Secrt. II—48—21,640-19-1-17.

Home (1919) Department.

Education

Ordinary SERIES.

G.O. No. 1067-68

DATED 4-9-19

INDEXED

[Despatch Abstract.]

Prisoners' Act of 1900

Replying to a reference from the Government of India on the question of the amendment of section 15 of the ----- so as to admit of the reception of juvenile offenders from Native States in reformatories of Presidency Towns.

... Sassoon Reformatory

BACK PAPERS.

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

FURTHER PAPERS.

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

25.7.19

No. 780

Government of India,
DEPARTMENT OF EDUCATION.
(Education)

Simla, the 18th July 1919.

UNDER SECRETARY TO GOVT. OF MADRAS
25 JUL-1919
HOME DEPARTMENT

REGISTRAR HOME DEPARTMENT
25 JUL-1919

From

The Hon'ble Mr. H. Sharp, C.S.I., C.I.E.,
Secretary to the Government of India,

To

The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

In continuation of this Department endorsement No.592, dated the 16th July 1918, I am directed to forward herewith copy of this Department letter No. 779 dated the 18th July 1919, addressed to the Government of Bombay, and to state that the Government of India will be glad to be furnished with the views of the Governor in Council on the question of the amendment of section 15 of the Prisoners Act of 1900, raised in paragraph 3 therein.

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

H. Sharp.

Secretary to the Government of India.

-D-

du. 5.

Secret. II—8 (a)—160.004—16-1-

No. 779

Government of India,
Department of Education.
(Education)

Simla, the 18th July 1919.

From

The Hon'ble Mr. H. Sharp, C.S.I., C.I.E.,
Secretary to the Government of India,

To

The Chief Secretary to the Government of Bombay.

Sir,

I am directed to advert to your letter No. 1011, dated the 7th February 1918, which suggested an amendment in the Reformatory Schools Act, 1897, so as to enable juvenile offenders committed to a reformatory by the Criminal court of a Native State, etc., to be received in reformatory schools in British India.

2. The Government of India after consulting local Governments on the proposal are of opinion that legislation is not necessary to give the requisite powers. They are of opinion that juvenile offenders sentenced to imprisonment in Indian States can be transferred with the previous sanction of the local Government in each case to jails in British territory under section 15(1)(c) of the Prisoners Act 1900 and then sent to a reformatory school under section 10 of the Reformatory Schools Act of 1897. But where a court in a Native State directs that a juvenile offender be detained in a reformatory school, the transfer to the reformatory school can be direct under the provisions of section 15(1), read with section 14, of the Prisoners Act, the previous sanction of the local Government being obtained in each case if the court is of the nature described in sub-section (c). The Government of India therefore think that the object desired by the Government of Bombay is attainable without an amendment of the Reformatory Schools Act of 1897, save that the reception of such juvenile offenders in reformatory schools in Presidency towns would not be admissible.

3. It is understood that the David Sassoon Reformatory

School is or was situated in Bombay City and that the Salvation Army Boys' Industrial Home is so situated. If it be intended to admit such youthful offenders to these reformatories, it will be necessary to amend section 15 of the Prisoners Act of 1900 so as to permit of the reception of juvenile offenders from Native States and Administered Areas in reformatories of Presidency towns. The Government of India will be glad to be furnished with the views of the Governor in Council on this point.

I have the honour to be,
Sir,
Your most obedient servant,
Ed. H. Sharp.
Secretary to the Government of India.

-D-

Sectt. II—8 (a)—160.004—16-1-17.

NOTES.

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Home (Edn) Dept

C. 1454 B - From the Govt. of India No. 780
d 18.7.19

Subject:— Amendment of the Prisoners Act of 1900.

U.S.

As questions relating to the Prisoners' Act are dealt with in Jud.l, the current letter from the Govt. of India may, it is sub.d, be ~~forwarded~~ transferred u.o to Jud.l for disposal. It may be noted that there is no reformatory school in the Madras City.

Gn
31.7.19

Ed
31.7.19.

Jud.l
2.8.

Home (Jud.l) Dept

U.S.

The question involved in the present case is that ~~provision~~ of providing for the transfer of juvenile offenders from the native states to reformatory schools in British territory. India - vide Jo. No 1085 of the

Edn. no 1454 B-1
2.8.19

~~Jud 2053 C~~
2-8-19

Jud 2216 C
4-8-19

Pgn
6.8.19

Home (Judl) Dept.

U.S.

The question dealt with in this case is that of providing for the transfer of juvenile offenders from native states to reformatory schools in British India. The Govt of Bombay suggested an amendment of the Reformatory Schools Act, 1897 for this purpose. But the Govt of India point out that transfers from native states to reformatory schools in British India outside the Presidency Town can be made with the sanction of the Local Govt under [redacted] section 15(1)(c) of the Prisoners Act, 1900, and that an amendment of this act would be necessary only for the transfer of such offenders to reformatory schools situated in Presy towns. The Govt. of India [redacted] ask for the views of this Govt as to whether such an amendment is desirable.

vide fo. 1085 Home (Eedn) & 26-8-18.

p 2 C.F.

p 2 C.F.

p 4 C.F.

2. Submitted that there is at present no need for [redacted] the [redacted] proposed amendment so far as Madras is concerned as the

is now no reformatory school in Madras city. It is quite possible that a reformatory school may be established in Madras City, when the Children Bill now under consideration becomes law. It is then for Education to consider whether provision should be made for the transfer of juvenile offenders from native states to Madras city. The proposed amendment of the Prisoners Act, 1900, is only the means of securing the object in view.

3. Subd that the case may be returned to Home (Edn) with these remarks.

Judl no 2216 C-1 / 15 8 19

Pen 12.8.19

CO. 13.8.19

Edn CO 1581 B / 15.8.19

18/8/19

Home (Edn) Dep

With reference to the portion marked 'A' above, it is submitted that there seems to be no objection to making provision for the transfer of juvenile offenders from Native States to Madras if and when a Reformatory School is established in the

8

city, provided admission to the School is made only so far as accommodation is not needed for boys of British territory. Before however sending a reply to the Govt of India, the remarks of the D.P.I may be invited u.o

Gn
19.8.19

D.P.I. u.o for favour of remarks.
21.8.19

Tu
19.8.19

No. Camp No. 301/19 Q 22-8-19

I do not consider that a Presidency Town is a suitable place for a reformatory school, and I should be sorry to see one located in the city of Madras. An amendment of the Prisoners Act presumes the location of a reformatory school in a Presidency Town, and since I do not grant the presumption I consider the amendment unnecessary.

[signature] 21.8.19

Home (Edn)

A draft reply to India on the lin of the D.P.I's note is subd. for approva Jud. may perhaps see it before issu

Gn
25.8.19

Tu
25.8.19

[signature] 27.8.19

[signature] 28/8/19

cf para 3 of India's letter at p. 1 of Geo. No 1085 Home (Edn) 26.8.18 (C)

cf. N.F. Geo at (C) & two acts

Edn no 1581 B-1
21.8.19

Edn no 1581 B-2
28.8.19

2484 C
28.8.19

SECRETARY TO GOVT. 22 AUG 1919 HOME DEPARTMENT
REGISTRAR HOME DEPARTMENT 22 AUG 1919 GOVT OF MADRAS

Box 17
8-9

Scott. II—8 (a) 100,001—16-1-17.

NOTES.

Page 4

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Home (Jail)

us

May be perused and returned to Education with thanks.

H 24845C-1
1-9-19

cov
28.8.19

FD Edn. us

1.9.19

Home (Edn)

For orders as to issue.

1-9.19

2.9.19

S

(Perhaps H.M. shd. see this?)

3/9/19

H.M.

4-9-19

SECRETARY TO GOVERNMENT OF MADRAS
-4-SEP-1919.
HOME DEPARTMENT

10

Sectt. II—10 (a)—7-2-16. Prisoners' Act of 1900 Home (Edn) DEPARTMENT.

~~Terms~~ Replying to a reference from the Govt. of India on the question of the amendment of Sec. 15 of the ——— So as to admit of the reception of juvenile offenders from Native States in reformatories of Presy Towns.

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

" " " " 1085 Home (Edn) d 26 — 8 — 1918 (C)

READ ALSO:—

G. No. 1454 B From the Secretary to the Govt of India, No. 780, dated 18-7-1919

" " ....., " " ....., " ....., " ..... 191 .

" " ....., " " ....., " ....., " ..... 191 .

ORDER. No. 1067 dated 4.9. 1919.

mis

The following reply will be despatched to the Govt. of India.

25.8.19

Letter To No: 1068 d/4.9.19

The Secretary to the Govt. of India

Dept. of Education

Sir,

In reply to your letter No 780 d 18.7.19 inviting the views of this Govt. on the question of the amendment of Section 15 of the Prisoners Act of 1900 So as to admit of the reception

reception of juvenile offenders from Native States and Administered Areas in reformatories of Presidency Towns, I am directed to state that there is at present no Reformatory School in the city of Madras and that no such School is likely to be established there in the near future, ~~as His Excellency in Council considers that a Presidency Town is not a suitable place for a Reformatory School.~~

As an amendment of Section 15 of the Prisoners' Act of 1900 presumes the location of a Reformatory School in a Presidency Town, ~~and as the presumption is not granted,~~ His Excellency in Council considers the amendment of Section 15 of the Prisoners Act of 1900, unnecessary, so far as this Presidency is concerned.

I have &c.

25.8.29

25.8.29

27.8.29

28/8/29

When given for copying When copied When examined When signed } 191							
Read again G.O. No. 191 . dated							
Current No.							
Enclosures to C. No.							
Order of Government	A	A	A	A	A	A	A
Letter of Government.							
Statement with ditto.							
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.