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Educational (1905) Department.

ORDINARY PRINTED.

G.O., No. 717

DATED 3-11-05

ORIGINAL

N. P.

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return to me.

[Despatch Abstract.]

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2-11-05

Reformatory School, Chingleput

Requesting the D.D. to arrange for
the admission of Mookivadu, a deaf and
dumb boy, into 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.

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1905.

Enclosures

Spare copies

ORIGINAL

G.O., No. 717, 3rd November 1905.

N. P.

Reformatory School, Chingleput.

Requesting the Director of Public Instruction to arrange for the admission of Mookivadu, a deaf and dumb boy, into the —.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from D. W. G. COWIE, Esq., I.C.S., District Magistrate of Bellary.
To—the Secretary to Government, Educational Department.
Dated—the 28th September 1905.
No.—Ref. on M.O. 1232.

I have the honour to refer the following case for the orders of Government.

2. One Mookivadu, a deaf and dumb boy, 10 years' old, was convicted of an offence under section 457, Indian Penal Code, and sentenced to three months' rigorous imprisonment and instead of undergoing the said sentence he was ordered by me under section 9 of the Reformatory Schools Act VIII of 1897 to be detained in a Reformatory School for a period of seven years. The Superintendent of the District Jail, Bellary, wherein the juvenile is kept, has forwarded to me a copy of a letter from the Superintendent, Reformatory School, in which that officer states that he does not think it advisable that the boy should be admitted into the school as he cannot be given any general education and will probably be worried and made a butt of by the other boys.

3. I am aware that a Magistrate should not send a boy to a Reformatory if he is subject to any defect or infirmity, whether mental or physical, such as would permanently incapacitate him from learning an industry taught in the Reformatory—*vide* G.O., No. 225, Judicial, 3rd February 1892. The order passed in this case does not infringe this rule and it seems to me that though the boy is deaf and dumb, he may well be taught some industry, such as carpentry, etc., in the Reformatory. The order cannot be revised under section 16 of the Reformatory Schools Act as it is not opposed to the provisions of the Act or the rules framed by Government thereunder—*vide* I.L.R., XXVII Calcutta, 133. I have therefore the honour to request the orders of Government as to how the boy should be dealt with.

4. The Superintendent of the Reformatory states that a dumb boy was sent to the Reformatory in the early history of the institution, but was removed to an asylum for mutes in Bombay.

Order—No. 717, Educational, dated 3rd November 1905.

The Director of Public Instruction will be requested to arrange for the admission of Mookivadu into the Reformatory school at Chingleput.

(True Extract.)

H. D. TAYLOR,
 Ag. Secretary to Government.

To the Director of Public Instruction,
 „ Judicial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 717, EDUCATIONAL,
 DATED 3RD NOVEMBER 1905.

[SUBJECT.—*Detention of a deaf and dumb boy in the Reformatory School.*]

From the District Magistrate, Bellary, Ref. on M.C. 1232, dated 28th September 1905.

JUDICIAL DEPARTMENT.

One Mookivadu, a deaf and dumb boy, aged 10, was convicted under section 457, Indian Penal Code (lurking house trespass) and sentenced to three months' rigorous imprisonment. Under section 9 of the Reformatory Schools Act VIII of 1897, the District Magistrate, Bellary, ordered the boy's detention in the Reformatory for a period of seven years.

2. But the Superintendent, Reformatory School, does not think it advisable that the boy should be admitted into the school as he cannot be given any general education and will probably be worried and made a butt of by the other boys. The District Magistrate, Bellary, contends that though the boy is deaf and dumb, he may well be taught some industry such as carpentry, etc., in the Reformatory.

3. One of the suggestions of the Committee on Reformatory Schools, 1883 (G.Os., No. 376, dated 12th February 1883, and No. 225, dated 3rd February 1892), was—

“No boy should be sent to a Reformatory if he is subject to any defect or infirmity, whether mental or physical, such as would permanently incapacitate him from learning an industry taught in the Reformatory.”

Two instances have been traced of cases of boys with physical defects submitted for the orders of Government :—

(a) In the first case, (G.O., No. 1662, dated 27th September 1889), a deaf-mute was, with the permission of Government, transferred, under section “13 of Act V of 1876” (section 18 of Act VIII of 1897) to the institution for deaf-mutes at Bombay. It was agreed that the cost of his upkeep (Rs. 6 per mensem) till he attained the age of 18 should be met from the contingencies of the Reformatory (G.O., No. 1597, dated 16th October 1890.)

(b) In the other case (a dumb boy) (G.O., No. 67, dated 12th January 1891), the Government were of opinion that the boy had a better chance of improvement in the Reformatory at Chingleput than in Bombay, and accordingly directed that he should be received and detained in the Reformatory for the period.

4. Submitted for orders.

K.K.—10-10-05.

The question appears to be one more for Educational (the administrative department) than for Judicial. The papers may be transferred to Educational if they have no objection.

J. A. DE ROZARIO—11-10-05.

Has Educational any objection?

J. F. GRAHAM—11-10-05.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Submitted that there is no objection to the transfer of this file to Educational. The question seems to be one for disposal there.

P. T. THARYAN—13-10-05.

Done.

R.N.—13-10-05.

Inform Judicial that transfer is accepted and please note, putting up any papers we may have here.

A. GALLETTI—13-10-05.

Please see the precedents quoted—

(1) G.O., No. 1662, Judicial, dated 27th September 1889.

(2) G.O., No. 67, Judicial, dated 12th January 1891.

In the first of these cases the juvenile was sent to the institution for deaf mutes at Bombay under section 13 of the Reformatory Schools Act, 1876—section 18 of the present Act (VIII of 1897). Under this section, however, no boy who is under 14 years can be apprenticed to any employer of labour; whereas the boy in the present case is only 10 years old—paragraph 2 of the current.

2. In the second case, continuance in the Reformatory at Chingleput was ordered, but then the boy was only a dumb boy and not a deaf and dumb boy as in the present case.

3. Submitted therefore that in the present case the boy should either be detained in the Reformatory or admitted and released under section 14 (a) of the Act. Orders are solicited.

P. T. THARYAN—16-10-05.

A. GALLETTI—23-10-05.

I do not see how the boy can be legally transferred to the deaf or dumb institute at Bombay. It does not appear to be a Reformatory school under the Act, and in any case the sanction of the Governor-General in Council would, under section 15 (i), be necessary for such transfer. Section 18 (1) does not apply as the boy's age is under 14.

2. There is no objection in asking the Bombay institute if they are willing to admit the boy, if his guardians are willing that he should go, on release from the Reformatory, but I do not think that the cost of his maintenance could, after release, be charged to Reformatory.

3. The best course seems to be to order his release and to restore him to his parents or guardians.

4. The admission to the Reformatory of youths suffering from infirmities or contagious diseases has been causing some difficulty of late.

H. D. TAYLOR—24-10-05.

I would give him a trial in the Reformatory. (If his detention subsequently proves to be objectionable, the authorities will represent his case again to Government.)

G. S. F[ORBES]—26-10-05.

Please draft. Judicial should accept.

H. D. TAYLOR—28-10-05.

The draft placed below is submitted for approval. If approved, Judicial may be asked to accept it.

P. T. THARYAN—28-10-05.

A. GALLETTI—30-10-05.

H. D. TAYLOR—31-10-05.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Accepted.

C. A. SOUTER—1-11-05.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

H. D. TAYLOR—2-11-05.

[G.O., No. 717, Educational, dated 3rd November 1905.]

Educational
Judicial (190⁵) Department.

PAGE 1.

CURRENT NO.
4496
JUDICIAL

CURRENT No. 1806

From

D. W. G. COWIE ESQ.,

[Name]

District Magistrate of

[Designation]

Bellary.

[Station]

Ref. on M.C. 1232

No. 28th September 1905.

Dated 190 .

Enclosures

Received 14 - 10 OCT 1905

Registered 164 - 10 OCT 1905

CHIEF SECRETARY
GOVERNMENT OF MADRAS
-2 OCT 1905

SUBJECT.

Requesting the orders of Government about a deaf and dumb boy who has been ordered to be detained in a Reformatory School under section 9 of the Reformatory Schools' Act VIII of 1897.

BACK PAPERS.

FURTHER PAPERS.

17/8/05
17/10/04

G.

The Chief Secretary to Government,
Judicial Department.

Gir,

I have the honour to refer the following case for the orders of Government.

2. One Mookivadu, a deaf and dumb boy, 10 years old, was convicted of an offence under section 457 I.P.C. and sentenced to 3 months' rigorous imprisonment and instead of undergoing the said sentence he was ordered by me under section 9 of the Reformatory Schools' Act VIII of 1897, to be detained in a Reformatory School for a period of 7 years. The Superintendent of the District Jail, Bellary, wherein the juvenile is kept, has forwarded to me a copy of a letter from the Superintendent, Reformatory School, in which that officer states that he does not think it advisable that the boy should be admitted into the school as he cannot be given any general education and will probably be worried and made a butt of by the other boys.

3. I am aware that a Magistrate should not send a boy to a Reformatory if he is subject to any defect or infirmity, whether mental or physical, such as would permanently incapacitate him from learning an industry taught in the Reformatory - vide G.O., No. 3rd February 1892, No. 225-Judicial. The order passed in this case does not infringe this rule and it seems to me that though the boy is deaf and dumb, he may well be taught some industry, such as carpentry, &c., in the Reformatory. The order cannot be revised under section 16 of the Reformatory Schools Act as it is not opposed to the provisions of the Act or the rules framed by Government thereunder.- vide I.L.R.XXVII Calcutta 133.

before the honour to request the orders of a

1 000-24-9-04

READ AGAIN G.O., No.

dated

190

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READ ALSO;—

READ ALSO:--
C. No. 1806, From the District Magistrate, Bellary, No 1232, dated 28-9-1905.

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ORDER

No. 717, dated

3-4-

1905

The D.P. will be requested to arrange for the admission of Mookivadu into the Reformatory school at Chingleput, as a tentative measure at least. 1830.10.5

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To H. P. P.

Individuals

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the B.D. will be corrected & re-
for the Commission of the Interior
Department of the Interior
1890

at copy sent to Press.
turned for signature.
despatched in print.

READ AGAIN G.O., No.
120

, DATED

REFERENCE No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

N.B.—

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.

Order complete, 35
Letter only.
Order complete with Letter.

4 P
with 1-5 P

Please print the go
after with 1-5 P