

Edl (1915) Department.

Inis SERIES.

G.O. No. 1328-*Edl*

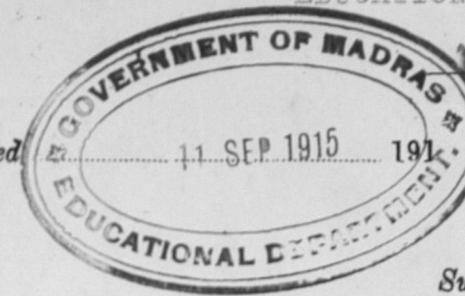
DATED 6.12.15

[Despatch Abstract.]

Reformatory School, *Behinglep*
 Passing orders on the subject of the escape of a
 pupil of the —, when sent out in charge
 of a pon of the school to give evidence
 in a District Magistrate's Court.

EDUCATIONAL DEPARTMENT.

Received



Registered 11 9 1915.

Subject.

Submitting copies of correspondence regarding the escape of Malreddi Virappa, a pupil of the Reformatory School, Chingleput, and requesting orders as to the procedure to be adopted when pupils are sent to give evidence in Courts.

ENCLOSURES.

No.

Spare copies

R. C. No. 5860 of 1915.

Station M A D R A S, Dated the 6th September 1915.

From (Name) The Hon'ble Mr. H. S. Duncan, M.A.,

(Designation) Ag. Director of Public Instruction,
M a d r a s.

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

Sir,

I have the honour to submit herewith copies of the
marginally-noted communications regarding the escape of

- x
h.3. ufr (1) Letter from the Superintendent, Reformatory School, Chingleput, No. 200-P. dated 23rd July 1915, with enclosures. Malreddi Virappa, a pupil of the Reformatory School, Chingleput, from the custody of the peon who escorted him to the Court of
- h.7. d. (2) Letter from the same officer No. 200-P. dated 27th July 1915, with enclosures.
- p.9. d. (3) Letter from the same officer, No. 200-P. dated 29th July 1915, with enclosures.

the District Magistrate, North Arcot, to enable the Court to record evidence as to the age of the boy, and to request the favour of early orders as to the procedure to be adopted when pupils

as
15/9

2 3

pupils are sent to give evidence in Courts and on the point whether the case against the peon of the school should be investigated by the Police or may be dealt with departmentally. The Superintendent contends that the Reformatory is a school and an inmate is a pupil in the ordinary sense of the word, and supports his action in having sent the pupil under the escort of a peon by quoting paras 13 and 22 (iii) of the rules framed for the working of the Act (vide G. O. No. 158 Educational dated 20th March 1907), but it is very doubtful whether para 22 (iii) applies to the case under consideration. I would, however, suggest that since peons of the Reformatory School hold positions analogous to warders in prisons permission be granted for a boy in the Reformatory school to be conducted to and from the Magistrate's Court by 2 peons instead of by 2 Police constables. I would further suggest that in cases of this kind where owing to the negligence of the peons, pupils whom they escort effect their escape departmental action should be taken.

I beg to add that the Superintendent of Police, North Arcot District, has since informed the Superintendent, Reformatory School, Chingleput, that the pupil in question has been arrested and charged before the Sub-Magistrate, Vellore, and that the proceedings against the Reformatory school peon have been stayed pending orders on the question raised in this letter.

I have the honour to be,

Sir,

Your most obedient servant,

Christiansami

For Director of Public Instruction.

K.V.

3

Letter No.200-P dated 23rd July 1915, from the Superintendent,
Reformatory School, Chingleput, to the Director of Public
Instruction, Madras.

In enclosing herein a copy of letter R.C. No.I692/Magl o f
h-4 wfr' I4, dated 20-7-1915 from the District Magistrate, North Arcot, I
have the honour to report that the pupil Malreddi Veerappa a d -
mitted into the school on 4-3-1915 was sent in charge of a peon of
the school to the Court of the District Magistrate, North Arcot, to
enable the court to record evidence as to the age of the boy on
the 20th instant and to revise the order dated 30-1-1915 with re-
ference to High Court's Proceedings dated 28-4-1915 Criminal re-
vision case No.I48/1915.

Ms-6
wfr
2. A copy of this office reply No.200/P, dated 22-7-1915
and letter No.200/P, dated 23-7-1915 are also enclosed.

3. In this connection I may state that there have been
lately 4 or 5 instances where boys after their admission into the
school have had to give evidence in Public Court with reference to
some criminal case in the District to which they belong. Such a
procedure interferes with a boy's education.

(True copy)

C. Krishnaswami
For Director of Public Instruction.

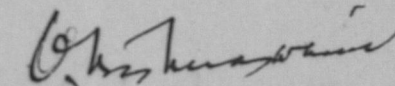
K.R.V.

14/5

Letter reference no. I692/Mgl of I4, dated 28th July 1915, from
the Collector of North Arcot, to the Superintendent, Reformatory
School, Chingleput.

With reference to your letter No. 200/P, dated 17th July
1915, I have the honour to state that Peon Manikka Naicker came
before me this afternoon and represents that the boy-convict
Malreddi Veerappa has escaped from his custody at 9 A.M. to-day.
I have recorded a statement from him and also sent him in custody
to the Inspector of Police, Vellore Town, for investigation and
report if an offence under section 225-A (if not 223) Indian Pe-
nal Code can be made out against him. I have also directed the
Inspector to take immediate steps to re-arrest the prisoner. I
would point out that the juvenile should not have been entrusted
to a peon but only to the proper police guard under the rules
framed under the Prisoners' Testimony Act III of 1900.

(True copy)



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For Director of Public Instruction.

K.R.V.

Letter No.200-P, dated 23rd July 1915, from the Superintendent,
Reformatory School, Chingleput, to the District Magistrate of
North Arcot.

With reference to your letter dated 20th July 1915, No.
1692/Mgl of I4, I have the honour to state that Malreddi Veerappa
is not a "Boy-Convict" but a pupil of this school and as such he
was sent in charge of Manikka Naicker, a peon of the school who *has*
shewn himself hitherto to be trustworthy and this has been the
practice all along.

2. I enclose the boy's marks of identification to help the
Police to trace the boy.

(True copy)

[Signature]

For Director of Public Instruction.

K.R.V.

Letter No.200-P dated 23rd July 1915, from Superintendent, Reformatory School, Chingleput, to The District Magistrate, North Arcot.

In continuation of this office letter No.200-P, dated 22-7-1915, I have the honour to request that you will be so good as to send back the peon Manikka Naicker for departmental enquiry.

2. The matter will be reported to the Director of Public Instruction, Madras, who is the "Inspector-General" under the Reformatory Act for his orders, and till then I request that the case against him may be adjourned.

(True copy)

G. Visweswami

For Director of Public Instruction.

K.R.V.

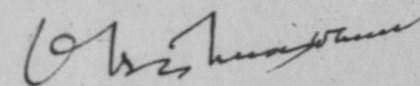
Letter No.200-P dated 27th July 1915, from the Superintendent,
Reformatory School, Chingleput, to the Director of Public Instruction,
Madras.

In continuation of this office letter No.200-P dated
23-7-1915, I have the honour to state that peon Manikka Naicker
was sent back to the school for departmental enquiry and the case
against him has been adjourned till the 31st. I took down his
statement (copy of which is enclosed) from which it will be seen
that he took on himself the responsibility of looking after the
boy in a private house as he felt he was ~~able~~ to do so.

2. I am writing to the District Magistrate to adjourn the
case sine-die till orders are passed by you, and my opinion is
that the Magistrate has acted ultra vires in framing a charge
against him, as he is a peon belonging to the Educational Department.

3. I recommend that he be suspended for 2 months and *request*
the favour of your orders as to whether the case against the peon
should be allowed to proceed or whether a departmental punishment
would be sufficient. The peon is now under suspension pending
your orders.

(True Copy)



For Director of Public Instruction.

K.R.V.

8/9
Copy of Statement taken from Peon Manikka Naicker.

I reached my destination at 1-30 P.M., and instead of leaving him in remand in a Police Station, I took him with me to the house of an old Reformatory pupil and we slept there. Next morning at 9 A.M. after breakfast while I was writing up my accounts as to what I had spent, the boy seems to have, without my knowledge, stolen Rs.4-0-0 that was by me and then quietly left the house. It was only when I wanted to put back the Rs.4-0-0 into my bag and found that it was not there that I discovered the absence of the boy. It all happened within 10 minutes. I then searched for the boy for one hour but could not find him as there were many streets and houses. I then informed the Police about it and reported the whole incident to the Magistrate who, sent me on remand to the Inspector of Police. A charge was framed against me and I was let out on bail on the security of Rs.200/- given by the ex-pupil with whom I stayed and the case was to be tried on the 24th by the Sub Magistrate, but was adjourned to the 31st, on a telegram from the Superintendent, Reformatory, to stay proceedings.

(Signed). C. Manikka Naicker.

(True copy)

[Signature]

For Director of Public Instruction.

K.R.V.

9 10
Letter No.200-P., dated 29th July 1915, from the Superintendent, Reformatory School, Chingleput, to the Director of Public Instruction, Madras.

In continuation of this office letter No.200-P dated 27-7-1915, I have the honour to forward the enclosed letter since received from the District Magistrate, North Arcot, and to observe that if the pupils of the school are to be called "Juvenile Prisoners" and this school a "Special Prison", the sooner the designation of my office is changed to that of "Jailor" and this place to that of "Juvenile Prison," the better it would be in the matter of acting according to law. The present attitude of 'sitting on the fence' leaves ^{one} ~~me~~ in doubt as to how to act, and it is certainly detrimental to the development of the school.

2. The practice of sending boys in charge of a peon of the school will be continued unless orders are received to the contrary.

3. This is the first instance that has happened since the school was started of a boy escaping while being escorted, through the negligence of a peon--and I do not think that it warrants any change in the practice hitherto observed.

(True copy)

[Signature]

For Director of Public Instruction.

K.R.V.

Letter R.O.C. No. I692/Magl of 1914, dated 26th July 1915, from the District Magistrate of North Arcot, to the Superintendent, Reformatory School, Chingleput. 10

----- p-5 CF 11
With reference to your letter No. 200-P, dated 22nd July 1915, I have the honour to state that I do not agree with you in thinking that the juvenile prisoners committed to your custody become pupils in the ordinary sense of the term. They are to be deemed prisoners in a special prison. However that may be, section 34 of the Prisoners' Testimony Act III of 1900 clearly applies to Reformatory Schools and to detention therein and according to the rules framed under the act, one prisoner should be escorted by two Police Constables (Rule 591-13) of the Jail Manual. ^{old edition of the} 163 of the Revised Edition

2. The despatch of the Juvenile prisoner along with the Reformatory peon Manikka Naicker, is therefore contrary to law.

This will be in favour of the peon
How far the peon is legally bound to hold the prisoner in custody is a question opened to doubt. I therefore ordered that the Police should investigate the case against Manikka Naicker and if a case under section 223-A, I.P.C., be found chargeable, a charge sheet should be filed before a proper court.

vide p. 8 anti
3. Further, I recorded a Statement from the peon on the 20th July 1915 wherein he has stated that the boy was taken by him to the house of a relative of his on the night of 19th July 1915 that he was in his custody till 9 A.M., on the following day and that he suddenly disappeared when he (the peon) went into the house for a few minutes. From this it would appear that the peon abetted the escape of the juvenile thereby committing an offence punishable under section 28 of the Reformatory School Act.

4. I request, therefore, that you will be so good as to take proper steps to re-arrest the criminal and to punish the peon according to law. I have also addressed the District Superintendent of Police in the matter.

(True copy)

C. Krishnaswami

For Director of Public Instruction.

OFFICE NOTE.

Educational Department.

SUBJECT.

Escape of a pupil of the Reformatory School,
Chingleput.

From the D.P.I. No. 5860/15, dated 6-9-1915.

Register No. 3151 Edl.

Malreddi Virappa who was admitted as a pupil into the Reformatory school, Chingleput on 4-3-15, was sent in charge of Manicka Naya~~kar~~, a peon of the school, to the court of the District Magistrate, North Arcot, on 20th July 1915 to enable the court to record evidence as to the age of the boy and revise their order with reference to certain proceedings of the High Court. The peon who reached his destination at 1.30 P.M., instead of leaving the pupil in remand in the Police station, took him to the house of an old Reformatory pupil, where they all slept together. Next morning at about 9 A.M., when the peon was writing his accounts of the previous day's expenses, the boy after having stolen Rupees four that was by the peon, quietly left the house without the peon's knowledge. The peon after

h-8-CF.

Para 2 on p-2 CF.

Rule 2 on p-3 of G.O. 1588 of 20-3-07

(W)

para 1 on p-2 CF.

~~some~~ fruitless search, duly reported the matter to the Police and narrated the whole incident to the District Magistrate who, however, sent him on remand to the Inspector of Police. A Charge was framed against the peon ^(and the case was) to be tried by the Sub-Magistrate, Vellore, but further proceedings against ^{him} ~~the peon~~ have been stayed on the motion of the Superintendent of the school, pending orders from Government whether the case ~~may be dealt with~~ ^{departmentally} ~~separately~~ or should be investigated by the Police. The pupil who escaped, has subsequently been arrested and charged before the Sub-magistrate, Vellore.

2. The D.P.I. who is the Inspector-General under the Reformatory schools Act, 1897, now raises two points for consideration Viz.-

(1) The procedure to be adopted when pupils are sent to give evidence in courts; and

(2) Whether the case against the peon of the school should be investigated by the police or may be dealt with ~~separately~~ departmentally.

3. (1) Procedure to be adopted when pupils are sent to give evidence in courts:- The District

Magistrate of North Arcot is of opinion that pupils

of the school should be regarded as Juvenile prisoners in a

special prison and that, according to the rules

framed under ^{the} Prisoners' Testimony Act III of 1900,

which applies to the Reformatory school and to de-

tentions therein, one prisoner should be escorted

by 2 police constables (Rule 591-13 of the old

jail Manual). The Superintendent however contends

that Reformatory is a school and not a prison and

that an inmate is a pupil in the ordinary sense of

the word and supports his action in having sent

the pupil under the escort of a peon by quoting

paras. 13 & 22(iii) of the Rules framed for the

working of the Reformatory Schools Act.

3. It may be noted that Rule 13 imposes on the

Superintendent a duty to make the boys feel as con-

tented as possible, so that they may regard the ~~boys~~

place as one of education and not of punishment.

During play hours their movements should, so long

as the games are of a harmless nature, be as un-

restricted as possible. This rule does not seem

to apply to the present case. Nor does Rule 22(iii)

of the rules which authorises the Superintendent to

Cf. Section 24 of the Prisoners' Testimony Act III, 1900, & Section 30 of Reformatory Schools Act VIII, 1897.

This Section has been repealed by Act III of 1907. Cf. Rule 463 of Jail Manual, 1915.

pages 3 & 4 of G.O. no 1582 of 20.3.07.

- do.

- do.

send a pupil to the Magistrate in the custody of a peon of the school, only in cases where the pupils are to be ultimately discharged from the school in order to be handed over to their relatives. This rule cannot therefore be considered to apply to the case of pupils who have yet to pass a long period in the Reformatory as in the present case.

As arguments in support of the Superintendent's contention may be mentioned, the facts:-

(1) that the Superintendent is allowed often to take his pupils to the seaside at Mahabalipuram and Covelong, during Christmas holidays, apparently, without any police escort though considerable precautions are taken to prevent the escape of any individual; and

(2) that selected pupils are allowed to be sent on errands and other odd jobs outside the school without any escort. It did not appear that in any of these cases the pupils have shown tendency to escape. In the above circumstances, it would appear that the escape of the pupil in the present instance may not justify the treatment of the whole class of pupils as ordinary prisoners. But as pointed out by the District Magistrate of

Section of the Prisoners
Sustaining Act III, 1900, +
Section of Reformatory
Act III, 1900, +
This Section has been
added to the Act of 1900
in the year 1901.

Q.O.S. No. 79089 (k)
No. 81389 + No. 1190 (d)
2-9-13 22-10-14

Q.O.S. No. 79089 (k)
No. 81389 + No. 1190 (d)
2-9-13 22-10-14

Q.O.S. No. 79089 (k)
No. 81389 + No. 1190 (d)
2-9-13 22-10-14

Q.O.S. No. 79089 (k)
No. 81389 + No. 1190 (d)
2-9-13 22-10-14

Q.O.S. No. 79089 (k)
No. 81389 + No. 1190 (d)
2-9-13 22-10-14

North Arcot, the correct procedure ^{to be adopted when sending pupils to give evidence in courts} appears to be

that not more than four pupils should be escorted

by two police constables--Vide Rule 463 of the

(1915 Edn.)

Jail Manual. The Director of Public Instruction

who is the Inspector General ^{however} suggests that two

peons (whose positions are analogous to warders

in prison) should invariably conduct a pupil to

and from a Magistrate's court instead of ~~two~~

2 police constables. There seems no objection

to the adoption of this suggestion. If ^{it is decided to adopt} ~~this~~

this suggestion, the rules in the Jail Manual

~~will~~ will require revision. The remarks of the

Judicial department may be invited u.o.

4. Whether the case against the peon should be

investigated by the police ^{or} may be dealt with de-

partmentally. The D.P.I. ^{suggests} ~~considers~~ that in cases

of this kind where owing to the negligence of

the ~~peons~~ peons, the pupils effect their escape,

departmental action should be taken. In the

present case the Superintendent considers that

the Magistrate has acted ultra vires in framing

a charge against the peon as he belongs to the

^{similar mistake is not} Educational department. He has already institu-

ted a departmental enquiry and suspended the peon

for two months pending orders from the D.P.I. The

District Magistrate is however of opinion that

the peon abetted the escape of the youthful --

offender and thereby committed an offence punish-

able under section 28 of the Reformatory schools

Act. Of course the peon should have taken all

possible precautions to prevent the pupil's escape,

but that his fault after all appears to be only cul-

pable negligence and not abetting the escape. But

in cases of this kind the question whether it is

one of abetment or only of negligence can be

decided only on the evidence available and each

case will have to be decided on its merits. In

the present case it seems sufficient that depart-

mental action is taken against the peon as it

appears to be one of culpable negligence. The

remarks of Judicial may also be invited on this

point.

p. 3 on page 10 of.



Encl no 3151

23.9.15

23/9

RS
24/9/15
IL
24.9.15

Tal. u.o. The whole reference seems to be unnecessary. a similar mistake is not likely to occur again. If the District Magistrate's action is in accordance

with the law I should be disposed
to support him.

22.5.15

Jud C. No. 2604 C

Reg. 23.9.15

Judicial Dept.

For the us.

This department is mainly
concerned with the procedure to be adopted
when pupils of a Reformatory School are
sent to give evidence in Courts. As to
the applicability of paras 13 and 22(iii)
of the rules made under Section 26 of the Refor-
matory Schools Act VIII of 1897, they seem
not only inapplicable to the present case
as remarked by the D. P. J and the Educa-
tional Dept but it seems doubtful whether
any rule made under Act VIII of 1897
relating to escort of juvenile offenders
~~can be valid~~ required to give evidence
in Courts, can be valid. For, this is not
one of the matters provided for in Section
8 or section 26 of the Act which confer
on the local body the power to make rules
under the Act. On the other hand, Section
34 of ~~the~~ the Prisoners Act III of 1900

xc. f. point (1) in para 2,
page 2 anti

H 324 of 158 Edw
20-3-07

C. f. para 3 of the notes
on page 3 anti.

H 557-566
of General Order vol IV
page 227 and para 3, p 3
anti

put up

Expressly extends the provisions of Part IX of the Act to imprisonment or confinement in Reformatory Schools. And section 51 of the same Part of the Act specifically provides for the making of rules relating to escort of prisoners including, of course, pupils of the Reformatory School. It seems then clear that rule 463 of the Jail manual (1915 edition) made under section 51 of Act III of 1900, relating to escort of prisoners, alone governs the case as pointed out by the Dm.

para 1, p 10 c 7

C. J. S. P. J.'s suggestion
in para 1, p 2 c 7
and para 3 of the notes
on page 5 ante

2 As to the suggestion that rule 463 of the Jail manual should be so amended as to provide that in the case of pupils of the ^{Reformatory} School ~~two~~ two persons instead of two Police constables shall form the escort, it is submitted that the making of such a distinction between ordinary prisoners and pupils of the Reformatory School, does not seem warranted by the provisions of Part IX of Act III of 1900, which by virtue of section 34 thereof, apply alike to pupils of the Reformatory School and ordinary prisoners. ^{therefore} An amendment of ~~the~~ rule 463 of the Jail manual in the direction indicated is thought desirable.

it would seem necessary to obtain the opinion of the Advocate-general as to the legality of the amendment.

C. f. point (2) in para 2, p 2 anti.

3 As to the way in which the case concerned in the case should be dealt with, it is submitted that it is for the Educational Dept. to decide whether the man departmental punishment will do or whether the ^{case against the} man should be proceeded with in a court of law.

~~22-11-15~~ 4 If there is no need to consult the Advocate-general (vide end of para 2 anti), the file may, it is submitted, be returned to Educational with the above remarks.

~~22-11-15~~

5. This Dept. can hardly say on the facts whether the man is strictly chargeable under s 223 & s 225 A I. P. C. That seems to depend on what is the legitimate function of persons in the Reformatory school. It would however appear that the case could have been more easily & conveniently dealt with departmentally. In any case the S.M. would have done better to have consulted the Sd. Dept. before causing the prosecution to

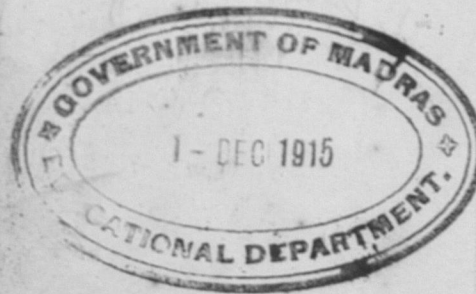
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surety that Dept. The D.M. & V
interpretation of the Prisoner's Act is
1/10th correct - also his application
rule 463 (Jail Manual) to this case.
Whether there is a case for altering the
rule in the way suggested is for Govt to
decide. The handling of reformatory
schoolboys & other juveniles by Police
constables is generally speaking objectionable
& should be avoided.

Elk

24.11.15

A vast amount of unnecessary delay
and waiting. Draft orders to the
effect that the District Magistrate's
interpretation of the law is
correct, but that as it is
undesirable to send boys from the
school in charge of police constables
the present practice may continue
subject to any additional pro-
visions that the D.P. J. may
consider necessary. The form may
be dealt with departmentally

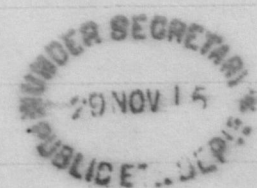


Notes in CO

1.12.15

just no 2604C-1
30.11.15

77 20.11.15



25.11.15

Ed. Dep.

A draft order is submitted below for approval

A.P.
1/12/15
JL
21215

3.12.15

22

Ed. DEPARTMENT.

23

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

" " " " 191 .

READ ALSO:-

C. No. 3151 Ed. From the D. P. I. , No. 5860/15, dated the 6th September 1915.

" " 191 .

" " 191 .

ORDER.

No. 1328 Ed. dated 6-12-1915.

For this

3/12

The D. P. I. will be informed that the interpretation of ^{law by the} the Magistrate of N. Arcot, that Section 34 of the Prisoners' Testimony Act ^{III} of 1900 applies to Reformatory Schools and to detentions therein and that ^{according to} ~~the~~ the rules framed under the Act, a prisoner should be escorted by two police Constables, is correct. But ~~that~~ as the Govt. consider it undesirable to send boys from the Reformatory School, in charge of police Constables, the present practice of sending them in the custody of ~~persons~~ ^{peons} will be allowed to continue

Subject

Subject to any additional pre-
cautions that the D.P.I. may
consider necessary.
The person ^{of the reformatory school} in the present case
may be dealt with departmentally.

To the D.P.I. (9/10).
... Just! Dept. with notes.
... D. Magistrate N. Arch.
(L. ~~encl~~ to do).

Please ask for
enclosure ~~please~~

8-12-15

CO
1/15

8/12/15

1/12/15

2-12-15.

3-12-15

given for copying _____
 copied _____
 examined _____
 signed _____

191 .

PAR IN G.O. No. _____
 191

DATED

CURRENT No.

CLOSURE TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH MOTO.

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

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.