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Educational (1905) Department.

ORDINARY PRINTED.

G.O., No. 831

DATED 18-12-05

N. P.

INDEXED.

ORIGINAL

[Despatch Abstract.]

Refarmatory School, Chingleput.

Stating that the Supt. of the _____ has been directed by telegram on the 8th inst., to release ~~immediately~~ Swami Kannu, a juvenile offender, ^{and requesting the officer} ~~ordered to be detained in the School by Mr. K. G.~~ S. Sambasiva Aiyar, ^{awegat} Sub-Divisional Magistrate of Melur in the Madurai District. ^{concerned to explain the delay in arranging for the transfer of the boy to the School.}

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. 831, 18th December 1905.

Reformatory School, Chingleput.

Stating that the Superintendent of the — has been directed by telegram to release Swamikannu, a juvenile offender, ordered to be detained in the school and requesting the officers concerned to explain the delay in arranging for the transfer of the boy to the school.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

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

To—the Secretary to Government, Educational Department.

Dated—Madras, the 27th November 1905.

No.—Ref. on C. 8753.

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

2. A boy named Swamikannu was Sentenced by the stationary Sub-Magistrate of Madura town to undergo rigorous imprisonment for two months from 11th August 1905. Before the expiry of this period, however, the Sub-Divisional Magistrate of Mēlūr division ordered on appeal that, in lieu of undergoing the unexpired portion of the sentence, the prisoner should be detained in a Reformatory school for four years. A copy of the Sub-Divisional Magistrate's order was received by the Superintendent of the District Jail, Madura, on the 24th September last, i.e., seventeen days before the expiry of the term of imprisonment for two months. Nevertheless, the boy was detained in the District Jail till the 10th October and was admitted into the Reformatory School, Chingleput, on the morning of the 11th idem, i.e., after the sentence of imprisonment had been fully carried out. Under section 12 of the Reformatory Schools Act of 1897 a youthful offender directed by a Court or Magistrate to be sent to a Reformatory school can, if accommodation in such school is not immediately available, be detained in a jail—

(a) until he can be sent to a Reformatory school, or

(b) until the term of his original sentence expires, whichever event may first happen; and should the term of his original sentence first expire, he shall thereupon be released. In the case of Swamikannu, the term of the original sentence expired on the 10th October 1905 and he should have been released under section 12 of the Act. The Committee of Visitors for the Reformatory School are "in doubt whether the boy can be rightly admitted within the meaning of section 12 of the Reformatory Act" and are therefore of the opinion that the orders of Government on the matter should be obtained.

3. The Sub-Magistrate's warrant of commitment and the Sub-Divisional Magistrate's order are submitted herewith in original, together with copies of the explanations of the Superintendents of the District Jail, Madura, and the Reformatory School, Chingleput, which were received in reply to a reference from this office.

It will be observed that the dates noted on the reverse of the Sub-Magistrate's warrant of commitment are incorrect.

ENCLOSURES.

Letter—from the Superintendent of Jail, Madura.

To—the Superintendent, Reformatory School, Chingleput.

Dated—the 7th November 1905.

No.—2741.

With reference to the extract from Proceedings of the Director of Public Instruction bearing no date and number, forwarded with your Ref. on C. No. 255-G1., dated 31st October 1905, I have the honour to state that the appeal order of the juvenile in question having been received on Sunday, the 24th September 1905, an enquiry was made in this office post card, dated 26th September 1905, to your address whether accommodation was available for the boy and your reply B.C. No. 212-P of 1905, answering in the affirmative, though dated 2nd October 1905, was despatched on the 4th and received here on the 6th; application was therefore made to the Superintendent of Police, Madura, on the 7th for the necessary escort, giving him sufficient notice to transfer the boy on the 10th October 1905. The escort arrived accordingly and the prisoner was transferred by the first available mail train.

Letter—from the Superintendent, Reformatory School, Chingleput.

To—the Director of Public Instruction.

Dated—the 13th November 1905.

No.—R.C. No. 255-G1.

With reference to your Proceedings, Ref. on C. No. 8753, dated 25th October 1905, I have the honour to submit herewith, copy of letter No. 2741, dated the 7th instant, from the Superintendent, District Jail, Madura, and to resubmit also the orders of the Sub-Magistrate and the Sub-Divisional Magistrate referred to in paragraph 2 of your proceedings.

2. I would point out that the Superintendent, District Jail, Madura, who knew the date of the expiry of the Judicial sentence of the juvenile, did not take the precautionary course in applying to me for accommodation for him nor did he arrange in time for the escort to transfer him to this school. His application, in the first instance, was not made in the form prescribed in G.O., No. 1402, Judicial, dated 15th September 1902, nor was it marked *urgent*, which was necessary in the present case. As the form referred to provides for information as to the date of release of each juvenile from jail, the short delay, referred to by the Superintendent, which occurred in this office in replying to his application, would have been avoided if that form had been adopted; also not having been marked *urgent*, the application was disposed of in the usual course as there were other applications for accommodation to be complied with.

3. It is not clear why the Superintendent arranged with the Superintendent of Police to transfer the boy only on the 10th October 1905, which was the date of the expiry of his Judicial sentence. It should have been quite possible to despatch the boy at least a day earlier, if an *urgent* requisition for the escort had been made.

4. Another point to which I would invite the favour of your attention is with regard to the dates of commencement and termination of the Judicial sentence as noted on the reverse of the warrant of commitment of the Sub-Magistrate. These dates are wrong because the date of infliction of the imprisonment is the 11th August 1905. This date, it will be seen, was put in first and then altered into 13th; but the correction has not been attested.

Order—No. 831, Educational, dated 18th December 1905.

The Superintendent, Reformatory School, Chingleput, was directed by telegram on the 8th instant that Swamikannu who was ordered to be detained in the school for a period of four years under order of the Sub-Divisional Magistrate, Mēlūr division, in appeal case No. 89 of 1905 on the file of his court, dated 19th September 1905, should be released immediately from the Reformatory School at Chingleput, where he was then kept.

2. The Government observe that although the order of M.R.Ry. V. S. Sambasiva Aiyar, Sub-Divisional Magistrate, Mēlūr, directing that for the unexpired portion of the sentence of the Stationary Magistrate of Madura town, Swamikannu be detained in the Reformatory School at Chingleput, was passed on the 19th September last, it was not received by the Superintendent of the District Jail at Madura till the 24th idem. The Superintendent, Captain C. B. Harrison, I.M.S., did not communicate with the Superintendent of the Reformatory School till the 26th. The Superintendent of the Reformatory School, Lieutenant-Colonel H. Thomson, I.M.S., did not post his reply that accommodation for the boy was available in the school, till the 4th October. Captain Harrison did not ask for the usual escort to be sent to him till the 10th. The result was that the boy reached the Reformatory after the sentence originally passed on him had expired and has now to be released. Another case of delay of a similar nature with similar results has also just been brought to the notice of Government. Before, however, orders are passed in respect of these delays, each of the officers concerned will be requested to explain the delay for which he was responsible.

(True Extract.)

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

To the Director of Public Instruction.

„ Judicial Department.

„ Public Department.

„ Revenue Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 831, EDUCATIONAL, DATED
18TH DECEMBER 1905.

[SUBJECT.—*Regarding the admission of a juvenile offender into the Reformatory school, Chingleput.*]

From the Director of Public Instruction, dated 27th November 1905, R.C. No. 8753.

The facts of the case are stated in the Director's letter. A boy named Swami-kannu was on the 11th of August 1905 sentenced by the Stationary Sub-Magistrate of Madura town to undergo rigorous imprisonment for two months. On appeal the Sub-Divisional Magistrate confirmed the

Name?

G. S. F[ORBES.]

sentence, but directed that in lieu of undergoing the unexpired portion thereof the prisoner be detained in the Reformatory school. This sentence was passed on the 19th September and received by the Superintendent of Jail, Madura, on the 24th *idem*. There was a delay of four clear days in the communication of the sentence to the jail authorities. The Superintendent of the Jail wrote to the Superintendent of the Reformatory school on the 26th whether accommodation was available for the boy. One more day was thus lost. The reply was dated 2nd October but was posted only on the 4th. The Superintendent of the Reformatory should have received the Jail Superintendent's letter on the 28th September. Between the receipt of the letter and the despatch of the reply five more clear days were lost. The Jail Superintendent received the reply on the 6th October, but did not apply for the escort till the following day and even then asked for the escort on the 10th. The result was—the boy arrived at the Reformatory after the expiry of the original sentence of imprisonment passed on him.

2. The Director enquires whether under section 12 of the Reformatory Schools Act, 1897, the boy can now be detained in the Reformatory. The proviso to this section says—"If accommodation in a Reformatory school is not immediately available for such youthful offender, he may be detained in the juvenile ward

But there is nothing on record to show that there was any want of accommodation.

H. D. TAYLOR.

"or such other suitable part of a prison as the local Government may direct—

"(a) until he can be sent to a Reformatory school, or

"(b) until the term of his original sentence expires,

"whichever may first happen. Should the term of his original sentence first expire,

"he shall thereupon be released, but should he be sent to a Reformatory school, then

"the period of detention previously undergone shall be treated as detention in a Reformatory school".

H.D.T.

It seems to follow that the boy should be released at once.

3. From the dates given in paragraph 1 *supra*, it appears that there was delay in all the three offices concerned—the Sub-Divisional Magistrate's, the Jail Superintendent's and the Reformatory Superintendent's. The first two of these are under Judicial and the third under Educational.

P. T. THARYAN—28-11-05.

A. GALLETTI—30-11-05.

Submitted that the boy must be released. Attention will be drawn to the delays on the part of the various officers concerned.

Circulated to the Honourable Member through Judicial.

H. D. TAYLOR—2-12-05.

To the Judicial Department.

JUDICIAL DEPARTMENT.

There seems to be nothing to be done but to release the boy and censure all the officers for their various delays.

M. HAMMICK—2-12-05.

Yes. In censuring officer's names should always be given. It is no use saying the Sub-Divisional Magistrate, because that is a mere office.

G. S. F[ORBES]—3-12-05.

M. HAMMICK—4-12-05.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Please draft.

H. D. TAYLOR—5-12-05.

What are the names of the officers?

2. Were any of the days on which there was delay Sundays or holidays?

3. Please draft saying that another similar delay with similar results has been brought to the notice of Government stating the delays and asking each officer to explain. (It would be premature to censure at this stage?)

A. GALLETTI—6-12-05.

The names of the officers are as follows:—

Sub-Divisional Magistrate of Melur—M.R.Ry. V. S. Sambasiva Aiyar.

Superintendent, District Jail, Madura—Captain C. B. Harrison, I.M.S.

Superintendent of the Reformatory school, Chingleput—Lieut.-Colonel H. Thomson, I.M.S.

2. The 24th September was a Sunday and 28th a holiday; also the 1st and the 8th of October were Sundays and the 6th a holiday.

3. Please see draft placed below, which, if approved, may go to Revenue and Public for acceptance. This may perhaps be done after issuing paragraph 1.

P. T. THARYAN—6-12-05.

A. GALLETTI—7-12-05.

Better send telegram to Superintendent, Reformatory school.—

No. 53. Swamikannu ordered to be detained in Reformatory for four years under order, dated 19th September, of Sub-Divisional Magistrate, Melur, should be released at once.

H. D. TAYLOR—8-12-05.

After issue of telegram, the draft may go to Revenue, Public and Judicial for acceptance. The order has to go through Director of Public Instruction and would take some time to reach the Superintendent.

H. D. TAYLOR—8-12-05.

The telegram has been despatched and the file is resubmitted.
K.K.M.—8-12-05.

[Telegram No. 53, dated 8th December 1905.]

The file may now go to Revenue, Public and Judicial for acceptance.
P. T. THARYAN—9-12-05.

Yes.

A. GALLETTI—9-12-05.

To the Revenue } department.
" *Public } department.*
" *Judicial } department.*

REVENUE DEPARTMENT.

Accepted.

F. B. EVANS—11-12-05.

To the Public Department.

PUBLIC DEPARTMENT.

May be accepted.

A. Y. G. CAMPBELL—13-12-05.

To the Judicial Department.

JUDICIAL DEPARTMENT.

May be accepted.

C. A. SOUTER—14-12-05.

Accepted.

M. HAMMICK—15-12-05.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

As the telegram directing the release of Swamikannu was despatched on the 8th instant, should not paragraph 1 of the draft be altered as shown in pencil?

P. T. THARYAN—16-12-05.

Issue as altered.

C. A. SOUTER—16-12-05.

[G.O., No. 831, Educational, dated 18th December 1905.]

✓ Ed. CURRENT No. 2060.
Educational
JUDICIAL DEPARTMENT.

Received



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, Registered

88

1905

Subject.

Submitting for orders the question of legality of admission of a boy named Swamikannu into the Reformatory School, Chingleput.

ENCLOSURES.

No. 3

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Ref. on No. 8753 of 05,

Station MADRAS., Dated the 27 November 1905.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

(Designation) Director of Public Instruction,

To The Chief Secretary to the Government of Madras.

Sir,

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

2. A boy named Swamikannu was sentenced by the Stationary Sub Magistrate of Madura Town to undergo rigorous imprisonment for two months from 11th August 1905. Before the expiry of this period, however, the Sub Divisional Magistrate of Melur Division ordered on appeal that, in lieu of undergoing the unexpired portion of the sentence, the prisoner should be detained in a Reformatory School for 4 years. A copy of the Sub Divisional Magistrate's order was received by the Superintendent of the District Jail, Madura, on the 24th September last, i.e., 17 days before the expiry of the term of imprisonment for

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE
OF IMPRISONMENT OR FINE IF PASSED BY A

(SECTIONS 245 AND 258.)

To

THE SUPERINTENDENT (OR KEEPER) OF THE JAIL AT

Madras

WHEREAS on the 11th day of *August* 1895

Sannikkannu

prisoner in case No. 976 of the Calendar for 1895 was convicted before

me *V. Krishnasamy* Magistrate of the

offence of *Escape from lawful custody* under

section 224 of the Indian Penal Code

and was sentenced to *undergo Rigorous Imprisonment*

for two months.

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said *Sannikkannu* into your custody in the said Jail together with this warrant and there carry the aforesaid sentence into execution according to law.

Given under my hand and the Seal of the Court, this

August 1895

day of



V. Krishnasamy

Magistrate

23568

at Madras till the 24th idem. The Superintendent, Captain C.B. Harrison, I. M.S., did not ~~leave~~ communicate with the Superintendent of the Reformatory School till the 26th. The Superintendent of the Reformatory School, ~~Lieutenant~~ Lieutenant Col. H. Thomson, I. M.S., did not post his reply that accommodation for the boy was available in the School till the 4th October. Captain Harrison ~~did not~~ ^{asked} for the usual escort to be sent to him ~~till the 10th day~~. ^{reached the Reformatory after the sentence} The result was that the boy ~~had to be released immediately~~ ^{originally passed on him had expired & he was to be released.} ~~by and~~ Another case of delay of a similar nature with similar results ^{also} had just been brought to the notice of Govt. Before, however, orders are passed in respect of these delays, each of the officers concerned will be requested to explain the delay for which he was responsible.

MH 2/11/5

4.12.5

409

8.12.01

To the D.P.D. ✓

- " Judicial Department.
- " Public Department.
- " Revenue Deptt.

despd 5/11/06.

NUMBER OF COPIES
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Letter only.
Order complete with Letter.