,069	78	24,39,10,870
India (Proper) Total ...	15,759	67	23,21,96,070

**Juvenile
Habituals**

91. The percentage of habitual to casual offenders in the prisons of the province has risen by one half during the last twenty years. In 1901 the habitual population in the jails was twenty per cent. of the total.

During the year 1911 it rose to nearly twenty-four per cent. in 1921 to twenty-eight per cent. and in 1926 to thirty-five per cent. The habitual starts his career of crime early in life; about thirty per cent. commit their first offence before they are twenty-one years of age and not less than seventy per cent. before they are thirty. One of the most important points in the training of juvenile offenders is their separation from hardened offenders. The Meiktila juvenile jail merely touches the fringe of the question, having accommodation for only a little over one hundred and twenty juveniles, and the majority of juvenile prisoners have to be confined in adult jails, where satisfactory arrangements for their separation are impracticable. If it is possible to deal with the casual juvenile prisoner in such a way as to prevent him from becoming an habitual offender we shall not only do an enormous amount of good to the individual but we may ultimately bring about so great a reduction of the prison population that the expenditure involved in the provision of training schools may be looked upon as an excellent investment.

92. In order to formulate our proposals for the establishment of training schools and to estimate the probable size of the schools we have obtained through the Judicial Secretary to the Government of Burma and the Hon'ble Judges of the High Court statements of the number of juveniles of various ages before the courts, and of the manner of disposal of their cases. These figures had to be specially compiled since no such figures were available in published reports. It is probable that some inaccuracies have found their way into these statements since they have been compiled from the registers of the courts in which the age entered against the name of each accused person is usually that stated by the accused himself. These figures are often subsequently proved inaccurate by a medical examination or other evidence. But we think it likely that they are sufficiently accurate for our purpose. The figures of the distribution of juvenile crime throughout the province have been collated and embodied in the map appended to the report, from which it would appear that juvenile crime is heaviest in proportion to population in the dry zone districts, and in the districts lying around Rangoon. The high figures in the Tavoy district may perhaps be attributed to the depression in the mining industry in that area since the war. About three-fifths of the juveniles convicted are tried by the courts of Lower Burma. The figures are as follows :—

Collection
of Statistics.

MAGISTRATES' COURTS.

WHOLE OF BURMA, 1924.

Statement of Young Offenders before the Courts in the year 1924.

Sex.	Age.	(1)	(2)	(3)	(4)	(5)	Convicted and Sentenced to imprisonment or transportation for								(16)	(17)	(18)		
							(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)				(14)	(15)
				Number of persons before the Court.	Discharged, acquitted, transferred, died or escaped.	Committed to Sessions.	Discharged on admission under section 562, C.P.C., or section 31, Reformatory Schools Act.	Released on bond under section 562, C.P.C., or section 31, Reformatory Schools Act.	Sentenced to fine.	Sentenced to whipping.	One month or less.	Over one month and not over three.	Over three months and not over six.	Over six months and not over one year.	Over one year and not over two years.	Over two years.	Committed to Reformatory School.	Total of cols. 4 to 16.	Remarks.
Male.	Under 12 years	517	...	517	305	2	33	55	71	35	14	1	...	...	...	...	1	517	
	12 years and under 14	794	...	794	321	10	35	101	217	85	15	2	...	...	...	...	6	794	
	14 and under 16	1,787	...	1,787	646	26	46	183	591	173	40	11	29	17	6	8	11	1,787	
	16 and under 19	6,679	...	6,679	2,494	122	66	458	2,405	190	129	187	235	187	128	78	...	6,679	
	Total Males	9,777	...	9,777	3,766	160	180	797	3,284	483	198	201	264	204	135	87	18	9,777	
Female.	Under 12 years	123	...	123	89	...	6	7	20	...	1	...	...	...	...	...	...	123	
	12 years and under 14	170	...	170	95	2	7	12	51	...	1	...	...	...	...	...	...	170	
	14 and under 16	290	...	290	157	2	2	8	116	...	4	...	...	...	...	1	...	290	
	16 and under 18	547	...	547	253	1	9	37	234	...	5	3	...	...	...	...	...	547	
	18 and under 19	493	...	493	217	1	5	18	232	...	10	4	4	2	...	...	...	493	
Total Females		1,623	...	1,623	811	6	29	82	653	...	21	8	6	6	...	1	...	1,623	
GRAND TOTAL		11,400	...	11,400	4,577	166	209	879	3,937	483	219	209	270	210	135	88	18	11,400	

MAGISTRATES' COURTS.

WHOLE OF BURMA, 1925.

Statement of Young Offenders before the Courts in the year 1925.

Sex.	Age.	(1)	(2)	(3)	(4)	(5)	Convicted and Sentenced to imprisonment or transportation for						(17)	(18)					
							(6)	(7)	(8)	(9)	(10)	(11)			(12)	(13)	(14)	(15)	(16)
				Number of persons before the Court.	Discharged, acquitted, transferred, died or escaped.	Committed to Sessions.	Discharged on admission under section 562, C.P.C. or Schools Act.	Released on bond under section 562, C.P.C. or Reformatory Schools Act.	Sentenced to fine.	Sentenced to whipping?	One month or less.	Over one month and not over three.	Over three months and not over six.	Over six months and not over one year.	Over one year and not over two years.	Over two years.	Committed to Reformatory School.	Total of cols. 4 to 16.	Remarks.
Male.	Under 12 years			494	265	6	44	40	104	23	5	...	1	...	...	...	6	494	
	12 years and under 14			751	308	5	54	86	195	70	15	...	...	...	...	...	14	751	
	14 and under 16			1,904	726	38	63	223	574	166	19	18	28	14	12	13	10	1,904	
	16 and under 19			6,351	2,526	123	65	441	2,152	196	86	137	229	168	139	89	...	6,351	
	Total Males			9,500	3,825	172	226	790	3,025	455	125	156	258	184	152	102	30	9,500	
Female.	Under 12 years			136	86	3	9	10	27	...	1	...	...	...	...	...	...	136	
	12 years and under 14			161	81	...	7	14	57	...	2	...	...	...	...	...	...	161	
	14 and under 16			299	162	...	6	20	107	...	2	...	...	...	...	...	...	299	
	16 and under 18			491	243	2	8	27	198	...	5	2	...	...	...	...	...	491	
	18 and under 19			416	198	8	22	174	...	...	5	1	7	...	...	...	...	416	
	Total Females			1,503	770	13	52	245	389	...	15	4	11	...	...	...	...	1,503	
	GRAND TOTAL			11,003	4,595	185	278	1,035	3,414	455	140	160	269	187	153	402	30	11,003	

MAGISTRATES' COURTS.

WHOLE OF BURMA, 1926.

Statement of Young Offenders before the Courts in the year 1926.

Sex.	Age.	Number of persons before the Court.	Discharged, acquitted, transferred, died or escaped.	Committed to Sessions.	Convicted and Sentenced to imprisonment or transportation for										Total of cols. 4 to 16.	Remarks.	
					(10) One month or less.	(11) Over one month and not over three.	(12) Over three months and not over six.	(13) Over six months and not over one year.	(14) Over one year and not over two years.	(15) Over two years.	(16) Committed to Reformatory School.						
(1)	(2)	(3)	(4)	(5)	(6) Discharged on admonition under section 562, C.P.C. or section 31, Reformatory Schools Act.	(7) Released on bond under section 362, C.P.C. or section 31, Reformatory Schools Act.	(8) Sentenced to fine.	(9) Sentenced to whipping.	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
Male.	Under 12 years	481	259	3	70	38	77	27	5	...	1	1	...	...	...	481	
	12 years and under 14	807	331	15	80	91	182	86	10	...	1	2	...	...	6	807	
	14 and under 16	1,800	711	36	79	187	520	158	23	19	24	15	13	9	6	1,800	
	16 and under 19	6,678	2,479	116	90	425	2,406	234	75	144	287	169	137	116	...	6,678	
	Total Males	9,766	3,780	170	319	741	3,185	505	113	165	313	187	151	125	12	9,766	
Female.	Under 12 years	163	126	...	8	6	24	...	1	...	...	...	...	...	...	163	
	12 years and under 14	161	83	...	7	12	57	...	2	...	...	...	...	...	...	161	
	14 and under 16	302	154	...	8	18	118	...	2	...	...	...	...	...	...	300	
	16 and under 18	473	226	3	5	22	200	...	4	4	3	3	2	1	...	473	
	18 and under 19	428	182	...	4	27	198	...	7	5	4	...	...	1	...	428	
	Total Females	1,527	771	3	32	85	597	...	16	9	7	3	2	...	...	1,527	
	GRAND TOTAL	11,293	4,551	173	351	826	3,782	505	129	174	320	190	153	127	12	11,293	

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SESSIONS.

WHOLE OF BURMA, 1924.

Statement of Young Offenders before the Courts in the year 1924.

Sex.	Age.	Number of persons before the Court.	Discharged, acquitted, transferred, died or escaped.	Committed to Sessions.	Discharged on admonition under section 562, C.P.C. or section 31, Reformatory Schools Act.	Released on bond under section 562, C.P.C., or section 31, Reformatory Schools Act.	Sentenced to fine.	Sentenced to whipping.	Convicted and Sentenced to imprisonment or transportation for							Committed to Reformatory School.	Total of cols. 4 to 16.
									(10) One month or less.	(11) Over one month and not over three.	(12) Over three months and not over six.	(13) Over six months and not over one year.	(14) Over one year and not over two years.	(15) Over two years.	(15a) Sentenced to death.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(15a)	(16)	(17)
Male.	Under 12 years	2	2	...	...	...	...	1	...	...	...	...	...	2	...	2	2
	12 years and under 14	13	4	...	...	4	...	1	...	...	...	...	...	7	1	2	13
	14 and under 16	24	10	...	...	2	...	...	...	...	...	...	...	57	...	...	24
	16 and under 19	116	42	...	...	2	1	...	1	...	3	1	2	...	...	...	116
	Total Males	155	58	...	...	8	1	2	2	...	3	1	3	66	8	4	155
Female.	Under 12 years	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	12 years and under 14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	14 and under 16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	16 and under 18	4	2	...	...	1	...	...	...	...	...	...	...	...	...	...	4
	18 and under 19	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total Females	4	2	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	GRAND TOTAL	159	60	...	...	9	1	2	1	...	3	1	3	67	8	4	159

(73)

SESSIONS.

WHOLE OF BURMA, 1925.
Statement of Young Offenders before the Courts in the year 1925.

Sex.	Age.	(3) Number of persons before the Court.	(4) Discharged, acquitted, transferred, died or escaped.	(5) Committed to Sessions.	Convicted and										(16) Committed to Reformatory School.	(17) Total of cols. 4 to 16.
					(6) Discharged on admonition under section 562, C.P.C. or section 31, Reformatory Schools Act.	(7) Released on bond under section 562, C.P.C. or section 31, Reformatory Schools Act.	(8) Sentenced to fine.	(9) Sentenced to whipping.	(10) One month or less.	(11) Over one month and not over three.	(12) Over three months and not over six.	(13) Over six months and not over one year.	(14) Over one year and not over two years.	(15) Over two years.	(15a) Sentenced to death.	
Male.	Under 12 years	5	3	..	..	..	..	2	..	..	..	..	..	..	..	5
	12 years and under 14	4	2	..	..	..	..	1	..	..	..	..	..	..	..	4
	14 and under 16	30	13	..	..	..	..	..	..	..	..	..	..	..	..	30
	16 and under 19	114	47	..	..	1	1	..	4	..	..	1	3	50	6	114
Total Males		153	65	..	1	1	1	4	4	..	..	1	3	66	6	153
Female.	Under 12 years	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	12 years and under 14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	14 and under 16	1	1	..	..	..	..	..	..	..	..	..	..	..	..	1
	16 and under 19	2	2	..	..	..	..	..	..	..	..	..	..	..	..	2
Total Females		3	3	..	..	..	..	..	..	..	..	..	..	..	..	3
GRAND TOTAL		156	68	..	1	1	1	4	4	..	..	1	3	66	6	156

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SESSIONS.

WHOLE OF BURMA, 1926.
Statement of Young Offenders before the Courts in the year 1926.

Sex.	Age.	(3) Number of persons before the Court.	(4) Discharged, acquitted, transferred, died or escaped.	(5) Committed to Sessions.	Convicted and										(16) Committed to Reformatory School.	(17) Total of cols. 4 to 16.
					(6) Discharged on admonition under section 562, C.P.C. or section 31, Reformatory Schools Act.	(7) Released on bond under section 562, C.P.C. or section 31, Reformatory Schools Act.	(8) Sentenced to fine.	(9) Sentenced to whipping.	(10) One month or less.	(11) Over one month and not over three.	(12) Over three months and not over six.	(13) Over six months and not over one year.	(14) Over one year and not over two years.	(15) Over two years.	(15a) Sentenced to death.	
Male.	Under 12 years	4	1	..	..	1	..	1	..	..	..	..	..	..	..	4
	12 years and under 14	11	6	..	..	1	..	3	..	..	..	..	..	..	..	11
	14 and under 16	39	15	..	..	..	..	..	..	..	..	..	2	21	..	39
	16 and under 19	139	45	..	..	..	1	..	..	..	..	1	11	64	15	139
Total Males		193	67	..	1	2	1	4	..	..	2	1	13	85	15	193
Female.	Under 12 years	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	12 years and under 14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	14 and under 16	Nil	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	16 and under 19	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total Females		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GRAND TOTAL		193	67	..	1	2	1	4	..	..	2	1	13	85	15	193

(75)

Junior
School.

93. The Commissioner of Police, Rangoon, and the district magistrates were asked also for estimates of the number of boys in each district under the age of fourteen years living in circumstances conducive to crime. The totals, as might be expected, vary widely in adjoining districts whose conditions would appear to be very similar and it would probably not be safe to rely greatly on them except in the case of Rangoon and one or two other districts where the figures have been collected with particular care in each police-station area. They suffice, however, to show that there is a real need for preventive measures such as Mr. Paterson proposed and we have recommended. It is probable that in practice it will be found that the number of boys committed to the preventive (junior training) school will fall far short of the number given in these estimates, but we are confident that enough boys of this type exist to justify the establishment of such a school. The figures are as follows :—

District.	Estimate of boys under 14 living in circumstances conducive to crime.	Number of boys under 14 before the courts, 1926.	District.	Estimate of boys under 14 living in circumstances conducive to crime.	Number of boys under 14 before the courts, 1926.
			Brought forward	706	785
Akyab ...	42	52	Toungoo ...	8	46
Paletwa ...	Nil	Nil	Magwe ...	Nil	53
Kyaukpau ...	5	15	Thayetmyo ...	Nil	12
Sandoway ...	24	20	Minbu ...	22	22
Rangoon ...	175	127	Pakokku ...	23	29
Pegu ...	170	80	Chin Hills ...	Nil	Nil
Hanthawaddy ...	7	41	Pakokku Hill	Nil	Nil
Insein ...	80	43	Tracts.		
Tharrawaddy ...	60	49	Mandalay ...	8	38
Pröme ...	15	43	Kyaukse ...	3	15
Henzada ...	12	60	Meiktila ...	6	43
Bassein ...	40	71	Myingyan ...	4	31
Myaungmya ...	Nil	33	Yamethin ...	Nil	86
Ma-ubin ...	32	58	Bhamo ...	Nil	5
Pyapon ...	15	24	Myitkyina ...	Nil	7
Thaton ...	Nil	6	Katha ...	Nil	7
Salween ...	5	Nil	Shwebo ...	18	47
Moulmein ...	13	38	Sagaing ...	21	33
Tavoy ...	Nil	21	Upper Chindwin	6	6
Mergui ...	11	7	Lower Chindwin	7	21
Carried over ...	706	785	Provincial Total	832	1,289

94. We have made enquiries from the Inspector-General of Prisons, Madras, Lieutenant-Colonel Cameron, I.M.S., regarding the rate at which the accommodation in the junior certified schools of that province was taken up and are informed that it was nearly a year before a total of thirty admissions was reached. At the end of three years a total of seventy boys had been admitted to the school at Ranipet and nineteen others had been transferred to the newly opened junior certified school

at Rajamundry, in the north of the Presidency. There were twenty admissions into the Ranipet school in the first six months of 1927 bringing up the total in that school to ninety. The numbers in the Rajamundry school rose from nineteen to thirty-two in the course of the same six months, making a total for the two schools of one hundred and twenty boys. The provisions of the Children Act were not however applied at the outset to the whole of the Madras Presidency. We think that in Burma if action is taken systematically and judiciously the numbers in the junior school will rise much more rapidly than was the case in Madras, and should reach a final total of about one hundred and fifty boys.

95. The number of boys under sixteen committed to the prisons of the province each year amounts to about one hundred. If our proposal is accepted that no person under sixteen shall be confined in a jail it will be necessary to find accommodation in the senior training school for that number of boys less those placed on probation and a small number committed to prison on the certificate of the magistrate that they are of so desperate or depraved a character as to be unlikely to be benefited by the reformatory training in the school. Were all these boys committed to the senior training school for the minimum term of two years retained during the whole of that period within the walls of the institution the numbers in that school would amount to over two hundred, but we do not think that this will prove to be the case. Accordingly we recommend that accommodation should be provided at the outset for a minimum of a hundred and fifty boys.

96. It is difficult to make an accurate estimate of the number of lads likely to be committed to the Borstal school in lieu of imprisonment. We do not propose to make it compulsory for magistrates to commit adolescent offenders to a Borstal school and therefore it will not be necessary at first to provide accommodation for all the lads aged sixteen to nineteen at the time of conviction, as a number will still continue to be sent to the juvenile jail or possibly, in the case of short sentences, to the other jails of the province. Of the seven or eight hundred boys committed every year to prison it may be hoped that when a probation system has been established at least two hundred will be dealt with by means of a probation order. In most of the cases of the hundred and fifty adolescent offenders who are committed on the average each year to the jails for sentences of less than one month such an order should certainly have been made. Of the remaining six hundred lads admitted to prison each year, until magistrates have learnt to appreciate the value of reformatory training in the case of adolescent offenders we doubt whether more than about one half will be sentenced to Borstal training instead of imprisonment. Local government will have power under section 30 of our draft bill to withdraw suitable cases

Senior
School.Borstal
School.

from the jails and send them to the Borstal school. By this means a nucleus of say fifty or sixty lads can be got together as soon as it is desired to start a school. When an Act on the lines of the draft bill attached to this report is in operation the numbers in the Borstal school should quickly run up to two or three hundred, and finally reach the neighbourhood of six hundred by the time the Act has been in operation for two or three years. Mr. Paterson's estimate of the accommodation that should ultimately be sufficient in the training school proposed for lads over fourteen and under nineteen was eight hundred, calculated on the basis of four hundred sent to the training school each year. He considered that three parts of those committed would be first offenders. The numbers committed to the school will depend ultimately upon the magistracy and the extent to which the magistrates of the province use the powers given to them in this connection. There was a difference of opinion as to the maximum number of boys that should be accommodated in any one school. Some members considered that this should be two hundred in four houses of a maximum of fifty boys each. The majority while agreeing that a school so limited would be preferable thought that regard should be had to financial considerations and that a school of three hundred boys in five houses would not be too large to be efficiently controlled by one head. If we provide a permanent school in the present reformatory school buildings for two hundred or more lads and a camp or farm school, which can be duplicated if needs be, to accommodate another two or three hundred, it will be safe to say that it will be some years before these schools are full to the whole extent of their capacity. The accommodation in the jails of the province, which is notoriously strained to the utmost, will be correspondingly relieved.

CHAPTER XI.

SITES FOR THE SCHOOLS.

97. In making our recommendations for the sites for the training schools we have borne in mind three main considerations :— Junior School.

- (a) The selection except in the case of the junior training school of an area where land is available for agricultural training, the soil sufficiently productive and the rainfall not so excessive as to render training difficult.
- (b) Suitability of the buildings for the purposes of the training of the lads or girls of different ages.
- (c) Economy : involving if possible the adaptation of existing disused buildings to the purposes of a school.

98. We will take first the sites we have considered for the foundation of the junior training school. The question of providing land for the working of a farm or garden does not present any difficulty as the majority of the boys being under fourteen years of age horticultural and workshop training will be the form of training chiefly carried out. We did not think it necessary to recommend the erection of special buildings for the purposes of the junior school : we considered it desirable, however, that the school should be situated in or near Rangoon in order that a strong committee may be formed to supervise and assist in the work of the school and that employment may be available in the neighbourhood of the school for boys taking up industrial work on release. We have not been able, however, to find in Rangoon or the neighbourhood any unoccupied government building with sufficient accommodation for the purpose nor does it appear to be possible to purchase cheaply a house of sufficient size. Buildings No. 49 and 50 in the Rangoon Cantonments would be suitable for our purpose, but we understand that the site of these buildings will be otherwise employed when the troops move out to the Mingaladon cantonments. At Moulmein, however, on the ridge near the civil station is situated a large concrete and brick building which was designed as a trade school but is now used as a hostel for the Moulmein Government High School, and is in the occupation of some fifty or sixty boys from that institution. It has not proved popular as a place of residence, as it is inconveniently distant both from the school and the town and is in a somewhat exposed position. If this building can be made available for the housing of the junior training school it is well situated for the purpose and will require little adaptation. It contains dormitories and dining accommodation sufficient for at least

one hundred and fifty boys of the junior school age with class rooms and large covered verandahs that would enable educational or manual training to be carried on under cover at any time of the year. The only important addition that will have to be made to the existing building is the provision of a strong fence of wood or concrete around the school which will be necessary to preserve the amenities of the civil station. It would be preferable to have the school in the suburbs of Rangoon, but Moulmein is after all only one night's journey from that place and if the boy is placed upon the evening train at Rangoon he will arrive at the school early on the morning of the next day. The rainfall of the Moulmein district is heavy but in the case of the junior school where agricultural training is not the main form of vocational training this will not be of such great importance as in the case of the other schools. Failing the utilization of the Moulmein hostel it should not be impossible to find a large house that could be adapted to the uses of a junior school.

Senior School

99. We have already referred to the long-standing project to remove the reformatory school from the present unsuitable buildings at Insein to the former government middle school building at Thazi. We have considered also the possibilities for use as a senior school of a large house at Kadaik village in the Thaton district belonging to the estate of the late Mr. Lim Chin Tsong. The house is a solid and self-contained building and could be adapted for the accommodation of at least one hundred and fifty boys. It lies some two miles east from the main Thaton-Martaban Road and is about three miles from the Katun railway station. The house being in a somewhat dilapidated condition could probably be purchased inexpensively and put in repair partly by the boys' own labour. So far as the buildings and site are concerned the place would be very suitable for a senior training school. We have, however, obtained reports on the site from Major Roberts, Deputy Commissioner, Thaton, and from Mr. Grant, Deputy Director of Agriculture, Tenasserim circle, from which it appears that the land in the vicinity is not sufficiently productive for the purposes of a farm school, and on this account we are unable to recommend the site as being so suitable as the proposed site at Thazi. An additional disadvantage consists in the heavy rainfall of the Thaton district which would make out door work difficult for at least six months in the year.

100. We propose in Chapter XI that agricultural training should be the main form of vocational training given in the senior training school. At the time of the original proposal to remove the reformatory school to Thazi some fifty acres of irrigated land to the south of the Myingyan railway line were reserved for the purposes of the school and we are informed that this could still be made available on payment of compensation for improvement to the present tenants, three months' notice being

given prior to July the 1st. Garden land and land for recreation are also available in the neighbourhood of this school. The buildings will require adaptation and repairs, but as will be seen from the figures given in the correspondence that we have printed in Appendix B of our report, the adaptation of the existing buildings will be infinitely cheaper than the erection of new ones whether temporary or permanent. The town of Thazi is in a central position and convenient for the committal to the school of boys from all parts of the province. The proximity of the Meiktila juvenile jail will render inspection and interchange of ideas easy. The climate of Thazi is specially adapted for outdoor work and the irrigated land available is of good quality. We have no hesitation in recommending very strongly the immediate removal of the reformatory school to these buildings—a project which was delayed only by the outbreak of the recent war and which has unfortunately been overlooked from that time up to the present.

101. The Home Office committee appointed to consider the treatment of young offenders was of opinion that, whilst the provision of a suitable staff for the Borstal school matters more than the nature of the buildings provided, "the development of Borstal training has undoubtedly been handicapped by being started in old prison buildings, and it is to be hoped that when the next Borstal institution is provided a different policy will be followed and it will be found possible to erect special buildings." We do not recommend the erection of special buildings on account of the cost of providing adequate accommodation but we think that the use of old jail buildings should, if at all possible, be avoided in this province.

Borstal School.

It appears from the figures that we have collected that some eight hundred lads between the age of sixteen and nineteen are committed to the jails every year. Many of these should perhaps have been placed upon probation had any cadre of probation officers been in existence in the province. In other cases the offence committed was doubtless of so serious a nature that committal to a prison was inevitable. It would appear that at least four or five hundred lads of this age are being committed each year to the jails who should more properly have received special training in a Borstal school, though it is doubtful whether magistrates would at first take full advantage of the establishment of a Borstal system in the province. Two schemes of reformatory training for juvenile offenders of the Borstal age have been placed before us with some divergency of methods if none as to the end to be attained. Colonel Tarapore, as Inspector-General of Prisons, expressed to us his desire to keep clear of the jails of the province a great majority of these lads who are now in danger of contamination by the hardened offenders with whom they will come in contact in the jails. He favoured the immediate establishment of a Borstal institution to deal with seven or

eight hundred lads situated in such buildings as the empty barracks of the Shwebo or Meiktila cantonments. Mr. Paterson's view, as expressed in his report, was that a start should be made on a small scale with buildings of the cottage type in order by a gradual extension of the system to build up a high tone and tradition in the schools. It has been our aim to find if possible a formula to reconcile these opposing considerations, and to secure so far as possible the advantages of both methods of treatment. The arguments in favour of the use of existing buildings on a large scale include the prospect of being able to give a large number of lads training whilst exercising the utmost economy. It would be possible without any great expenditure to fence round selected barracks in the Shwebo or Meiktila cantonments and to shut up inside the fence some four or five hundred boys of the Borstal age, with the same proportion of jailors and warders as are now employed in the Meiktila juvenile jail to keep them in order. The buildings however that have been suggested are far from suitable for the purposes of the training of juvenile offenders, they are so close to the other buildings in cantonments that it would be impossible to give the lads any great amount of freedom, and there is no suitable land available in either case for the establishment of a farm. The main disadvantage of the alternative proposal consists in the cost of the erection of new buildings even of temporary nature. There would be some difficulty also in the observation and custody of boys on their arrival, when they are most likely to run away, in buildings which are of the nature of a farm school or village colony.

The Myindaik Site.

102. It was suggested by Mr. Paterson that Myindaik in the Shan Hills near Kalaw might be utilized as the site of a farm school, a proposal which offers the advantage that the Meiktila juvenile jail might be used as a base for a school on that site. We do not, however, recommend the establishment of a school on the Myindaik site, as we consider it particularly important that lads in the Borstal training school should receive agricultural and vocational training under much the same conditions as those to which they will return on their release. It is true that it would be possible to exact longer hours of work in the cool climate at an altitude of four thousand feet and it is probable that the European members of the staff would be able to carry out their duties more efficiently but the Burman lad on his return to the plains would find conditions so different to those at Myindaik that his two or three years' training would prove of little value to him.

The Thayetmyo Fort.

103. We have considered the possibility of the utilization of the Thayetmyo Fort as a Borstal school with outlying schools at Kyaukpadaung, Shwebandaw or Yegyanzin, where there are abandoned Police-station buildings standing in cleared areas which might be utilized as the nucleus of farm schools. Whilst the site of the Fort and the

buildings themselves, which include a detention barracks, are suitable for a Borstal school, it appears that there is insufficient land of good quality to provide work for the number of boys likely to be admitted to the school. As it is essential that an ample area for agricultural work should be available, and desirable that a profit should be made from it, we have preferred to recommend the Insein reformatory buildings, combined with a farm school on a site near Wanetchaung as the best location for the institution.

104. We have decided therefore to recommend the adoption of the buildings at Insein now used as the reformatory school as the headquarters of the first Borstal school. These buildings alone however are by no means large enough for the numbers which should ultimately be sent to the Borstal schools and we propose that a farm school should be set up on land which is being considered as a site for a government estate and is available without cost to government near Wanetchaung in the Insein district, about twenty-five miles distant by road from Rangoon. The buildings at Insein will be particularly suitable for the treatment on admission of lads committed to the Borstal school, and will enable them to be watched during their first days in the school until they have acquired a certain amount of *esprit de corps* and shaken down to life in the school. The buildings will also be convenient for the detention of the more difficult cases of lads who do not respond to the methods of training in the farm school. Whilst something of the stigma of a jail unfortunately attaches to a building such as the Insein reformatory it has, at any rate, always been known as a place of detention for juveniles, and has no associations with the hardened offender, such as are found in an adult jail. The site near Wanetchaung offers considerable advantages for a school in which agricultural training must be the main form of vocational training. Paddy, sugar-cane and vegetables can all be grown upon the land, and work can be carried on throughout the greater part of the year. A ready market for the products of the school will be available in Rangoon; the proximity of the site to Rangoon whilst it involves a certain danger of lads running away will, at any rate, insure that the school will prove more attractive to the Burmese or Anglo-Indian members of the staff than would be the case were it situated in a more remote part of the province.

105. By the utilization of the existing buildings at Insein and the vacant land at Wanetchaung all the advantages mentioned in the first paragraph of this chapter may be secured so far as the Borstal school is concerned and at the same time the future development of the system will not be hampered by out-of-date buildings or a restricted site.

**The Insein
Wanetchaung
Scheme.**

CHAPTER XII.

TRAINING AND STAFF.

**Vocational
and Literary
Education.**

106. It must be borne in mind when fixing the courses of study and engaging the staff of the training schools that the courses fixed and the type of staff engaged in similar schools in England are governed by conditions by no means parallel with those prevailing in Burma. In England elementary education is free and compulsory ; we find therefore that age is an indication of the standard of educational achievement, and the grading into classes of boys when they enter the English reformatory (senior certified) schools is made easy. Moreover, the educational side of the work of reformatory schools and Borstal institutions is limited to short courses intended to make good deficiencies in a boy's education. A foundation has in every case already been laid in the public elementary schools. Secondly, England is an industrial country, the majority of the boys in the school are town boys and the vocational openings available to these boys when they leave the schools are very varied. They can obtain employment in agricultural occupations, not as tenants but only as farm hands. There are innumerable openings for them in industry, especially in factories of all kinds. The vocational training for rural occupations which is given in many, if not all, senior certified and Borstal schools, is vocational training for employees and not for owner or tenant farmers, and the vocational training for industrial occupations is training for such trades as mechanic, turner, and fitter, and not for " cottage " industries.

107. The conditions prevailing in Burma are very different. We are informed in the first place that the majority of the boys entering the reformatory school are illiterate. Secondly, the Burman is not industrial but agricultural by occupation. Thirdly, the boys except perhaps those who will enter the junior training school are not town boys. Fourthly, the openings in employment for these boys when they leave the school are confined to agricultural work in their own villages with their own families, and some openings of much less importance in workshops in Rangoon. It follows from these considerations that compared with the English system more time must be spent in all the training schools in the matter of elementary education. The vocational training in the senior and Borstal schools must be vocational training for agriculture, because when the boys leave the school they will not generally wish to stay in towns but will desire to return to their villages,

and the only occupation they can take up there is agriculture. Moreover, if they have undergone some two or three years of thorough training in agriculture when they return to their villages they will not be unwelcome, but will be efficient helpers to their family and to the village community. Workshop training must be of two types ; in the junior training school where the inmates will be chiefly town boys the workshop training should be such as will equip the boys for entry into trades in Rangoon as apprentices. In the senior school the workshop should provide training in those occupations which are subsidiary to agriculture or which are commonly carried on in rural areas, particularly during the slack season. It would however be desirable to provide a fitted workshop with a number of machine tools so that it may be possible to give some training to those boys who either because they are town boys or from disinclination to return to their villages will look for employment in the towns on their release.

108. The junior training school is chiefly for Rangoon boys and boys from the larger towns. Its course of study will be a thorough grounding in elementary vernacular education with perhaps lessons in spoken English and, on the vocational side, vocational training for apprenticeship. This means in fact the establishment within the junior training school of what is known in England as a junior technical school. Such manual and horticultural training should be provided as may be most likely to be useful to the boys in afterlife and something may be done to reduce the cost of the school by the sale of the manufactured articles and surplus garden produce. The house system should be applied to the school and the boys in charge of individual masters should sleep in one dormitory and play in the same team. Scouting should be made a feature of the school and one or more troops formed which boys who show promise of future good conduct should be allowed to join. It is not possible with boys of this age to apply fully the monitorial system but house leaders may be chosen amongst the best conducted boys and given special privileges as a reward for good behaviour. In order to teach the boys the use of money the experiment should be tried of providing a small weekly pocket money varying in accordance with the grade to which the boy has attained and the amount of work he has turned out either in school or in the workshop. It has been found practicable in the certified schools both in England and Madras to give boys of this age the control of small sums of money and freedom to spend it so long as the articles bought are not of an injurious nature. In this and other ways as much as possible should be done to prepare the boys for their eventual return to normal existence and regular employment. We give an outline at the end of this chapter of suggested rules for Borstal institutions in Burma ; the rules for the junior and senior training schools will be on the same lines but modified in accordance with the ages of the boys in the schools.

**Training
in the
Junior
School.**

109. The population of the senior training school being chiefly village boys, and largely illiterate, the basis of the courses of study must be primary vernacular education and in addition vocational training for agriculture and other subsidiary and major rural occupations. We suggest that a suitable course of study for these schools graded into three years would be somewhat as follows :—

	Hours weekly.		
	First year.	Second year.	Third year.
Vernacular	6 2/3	6 2/3	1 1/3
Arithmetic	3 1/3	3 1/3	2
English (Colloquial)	6 2/3	4 2/3	1 1/3
Drawing	2	2	2/3
Nature study	2	2	...
General Knowledge, Geography, History, and News.	6 2/3	3 1/3	2/3
Workshop	3	3	9*
Garden (private allotment)	5	5	2
Vocational subjects, Theory	...	...	3 1/3
Vocational subjects, Practical and Farm Duties.	5	10	20*

* Interchangeable.

In the case of boys committed only for two years the second year's programme would be omitted.

110. In the reformatory school at Insein cane work, carpentry, and metal work, are the subjects taught, but it is noticeable that only a small proportion of the boys take up on their release the trades which have been taught them whilst in the school. It appears that unless a boy has friends or relations in one of these trades it is difficult for him to gain a footing in it. We propose therefore that agricultural training should be the main form of vocational training given in the senior training school. At the time of the original proposal to move the reformatory school to Thazi some fifty acres of land were reserved there for this purpose and we understand that this land can still be made available. Other forms of vocational training, such as metal work, carpentry and weaving, should be provided as an alternative employment, or to meet the case of boys not fitted for work on the land. The house system can be applied in the senior school more fully than in the junior school, and monitors should be appointed to be in charge of small groups within the houses in order to foster a healthy spirit of group rivalry and competition amongst the boys. There should be also a system of marks depending upon the boy's conduct in the class room or the workshop on which should depend the privileges granted to him. The details of the marks system can best be determined only after some experience has been

gained but it will follow generally the lines of that in use at present in the reformatory school.

111. The problems presented in the reformatory training of boys of the ages sent to the junior and senior training schools are by no means so difficult as those involved in the training of adolescents. Once a boy has passed the age of puberty he experiences a stronger desire for adventure in the outside world, and it becomes harder to create in his mind the resistances to crime necessary in order that he may take up an honest livelihood on his release. But while in an adult offender we may assume that the mind is mature and that a change of temperament or reformation of character is possible only to a limited extent, in the case of the adolescent offender there is still every chance of reform if the training is carried out on the right lines.

Trainin
Adoles-
cents.

112. It is particularly necessary with a lad of this age to look after his moral welfare as well as to ensure his mental and physical welfare. If the lad is exposed to unhealthy influences, either moral or physical, he will not receive the full benefits of the course of training given in the school. On entering the school the lad is weighed and measured, bathed, and, if necessary, vaccinated and must remain under observation in quarantine for a period of a week or ten days. At this stage the mentally defective lads should be discovered and if such an institution is brought into existence should be sent to a special school where they should be looked after without hindering the progress of the training of the normal inmates. Moral perverts should also, so far as possible, be removed from the school at an early stage.

113. In the English Borstal institutions and in the Tanjore Borstal School, Madras, the greater number of the boys are separated at nights and sleep in separate cells. Jails in Burma contain very little cellular accommodation and there are no separate cells in the reformatory school building at Insein. It would not be practicable to build cubicles for each boy at a farm school, such as we propose at Wanetchaung, and we think that a scheme of hutments must be relied upon; each hut should accommodate ten or twelve boys and should be in charge of a monitor, and every four huts should be in charge of a housemaster and accommodate the boys of one house. Two to three hundred boys in four to six houses should be the maximum number accommodated in any one school, and that number should be reached only after a period of steady growth. The huts should be of bamboo and thatch at first, and later replaced by brick, which, we understand, is now cheaper than wood for building purposes in the neighbourhood of Rangoon. As soon as sleeping accommodation has been provided the corresponding workshops and living-rooms should be taken in hand, and constructed, so far as practicable, by the lads themselves.

114. In making our recommendations as to the staffing of the training schools we have had to consider how far European superintendence will be necessary to ensure that the principles of reformatory training may be carried out in those schools on the lines which experience in England and America has proved to ensure the maximum percentage of success in dealing with young offenders. We have already observed in Chapter IV of the Report that we are unable to accept the principle of placing young English trained Borstal officers in direct charge of the boys in the Borstal or other training schools of this province. There are difficulties also in the appointment as superintendent of an officer who, however well qualified to direct an institution in England, would not be so experienced in the particular conditions of this province as to find it easy to adopt English ideas to Burmese conditions. We have decided therefore to recommend that for the Borstal school an officer should be brought out from England to act as deputy superintendent and later placed in charge of the first farm school at Wanetchaung with an officer of some experience in this country as head of the combined institutions. In the case of the senior training school we recommend that the present staff of the Reformatory school should be retained on a scale of pay slightly revised in order to bring it into line with the scales recommended for the other schools and to ensure a good class of future candidates for the post of masters in this school. For the junior school we recommend, as will be seen from our detailed proposals, the appointment of Burmese assistant masters and a Burmese deputy superintendent under the charge of an officer with experience of the working of an industrial school in England. The conditions of an industrial school in England and a junior school in this province will not be so dissimilar that an English superintendent will not be able to perform the work of administration efficiently within a short time of his appointment. We suggest that as soon as the Burmese deputy superintendent has acquired sufficient knowledge and experience to take over charge of the junior school the officer acting as head of the junior school should be posted as deputy superintendent to the charge of the second Borstal farm school which will by then have to be established in order to accommodate the increasing numbers that we expect will find their way into the Borstal schools.

115. Vocational training must be the main consideration in a school for adolescents, but the lads should attend educational classes in the evening conducted by the housemasters attached to the school, on ordinary vernacular school lines for a total of at least ten hours a week. In addition to the agricultural training, instruction in weaving, metal work and carpentry should be provided, particularly in the institution to be founded in the present reformatory buildings at Insein, but also, so soon as workshops can be provided, in the farm school at Wanetchaung.

116. The population of the Borstal school will be composed almost entirely of village lads. Only a man who has rural tastes and a large-hearted sympathy for village folk can be expected to do good work as a housemaster in one of these schools. Many of the graduates of the Rangoon University are townbred, or if not, they have been so long in towns that they have lost touch with the village, even if they have not developed an aversion to village life. For these reasons we suggest that when selecting the Burman housemasters attention should be paid first of all to the man's own temperament, to his sympathy with and understanding of village problems, and his willingness to identify himself with village as opposed to urban life. Secondly, we consider that most, if not all, of the housemasters selected should undergo a course, shorter or longer as circumstances may demand, in agricultural training. There is every hope however that men of the type indicated will be obtainable from the university. In selecting them it should be kept in mind that they are being engaged to train village boys for village life, and that this is a very different job to ordinary school mastering.

117. We consider it essential that the staff of the schools should form a separate service with traditions of its own and not form part of, although its members may from time to time be seconded from, the Prisons Department or the Educational Service. We propose that the service should be called the Judicial Department Training Schools Service and that recruitment should be made to it on the scale proposed below :—

I.—JUNIOR TRAINING SCHOOL.

118. As this is an entirely new departure in Burma it is in our opinion necessary to obtain a superintendent with a thorough knowledge of the running of similar schools in England and we think that the superintendent of this school should be recruited from England, with a Burmese or Anglo-Burmese headmaster and deputy superintendent subordinate to him on the same scale of pay as, and interchangeable with, the housemasters in the Borstal school, and the deputy superintendent of the senior school. It would appear convenient that the housemasters in the junior school should be on the same scale of pay and interchangeable with the housemasters in the senior school. We append a scale of the staff which will be required in the junior school up to a maximum of 150 boys.

			Rs.	
One Superintendent at	...	...	600	Plus overseas allowances and free passages.
One Headmaster at	...	...	270	
One Housemaster for each 35 boys in the school at	...	...	80	Plus charge allowance Rs. 10.
One Matron at	...	...	80	

One Assistant Matron and Nurse at	Rs. 60	To be appointed on total 70 being reached.
Three Technical Instructors at	80	
One Cook at	30	
One Paniwallah at	20	
One Sweeper at	20	
Allowance to Sub-Assistant Surgeon, Moulmein.	25	

II.—SENIOR TRAINING SCHOOL.

119. In the case of the senior training school we have to consider the existing staff of the reformatory school at Insein. This staff is composed as follows :—

	Scale of pay.	Present pay.
	Rs.	Rs.
One Superintendent	700—50—800	800
One Headmaster	150—10—250	240
Plus House Allowance	...	25
One 1st Assistant	75—5—130	95
Plus House Allowance	...	25
One 2nd Assistant	50—5—90	90
Plus House Allowance	...	9
One 3rd Assistant	50—5—90	80
Plus House Allowance	...	9
One Carpenter	45—3—60	60
Plus House Allowance	...	6
One Tinsmith	45—3—60	48
Plus House Allowance	...	6
One Cobbler	45—3—60	48
Plus House Allowance	...	6
One Nurse	75—5—100	75
One Ward Attendant	25—5—50	30
Plus House Allowance	...	5
Nine Peons	18—1—20	...

It is possible that this staff would not be willing to leave the Education Department and join a Judicial Department Service, but if they wish to do so they have a claim to consideration in the selection of the staff for the senior training school. We propose that the chief officer, officers and instructors in the senior training school should be paid at the same rates as those in the Borstal school and that the services of these officers should be interchangeable. As regards the housemasters we do not consider that the problems involved in dealing with boys of the senior school age are likely to call for the exercise of such high qualifications as those required of housemasters in the Borstal school. We would recommend that the superintendent should remain upon the present scale of pay and that an officer should be appointed as deputy superintendent and headmaster on Burma Educational Service pay; we think that housemasters should receive the scale of pay of a junior master in an anglo-vernacular school (Rs. 80) plus free quarters and Rs. 10 charge allowance for the care of a house. The following staff should be adequate until a total population of one hundred and fifty boys is reached.

	Rate of Pay proposed.
	Rs.
One Superintendent at	800
One Headmaster at	270
Two Housemasters at	80 plus Rs. 10 charge allowance.
Two Assistant Housemasters at	80
Four Technical Instructors at	80 plus Rs. 10 charge allowance.
One Matron at	80
One Chief Officer at	80
One Clerk at	60
Allowance to Sub-Assistant Surgeon, Thazi at	25
Six Officers at	30

150 to 200 boys.

One Housemaster at	80 plus Rs. 10 charge allowance.
One Nurse and Assistant Matron at	60
One Assistant Housemaster at	80
Two Officers at	30

On reaching 200 boys.

One Housemaster at	80 plus Rs. 10 charge allowance.
One Assistant Housemaster at	80
Two Officers at	30

III.—BORSTAL TRAINING SCHOOL.

120. (a) *Superintendent*.—The qualifications required for the superintendent of the Borstal school are :—

(i) Knowledge of the special conditions affecting adolescent criminals in Burma.

(ii) Knowledge of modern methods of Borstal treatment in England.

(iii) Medical knowledge as to the psychology and the proper treatment of adolescent criminals, the application of mental tests, and the principles of psychotherapy. It will be desirable in our opinion to employ the services of a superintendent with medical qualifications.

(b) *Deputy Superintendent*.—The reformatory treatment of the adolescent offender has been carried out for any considerable period only in Europe and America, and we propose that in order that the latest methods of treatment may be adopted in this province a member of the English Borstal Service should be brought out to act as deputy superintendent, and to take charge of the farm school at Wanetchaung when some of the lads are moved out there from the Insein buildings. We recommend that the scale of pay of the deputy superintendent should be six hundred rupees per mensem plus overseas allowance, passage money and outfit money. He should be recruited on a temporary engagement for two years' service.

(c) *Housemasters.*—To obtain men of the right stamp as housemasters in the Borstal institution, it will be necessary to offer in our opinion the same scale of pay as that of the Burma Education Service with a charge allowance of Rs. 25 for the care of a house. Housemasters should be eligible for promotion to the rank of deputy superintendent and for selection as superintendent. A start should be made with four housemasters at the Insein school and an assistant should be posted to each house as the number of boys increases. These assistants will be available to take charge of houses when further schools are opened.

121. If a medical superintendent is not appointed to the school the appointment of two sub-assistant surgeons will be necessary for the medical charge of the Insein and Wanetchaung institutions. A part-time appointment would be practicable in the case of Insein, but a whole-time sub-assistant surgeon would probably be required at Wanetchaung as soon as any considerable number of lads were moved out to that site. The appointment, as an experiment, of a matron to supervise the nursing in the hospital and the feeding arrangements of the lads with an assistant matron, in charge of two houses each, is also extremely desirable though it appears likely that some difficulty may be experienced at first in recruiting suitable women to take up these posts. For disciplinary purposes "officers" will have to be engaged and trained in the duties of jail warders; we propose that every effort should be made to obtain Burmans to do this work and that they should be paid at a slightly higher rate than the Burma civil police. Their services should be interchangeable between the senior school and Borstal school. There should also be a chief officer on a higher scale of pay in each school; he would be responsible for the discipline of the working parties and of the institution generally at night. We append a table showing the recruitment of staff up to a total of four hundred boys distributed between the Insein and Wanetchaung institutions.

1. *Staff from the start up to 100 lads—*

	Rate of pay proposed.
	Rs.
One Superintendent at ...	...
One Deputy Superintendent at ...	600 plus overseas allowances and free passages.
Four Housemasters at ...	B.E.S. pay.
One Matron at ...	80
Five Technical Instructors at ...	80 plus Rs. 10 charge allowance.
One Chief Officer at ...	80
Eight Officers at ...	30
One Clerk at ...	60
One part-time Sub-Assistant Surgeon at ...	25
One Dispenser at ...	Sanctioned scale.

2. *Additional Staff 100 to 150 lads—*

	Rs.
Two Assistant Housemasters (under training to proceed to Wanetchaung as house masters) at ...	B.E.S. pay.
One Assistant Matron at ...	60
Four Officers at ...	30

3. *Additional Staff 150 to 200 lads—*

	B.E.S. pay.
Two Assistant Housemasters (under training to proceed to Wanetchaung as house masters), at ...	...
One Assistant Matron at ...	60
Six Officers (Four under training to proceed to Wanetchaung), at ...	30
Three Technical Instructors (two under training to proceed to Wanetchaung), at ...	80

4. *Staff required for Wanetchaung School (opening with 60 lads)—*

One Deputy Superintendent ...	...	} Detached from Insein.
Two Technical Instructors ...	...	
Four Assistant Housemasters ...	...	
One Assistant Matron ...	...	
Four Officers ...	...	...

5. *Additional Staff at start of Wanetchaung School—*

Two Officers at ...	...	30
One Clerk at ...	...	60
One Sub-Assistant Surgeon ...	...	} Sanctioned scale.
One Compounder ...	...	

6. *On reaching 100 boys—*

Two Assistant Housemasters at ...	...	B.E.S. pay.
Two Officers at ...	...	30

7. *On reaching 150 boys—*

Three Officers at ...	...	30
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8. *On reaching 200 boys—*

Two Assistant Housemasters at ...	...	B.E.S. pay.
One Assistant Matron at ...	...	60
Three Officers at ...	...	30

122. On a total being reached of two hundred boys in the farm school at Wanetchaung we propose the appointment of an additional deputy superintendent and the duplication of the Wanetchaung school on a site a mile or so from the first school (*vide* paragraph 105 of Mr. Paterson's Report). Ultimately we think the headquarters of the combined Borstal institutions should be removed from Insein to Wanetchaung and the Insein buildings retained only as an observation and reception centre, and for the training of boys who have proved themselves unfitted for training in a farm school. The Insein institution might then be placed

under the charge of a deputy superintendent and possibly the superintendent would take over charge of the older of the two schools on the Wanetchaung site. We do not however wish to lay down exact proposals for the future administration of the schools, as it is plain that experience alone will be able to decide the details of their expansion. We have given the detailed recommendations above not because we consider them the sole means of accomplishing the object that we have in view, but only as representing one way in which the development of the schools may be carried out. The same considerations apply to our proposals regarding the numbers, pay, and training of the staff for the schools.

IV.—GENERAL.

123. If the two European officers mentioned above are recruited from England there should be no need to send any of the staff except perhaps the future superintendent of the Borstal school either to Madras or to England for purposes of training. Attendance at a course of training of six months' duration in one of the schools during which he will be on probation should be required of candidates entering the service.

Training of Staff.

124. The special training of the housemasters and subordinate staff of the schools will be carried out in Burma by the officer who we propose in a later chapter should be appointed as chief inspector of schools, assisted by the two officers recruited from England who should be brought out early for the purpose; if the right type of men is secured for the staff they should be able to enter upon their duties as soon as the schools are ready to be opened on the lines that we have proposed. If the Burma Educational Service scale of pay is offered it should be possible to secure as housemasters in the Borstal school young men who have obtained a university degree. We have made enquiries and are satisfied that a lower scale of pay will fail to secure men of sufficient qualifications to perform the duties efficiently. These men should know English, and when they have been put through a course of special training and have read some of the standard works on the Borstal system they should understand something of the problems involved in carrying out training on Borstal lines. They will be responsible for the education carried on in the school as well as for the general tone and discipline of their houses. The duties of the supervision and control of the working parties should not be in the hands of the housemasters, who will have enough to do in carrying on the training of the lads and the general organization of their houses. The disciplinary duties will be performed by the "officers" mentioned above, who should be recruited at least six months in advance of the opening of the schools and trained in their duties either at the Meiktila

juvenile jail or at the reformatory school. In addition technical instructors in agriculture and handicraft must be engaged on such salaries as may be considered adequate to attract the right type of man, and a small clerical staff will be required to maintain the records of the institution. Technical instructors in agriculture should be obtained through the Agricultural Department and Cottage Industries Department. A leave reserve of all grades of staff must also be provided. We realize that these proposals will make the Borstal schools considerably more expensive to maintain than a jail of corresponding size, but unless a satisfactory type of men is obtained the desired result will not be secured either in the Borstal or in the Junior and Senior Training Schools. We consider it important that the staff should not be considered to be members of the Prison Department as the Jails Service has not succeeded at present in attracting sufficient numbers of the right type of men, and recruitment solely from that service would tend to impose the stigma of confinement in a jail upon the boys committed to a school. Recruitment of staff from the ranks of the Prison Department or Education Department may have to be relied upon on the outset, but we consider that an attempt should be made to start a new spirit in the Training School Service by direct recruitment of housemasters from the ranks of those leaving the high schools or the university and of "officers" from the best men of the class that is attracted to the rank of the civil police. It is perhaps too much to hope that we shall obtain men at first to enter upon the work in the spirit of enthusiasm that is to be found in the Borstal Service in England. If good conditions of pay and service are offered it may be hoped that a satisfactory Borstal spirit will be evolved amongst the members of the staff as the work progresses.

125. We append an outline of the rules under which the institutions would work at the outset; such rules would later be modified as experience might prove necessary.

Outline
Rules
the Borstal
Schools.

126. All inmates, provided they are medically fit, will be required to work for eight hours every working day. The day's employment will ordinarily be divided as follows:—

Drill and physical exercise	... One hour.
Literary instruction	... Two hours.
Manual work (including agriculture)	Five hours.
Recreation	... One hour.

127. Drill and physical exercises will be conducted under the supervision of one of the housemasters who should be a qualified instructor. Literary instruction will be carried out by the housemasters; the educational work will be inspected annually by an inspector of schools deputed by the Director of Public Instruction and a report of his examination of each class will be submitted to the chief inspector. Manual and

vocational work will be taught by the specially trained instructors. The instructors in the educational section and in the farm and workshops will maintain registers showing the progress made by each inmate, which will be produced before the superintendent once a month. Religious and moral instruction will be given on Sundays to inmates by persons of the same religious denomination or by honorary lecturers approved by the Chief Inspector of Judicial Department schools. On Sundays, Christmas Day, Good Friday, the Buddhist New Year, the full moon days of Waso and Thadingyut, and on one Hindu and one Mohammedan holiday no work except such as may be necessary for the internal management and domestic economy of the school or is required by an emergency will be permitted.

128. The general control and management of the school will be vested in the superintendent and committee of visitors appointed by the local government and the superintendent will be directly responsible to the chief inspector for the management of the institution and the maintenance of discipline. The superintendent will maintain a report book and record all important matters connected with the school which will be laid before the committee at each meeting. The committee of visitors will meet once a month, the superintendent being present and acting as secretary. At each meeting the committee will see all lads with the records relating to each—

- (a) who have been admitted to the institution since the last meeting ;
- (b) who have been promoted to a higher grade by the superintendent since last meeting ;
- (c) who have been reduced to a lower grade by the superintendent since last meeting ;
- (d) who are considered by the superintendent to be undesirable and whom he recommends for transfer to a jail ;
- (e) who are recommended for release on license or probation in the next six months, and make such recommendations as they think fit in connection with these boys.

The committee will also scrutinize and record such remarks as they think fit on the report book, the punishment book and the accounts.

The names of all inmates recommended for release by the committee will be submitted to the chief inspector, who will obtain the orders of local government in each case.

129. The superintendent will maintain also a register of admissions, of releases, of licenses, and of punishments and such accounts as may be prescribed by the chief inspector. He will be empowered to award the following punishments—

- (a) formal warning ;
- (b) reduction in grade ;

- c) deprivation of any of the privileges of the grade, including deprivation of recreation period ;
 - (d) cuts on the hand by a rattan (number of cuts to be specified).
- Reformatory rule :—Corporal punishment with a light cane on the hands or buttocks ; the number of stripes not to exceed twelve on the buttocks and six on the hands, the stripes in the latter case being divided equally between both hands (see also further rules for reformatory).

130. The school will be divided into four houses, which will normally consist of between forty-five and fifty lads. The lads in each house will have their own dormitories and recreation rooms, but will work with lads of other houses in common worksheds and school rooms. Each house will be divided into groups of about ten or twelve lads. Each house will be under a housemaster, who may be helped by an assistant housemaster. The housemaster will be responsible for the internal economy of the house. He and the assistant housemaster will mix freely with the lads at all times and especially at meal times and during their recreation. He should thus be able in a short while to judge the character of the lads in his charge. The housemasters will not be called upon to act as instructors in the industrial part of the lads' work, but they should be employed in the teaching in the school.

Houses
and
Groups.

131. The groups in houses will be placed under one of the lads of the group who will act as a group-leader. The group-leaders will be selected from the special star grade lads in the house by the superintendent in consultation with the housemaster. The group leaders will be responsible to the housemaster for the general cleanliness and smartness of the lads of these groups and also for the cleanliness of that part of the house occupied by their group. They may be placed in authority over the other members of the group on parade, in the workshops or recreation rooms and in other situations where they can assist the administration in various ways. If a group-leader is found to be unworthy of the trust placed in him, or is found not to be able to exercise control over the members of his group, he should be removed from that position.

132. The lads will be divided into grades according to their industry and good conduct. Promotions and reductions will be decided by the superintendent, who will normally consult the committee of visitors at their monthly meetings.

There will be four grades, namely—

- (a) Penal grade.
- (b) Ordinary grade.
- (c) Star grade.
- (d) Special star grade.

From the last grade will be selected the group-leaders. All boys on admission to the school will be placed in the ordinary grade. Promotions will be made by the superintendent after close personal observation of the boys, assisted by the observation of the housemasters. Particular

Grades.

attention should be paid to their general behaviour, their amenability to discipline and their attention to instruction both literary and industrial. A lad will remain in the ordinary grade for at least six months before promotion, and will be employed in domestic service, gardening or farming. During this period he will be carefully observed by the staff with special reference to his character, mental disposition and fitness for a special trade. He will be permitted during this period, subject to good behaviour, to play games on Saturdays, to write and to receive two letters and two interviews during the six months.

133. The boy promoted to the star grade should be placed in a trade suitable to his individual taste and capacity. While in this grade boys will be permitted to join in games twice a week; to accompany members of the staff on route marches; to write and receive a letter and have an interview once in two months, and by exemplary conduct to earn badge money of one rupee a quarter. When after close observation of his general demeanour and efficiency, the superintendent is satisfied that an inmate in the star grade may safely be placed in a position of special trust, he may be promoted to the special star grade. The boys in the special star grade will be permitted to take part in games every day and to play in school matches on extramural play-grounds; to accompany members of the staff on route matches; by exemplary conduct to earn badge money of Rs. 3 a quarter. Those boys who are selected to act as group-leaders will be permitted to have, in addition to those privileges granted to the special star grade, a special reading room (or part of the house recreation room screened off) for the group leaders in each house; and may by exemplary conduct earn a further Re. 1 a quarter. The badge money awarded to inmates may be spent by them on objects approved by the superintendent, or sent to their relations, or invested in the local savings bank.

Punish-
ments.

134. When an inmate is believed to be exercising a bad influence or if he persistently does bad or short work, or is not amenable to authority or is guilty of any misconduct, he may be reduced by the superintendent to the penal grade for such period as is considered necessary in the interests of the inmate himself and of the other inmates. While in this grade he will be separated and employed on hard and laborious work and will forfeit all privileges and may be given penal diet for periods of not more than one week at a time, after which he should be on ordinary diet for at least one week. In no case should an inmate be placed in the penal grade for more than three months without special sanction of the officer in charge of Judicial Department schools. If an inmate previously in the star grade is placed in the penal grade he will not be restored to the star grade without passing through a period of probation in the ordinary grade for such a period as the superintendent in consultation with the committee may determine. If a boy in the star grade or special star grade is guilty of any misconduct he may be reduced to the ordinary grade.

CHAPTER XIII.

CONTROL OF THE SCHOOLS AND PROBATION SYSTEM.

135. The establishment of the training schools and of a system of probation and aftercare will entail a considerable amount of clerical work; much correspondence will be necessary, and files and registers will have to be maintained in order that results may be tabulated and definite conclusions drawn with a view to further advance. Whatever department undertakes the control of these activities will therefore have to engage additional assistance to perform the work required. We understand that neither the Education nor Prison Departments would be in a position to undertake the work with their existing staff. But unless a suitably qualified officer is appointed to take charge of the schools and the system of probation it is inevitable that the work will suffer from lack of co-ordination and control. Under the present rules the juvenile jail, which is the nearest approach to the Borstal training school as yet in existence is under the control of the Prison Department, the reformatory is in charge of the Director of Public Instruction. The junior training school and the cadre of probation and aftercare officers have yet to be established.

The Con-
trolling
Agency.

136. We are of opinion that neither the Prison nor the Education Departments would be able suitably to take over the whole of this work. The Prison Department is the competent authority for dealing with the maintenance of juveniles detained within the walls of a jail. It would be difficult, however, for that department to organize a system of probation and aftercare or to supervise any certified training schools founded as a result of voluntary effort. Similarly, while the Education Department would probably carry out most efficiently the necessary reforms in the methods of education of the juveniles confined in the Borstal and other institutions, it is unlikely that the department would be able to deal equally satisfactorily with the special problems of the detention and control of delinquent juveniles, whose guidance will present problems not ordinarily included in the sphere of educational administration. As regards the system of probation and aftercare which must ultimately depend for its success largely upon the efforts of district magistrates and their subordinates, it would prove difficult in some respects for a department which has been transferred to the charge of a minister to carry out its policy through the agency of the officers of a department of which the administration is as yet reserved.

The Chief
Inspector.

137. The department by which the control of these activities can best be undertaken is therefore in our opinion the Judicial Department. We are of opinion that an officer to be known as the Chief Inspector of Judicial Department Schools who will also be in control of the probation and aftercare system, should be appointed to this department. The officer appointed as Chief Inspector would also be responsible, subject to the orders of local government for the inspection of private institutions under clause 37 of the draft bill. It may be considered that with the reorganization of the Chief Secretary's office and the appointment of the Judicial Secretary and Under Secretary there is no need to inaugurate a special branch of the Judicial Department to take charge of these duties. But the officer in charge of the schools and of the probation system would be required to undertake the work of inspection in addition to his administrative duties. This would involve considerable touring and it would not be possible for the Secretary or Under Secretary of the Judicial Department to undertake such duties in addition to their present responsibilities.

138. The position in the other provinces of India as regards the control of the treatment of juvenile offenders is not as yet systematized. In Madras, the most advanced province in this respect, the whole system of schools has been placed under the control of the Prison Department, though as recently as 1924 the reformatory school was in charge of the educational authorities. Probation and aftercare in Madras are in the hands of a non-official organization known as the Madras Discharged Prisoners Aid Society of which the Home Member is the president, the management of the society being vested in a central committee at Madras with a number of district committees in the mofusil appointed by the central committee. Probation officers appear to be appointed by this society with a view to individual cases as they arise. We have proposed the appointment of similar committees to whom the administration of the probation system and of aftercare will be delegated under the supervision of the Judicial Department. In any case, if anything practical is to be done, it would appear that there will be need for a centralized control of the whole system.

Office
Staff.

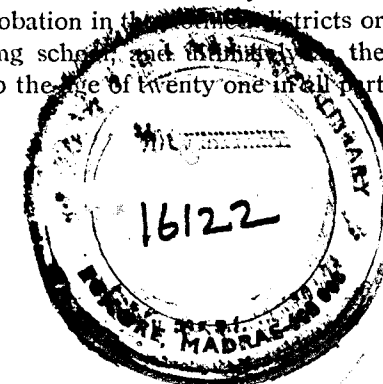
139. An adequate office staff must also be provided. There will be the registers of probation officers to compile and maintain, the records relating to the schools, the confidential files of the staff, and the dockets relating to each individual boy who passes through the training schools. It is not desirable that the system should be over-centralized but the compilation of statistics for guidance as to future advance can only be done satisfactorily in an office which controls the whole system. The office staff at the outset should consist of an office superintendent or head clerk, an accountant, a junior clerk and two peons, the latter clerk to accompany the officer in charge of the branch when

on tour inspecting the schools and organizing or supervising the system of probation. As the work extends it will probably be necessary to engage the services of another clerk to assist the head clerk with the work at headquarters. Apart from the salary of a competent head clerk this staff should not prove expensive. If the control of the schools and probation system were divided between the Judicial Department, the Prison Department and the Education Department, the result of divided control would prove in practice unsatisfactory and the money invested in improving the conditions of treatment of juvenile offenders in Burma would not be spent to so good a purpose as if its control were vested in the hands of a special officer devoting his whole time to the work. The Chief Inspector of the Judicial Department Schools will keep in touch and co-operate with the Education Department, both as regards the education of the boys within the institutions and in connection with the appointment of educational officers as probation and aftercare officers. He will come into contact with the Prison Department in the matter of the transfer of incorrigible boys to the juvenile jails and he will have to rely upon that department for a certain proportion of his staff. He will work in co-operation with the police authorities in the matter of the prevention of juvenile crime.

140. The Children Branch of the Home Office employs the services of six officers of the Home Civil Service in addition to eleven highly qualified Inspectors and a considerable secretarial and subordinate staff. The work of the Children Branch is however more extensive than is likely to be the case in this province, the numbers both of individuals and institutions dealt with being very large. We are of opinion that it will be sufficient for the present to employ in this connection one officer of the Burma Commission who might later be replaced by an officer of the provincial civil service who had passed through a course of training in English Borstal methods.

141. We recommend that this branch of the Judicial Department should be called the Juvenile Branch and should be formed on the analogy of the Children Branch of the Home Office but with the difference that it will deal not only with children but with adolescents who are on probation in the mofusil districts or who are confined in the Borstal training schools, and in which the system develops with offenders up to the age of twenty one in all parts of the province.

The
Juvenile
Branch.



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CHAPTER XIV.

CONCLUSION.

**Success of
past
Efforts.**

142. Most of us when we began our work on this committee had no practical experience and little special theoretical knowledge of the problems involved. We now know something of the methods adopted in dealing with those problems in other countries and of the results attained. Our task has been to adapt those methods to the conditions prevailing in this province in the hope that here also they will prove beneficial. But only time can show whether this hope will be realised. The reformatory school has been in existence for a very long time and the Meiktila juvenile jail for a number of years, but information as to the after history of those who have passed through these institutions is so meagre that it is impossible to frame any reliable estimate of the extent of the success attained. And the number of such persons is relatively so small that one could not expect any marked effect on the volume of crime in the province, which is affected by so many more powerful influences. We cannot, therefore, point to any concrete results obtained here as justifying our hope that the measures which we have proposed will, if adopted, prove as beneficial as similar measures have been in other countries. Nevertheless we do very strongly hold that hope. Human nature, after all, is much the same all over the world and the Burman boy is not so different from his English brother as to be unlikely to respond to the same influences.

**Extent of
the Task.**

143. That the volume of crime in Burma is unduly large in proportion to the population is a matter of common knowledge. The figures which we have obtained, and which we place in the body of our report in order that they may attract more attention than they might receive if relegated to an appendix, suffice to show that the volume of juvenile crime is also excessive. They show also that an undesirably large number of young persons, often of very tender years, are sentenced to terms of imprisonment in the ordinary prisons of the province. It is clearly necessary that steps should be taken to end this state of affairs, to establish special institutions for the reclamation of these young persons, and to save them from the contamination which is inevitable if they continue to be confined in close contact with adult criminals. We have no hesitation, therefore, in recommending very strongly the inauguration at the earliest possible moment of the reforms which we now propose.

144. It is necessary, however, to enter a warning against extravagant hopes. Even if these reforms have the utmost success that can possibly be expected it will be years before that result can become apparent. In

the meanwhile many difficulties and disappointments will have to be faced. It is certain that many of our recommendations will require modification in detail as practical experience is gained and it is not unlikely that larger modifications in matters of principle will have to be made. All those who are officially entrusted with the execution of these reforms or who undertake private work in connection with them should do so with a full realisation of the difficulty of the task and with the determination to overcome it. They will then be less likely to be discouraged by the inevitable troubles when they arise and will be the more likely to attain ultimate success.

145. We are asked in paragraph 5 (iii) of the Resolution appointing the committee to give our recommendation on "the extent to which the policy recommended may, apart from financial considerations, be given effect to at once; and the steps by which its fulfilment may be approached." We have already recommended that at the outset the age for Borstal treatment should be limited to nineteen and that the probation system should be introduced only in Rangoon and some other large towns, with a view to its gradual extension as may be found practicable. Subject to these limitations we see no reason why our proposals should not be brought into effect as soon as the necessary arrangements can be made. The steps by which this may be done are :—

**The Steps
to be
taken.**

(1) The officer whom it is intended to appoint as Chief Inspector of training schools and the probation system should be selected and placed on special duty to take charge, under the Judicial Department, of the organisation of the schools.

(2) Instructions should be issued :—

- (i) To district magistrates for the selection at all district and most subdivisional headquarters of magistrates who should try all cases against young persons under sixteen which come up for trial at those places and who should sit in the manner to be prescribed, as set out in clause 12 of the draft bill.
- (ii) To the police and to all courts enjoining them to make the fullest reasonable use of the power to allow bail in non-bailable cases which is given by section 497 of the Code of Criminal Procedure, especially when the person arrested is young. When that person is under sixteen it should be possible to grant bail in all cases.
- (iii) Prohibiting the detention in police lock-ups or jails of undertrial prisoners under sixteen who are not so released on bail and directing that such persons be detained in the manner suggested in the rules given in Chapter VI, paragraph 59 of this report.

(3) Steps should be taken to encourage the formation of a Children's Aid Society, the first object of which should be to establish in Rangoon voluntary hostels for the accommodation of young persons, and which should later undertake all classes of work for the protection of young persons.

(4) Contemporaneously the draft bill should be considered and it should be laid before the Legislative Council at the earliest possible date.

(5) As soon as the bill has been passed the reformatory school age under section 4(a) of the Reformatory Schools Act throughout the province should be raised to sixteen under section 3 (a) of the Act.

Sections 6 to 14, 19, 20, 24, 35 and 39 and Part II of the Act should at once be applied to boys under fourteen throughout the province and under section 8 the reformatory school at Insein should be notified as a junior training school.

The Chief Inspector of training schools should now be formally appointed as such.

The process of empowering magistrates and benches of the first class under section 10 (c) of the Act should begin and should be carried through as rapidly as possible. At the outset all magistrates specially empowered under section 30 of the Code of Criminal Procedure or under the Reformatory Schools Act should, as a matter of course, be so empowered.

(6) Part III of the Act should also be applied to all classes of persons throughout the province.

(7) At the same time steps should be taken to reserve the buildings at Moulmein and to prepare them for use as a junior training school, and to get together the initial staff necessary for that school. As soon as these preparations can be completed the junior school should be opened, the boys qualified for detention in that school being transferred to it from Insein.

(8) Similar steps should be taken in respect of the senior school and as soon as possible this should be transferred from Insein to Thazi.

(9) As soon as the junior and senior schools have been separated each should be certified as a reformatory school under section 5 of the Reformatory Schools Act, to allow of the detention in them of boys sentenced under that Act.

The remaining provisions of Part II of the new Act, except sections 25 and 26, should be applied to boys throughout the province.

(10) The reformatory school buildings at Insein will now be available for use as a Borstal school. Before this the selection and training of the staff for that school should have been taken in hand. As soon as these preparations can be completed the Borstal school should be opened at Insein, with a nucleus of boys selected from the Meiktila and other jails. Section 25 of the new Act should be applied to the whole province in respect of males. If it is desired to bring in the Borstal provisions

somewhat earlier than this, we think that section 25 might be brought into force as soon as the junior boys have been removed from Insein to Moulmein. Boys committed to a Borstal school prior to the removal of the senior school to Thazi might be admitted to Insein along with the senior school boys, the school being notified as both a senior and a Borstal school under section 8 of the Act.

(11) Before this the land near Wanetchaung should have been definitely reserved for the Borstal school. The necessary preparations for the opening of a farm school on that land should now begin and that school should be opened on a small scale as soon as circumstances permit and should thereafter be steadily developed.

(12) By this time the Senior (whole time) Probation Officer for Rangoon should have been selected and trained. Section 26 of the new Act should be applied to all persons under twenty-one in Rangoon. The Probation Committee should be appointed and the working of the probation system should commence in Rangoon.

In due course probation committees should be appointed in the selected districts or other areas, to which section 26 should be similarly applied.

(13) A combined training school for all girls up to the age of nineteen should be established and the provisions of Part II of the Act should be applied to girls in all areas to which they have been applied in respect of boys.

146. Financial considerations apart, these measures should, as far as is practicable, proceed contemporaneously. But it is likely that financial considerations will make this impossible, and in that event we recommend that the measures be taken in the order in which we have set them out.

147. Finally we desire to express our appreciation of the services rendered to us by our Secretary, Mr. A. J. M. Lander, M.C., M.A., I.C.S., in all branches of our inquiry and in the preparation of this report.

W. CARR, *Chairman*.
F. B. LEACH.
A. EGGAR.
M. S. MERRIKIN.
BA KIN.

F. G. FRENCH.
J. S. MORRIS.
R. S. DANTRA.
E. MAUNG.
J. R. BAIRD-SMITH.
C. H. FIELDING.

A. J. M. LANDER,
Secretary.

DATED, RANGOON, the 27th January 1928.

SUMMARY OF RECOMMENDATIONS.

THE POLICY TO BE ADOPTED IN THE TREATMENT OF JUVENILES.

(Resolution, paragraph 5, (i), (a) (b), (c) and (d).)

Recommendation 1 (a).—That legislative provision be made to enable the courts to commit to a training school any person under the age of 14 who is found to be living in circumstances ordinarily conducive to crime.

References.—Resolution, paragraph 5 (i) (a).

Mr. Paterson's recommendation 5.

The Report, Chapter IV, paragraph 44 and Chapter V, paragraph 52.

Draft Bill, Clause 20.

Recommendation 1 (b).—That the Government should give assistance to an approved society willing to establish in Rangoon voluntary hostels for the accommodation of young persons and that encouragement should be given to the formation of a society especially for the purpose of establishing such hostels and of undertaking other work for the protection of children.

References.—Resolution, paragraph 5 (i) (a).

Mr. Paterson's recommendation 5.

The Report, Chapter III, paragraph 34.

Recommendation 2 (a).—That in the case of persons under 16 all offences be made bailable, discretion being reserved to the police station officer or the court to refuse bail in special cases for reasons which must be recorded.

References.—Resolution, paragraph 5 (i) (b).

Mr. Paterson's recommendation 6.

The Report, Chapter VI, paragraph 58.

Draft Bill, Clause 9.

Recommendation 2 (b).—That in cases in which bail is refused or security cannot be furnished, a person under 16 shall not be detained in a police lock-up or in a jail unless he is so unruly that it is impossible otherwise to provide for his safe custody. In Rangoon and, if possible, in Mandalay Remand Homes should be established for the detention in custody of such persons. Elsewhere they should be kept in the custody of some reliable person willing to accept the charge.

References.—Resolution, paragraph 5 (i) (b).

Mr. Paterson's recommendation 6.

The Report, Chapter VI, paragraph 59.

Recommendation 2 (c).—That in respect of persons over 16 and under 21 the police and courts should be instructed to make the fullest reasonable use of the provisions of section 497 of the Code of Criminal

Procedure, which give discretionary power to release on bail persons accused of non-bailable offences.

References.—Resolution, paragraph 5 (i) (b).

Mr. Paterson's recommendation 6.

The Report, Chapter VI, paragraph 60.

Recommendation 3 (a).—That accused persons under 16 unless tried jointly with persons over 19 should normally be tried by magistrates specially selected to exercise the functions of a juvenile court, and sitting at a time or place differing from that of adult courts.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 9.

The Report, Chapter VI, paragraph 61—64.

Recommendation 3 (b).—That in the case of juvenile offenders evidence of character should be admissible when considering the sentence to be passed.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation

The Report, Chapter VI, paragraph 64.

Recommendation 3 (c).—That no offender under 16 should be sent by a court to jail except on the certificate of the court that that the offence is so serious or the offender is of so unruly or depraved a character as to be unlikely to benefit from a course of training in a school.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 10 (paragraph 89).

The Report, Chapter III, paragraph 35.

Draft Bill, Clause 15.

Recommendation 3 (d).—That magistrates should be instructed that no offender under 16 should be whipped more than once unless a considerable time has elapsed since the previous infliction of whipping.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 9 (paragraph 94).

The Report, Chapter IX, paragraph 89.

Draft Bill, Clause 16 (c).

Recommendation 3 (e).—That whipping should not be inflicted in addition to a sentence of detention in a school or probation order.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 9, paragraph 94.

The Report, Chapter IX, paragraph 89.

Draft Bill, Clause 16 (c).

Recommendation 3 (f).—That institutional training should be provided by Government for juvenile offenders in place of imprisonment, the first type of institution to receive convicted persons under the age of 12 and in special cases between the ages 12 and 14, the second type to receive

convicted persons between the ages of 12 and 16, the third type to receive convicted persons between the ages of 16 and 19 (the maximum age of admission to be raised when practicable to 21).

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 11 (paragraphs 98 to 103).

The Report, Chapter IV, paragraph 44.

The Draft Bill, Clause 6.

Recommendation 3 (g).—That all offenders under 19 on conviction not detained in a school should be committed to special and separate jails; the principle of special reformatory treatment to be extended ultimately to adults under the age of twenty-five on conviction.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 23 (paragraph 151).

The Report, Chapter II, paragraph 22, and 28
Chapter III, paragraph 37.

Recommendation 3 (h).—That juvenile offenders apparently of abnormal or sub-normal mental capacity should be placed under observation on reception and if necessary trained in a special institution.

References.—Resolution, paragraph 5 (i) (c).

Mr. Paterson's recommendation 11 (paragraph 2).

The Report Chapter IV, paragraph 50.

Recommendation 4 (a).—That persons released on license from the training schools and offenders released on license from the prisons under 21 at the date of release and not being placed on probation *vide* recommendation 5 (a) should be placed whenever possible in the charge of a parent or relative, provided that the latter is qualified to be entrusted with the charge, or failing this may be sent to live with any trustworthy person willing to receive them.

References.—Resolution, paragraph 5 (i) (d).

Mr. Paterson's recommendation 12 (paragraphs 122 to 127).

The Report, Chapter VIII, paragraph 85.

Recommendation 4 (b).—That power should be given to the courts to add a term of probation to a custody order or sentence of detention in a training school, or to a sentence of fine, provided that there is a probation officer available in the area in which the offender resides.

References.—Resolution 5 paragraph (i) (d).

Mr. Paterson's recommendation 12 (paragraph 122).

The Report, Chapter VIII, paragraph 85.

Draft Bill, Clause 26.

Recommendation 4 (c).—That a court should have power to make an order for compensation in respect of damage caused by a person under 16 in addition to any other sentence or order, and to direct that such compensation or any fine imposed on such an offender be paid by the parent or guardian.

References.—Resolution, paragraph 5 (i) (d).

Mr. Paterson's recommendation.

The Report, Chapter IX, paragraph 89.

Draft Bill, Clause 22 (4).

INTRODUCTION OF A SYSTEM OF PROBATION FOR ALL OFFENDERS.

Recommendation 5 (a).—Probation orders to be limited at the outset to the cases of persons under 21 at the date of conviction.

References.—Resolution, paragraph 5 (ii).

Mr. Paterson's Report, recommendation 8 (paragraph 82)
and Appendix II.

The Report, Chapter VII, paragraph 65.

Draft Bill, Clause 26.

Recommendation 5 (b).—That a probation-committee should be established in Rangoon and later in other districts of the province to supervise and control the system of probation. Whole time and part time probation officers to be appointed when available, to exercise also the functions of aftercare officers, *vide* recommendation 4 (a).

References.—Resolution 5 paragraph (ii).

Mr. Paterson's recommendation 8.

The Report, Chapter VIII, paragraphs 77 and 78.

Draft Bill, Clause 26.

THE EXTENT TO WHICH THE POLICY RECOMMENDED MAY, APART FROM FINANCIAL CONSIDERATIONS, BE GIVEN EFFECT TO AT ONCE.

Recommendation 6.—That subject to the limitation at the outset of Borstal training to persons under 19 and of probation to persons under 21, the policy recommended may be introduced at once, the steps to its fulfilment being those set out in paragraph 145 of the report.

References.—Resolution 5 paragraph (iii).

Mr. Paterson's recommendations 8, 10, 11, 12 and 13.

The Report, Chapter XIV, paragraphs 142—146.

THE LEGISLATION NECESSARY TO GIVE EFFECT TO THE POLICY.

Recommendation 7.—That the draft Bill for the Prevention of Crime (Young Offenders) appended to Chapter IX of the Report should be passed into law.

References.—Resolution 5 paragraph (iv).

Mr. Paterson's recommendation 14 (paragraph 77).

The Report, Chapter IX.

THE INSTITUTIONS WHICH SHOULD BE ESTABLISHED.

Recommendation 8 (a).—That Government should establish and maintain the following training schools for boys and adolescent offenders:

(i) *Junior Training School.*—To receive (a) convicted boys under the age of 12 and in special cases between the ages of 12 and 14 on admission, (b) boys under the age of 14 found living in circumstances ordinarily conducive to crime, and committed to the school by a court.

(ii) *Senior Training School*.—To receive convicted boys between the ages of 12 and 16 on admission.

(iii) *Borstal Training School*.—To receive convicted adolescent offenders between the ages of 16 and 19 on admission. Training in the school to be extended to offenders over 19 and under 21 on admission as soon as sufficient experience has been gained. The maximum age at which the lads should remain in the school to be 21 in the first instance, and 23 later.

References.—Resolution paragraph 5 (v).

Mr. Paterson's recommendation 11 (paragraph 98 to 103).

The Report, Chapter IV (paragraph 44).

Draft Bill, Clause 6.

Recommendation 8 (b).—That a school should be established for the reception of girls and female adolescent offenders under 19 on conviction, in cases not connected with prostitution, or committed to the school under clause 20 of the draft Bill for the prevention of crime. The school to be established by a private society with the assistance of Government, or failing that to be directly maintained by Government.

References.—Resolution paragraph 5 (v).

Mr. Paterson's recommendation 24 (paragraph 210).

The Report, Chapter V, paragraph 52.

Draft Bill, Clause 6.

THE CONDITIONS TO BE ENFORCED DURING DETENTION IN ANY INSTITUTION

Recommendation 9 (a).—That the minimum term of detention should be two years in all classes of training schools and the maximum, generally not to exceed three years or in any case such term as will bring the inmate—

(i) in a junior school to the age of 16.

(ii) in a senior school to the age of 18.

(iii) in a Borstal school to the age of 21 (to be raised to 23 when the maximum age of admission to the Borstal schools is raised to 21).

Free use to be made of the power to release on license at any time.

References.—Resolution paragraph 5 (vi).

Mr. Paterson's recommendation 11 (paragraph 99).

The Report, Chapter IV, paragraph 45.

Recommendation 9 (b).—That the rules under which training is to be carried out in the schools should be based on the principle of ensuring the maximum possible liberty and responsibility to the inmates and doing away with the repressive associations of a prison; the rules in the different types of schools to be modified in accordance with the ages and types of young persons detained.

References.—Resolution paragraph 5 (vi).

Mr. Paterson's recommendation 11 (paragraph 99).

The Report, Chapter XII.

Recommendation 9 (c).—That the training in the junior training school should be a thorough grounding in elementary vernacular education and on the vocational side training for apprenticeship.

The training in the senior and Borstal training schools to be primary vernacular education with instruction in agriculture as the main form of vocational training.

The training in the girls' school to be primary vernacular education with instruction in cottage industries and domestic subjects.

References.—Resolution paragraph 5 (vi).

Mr. Paterson's recommendation 11 (paragraph 99).

The Report, Chapter V, paragraph 54.

Chapter XII, paragraphs 106—113.

THE SIZE AND LOCATION OF EACH INSTITUTION.

Recommendation 10 (a).—That the junior training school should provide for a minimum of one hundred and twenty-five boys; the senior training school should provide for a minimum of one hundred and fifty boys at the outset with the possibility of subsequent extension of the accommodation to two hundred.

The Borstal training school to provide for one hundred boys at the outset, rising to two hundred, in the Insein reformatory buildings; a farm school to be started at the same time to accommodate ultimately two or possibly three hundred, the farm school to be duplicated when required.

References.—Resolution paragraph 5 (vii).

Mr. Paterson's recommendation 11.

The Report, Chapter X, paragraphs 94—96.

Recommendation 10 (b).—That the junior training school should be situated in the former Manual Training School at Moulmein now used as the Government High School hostel. The Senior Training School to be situated in the former Government Middle School building at Thazi and land to be made available in the neighbourhood for agricultural training.

The Borstal training school to be opened in the Reformatory School buildings at Insein, the headquarters to be removed to a site near Wanetchaung, Insein District, when the farm school or schools are developed on the latter site.

References.—Resolution paragraph 4 (vi).

Mr. Paterson's Report, recommendation 11.

The Report, Chapter XI, paragraphs 97—104.

STAFF REQUIRED FOR EACH INSTITUTION.

Recommendation 11 (a).—*The Junior Training School*.—That one officer recruited from the Borstal service or from a certified school in England should act as superintendent. One deputy superintendent and headmaster to be appointed on Burma Educational Service scale, and

four housemasters on the Subordinate Educational Service scale. Instructional, menial, and nursing staff as required.

References.—Resolution paragraph 5 (viii).

Mr. Paterson's recommendation 11 (a).

The Report, Chapter XII, paragraphs 114—118.

Recommendation 11 (b).—The Senior Training School.—That the existing staff of the reformatory school should be retained and reorganised as follows :—

One superintendent on present scale of pay, one deputy superintendent and headmaster on Burma Educational Service scale, four housemasters on Subordinate Educational Service scale (interchangeable with housemasters in the junior training school). Instructional, disciplinary, menial, and nursing staff as required.

References.—Resolution paragraph 5 (viii).

Mr. Paterson's recommendation 11 (b).

The Report, Chapter XII, paragraph 119.

Recommendation 11 (c).—Borstal Training School.—That one superintendent should be responsible for the training of all lads whether at Wanetchaung or Insein, to be an experienced officer of the Indian Medical Department or Jails Service. One deputy superintendent recruited from England to take charge of the lads in each farm school opened (the second deputy superintendent to be recruited from the junior training school when his services can be replaced there by those of the Burman deputy superintendent).

Four housemasters in each school opened to be recruited from the Jails or Educational Service or direct from the Rangoon University, and to be paid on the Burma Educational Service scale. Instructional, disciplinary, and nursing staff as required.

References.—Resolution paragraph 5 (viii).

Mr. Paterson's recommendation 11 (c).

The Report, Chapter XII, paragraphs 120—122.

THE MANNER OF ADMINISTRATION OF THE INSTITUTIONS PROPOSED.

Recommendation 12.—An officer of the Burma Commission to be appointed to the Judicial Department of the Chief Secretary's office as Chief Inspector of Schools and Chief Probation Officer.

References.—Resolution 5 (ix).

Mr. Paterson's recommendation 13 (paragraph 129).

The Report, Chapter XIII, paragraph 137.

Draft Bill, Clause 36.

WITNESSES WHO APPEARED BEFORE THE COMMITTEE.

Lieutenant-Colonel Sandeman, I.A., Deputy Commissioner, Meiktila.
G. Owen, Esq., Supervisor, Burma Prisoners' Aid Society, Rangoon.
H. Walkem, Esq., Superintendent, Government Reformatory School, Insein.

Captain W. Francis, Salvation Army.

C. A. Vickers, Esq., I.C.S., Western Subdivisional Magistrate, Rangoon.

A. McKerral, Esq., M.A., B.Sc., I.A.S., Director of Agriculture.

Captain R. B. Rushall, M.B.E., Honorary Magistrate, Rangoon.

Swami Shyamananda, Ramakrishna Mission Sevashram.

Syed Yousuf Ally, Esq., Manager, Masjid Madrasa Rounaq Islam School.

U Po Sein, A.T.M., Deputy Inspector of Schools, Rangoon town sub-circle.

INSTITUTIONS VISITED BY MEMBERS OF THE COMMITTEE.

The Juvenile Jail, Meiktila.

The Central Jail, Insein.

The Reformatory School, Insein.

The Salvation Army Juvenile Adult Industrial Home, Tamwe.

The Salvation Army Home for Girls.

The Masjid Madrasa Rounaq Islam School, Evanson Street, Rangoon.

The Burma Buddhist Mission School, Mandalay.

ACTS AND PUBLICATIONS CONSULTED BY THE COMMITTEE.

*Acts.**English.*—Probation of Offenders Act, 1907.

Prevention of Crime Act, 1908.

Children Act, 1908.

Criminal Justice Administration Act, 1914.

Criminal Justice Act, 1925.

Indian—

General.—Reformatory Schools Act, 1897.

Code of Criminal Procedure, 1898.

Evidence Act.

Provincial.—Madras Children Act, 1920.

Madras Borstal Act, 1926.

Bengal Children Act, 1922.

Bombay Children Act, 1924.

*Rules.**English.*—Home Office Circulars and Statutory Rules, 1883—1913.

Statutory Rules and Orders under the Probation of Offenders Act, 1907—1926.

Indian.—Rules under Madras Children Act, 1925.*Reports.**English.*—Report of the Departmental Committee on the Training, appointment, and payment of Probation Officers, 1922.

Report of the Committee appointed by the Secretary of State for the Home Department to prepare a scheme for the superannuation of Probation Officers, 1926.

Report of the Departmental Committee on the Treatment of Young Offenders, 1927.

Indian.—Report of the Indian Jails Committee, 1919-1920.

Mr. Paterson's Report on the Prevention of Crime and the Treatment of the Criminal in Burma, 1926.

Standard Books.

The Adolescent.—J. W. Slaughter. (George Allan & Unwin), 1911.

Group Tests of Intelligence—Ballard. (Hodder & Stoughton), 1925.

The Young Delinquent—Cyril Burt. (University of London Press), 1925.

Children Courts—W. Clark Hall. (George Allan & Unwin, Ltd.), 1926.

*Other Publications.**English.*—Third Report on the work of the Children's Branch, Home Office, 1925.

Annual Report of the Borstal Association, 1926.

Regulations and Standing Orders for Borstal Institutions, 1926.

Indian.—The Principles of Borstal treatment as applied to Indian Prisoners (Capt. F. A. Barker, Lahore), 1915.

Annual Report of the Madras Presidency Discharged Prisoners' Aid Society, 1925.

First Annual Report of the Madras Children's Aid Society, 1926-27.

Annual Report of the Burma Prisoners' Aid Society for 1926.

An Enquiry into the percentage of Recidivism and the ages of Habituals at First conviction. (Labour Statistics Bureau, Burma), 1927.

APPENDIX A.

AMENDMENT OF THE BURMA COURTS MANUAL, PARAGRAPH 715.

Paragraph 715 of the Burma Courts Manual has been reviewed by the Hon'ble Judges at the suggestion of the Committee, and a new paragraph substituted for the original. The old and new paragraphs are set out for reference below, *vide* paragraph 19 of the report.

Original Paragraph.

715. All Courts should bear in mind that ordinary boys stand the risk of being depraved by being sent to a Reformatory School, and that the Reformatory School is most suitable for boys who ought otherwise to be sent to prison, and whose parents will not or cannot restrain them from criminal practices. Those boys who are allowed or encouraged to steal habitually, or whose crime has resulted from the absence and neglect of parents or guardians, belong to the class who ought to be sent to the Reformatory School.

A great many offences may be best punished by whipping, or a few hours' imprisonment (*cf.* paragraph 622), and magistrates should not treat mere school-boy errors, or outbursts of temper, as criminal offences. So also, in many cases of childish pilfering no real punishment may be necessary. In all such cases sections 83 and 95 of the Penal Code should be borne in mind.

Amended Paragraph.

715. Sufficient use has not in the past been made of the power to commit boys to the Reformatory School. Probably this is largely due to the length of the minimum period for which a boy can be so committed. It is not unnatural that magistrates, looking upon such an order merely as a punishment, should regard it as an unduly severe punishment for a perhaps not very serious offence. That, however, is not the right way to consider the question. The Reformatory School is established as a place where a boy who has shown a tendency to crime may be trained in the hope of eradicating that tendency and converting him into a useful citizen. It is believed that the school at Insein, as at present conducted, realises that hope in at least a reasonable proportion of cases.

On the other hand, when a young boy is sentenced to a term of imprisonment, which must be served in an ordinary prison, it is most likely that he will be further contaminated and run a great risk of developing into an habitual criminal. This risk is the greater when the boy cannot be sent to the Meiktila Juvenile Jail and must serve his term in an adult jail. As boys under the age of 15 cannot be sent to the Meiktila jail it is clearly most undesirable that any such boy should be sentenced to imprisonment.

Magistrates should therefore not hesitate to commit boys to the Reformatory School in suitable cases, and a magistrate not empowered under section 8 of the Reformatory Schools Act, 1897, should invariably refer to the District Magistrate under section 9 of that Act, the case of any boy under the age of 15 which in his opinion is too serious to be dealt with in one of the ways mentioned in paragraph 705 (a), (b) or (c) or by fine, subject to the considerations set out in paragraph 709, by a merely nominal sentence of imprisonment to the rising of the Court (*cf.* paragraph 622).

While whipping is in many cases a suitable punishment for a juvenile offender there is reason to fear that often it does not prove a very effective deterrent and when a boy who has already suffered a sentence of whipping is again convicted he should not again be sentenced to whipping.

In considering whether to send a boy to a Reformatory magistrates should have regard to the circumstances in which he is living and for this purpose should obtain as much information as they can on this subject during the trial of the case. In some cases which in themselves might reasonably be dealt with in some other way it might be desirable to commit the boy to a Reformatory School if he is living in unsuitable guardianship or in such circumstances that he is likely to be led into crime.

APPENDIX B.

SELECTED CORRESPONDENCE IN CONNECTION WITH THE PROPOSED
REMOVAL OF THE REFORMATORY SCHOOL TO THAZI.

Demi-official No. 1524M—7E.-4, from F. LEWISOHN, Esq., I.C.S., Secretary to the Government of Burma, to J. G. COVERNTON, Esq., Director of Public Instruction, Burma, dated Maymyo, the 1st July 1909.

I am desired to say that His Honour is very favourably impressed with the proposal you are making to the Reformatory School Committee to utilize the buildings of the Government School at Thazi as the home for the reformatory school, and His Honour is going to take advantage of his forthcoming tour to visit Thazi and look at the site and buildings. His Honour will arrive at Thazi at 1-55 p.m. on the 21st July and stay till 3-20 p.m. If you could do so without much inconvenience or disarrangement of your plans, His Honour will be very glad if you could meet him at Thazi and go over the buildings with him on the 21st.

Education Department No. 1473—1GA., dated Meiktila, the 25th of September 1909, from S. W. COCKS, Esq., M.A., Inspector of Schools, Central Circle, to the Director of Public Instruction, Burma.

In reply to your Education Department letter No. 8826—19E.-6, dated the 24th July 1909, I have the honour to forward the plans of the Executive Engineer, Meiktila, for the alterations and extensions to the Government School, Thazi, which we discussed at the meeting in his office on the 17th of August last.

You will see that the plans provide for the removal of partition walls in the existing boarding house so as to make two long dormitories, one on the ground floor and one on the first floor, with accommodation for 50 boys in each, and master's quarters at one end of each; and for the dismantling so as to give a large class room 30 feet square for the accommodation of standard I. Provision is also made for the erection of houses for the superintendent, the head master, and one resident assistant master. The first is inside the enclosure, the other two outside. Quarters for four technical instructors are also provided for and twelve additional servants' quarters all inside the present school compound but outside the proposed corrugated iron fence. The estimates include also the cost of removing the bathing place inside the iron fence, and the erection of machinery for pumping water for the well, fire tanks, piping, etcetera. The store shed mentioned in paragraph 5 of your letter under reply has been omitted from the estimates, and as far as my memory serves, it was not discussed at the meeting. The cost of such a shed, 30 feet by 25 feet, of corrugated iron, would not exceed Rs. 500.

The Commissioner of the Meiktila Division suggests that the school might be supplied with water from the existing well which is being used to supply the town. Tanks and a pumping engine have been erected from district cess funds. Some addition to the storage tanks and perhaps an increase in the height of the tanks would be necessary to give the necessary quantity and pressure to supply the school. If this plan is approved the Executive Engineer and the Deputy Commissioner would have to work out the details.

With regard to the latter part of paragraph 3 of your letter more details are required to enable me to make recommendations. The total area of the present site is nearly 13 acres, but if the school play-ground is required for games then no land is left available for cultivation and fresh land will have to be required. The triangular piece of ground to the north of the play-ground is available. The area is roughly three acres. The piece to the east of the play-ground marked "vacant land" is not available. The vacant *ya* land to the west of the school compound is very much broken up and only suitable for dry cultivation. Good land is available to the south-west of the school across the railway line. On this point I should like to have your further instructions.

With reference to paragraph 6 of your letter I would note that since the opening of the Thazi school a new Government anglo-vernacular middle school has been opened at Yamethin, a mission anglo-vernacular middle school has been opened at Pyawbwe, and the mission school at Meiktila has been raised from the primary to the middle grade. I do not think therefore that the educational interests of the locality will suffer by the abolition of the Government school at Thazi.

Education Department letter No. 329—10, dated Insein, the 13th October 1909, from the Superintendent, Reformatory School, Insein, to the Director of Public Instruction, Burma.

In reply to your Education Department letter No. 19177—19E.-6, dated the 12th October 1909, I should think ten acres for gardening and forty acres for agriculture would be sufficient to keep 150 boys employed five hours daily. Nothing much would be produced from the land for at least the first three years as the land will require manuring and getting it into a fit state for producing a good crop, this applies both to gardening and agriculture.

From J. G. COVERNTON, Esq., Director of Public Instruction, Burma, to the Secretary to the Government of Burma (through the Accountant-General, Burma),—No. 12456—193-6, dated the 18th October 1909.

In accordance with instructions received regarding the Government Reformatory, Insein, I have the honour to make proposals as follows for the reorganization of the reformatory and in particular to suggest the removal of the institution from Insein to the site at present occupied by the Government anglo-vernacular school at Thazi.

2. During my recent furlough I had an opportunity of studying English reformatory methods. Their main characteristics may be summed up as follows :—

- (a) The institution is regarded as a school, not a penitentiary ;
- (b) The subordinate staff is composed mainly of teachers, not jailors and warders ;

- (c) The buildings are constructed for a school and are suitable and cheerful. A play ground, gymnasium, swimming bath, chapel, refectory, dormitory, and class rooms are usually provided. A high enclosing wall of the prison type is usually conspicuous by its absence;
- (d) The site is open and removed from police and prison associations, and
- (e) The courses are educational not penal. Regular games are organized and matches are played with outside schools.

3. The question of modifying the system that has hitherto obtained in the reformatory at Insein and of introducing certain changes that will tend to bring the administration and organization of this institution more into accordance with the principles adopted in Great Britain and adumbrated in the General Resolution of the Government of India Nos. 374—379 of 2nd September 1899, has already been mooted in my report on the reformatory for 1907 and in subsequent correspondence. I have lately placed the whole matter again before the Committee of the Reformatory and have obtained their general approval of the scheme proposed. It will not be possible to introduce the necessary changes in the system of work if the reformatory continues at Insein where it is at present located in buildings situated next to a jail and the site is surrounded by a high wall which cuts off all sight of the outer world. The reformatory school buildings at Insein are arranged and equipped in jail fashion and the entrance to the grounds is through a regular prison gate. At night the pupils are confined in iron cage-like cubicles and the supervision over them is carried out entirely through a staff of native warders who exercise no moral influence over the lads.

4. At Thazi the site of the late Government high school is extensive. It is situated not too far from the town to be inaccessible for supplies and is within easy reach of the main railway line from Rangoon to Mandalay and the branch from Meiktila to Myingyan, while the main road from the Southern States runs directly into Thazi. This accessibility will facilitate the sending of boys from all parts of the province. The adjoining station is the headquarters of a Commissioner, Deputy Commissioner, Judge, Civil Surgeon and Inspector of Schools and there should be no difficulty in securing the services of leading officials for the reformatory committee. At Meiktila too, is the juvenile prison for which the Borstal system is proposed. The two institutions would be therefore within easy but not disadvantageously close touch of each other. The buildings of the late Government high school at Thazi are of an educational type and with a few alterations and additions would enable the department to work the reformatory on the lines now recommended.

5. It was brought to my notice that the jail department was in need of a building for a female prison. The Inspector-General of Jails and myself have inspected the reformatory buildings at Insein. The Inspector-General considers that with a few alterations the reformatory buildings could be adapted to the needs of a female prison. If therefore the reformatory were removed to Thazi the buildings at present occupied by it could be made over to the jail department for the female prison and a considerable saving would thus be effected. The total amount required for the additions and alterations, both at Thazi for the

reformatory school and at Insein for the female prison, would in all probability be considerably less than the sum required to construct entirely new buildings for either institution.

6. Under my instructions the Inspector of Schools, Central Circle, after consultation with the Executive Engineer, Meiktila, has submitted an estimate amounting to a total of Rs. 27,500 for the additions and alterations which will have to be made to the buildings at Thazi to render them suitable for the reformatory. The main items are :—

- (i) Superintendent's quarters.
- (ii) Headmaster's quarters.
- (iii) Assistant resident master's quarters.
- (iv) Technical Instructor's quarters.
- (v) Quarters for 12 servants.
- (vi) Removal of partition walls to make two dormitories each for 50 boys with master's quarters at each end.
- (vii) Dismantling a partition to give space for a class room 30 feet square.
- (viii) Removal of bathing place inside fence and erection of pumping apparatus. The Commissioner suggests that the school be supplied with water from the well which supplies the town of Thazi.
- (ix) Construction of a corrugated iron fence enclosing the central portion of the area.

7. The total area of the Thazi school grounds is nearly 13 acres but the Inspector reports that if the existing school play-ground is required for games, then more land must be acquired for gardening and agriculture. He states that good land is available to the south-east of the school across the railway line. I have written to the superintendent of the reformatory to find out what area of gardening land and land for agriculture will be required for a maximum of 150 pupils. On receipt of his reply I will communicate with the Deputy Commissioner, Meiktila, with a view to ascertain the cost of acquiring the extra land and will submit a further report.

8. The estimate submitted by the Inspector of Schools and Executive Engineer and the plans accompanying it are forwarded herewith. They are, as is indicated on the docket, approximate only and they are not quite comprehensive. Thus, they do not include provision for a general kitchen and additional latrines for the reformatory pupils or for a granary, storeshed and confinement cells, such as are provided at Insein. For these items existing buildings would be utilized so far as possible and the cost of such further provision as might prove necessary should not exceed (say) Rs. 5,000 or, say, in round figures Rs. 35,000.

9. The reforms for which these alterations are intended to provide may be summarized as follows :—

- (a) The acquisition of a more highly qualified person as superintendent than can be obtained on the present pay. It is proposed to raise the pay of the place from Rs. 200—10—250 to Rs. 300—20—500, and to provide him with a bungalow in the school area, rent free.
- (b) The increase of the present school staff and an improvement in the scale of pay in order to secure competent and suitable

teachers, who should be men of such education and character as to be fit to be entrusted with the general and moral supervision of the pupils, subject to the superintendent. The present staff consists of :—

	Rs.
One Headmaster at ...	50—75
1st assistant at ...	30—40
2nd assistant at ...	25

The proposed staff might eventually be raised to six plus a drill instructor but for the more immediate future four school masters would suffice at the following rates of pay :—

	Rs.
Headmaster at ...	100—150
1st assistant at ...	75—100
2nd assistant at ...	50—75
3rd assistant at ...	50—75
One drill instructor at ...	40 per mensem.

Of these two should be provided with rent-free separate quarters for married men within the school area, two should have quarters provided in the dormitory building also rent free.

(c) The provision of a resident technical staff as follows :—

One carpenter	} each at Rs. 50 per mensem.
One tinsmith	
One cobbler	
One assistant for field work	

The last is required for supervision and instruction in connection with gardening and agriculture.

(d) The substitution of the dormitory system for the present cubicles or cages. It is proposed to extend the existing dormitory accommodation at Thazi so as to have in the building provided there for the purpose an upstairs and a downstairs dormitory each containing 50 beds. In the event of the numbers in the reformatory rising above 100 a third dormitory would not be essential at once. When required the additional accommodation could be built on to the existing without difficulty. Opening on to and commanding a full view of two proposed dormitories will be the two masters' quarters mentioned above in paragraph 9 (b).

(e) The ultimate increase of the numbers to 150, a maximum however which there is no reason to suppose will be approached in the near future. Up till now the numbers have only on one occasion risen just above 100.

(f) The gradual diminution of the present staff of "warders" and peons, who are mostly uneducated Indians of inferior castes. At present 12 of these are employed; it would probably be unwise to dispense with all of them or even a large proportion at once. But in view of the improved teaching staff the number might well be reduced to 10 and such further reduction would be undertaken as from experience was found to be justifiable.

(g) To utilize the existing school building at Thazi for classes, workshops, etc. The demolition of the partition wall provided for in the estimates will produce a class room 30 feet by 30 feet suitable for the first standard which comprises 44 boys. Other similar alterations can be made later as experience may

show to be desirable. At present there are in the reformatory only 92 pupils in seven standards and the existing school house at Thazi which contains 12 rooms in addition to a hall will amply accommodate them.

(h) To conduct the administration and general work of the institution on as directly educational lines as possible and as may be compatible with proper control. To this end the increase of the educational staff, the improvement in its quality, the substitution of a fence for a prison wall, and of the dormitory system for the present cubicles, the diminution in the warder staff, the provision of ample playing fields and of buildings designed for educational not penal purposes have been proposed above. In addition it would seem desirable to institute a prefect system among the boys, the prefects being allowed certain privileges and a higher rate of "mark money." Access to accredited *pôngyis* and other ministers of religion should be permitted on the chief religious festivals or fasts of the more important denominations represented among the pupils. Licensing would be permitted as before. The institution should remain under the supervision of a visiting committee comprising the Inspector-General of Prisons, Director of Public Instruction, Commissioner, Judge and Deputy Commissioner, Meiktila, Inspector of Schools, Central Circle, Civil Surgeon, Meiktila, and any other officers or private persons government may consider it desirable to nominate.

10. As regards the existing anglo-vernacular school (now a middle school only containing 68 pupils) the Inspector of Schools, Central Circle, thinks that it may be safely abolished since Mission anglo-vernacular middle schools exist at Pyawbwe and Meiktila and a Government anglo-vernacular middle school is located at Yaméthin. On these grounds and also on the score of economy I am disposed to agree with the Inspector of Schools. Nevertheless, it should be realized that the inhabitants of Thazi which as a railway centre is likely to increase in the future with the completion of the Southern Shan States Railway, will probably object to the complete disappearance of English education in their town. In this case, however, recourse might reasonably be had to private educational agencies which the department should support according to their efficiency and the funds at its disposal.

11. I enclose a proposition statement embodying the changes in staff detailed above. If the proposals are approved by government, the Public Works Department will be asked to prepare detailed plans and estimates.

Education Department letter No. 585—7E.-4, dated Rangoon, the 24th November 1909, from F. LEWISOHN, Esq., I.C.S., officiating Secretary to the Government of Burma, to the Director of Public Instruction, Burma.

I am directed to acknowledge the receipt of your letters No. 12456—19E.-6, dated the 18th October 1909, and No. 13812—19E.-6, dated the 16th November 1909, containing proposals for the removal of the

Government reformatory from Insein to the site at present occupied by the Government anglo-vernacular school at Thazi. In addition to proposing that the school should be located at Thazi you propose :—

- (a) That structural additions and alterations in the existing buildings at Thazi should be made at an estimated cost of Rs. 35,000 to render them suitable for use as a reformatory ;
- (b) That 50 acres of Government land lying south-west of the railway line bounded on the south by a Government canal should be reserved for purposes of agriculture and gardening in connection with the reformatory ;
- (c) That the staff should be reorganized in the manner shown in the proposition statement which accompanied your letter ;
- (d) That the dormitory system be substituted for the present system of cubicles ;
- (e) That the administration of the institution should be conducted as far as possible on educational lines and that a prefect system be introduced and prefects be allowed certain privileges and a higher rate ;
- (f) That the institution should remain under the supervision of a visiting committee comprising certain officers of Government and any private persons whom Government may consider it desirable to nominate. Your proposals involve the abolition of the existing anglo-vernacular school at Thazi.

2. In reply I am to say that the Lieutenant-Governor approves generally of your proposals. It is understood, however, that the reorganization of the staff is not required until the reformatory is moved to Thazi while the anglo-vernacular school will require to be abolished before that date. An endeavour will be made to provide the money required for the necessary alterations in the buildings at Thazi in the Public Works Department Budget, but it cannot be stated definitely at present whether or not it will be possible to make that provision. A further communication will be sent to you on this point later. As soon as the alterations are in progress and you are in a position to estimate the date by which the school can be transferred to Thazi I am to ask that you will submit a proposition statement containing the proposals shown in the proposition statement which was received with your letter of the 18th October 1909 but providing also for the abolition of the establishment of the anglo-vernacular school at Thazi and showing the saving which will thereby be effected. The Commissioner, Meiktila Division, is being asked to see that the land referred to in your letter of the 16th November 1909 is reserved for the reformatory school, and I am to ask that you will be so good as to inform him of the probable date on which the land will be required as soon as you are in a position to do so.

3. The approximate estimates and the plans received with your letter of the 18th October are herewith returned. The sanction of the local government in the Public Works Department should be obtained in the ordinary way.

Office of the Director of Public Instruction, Burma (General Branch), 1911, Education Department,—No. 23E6, Part I, Report.

Plan and estimates for the necessary alterations and additions to the anglo-vernacular school at Thazi to make it suitable for a reformatory were called for in Burma Public Works Department No. 1740—25 C.B., dated the 2nd December 1909.

Administrative approval to the work was given in Burma Public Works Department letter No. 733—25C.B., dated the 30th March 1911 and estimates in detail were prepared in consultation with the Director of Public Instruction.

The various works included in the project are detailed in the estimate, the only one which calls for remarks is the water supply.

The original proposal was to supply water from a well to be dug in a nullah below the school near a well which now supplies the majority of the drinking water for Thazi. There were, however, serious doubts as to the quantity and quality of the water on the water being tested, this site was finally condemned by the Sanitary Commissioner on 27th June 1911, and another site proposed by him. The water at this site has been pronounced satisfactory and the estimate allows for a supply pumped from a well to a tank on a hillock close by from where it will be distributed to the reformatory. The total cost of the project exceeds the administrative sanction by Rs. 18,692 as detailed in the attached statement. The excesses on the residential buildings for the staff are partly due to increased accommodation being provided after consultation with the Director of Public Instruction and partly to the buildings having been designed as class I in brickwork.

In the dormitory allowance has been made for closing in the verandahs with expanded metal to prevent the boys leaving the building at night, a very necessary precaution in the opinion of the Director of Public Instruction.

A hospital and dispensary was not provided in the plinth area estimate but has been included as it is said to be very necessary.

The alteration in the site of the well has caused the excess on this item.

There is a large excess on the fence as in the plinth area estimate a fence too low to meet requirements was provided. The fence now estimated for is similar to one now being erected round the carriage and waggon shops at Myitnge Station by the Burma Railways who have kindly supplied particulars of it.

Judicial Department No. 790—16J.-26, from the Hon'ble Mr. C. M. WEBB, I.C.S., Secretary to the Government of Burma, to the Inspector-General of Prisons, Burma, Rangoon dated the 22nd February 1916.

With reference to the correspondence ending with your endorsement No. 7116—205, dated the 23rd June 1915, I am directed to say that as the question of the removal of the juvenile jail from Meiktila to Insein involves the removal of the reformatory school from Insein to Thazi, which cannot be undertaken at present for financial and other reasons, the Lieutenant-Governor has decided that the former question should be held in abeyance for the time being.

APPENDIX C.

A SCHEME FOR EXTRAMURAL EMPLOYMENT OF SELECTED JUVENILE PRISONERS.

General Department letter No. 2413—J.-3, dated the 11th March 1927, from Lieutenant-Colonel A. P. SANDEMAN, O.B.E., I.A., Deputy Commissioner, Meiktila, to the Commissioner, Mandalay Division.

I have the honour to refer to you to your General Department endorsement No. 2J.-3 (32), dated the 5th February 1927, forwarding a letter from Lieutenant-Colonel Tarapore, Inspector-General of Prisons, requesting me to put forward a scheme for extramural employment of selected juvenile prisoners confined in the Meiktila jail. Colonel Tarapore says the scheme should give the local government an idea of the numbers likely to be catered for, say every year, the conditions and nature of the work on which it is proposed to employ them with the safeguards that are considered necessary for the success of the scheme.

2. I suggest that we should start with the experiment only on the understanding that it should be tried for two years, at the end of which period the local government should be in a position to decide whether extramural employment of prisoners of the juvenile jail in lieu of sending such prisoners to the adult jails of the province is likely to prove successful or otherwise.

3. I have consulted the superintendent of the jail and we are of opinion that the experiment should be carried out with four companies—20 strong each—a total of 80 boys. As vacancies occur owing to ill-health, bad behaviour or expiration of sentences the vacancies would be filled from the juvenile jail. No boy would be sent out for extramural employment until he has been sufficiently long in the juvenile jail to become imbued with the system of communal responsibility which is in force in jail.

4. For this experiment I have sought for a task on which a working party 80 strong could be employed for a period of two years within a moderate distance of a police-station situated in an area where it is improbable there will be any particular difficulty in obtaining water. A large irrigation work is to be constructed at a village called Hti-hlaing from 1 to 1½ miles out of Wundwin, close to the public road, and it is estimated that it will take two years to complete this tank. A considerable sum of money has been sanctioned for expenditure on this tank during the ensuing financial year. I have told the Executive Engineer, Irrigation, exactly what my needs were and I have asked his advice as to whether this tank would afford suitable employment for the jail working party and he has replied in the affirmative. I propose, therefore, that we should send out 86 selected prisoners from the jail (four companies 20 strong each, two cooks, two sanitary orderlies, and two water carriers) in charge of a specially selected jailor and one jail school teacher. The whole party should be under the general supervision of the superintendent of the jail who would visit it every now and then, but I do not

propose that there should be any warders or any guard of any sort. Mr. Paterson's experiment at Meiktila plus the experience gained recently in the juvenile jail has shown us clearly that there is very little chance indeed of these prisoners attempting to escape if they are made to work hard and play hard in congenial surroundings, and I consider, and in this Dr. Lynsdale agrees with me, that the addition of guards would not prevent escapes and might indeed encourage them.

5. Each company, or gang, should consist of twenty convicts, one of whom would be appointed as convict overseer responsible for his company, whether on or off duty, arranging for night watchmen among the members of the company and so on. Another of the company would be appointed assistant overseer and would be in charge of the actual working gang. Each company would be given a distinctive name and would be housed separately.

6. Healthy rivalry could be promoted between the companies.

7. Punishments for bad and rewards for good work would be imposed or given collectively on companies. Individual punishments would be given only in cases of offences against discipline, attempt to escape and so on.

8. Games would be played on Sundays and public holidays and inter-company matches would be organised.

9. Education and religious instruction would be carried out under the school-master and a *pôngyi* from the neighbouring *kyaung* respectively.

10. A week's work would be given out every Monday by the Public Works Department subordinate; this work would then be divided among companies by the convict overseers.

11. *Housing*.—The working parties would be housed in huts on a site near the work where water supply and ground for games could be found. The hut should have mat walls but corrugated iron roofing which can be dismantled and re-erected as required. The convicts should put up their own huts, residing, during construction, in temporary shelters which they could make for themselves out of the material for their huts which should be delivered by a contractor on the camp site. They would also erect huts for the jailor, school master and office, etc. The convicts should dig their own trench latrines as for troops in temporary encampments.

12. *Medical*.—The Sub-Assistant Surgeon, Wundwin, should be in medical charge of the working party and should receive a charge allowance of Rs. 10 plus a bicycle allowance of Rs. 5 per mensem.

13. I estimate the expenditure roughly as follows :—

Four huts for the working parties with latrines and a cook-house	Rs. 460
The Jailor's quarters	350
The Teacher's quarters	300
Office hut and tools shed	150
Ration godown	150

I cannot estimate the expenditure on water supply, but if the Hti-hlaing scheme is accepted, it should be possible to obtain water at a very shallow depth in the bed of the tank.

14. Recurring expenditure includes the food for eighty-six convicts which will probably be slightly higher than their food in jail owing to carriage. The jailor should, I think, draw a special allowance of Rs. 20 and the school master an allowance of Rs. 10. The sub-assistant surgeon as mentioned above should draw an allowance of Rs. 15.

Each boy should be clothed in a shirt and shorts and would require two suits a year at a cost of Rs. 4-8-0 a suit. Clothing would cost therefore, Rs. 1,548.

Medicine, lighting, fuel, repairs to tools and other miscellaneous expenses would amount to about Rs. 500 per annum.

15. I estimate the income at certainly not less than Rs. 1,200 per mensem, *i.e.* Rs. 300 per company. The Public Works Department should credit the superintendent of the juvenile jail with ordinary piece work rates for work done by the convicts. Three-fourths of the money received should be credited to the Jail Department for the expenses of the buildings, food and upkeep of the convicts; the balance of one-fourth should be allocated as follows:—

(a) A fraction should be credited to the account of each convict as is done in intramural work.

(b) A fraction should be credited to a recreation fund, from which material for games, prizes for company matches, and petty luxuries could be purchased.

16. The above is a rough outline of the experiment and if it is approved, I will work out the details with the superintendent of jail.

17. I append a note on the annual Report of the Juvenile Jail which I prepared for the benefit of the members of the Jail Committee, many of whom cannot read the report, which is in English. From this note it will be seen that the system of organization which I propose for the working party is already in force within the jail walls.



APPENDIX D.

A NOTE ON FIFTY ADOLESCENTS IN RANGOON JAIL

By Major R. E. Flowerdew, M.B., I.M.S., Superintendent.

The prisoners in Rangoon Jail come from the following districts:—Rangoon, Insein, Tharrawaddy, Hanthawaddy and Pyapôn.

In addition long-term prisoners from Arakan and Tenasserim Divisions are sent from the local jails; other prisoners are also received at times from up-country jails.

This collection of fifty prisoners all claim to be under nineteen years of age at the time of conviction; it will be noted that it contains a large number of long-termers and of persons convicted of serious crime.

The explanation of this fact is that only casuals are received in Rangoon Jail; a number of adolescent criminals on first conviction are punished by flogging, or by other methods on second conviction they go to Insein Jail; consequently the number of prisoners sentenced for minor offences is relatively small; many of the prisoners have been in jail for some years, while the minor offenders sentenced at the same time have been released; a certain number under eighteen are transferred to Meiktila Jail.

The figures do not give any indication of the crime committed by adolescents, but may be taken as a fair indication of the average population of the jail.

2. The following table shows the proportion having living parents:—

Both parents alive	...	...	24
Father only alive	...	...	7
Mother only alive	...	...	14
No parents alive	...	...	5

It would be interesting to know the figures for the general population; Mr. Paterson in his report on 600 families shows 1,369 children, but the number of children in these 50 families is 215; which average 4 children per family in place of only 2 of that report which shows that 83 per cent. of the children have both parents alive.

The youths all seemed to have a home and did not complain of any excessive poverty; in all cases except one, they were living with their remaining parent; one case said that his father had remarried and that he did not like being at home; where both parents were dead, the youth was staying with relations.

One prisoner stated that his father had had a previous conviction for forging notes and was in jail now in the same dacoity case as himself; another dacoit owned to his brother being a famous dacoit, otherwise none of them seemed to have had convicts among their families.

3. Age.—All the prisoners claim to be under eighteen at time of conviction; although it is possible to give a fairly definite opinion as to whether a youth is under sixteen or over twenty-five, it is not so easy to state the exact age.

It is recognized that youths underestimate their ages in order to obtain a smaller sentence; they all state that their mothers told them

their age at the time of conviction, they say that they took no interest in their age before that time ; it is not very likely that their parents would give their proper age when questioned.

From my examination, I find that there are—

16 years old on conviction	...	...	...	8
17 years old on conviction	...	...	...	12
18 years old on conviction	...	...	...	13
19 years and over	...	...	...	17

It should be remembered that boys under eighteen are usually sent to the Meiktila jail ; of the twenty under eighteen years, several had been to Meiktila and had returned when over eighteen years of age.

One youth who enlisted as a private in 1919 in the Burma Rifles tries to convince me that he was only sixteen years old in 1924 when he was convicted.

In Prison returns, the age shown is usually the ages as given by the police in the descriptive-roll ; in many cases these ages are understated.

4. Residence—

Rangoon	...	...	...	8
Other towns	...	...	...	10
Villages	...	...	...	32

A large majority had stayed in one place all their lives ; although the majority are from villages, it is noted that a fair number come from towns.

5. *Nationality*.—They are all Burmans except for one Pathan, three Madrasis, two Chinese and one Zerbaddi, of which exceptions only one Madrasi and one Zerbaddi had been born in Burma. There is only one Christian, the Madrasi who was born in Burma ; two Mussalmans ; the remainder are Buddhist except the two Chinese.

6. *Education*.—They had been educated at the following class of schools :—

(1) <i>Pôngyi Kyaung</i>	...	...	...	26
(2) Burmese Schools	...	...	...	10
(3) Anglo-Vernacular Schools	...	...	...	5
(4) Other schools	...	...	...	3
(5) No school	...	...	...	6

It is somewhat difficult to estimate the state of their education, as one can only judge from their own statements—

Up to 4th Standard	...	...	...	7
Up to 3rd Standard	...	...	...	7
Up to 1st and 2nd Standards	...	...	...	12
Read and write	...	...	...	17
No education	...	...	...	7

It is to be feared that some of those who state they are of the first three standards rather overestimate their abilities.

It is more interesting to note the period that had elapsed since leaving school up to the time of conviction :

At school	...	...	...	4
Left school about 1 year	...	...	...	5
Left school about 2 years	...	...	...	9
Left school about 3 years	...	...	...	7
Left school about 4 years and over	...	...	...	19
Not at school	...	...	...	6

It will be seen from these figures that one is not dealing with school boys only ; those that left school state that they have been at work since leaving school.

There does not seem to be any definite age at which they leave school ; some say they had to help their parents, while others say they wanted to go to work.

7. *Health*.—As regards their state of health on admission, forty-three are shewn as good, in the large proportion of cases they are well developed, strong and show no abnormality ; six were in fair health and have mostly improved since admission ; one Chinaman convicted for possession of cocaine was in poor health. Four of them show some physical abnormality, in all cases of minor importance.

As regards mentality, two cases are distinctly of low mentality, while three others are below the average mentality ; of these two are convicted of theft, one of murder, one of hurt and the Chinaman noted above ; it is probable that among the habituals of the same age that a larger proportion of prisoners of low mentality would be found ; the remaining forty-five are of average mentality and a few are intelligent.

I should consider that they were all of sufficient mentality to earn their livelihood.

8. *Occupation*.—At the time of conviction, four were at school, two at *pôngyi kyaungs* and two at Anglo-Vernacular Schools.

Three were employed as servants ; four were learning a trade, one was a clerk and the remainder were working on the land being mostly employed with their parents.

As regards parents, the majority are coolie cultivators or bazaar sellers ; in six cases the parents own and cultivate their own land, mostly of only a small acreage ; two state they keep stores in small towns ; the parent of one was an Inspector of Police, and one a Burmese Doctor. In no case is there a history of much wealth, but, on the other hand, they do not seem to be poorer than the average population.

9. *Crimes*.—There are five cases under sections 324 and 326 ; the three cases under section 324, Indian Penal Code, absolutely deny the charge and explain the conviction as due to enmity.

Two are convicted of rape, they both state that the girl was mostly to blame and that the girl's parents caused all the trouble ; both these cases are over nineteen years of age.

There are twelve cases under section 302, Indian Penal Code ; of these six state they are innocent while the other six admit they did kill the deceased ; in all cases of admission of the deed, they give an account to show that they were acting in self-defence, or that it was accidental, or the result of a sudden outbreak of temper.

There are four cases under section 304, Indian Penal Code ; three of these admit the deed, with the usual explanation of extenuating circumstances ; only one denies the offence.

Under section 395, five admit dacoity, and six deny it. The usual explanation is that they happened to meet with some friends and were led away to commit the dacoity, but did not know what was happening.

Under section 392, three admit the offence, and three deny it.

There is a great difference seen in the theft cases under sections 379, 380, 451, etc. : only one case out of nine admits the offence ; he says he wanted some money, so he stole some cattle ; this boy has no mother living and was working as a coolie for a master, as he did not get on with his stepmother ; the other eight prisoners explained that the article stolen was given to them or that they had nothing to do with it.

The Chinaman charged with possession of cocaine stated that his poor old mother suffered from toothache, so he got the cocaine for her.

As regards the effects of drink, admissions of being drunk were given in one hurt case, one murder case and one robbery case, while two dacoits state that they were given some drink before they went out ; these cases are all among those who admit guilt.

A summary of the offences shows—

324, 326, Indian Penal Code	...	...	5 cases.
376, Indian Penal Code	...	...	2 "
302, Indian Penal Code	...	...	12 "
304, Indian Penal Code	...	...	14 "
395, 397, Indian Penal Code	...	...	11 "
392, 394, Indian Penal Code	...	...	6 "
Theft and house-breaking	...	...	9 "
Excise Act	...	...	1 "

The periods of sentence are—

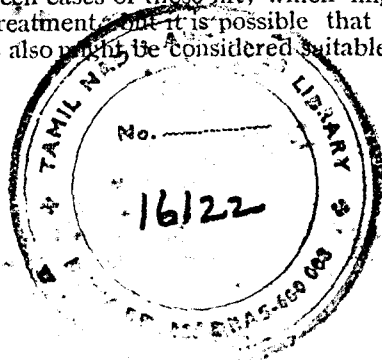
324, Indian Penal Code	...	4—6 months.
326, Indian Penal Code	...	4—5 years.
376, Indian Penal Code	...	2—4 years.
302, Indian Penal Code	...	All life sentences.
304, Indian Penal Code	...	4—10 years.
395, 397, Indian Penal Code	...	3—7 years.
392, 394, Indian Penal Code	...	2—10 years.
Theft and house-breaking	...	2 months—2 years.

10. *Summary.*—This collection of adolescents is not by any means a fair sample of the adolescent offender, as it includes only a small proportion of minor offenders.

In considering the choosing of cases for Borstal treatment, the age of the offender is most important ; in judging the age one must not place too much reliance on the statement of the offender or of his parents ; it is not at all easy to judge of a person's exact age as one has not sufficient data to judge from.

It is probable that all cases of hurt, robbery, rape and manslaughter below the age of nineteen would be suitable for Borstal treatment, but the large number of cases of murder and dacoity will be a serious problem. All cases of theft and house-breaking would be suitable either for probation or for Borstal treatment.

If we exclude murder and dacoity and those over nineteen, there are only thirteen cases of these fifty which might be considered suitable for Borstal treatment, but it is possible that some of the murder and dacoity cases also might be considered suitable.



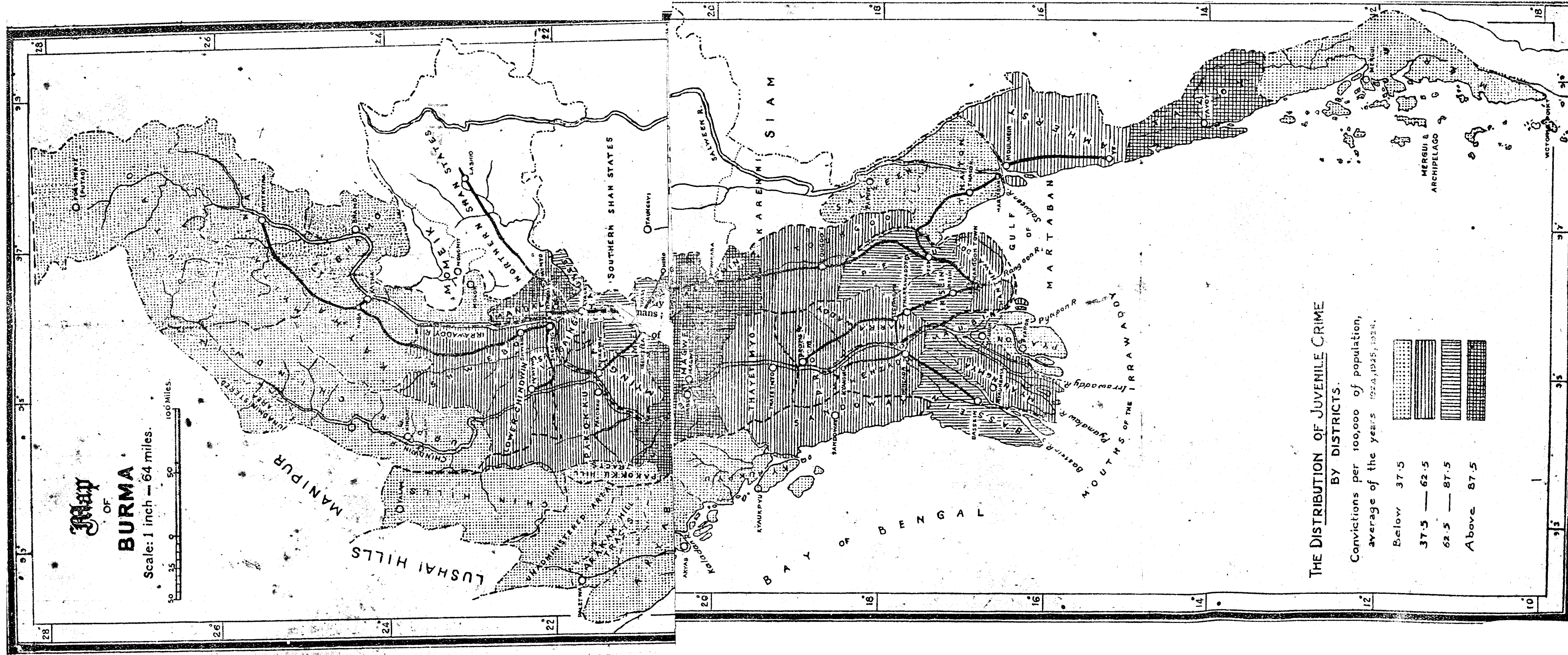
R. E. FLOWERDEW.



R
Y12:4.438'N286
N28

Map OF BURMA

Scale: 1 inch — 64 miles.



THE DISTRIBUTION OF JUVENILE CRIME BY DISTRICTS.

Convictions per 100,000 of population, average of the years 1924, 1925, 1926.

