

Educational (190⁵) Department.

ORDINARY MS.

G.O., No. 459

DATED 5-7-05

INDEXED.

has
 been returned after
 taking under
 has
 12/15

[Despatch Abstract.]

Informing the S.P. 9. that the Govt. do not propose to take any steps in the matter of the order of detention passed on a juvenile offender by the Judicial Commissioner of Coorg, as the notification of the Govt. of India of 1887 issued under the Reformatory Schools Act, 1876, applies only to Commitments by Magistrates within the Madras Presidency.

BACK PAPERS.

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

FURTHER PAPERS.

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

[1]
1,500-12-12

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
The D. P. O.	4546	7-6-05	1-5

[P. T. O. FOR PUT UP PAPERS.]

PAPERS PUT UP WITH CURRENT No. 1089

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, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
150	11-3-05	S.C.		
743	16-12-04	S.C.		

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.
Food	1616	23-7-1887	S.C.	

Stock Form No. 135
3,000-6-10-04.

Educational (190⁵) Department.

CURRENT No. 1089

From

[Name] The Hon'ble Mr. A.C. Bourne, D.Sc., F.R.S.,

[Designation] Director of Public Instruction,

[Station] Madras



*Please the usual return of
the file.
We are here to
any irregularity under the rules
as he shall enter a
Certificate*

Ref. No. n Cur No. 4546/05

Received 9.6.1905

Dated 7th June 1905

Enclosures one

Registered 9.6.1905

SUBJECT.

Requesting that Government may be pleased to take such steps
as may seem necessary in the matter of order of detention
passed on pupil No. 660, K. Rama, by the Judicial Commissioner
of Coorg.

BACK PAPERS.

go no 15082 11-3-05

go no 1616 Jun 2/23-7-87

go no 10462/05- Lodged. 5/6/5

go no 74362/16-12-04

FURTHER PAPERS.

To

The Secretary to Government,

Educational Department.

Sir,

G

Referring to G.O. No. 150 Educational dated

11th March 1905 I have the honour to state that the juvenile offender therein mentioned viz., Rama has been ordered by the Judicial Commissioner of Coorg to be detained in a Reformatory School for a period of four years. The boy having been certified to be 12 years of age he should have been ordered to be detained for a period of not less than five years in accordance with the Government of India Notification No. 1076

Judicial dated 30th June 1887 embodied in G.O. No. 1616

Judicial dated 23rd July 1887. The Superintendent of the Reformatory School Chingleput invited the attention of the

Judicial Commissioner to this matter and requested him to

revise the order of detention but as will be seen from the

enclosed copy of the Judicial Commissioner's order on the

subject he considers that the Government of India Notification

in question is binding only on Courts and Magistrates in the

territories administered by the Madras Government that it does

not apply to Coorg and that the order of detention already

passed -which in no way contravenes the provisions of section

8 of the Reformatory Schools Act - does not require revision.

The Committee of Visitors for the Chingleput Reformatory

School are of opinion however that the rules applying to the

School should be adhered to in the case of each boy sent to it

for detention. In these circumstances I have the honour to

request that Government will be pleased to take such further

steps in the matter as may be necessary if the view taken by

the

-2-

the Committee of Visitors is held to be correct.

I have the honour to be,

Sir,

Your most obedient servant,

E. W. Middlemast

For Director of public instruction.

H.
6-6-05

4

Copy of Proceedings of the Judicial Commissioner of Coorg
Bangalore No. 420 dated 20th April 1905.

5

Read:-

Letter R.C. No. 59/05 dated the 15th April 1905
from the acting Superintendent Reformatory School Chingleput
requesting that the order of this Court in Criminal Revision
case No. I of 05 dated 22nd February 05 directing that one
Rama a youthful offender sentenced to imprisonment by the
District Magistrate of Coorg be instead of undergoing his
sentence sent to a Reformatory School and be there detained
for four years be revised in the light of the Notification of
the Government of India No. 1076 dated 30th June 1887 in
the Home Department Judicial after first recording a finding
as to the age of the boy under section 11 (1) of the Reformatory
Schools Act, VIII of 1897.

Page 330 of the
Proceedings Vol.
I

Page 7 of the
Act.

Read also:-

Order of this Court dated 22nd February 1905 in
Criminal Revision Case No. I of 1905 referred to above.

Letter No. 1926 dated 31st January 1905 from
the Commissioner of Coorg submitting the Proceedings of the
District Magistrate of Coorg in Criminal Case No. 137 of 04
together with his (District Magistrate's) opinion and that of
the Civil Surgeon of Coorg to the effect that the youthful
offender Rama is about 12 years of age.

Notification of the Government of India No.
1076 dated 30th June 1887 in the Home Department Judicial
quoted above.

O r d e r

Before this Court passed the order in Criminal
Revision case No. I of 1905 dated 22nd February 1905 recited
in the preamble above the question of the age of the youthful
offender Rama alluded to therein was enquired into as required
by Section 11 (1) of the Reformatory Schools Act 1897 and the
report of the District Magistrate of Coorg which was supported
by the Civil Surgeon and accepted by this Court was that the

do

boy in question was about 12 years of age.

2. The aforesaid Notification of the Government of India dated 30th June 1887 referred to by the Acting Superintendent of the Chingleput Reformatory School, contains a rule for regulating the periods for which Courts and Magistrates in the territories administered by the Governor of Madras in Council may send youthful offenders to Reformatory Schools in the said territories. The above Notification does not apply to Coorg and accordingly the order of this court dated 22nd February 1905 quoted in the preamble which in no way contravenes the provisions of section 8 of the Reformatory Schools Act, 1897 does not appear to require revision as suggested by the acting Superintendent of the Chingleput Reformatory School.

/True Copy/

E. W. M. L. M. S.

For Director of public Instruction.

Page 330 of the
Proceedings Volume
h. m. h.

Pages 536 of the
Act.

6.6.05

C. No. 1089, From the D.P.D. no. 4546, Dated 7-6-1905.

Subject:- Period of detention of a juvenile offender of Coorg in the Reformatory School, Chingleput.

Put up the present decision of the High Court.

Was it not held that any irregularity under the rules could be dealt with as an executive matter.

H.D.T.

9-6-05

E

Please see G.O. no. 782 Judicial, dated 13th May 1905, on page 3 of which the High Court's decision referred to is printed.

2. It was held by the High Court that the orders of District Magistrate passed under Section 10 of the Reformatory Schools Act, 1897, are of the nature of executive rather than judicial orders and that any mistakes in such orders can be rectified by the District Magistrates themselves.

3. In the present case the Judicial Commissioner of Coorg does not, it is submitted, appear to have made any mistake in ordering the detention of the boy Rama, whose age has been fixed at 12 years, in a Reformatory School for 4 years, as the notification of

Page 3 of no. 782 Judicial E
13-5-05

Proceedings Volume
put up - p. 330

of the Government of India no. 1076 dated 30th June 1887 printed in G.O. no. 1616 Judicial, dated 23rd July 1887, applies only to the territories administered by the Governor of Madras in Council and not to Coorg. The Committee of Visitors of the Chingleput Reformatory School however are of opinion that the notification of the Government of India above referred to should be adhered to in the case of ^{any} boy sent to the Chingleput Reformatory School for detention. It is this question viz: whether the view taken by the Committee of Visitors is correct, which has now to be decided; and it is decided in the affirmative, orders are solicited as to what further steps should be taken in the matter.

7/4.
12.6.05

The Commissioner may be asked to be good enough to revise the order of the D.M. on the merits of the case: the decision he has come to is only on a point of law. Or - and it is submitted this is the better course - the juvenile offender may be allowed to get off with a year less; and the Commissioner (in his administrative capacity) may be asked to get a set of rules similar to ours passed for Coorg.

113/6105

The notification of 1887 does not apply to Coorg. These rules merely ^{prescribe} modify the period

Sec 4

Vol p 330

of detention for boys of certain ages, within the limits of sec 8(1). As no special rules apply the ~~Magistrate~~ Tnd^l Comm^o was not wrong in ordering detention for 4 years only three years being the minimum prescribed by law.

The notification refers only to commitments by Magistrate within the territories of St George to reformatories within these territories. It must be read as a whole.

Submitted that no action is necessary: the boy may be released after 4 years. No special set of rules is necessary for the few cases likely to be sent from Cong. The attention of the Tnd. Com^o may however be drawn to the existence of the rules. It will be open to Pt. to decline to admit Cong juveniles if these rules be not complied with.

H. J. Tubor

Tnd uo for exam

Cb.

The notification in question refers only to Magistrates & Courts within the territories of Administration by the Gov^t of Madras & to reformatories in the same area. Submitted the note of L & M Sec is quite correct &

us
h

Decr-15-6

Ed: no 467 D 7 15/6/5

Jud LOR-330
16.6.5

SL

No action is necessary

pl

16.6.05

Gr. I agree with the views latter in the
20. Repl.

M
17.6.05



us
7/4

20.6.05

For orders

AM

AM
19.6.05

agreed
21.6.05

2nd draft
AM
21.6.05

A draft is placed below for approval.

The attention of the Judicial Commrs
of Cong may be drawn to the existence of
the rules of 1887 in the reply to be sent
to the Chief Commr in the linked file.

See 4

7th
27.6.05

28.6.05

May issue
AM
1.7.05

copy
12
17.6.05

READ ALSO:—

No. 458, dated 5-7-1908

mis

$$\frac{712}{5.705}$$

The Govt. do not propose to take any steps in the matter as the Govt of India notification referred to applies only to Committees by Magistrates within the Madras Presidency. //

$$\frac{7.69}{27.606}$$

286105

1702

1-2-50

h 705

To The D.P.S. (1007-5410) 5745

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

190 .

READ AGAIN G.O., No. _____, DATED
 190 .

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.