

Government of Madras.

EDUCATIONAL DEPARTMENT.

*Recd.*

*Regd.*

} 1913.

*Enclosures*

*Spare copies*

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G.O. No. 160, 19th February 1913.

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Reformatory School, Chingleput

Informing the Director of Public Instruction that Government are not at present prepared to take any action in the direction of limiting admission to the — from the criminal classes.

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Informing the Director of Public Instruction that Government are not at present prepared to take any action in the direction of limiting admission to the — from the criminal classes.

GOVERNMENT OF MADRAS.  
EDUCATIONAL DEPARTMENT.

READ—the following paper :—

*Letter*—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., C.I.E., Director of Public Instruction.

*To*—the Secretary to Government, Educational Department.

*Dated*—Madras, the 11th November 1912.

*No.*—Ref. on Cur. 5919.

In his last report on the working of the Reformatory School, Chingleput, the Superintendent stated that the number of pupils from the criminal classes had continued steadily to increase year after year since the school was founded, that their number during the year was 64 against 56 in the previous year and that he would submit a separate report to show what effect the training of the school had on such boys.

2. The Superintendent now reports that the number of admissions of criminal class boys into the school since its foundation in 1887 is 110, that of this number six were taught carpentry, 28 blacksmith's work, 29 tailoring, 36 weaving, 1 metal work, 4 bugling, 3 gardening, 1 sawyer's work, 1 band and 1 masonry—that of these only two followed their trade after discharge, 19 found employment in various capacities, 3 emigrated, 55 were lost sight of, having joined their criminal gangs and 31 relapsed. It will thus be seen that about 80 *per cent.* of the discharged pupils went wrong and 20 *per cent.* were reclaimed.

3. The Superintendent states that though on the whole the criminal class boy is well behaved during his stay in the school, yet on his discharge he seems to be traced by his former criminal associates and is lost sight of, and he fears that the admission of boys of this class to some extent keeps out more promising material and thus reduces the good work that is possible to be effected in the institution. He therefore suggests (1) that a limit of 15 *per cent.* be fixed by Government to the admission of these classes provided always that the school is full and that the raising of the percentage would keep out more promising material, and (2) that the disposal of the boys on discharge be left to the discretion of the Superintendent who will arrange for their emigration or for their being taken over by some public body as the Salvation Army so that they may be protected from the influence of former criminal associates.

4. I beg to commend these proposals for the consideration of Government subject to the modification that the Superintendent be empowered to refuse admission to boys of the criminal classes when the school already contains at least 15 *per cent.* of boys of these classes and when it is so full that he is convinced that the admission of more such boys would entail the refusal of boys of other classes who would be more likely to be permanently reclaimed.

5. In this connection I beg to submit herewith a statement received from the Superintendent of the Reformatory school, showing the percentage of criminal class boys admitted in the other Reformatory schools in India and the manner in which the pupils are disposed of after discharge from them.

6. It will be seen that criminal class boys are not admitted in the Chunar Reformatory, that there are no boys of this class in the Insein Reformatory and that there is only one boy in the Delhi Reformatory. In the Hazaribagh Reformatory the percentage of admissions of boys of this class is 10, at Jubbulpore it is 28.81, while at Yeravada no limit is fixed.

7. I beg also to enclose copy of a letter from the officer in charge of the Salvation Army head-quarters, Madras, to the Superintendent, Reformatory school, in which he states that he will be very pleased to receive and look after ten boys belonging to the criminal classes annually.

ENCLOSURES.

(i)

*A list showing the percentage of criminal classes in various Reformatories in India.*

| Name of institution.                        | Percentage of criminal classes.                                     | Disposal.                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yeravada Reformatory, Bombay.               | The percentage is 19.2 and no limit is fixed to the admission.      | The boys of the Chappar band class are sent to the Assistant Collector on Special duty, Bijapur district, who procures suitable occupation for them.                                                                                                                                                       |
| Chunar Reformatory, United Provinces        | Criminal boys are not admitted ..                                   | ....                                                                                                                                                                                                                                                                                                       |
| Jubbulpore Reformatory (Central Provinces). | The percentage is 28.81 (the school population being 59).           | They are discharged in the ordinary way but many of them go back to their guardians and are not traceable.                                                                                                                                                                                                 |
| Delhi Reformatory, the Punjab.              | Only one boy .. .. .                                                | ....                                                                                                                                                                                                                                                                                                       |
| Insein Reformatory, Burma.                  | The tribes from which boys are drawn can hardly be called criminal. | ....                                                                                                                                                                                                                                                                                                       |
| Hazaribagh Reformatory, Bengal              | Ten per cent. .. .. .                                               | The boys are discharged in the ordinary way and they return to their gangs who are under police surveillance. If the parent declines the protection and watch of the officers of the Educational department the boy's connection with the school ceases and he is deprived of his allowances and presents. |

(ii)

*Letter*—from F. BOOTH TUCKER, Esq., the Salvation Army, Head-quarters for India and Ceylon.

*To*—the Acting Superintendent, Reformatory School, Chingleput, Madras.

*Dated*—the Mall, Simla, the 30th September 1912.

I have the honour to acknowledge your No. 193 Gl. of 12, dated the 11th instant, which has been forwarded to me by our officer in Madras.

We shall be very pleased to receive, and look after, ten boys belonging to criminal castes, annually, when discharged at the age of 18 years from your school.

We are sure that these boys will be most useful to us, and that the trades which you have been teaching them will just be the kind to be of most value to us.

At present, our settlements for criminal tribes are, however, mostly in the north; but we are expecting, before long, to open one in the Telugu country, and we have several Industrial Institutions in South India, to which we could send them as instructors, if you recommend them as being suitable to mix with children of a non-criminal character.

The special trades in which you could afford us much assistance by your co-operation are—

(1) *Weaving*.—We have already some 18 weaving schools in different parts of the country, and are in urgent need of weaving masters. To save time, it would be great help to us if you could instruct them in the use of our Salvation Army swadesi automatic loom, and also in the use of the spinning wheel.

(2) *Silk*.—Could you not introduce silkworm rearing, silk reeling and silk spinning into your Reformatory? We have urgent need for instructors. You could easily send one of your boys over to our silk schools in Bangalore for instruction; or you could, perhaps, get an instructor from our school for your Reformatory. There is a great future for silk in South India; and the great advantage of this industry is that the criminal tribes take to it so readily, and that it is sufficiently remunerative to enable them to earn a good living.

Please let me say, how gladly we shall welcome your co-operation and assistance, and what pleasure it will afford us to help you to get an outlet for your boys when they leave your Reformatory. I am sending you a copy of our silk and weaving pamphlets.

## Order—No. 160, Educational, dated 19th February 1913.

The Government are not at present prepared to take any action in the direction of limiting admissions to the Reformatory School from the criminal classes. The disposal of discharged members of those classes is now engaging the consideration of Government.

(True Extract.)

L. DAVIDSON,  
Ag. Secretary to Government.

To the Director of Public Instruction.  
Judicial Department.

## EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 160, EDUCATIONAL, DATED  
19TH FEBRUARY 1913.

[SUBJECT.—Limit to the number of boys of the criminal classes admitted into the Reformatory school and the disposal of those boys on discharge.]

From the Director of Public Instruction, dated 11th November 1912,  
No. 5919.

The requests of the Superintendent of the Reformatory school as modified by the Director of Public Instruction are—

(i) that the Superintendent may be empowered to refuse admission to boys of the criminal classes when the school already contains 15 *per cent.* of boys of that class and when it is so full that he is convinced that the admission of more boys of A that class would keep out boys of other classes who are more likely to be permanently reclaimed, and

(ii) that the disposal of the boys of the criminal classes on discharge from the school may be left to the discretion of the Superintendent who will arrange for their emigration or for their being taken over by some public body as the Salvation Army, so that they may be protected from the influence of former criminal associates.

2. Under rule 21 of the rules for the Reformatory school "the number of admissions to the school shall be regulated with due regard to the accommodation and staff available." The Superintendent's present proposal is to put a limit to the number of boys of the criminal classes even when accommodation and staff are available. The local Government's power to make rules regulating matters connected with the Reformatory school is limited to those specified in subsection (1) of section 26 of the Reformatory Schools Act (VIII) of 1897. It is not clear whether under the powers conferred on Government by that section they can put a limit to the number of boys of a particular class who may be admitted into the school irrespective of the fact that accommodation is available.

Section 26 (2) of the Reformatory Schools Act, 1897.

3. As regards the disposal of boys of the criminal classes discharged from the school, attention is solicited to existing rule 22 (vii) of the rules for the Reformatory school. Under this rule a magistrate sent by the Superintendent of the school, "may dispose of him in such a manner as to protect him from the influence of criminal associates." This rule as originally drafted ran thus:—

"When a boy of the criminal class is taken before a magistrate for discharge, the magistrate may, instead of handing him over to his criminal associates, dispose of him in such a manner as to protect him from their influence."

Page 19 of G.O. No. 599, Educational, dated 26th September 1898.

The Government then doubted the legality of the rule which was adopted with the substitution of the words "with the consent of the boy's relatives" for the words in italics in the rule reproduced above. These words were, however, omitted in 1907 when the rules of the school were revised—*Cf.* pages 4 and 11 of the original papers in G.O. No. 158, Educational, dated 20th March 1907. No explanation is forthcoming as to why they were omitted. Perhaps the Director of Public Instruction may be requested to state the reason for the omission.

4. At any rate the rule as it now stands gives the magistrate full discretion to dispose of the boys of criminal classes so as to protect them from the influence of formal criminal associates. The present proposal is to give similar powers to the Superintendent of the School also. The rules of the Reformatory schools of other Provinces are not available in the Secretariat and the statement furnished by the Director of Public Instruction does not show whether there is any limit to the admission of boys of this class into the Reformatory schools of other Provinces. It seems expedient to ascertain the practice obtaining in other Provinces in relation to the admission and disposal of these boys before final orders are passed on the current letter of the Director of Public Instruction.

Orders are solicited as to whether a reference may be made to the Governments of Bombay, Bengal, United Provinces, Central Provinces, the Punjab and Burma on the subject.

P.R.—2-12-12.

I do not think there is any need to refer to other Provinces, but before further scrutiny of these proposals, I should like to know if the Judicial Department has any objection to their acceptance. There may be numerous cases in which "criminal class" boys are refused admission and the question arises how they will be dealt with—discharge, whipping or ———?

L. DAVIDSON—4-12-12.

To the Judicial Department.

#### JUDICIAL DEPARTMENT.

Submitted that the opinion of the Inspector-General of Prisons and the Inspector-General of Police on the proposals of the Director of Public Instruction may be invited if necessary. A draft endorsement is submitted for approval.

2. As regards the first proposal of the Superintendent of the Reformatory, it is submitted that there appears to be no legal objection as under section 8 (3) of the Act it is open to the Government to make rules "for defining what youthful offenders should be sent to Reformatory schools, having regard to the nature of their offences or other considerations." By implication the power conferred by this section embraces the power to define what proportion of a particular class of youthful offenders shall be admitted into the Reformatory. Assuming then that a rule such as the one proposed will be valid, it has to be considered how it can in practice be given effect to. The latest instructions regarding the despatch of youthful offenders to the Reformatory are those contained in G.O. No. 1671, Judicial, dated 15th October 1912. Briefly, these instructions are (1) that in every case in which the Court proposes to make an order under section 8 of the Act, it should before sentencing the youthful offender ascertain by telegram from the Superintendent of the Reformatory, whether accommodation is immediately available and (2) that as regards cases dealt with under section 12 of the Act, Superintendents of Jails should forward to the Superintendent of the Reformatory a statement giving particulars of the youthful offenders. These instructions will have to be amplified in case the suggestion under consideration becomes a rule. The Superintendent of the Reformatory will have to be informed in each case whether or not the youthful offender is of the criminal class. The former will then determine whether accommodation should be offered or refused with reference to the composition of the school at the time.

3. But a difficulty is apt to arise in the working of the rule on account of the vagueness of the phrase "criminal classes". Are they to include such well known criminal classes as koravas, kallars and katiris or are all youthful offenders of whatever caste who are classed as habituals, within the meaning of rule 29 of the Jail Manual also meant? It may be said in favour of the inclusion of habituals that they are as much prone to recidivism as members of criminal castes. If the rule is to be made, a very clear statement of what is meant by criminal classes will have to be added.

4. The other suggestion that the Superintendent should be empowered to dispose of, as he pleases youthful offenders of the criminal classes, when they are discharged appears to be impracticable for the reason that it will be illegal. Nowhere does the Act contemplate any interference with the personal liberties of a youthful offender after he has been once discharged from the school. Even the system of licensing youthful offenders to employers of labour introduced by section 18 of the Act is to last only until "the expiration of the period for which the youthful offender has been directed to be detained." The exercise of any kind of control thereafter would amount to an unlawful interference with the liberty of a subject. Of course if the boy can be induced on discharge to abide by the instructions of the Superintendent as to his future career, that will be quite a different matter. But the Superintendent apparently aims at compulsory disposal and this as already submitted appears to be illegal.

5. The Educational Secretary's note raises the question how boys of the criminal classes who are refused admission are to be dealt with. If they are not to be imprisoned, they may be either whipped under Act IV of 1909 or admonished and let go under section 31 of the Reformatory Schools Act. They are also in course of time sure to be dealt with under the Criminal Tribes Act III of 1911. Rules under the Act are now under the consideration of Government.

S.K.—16-12-12.

T.V.T.—6-1-13.

On the score of legality—

(a) there seems no objection to making a rule under section 8 (3) (a) of the Act limiting the number of boys belonging to the criminal classes to be admitted to the school. Whether or not a boy belongs to the criminal classes would be a question of fact to be decided by the Court.

(b) I find no provision in the Act enabling the Superintendent or Magistrate to transfer a boy to the Salvation Army on release. Rule 22 (vii) in G.O. No. 158, Educational, dated 20th March 1907, appears to possess no legal foundation. There would of course be no objection to an arrangement on a voluntary basis. Or perhaps action might be taken under section 18 of the Act to transfer a boy to the Salvation Army before the term of his detention expires. They would then get a hold on him which they might be able to retain.

2. The Director of Public Instruction's proposal to limit the number of criminal class boys admitted is, I think, unsatisfactory,—an admission of failure. If so many relapses take place after a Reformatory school career, *a fortiori* no other kind of treatment—whipping, imprisonment, or discharge after admonition—will avail. Surely, the Reformatory, as a means of segregation, is more necessary for the criminal class boys than for any other. The only satisfactory solution seems to be to enlarge the Reformatory sufficiently to accommodate all boys who should be sent there, and to obtain means whereby the Superintendent, after ascertaining the criminal character of a boy's belongings, should be able to dispose of him as to protect him from their influence after discharge.

A. J. CURGENVEN—8-1-13.

To the Educational Department.

#### EDUCATIONAL DEPARTMENT.

The Judicial Department does not agree to either of the proposals of the Director of Public Instruction. It is for consideration whether he may be informed that the proposals do not commend themselves to Government, that the school should, if necessary, be enlarged sufficiently to accommodate all boys who should be sent there and that the disposal of the boys should be regulated by the rules already in force—cf. rules 21 and 42 of the rules issued with G.O. No. 158, Educational, dated 20th March 1907.

P.R.—17-1-13.

The Director of Public Instruction states that the reason making the suggestion is not merely that pupils of criminal tribe do not permanently benefit by their segregation in the Reformatory, but that their stay "keeps out" to some extent "more promising material". Judicial deals with the first. The second reason is not understood clearly. Admission to the Reformatory is by compulsion.

L. DAVIDSON.

in it, and it is not suggested that they are influenced by the fact that any undue proportion of criminal tribes are already inmates and that offenders of respectable class should not be sent thereto. The Director states, that the criminal tribes boys behave well during their stay in the school. If so, their influence on the other boys cannot be of a highly detrimental character.

C. RAMANUJACHARI—27-1-13.

I am inclined to think we should not move in the matter, but the arguments *pro* and *con* are evenly balanced and the question is of some importance. The file should be marked both for Honourable Member and for His Excellency the Governor. It may be printed before circulation.

L. DAVIDSON--28-1-13.

The papers have been printed and the file is resubmitted.

N.V.R.—10-2-13.

C. RAMANUJACHARI—10-2-13.

Circulate—

*The Hon'ble Sir Harold Stuart, K.C.V.O., C.S.I.  
His Excellency the Governor.*

L. DAVIDSON-11-2-13.

I would take no notion at present. We have formed one settlement for criminal tribes at Sitanagaram in the Gudalur district under the Salvation Army and there is another in the Nellore district under the supervision of Mr. Ludvig, the manager of the local mica mines. I am in correspondence with the Salvation Army about the creation of a third settlement at Salem or in South Arcot. I have passed rules under the criminal tribes Act and all these three settlements will be under the Act. I think they will go a long way to solve the problem of the treatment of boys belonging to Criminal Tribes and that the number of such boys going to the Reformatory school will be much smaller in future. If not we must consider whether it is necessary to enlarge the school. I cannot agree at least not without great reluctance to boys of the criminal classes being kept out of the school. I am considering the possibility of forming some kind of released prisoners' refuge in Madras under the control of the Salvation Army and this might serve as a home for such boys when first released from the school if we can devise nothing better. I have also under consideration the expediency of improving the Juvenile Adult Offenders' Jail at Tanjore. The usefulness of that institution could be increased if we could get such offenders fairly long sentences. There are difficulties in the way but I don't think they are insuperable. For all these reasons, therefore, I would make no change as regards admission to the Reformatory school at present.

H. A. S[TUART]-12-2-13.

P[ENTLAND]--17-2-13.

A draft order is submitted for approval.

C. RAMANUJACHARI--18-2-13.

L. DAVIDSON--19-2-13.

[G.O. No. 160, Educational, 19th February 1913.]

READ AGAIN G.O. No. \_\_\_\_\_, dated \_\_\_\_\_, 191

READ ALSO:—

C. No. 8047, From the D.P.I., No. 599, dated 11.11.1912

## ORDER

No. 160, dated 19. 2. 1913

The Govt. are not  
at present prepared to  
take any action in ~~the~~  
~~of the direction~~ ~~in para. 3 of the above letter~~  
~~from the A. S. I. Canada~~  
A  
18.2.13

of limiting admissions to the  
Reformatory School from the  
criminal classes. The disposal  
of discharged members of these  
classes is not ~~not~~ an easy  
consideration of Govt.

[not for ex.]

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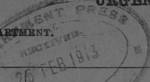
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*Ed* SOCIAL AND MUNICIPAL DEPARTMENT.



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*at present prepared to take any action in*  
*the direction of limiting the admission to the*  
*from the criminal classes.*

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