

(1) Number of pages 18
(2) Date of repair 16.5.86
(3) Initials of the Referencer Con

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Indicel DEPARTMENT

G.O. No.	120	Press.
B.P. No.		Mis.
Dated	24. 1. 1868	-197-

21.21
Not to be folded or roughly handled

Ind. G.O. 120:24-1-1868.

*Proceedings of the Madras Government, Judicial Department,
21th January 1868.*

Read the following papers:—

No. 196. From E. C. BAYLEY, Esq., Secretary to the Government of India, to the Secretary to Government, Fort Saint George; dated Simla, 16th July 1867, No. 2332.

Home Department,
Judicial.

Recommendations have from time to time been made to the Government of India by some of the Local Governments for the establishment of Central Juvenile Reformatories, and recently again the subject has been urged upon the Governor General in Council by Miss Carpenter. His Excellency in Council has given to the various suggestions that have been made the deep consideration demanded by the importance of the subject, and I am now directed to convey the final orders of the Government of India for the information of His Excellency the Governor in Council.

2. It seems to the Governor General in Council that clear and conclusive objections exist against the institution of Central Juvenile Reformatories in India. In the first place, the number of juvenile offenders who come before the Criminal Courts of this country is so very small, that it would be difficult to collect boys enough to fill a Central Jail in any province. Under the present system of whipping such offenders, the Governments of the Punjab and the North-Western Provinces and the Chief Commissionership of Oudh, together, would not furnish above 400 boys whose terms of imprisonment would warrant their being sent to a Reformatory. Then, the cost of constructing a new set of expensive buildings, which would be required, and the entertainment of guards, &c., would be very considerable, while, on the score of health, it would be objectionable to remove boys to Central Jails at a distance from their homes; for the Indian Jail Committee in 1864 established the principle that removal to a different climate and to a distance from their homes was a serious cause of sickness and mortality among prisoners in India. Such a removal, too, would be unpopular, as adding transportation to imprisonment; for the boys would, under this system, be altogether removed from the influence of their friends, and their friends would be deprived of all knowledge of their condition.

3. Leaving aside even these considerations, important as they are, of the cost, inconvenience, and unpopularity of the proposed system, the Governor General in Council entertains very serious doubts whether it would result in any real good. So far from this, indeed, His Excellency in Council cannot but think that Reformatories are always liable to gross abuses in India from the compelled absence of that moral and religious teaching to which Reformatories in England owe their success, but which would assume a proselytizing form here.

4. On the whole, therefore, His Excellency in Council is of opinion that it would be injudicious at present to attempt the introduction of separate Juvenile Reformatories in India. Steps, however, should at once be taken for rendering the separation between juvenile offenders and the rest of the prisoners in Jails as complete as possible. In some Central Jails in each province a separation of this kind already exists to some extent, and the system should be perfected by the accommo-

dation being rendered more suitable; and every practicable attempt should be made, while the young criminals are undergoing their sentences, to instruct and reform them by means of judicious discipline and education. His Excellency in Council will be glad to be informed of the measures the Governor in Council would propose for the attainment of this object.

5. I am to add, in conclusion, that His Excellency in Council does not think that European subordinate agency would work well in carrying out any plans for juvenile reform in Jails; indeed, it is almost out of the question to look for English subordinates generally for such a purpose, but it would be desirable to secure the services of respectable Natives and Eurasians, who are better adapted for the furtherance of the object in view.

Referred to the Inspector General of Jails for early report.
FORT SAINT GEORGE,
2nd August 1867.

(Signed) F. BRANDT,
Acting Under Secretary.

No. 197. From the Inspector General of Jails, to the Acting Chief Secretary to Government, Fort Saint George; dated Ootacamund, 15th August 1867. No. 84.

I have the honor to return the letter of the Secretary to the Government of India, No. 2332, dated 16th ultimo, regarding Reformatories for juveniles which was received by me on the 5th instant.

2. The Governor General in Council has decided against the introduction of separate Central Reformatories for the present, and directs that steps should be taken at once to render the separation in Jails between juvenile offenders and the other prisoners as complete as possible; and also to provide means for the instruction and reformation of the former.

3. The average number of juvenile convicts in the Mofussil Jails of this Presidency during each month for the 18 months ending 30th June 1867 was 60 boys and 7 girls, but if each Jail is taken separately, and a unit substituted for each fractional part, the average will be 70 boys and 16 girls. The actual number, however, during 13 months of the period taken amounted to more than one-half of the total number in the whole Presidency; but this was quite exceptional, and owing to the famine in the District. From February last up to date, the average number in that Jail has not exceeded two. The number in the Bellary Jail was also somewhat above the ordinary average, owing to the same cause.

4. It remains to be considered where these offenders are to be imprisoned, and what means should be adopted for their instruction. Three statements are herewith forwarded for the better elucidation of the subject. The first shows the number of juvenile convicts, male and female, confined in each Jail during each month from January 1866 to June 1867 inclusive; the second shows the maximum and average numbers during the same period, the average number in each circle, and the distances between the various District and Central Jails; the third gives the number in prison during the three months ending 15th July 1867, also

the ages, length of sentences, and other particulars. It will be observed from these statements that, except at Berhampore, the number in any one Jail was very small. It is laid down in the Jail Rules that all convicts sentenced for periods exceeding one year are to be sent to Central Jails, and no exception is made in the case of juveniles; but, from the tenor of the second paragraph of the letter under acknowledgment, it would appear that their transfer to Central Jails is considered objectionable where the distance is great and the climate different. In this Presidency, the inconvenience as regards distance will also exist to a certain extent, but there will be no such dissimilarity in climate as to constitute any valid objection. The means of education and of discipline will be superior in a Central Jail, and the removal of the convict from the scene of his offence, and from the chance of communication with his former associates, will render him more susceptible to the reception of better influences than he would be if detained in a District Jail. Moreover, as the number of juveniles in each Jail is so small, the provision of separate accommodation and of paid teachers at each District Jail is not likely to be attended by advantages commensurate with the expense. For these reasons I am of opinion that it is desirable to send as many juvenile male convicts as possible to the Central Jails, and I would not limit the number to those sentenced for more than one year, but determine the selection with reference to age, length of sentence, and the distance to be travelled: for example, all juveniles sentenced at Rajahmundry should go to the Central Jail there; all juveniles, not under 13 years of age, sentenced at Vizagapatam, Masulipatam, and Ganapoor for periods above eight months, and those sentenced at Berhampore or at Russelcondah for upwards of one year, not being under 13 years of age, and not being Hillmen or Ooryahs, might also be sent to the Central Jail. Transfers from Berhampore and Russelcondah may be made by sea between Gopulpore and Cocanada. A similar course may be observed in the other Circles, if the principle is approved of.

5. With regard to girls, there will be more difficulty. The average monthly number in the Mofussil Jails for the eighteen months given in the statement was 7, and the maximum in any one month during the same period was only 13. In many Jails there are no girls. In many others the average does not exceed one, and in such cases separate accommodation would amount to something like solitary confinement. I am at a loss, therefore, what to suggest, except that convicts of this class should be confined along with the adult female prisoners.

6. Juvenile offenders imprisoned for periods under one month are kept in the Subsidiary Jails as a general rule, but wherever there may be a District Jail within twenty miles of the Committing Officer, all who may have been sentenced for more than fourteen days are sent thereto. Such prisoners scarcely come within the scope of the present reference, but as I happened to call for information on the subject, in case it should be required, I enclose a statement showing the number of juveniles confined in the Subsidiary Jails of those Districts from which I have received Returns.

7. I do not submit any proposal at present with regard to the measures to be adopted for imparting instruction, as these will depend very much upon what may be decided as to the disposal of the prisoners.

Proceedings of the Madras Government, Judicial Department,
21th January 1868.

STATEMENT showing the number of Juvenile Convicts in the Jails of the

Jails.	Jan. 1866.			Feb. 1866.			March 1866.			April 1866.			May 1866.			June 1866.			July 1866.			August 1866.			September 1866.		
	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.			
Berhampore.	10	10	17	17	17	21	17	21	17	17	23	12	12	24	23	12	23	35	31	36	4	40					
Vizagapatam.																											
Rajahmundry.																											
Masulipatam.																											
Guntur.																											
Russelcondah.																											
Nellore.	7	7	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14			
Kurnool.																											
Bellary.	6	6	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12			
Cuddalore.	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4			
Chittoor.	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2			
Vellore.																											
Chingleput.	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4			
Cuddalore.	6	6	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12			
Tranquebar.																											
Tanjore.																											
Trichinopoly.																											
Madara.																											
Tinnevely.																											
Cochin.																											
Calicut.																											
Tellicherry.	3	3	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6			
Cannanore.																											
Mangalore.																											
Salem.	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4			
Coimbatore.																											
Ootacamund.																											
Guindy.																											
Palghat.																											
Paumben.																											
Total.	45	75	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120			
Penitentiary.	9	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40			
Grand Total.	54	106	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160			

Average number of Boys.....
Do. do. Girls.....

Total.....

Ootacamund,
15th August 1867.

Proceedings of the Madras Government, Judicial Department
24th January 1868.

Madras Presidency during each month from 1st January 1866 to 30th June 1867.

October 1866.			Nov. 1866.			Dec. 1866.			Jan. 1867.			Feb. 1867.			March 1867.			April 1867.			May 1867.			June 1867.			Remarks.
Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	
38	1	39	6	6	12	12	12	12	7	7	14	2	2	4	2	2	4	1	1	2	1	1	2	1	1	2	
2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	
3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	
1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	
3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	3	3	6	
17	5	22	14	5	19	13	4	17	11	11	22	11	10	21	11	10	21	11	10	21	11	10	21	11	10	21	
2	1	3	2	1	3	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	
4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	
2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	
5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	
1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	
5	3	8	6	3	9	3	1	4	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	
2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	
1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	1	1	2	
2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	2	2	4	
4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	4	4	8	
7	7	14	7	7	14	7	7	14	7	7	14	7	7	14	7	7	14	7	7	14	7	7	14	7	7	14	
91	12	103	66	12	78	62	10	72	60	66	52	65	52	57	43	64	41	54	43	75	0						
9	5	14	8	1	9	8	8	16	15	4	19	8	1	9	15	2	7	3	1	4	3	6					
100	17	117	74	13	87	70	18	88	75	10	85	60	7	67	67	7	74	48	8	56	44	6	50	46	10	56	

60-50
7-0

67-50

(Signed) W. J. WILSON,
Inspector General of Jails.

Proceedings of the Madras Government, Judicial Department,
24th January 1863.

STATEMENT showing the maximum and average numbers of Juvenile Convicts in Jail between 1st January 1866 and 15th June 1867.

January 1866 and 1867 June 1867.

Jails.	Maximum number.		Average number.		Average number, substituting units for local parts.		Average number in the Circle.		Distance of Central Jail from District Jails.	Remarks.
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.		
1st Circle.										
Berhampore.....	38	1	119	96	15	1	21	4	201	
Vizagapatam.....	1	2	11	83	1	1			125	
Rajahmundry.....	3		141		2					
Masulipatam.....	3		44		1					
Guntur.....	1	1	11	16	1	1			103	
Russelcondah.....	3	1	55	22	1	1			111	
(Nellore.....)	7	1	463	65	3	1			313	
Kurnool.....	1		23		1				148	To Rajahmundry 257 miles. The line of rail will before long be carried nearly to these towns.
Bellary.....	20	3	1238	511	33	1			252	
							25	5	264	
Cuddapah.....	2	1	15	66	2	1				
Chittoor.....	9		283		3				162	
Vellore.....									22	
Chingleput.....	3	1	166	11	2	1			65	
3rd Circle.										
Cuddalore.....	9	2	455	22	5	1			114	To Vellore 110 miles. Rail for 92 miles. Rail.
Tranquebar.....	1		23		1					
Tanjore.....	6	3	388	5	4	1	12	5	110	
Trichinopoly.....	2	1	44	55	1	1			37	
Madura.....	3		63		1				82	
Tinnevely.....									180	
4th Circle.										
Cochin.....										
Calicut.....	1		11						156	
Tellicherry.....	5		243		1				37	
Cannanore.....					3		4		13	
Mangalore.....										
Salem.....	7	1	388	65	1	1			56	
Coimbatore.....	10	1	377	27	4	1				
Ootacamund.....							5	2		
Guindy.....									41	
Palghat.....										
Paumben.....										
Penitentiary.....	15	8	788	283	8	3	8	5		

79 19
10
98

OOTACAMUND,
15th August 1867.

N. B.—Nellore properly speaking belongs to the 1st Circle. It has been included in the 2nd Circle on this occasion, as being 100 miles nearer Vellore than to Rajahmundry.

(Signed) W. J. WILSON,

Inspector General of Jails.

(Signed) W. J. W.

Proceedings of the Madras Government, Judicial Department,
24th January 1863.

STATEMENT showing the number of Juvenile Convicts confined in the Jails of the Madras Presidency between 15th April and 15th July 1867.

dency between 15th April and 15th July 1897.																								
Jails.	Number in Jail.			Number once convicted.			Number twice convicted.			Number thrice convicted.			Number convicted more than three times.			Number devoid of all parental supervision or restraint.			Sentenced for terms between six months and one year.			Sentenced for terms above one year.		
	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.
Berhampore.....	2		2	2		2																2		2
Vizagapatam.....		1	1		1	1										1	1					3		3
Rajahmundry.....	3		3	2		2	1		1															
Masulipatam.....		1	1		1	1																1		1
Guntoor.....	7	1	8	3	1	4	3		3	1		1										1		1
Nellore.....	1		1	1		1										1	1							
Kurnool.....	13	2	15	12	2	14				1		1				1	1		5	2	7	6		6
Bellary.....	2		2	2		2																1		1
Cuddapah.....	13		13	11		11	1		1				1		1				1		1	2		2
Chittoor.....																								
Vellore.....	3		3	3		3																		
Chingleput.....	1	2	3	1	2	3																		
Cuddalore.....																								
Tranquebar.....	3		3				2		2				1		1				1		1	1		1
Tanjore.....	1		1	1		1																		
Trichinopoly.....																								
Madura.....																								
Tinnevely.....																								
Cochin.....	1		1	1		1																1		1
Calicut.....	3		3	3		3										1	1					2		2
Tellicherry.....																								
Cannanore.....	1		1	1		1																		
Mangalore.....	7	4	11	5	3	8	1	1	2	1		1							4	1	5	2		2
Coimbatore.....	6	2	8	6	2	8																2		2
Salem.....	1		1	1		1													1		1			
Ootacamund.....																								
Russelcondah.....																								
Guindy.....																								
Palghat.....																								
Paumben.....																								
Total in Mofussil.....	68	13	81	53	12	67	8	1	9	3		3	2		2	3	1	4						
Penitentiary Madras...	9	5	14	3	4	7	4	1	5	1		1	1		1	1		1						
Grand Total.....	77	18	95	56	16	74	12	2	14	4		4	3		3	4	1	5	12	3	15	22	1	23

8 *Proceedings of the Madras Government, Judicial Department,*
21th January 1868.

STATEMENT.—(Continued.)

Particulars of age.	Males.	Females.	Total.
Above seven years and under nine years	1	2	3
" nine " " eleven "	2	3	5
" eleven " " thirteen "	15	3	18
" thirteen " " fifteen "	22	3	25
" fifteen " " sixteen "	22	3	25
Total.....	77	18	95
Particulars of sentence.			
Under one month.....	12	8	20
Above one month and under six months.....	31	8	39
" six " " one year "	12	3	15
" one year " " two years "	11	1	12
" two years " " four years "	7	...	7
" four " " seven "	2	...	2
" seven " " ten "	1	...	1
" ten " " fourteen "	...	...	...
" fourteen " " Life.....	1	...	1
Total.....	77	28	95

Ootacamund, 15th August 1867.

(Signed) W. J. WILSON,
Inspector General of Jails.

Proceedings of the Madras Government, Judicial Department,
24th January 1868.

9

RETURN showing the number of Juvenile Convicts in the Subsidiary Jails of the Madras Presidency
between 15th April and 15th July 1867.

Districts.	Number in Jail.			Average number per mensem.		
	Boys.	Girls.	Total.	Boys.	Girls.	Total.
Ganjam...	...	2	2	...	66	66
Vizagapatam...	...	Not received.	...	...	...	...
Godavery...	10	...	10	3.33	...	3.33
Kistna...	...	Not received.	...	...	...	...
Nellore...	...	Do.	...	...	...	...
Kurnool...	...	Do.	...	...	...	...
Bellary...	12	...	12	4.00	...	4.00
Cuddapah...	13	...	13	4.33	...	4.33
North Arcot...	4	...	4	1.33	...	1.33
South Arcot...	...	Not received.	...	...	...	...
Madras...	...	Do.	...	...	...	...
Salem...	8	1	9	2.66	33	2.99
Tanjore...	...	Not received.	...	...	...	...
Trichinopoly...	...	Do.	...	...	...	...
Madara...	2	3	5	0.66	1.00	1.66
Tinnevely...	6	...	6	2.00	...	2.00
Malabar...	...	Not received.	...	...	...	...
Coimbatore...	...	Do.	...	...	...	...
South Canara...	...	...	...	...	...	...
Particulars of age.				Boys.	Girls.	Total.
Above 7 years and under 9 years...	...	...	...	1	1	2
" 9 " " 11 "	...	...	...	7	3	10
" 11 " " 13 "	...	...	...	17	1	18
" 13 " " 15 "	...	...	...	28	1	29
" 15 " " 16 "	...	...	...	53	6	59
Particulars of sentence.				...	...	...
Under one month...	...	...	...	55	6	61
Total...	...	...	...	55	6	61

Ootacamund,
15th August 1867.

(Signed) W. J. WILSON,
Inspr. Genl. of Jails.

No. 193. From the Under Secretary to the Government of Bombay, to the Chief Secretary to Government, Fort Saint George; dated Bombay Castle, 7th December 1867, No. 3572.

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter, No. 1926, dated the 26th ultimo, and, in reply, to forward to you copies of the printed Reports of the David Sassoon Industrial and Reformatory Institution at Bombay, from 1858-59 to 1866-67.

No. 199. MINUTE by the RIGHT HONORABLE the PRESIDENT, dated 3rd November 1867.

The 433rd Section of the Code of Criminal Procedure provides that, "when any person under the age of sixteen years shall be sentenced by any Magistrate or Court of Session to imprisonment for any offence, it shall be lawful for such Magistrate or Court to direct that such offender, instead of being imprisoned in the Criminal Jail, shall be confined in any Reformatory which may be recognised by the local Government as a fit place for confinement, in which there may be means of suitable discipline and of training in some branch of useful industry, and which shall be kept by a person willing to obey such rules as the Government may direct with regard to the discipline and training of persons confined therein."

2. By this provision the eminent persons who framed the criminal law of India distinctly recognised the value of reformatory institutions, and the expediency of introducing them into this country. It will scarcely be believed in England that, after the lapse of six years, no attempt whatever has been made to institute Reformatories, and that juvenile criminals are either subjected to the transitory and brutalizing punishment of whipping, or confined in Jails where they are exposed to the contamination, or at least to the contact, of hardened adult offenders, with an imperfect system of physical separation, and in a few places only with some slight provision for primary instruction under convict teachers. There is no institution whatever for the reformation of juvenile offenders, and there is nothing in the District or Central Jails which can be called "suitable discipline and training." The humane and enlightened intentions of the authors of the Code have lapsed into oblivion.

3. In dealing with the question of prison discipline in this Presidency, the first objects which attracted the attention of Government at the period of my arrival, were the completion of the Central Jails, the expansion and improvement of the District Jails, and the execution of such ameliorations in the subordinate places of confinement as would enable a rudimentary classification to be carried out, and a decent amount of seclusion and space to be afforded.

I trust that these objects, long contemplated, but retarded by various causes independent of our will, may shortly be secured.

The construction of the Central Jails will be rapidly prosecuted with an increasing application of convict labor, and under the direction of their future respective Superintendents, nominated by anticipation for this purpose with the liberal sanction of the Government of India.

The defects of the District Jails have been thoroughly examined and exposed. Appropriations will be systematically, if slowly, provided for the correction of these evils; and where the existing buildings are so defective as to be incurable, new buildings will gradually be provided. Two new District Jails are at present in course of construction.

A Committee has been appointed to report upon the reform of the Subjunctory Jails, which has submitted a normal plan on which these establishments may be remodelled or reconstructed. The process will be costly, but after an expenditure of £150,000, we may hope to see the local prisons reduced to the requisite order for health, discipline, and security.

4. The impulse which the Government has recently given to prison reform has had, as will be inferred from my previous statement, chiefly reference to material accommodation. The primary necessity was to procure space for life, health, and labor—space was held to be the indispensable basis of every subsequent improvement; but the moral amelioration of the convict was not entirely lost sight of. The development of a general, yet not exclusive, system* of severe and profitable intramural labor for adult convicts has always been the aim of Government, and it has been prosecuted with tolerable success in some District and Central Jails, as well as in the Penitentiary of Madras. It was moreover my intention to propose for insertion in the budget of next year†, if means could not be otherwise attained, an appropriation for the commencement of a Juvenile Reformatory at Madras in connection with the Model Farm. My views on this subject were privately imparted to the Viceroy in March last, and I hoped that His Excellency would have been enabled to afford me his countenance and assistance in this experiment. At the same time I requested the Inspector General of Jails to frame some returns illustrative of juvenile crime in this Presidency, which are attached to his letter to Government of August 15th, and appended to this Minute.

5. Under these circumstances, it was with no small concern that I received the despatch from the Government of India, under date of July 16th, repudiating the principle of separate Juvenile Reformatories for India, and prescribing the segregation, discipline, and education of juvenile offenders in the Criminal Jails of the country.

I propose to examine the arguments on which this resolution is based with all the deference due to the high authority from which it emanates.

The conclusion of the Supreme Government, as stated in their letter, reposes on the following grounds. It is contended—

- (1). That the number of juvenile offenders who come before the Criminal Courts of the country is very small.
- (2). That the expense of constructing Reformatories would be very great.
- (3). That it would be undesirable to expose juvenile offenders to a change of climate, which is often in this country the cause of sickness and serious mortality.
- (4). That juvenile offenders would be removed from the influence and inspection of their relatives.
- (5). That there would be no moral or religious teaching in an Indian Reformatory, and that, if there was such teaching admitted, it would take the form of proselytism.

6. The average number of juvenile convicts in the Central and District Jails during the six months ending on the 30th of June 1867 was only 65, to

* NOTE.—I do not think that we ought hastily to exclude extramural labor altogether from our scheme of convict work. Labor in streets and on works in or near towns may be demoralizing both for convicts and guards, but labor in the country at a distance from towns and their temptations might be useful to the State, and not demoralizing to any. Convicts may be properly employed in the plantations at Nedivattum, or at the Pamban Canal, I think they might be used in the formation of woods upon the coast and elsewhere with advantage.

† NOTE.—Other means however could be found. I believe that there is still a considerable surplus of the fund accumulated from the rents of temple lands in the hands of Government. This fund has been used for several works of public utility not directly connected with the native religions, such as the construction of roads and bridges and of the Presidency College. It is desired to defray the cost of the new University buildings from the same source, and in my judgment the fund could not be used for a better purpose than for an experimental Juvenile Reformatory. It might also be applied to the erection or organization of a Normal School for female teachers.

which we may add 17 as the average number in confinement in Subsidiary Jails under sentences below one month, making a total in this Presidency of 82. The whole number of sentences to imprisonment during the same period was 190 for the superior and 198 for the Subsidiary Jails, making a total of 388. These figures, however, represent but very imperfectly the amount of juvenile delinquency or juvenile punishment. In the year 1866, the total number of juvenile convictions was 567, of which 186 were sentences of flogging. It is notorious that the chief motive which prompts Magistrates in delivering sentences of corporal punishment is the want of proper places of confinement to which the juvenile offender can be sent with impunity. I may add that a natural disinclination to flog, and the stronger repugnance to commit boys and girls to the present prisons, operate in a great degree to prevent the prosecution and conviction of juvenile criminals altogether.

It appears to me, however, that the small number of juvenile offenders under the cognizance of the law, in lieu of being a discouragement to the institution of a separate Reformatory, is a positive argument in favor of it, and an argument against a system of reformatory treatment in several Jails. The experiment can now be made on a small scale on parties carefully selected with a view to their character and position. The Magistrates would for the most part continue their present practice, only sentencing to confinement in the Reformatory the offenders who may appear peculiarly susceptible of improvement, or peculiarly devoid of all protection or control in regard to their family relations. I have not as yet contemplated more than an experimental institution of the simplest kind as an accessory to the Madras Penitentiary and the nearest Jails of the Tamil country, adapted for 30 or 40 inmates. The subsequent course of Government would be regulated by the success or failure of the first establishment. If it succeeded, it would be expanded; and three or four others, answering to the geographical or ethnological divisions of the Presidency, would be founded; if it failed, the scheme would be abandoned without any discredit, and without any material sacrifice of money.

The Supreme Government have alluded to the frequency of corporal punishments applied to juvenile criminals. One of the best results of the successful prosecution of the reformatory system would, in my opinion, be the mitigation of "the present system of whipping such offenders." I would institute the Reformatory and temper the lash, instead of deferring the Reformatory because the lash is at work. I cannot believe that in most cases corporal punishment has an abiding deterrent or reformatory influence; but I can cite a better opinion than my own. Captain Drever, a Police Officer, of the highest experience and ability, now in charge of the city of Madras remarks as follows, in a letter addressed to the Chief Secretary to Government:—"I do not think whipping is a correct punishment for juveniles, and it is probably resorted to only because the Judges do not know otherwise how to deal with them. When a boy is flogged he is branded for years, if not for life; and certainly in all the large towns these boys grow into adult criminals, and these in turn breed juvenile offenders; so the supply is constant, and nothing but Reformatories will stop it."

7. The expense attached to the construction of a number of great Reformatories at once would, of course, be considerable, and the finances of India, burdened as they are with costly works for Barracks and Jails, could not at present support such an undertaking—indeed, the undertaking itself would be preposterous and imprudent in the highest degree; but nothing of the kind is designed here. The erection of a few blocks of dormitories in brick and mud, with some working sheds of perishable materials, on the ground of the Model Farm would involve no extravagant outlay; the buildings might be rendered useful for other purposes if the project or the locality was abandoned; the labor of the inmates would be in some degree remunerative to Government; and the reduction of crimes against property would be profitable to society. If the reformatory system was approved by experience it would, of course, be developed, and other more expensive establishments would have to be planted out in various parts of the country; but the expenditure would be scattered over a series of years, and it is an expenditure which every civilized Government in the world, except that of British India, is undergoing for the benefit of its subjects—I include the Government of Pondicherry. Nor must we forget that the question of expense is here not a simple one, but a comparative one. It is a question whether it would cost more to institute such an experimental Reformatory as that to which I have alluded, or to make the necessary alterations and adaptations in several Jails for the discipline and training of juvenile offenders. I think the separate Reformatory would be less expensive, because more consolidated; and more efficient, because superintended by selected agents and subjected to the public view.

8. A sudden change of climate and diet is certainly prejudicial to the Native constitution. We have seen that convicts brought from the hills to the plains, or from the plains to the hills, have in several instances exhibited at first a distressing rate of disease and mortality, while a complete alteration of habitual food or water among a people whose food is so simple and uniform is, no doubt, an additional cause of suffering and death: a man transplanted abruptly, and without precaution, from Tanjore to Ootacamund may die; a man who has always eaten rice since he was born may not be able to digest a ration of cumboo. It might be imprudent to transport a juvenile delinquent from the mountain hut of a Khond or a Toda to the Model Farm on the banks of the Adyar; but, fortunately, such a necessity would seldom arise in connection with the class of criminals to which I refer—few juvenile offenders are furnished by the primitive tribes of the mountains and the woods. If the Madras Presidency is roughly partitioned into four great groups—the Tamil coast region of the south, the Telugu coast region of the north, the higher interior plateaus, and the western shore—and if these groups are dealt with separately, with due consideration of climate and of the usages and diet of the people, there would be no abrupt transitions, and no reason to apprehend any danger to the inmates of a Reformatory from the cause indicated by the Government of India. My present proposal has reference to a Reformatory at Madras, and it would draw its occupants from the city and the adjacent districts, where the population is homogeneous and subjected to uniform influences of climate. The Magistrates in other parts of the country would not at first deliver sentences of confinement in the new institution, unless in cases of absolute destitution and helplessness. In such cases, it would surely be better to

expose a boy to some chance of dying of reformatory, than to leave him to die of hunger or on the gallows.

9. I confess I am not able to see more cogency in the next objection raised by the Government of India, namely, that boys confined in a Reformatory would be removed from the influence of their relatives.

(1) There are, no doubt, many juvenile delinquents who have no relatives, and the effect of the Reformatory would be to afford to such the parental solicitude which they never knew.

(2) In cases in which the juvenile offender has respectable natural protectors, and in which the agencies of affection and home may be operative, it is still most desirable not to expose him to the contact and atmosphere of older criminals. He ought to be kept under influences as little like those of a Jail as possible. Now, the Reformatory is more like a home than a prison is. Moreover, the father, and especially the mother, would be more likely to visit the child in a Reformatory than in a Jail, and they could be admitted to more frequent and intimate access to the child. The question of distance occurs, but this does not appear to offer much difficulty. If juvenile delinquents are to be subjected to really proper discipline and training in the Criminal Jails of the country, it could only be practically done at the Central Jails under the eye of competent Officers, or at a few of the District Jails which are most favorably situated, and these institutions would be as far, or nearly as far, from the parent as the Reformatory.

(3) I cannot, however, help remarking respectfully that this feature in the reformatory system, which the Government of India deprecate, is exactly the feature which European philanthropists desire. It is considered in Europe that one of the greatest benefits which can be extended to the juvenile criminal in most instances is to be separated from early associations and from parents who are often his instructors in crime, and who live by the fruits of his iniquitous industry. Crime is hereditary, it goes down from generation to generation, and the Reformatory is the beneficent power that breaks the chain of transmitted guilt which weighs upon a family once embarked upon this fatal course. I cannot state from personal knowledge to what extent criminality is propagated by parental teaching in this Presidency. The ancient murdering and thieving castes are no doubt much broken; still, in the country of Thugs, Maravers, Dandassies, Pallers, and Kullers, a hereditary character must be more deeply stamped on crime than in England. The opinion of Captain Drever quoted above is conclusive for Presidency Town. I cannot but think that maturer reflection, and a particular consideration of the physiognomy and history of crime in India, may induce the Government of India to modify their fourth objection to the institution of Reformatories.

10. The absence of moral and religious teaching in a Juvenile Reformatory would be undoubtedly a serious want. Religious teaching in connection with the superstitions of India is, of course, out of the question, and it must be conceded that moral teaching loses much of its force when not associated with the influences of Christianity. Nevertheless, I am not prepared to admit that all direct moral teaching must be banished from an Indian Reformatory. Some of the principles of morals are common to all civilized nations, and may be impressed on the mind as maxims of prudence and honor. Indian children may be convinced that it is their interest not to

steal, though their gods have not said "thou shalt not steal"; or they may be taught to aspire to what is high and good. The Mahomedan religion comprises all the elements of morality except one. It would not be difficult to compile books of morals, acceptable to both Hindoos and Mussulmans, impregnated with much of the spirit of the Gospel, without its dogmas. But, granting that I am mistaken, and that direct moral teaching is impracticable in an Indian Reformatory, there still remains the invaluable force of indirect, insensible, practical discipline—perhaps more powerful than preaching and teaching on the human heart—the habits and lessons of obedience, cleanliness, punctuality, industry, and economy, which may all conduct the criminal child in India, as well as in England, to a better stage in life.

It would evidently be inconsistent with our principles of Government to permit Christian Ministers to make Reformatories vehicles of proselytism. Except as visitors and teachers for the convicted children of Native Christians, Missionaries could not appear in these establishments. But there may be children without any connection or protection in the world, without any positive religion, who know no more of Vishnu or Allah than the waifs and strays of our towns do of Jesus; in such cases, and especially where girls are concerned, I for one would be happy to see the forsaken child of idolatry or error carried from the Reformatory to a Christian Orphanage*.

11. Having thus reviewed the various impediments which, in the opinion of the Supreme Government, render the introduction of the reformatory system undesirable in India, I proceed to notice two injunctions or recommendations with which the despatch of Mr. Bayley concludes.

(1). The Supreme Government prescribe that "the separation between juvenile offenders and the rest of the prisoners in Jails should be rendered as complete as possible," and that "every practicable attempt should be made while the young criminals are undergoing their sentences to instruct and reform them by means of judicious discipline and education."

(2). The Supreme Government "does not think that European subordinate agency would work well in carrying out any plans for juvenile reforms in Jails," and "that it would be desirable to secure the services of respectable Natives and Eurasians, who are better adapted for the furtherance of the object in view."

12. If the Government of India persevere in their resolution to prohibit the separate reformatory system, and to impose upon this Government a system of juvenile training in common Jails, it will be our duty to conform ourselves cheerfully to the orders of superior authority, and give the Jail system a fair trial. I see, however, great difficulties in the way.

(1). The Jails are not laid out in any degree on the reformatory plan, in which, I think, separate sleeping cells should be a primary condition. New buildings of various kinds, or new adaptations of old buildings, would have to be undertaken, and as a moderate number of juvenile criminals would be scattered over a number of separate places, and very few at each, these works would be, relatively to the number of individuals provided for, much more expensive than if the buildings and their inmates were all combined at one spot. I need not say that the buildings

* NOTE.—There would be nothing unprecedented in this. The orphans of the famine—mostly, no doubt, the offspring of Heathen parents—are being brought up by religious Societies as Christians. I am not aware that any Heathen Society offered to take charge of them. Are we to be more scrupulous with the orphans of crime than with the orphans of hunger?

would be less efficient and satisfactory. Moreover, some of our Jails, and especially the Penitentiary at Madras, the chief repository of juvenile offenders, are placed in situations ill adapted for labor training, and especially for rural labor. Of course, with every provision for segregation, the sight and contact of adult criminality would still remain, as well as the forms of Jail discipline, which, I believe, differ from the character which it is thought desirable to impress on Reformatory discipline, though the Reformatory too must have its own features of severity.

(2). Not only the buildings would be more expensive and less appropriate, but the teaching and training Officers would be more numerous, more costly, and less efficient. There can be no doubt that the great impediment in the way of instituting Reformatories here will be the want of proper agents. This is not a work which can be adequately performed by ordinary minds for ordinary wages. There must be zeal and capacity and love for the duty, which are rarely found. To discover and secure agents with such aptitudes might be possible for a single institution—an institution designed for the purpose, placed in public view, and offering all the attractions which belong to a novel and generous enterprise—but it would be vain to look for agents of a high order in sufficient numbers to manage the obscure, diminutive, and scattered establishments which would be created under the recent orders of the Government of India: the management would be inferior, the expense would be greater, and the results would be disappointing.

13. Whether the reformatory efforts which all have at heart are to be prosecuted in the way which the Supreme Government prescribes, or in that which I advise, I entirely concur in the rule laid down that, as far as possible, the juvenile department in the Jail or the separate Reformatory should not be committed to subordinate European superintendence. The class of Europeans which it would be possible to procure here would, as a rule, be altogether unfitted for such a trust. No doubt, among the Eurasians, persons better qualified might be selected, but it would, in my opinion, be most important to associate Native intelligence and Native sympathies with the exertions of Government in initiating a social amelioration so interesting and important.

With reference to girls, I confess I cannot imagine how the work could be prosecuted within the walls of a Jail, or in contact with a Jail at all. I see no other way for the present but to entrust the young female criminal to some Christian lady—a Missionary's widow, or a member of some Roman Catholic Order of Mercy—who, with Native Christian female subordinates, would, in some place apart, undertake the duty of restraint, reformation, and education for the love of God. With such impressions, the Superintendent might conscientiously abstain from the use of Christian teaching, except in the case of the children of Christian parents, or in that of children altogether destitute of any related or legitimate control.

14. In conclusion, I think it right to state that I do not wish to be regarded as the confident or dogmatic asserter of the applicability of the reformatory system to Indian juvenile criminals: there may be many obstacles to the successful introduction of that agency which I have not contemplated, and some certainly suggest themselves to my mind which have not been indicated by the Government of India. I do no more than affirm that there is a fair probability of success; that the chances are better in a separate establishment than in several prisons; and that the

experiment ought at least to be made on a small scale, and in a single locality, in this Presidency. I believe that all the philanthropic ideas which are working their way in European communities are impelled by an irresistible power towards India, that they should be adopted by the Indian Governments, and should be put to the test of experience with patience and caution, without enthusiasm, but also without incredulity.

I accordingly suggest that a letter be addressed by this Government to the Government of India, in reply to their letter of July 16th, soliciting permission to institute a Criminal Reformatory for boys at Madras, calculated in the first instance to accommodate not more than 40 inmates.

Should the Government of India entertain this proposal, it would then be the duty of this Government, before commencing the work, to submit to the Government of India a plan of the proposed establishment, and a scheme of regulations for its management.

Suggestions for the institution of a Female Juvenile Reformatory would after due consideration, be subsequently offered.

(Signed) NAPIER.

No. 200. MINUTE by the HONORABLE H. D. PHILLIPS, dated 16th November 1867.

The long continued disregard of the system prescribed by Section 433, Code of Criminal Procedure, for punishing juvenile offenders, has been caused, I apprehend, by the very great practical difficulties which would have attended its enforcement, to say nothing of the insignificant number of criminals to whom it would have been applicable.

2. Although my views on the subject of juvenile reform in this country are entirely those expressed by the Government of India in their letter, dated the 16th July last, I have perused with much interest the observations recorded in His Excellency the President's Minute, and am free to acknowledge that there seems a strong probability of some few certain benefits resulting from an institution such as His Excellency would establish in the vicinity of Madras. I shall, therefore, with pleasure, join in an application to the Supreme Government for the grant of the sum required to set it up.

3. I doubt, however, whether we ought to accept Captain Dreyer's dictum in regard to the effect of whipping, or his opinion of the reasons by which our Judges and Magistracy are actuated in adjudging whipping as sole punishment.

4. I also doubt whether it will be proper to allow to Christian Missionaries access to the Reformatory as visitors. Should a Christian child unfortunately become one of its inmates, and the Superintendent is satisfied of a real desire on the part of a Missionary to communicate with and instruct the child, it should, in my opinion, be brought to him for the purpose at a proper time, and then be taken back to the Reformatory. I should further be indisposed to permit a female juvenile prisoner to be made over to a Missionary Orphanage in the manner which His Lordship appears to contemplate. It occurs to me that, however friendless the child might be, her transfer from a Government Institution to the charge of Mis-

tionaries would be liable to misconception. In the case of the children abandoned during famine, the action of our Missionaries and the Roman Catholic Clergy has been spontaneous and undirected.

(Signed) H. D. PHILLIPS.

No. 201. MINUTE by the HONORABLE A. J. ARBUTHNOT, dated 31st December 1867.

I have detained these papers in order that, before expressing an opinion on the proposal made by His Excellency the Governor, I might obtain such information as would enable me to form an approximate estimate of the number of juvenile convicts who might with advantage be sent to a Reformatory, in the event of such an institution being established at Madras. As His Lordship observes, the number of juvenile convicts actually in confinement in our Jails, which the returns furnished by the Inspector General show to be very small, is no criterion of the number who might be sent to a Reformatory if such an institution were in existence for it cannot be doubted that a considerable number of the sentences of whipping now passed by the Courts upon juvenile convicts are attributable to the unwillingness of the Judges and Magistrates to expose such convicts to the contamination of a Criminal Jail. From a return which has been furnished by the Inspector General of Police, and which I append to this Minute, it appears that the number of juveniles

Madras Town,
Madras District,
Nellore,
South Arcot.

South Arcot,
Salem,
Trichinopoly,
Coimbatore.

convicted and sentenced in 1866 in the districts noted in the margin was 651 males and 56 females. Major Hean states that the number of juveniles sentenced to whipping cannot be readily ascertained, because the total number of persons flogged is given in the criminal statistics for each district without distinguishing juveniles from adults. Adverting, however, to the comparatively small number of juvenile convicts in confinement, it is clear that a very large proportion of the total number sentenced in the districts to which I have referred must have been flogged and released, and that of these many would have been sentenced to imprisonment if any institution had been available in which they could have been kept separate from adult criminals, and in which they could have been trained to industrious habits, and placed under moral influence of a salutary kind.

2. All the districts which I have named are within easy reach of Madras; Nellore and South Arcot being the two districts immediately adjoining the Madras District on the north and south, while the other districts are all connected with it by rail. In all, with the exception of the Balaghaut Taluq and the Shervaroy Hills in Salem, and the Neilgherry Hills and Collegal Taluq in Coimbatore, the climate is sufficiently similar to that of the Presidency Town to prevent any undue risk to the health of the juvenile convicts from removal to Madras. It will be seen, however, from the annexed statement that the Madras Town and District alone will furnish an ample number of convicts for an institution of the dimensions of that contemplated by His Excellency. Under these circumstances, I readily concur in Lord Napier's proposal that an application should be made to the Government of India for permission to establish an experimental Reformatory at Madras. The cost of the David Sassoon Industrial and Reformatory Institution at Bombay, the

reports on which are put up in the packet, and which on the 31st March last contained 71 inmates, appears to be about Rupees 700 per mensem. A monthly grant of this amount might be requested for the proposed institution at Madras.

(Signed) A. J. ARBUTHNOT.

Number of Juveniles (Male and Female) convicted in 1866 in—

	Under Penal Code.		Under Special Laws.	
	M.	F.	M.	F.
Madras Town.....	...	...	212	5
" District.....	76	7	12	2
Nellore.....	7	1	2	0
North Arcot.....	15	2	...	...
South Arcot.....	23	9	92	10
Salem.....	2	0	...	...
Trichinopoly.....	17	0	10	2
Coimbatore.....	88	7	95	11
Total	228	26	423	30

No. 202. ORDER THEREON, 24th January 1868, No. 120.

In the letter above recorded from Mr. Secretary Bayley, dated 16th July 1867, No. 2332, the orders of the Government of India on the subject of Central Juvenile Reformatories are communicated.

2. The decision of the Government of India, adverse to the establishment of these institutions in India, is founded on the grounds—

- (1). That the number of juvenile offenders who come before the Criminal Courts of the country is very small.
- (2). That the expense of constructing Reformatories would be very great.
- (3). That it would be undesirable to expose juvenile offenders to a change of climate, which is often in this country the cause of sickness and serious mortality.
- (4). That juvenile offenders would be removed from the influence and inspection of their relatives.
- (5). That there would be no moral or religious teaching in an Indian Reformatory; and that, if there were such teaching admitted, it would take the form of proselytism.

3. For these reasons, the Government of India direct that juvenile offenders shall continue, as heretofore, to be confined in the District and Central Jails, but with every precaution to render as complete as possible their separation from adult convicts, and that every practicable attempt should be made to instruct and reform these young criminals by means of judicious discipline and education.

4. The Governor in Council desires, with much deference, to submit for the consideration of the Governor General in Council the reasons which render it, in his opinion, desirable that, in this Presidency, the reformation of juvenile criminals should be attempted in separate institutions, and that the experiment should be

made in the first instance in a single institution, and upon a limited number of juvenile offenders.

5. It is observed that, although the number of juvenile convicts actually in confinement is very small, no criterion is thereby afforded of the number who would be sent to a Reformatory if such were in existence; for it cannot be doubted that a considerable number of the sentences of whipping now passed by the Courts upon juvenile convicts are attributable to the unwillingness of the Judges and Magistrates to expose such convicts to the contamination of a Criminal Jail, and it is very questionable whether the punishment of whipping has an abiding deterrent and reformatory influence on this class of criminals.

6. In respect of the third objection, the Governor in Council considers that a suitable selection of the locality for Juvenile Reformatories would very materially reduce the danger to the health of prisoners by any violent change of climate. This Presidency may in this respect be conveniently partitioned into four great divisions: the Tamil coast region of the south, the Telugu coast region of the north, the higher interior plateaux, and the Western Coast. An inhabitant of a district situated in any one of these divisions would not in any degree suffer in health by being sent to a Reformatory situated within the division in which his Native District is included. It might certainly be imprudent to transport a juvenile delinquent from the few hilly tracts of this Presidency to the plains; but this is not contemplated, and it is satisfactory to know that but few juvenile criminals are furnished by the hill tribes.

7. The entire removal of juvenile offenders from the influence and inspection of their relatives, to which objection is taken by the Government of India, appears to the Governor in Council to be a feature in the reformatory system which, in certain cases, possesses very great advantage. It is considered in Europe of the greatest benefit that the juvenile criminal should, in most instances, be separated from early associations, and from parents who are often his instructors in crime and live by his criminal industry.

8. In this part of India, where, among certain classes, a hereditary and tribal character is stamped on crime, the entire separation of the young criminal from the evil influences which have heretofore attended him is of the utmost importance.

9. The absence of moral and religious teaching in a Juvenile Reformatory in this country would undoubtedly be a serious want; but, although the religious element of instruction would in most instances be necessarily wanting, and in so far the training of the young lose much of its force, still a certain amount of moral training might be secured, and the young inmates of the Reformatory would acquire, to their great future benefit, habits of obedience, punctuality and industry. But the absence of religious training would equally be felt if juvenile offenders were confined in District and Central Jails, while there would be added infinitely greater impediments to their moral training from the vicinity of adult criminals. It must also be remembered that, although competent agency for a very limited number of Reformatories might be procurable at a moderate cost, this would be almost impossible if the juvenile criminals were scattered throughout the Presidency.

10. The Governor in Council, while earnestly and most respectfully deprecating the decision against Juvenile Reformatories pronounced by the Government of India, does not propose to do more in this Presidency, at present, than to establish at Madras a single Reformatory, which would receive juvenile offenders from the Presidency town and from the neighbouring districts. It is proposed to locate this Reformatory on land attached to the Government Model Farm, which is at a short distance from the town itself, in a building of simple and inexpensive construction, and, in the first instance, to provide for about 40 inmates.

11. From a comparison with the expense of the Sassoon Reformatory at Bombay, the monthly cost of an institution such as is proposed at Madras would be about 700 Rupees; but, upon this and other points connected with the institution, detailed information will be furnished to the Government of India upon an intimation being received that they are willing to entertain the proposal.

12. These Proceedings, and the Minutes recorded by the Members of the Government, will be submitted to His Excellency the Governor General in Council. Copies will also be forwarded to the Secretary of State, for his information.

(True Extract).

Chief Secretary.

Ed. J. H. Esq.

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers.

From Secy. Govt. of India. Home Dept.	2/16 July 1867. No 2332.
From Inspector Genl. of Prisons.	2/15 Aug 1867. No 24.
From Under Secy. Govt. of Bombay.	2/7 Decr 1867. No 3572.
Mimute by the R. H. the President.	2/3 Decr 1867.
Mimute by the Hon. R. D. Phillips.	2/16 Decr 1867.
Mimute by the Hon. A. J. Colclough.	2/31 Decr 1867.

Order thereon. 26 January 1868. No 120.

I would wish to
word "final" as we
are recommending the
provision by
but in order to do so.

In the letter above re-
cited from Mr. Secretary
Bayley of 16 July 1867,
No 2332, the final orders
of the Government of
India, on the subject
of Central Juvenile Refor-
matories are communi-
cated.

2. The decision of the
Govt. of India, advised

to the reestablishment of
these institutions in India,
is founded on the grounds,

(1) That the number of
juvenile offenders who
come before the Criminal
Courts of the Country is
very small.

(2) That the expense of con-
structing reformatories
would be very great.

(3) That it would be
undesirable to expose
juvenile offenders to a
change of climate which
is often in this country
the cause of sickness
and serious mortality.

(4) That juvenile offenders
would be removed from
the influence and inspec-
tion of their relatives.

(5) That there would be no
moral or religious teaching
in an Indian reformatory,
and that if there were
such teaching admitted,
it would take the form of
proselytism.

And,

I would say

In these reasons

by

2 1/2
Under these circumstances
the Govt of India direct that
juvenile offenders shall
continue, as heretofore, to
be confined in the District
and Central jails, but
with every precaution to
render as complete as
possible their separation
from adult convicts, and
that every practicable
attempt should be made
to instruct and reform
these young criminals by
means of judicious disci-
pline and education.

11. The Governor in Council
desires with much deference
to submit for the consider-
ation of the Governor General
in Council the reasons
which render it in his
opinion desirable that
in this Presidency the
reformation of juvenile
criminals should be
attempted.

attempted in separate institutions, and that the experiment should be made in the first instance in a single institution and upon a limited number of juvenile offenders.

5. It is observed that although the number of juvenile convicts actually in confinement is very small, no criterion is thereby afforded of the number who would be sent to a Reformatory if such were in existence, for it cannot be doubted that a considerable number of the sentences of whipping now passed by the Courts upon juvenile convicts are attributable to the unwillingness of the judges and magistrates to expose such convicts to the contamination

I must affirm that there are no doubt about it.

I must say that it is my present opinion that the punishment of whipping has an abiding deterrent & reformatory influence on this class of criminals, and he is confirmed by the opinion expressed by the able and experienced officer who is at present in charge of the Police of the town of Madras who affirms that the juvenile offenders who are punished with whipping grow up into adult criminals, and these in turn breed juvenile offenders, so the supply is constant and nothing but Reformatory will stop it.

6. In respect of the 3^d objection, the Governor in Council considers that

of a criminal jail. The punishment of whipping has not, in the opinion of the Governor in Council, an abiding deterrent and reformatory influence on this class of criminals, and he is confirmed by the opinion expressed by the able and experienced officer who is at present in charge of the Police of the town of Madras who affirms that the juvenile offenders who are punished with whipping grow up into adult criminals, and these in turn breed juvenile offenders, so the supply is constant and nothing but Reformatory will stop it.

that a suitable selection of the locality for juvenile Reformatories would entirely obviate the danger to the health of prisoners by any violent change of climate. This Presidency may in this respect be conveniently partitioned into four great divisions, the Tamil Coast region of the South, the Telugu Coast region of the North, the higher interior plateau, and the Western Coast.

An inhabitant of a district situated in any one of these divisions would not in any degree suffer in health by being sent to a Reformatory situated within the division in which his native district is included. It might certainly be expedient to

It is not proposed to remove the prisoners from their native districts, but to select a suitable locality for the Reformatory in each division.

ly A

to transport a juvenile delinquent from the hill country of this Presidency to the plains, but this is not contemplated and it is satisfactory to know that but few juvenile criminals are furnished by the hill tribes.

7. The entire removal of juvenile offenders from the influence and inspection of their relatives, to which objection is taken by the Govt. of India, appears to the Governor in Council to be a feature in the Reformatory system which possesses very great advantage. It is considered in Europe of the greatest benefit that the juvenile criminal should in most instances be separated from early association

ly A

associations and from parents, who are often his instructors in crime and live by his criminal industry.

8. In this part of India where a hereditary and tribal character is stamped on crime, the entire separation of the young criminal from the evil influences which have heretofore attended him is of the utmost importance.

I would insert
"amongst certain" before
"the above"

9. The absence of moral and religious teaching in a juvenile Reformatory in this country would undoubtedly be a serious want; but although the religious element of instruction would in most instances be necessarily wanting, and in so far the training of the young lose much of its force, still a certain amount

of moral training might be secured, and the young inmates of the Reformatory would acquire to their great future benefit habits of obedience, cleanliness, punctuality and industry. But the absence of religious training would equally be felt if juvenile offenders were confined in district and central jails, while there would be added infinitely greater impediments to their moral training from the vicinity of adult criminals. It must also be remembered that although competent agency for a very limited number of Reformatories might be procurable at a moderate cost, this would be almost impossible if the juvenile criminals were scattered all over the Presidency. The

10. The Governor in Council, while earnestly and most respectfully deprecating the decision against juvenile Reformatories pronounced by the Govt. of India, does not propose to do more in this Presidency, at present, than to establish at Madras a single Reformatory which would receive juvenile offenders from the Presidency Town and from the neighbouring district. It is proposed to locate this Reformatory on land attached to the Govt. Model Farm, which is at a short distance from the town itself, in a building of simple and inexpensive construction, and in the first instance to provide for about 40 inmates.

From a companion

6
with the expense of the Sassoon Reformatory at Bombay, the monthly cost of ~~such~~ an institution such as is proposed at Madras, would be about 700 Rs.; but upon this and other points connected with the institution, detailed information will be furnished to the Govt. of India upon an intimation being received that they are willing to entertain the proposal.

12. These proceedings, and the Minutes recorded by the members of the Government, will be submitted to His Excellency the Governor General in Council.

I would add
"Agree with above
to provide for
Surrendering of State for his
information."

111-3-36.1
226

111-3-36.1
226
Judicial 1882. Department.

No. 120.

RECEIVED OF GOVERNMENT.

111-3-36.1-322
From 111-3-36.1-322
Total 226
1882.

196203.