

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

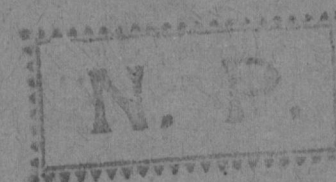
1907.

Enclosures

Spare copies

26

G.O., No. 460, 19th July 1907.



Pr. 26 28

Reformatory School, Chingleput.

Stating that the Bombay Government will be addressed with regard to the transfer of eleven pupils of the — who are natives of the Bombay Presidency to the Reformatory School in that Presidency.

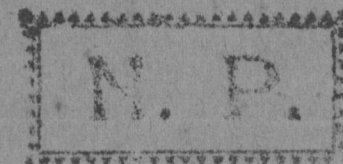
100-10-1-00

Educational (1907) Department.

ORDINARY PRINTED.

G.O., No. 460-61

DATED 19. 7. 07



[Despatch Abstract.]

Lupita of
Reformatory School - Chingleput

Stating that the Bombay Govt will be addressed
with regard to the transfer of ^{several} ~~certain~~ pupils or
— who are natives of the Bombay Pres^d to
the Reformatory School in that Pres^d.

— Requesting the Govt of Bombay to state
whether H.E. the Govt in Council sees any objection
to the transfer of the 11 pupils of — who are natives of
Bombay Pres^d to the Reform School in that

EDUCATIONAL DEPARTMENT.

2

1907.

Spare copies

G.O., No. 460, 19th July 1907.

N. P.

Stating that the Bombay Government will be addressed with regard to the transfer of eleven pupils of the — who are natives of the Bombay Presidency to the Reformatory School in that Presidency.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from the Hon'ble Mr. T. T. LOGAN, B.A., Acting Director of Public Instruction, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 16th May 1907.
No.—Ref. on Cur. 2516.

With reference to section 15 (1) of the Reformatory Schools Act of 1897, I have the honour to request that arrangements may be made for the transfer to a Reformatory School in the Bombay Presidency of eleven boys as shown in the enclosed list who are natives of that Presidency, but who are now inmates of the Reformatory School at Chingleput. Under the rules of the school, these boys will, for their discharge, be sent to the Magistrate of the district in which their parents or near relatives reside, i.e., a district outside this Presidency; and the Superintendent reports "that the disposal of such pupils and their after-history thus become a matter of difficulty, that they afterwards lose touch with the school altogether and that he has no means of enquiring whether the placing out of the boys had been carefully considered and whether the supervision exercised over them had been as close and friendly as it might have been". Under these circumstances, I beg to suggest also that all Magistrates may be instructed to send such boys in future to a Reformatory in the Presidency or Province to which they belong.

ENCLOSURE.

List of pupils in the Reformatory School, Chingleput, belonging to the Bombay Presidency.

Serial number.	General number.	Name of pupil.	Offences committed.	Officer ordering detention in the school.	Period of detention.	Date of discharge.	District, native of
1	612	Shaikh Hus-sain Sa.	Found in possession of counterfeiting coins, counterfeiting coins and possessing instruments for counterfeiting.	Chief Presidency Magistrate, Madras.	YEARS. 4	21st October 1907.	Bijapur.
2	649	Imam Sa	Do.	District Magistrate, Ganjam.	5	16th December 1909.	Do.
3	650	Dada Sha	Do.	Do.	5	16th December 1909.	Do.
4	651	Raja Sha	Do.	Do.	5	16th December 1909.	Do.
5	652	Bag Sha	Do.	Do.	5	16th December 1909.	Do.
6	666	Devan Sha	Do.	Sessions Judge, South Canara.	5	19th March 1910.	Do.
7	738	Devan Sha	Do.	Do.	5	7th August 1911.	Do.
8	749	Tippu	Do.	Do.	4	5th September 1910.	Dharwar.
9	750	Chanda Sa	Do.	Do.	5	5th September 1911.	Bijapur.
10	755	Khale Sab	Do.	Do.	4	8th October 1910.	Dharwar.
11	756	Radu Sab	Do.	Do.	3	8th October 1909.	Do.

Order—No. 460, Educational, dated 19th July 1907.

The following letter will be despatched to the Government of Bombay.

[Here enter letter No. 461, Educational, dated 19th July 1907.]

(True Extract.)

H. D. TAYLOR,
 Ag. Secretary to Government.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

No. 461.

From

H. D. TAYLOR, Esq., I.C.S.,

Acting Secretary to the Government of Madras,

Educational Department,

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

EDUCATIONAL DEPARTMENT.

Dated Ootacamund, the 19th July 1907.

SIR,

I am directed to address you regarding the transfer to the Reformatory School in the Bombay Presidency of eleven juvenile offenders who are now detained in the Reformatory School at Chingleput in this Presidency.

2. These eleven boys who are natives of the Bijapur and Darwar districts of the Bombay Presidency and whose names are given in the accompanying list were found guilty of counterfeiting coin and of possessing instruments for counterfeiting and were ordered to be detained in the Reformatory by Magistrates in this Presidency. Under the existing rules of the Reformatory School at Chingleput, every boy, when the time for his discharge arrives, has to be sent to the Magistrate of the district, in which his parents or relatives reside, while during the three years subsequent to discharge the Superintendent of the School is required to communicate with the District Magistrate once in every six months, with the view of ascertaining the career of the pupil since his release. As in the present case the parents or near relatives of the boys referred to reside outside this Presidency, it is apprehended that on their discharge from the Reformatory School here, their disposal and the maintenance of their after-history, as explained above, will become a matter of difficulty. The Governor in Council therefore considers that it would not only conduce to administrative convenience, but would also be in the best interests of these lads that they should be transferred to a Reformatory School in the Bombay Presidency.

3. I am accordingly directed to request that this Government may be informed whether His Excellency the Governor in Council sees any objection to the transfer of the eleven boys in question and to any similar transfers being made for the future. If the Government of Bombay should agree to this course, I am to state that the Madras Government would have no objection to accepting the transfer of boys similarly circumstanced from the Bombay Presidency, if the Government of Bombay should desire it.

I have the honour to be,

Sir,

Your most obedient servant,

H. D. TAYLOR,

Ag. Secretary to Government.

NOTES CONNECTED WITH G.O., Nos. 460, 461, EDUCATIONAL,
DATED 19TH JULY 1907.

[SUBJECT.—*Requesting that eleven pupils of the Reformatory School at Chingleput who are natives of the Bombay Presidency may be transferred to the Reformatory School in that Presidency.*]

From the Director of Public Instruction, dated 16th May 1907, No. 2516.

The Director of Public Instruction states that there are at present in the Reformatory School at Chingleput eleven boys who are natives of the Bombay Presidency. All these boys are natives of the Bijapur and Darwar districts in the Bombay Presidency; were found guilty of possessing counterfeit coins and instruments for counterfeiting; and were ordered to be detained in the Reformatory by the Magistrates of this Presidency (the Chief Presidency Magistrate, the District Magistrate, Ganjam and the Sessions Judge, South Canara).

2. When the time for their discharge arrives, these boys shall, under rule 22 (1) of the Reformatory School Rules on page 4 of G.O., No. 153, Educational, dated 20th March 1907, be sent to the Magistrate of the District in which their parents or near relatives reside.

3. As the parents or near relatives of these boys reside outside this Presidency, the Director considers that the disposal of the boys at the time of their discharge and their after-history, which the Superintendent of the School has to maintain under rule 22 (viii), become a matter of difficulty.

4. The Director of Public Instruction therefore requests that, with reference to section 15 (1) of the Reformatory Schools Act, 1897, arrangements may be made for the transfer of the boys in question to a Reformatory School in the Bombay Presidency. He also suggests that all Magistrates may be instructed to send similar boys in future to a Reformatory in the Presidency or Province to which they belong.

5. Section 15 (1) of the Reformatory Schools Act runs—

“The Governor-General in Council may, by general or special order, direct that any Reformatory School situated in one Province shall be available for the reception of youthful offenders directed to be sent to any Reformatory School by any Court or Magistrate in any other Province.”

6. The Government of India do not seem to have passed under the above section any general order directing that any Reformatory School in one Province shall be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in any other Province. The only notification which the Government of India seem to have issued under section 15 (1) appears to be

Notification No. 533, dated 18th August 1905, which directs that the Reformatory Schools in the Bombay and Madras Presidencies shall be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in Coorg. The power conferred by section 15 (1) of the Reformatory Schools Act on the Governor-General in Council

On page 4 of G.O., No. 605, Educational,
dated 8th September 1905.

seems thus to be intended to provide for the cases of such Provinces as have no Reformatory Schools of their own and it seems doubtful whether a general order could be passed under the section to provide for the transfer of youthful offenders detained in a Reformatory School in one Province to a Reformatory School in another Province as proposed by the Director of Public Instruction. The transfer of adult prisoners from one Province to another appears to be permitted only under special circumstances and that too only some two or three months before their release—*vide* the rules given in G.O., No. 1362, Judicial, dated 9th September 1904.

G. S. F[ORBES].

Some Government Orders had to be traced and obtained from the Judicial Department.

7. Submitted that the file may be sent to the Judicial Department for an expression of opinion on the question raised.

T.K.—13-6-07.

The question whether the Government of India can, under section 15 (1) of the Reformatory Schools Act, 1897, issue an order to the effect suggested by the Director of Public Instruction is one for the decision of that Government. All that this Government is concerned about is whether there are sufficient grounds for moving the Government of India to frame a rule on the lines suggested by the Director of Public Instruction. So far as the discharge of the boys is concerned, it does not appear that there will be any difficulty and the difficulties in the way of obtaining information about the after-history of the boys after discharge, pointed out by the Director of Public Instruction, do not appear to be insuperable. One of the boys referred to is due for discharge on 21st October 1907.

K. RANGASWAMI AIYANGAR—13-6-07.

Will Judicial please say whether there are any precedents or orders on the point? The Bombay officers can easily keep their eye on these boys and report.

C. A. SOUTER—14-6-07.

To the Judicial Department.

JUDICIAL DEPARTMENT.

The clause which was subsequently enacted as section 15 of the Reformatory Schools Act, VIII of 1897, was inserted by the Select Committee appointed to consider the draft Bill. They have thus explained the scope of the clause: "We are aware that power is already possessed by the Governor-General in Council under section 32 of the Prisoners Act, 1871, as amended by Act VII of 1894, section 1, to remove youthful offenders from one reformatory to another in British India, but we are of opinion that it is desirable nevertheless to insert in the body of the new Reformatory Schools Act a specific provision of the nature of that contained

I thought so.

G. S. F[ORBES].

"in this clause, which confers a general power on the Governor-General in Council to direct the use of a reformatory in one province for the reception of youthful offenders from another, and to issue such supplemental orders as to cost of maintenance and other matters as may be necessary." With reference to this declaration of the meaning of the section

and in view of the fact that the object of the legislative measure then undertaken was "to empower a local Government [Coorg, for instance, which had no Reformatory school of its own]" to appoint a Reformatory school "beyond its territorial limits for the reception of its youthful offenders sentenced to transportation or imprisonment", it is submitted that cases like the present one are not intended to be covered by section 15 of the Reformatory Schools Act. The provisions of section 29 of the Prisoners Act as amended by Act I of 1903 should be applied to these cases.

The intention is to apply the section where it is necessary.

G. S. F[ORBES].

2. Under section 28 of Act III of 1900, "all references to prisons or to imprisonment or confinement" in sections 29 and 30 should be "construed as referring also to Reformatory schools or to detention therein". Section 29 empowers the Governor-General in Council, by general or special order, to provide for the removal of any prisoner confined in a prison under a sentence of imprisonment to any other prison in British India. Any orders made under this power would also apply, under section 28, to juvenile offenders detained in a Reformatory school.

3. The Government of India have framed, under section 29 (1) of the Prisoners Act, III of 1900 (as amended by Act I of 1903), general rules* to regulate the transfer of prisoners from province to province and these will be found attached to their Resolution Home Department (Jails), dated 8th August 1904, Nos. 446, 458.† These rules provide that any prisoner who is a member of a criminal tribe, a police registered criminal, or a member of any of the other classes specified therein, not being a native of the province in which he is undergoing sentence, may be removed by order of the Inspector-General of Prisons of the province in which he has been undergoing sentence at any time not exceeding two months prior to his release either to the prison of the district to which he belongs or to the prison nearest to his native place. As regards offenders who did not come under the above description, the Government of India had already held that no steps were required to transfer any of them to their native districts before release.

* *Vide* page 3 of G.O., No. 1362—1366, Judicial, dated 9th September 1904.

† Printed in the Government Order quoted above.

Home Department Resolution No. 314-25, 24th July 1900, printed at page 5 of G.O., No. 1086, Judicial, dated 8th August 1900.

4. Under the general rule referred to in the foregoing paragraph, the eleven youthful offenders referred to in the letter from the Director of Public Instruction should be transferred to the prison in or near to their native districts not earlier than two months before their release provided that they belong to a criminal tribe or come under any of the other heads given in the Government of India rules. Otherwise they should be released here and not sent to their district. The Director of Public Instruction should be requested to report on the question of fact.

5. As regards the authority under whose orders the transfer should be effected, the rules require that they should be "removed by order of the Inspector-General of Prisons of the province in which he has been undergoing sentence". A question arises whether a youthful offender confined in a Reformatory school should also be removed by the Inspector-General of Prisons or whether the "Inspector-General" as defined in section 4 (b) of the Reformatory Schools Act may do so. The latter officer is defined in the Act as including "any officer appointed by the local Government to perform all or any of the duties imposed by this Act on the Inspector-General" and, under rule 2 of the rules printed at page 3 of G.O., No. 158, Educational, dated 20th March 1907, the Director of Public Instruction has been so appointed. But as the removal of youthful offenders from province to province is not one of the duties imposed on the "Inspector-General" by the Reformatory Schools Act, and as the Government of India rules state specifically that the removal should be ordered by the "Inspector-General of Prisons" and not merely by the "Inspector-General", it is

submitted that the Inspector-General of Prisons may be directed to take the necessary action, if the reply of the Director of Public Instruction shows that they should be transferred to Bombay.

6. As regards the general suggestion made by the Director of Public Instruction "that all Magistrates may be instructed to send such boys [youthful offenders who are not natives of this Presidency] "in future to a Reformatory in the Presidency or "Province to which they belong", the Government of India will have to be moved to issue a general order under section 15 (1) of the Reformatory Schools Act. As

Rubbish.

G. S. F[ORBES].

posals is analogous to the one made by the Government of Bombay in 1899 (and again in 1904) "that it would be an advantage "in the repression of crime if criminals, "on the expiry of the period of appeal, "or on rejection of an appeal, were at "once transferred to their own districts "to serve their sentence". The Government of India declined to entertain the proposal and it is submitted that the Director's proposal is not likely to meet with their approval. The Director may therefore be informed that the suggestion cannot be accepted.

S.D.—30-6-07.

Under rule II printed with G.O., No. 1362, Judicial, dated 9th September 1904, any prisoner whose detention is considered inexpedient may be removed to another province with the consent of the Inspector-General of that province. Perhaps the boys might be removed under this rule. Otherwise the procedure suggested above may be followed.

C. A. SOUTER—1-7-07.

It can hardly be held "inexpedient" to keep these boys in this Presidency and I do not think we can act under the rules referred to.

2. It is clear from section 15 (1) of the Reformatory Schools Act that it is only under orders of the Government of India that youthful offenders in this Presidency can be sent to a Reformatory in another. In the present case, I submit, we cannot make any proposals to the Government of India without the consent of the Bombay Government, and if anything is to be done the first step should be to ask the Bombay Government if they will receive youthful offenders whose homes are in that Presidency and send us those whose homes are in this.

3. Another course would be for us to arrange with Bombay that their Reformatory authorities should deal with boys discharged from our Reformatory exactly as they do with those discharged from their own, and we could reciprocate. This appears to me to be the best course.

H. BRADLEY—2-7-07.

The procedure best adopted to the present case is that indicated in paragraph 2 of Mr. Bradley's note. We should first ask Bombay if they have any objection to the transfer of the boys and then we shall see whether we should address India or not to order the transfer under section 15 (1) of the Reformatory Schools Act.

G. S. F[ORBES]—3-7-07.

To the Educational Department.

C. A. SOUTER—4-7-07.

H. BRADLEY—4-7-07.

EDUCATIONAL DEPARTMENT.

Draft please.

H. D. TAYLOR—6-7-07.

The draft placed below is submitted for approval.

2. There appears to be only one Reformatory school in the Bombay Presidency, namely, that at Yeránda.

P.R.—9-7-07.

K. RANGASWAMI AIYANGAR—12-7-07.

C. A. SOUTER—13-7-07.

To the Judicial Department for acceptance.

H. D. TAYLOR—15-7-07.

JUDICIAL DEPARTMENT.

C. A. SOUTER—16-7-07.

Accepted.

H. BRADLEY—17-7-07.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

May issue.

C. A. SOUTER—17-7-07.

H. D. TAYLOR—18-7-07.

G. S. F[ORBES]—18-7-07.

Issue.

H. D. TAYLOR—19-7-07.

[G.O., Nos. 460, 461, Educational, dated 19th July 1907.]

Stock Form No. 135
8,700-17-6-06.



Received

190 , Registered

190

Subject.

Requesting that arrangements may be made for the transfer to a Reformatory School in the Bombay Presidency of 11 boys who are now inmates of the Reformatory School, Chingleput.

ENCLOSURES.

No.

Spare copies

Ref on Cur No. 2 5 1 6 /07

Station Madras

Dated the 16th May

1907

From (Name) The Hon'ble Mr. T.T. Logan, B.A.

(Designation) AE: Director of Public Instruction,

Madras.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

With reference to section 15 /1/ of the Reformatory Schools Act of 1897 I have the honour to request that arrangements may be made for the transfer to a Reformatory School in the Bombay Presidency of 11 boys as shown in the enclosed list who are natives of that Presidency but who are now inmates of the Reformatory School at Chingleput. Under the rules of the school, these boys will, for their discharge, be sent to the Magistrate of the district in which their parents or near relatives reside i.e. a district outside this Presidency, and the Superintendent reports "that the disposal of such pupils and their after-history thus become a matter of difficulty, that they afterwards lose touch with the school altogether and that he has no means of enquiring whether the placing out of the boys had been carefully considered and whether the supervision exercised over them had been as close and friendly as it might

2

2

Your most obedient servant,

For Director of Public Instruction.

B.P.
1855-07

List of pupils in the Hospital

Offense committed

Name of pupil

Room No.

1	1st	St. John's Hospital	1st
2	2nd	St. John's Hospital	2nd
3	3rd	St. John's Hospital	3rd
4	4th	St. John's Hospital	4th
5	5th	St. John's Hospital	5th
6	6th	St. John's Hospital	6th
7	7th	St. John's Hospital	7th
8	8th	St. John's Hospital	8th
9	9th	St. John's Hospital	9th
10	10th	St. John's Hospital	10th
11	11th	St. John's Hospital	11th

Mr. J. H. H. H.

List of pupils in the Reformatory School, Bangalore, belonging to the Bombay Presidency.

Serial No.	General No.	Name of pupil	Offence committed	Officer ordering detention in the school	Period of detention	Date of discharge	District native of.	Remarks
1.	612.	Shahid Hussain Sa	Found in possession of counterfeiting coins, counterfeiting coins and possessing instruments for counterfeiting.	Chief Presidency Magistrate, Madras	1 year	21 - 10 - 1907	Bijapur	51d .1
2.	649.	Imansa	do	District Magistrate, Gaujam.	5 years	16 - 12 - 1909	do	51d .2
3.	650.	Dadasa	do	do	5 years	16 - 12 - 1909	do	52d .2
4.	651.	Rajasa	do	do	5 years	16 - 12 - 1909	do	52d .1
5.	652.	Bagasa	do	do	5 years	16 - 12 - 1909	do	52d .2
6.	666.	Devan Sha	do	Sessions Judge, South Canara.	5 years	19 - 3 - 1910	do	52d .6
7.	738.	Devan Sha	do	do	5 years	07 - 8 - 1911	do	52d .5
8.	749.	Tippu	do	do	4 years	05 - 9 - 1910	Dharwar.	52d .8
9.	750.	Chandasa	do	do	5 years	05 - 9 - 1911	Bijapur.	52d .9
10.	755.	Khale Sab	do	do	4 years	08 - 10 - 1910	Dharwar.	52d .10
11.	756.	Radu Sab.	do	do	3 years	08 - 10 - 1909	Dharwar.	52d .11

M. A. S. 3
16th May 1907

A. H. S. S. S. S.
For Director of Public Inst.

NOTES.

C. No.1207, from the Director of Public Instruction, No.2516, d/16-5-07.

Subject.

Requesting that 11 pupils of the Reformatory School at Chingleput who are natives of the Bombay Presidency may be transferred to the Reformatory School in that Presidency.

The D.P.I. states that there are at present

in the Reformatory School at Chingleput 11 boys who are natives of the Bombay Presidency. All these boys are natives of the ^{Bi}gapur and Darwar districts in the Bombay Presidency; were found guilty of possessing counterfeit ~~in~~ coins and instruments for counterfeiting; and were ordered to be detained in the Reformatory by the Magistrates of this Presidency (the Chief Presidency magistrate, the D. magistrate ^{Sanjam and the Sessions Judge, S. Canara}).

2. When the time for their discharge arrives, these boys shall, under rule 22(1) of the Reformatory School Rules on page 4 of G.O. No.158, Educational, dated 20th March 1907, be sent to the Magistrate of the District in which their parents or near relatives reside.

3. As the parents or near relatives of these boys reside outside this Presidency, the Director considers ^{that} the disposal of the boys at the time of their discharge and their after history, which the Superintendent of the School has to maintain under rule 22(viii), ~~thus~~ become a matter of difficulty.

4. The D.P.I. therefore requests that, with reference to Section 15(1) of the Reformatory School Act, 1897, arrangements may be made for the transfer

Page 1 of 4.

Page 3 of C.F.

Page 1 of C.F.

W

do do

do do

5 13 13
transfer of the boys in question to a Reformatory School in the Bombay Presidency. He also suggests that all Magistrates may be instructed to send similar boys in future to a Reformatory or Province to which they belong.

5. Section 15(1) of the Reformatory Schools Act runs--

"The Governor General in Council may by general or special order direct that any Reformatory School situated in one province shall be available for the reception of youthful offenders directed to be sent to any Reformatory School by any Court or Magistrate in any other Province."

6. The Government of India do not seem to have passed under the above section any general order directing that any Reformatory School in one Province shall be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in any other Province. *only notification which the Govt of India seem to have issued under sec. 15 (1) appears to be Notification of the Government of India, No. 533, dated 18th August 1905, which directs that the Reformatory Schools in the Bombay and Madras Presidencies shall*

be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in Coorg. The power conferred by Section 15(1) of the Reformatory Schools Act on the Governor General in Council seems ^{thus to be} intended to provide for the cases of such Provinces as have no Reformatory Schools of their own and it seems doubtful whether a general order could be passed under the section to provide for the transfer of youthful offenders detained in a Reformatory School in one Province to a Reformatory School in another Province ^{as proposed by the D.P.T.} The transfer of

adult

on page 4 of L.O. 6052A. 8.9.05 S

It gives a general power. There is no doubt about it
S17

Some G.Os. had to be traced and obtained from the Judicial Department.

adult prisoners from ^{one} Province to another appears to be permitted only under special circumstances and that too only some two or three months before their release. Vide the rules given in G.O.No.1362 Judicial, dated 9th September 1904.

7. Submitted that the file may be sent to the Judicial Department for an expression of opinion on the question raised.

T.K.
13-6-07.

The question whether the Government of India can, under section 15(1) of the Reformatory Schools Act, 1897, issue an order to the effect suggested by the Director of Public Instruction is one for the decision of that Government. All that this Government is concerned about is whether there are sufficient grounds for moving the Government of India to frame a rule on the lines suggested by the Director of Public Instruction. So far as the discharge of the boys is concerned, it does not appear that there will be any difficulty and the difficulties in the way of obtaining information about the after-history of the boys after discharge, pointed out by the Director of Public Instruction, do not appear to be insuperable. One of the boys referred to is due for discharge on 21st October 1907.

V. Westlake on page 3 of 4.



SP 14/6/07
G.O. No. 1207-1
14-6-07

Will Ind. please say whether there are any precedents or orders on the point? The Bombay ~~Police~~ ^{Prison} can easily keep their eye on these boys & report. Cld 6.7.
Ind. uo.

15

15

CURRENT NO.
3502
JUDICIAL

14.6.07

Judicial Dept

Report of the Select Committee
dated 18th February 1897,
printed in the Gazette of India
for 1897, Pt. V, p. 56.
(not put up)

To Assistant Secretary

The clause which ^{was} subsequently
enacted as S. 15 of the Reformatory Schools
Act, VIII of 1897, was inserted by the
Select Committee ~~who~~ appointed to consider
the draft Bill. They have thus explained
the scope of the clause: "We are aware
"that power is already possessed by the
"Governor-General in Council under S. 32
"of the Prisoners Act, 1871, as amended by
"Act VII of 1894, S. 1, to remove youthful
"offenders from one reformatory to another
"in British India, but we are of opi-
"nion that it is desirable nevertheless
"to insert in the body of the new
"Reformatory Schools Act a specific pro-
"vision of the nature of that contained
"in this clause, which confers a general
"power on the Governor-General in Council
"to direct the use of a Reformatory in one
"province for the reception of youthful of-
"fenders from another, and to issue such
"supplemental orders as to cost of main-
"tenance and other matters as may be
"necessary."

I thought so
8/4

62
Vide H.D. letter, d. 28th
December 1889, No. 987, at
p. 14 G.O. No. 392, 393 and
d. 3rd March 1890 (6)

The intention is to apply
the section where it is
necessary. 8/7

168
necessary". With reference to this declaration of the meaning of the section and in view of the fact that the object of the legislative measure then undertaken was "to empower a Local Government [Coorg, for instance, which had no Reformatory School of its own] to appoint a Reformatory School beyond its territories for the reception of its youthful offenders sentenced to transportation or imprisonment", it is submitted that cases like the present one are not intended to be covered by S. 15 of the ^{Reformatory} ~~Reformatory~~ Schools Act. The provisions of S. 29 of the Prisoners Act as amended by Act I of 1903 should be applied to these cases.

2. Under sec. 28 of Act III of 1900, "all references to prisons or to imprisonment ^{in sections 29 and 30 should} or confinement" ~~should~~ be construed as referring also to Reformatory Schools or to detention therein". Section 29 empowers the Governor-General in Council, by general or special order, to provide for the removal of any prisoner confined in a prison under a sentence of imprisonment to any other prison in British India. Any orders made under this power ^{would} also apply, under section 28, to ~~prisoners~~ ^{juvenile} offenders.

18 68 19
offenders detained in a Reformatory school.

3. The Govt. of India have framed, under sec. 29 (1) of the Prisoners Act, III of 1900 (as amended by Act I of 1903), general rules* to regulate the transfer of prisoners from province to province and these will be found attached to their Resn. H.D. (Jails), dated 8th August 1904, Nos. 446-458. These rules provide that any prisoner who is a member of a criminal tribe, ~~or~~ a police registered criminal, or a member of any of the other classes specified therein, not being a native of the province in which he is undergoing sentence, may be removed by order of the Inspector-General of Prisons of the province in which he has been undergoing sentence at any time not exceeding two months prior to his release either to the prison of the district to which he belongs or to the prison nearest to his native place. As regards offenders who did not come under the above description, the Govt. of India had already held that no steps were required to transfer any of them to their native districts before release.

* Vide p. 3 of G.O. No. 1362-1366, Jndt, d. 9th Sept. 1904 (V)

⊗ printed in the G.O. quoted above.

H.D. Resn d. 24th July 1900, No. 314-25, printed at p. 5 of G.O. No. 1086, Jndt, d. 8th August 1900 (I)

4. Under the general rule referred to in the foregoing paragraph, the eleven youthful offenders referred to in the letter from the Director of Public Instruction should be transferred to ^{the prison in or near to} their native districts & not earlier than two months before their release provided that they belong to a criminal tribe or come under any of the other heads given in the Govt. of India rules. Otherwise they should be released here and not sent to their district. The Director of Public Instruction should be requested to report on ~~the~~ ^{the} question of fact.

5. As regards the authority under whose orders the transfer should be effected, the rules require that they should be "removed by order of the 'Inspector-General of Prisons of the 'province in which he has been 'undergoing sentence'. A question arises whether a youthful offender confined in a Reformatory School should also be removed by the Inspector-General of Prisons or whether the 'Inspector-General' as defined in sec. 4(b) of the Reformatory Schools Act may ^{do so.} ~~take the same~~ ^{take the same} ~~provision~~. The latter office is defined in the Act as

11 8 19

gl. 3

as including "any officer appointed
"by the Local Government to perform
"all or any of the duties imposed
"by this Act on the Inspector General"
and, under ^(rule 2 of) the rules printed ^(at p. 30 of) G.O.
No. 158 Edl. d. 20th March 1907, the
Director of Public Instruction has been
so appointed. But, as the removal
of ~~prisoners~~ ^{youthful offenders} from province to province
is not one of the duties imposed ^(on the Inspector-General) by
the Reformatory Schools Act, and as
the Govt. of India rules state specifically
that the removal should be ordered
by the 'Inspector-General of Prisons'
and not merely by the 'Inspector-
General', it is submitted that the
Inspector-General of Prisons may be
directed to take the necessary action,
if the reply of the D. P. I. shows that they ~~can~~ should be transferred to Bombay.
6. As regards the general suggestion
made by the Director of Public In-
struction "that all Magistrates may
"be instructed to send ~~such~~ ^{such} boys
in [youthful offenders who are not
natives of this Presidency]" in future
"to a Reformatory in the Presidency
"or Province to which they belong", the
Govt. of India ^(will have to) ~~will~~ be moved to issue
a general order under sec. 15(1) of the

Reformatory Schools Act. It already noted in ~~the same~~ paragraph 1 above, the ^(would not appear to have been) section ~~intended~~ intended to meet such cases. The proposal is analogous

rubbing

Vide H.D. letter, No. 51, d. 31.1.1900 to the one made by the Govt. of Bombay at p. 2 of G.O. No. 1086 Jnd^l, dated 8th August 1900 (I) and para 4, Subpara 2 of H.D. Resⁿ No. 446-458, dated 8th August 1904 at p. 3 of G.O. No. 1362-1366 Jnd^l 9.9.1904(V) in 1899 (and again in 1904) "that it would be an advantage in the repression of crime if criminals,

"on the expiry of the period of appeal, "or on rejection of an appeal, were "at once transferred to their own "districts to serve their sentence".

The Govt. of India declined to entertain the proposal and it is submitted that the Director's proposal

~~was not submitted to the Govt. of India~~ is not likely to meet with their approval. The Director may therefore be informed that the suggestion cannot be accepted.

S.D.
30.6.1907.

Cf.

Under rule II printed with Co 1362 J. 9.9.04 any prisoner whose detention is considered inexpedient may be removed to another province with the consent of the D.G. of that province. Perhaps

p. 4 at Ref V

the boys might be released under the rule. Otherwise the procedure suggested on pp 7+8 above may be followed.

Chs

17.7.

The Hon Mr Forbes C89

It can hardly be held 'improper' to keep these boys in this Presidency as I do not think we can act under the rules referred to.

2. It is clear from section 15(1) of the Ref^d Schools Act that it is only under order of the Government of India that youthful offenders in this Presidency can be sent to a Reformatory in another. In the present case, I submit, we cannot make any proposals to the Government of India without the consent of the Bombay Government, & if any thing is to be done the first step should be to ask the Bombay Gov^{mt} if they will receive youthful offenders whose homes are in this Presidency & send us those whose homes are in this.
3. Another course would be for



22 14
us to arrange with Bombay that
their Reformatory authorities
should deal with boys discharged
from our Reformatory exactly as
they do with those discharged from
their own, and we could reciprocate.
This appears to me to be the best
course.

143 2707

The procedure best adapted to the
present case is that indicated in
para. 2 of Mr. Bradbury's note. We
sh^d first ask Bombay if they
have any objection to the
transfer of the boys & then we
shall see whether we sh^d
address India or not to order
the transfer under § 15 (1) of
the Ref School Act.

877

377

Draft please

143

4707

Educational Co.

Obs

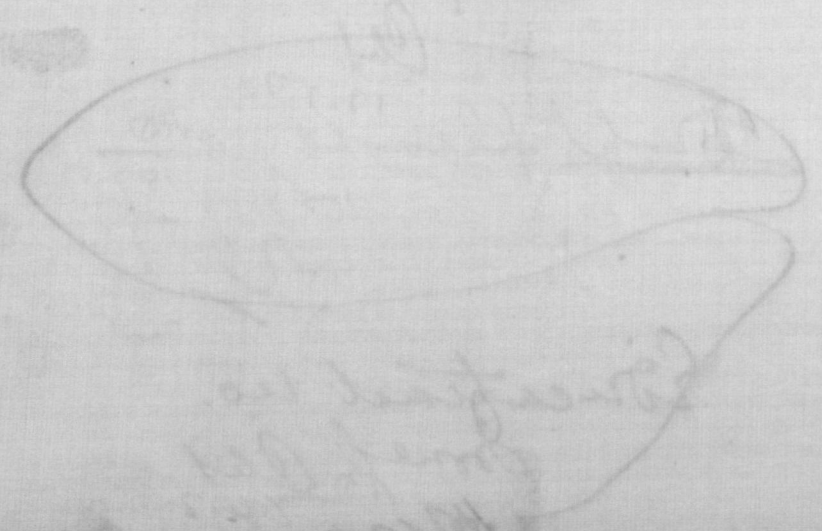
4.7.7.

Just. L. O. D. 3502-1
5.7.07

P.O.
87

147627

[Faint, mostly illegible handwritten text at the top of the left page.]



Vice the report VIII

ETN. 12072 2 15.7.07.



15 23 128

The draft placed below is submitted for approval. There appears to be only one Reformatory School in the Bombay Presidency, namely, that at Yeravda.

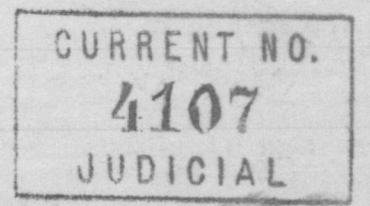
9-7-07
12-7-07

Sec.
Chs
13.7.7.

Jud. & Grace & Justice

15-7-09.

15.7.07



Judicial Dept.

Chs
16.7.7.

Accepted
17.7.07

Col. Ho.

Col. Dept.

Sec.
May issue

Chs
17.7.7.

18.7.07

[Handwritten signatures and initials at the bottom right of the page.]

16
2H
Educational Department.

C. No.1207, from the Director of Public Instruction, No.2516, d/16-5-07.

ORDER:--
P.S.

460 9 19- 7-07

The following letter will be
despatched to the Government of Bombay.

13-7-07

15-7-07

LETTER:--

461 9 19- 7-07

To

The Secretary to the Govt. of Bombay,
Educational Dept.

Sir,

I am directed to address you re-
garding the transfer to ^{the} Reformatory
school in the Bombay Presidency of eleven
juvenile offenders who are now detained
in the Reformatory School at Chingleput
in this Presidency.

2..These eleven boys who are natives
of the Bijapur and Darwar Districts of
the Bombay Presidency and whose names are
given in the accompanying list were found
guilty of counterfeiting coins and of
possessing instruments for counterfeiting
and were ordered to be detained in the
Reformatory by ~~the~~ Magistrates ^{of} this
Presidency. Under the existing rules ~~for~~
~~the working~~ of the Reformatory School at
Chingleput, ^{every} ~~these~~ boys ^{have} ~~have~~, when the time
for

2-4
Sptday
19-7-07
Recd at 5 P.M.
19-7-07

Despt
20-7-07 (11-30 A.M.)

λ in the present case

For their

3. I am accordingly directed to request that this Government may be informed whether His Excellency the Governor in Council sees any objection to the transfer ~~in the manner proposed~~ of the eleven boys in question and to any similar transfers being made for the future. *

I have etc.

+ If the Gov^t of Bombay should agree to this course, I am to state that the Madras Gov^t would have no objection to ^{accepting} ~~receiving~~ the transfer of boys similarly Circumstances from the Bombay Presidency, if/

13-7-07
 told Brumbaugh she
 desire ~~what~~ ~~to~~ ~~be~~ ~~done~~
 as ~~she~~ ~~desired~~
 13.2.2. 1872 87

[Faint, mostly illegible handwritten text on the left page, possibly bleed-through from the reverse side.]

for signature.
spatched in print.
26
at
27

U.S. G.O. No. 120
DATED

SENT No. 1207-A

U.S. G.O. No.

U.S. GOVERNMENT

U.S. GOVERNMENT

U.S. GOVERNMENT

DOES NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

NUMBER OF COPIES
REQUIRED.
Letter only. 50
Order complete with Letter.

[Handwritten note in a circle:]
6/12
1-12

Pres
Plan Am/jmp
CS
v. 7.7