

Educational (1910) Department.

ORDINARY MS.

G.O., No. 106

DATED 4-3-10

(36)

[Despatch Abstract.]

Reformatory School, Chingaleput.

Informing Nallamai Minatchi ayan
that the Govt. decline to order the discharge
of his son from the _____

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[E. & L.]
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EDUCATIONAL DEPARTMENT

CURRENT FILE.

CONTENTS.

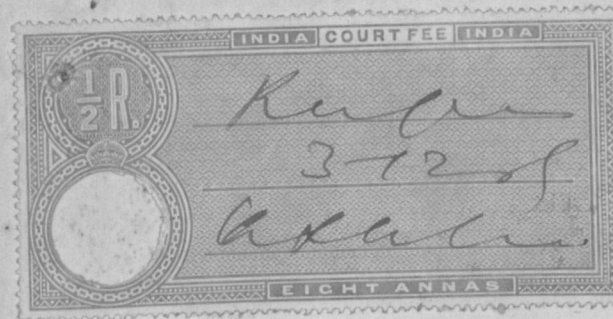
From	Number.	Date.	Pages.
[2273] N. Minatchian, Masoua.		4-12-09	1-17.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S. C.)	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.)	Despatcher to note the return of the papers to the departments concerned.



18 Dec 2273
Reg-18/12/09
CHIEF SECRETARIAT
6-DEC-1909
MADRAS GOVT
3
Madras, 4th December 1909.

CURRENT NO.
7014
JUDICIAL

To

The Chief Secretary to

His Excellency the Governor in Council,

Fort St: George, M A D R A S.

For No. 7014-1
N 11/12/09

2 hi 201 Sept

10/12/09
C.S. 10/12/09



Humbly Sheweth-

That your Petitioner's son named Ramasawmi, aged 13 years, is now detained in the Reformatory School at Chingleput as a juvenile offender. He was sent there for five years under the order of the Additional District Magistrate of Madura dated 27-9-09, herewith attached (Inclosure I). - The Magistrate, your Petitioner submits, does not state in his order the reason why he thinks that the said Ramasawmi is a fit subject for the Reformatory, nor does the Magistrate state that he made the preliminary inquiries to arrive at that decision as provided in section 11(1) of the Reformatory Schools Act VIII of 1897. If the Magistrate had made the necessary inquiries, your Petitioner submits, he would have ascertained that the said Ramasawmi belonged to a large and respectable family and had sufficient parental control to -- keep him straight after three months' imprisonment in Jail, the sentence passed on him. The Magistrate, your Petitioner submits

Being a mis-
statement. The
inquiry contained
in this
section was made
by the D. M. viz
D. M. only. 17/12/09

PP

13/12

with dat
Referen

The Section
110 does not
provide for this.

pp 10-10
CF

Statement runs thus:-
"I do not think that this
is a fit case for sending
the convict to the Refor-
matory school."

The D.M. is
not bound
by the declara-
tion
vide Sections 10
& 11 of the Act.

Sub. Div. Mag. is
not empowered under
Sec 8 (2) of the Act
to exercise the power.

2.

submits, omitted to make such inquiries, for your Petitioner, the father of the juvenile, was not called and examined in - the matter by the Magistrate.

2. That the said Ramasawmi and another juvenile were convicted of theft under section 379 I.P.C. and sentenced to 6 months rigorous imprisonment by the Stationary 2nd Class Magistrate of Madura Town in his judgment dated 30-7-09 --- (Enclosure II).

3. That your Petitioner's son, the said Ramasawmi -- appealed against his sentence to the Sub-Divisional 1st Class Magistrate of Melur Division. Your Petitioner submits that - the Sub-Divisional Magistrate, judging from his order, made careful inquiries into all the circumstances connected with the said Ramasawmi's case, described his offence as one of simple theft under section 379, I.P.C., pitied that a young boy like him should be sent to Jail, declared in his judgment that it was not a fit case for sending the convict to the -- Reformatory and reduced the sentence to three months' rigorous imprisonment. Your Petitioner humbly submits that the Additional District Magistrate of Madura when ordering the detention of your Petitioner's son for 5 years at the Reformatory, was not apparently aware of the above declaration made by -- the Sub-Divisional Magistrate. This clashing of an order made by one Magistrate with the expressed declaration made by another Magistrate with equal powers, is a matter, your ---

Petitioner humbly submits which needs the intervention of - His Excellency the Governor in Council.

4. That the said Ramasawmi is your Petitioner's only son

3.

son out of five children. The anguish of his unfortunate mother at the detention of her son for five long years at the Reformatory, is so great, and she is giving herself away to such remorse, which only a mother could feel, your Petitioner despairs of her life.

*Vide definition
in Sec 4 (a).*

5. That your Petitioner understands that the Reformatory School is meant for juvenile offenders who have no proper parental control and who are likely to drift into Criminal life after their release from Jails, but in the case of your Petitioner's son there is every guarantee, after the bitter lesson now learnt, that every care will be taken of him to bring him up as a respectable citizen, as he belongs to a large and respectable family, has proper parental control, and has eventually to succeed his father as the head of the family.

6. That your Petitioner lives in his own house, and owns about $4\frac{1}{2}$ acres of Nanje land, and pays a kist of Rs.21/-. Your Petitioner's son used to attend Lagudeva Minatchiayan's School and it was intended to send him eventually to the Sourashtra High School.

7. That your Petitioner intended to perform his Son's Poonool Vivaham (thread marriage) in his 14th year during the marriage of his sister. This important caste observance will be frustrated if your Petitioner's son is detained in the Reformatory.

Wherefore your Petitioner humbly prays that His Excellency the Governor in Council will be graciously pleased to exercise His clemency and order the discharge of your

Petitioner's

Petitioner's son Ramasawmi from the Reformatory School at Chingleput under section 14(a) of the Reformatory -- Schools Act, and if necessary your Petitioner is prepared to execute a bond with or without sureties, to be responsible for the good behaviour of the said Ramasawmi for any period not exceeding twelve months as provided in section 31(b) of the Reformatory Schools Act.

For this act of kindness and clemency, your --
Petitioner, as in duty bound, will ever pray.

FOR COPIES ONLY Inclosure II 5



District of Madura. Calendar of cases tried by the
Stationary 2nd class Magistrate of Madura Town

Date of				
Offence	Report or complaint	Apprehension	Commencing trial	Sentence or order
20-6-09 Madura	21-6-09. Charge sheet filed on 23.6.09	23-6-09	24-6-09	30-7-09

judgment in Calendar case No 746 of 1909 on the file
of the stationary 2nd class Magistrate of Madura Town
Complainant. Ren

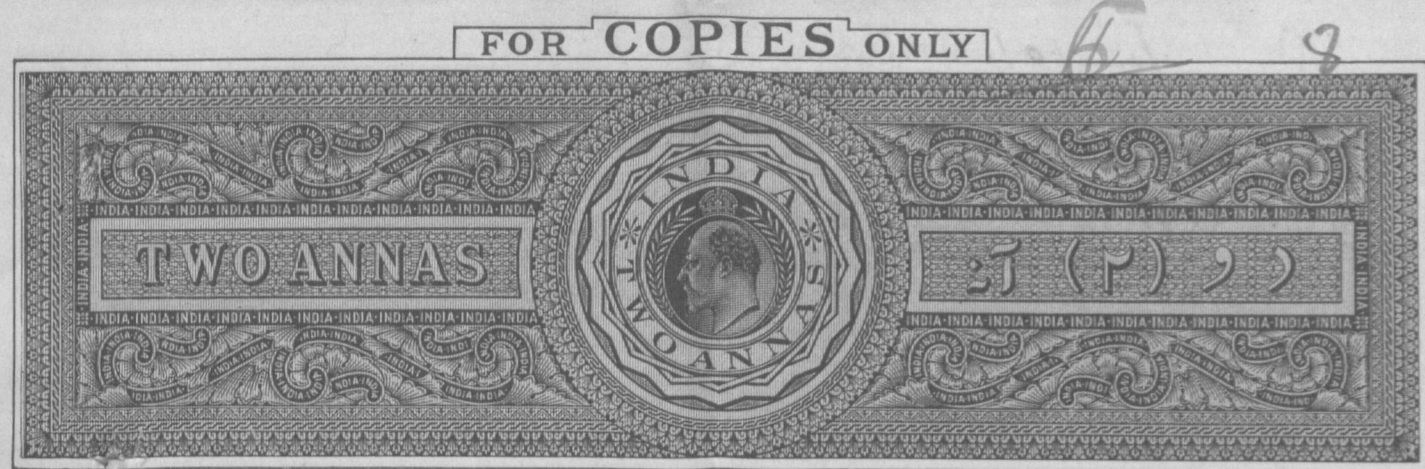
Name of accused	Age	Father's name
1. Nattamai Ramasami	13	Nattamai Meenatchiarayan
2. Venkataraman	16	Kasthuri Rengaiyan

Caste or religion	Calling	Residence	Taluk
1. Pattanamul	Lemonade Seller	Madura Town	
2. Do	Do	Do	

Offence: Theft under section 379 I.P.C.
Finding guilty

With short corrections & ful

-0 4-100
 p. 2nd 100
 9-10-1909
 p. Tattakrishnamachari
 District Court stamp
 Jendoy Albadurov.



Sentence. To suffer **Rigorous Imprisonment** for (6) six months each.

(Signed) B. Panchabikesiah
 2nd Class Magistrate

In the court of the Stationary 2nd class Magistrate Madura Town.

Friday the thirtieth day of July one thousand nine hundred and nine 30/7/09.

This case coming on for hearing on Thursday the 24th June 1909, Wednesday the 28th July 1909 and having stood over for consideration till Friday the 30th July 1909 the court delivered the following judgment.

No.	Name	Residence	Occupation
Witnesses examined for the prosecution			
1.	Gurusami Pillai	Madura	Cultivation
2.	Thiyagaraja Pillai	DO	D. P. W. Overseer
3.	Kumaran Pillai	DO	Palace gardener
4.	Perumal Naidu	DO	Sub court Masulchi
5.	Mukha Parathan	DO	Trade

Exhibits filed for the prosecution

Exhibit A. Letter dated 20-6-09 to the Town Inspector of Police by the D. P. W. Overseer (P. 27)

Incl. but correction to be made

10/1.
 15/10/09.
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 2 Des of the court

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The case for the prosecution is that at 4
 P.M. on 20th June last the accused before
 the court stealthily removed the copper
 plates of the lightning conductors put upon
 the terrace of the ^{Vinimajai Naik's} Palace Madura and
 thereby committed an offence punishable
 under section 379 I.P.C.

2. Five witnesses were examined for the
 prosecution. The 1st and 3rd prosecution
 witnesses are palace gardeners. The 2nd
 prosecution witness is the overseer, D. P. W. J. N.
 Palace and the 4th prosecution witness is
 the masalgi of the Sub court Madura West.
 The 1st prosecution witness actually saw the
 accused removing the copper plates by using
 the chisel seized and produced before the
 court and he arrested them and delivered
 them to the custody of the other gardeners.
 One of them went to the 2nd prosecution
 witness and brought him to the scene of
 offence and the latter inspected the locality
 and found the accused with the copper plates,
 clips and nails worth Rs.3 in the custody of
 the 1st and 3rd prosecution witnesses etc. The

3rd sheet correction to one

4-102.
 15-10-309.
 3-10-309.
 3-10-309.

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2nd prosecution witness reported the matter to the Police (Vide Exhibit A) and forwarded the accused with the stolen properties and the chisel to the station. The 3rd prosecution witness saw the 1st prosecution witness bringing the accused with copper plates etc from the upstory of J. N. Palace and the 4th prosecution witness saw the accused with stolen property in their possession in the custody of the 1st prosecution witness etc. The 5th prosecution witness deposes that the accused sold a brass lock to him for Rs 2.6 a week before the date of the alleged offence and this lock is said to have been removed from the door of the stair case of the Sub court a few days before the occurrence in this case. It appears from the 2nd prosecution witness's evidence that copper plates to the value of Rs 18 or 19 had already been missing. I believe the prosecution evidence.

3. The accused deny the offence and state that they sell Lemonade bottles in the Palace buildings, that there was some —

4th sheet - correction - Jul 10



quarrel between them and the 1st prosecution witness etc in the latter not paying to the former the cost of the bottles—purchased by them and that this case is concocted against them on account of the said enmity.

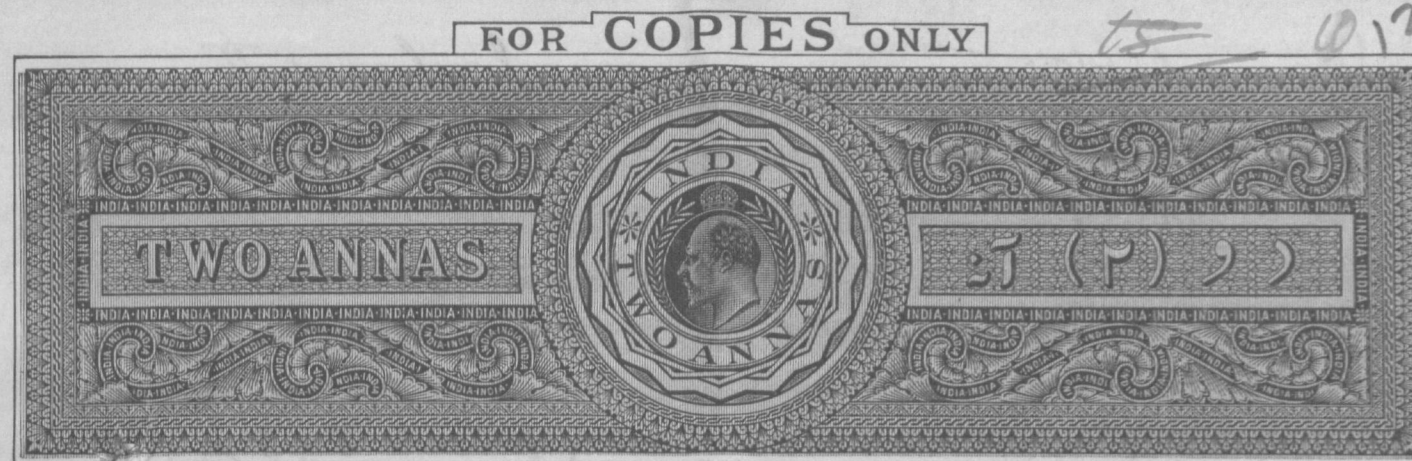
4. A charge was framed against the accused under section 379 I.P.C. and read out and explained to them and they pleaded not guilty to the charge but examined no witnesses.

5. The accused were arrested red handed with the stolen property and the case has been clearly proved against the accused who let in no evidence to rebut the charge against them. The offence is a serious one and when considering the audacity of the accused in committing it, though they are juvenile offenders and the fact that copper plates had also been removed before the date of the offence in this case, I think an exemplary punishment should be awarded.

6. I therefore find both the accused guilty of the offence

6th sheet corrected & del ~~12~~

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 et 10 109



they are charged with and in accordingly convicting them of the same, I sentence them each to (6) six months rigorous — Imprisonment.

7. The copper plates before the court will be returned to the 2nd prosecution witness under section 517 C.C.P.

Madura } (Signed) O. Panchalikesiah
30-7-09 } 2nd class Magistrate
(True copy)

6th sheet

corrections to real m

copied by VKrishnaiah

Examined by W. G. Matthews

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Hd. clear

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 17-7-09
 10/10/1909

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]



This appeal coming on for hearing before me; upon ~~hearing~~^{view} on Saturday and Wednesday the 7th & 11th August one thousand nine hundred and nine respectively upon perusing the petition of appeal and the record of the evidence and proceedings and upon duly considering the same after hearing the arguments of Mr. Govindarajulu Naicker Counsel for appellants and Mr. Selayutham Pillai Inspector of Police Madurai Town in support of the conviction and the same having stood over for consideration till the day the Court delivered the following

judgment

The appellants a silk weaver boy of Madurai Town aged 13, along with another boy of his caste aged 16 - who has not appealed - have been convicted of theft under section 379 IPC for the removal of a portion of the copper plating of the lightning conductor placed on the

boonition 2. and 20/11

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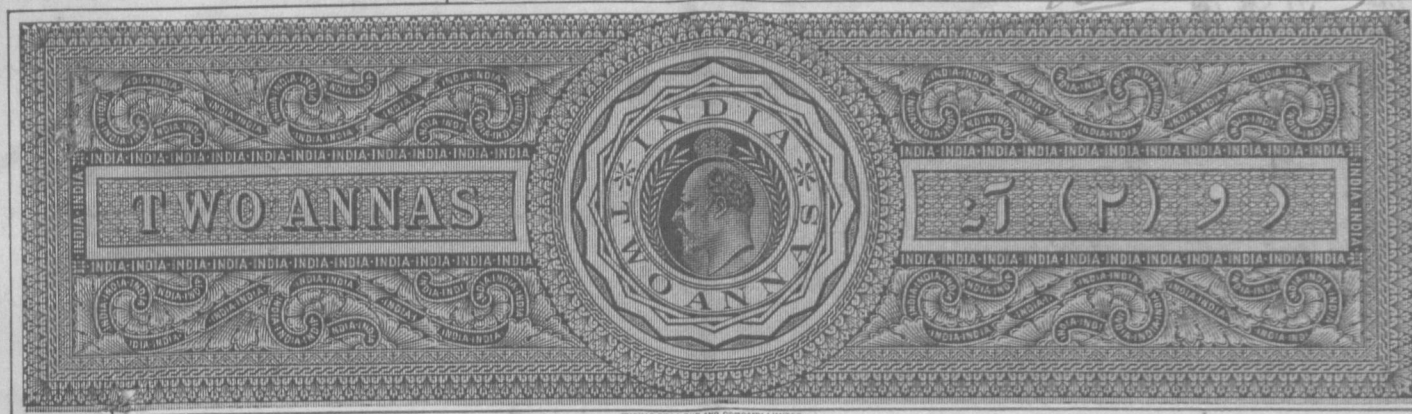
W. M. 1012 67/01/01

7-7-09

60 from 10/11/09

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terrace of the Madurai Palace. Both were seized with the plates and the elder boy produced the check which he ^{used} to remove them.

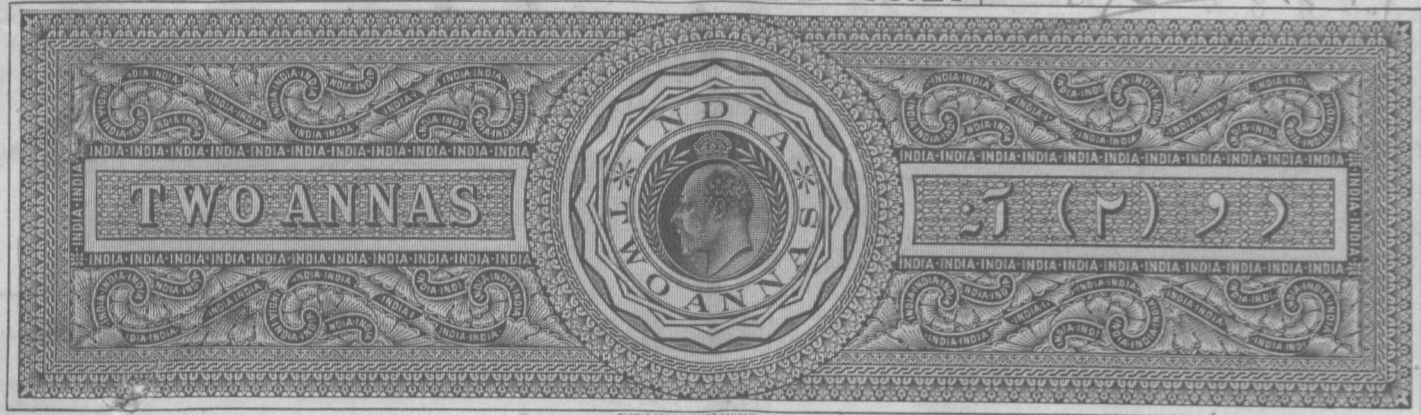
2. The appellants counsel has not agreed against the Caricaturist but he pleads for a reduction of their sentence on the grounds of Remission imposed for the offence. He prays as the alternative for the appellants being dealt with under Section 562 CrP as a first offender.

3. From the evidence I find that some days before the occurrence the chubb lock affixed to the door leading to the terrace had been picked and sold to a smith of Madurai by one of the boys. Probably the 2 boys gained access to the top of the building by means of this contrivance but it has not been elicited how they got upstairs on the date of the theft. House breaking should have been effected either that day or night which is an offence punishable under

Section 447 CrP

h. D. Son der in 1844

16/4



4. It is a pity that a young boy like the appellant has to begin his career in the gaol but this cannot be helped. I do not think that this is a fit case for sending the convict to the Reformatory school. Considering however his age and the fact that this is his first offence, I reduce his sentence to 3 months Reformatory Imprisonment. Further reduction is out of the question in view of the audacious nature of the theft. (Signed) C. R. F. Davidson

S. J. Jones
14-8-05.

(Transcript)

Correcting me
Cyril Marazuan
Cyril

Forwarded by 98-809

T. U. Rajadasami Sagar
Bannur

Q. Terrell
W. D. Clerk

No 4059. 27-1-09.
 Dep. Mag.
 R. Sundaram
 Assistant Surgeon

Inclosure III

4 Stamp

Judgment
 R. Sundaram, Cor. No. 38

27-8-09

27-8-09

27-8-09

27-8-09

27-8-09

27-8-09

27-8-09

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27-8-09

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Inclosure I. x15



In the Court of Additional District Magistrate
 Madras

Calendar Case No. 6 of 1909.

Deposition of 1st witness for Court
 Name: R. Sundaram, Father's name: Ramasamy Avari
 Village: Madura Taluk - Or, Estate: Kammala
 Calling: Assistant Surgeon, Religion: Hindu, Age: 40
 Date 27-9-09

Solemnly affirmed in accordance with the provisions
 of Act I of 1873 on the 27-9-09.

The boy before the court is thirteen years of
 age. I have examined him.
 Cross examination: nil

(Signed) R. Sundaram
 Read over to the deponent & admitted by him
 to be correct.

(Signed) J. F. Bryant
 Addl. District Magistrate

(True copy)

Corrected & set
 Copies by D. Venkatasubbia
 Examined by T. V. N. Ganesan
 Try Dy. collector

3937.
 Papers requiring
 9-10-09.
 Dis. of papers
 as per memo

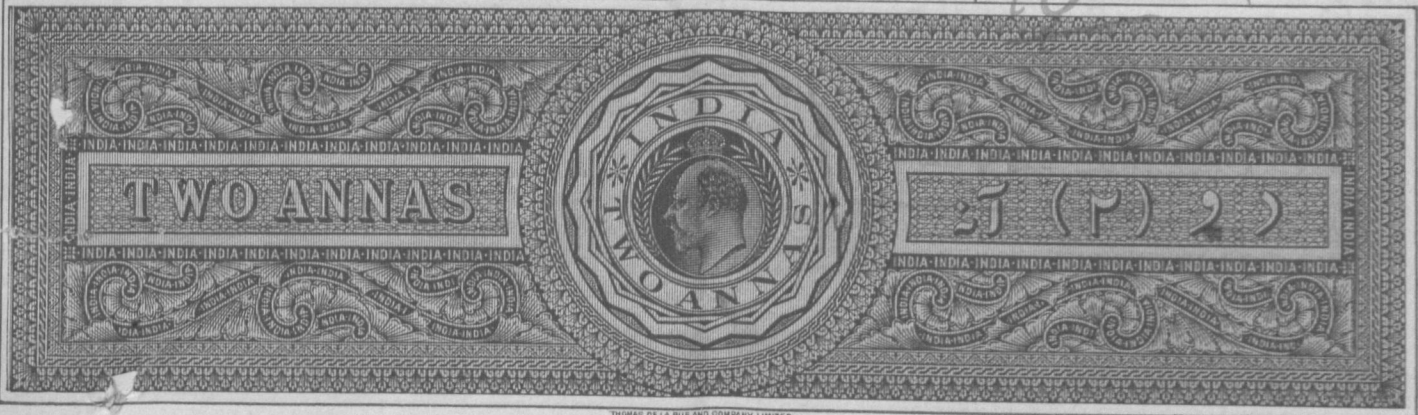
Enclosure I

In the Com of the
 Additional District Magistrate
 Madras
 Copy of deposition of Const
 witness for R. Sundaram
 No of words - 90

153 of 14-10-09
 Copy received
 Papers called for
 20-10-09
 Papers produced
 4-11-09
 Copy ready
 6-11-09
 Copy delivered or sent
 by post to

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 Jan
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Proceedings of the Additional District Magistrate,
 Madras

Dated 27-9-09

Present: - J. F. Bryant Esq. M.A. J.C.S.
 Read letter No 1442 dated 16.8.09 from the Superintendent, District Jail, Madras forwarding for necessary action under section 10 of the Reformatory Schools Act the nominal roll of ^{Jamesville} convict Ramasami convicted by the Sub Magistrate, Madras Town and ^{for six months} ordered to undergo rigorous imprisonment (in CC 746 of 09).

Read also the evidence of Dr. Sundaram Assistant Surgeon, Madras as regards the age of the boy.

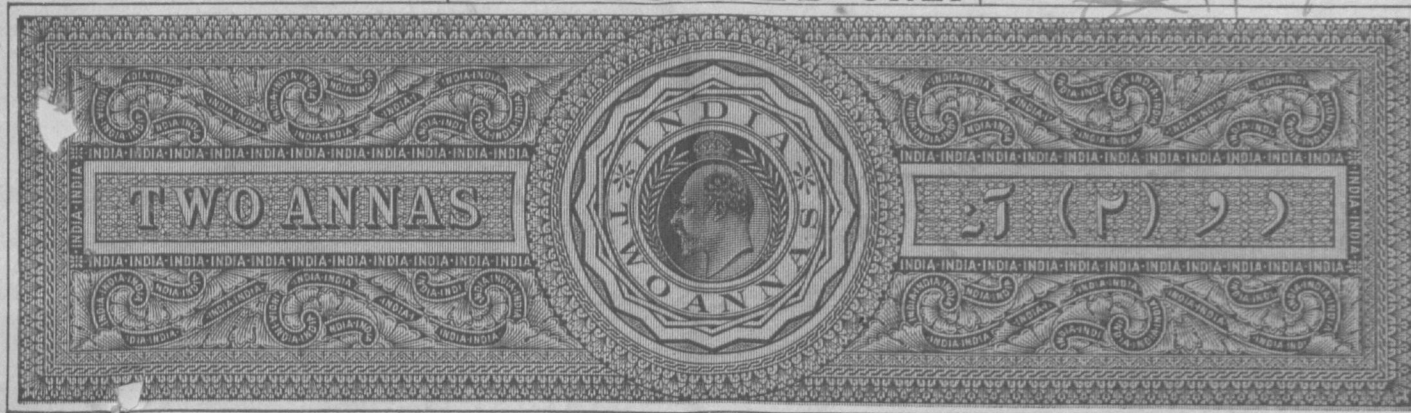
Order

In CC 746 of 09 in the file of Stationary Sub Magistrate, Madras Town, one Ramasami, a silk weaver by caste was found guilty of an offence under section 379 I.P.C. and sentenced on 30.7.09 to 6 months imprisonment. This sentence was ^{on} an appeal reduced to 3 months rigorous imprisonment. The Superintendent District Jail Madras sent for orders a correction etc

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 Forms Copying
 9/10/1909.
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2

nominal roll under section 10 of Act VIII of 1917 in respect of the boy. The boy was personally examined by me and found by me to be 13 years of age. This is also proved by the evidence of the Assistant Surgeon, Madras. I think he is a fit subject for the Reformatory and I hereby direct that he be sent to the Reformatory School Chingleput and be there detained for 5 years until he has attained the age of 18 years. As the Superintendent Reformatory School Chingleput says that there is ^{now} ~~no~~ accommodation for the boy in the school. The ^{Superintendent} District Jail Madras will be requested to arrange for the immediate transfer of the boy to the Chingleput Reformatory.

(Signed) J. F. Bryant
 Sd/- District Magistrate

Corrected by ^{for true copy}
 Copied by D. Venkateswara
 Examined by ^{Copyist} ^{TV} ^{Prayagaram} ^{sign} ^{U. A.}
 Examiner Trypy. Collector

3936.
 10-10-10
 10-10-10
 10-10-10

Inclosure I



In the Court of the Additional District Magistrate, Madras
 Copy of order dated 27-9-09

No of words: - 259

Application No. 153 for 14-10-09
 copy received

Stamp Papers called for 20-10-09

Stamp Papers produced 4-11-09

Copy ready 6-11-09

Copy delivered or sent by post to 6-11-09



for MHC

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 2nd
 Enclos. No. 2
 To No. 704

Educational Department

CNO 2273

Cndt. 2273-1

Referred to the Director of

Public Instruction for very early report on the boy's Conduct and ^{remarks} ~~whether~~ whether this is a fit case for the exercise of His Excellency's clemency.

PP 5-11-10
 5-11-10

Obf 5/1

I.

The S.P.2 with CNO 2273 in original to be returned.

2/11/10
 2/11/10

EDUCATIONAL DEPARTMENT.

Received 190 , Registered 20-1-1900

Subject.



Submitting report called for in Memo. No. 2273-1, Educational, dated 6th January 1910, in connection with the discharge of pupil No. 898, N. Ramaswami, detained in the Reformatory School, Chingleput.

ENCLOSURES.

No.

Spare copies

R.C. No. 140 of 1910,

Station Madras, Dated the 19 January 1900.

From (Name) The Hon'ble Mr. A. G. Bourne, D. Sc., F. R. S., C. I. E.,

(Designation) Director of Public Instruction,

To The Secretary to the Government of Madras,

Educational Department.

Sir,

In returning herewith the papers referred to me with endorsement No. 2273-1, Educational, dated 6th January 1910, I have the honour to state that the Superintendent, Reformatory School, Chingleput, reports that pupil No. 898, N. Ramaswami, was admitted into the Reformatory School on the 9th October 1909, that his conduct during the three months of his stay in the School has been satisfactory, and that he thinks that the pupil may be recommended for discharge as he is a first offender and as his parents are still living and promise to look after the boy.

I have the honour to be,
Sir,
Your most obedient servant,

G. Krishna Rao
for Director of Public Instruction.

M.R.B.

Endorsement No 121-1

Referred to the District

Magistrate of Madura who is requested to report whether, in his opinion, the boy may be safely released and whether, after enquiry, he considers that the boy's parents and surroundings are such that it is unobjectionable to send him home.

PR
27.1.10

Chd
27/1

DD
27.1.10

File 373/10

D/11/11

Recd. 5 Pm

To,

The District Magistrate, Madura, with
petition & its enclosures (to be
returned).

with
Encls.
28/1/10

In reply to Government endorsement No.121-1, dated 27th January 1910, I have the honour to state that the boy referred to was not convicted of any ordinary theft. For some time thefts of copper forming part of the lightning conductors of Tirumalai Nyack's palace at Madura, had been noticed, and at last the accused was caught in the act. The offence imperilled or might have imperilled the safety of one of the finest architectural monuments of Southern India and implied such singular depravity that it is impossible that the culprit can be really reformed unless his stay at Chingleput is considerably prolonged. Copy of the report of the Sub Magistrate on your reference

22/
reference is enclosed. It will be seen that the status of the boy's relations is comparatively low, and I am unable to recommend the release.

I have the honour to be,

S i r,

Your most obedient servant,

Ramadasan

For Addl. Dt. Magistrate.

k.s.s./18-2-10.

23/24
Copy of communication D.Dis.No.68 of 1910 dated 14th Feb'y 1910 from M.R.Ry. V.Venkatasubbier, B.A., Stationary Second - class Magistrate, Madura Town, to the Additional District Magistrate, Madura.

With reference to your order R.O.C.No.257/Mgl., of 1910, dated 8th February 1910 calling for report on the petition of Kamatchi Iyen of Madura to His Excellency requesting that his son Ramasami who is now in the Reformatory School at Chingleput may be released and promising to take care of him, I beg to report as follows:-

The petitioner who is the father of the boy and the petitioner's father-in-law Ruppa Subbien were enquired by me. The petitioner has no doubt lands for which he pays a kist of about only Rs.20/-. Ruppa Subbien has also lands for which he pays a kist of Rs.14/-. Their statements regarding the payment of kist have been verified by me with reference to the pattas and kist receipts produced by them. They also possess houses at Madura. The petitioner's house is valued by the Town Village Munsiff at Rs.2,000/- while that of Ruppa Subbien is valued at Rs.1,000/-. But both the petitioner and Ruppa Subbien can only sign their names and are otherwise illiterate. They are no doubt quiet-going men but not with sufficient resources to give the boy a good training as they are themselves poor weavers. Further, I beg to bring to your notice that the offence of theft in respect of which the petitioner's son and another were convicted is a daring one and in this case they were convicted only for their acts of theft committed on 20th June 1909 when they were caught red-handed. There is another case pending against the same accused in which they have been charged for the removal of the portions of copper plates from the lightning conductor of the Palace at Madura for several days prior to 20th June 1909 between the dates 1 to 20th June 1909 and in this case the charge sheet was

received

24
received in my office on 21st January 1910. I inspected with the D.P.W. Overseer on the 12th instant, the portions of the Palace building from which the plates have been removed. I found plates removed in about a dozen places and the Overseer informed me during inspection that the plates removed are being renewed at a cost of Rs. 600/-- and the repairs have not been completed. The condition of the building after the removal of the plates of the lightning conductor in certain places was extremely dangerous to its safety and it shows that the accused must have been assiduously removing the plates and committing the offence for a number of days and the offence shows no doubt unusual depravity or unusual thoughtlessness on their part. Anyhow, as the petitioner is illiterate and the surroundings of the boy are no better, it is not safe to release the boy and send him home. In the circumstances mentioned, the family of the petitioner cannot be considered respectable.

2. I have been ordered to submit my report in consultation with the District Superintendent of Police but as that Officer is away in camp and as the report has to be submitted urgently, I have written the report in consultation with the Inspector of Police, Madura Town.

Madura Dt. Magistrate's Office,
Dated the 18th February 1910.

For Addl. Dt. Magistrate.

k.s.s./18-2-10.

18.2.10

EDUCATIONAL DEPARTMENT.
25
NOTES.

C.No.2273 From N,Minatchiayan, Madura, dated 4th December 1909.

S U B J E C T.

Praying that his son who has been sent to the Reformatory School, Chingleput, by the ^{Additional} District Magistrate of Madura may be discharged.

N.Minatchiayan of Sourashtra Caste, Weaver and Cloth Merchant, Madura, prays that his son Ramaswami, a boy 13 years old, whose detention in the Reformatory School at Chingleput for a period of five years has been ordered by the Additional District Magistrate of Madura (Mr.J.F.Pryant) may be discharged from the school under section 14 (a) of the Reformatory School Act, No.VIII of 1897.

Page 17 of C.F.

* on 30th July 1909.

Page 10 of C.F.

Page 14 of C.F.

* on 16th August 1909.

Page 14 of C.F.

2. The Second Class Magistrate of Madura Town (Mr.C.Panchabikesiah) sentenced the petitioner's son to 6 months rigorous imprisonment on a charge framed under section 379 Indian Penal Code of having in company with another boy stealthily removed the copper plates of the lightning conductors put upon the terrace of the Tirumalai Naick's palace, Madura. On appeal the sentence was reduced to three months rigorous imprisonment by the Sub Divisional 1st Class Magistrate of Melur Division (Mr.Govinda Rao). In his judgment the latter observed:-

"It is a pity that a young boy like the appellant
"has to begin his career in the jail but this
"cannot be helped. I do not think that this is a
"fit case for sending the convict to the Reformatory
School.

"School. Considering, however, his age and the
"fact that this is his first offence, I reduce
"his sentence to three months rigorous imprisonment."

3. Under section 10 of the Reformatory
Schools Act, No. VIII of 1897 the Superintendent
of the Madura District Jail brought the boy's case
before the Additional District Magistrate, Madura,
who ordered his detention for five years in the
Reformatory School at Chingleput. It is this
order of detention that is now appealed against.

4. The petitioner states that the Reformatory
School is meant for juvenile offenders who have
no proper parental control and who are likely to
drift into criminal life after their release from
jails, but that in his son's case ^(petitioner) he is prepared
to execute a bond with or without sureties holding
himself responsible for the good behaviour of his
son for any period not exceeding twelve months
as required by section 31(b) of the Act and
requests that he (the boy) may be discharged from
the school. He urges the following grounds in
support of his request:-

(1) the boy is the only son of his parents
and his detention in the Reformatory has been the
cause of great anxiety to his mother who is "giving
"herself away to such remorse that the petitioner
"despairs of her life"; and

(2) the detention in the Reformatory will
stand in the way of his "Pooncol Vivaham (thread
marriage), an important caste ceremony the
performance of which usually comes off in the
14th year.

5. Section 8 (1) of the Reformatory Schools
Act,

Page 16 of C.F.

Page 17 of C.F.

Para. 5 of petition on page 3 of C.F.

Para. 6 of petition on
page 2 + 3 of C.F.

Para. 7 of petition,
page 3 of C.F.

27
26
3
Act, 1897, runs as follows:-

"Whenever any youthful offender is sentenced
"to transportation or imprisonment and is in the
"judgment of the Court by which he is sentenced a
"proper person to be an inmate of a Reformatory
"School, the Court may subject to any rules made
"by the Local Government direct that, instead of
"undergoing his sentence, he shall be sent to such
"a school and be there detained for a period which
"shall ~~shall~~ not be less than three or more than
"seven years." The Court that passed final
orders in the present instance was the 1st class
Magistrate, Melur Division. He did not think it
was a fit case for sending the convict into the
Reformatory. The Additional District Magistrate,
nevertheless, ordered that the boy should be
detained in the Reformatory School for a period
of five years. It is not known whether the 1st
class Magistrate's judgment was before the District
Magistrate when he passed the order of detention.
The petitioner further urges that "if the District
"Magistrate had made the necessary inquiries, he
"would have ascertained that the said Ramaswami
"belonged to a large and respectable family and
"had sufficient parental control to keep him straight
"after three months' imprisonment in jail."

6. In view of the alleged respectability
of the petitioner and his assurance that he will
hereafter exercise sufficient control over the
boy and also of the fact that this is the boy's
first offence, and in view also of the 1st class
Magistrate's opinion that it was not a fit case
for sending the convict to the Reformatory, it

is

Page 14 of C.F.

Para. 1 of the petition,
Page 1 of C.F.

Cf. 1st class Magistrate's
judgment on page 14 of C.F.
also Sec. 562 of the Criminal Procedure
Code.

is for consideration whether the boy's discharge may be ordered under section 14 (a) of the Reformatory Schools Act.

PR
17-12-09

It is not for the Educational Department to consider the correctness or otherwise of the order of the ^{Magistrate} ordering the boy's detention in the Reformatory. Sec. 14 (a) of the Reformatory Schools Act gives the Local Govt. unfettered discretion in the matter of discharging a youthful offender from the Reformatory. The question is whether ^{there} are sufficient grounds in this case to justify the discharge of the boy.

AD.
18-12-09

Please transfer to J. W. as. It will then be considered whether the Hon. Secy. has power to pass the order he did. He was not the Court which sentenced the prisoner.

Ans
20/12.

J. W. as.



2273-1
20-12-09

CURRENT NO.
7292
JUDICIAL

R 21-12-09

Examine please. Are there any precedents?
Ans
yes

Judicial Department

To Under Secretary
Submitted that the Order of the Addl. Dt. Magistrate was within his powers as it was passed on the report of the Jail Supdt. under Sec. 10 of Act VIII of 1897, and not under Sec. 8 (1) of that Act.

2. The question whether the juvenile should be discharged under Sec. 14 (a) of Act VIII of 1897 is one for consideration in the Edl. Deptt.

S.W.
28.12.09

Sub
29.12.09

Obd
2/1

Edl. no.

Educational Department

Much time has been wasted by this unnecessary inquiry into the validity (which was not questioned) of the Addl. Dt. Magistrate's order. Now refer the matter to D.P.J. for report on the boy's conduct & suggestion whether he is a fit case for the exercise of the Govt's clemency

Pro
5.1.10



G.O., 493 Edl., 17.7.05 (E)
contains a precedent.

No. 7292-1
3.1.10

The draft endt. placed below is submitted for approval.

PP
5-1-10
20
6-1-10

N
Cot
571

[Endt No. 2273-1 dt 6-1-10]

From the D.P. J. No. 140 dt 19th January 1910.

Page 19 of C.F.

* He was admitted into the school on 9th October 1909.

The Director of Public Instruction states that the Superintendent, Reformatory School, Chingleput, reports that ^(the conduct of) pupil No. 898. N. Ramaswami, during the three months³ of his stay in the school, has been Satisfactory and that the ^{Supt.} thinks that the pupil may be recommended for discharge as he is a first offender and as his parents are still living and promise to look after the boy.

2. The Superintendent's recommendation may, perhaps, be accepted and the discharge of the boy may be ordered under Sec. 14 (a) of the Reformatory Schools Act, No. VIII of 1897.

3. The draft order placed below is for approval.

PP
21-1-10
20
21.1.10

Sec
Cot
271

HM.

L. Sub
24/1/10

But the point is whether the boys parents
are fit & proper people to look after the boy
The papers say to the Dist Mag for
report whether he thinks the boy
may be safely released & whether after
inspecting he considers the boys parents
& surroundings are such that it is
undoubtedly safe to send him home.

26.1.10

Draft reference to D.M. please
Lick.
27.1.10

The draft sent placed below is submitted for approval

27.1.10

27.1.10

Clt
27/1

[Sent No. 121-1 Sdly 27-1-10].

From the Additional St Magistrate, Madras, No. 221 dy 18.2.10.

Pages 21 & 22 of C.F.

The Additional St Magistrate of Madras (Mr. J. F. Bryant) reports that "the status of the boy's relations is comparatively low", that "it is impossible that the culprit can be really reformed unless his stay at Chingleput is (Mr. Bryant) considerably prolonged" and that he is unable to recommend

Page 19 of C.F.

recommend the boy's release. The Superintendent of the Reformatory School, on the other hand, reports that the boy's conduct during the three months of his stay in the school has been satisfactory and thinks that the boy may be discharged.

PP
24.2.10

Attention is solicited to the Sub-magistrate's report on pages 23 & 24 of the C.F. It does not appear that, having regard to the circumstances therein stated, the discharge of the boy from the Reformatory School will be justifiable.

RD
25.2.10

The Adm! D.M.'s order seems to have been a very proper one, and there is nothing in the facts now reported which would seem to make it desirable to send the boy back to his parents. The petition may be rejected.
427/2

Recd

CIRCULATED IN EDL.
AND REG. DEPT.
No 69

STM

L.M.
28/2/10

The point seems to be whether the evidence showed this offence to be one of mere

boys' mischief or whether the circumstances showed a deliberate theft for the sake of the advantage to be gained by the sale of the property stolen. I fear in this case there is no doubt that the boys first picked a Clumb's lock to enable him to get on to the roof & then stole their copper plates to make money on them. I agree that the car is not for release. There is no evidence to show that the boys' parents will be able to control & educate him properly & he will probably relapse into crime if released. We must decline to release the boy.

Lulu
3/3/10

2. 11. 10

The draft order placed below is submitted for approval.

PP
3.3.10

Ysun 4/3

[Ex No 106 dated 4-3-10]

PP
3/3

" " " " , " 19

READ ALSO:—

C. No. 2273, From the N. Minalehiyan, No. 1, dated 6-12-1909.

121 140 19-1-1960

” ” ” ” ” ” ” ” 19

O R D E R .

No., dated 19

mi

not to issue

Superseded

Page 17 of 27

His Excellency the Governor in Council is pleased to sanction, under Section 44 (a) of the Reformatory Schools Act, 1897, the discharge from the Reformatory School, Chingleput, of pupil No. 898, N. Ramaswami, whose ¹⁸⁹⁸ detention in the ~~has been ordered to be detained in the~~ School for a period of five years ~~by~~ was ordered by the Additional D. Magistrate of Madras.

2. The petitioner will be informed accordingly.

$\frac{100}{21-1-10}$

Сбл
221

Link
24/1/10

L.

The d.p. 9

.. Petitioners (Q of 227380).

Indl Sept.

READ ALSO:—

77 121 ; ; the a.p. 9 ; ; 140 ; ; 19-1-1910

ORDER.

His

No. 106, dated 4-3-1910.

The petitioner will be informed that the Government ~~declines~~ ^{declines} ~~and is unable~~ ^{is unable} to order ~~his~~ ^{the} ~~son's~~ discharge from the Reformatory School, Chingleput, where he has been ordered to be detained for a period of five years by the Additional D. Magistrate of Madras.

$$\frac{PP}{3 \cdot 3 \cdot 10} \quad \frac{EO}{3 \cdot 3 \cdot 10} \quad \frac{H}{413}$$

To, the petitioner.
 .. D.P. 9
 .. D.M., Madurai

When given for copying _____
When copied _____
When examined _____
When signed _____

191

READ AGAIN G.O., No.
191

, DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

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