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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Judicial DEPARTMENT

G.O. No. 1271-1272. Press
B.P. No. Mis.

Dated 14th May 1886-196.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 16th January 1886, Mis. No. 124, Judicial.

Read—the following letter from A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, 11th December 1885, No. 1621 :—

I am directed to acknowledge the receipt of your letter, No. 2610, dated the 26th September last, requesting sanction to the grant of a special allowance of Rs. 300 per mensem to the Civil Surgeon of the Chingleput district, whom it is proposed to appoint as Superintendent of the Reformatory School to be established in that district under Act V of 1876.

2. In reply, I am to say that the sanction of Her Majesty's Secretary of State is required to the grant of the proposed allowance; but before making any reference to His Lordship on the subject, the Government of India would be glad if the Madras Government would consider whether the system of management, which it is proposed to establish for the reformatory school at Chingleput, is the best that could be devised, and whether it is not susceptible of improvement. It is understood from your letter and enclosures that, under the plan recommended by His Excellency the Governor in Council, the work of control and management of the school will devolve upon the Civil Surgeon as Superintendent with a committee of visitors, but it is not clear whether it is intended that the Civil Surgeon should actually reside on the school premises. If this is not the intention, I am to suggest that it might with advantage be considered whether the work of actual control and management could not be more satisfactorily performed by a resident officer, who would be in a better position to superintend the inmates and to carry on the practical work of administration than a non-resident official, such as the Civil Surgeon, whose time may be presumed to be already sufficiently occupied by other duties. The reformatory school at Hazaribagh in the Lower Provinces is managed by a resident Deputy Superintendent on Rs. 200 rising to Rs. 250 per mensem subject to the general supervision of the Civil Surgeon of the district who, as Superintendent, is granted an allowance of Rs. 100 a month. This arrangement has, it is believed, been found to work satisfactorily in practice, and if the Madras Government should see fit to recommend the adoption of a similar plan in the case of the reformatory school to be established at Chingleput, the Government of India would readily agree thereto. The system adopted at Hazaribagh has the advantage of placing immediately in charge of the school a responsible and well-paid working official of suitable status, who resides on the school premises, while the Civil Surgeon confines himself to performing the duties of general supervision which would seem to be more appropriate for an officer of that class than the practical work of managing such an institution. I am to add that as it would appear that the Chingleput reformatory school will provide accommodation for about 100 boys, the arrangements to be made for its control and management need not apparently be on a more extensive scale than at the Hazaribagh school, in which 139 inmates were accommodated at the close of the year 1884.

3. I am to take this opportunity of pointing out that the sanction of the Governor-General in Council, as required by section 4 of Act V of 1876, has not yet been procured to the establishment of the proposed reformatory school, and I am to invite the Madras Government to consider the details of the rules to be framed by the Governor-General in Council under section 22 of the Act. Copies of the rules made for the Lower Provinces under that section and of the correspondence which took place with the Bengal Government in connection therewith are enclosed. The Act will doubtless in due course be brought into force in the Madras Presidency by the local Government by means of a notification issued under section 1.

* Home Department Notification, No. 340, dated 13th March 1879.

† Letter from Bengal Government, No. 3066-T, dated 28th October 1876, with enclosure. Letter to Bengal Government, No. 311, dated 16th June 1877.

Letter from Bengal Government, No. 2930, dated 13th August 1877, with enclosure. Letter to Bengal Government, No. 1446, dated 25th September 1877.

4. It would be convenient if your reply to this letter were accompanied by a proposition statement showing the entire establishment which it is proposed to entertain for the reformatory school at Chingleput, and I am accordingly to request that, with the permission of His Excellency the Governor in Council, such a statement may be furnished.

Order—dated 16th January 1886, Mis. No. 124, Judicial.

The foregoing letter will be referred to the Inspector-General of Jails who will (1) submit remarks on the method of management proposed by the Government of India, (2) draft rules on the lines adopted in the Bengal rules, and (3) submit the proposition statement called for, through the Accountant-General, with full explanations at an early date.

(True Extract.)

(Signed) W. WILSON,
Acting Chief Secretary.

To the Inspector-General of Jails, with five original enclosures.

READ—also the following papers:—

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, dated Madras, 29th January 1886, No. 21.

I have the honor to acknowledge the receipt of a letter from the Government of India, Home Department, No. 1621, dated 11th December 1885, together with the Government order thereon, dated 16th January 1886, Mis. No. 124, and in reply to the latter, I have now the honor to submit the remarks therein called for.

2. I have the honor to state that it is intended the Civil Surgeon of Chingleput should reside on the premises of the Reformatory School, and that the actual control and management of the school should be entirely vested in him. He will be assisted by a Deputy Superintendent or Head Master with two assistant masters, and I would strongly urge that the Civil Surgeon of the district may be permitted to carry out the administration in preference to his having merely a general supervision of the Deputy Superintendent.

3. It has always been the intention to have this institution under the direct control of the Superintendent, for, as far back as 1876, the late Inspector-General of Jails, when submitting his remarks on the introduction of the Reformatory Schools Act (V of 1876) into this Presidency, says:—

“For the control and management of the reformatory, I would strongly advocate the appointment of a Superintendent and a committee of visitors for, upon the judicious selection of a person for the post of Superintendent will greatly depend the success or the non-success of the reformatory.”

4. This Government entirely agreed in this view, as shown in their orders, dated 13th November 1876, No. 2349; subsequently in their order on the report of the committee on reformatory schools, dated 12th February 1883, No. 376, Judicial, adhered to the ruling of 1876. The system advocated by the Government of India is very similar to that in force in this Presidency in our district jails; in which the jailer has immediate control and charge of the prisoners, the Superintendent (a Medical officer) merely confining himself to the general supervision. This only requires a short visit daily from the Superintendent, but is not the system I think should be adopted for the reformatory school, in which I consider the Superintendent should know each boy's character thoroughly, and should be constantly having an eye on all that is going on. He should see that discipline is enforced without harshness and, in fact he should be the Head Master of the establishment.

5. These requirements I do not think would be obtained in a person of lower status and on a lower salary, though he might carry out the routine conscientiously enough. He would not have that moral influence and control over the boys which the head of the establishment should have. There are some Medical officers who take more interest in the supervision of their jails than others, and who have an aptitude for organization, which is rarely to be found in the class of men, European or Native, from which a Deputy Superintendent would be selected. As the Medical officer at Chingleput has not a very heavy professional charge, Mr. Goodrich, the late Collector of that district, suggested he should be the Superintendent of the Reformatory School, in preference to the school being left principally to the control of a Deputy Superintendent or manager, and in this I fully concurred when I addressed the Government on the subject last year.

6. With reference to drafting the rules on the lines adopted in the Bengal rules, I beg to remark that the committee, which was convened in 1882 to consider whether it was desirable to bring the Reformatory Act into force in this Presidency, took strong objections to the Bengal rules on several grounds. It was not desirable in their opinion to make the length of the term of detention depend on whether a boy is sent to a reformatory on a first or subsequent conviction, or whether he belongs to a criminal class or on the nature of the offence; that the term of detention should not be regulated with reference to the amount of punishment which would have been awarded, if the boy had not been sent to a reformatory, but rather to the following consideration. What length of time is required to effect a real reformation in a boy's character, to give him an educational and industrial training that will be of real service, and to ensure that he will not be thrown on his own resources before he was of age to provide for himself. The committee were of opinion that in every case and irrespective of the nature of the offence and the number of convictions, the period of detention should be fixed (as far as possible without exceeding the maximum allowed under the Act) so as to ensure that a boy be not released until he approaches the completion of his sixteenth year, and were also of opinion that boys under the age of nine should not as a rule be sent to reformatories at all.

7. I submit therefore, according to the recommendations of the committee, the following draft rules:—

Rule I.—No boy shall be sent to a Reformatory School, if under 10 years of age, for a less period than 7 years; if over 10, for a less period than 5 years, unless he shall sooner attain the age of 16 years.

Rule II.—No boy shall be sent to a Reformatory School under 9 years of age nor over 16 years of age.

8. The proposition statement of the establishment, which it is proposed to entertain for the reformatory school at Chingleput as called for, has been submitted through the Accountant-General.

From the Inspector-General of Jails, dated 1st February 1886, No. 28.

ABSTRACT.—Forwarding proposition statement of the proposed Reformatory.

No. A.D.S.—434.

FORT ST. GEORGE,
26th February 1886.

(Signed) W. DONALD,
Deputy Accountant-General.

No. 619-C.

With reference to his letters, Nos. 21 and 28, dated the 29th January and 1st February 1886, the Inspector-General of Jails is directed to submit at an early date, through the Accountant-General, a revised proposition statement for the proposed Reformatory at Chingleput, providing for a resident Deputy Superintendent on Rs. 200 rising to Rs. 250 per mensem, in place of the resident Medical officer on Rs. 300 per mensem, shown in the proposition statement, submitted with the second of his letters above referred to. The substitution of a Deputy Superintendent for the Medical Superintendent will obviate the necessity for the Head Master on Rs. 150, and the establishment should therefore be further revised by the omission of that officer.

7th April 1886.

(Signed) E. F. WEBSTER,
Chief Secretary.

From the Inspector-General of Jails, dated 8th April 1886, No. 93.

ABSTRACT.—Forwards a revised proposition statement for the proposed Reformatory at Chingleput.

[illegible]

One cook for every thirty boys.

† On scavenger for every sixty boys.

(Signed) H. R. GRIMES,
Inspector-General of Jails.

MADRAS,
8th April 1886.

Accountant-General's Report.

No. A.D.S.—453.

The entries in the column of "Present scale" have been compared with the registers of this office and are correct.

2. The establishment is a new one.

FORT. ST. GEORGE,
13th April 1886.

(Signed) W. DONALD,
Deputy Accountant-General.

ORDER—dated 14th May 1886, No. 1271, Judicial.

In the foregoing letters the Inspector-General of Jails submits his remarks on the method of management to be adopted in the Reformatory proposed to be established at Chingleput, together with the usual proposition statement, and a draft of the rules to be submitted for the consideration of the Government of India with a view to their publication by the Governor-General in Council under section 22 of Act V of 1876.

2. The important question of management has received the careful attention of the Government. The Inspector-General of Jails strongly advocates the appointment of the District Medical officer as resident Superintendent of the Reformatory with a Head Master as assistant, believing that the Medical officer's better education and social status will enable him to exercise a higher moral control over the boys. It appears to His Excellency in Council, however, that considering the class from which most of the boys may be expected to be drawn, the advantages to be derived from the presence of a highly educated Medical officer are overrated, while it would be impossible for such an officer in the midst of other duties to exercise so close and an intimate supervision as would be required. The Governor in Council resolves therefore to adopt the suggestion of the Government of India in their letter, Home Department, No. 1621, dated 11th December 1885, and to place the actual control and management of the institution under a resident Deputy Superintendent on a salary rising from Rs. 200 to Rs. 250 per mensem, supervised by the District Medical officer, who will be Superintendent of the Reformatory with an allowance of Rs. 100 per mensem, but will not reside on the premises. This system, which is stated to be in force at the Reformatory School at Hazaribagh in the Lower Provinces of Bengal, besides the advantages of undivided attention and continuity of management, will produce a considerable economy on the method advocated by the Inspector-General of Jails.

3. The draft rules submitted by the Inspector-General are two in number, viz.:

I. No boy shall be sent to a Reformatory School, if under 10 years of age, for a less period than 7 years; if over 10 years of age, for a less period than 5 years, unless he shall sooner attain the age of 16 years.

II. No boy shall be sent to a Reformatory School under 9 years of age nor over 16 years of age.

4. The first of these rules has the approval of the Government, with the substitution of "18" for "16" in the last line. The Reformatory Schools Act fixes 18 as the maximum age at which boys may be retained in a reformatory, and it appears inexpedient in a rule framed under the Act to attempt to fix a lower maximum. The second rule submitted by the Inspector-General, however, appears to be altogether inadmissible. The clause providing that no boy shall be sent to a reformatory over 16, is superfluous with reference to the definition of "youthful offender" in section 3 of the Act, and the clause forbidding any boy to be sent under 9 years of age is wholly beyond the scope and intention of the section 22 under which power to frame rules is given. The objects which the Inspector-General has desired to attain by this

rule and by the proposal to limit the age at which boys can remain in the reformatory to 16 can be effected more appropriately by an executive order of Government at a later stage.

5. The first rule only of those drafted by the Inspector-General will therefore be submitted to the Government of India, who will be now addressed for the necessary sanction required under section 4 of the Act, and on other points.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Inspector-General of Jails.

LETTER—to the Secretary to the Government of India, Home department, dated Ootacamund, 14th May 1886, No. 1272, Judicial.

With reference to Mr. Mackenzie's letter, No. 1621, dated the 11th December 1885, I am directed to submit the marginally-noted Proceedings of this Government on the subject of the Reformatory School proposed to be established at Chingleput, and to request that the sanction of His Excellency the Governor-General in Council may be accorded under section 4 of the Act to the establishment of the school at that place. With regard to the question of management, His Excellency in Council, accepting the suggestion of the Government of India, has resolved to appoint a Deputy Superintendent, subject to the control of the Medical officer of the district, who will not reside in the school. A proposition statement of the entire establishment is accordingly transmitted with regard to the details of the rules to be framed by the Governor-General in Council under section 22 of the Reformatory Schools Act. His Excellency the Governor in Council does not desire to recommend that the rules which have been framed for the Bengal reformatories should be applied to this Presidency, and would suggest, for the consideration of the Government of India, the single rule indicated in the Proceedings above referred to.

2. In conclusion, I am to request the sanction of the Government of India to the proposals for the management of the reformatory embodied in the proposition statement, and I am to say that upon receipt of a reply to this letter, the Reformatory Schools Act (V of 1876) will be duly brought into force in the Presidency of Madras by a notification under section 1.

E. F. WEBSTER,
Chief Secretary.

Exd. T. O'Connor.

Gobt. of (1886) Madras.

JUDICIAL

Issued

Recd.

Encl.

G.O., &c., 14th May 1886,
Nos. 1271, 1272.

MAY.

Reformatory School.

Passing orders on certain points connected with the management and rules of the proposed — at Chingleput, and requesting the sanction of the Government of India, under section 4 of the Reformatory Schools Act, to its establishment at that place.

14TH MAY 1886, No.

ICIAL.

JUDICIAL DE MENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

With reference to Mr. Mackenzie's letter of 1621, dated the 11th December 1885, I am directed to submit the marked Proceedings of this Government on the subject of the Reformatory

School proposed to be established at Chingleput, to request that the sanction of His Excellency the Governor-General in Council be accorded under section 4 of the Act to the establishment of the school at that place. With regard to the question of management, His Excellency in Council, on the suggestion of the Government of India, has resolved to appoint a Deputy Superintendent, subject to the control of the Medical officer of the district, who will reside in the school. A proposition statement of the entire establishment is accordingly transmitted with regard to the details of the rules to be framed by the Governor-General in Council under section 22 of the Reformatory Schools Act. His Excellency the Governor in Council does not desire to recommend that the rules which have been framed for the Bengal reformatories should be applied to this Presidency, and would suggest, for the consideration of the Government of India, the single modification in the Proceedings above referred to.

2. In conclusion, I am to request the sanction of the Government of India to the proposals for the management of the reformatory embodied in the proposition statement, and I am to say that upon receipt of this letter, the Reformatory Schools Act (V of 1876) will be duly brought into force in the Presidency of Madras by a notification under section 1.

I have the honor to be,
Sir,
most obedient servant,

OOTACAMUND,
14th May 1886.

Chief Secretary.

Encl.

21-12-08 ✓

22-2-79 ✓

Original

Regr. No.

HOME 1886

[]

From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, 14th May 1886, No. 1272.

MAY.

Reformatory School.

Forwarding Proceedings and requesting sanction under section 4 of the Reformatory Schools Act, to the establishment of

No. 3066 T, dated Darjeeling, the 28th October 1876.

From—R. L. MANGLES, Esq., Offg. Secretary to the Govt. of Bengal, Judicial Dept.,
To—The Offg. Secretary to the Government of India, Home Department.

I AM directed to acknowledge the receipt of your letter No. 10—487, dated the 29th March last, in which attention is invited to Section 22 of the Reformatory Schools Act (V of 1876), and it is stated that, should it be the intention of the Lieutenant-Governor to extend the Act to the Lower Provinces, the Government of India will be glad to receive any suggestions which the Lieutenant-Governor may wish to make as to the rules to be framed under the section above quoted.

2. In reply I am to say that the Lieutenant-Governor will be prepared to extend the provisions of Act V of 1876 to the Lower Provinces, as soon as the Reformatory School, which is being constructed at Alipore, is completed; and meanwhile, with reference to Section 4 of the Act, and the correspondence noted on the margin, I am now to request that the sanction of the Governor General in Council may be accorded to the establishment of the Reformatory School in question.

To the Government of India, Home Department,
No. 612 T, dated 2nd June 1876.

From the Government of India, Public Works Department, No. 255 B, dated 12th August 1876.

3. The Lieutenant-Governor has consulted the Inspector General of Jails on the question of the rules which it would be advisable to frame under Section 22 of the Act, and I am now to submit for the consideration of the Government of India a copy of a letter* from that officer on the subject, together with the following observations by the Lieutenant-Governor.

* No. 8284, dated 30th September 1876.

4. Section 22 of the Act quoted lays down that His Excellency the Governor General in Council may from time to time make rules, consistent with the Act, for regulating the period for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other circumstances.

5. Mr. Beverley points out, as already noticed by the Lieutenant-Governor in paragraph 15 of my letter† No. 3186, dated the 11th November 1875, when discussing a somewhat similar question, that it would be very difficult to lay down any hard and fast rules as to the periods for which boys should be sent to Reformatories, with reference to the nature of the offences committed by them, and that it will be advisable to leave the question, under the general restrictions imposed by the Act, to the discretion of the Courts, who will no doubt be careful to adjudge a longer period of detention in the case of habitual offenders and of second convictions.

6. As regards the periods for which Courts should send youthful offenders to Reformatories, with reference to their ages, Mr. Beverley proposes the following rules:—

- (1) that no boy be sent to a Reformatory School if on a first conviction, and if under ten years of age, for a less period than five years; if over ten, for a less period than three years, unless he shall sooner attain the age of 18 years;
- (2) if on a subsequent conviction for a similar offence; if under ten, for a less period than seven years; if over ten, for a less period than five years, unless he shall sooner attain the age of 18 years.

7. Mr. Beverley then adds in the last paragraph of his letter that he thinks that it might and should be pointed out to Judges and Magistrates that, as boys approach the age of 16, they daily become less fit subjects for a Reformatory, and that it is doubtful whether, in the exercise of their discretion,

the Courts should send any boy, over the age of 14, to a Reformatory School.

* No. 3186, dated 11th November 1875.

But on this point it will be seen, from paragraphs 10—12 of the letter* addressed to the Government of India in the Legislative Department, already quoted, that the Lieutenant-Governor has expressed his opinion that boys between the ages of 14 and 16 should not be excluded from the benefits which they would derive from the operations of the Act. It was with reference to this opinion, moreover, that the Government of India extended the period within which boys might be sent to Reformatories from 14 to 16 years of age.

8. The Lieutenant-Governor considers that some such rules as those which have been proposed by Mr. Beverley, as quoted in paragraph 6, will suffice in the first instance, until experience of the actual working of the law may show what other or further rules are necessary. The Lieutenant-Governor concurs also generally with the remarks made by Mr. Beverley, with the exception of those contained in the concluding paragraph of his letter. As regards this matter, the Lieutenant-Governor, I am to say, adheres to the opinion expressed in the letter of the 11th November 1875, paragraphs 10 to 12, and would leave it in each case to the discretion of the Courts to send boys up to 16 years of age to a Reformatory School.

No. 8284, dated Darjeeling, the 30th September 1876.

From—The Offg. Inspector General of Jails, Lower Provinces,

To—The Secretary to the Government of Bengal, Judicial Department.

WITH reference to Government orders No. 1360, dated 5th April last, I have now the honour to report on the rules to be framed under Section 22 of the Reformatory Schools Act, V of 1876.

2. The rules to be framed under that section are for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to—

(I).—Their ages;

(II).—The nature of their respective offences; or

(III).—Other considerations.

3. From the definition of a "youthful offender" in Section 3 of the Act, it will be seen that no boy can be sent to a Reformatory who has not been *actually convicted of some offence* punishable with imprisonment, or transportation. It was proposed by the Bengal Government that boys liable to imprisonment under Sections 194 and 505 of the Criminal Procedure Code should also be liable to be sent to a Reformatory School, but as the Act stands this will not be legal.

4. In considering whether different, and if so, what periods of detention should be prescribed for different offences, I would solicit a reference to the remarks made in paragraph 15 of your letter No. 3186, dated 11th November last, to the address of the Secretary to the Government of India in the Legislative Department. The question here discussed was a very similar one, namely, whether all convicted boys should be liable to be committed to a Reformatory School irrespective of the nature of the offence. The Bengal Government then held and the Legislative Department has acquiesced in the view that in each case it must be left to the discretion of the Magistrate. Sections 7 and 8 of the Act distinctly provide that before a boy is sent to a Reformatory School, he must be judged by the committing Court or Magistrate "to be a proper person to be an inmate of such school," and similarly with regard to the period for which boys are to be committed, I am of opinion that a wide discretion must be allowed to Courts and Magistrates, and that it is not advisable to lay down any hard and fast rule. Offences the same in kind may differ in degree. The most heinous offender under the Penal Code might possibly not be so fit a subject for prolonged detention in a Reformatory as a

hardened pick-pocket. The circumstances of each offence must be taken into consideration at the time of awarding sentence, and I fail to see that any good would be attained by prescribing a graded scale of periods of detention according to the nature of the offence.

5. It will be remembered that the *raison d'être* of the Reformatory Schools Act is that youthful offenders may be detained for a sufficiently long period to permit of their being trained to lead honest and useful lives. At the same time under Section 11 the Local Government is empowered to discharge a boy at any time, and no doubt this prerogative would be freely exercised in cases where boys had proved themselves worthy of it. The provisions regarding licensing and apprenticing boys detained in Reformatories will also, it is hoped, relieve the Government of part of the expense and mitigate the hardship of a lengthened detention. On the whole I am inclined to think that the danger will be that we shall not be permitted to keep the boys long enough rather than that the periods of sentence will be too long.

6. It seems to me, however, that a difference may well be made and ought to be made between a first and a subsequent conviction. It is only reasonable that a longer course of training should be necessary in the case of habituals than of boys who are convicted of a first offence.

7. And as regards age, I think that certain rules will be found necessary. In the first place, inasmuch as under the Penal Code nothing is an offence which is done by a child under seven years of age, it is presumed that we shall have no children below that age. If it be deemed necessary to have a rule on the subject, I should strongly recommend that no boy under eight years of age should be sent to a Reformatory. But it seems to me clear that the younger the age at which children are committed, the longer, relatively speaking, must be the period of detention. A child admitted to a Reformatory at the age of seven or eight would be little benefited if thrown upon the world again at nine or ten years of age. Any child under ten should be kept for a term of five years at the very least, and I should be inclined to fix a minimum of three years in the case of boys over that age. A training of three years' duration is, I find, about the shortest period from which beneficial results are looked for in England. In cases where the offender had been previously, I should be inclined to add an extra term of two years to the period of detention.

8. What I propose then is briefly this: That no boy be sent to a Reformatory School (a) if on a first conviction and if under ten, for a less period than five years, if over ten, for a less period than three years, unless he shall sooner attain the age of eighteen years (Section 10); (b) if on a subsequent conviction for a similar offence. If under ten years, for a less period than seven years, if over ten, for a less period than five years (unless he shall sooner attain the age of eighteen years) (Section 10). Beyond this I should be inclined to leave the length of the period of detention to the discretion of the Court or Magistrate.

9. The Act having fixed the age of sixteen as the limit within which boys may, at the discretion of a Court or Magistrate, be sent to a Reformatory School, it probably would not be legal to fix any lower limit by rule, but I think it might and should be pointed out to Judges and Magistrates that boys as they approach the age of sixteen become daily less fit subjects for a Reformatory, and that it is doubtful whether in the exercise of their discretion any boy over the age of fourteen should be sent to the school. This objection applies with special force in the case of habitual offenders who, at the age of sixteen, are often old in vice and in no way amenable to reforming influences.

No. 3186, dated Calcutta, the 11th November 1875.

From—The Offg. Secy. to the Govt. of Bengal, Judicial Dept.,
To—The Secy. to the Govt. of India, Legislative Dept.

I AM directed to acknowledge the receipt of your letters Nos. 402 and 474, dated respectively the 7th August and 2nd September last, forwarding a Bill which has been introduced into the Legislative Council of the Government of India for the purpose of providing Reformatory and Industrial schools in this country.

2. The Government of India have asked for an expression of the Lieutenant-Governor's opinion on the provisions of the Bill, and more especially on the following points:—

- (1)—As to the maximum age up to which boys should be sent to a reformatory.
- (2)—Whether any difference, with reference to the nature of the offence proved, should be recognized in the case of convicted offenders.
- (3)—As to the expediency of sending boys detained under Section 8 of the Bill to the same school as those dealt with under Sections 6 and 7 of the Bill.

3. The Government of India at the same time request that the opinions of the Inspectors-General of Jails and of Police should be obtained, as well as of selected officers, European and Native, and that these opinions should be communicated to the Government of India.

4. A number of different officers and bodies have been consulted in regard to the provisions of the Bill, and I am to submit the accompanying copies as noted in the margin, of such of the communications received in reply, as appear to the Lieutenant-Governor to be worthy of transmission, for the information of the Government of India.

1. Inspector-General of Police, No. 8660, dated 21st September 1875.
2. Inspector-General of Jails, No. 7516, dated 22nd September 1875.
3. Secretary to the British Indian Association, dated 1st October 1875.
4. Commissioner of Rajshahye, No. 236, dated 23rd September 1875.
5. Magistrate of Howrah, No. 431, dated 25th September 1875.
6. Legal Remembrancer, dated 14th September 1875.
7. Chairman of the Justices of the Peace, Calcutta, No. 2345, dated 23rd September 1875.
8. Municipal Commissioners of Suburbs, No. 12, dated 21st September 1875.

5. The Bill drawn up by the Government of India differs from the Bill which the Lieutenant-Governor originally proposed to introduce into the Bengal Legislative Council, chiefly in the following particulars:—

- (1)—*Preamble*.—The Bill provides for industrial as well as for reformatory schools, and the latter term includes a school in which industrial training is provided. Section 2.
- (2)—It extends to the whole of British India, and comes into force on passing, instead of on notification by Local Government as proposed by the Lieutenant-Governor. Section 1.
- (3)—Its provisions are not restricted to natives only, but are applicable to European British subjects as well as others. Section 2.
- (4)—A juvenile offender means any boy under the age of 14 years, instead of under the age of 16 years, as proposed by the Lieutenant-Governor. The limit has thus been reduced by two years. Section 2.
- (5)—The previous sanction of the Government of India is required to the establishment of reformatory schools and to their being closed. The Bill also provides for schools kept by private persons being used as reformatory schools. Section 3.

- (6)—The Bill gives certain details as to what must be provided at reformatory schools. Section 4.
- (7)—Requires the publication in the local *Gazette* of the certificate given by the Inspector-General of Jails, that a reformatory school is fitted for the reception of youthful offenders. The Inspector-General is also required to inspect and report on such schools. Section 5.
- (8)—Reduces the age proposed by the Lieutenant-Governor from 16 to 14 years. Section 6.
- (9)—Omits the restrictions proposed by the Lieutenant-Governor that the imprisonment should not be less than three months for a second offence. Section 7.
- (10)—Reduces the age from 16 to 14 years, and adds a clause subjecting boys who are without any ostensible means of subsistence to the provisions of the Act. Section 8.
- (11)—Reduces the age up to which boys may be detained in a reformatory from 18 to 16 years. Section 9.
- (12)—Provides for the transfer of boys from one reformatory to another, and for their discharge by the Local Government at will. Section 10.
- (13)—Authorizes the Local Government to empower municipal bodies to pay for the establishment or maintenance of reformatory schools. Section 11.
- (14)—Power is given to order parents, &c., of youthful offenders to defray the cost of their maintenance in schools, and provision made for enforcing payment. Section 12.
- (15)—Makes the appointment of Boards of Management obligatory only as regards schools established by Government, and requires that at least one member shall be an officer of Government. Section 13.
- (16)—Gives the Board power to appoint and remove subordinates. The provision made by the Lieutenant-Governor that the Board of Management should be subject to the direction and control of the Local Government has been omitted. Section 15.
- (17)—Omits mention of the Inspector-General of Jails as an officer empowered to sanction punishments. Section 22.

6. The chief subjects for consideration with regard to reformatory schools are—
- (1)—The age, sex, and nationality of those to be trained in them
 - (2)—The circumstances which are to render them liable to treatment in reformatory schools, and the authority by which each individual case is to be determined.
 - (3)—The classes of schools to be established, and the classes of persons to be confined in each.
 - (4)—The length of period for which confinement in a reformatory may be ordered.
 - (5)—The system to be adopted for the management of reformatory schools.
 - (6)—The means of recovering the expenses of reformatory schools.

7. On all the above points the Lieutenant-Governor has already expressed his opinion in his Minute dated the 11th March last, a copy of which was forwarded to the Government of India in the Home Department with this office letter No. 1169 of the 22nd idem. It now only remains for the Lieutenant-Governor to consider the alterations and additions made by the Government of India in the Bill as originally proposed by him, and to comment on the opinions furnished by the several officers and bodies who have been consulted.

8. In the first place, it will, perhaps, be as well to notice that no sufficient answer has been given by any of those who have opposed the Bill, generally on the grounds that the provisions of the existing law are sufficient, to the difficulty which arises from the fact that the defect in the existing law is that it does not permit of the necessary time and seclusion for the reclamation of juvenile offenders. Under the existing law, two years is the utmost sentence which any Magistrate can pass; in cases of vagrancy much shorter terms only can be awarded; and the number of juvenile offenders who may come before Courts of Sessions, and on whom longer periods of imprisonment may be passed, are exceptionally few. If reformatories, then, are to be established—and the advantages likely to accrue from such institutions have not been questioned—it follows that power must be given to the Courts to pass adequate sentences of seclusion upon juvenile offenders in view rather to their reclamation, and to the circumstances in which they are placed than to the gravity of their offences.

9. The Lieutenant-Governor will now proceed to notice the most material points on which the Government of India have specially asked for an expression of opinion.

10. *Firstly*, as to the maximum age up to which boys should be sent to a reformatory. There is a considerable weight of opinion in favour of the maximum limit of 16 years, as proposed by the Lieutenant-Governor for admission of persons into reformatories, and of 18 years for their discharge. This limit, it will be observed, corresponds with the existing provision of the Criminal Procedure Code, as well as with the definition of "juvenile offenders" in the Whipping Act. It is also within the limits of the age prescribed for the binding of apprentices under Act XIX of 1850. The considerations on which the Government of India have decided to reduce the maximum age up to which boys may be sent to a reformatory from 16 to 14 years, and to reduce the maximum age up to which boys may be detained in a reformatory from 18 to 16 years, have not been stated in the Statement of Objects and Reasons.

11. In England, it is believed that 16 years is the maximum age up to which boys can be sent to a reformatory, and the Lieutenant-Governor sees no reason to believe that boys in this country up to 16 years of age are not as amenable to discipline and reformation as they are in England; or in other words, that a boy, after 14 years of age, is irreclaimable, and not likely to be hardened and confirmed in crime if incarcerated with older and adult offenders. The Lieutenant-Governor would therefore recommend in support of his original proposal, that boys between the ages of 14 and 16 should not be excluded from the benefits which they would derive from the operations of the Bill.

12. As regards the maximum age up to which boys may be detained in a reformatory, the Lieutenant-Governor would also recommend the retention of the age of 18 as originally fixed by him, as he considers that, while on the one hand a boy of 16 years, released from the reformatory, would be too old to be subservient to the discipline and control of his parents, he would on the other be too young to start on any profession, or to undertake any settled occupation as a means of livelihood.

13. *Secondly*.—Whether any difference with reference to the nature of the offence proved, should be recognized in the case of convicted offenders.

It does not appear to the Lieutenant-Governor to be quite clear what is intended by this question, *viz.*, whether convicted boys, after being committed to a reformatory, should be subjected to any different course of treatment with reference to the offence of which they may have been convicted, or whether all convicted boys should be committed to a reformatory, irrespective of the nature of their offences.

14. In the first case, the Lieutenant-Governor is of opinion that a reformatory should be divided into different wards, and that a classification and segregation of the boys on the same principle as that of prisoners in a jail would be very necessary, and should be carried out.

15. In the second case the Lieutenant-Governor observes that Section 6 of the Bill lays down that any boy, convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment may be sent by the Court to a reformatory. This provision is the same as in the Bill drawn up by the Lieutenant-Governor. His Honour, on further consideration, is however of opinion that the words "Indian Penal Code" should be omitted. In each case the question whether a boy should be sent to a reformatory or not would have to be determined rather with reference to the circumstances of the boy than with regard to the particular crime of which he may be convicted, and these considerations would equally arise whether the boy was convicted under the Penal Code or under some other law, such as the Post Office, Railway, or Telegraph Acts. It has been pointed out that some distinction should be drawn in the Bill between heinous and trivial offences, and Mr. Bell has suggested that the words "for which the police may arrest without a warrant" should be added after the words "convicted of an offence" in Section 6; but it appears to the Lieutenant-Governor that such a definition would not meet the object in view, as it would include petty nuisance cases, while excluding forgery and such like crimes.

It would of course be very desirable that the nature of the offences for which a boy would be liable to be sent to a reformatory should be clearly specified, so as to obviate altogether such results as a boy being sent to a reformatory for picking a flower, or for any other petty offence for which imprisonment might be inflicted, but involving no real moral turpitude. But it appears to the Lieutenant-Governor that it would be impossible to lay down precisely in the Bill the offences for which a Magistrate ought or ought not to send a boy to a reformatory, and that in this matter much must be necessarily left to the discretion of individual Magistrates. The Lieutenant-Governor does not anticipate any abuse of the powers which the Bill proposes to accord to magisterial officers; and, as it is, any indiscretion can be remedied by the superior Courts on appeal, &c., or by the Local Government under Section 10. In this connection, however, the Lieutenant-Governor considers that the word "Court," as used in Section 6 of the Bill should be defined, so that the power of sending boys to a reformatory should be exercised by Judges or first class Magistrates only, to the exclusion of Subordinate Magistrates, who have been excluded in the definition of the word Magistrate in Section 1, Clause 6 of the Bill. In the case of Subordinate Magistrates in the mofussil exercising less than first class powers, the Lieutenant-Governor would provide that, if they considered any boy brought before them for trial a fit subject for a reformatory, they might refer the case to any Magistrate of the first class to whom they may be subordinate, who would deal with the case on the analogy of the procedure laid down in Section 46, Criminal Procedure Code. It would also be advisable to make it clear that a Magistrate of the first class can pass a sentence of detention in a reformatory exceeding the limit of two years prescribed for sentences of imprisonment by Section 20, Criminal Procedure Code, otherwise it may be held that he should in such cases commit to the Court of Session.

16. *Thirdly*.—As to the expediency of sending boys detained under Section 8 of the Bill to the same school as those dealt with under Sections 6 and 7 of the Bill.

As regards this question the Lieutenant-Governor observes, in the first place, that the Bill provides for reformatory as well as for industrial schools, and in the second place that Section 8, clause b, provides for boys being sent to a reformatory or industrial school if they are proved to be "without any ostensible means of subsistence." This latter clause goes beyond the provisions of the Bill as originally drawn up by the Lieutenant-Governor, which provided only that a Magistrate may send a boy to a reformatory if such boy was proved to frequent the company of notorious, thieves, robbers, &c.

17. The Lieutenant-Governor is, however, disposed to think that the addition made by the Government of India is desirable; for, as a Magistrate

can, under the existing law, send a boy to prison who has no ostensible means of livelihood, as well as a boy who consorts with thieves and robbers, it is very necessary to provide that in the first case, as well as in the second, the Magistrate should also have the power of sending the boy to a reformatory or industrial school. But as there is a marked distinction between boys who have actually committed crimes, and those who have no means of subsistence, His Honour thinks there can be no doubt that both classes should not be sent to the same school, and that, consequently, reformatory and industrial schools should be separate and distinct institutions. As it is the main object of the Bill to segregate boys who are criminals from adult criminals, and from associating with those who are hardened in crime, it seems to Sir Richard Temple that on the same principle it would be necessary to maintain a distinction between convicted and non-convicted boys, and to keep them in separate institutions, or at least in separate parts of the same institution, which should be separately denominated. The same course, it is believed, is followed in England, and Sir Richard Temple would therefore suggest that the words "industrial school" should be substituted in Section 8 for the words "reformatory school."

18. Strong opinions, adverse to the retention of Section 8, have been expressed by several officers. Those of Mr. Bell and of Mr. Hogg, as expressed by him in his capacity as Chairman of the Justices, require to be noticed. Mr. Bell expresses the fear that the number of boys which the Government would find on its hands for industrial schools, if the Bill is passed into law, is likely to be very large, and that many children now supported by their relatives and friends, who are under no legal obligation to do so, would be thrown as a burden on the State. He thinks, therefore, that no attempt should be at present made to provide industrial schools. Mr. Hogg considers that the provisions of Section 8 are arbitrary and unjust, and that they are wrong in principle, impracticable in working, and, as applied to this country, are fraught with political danger.

19. As regards the above objections, it appears to the Lieutenant-Governor, in the first place, that in practice the number of boys who would be sent to a reformatory under Section 8 would be in fact very small, and that there is no real fear, as anticipated by Mr. Bell, that a large number of boys would be thrown on the hands of Government. Such a conclusion, in short, appears to Sir Richard Temple to be entirely opposed to the habits and feelings of the natives. In the second place, it seems to the Lieutenant-Governor that Mr. Hogg has overlooked the fact that it does not necessarily follow that boys committed under Section 8 should be confined with convicted boys who may be sent to a reformatory under Sections 6 and 7. If they are separately confined, as Sir Richard Temple thinks they should be, as noted above, most of Mr. Hogg's objections would fall to the ground. Thirdly, the Lieutenant-Governor thinks that both Mr. Bell and Mr. Hogg have overlooked the fact that Magistrates can at present consign boys to prison for the reasons stated in Section 8, and that such being the case, it is necessary to provide for some better place than a prison for their reception.

20. There would be, the Lieutenant-Governor considers, no objection to having reformatory and industrial schools in the same building: but it would be absolutely necessary to make proper arrangements for entirely separating the boys who may be sent to either institution.

21. The Lieutenant-Governor will now proceed to notice the several sections of the Bill which, irrespective of the above remarks, have been objected to, or which appear to him to require either amendments or additions.

22. *Section 7.*—The limit of age in this section has been fixed at 12 years only, as in the Bill drawn up by the Lieutenant-Governor. Sir Richard Temple would not, however, on reconsideration, adhere to the limit originally proposed. The section has been framed to meet cases in which Magistrates ought to have taken proceedings under Section 6, but have omitted to do so, or where they

have improperly sent a boy to prison instead of inflicting some other punishment which would not subject the boy to all the evils of being incarcerated with old and hardened offenders. The section is a very necessary complement to Section 6 in this view, and the Lieutenant-Governor would therefore suggest that the limit of age should be the same as in the preceding section, and be fixed at 16 years, as he has already proposed that it should be fixed in Section 6.

23. *Section 11.*—The Justices for Calcutta, and the Municipal body of the Suburbs, have expressed a strong dissent to this section; but it appears to the Lieutenant-Governor that its provisions are permissive only, and that it would be advisable to retain them, so as to enable municipal bodies to establish industrial schools should they wish to do so. The Lieutenant-Governor would therefore retain this section as it stands.

24. *Section 13 et seq.*—The Inspector-General of Jails has raised objections to placing the management of the reformatory schools in the hands of a Board. He points out also that this would place him in an anomalous position. He urges that reformatories should simply be a part of our prison system, and that, if this were done, the Inspector-General of Jails would seem to be the proper person to manage them. But under the Bill as framed by the Government of India, the Local Government can always make the Inspector-General of Jails the President of the Board, and this seems to the Lieutenant-Governor to be sufficient. Sir Richard Temple also does not admit that a reformatory should in any way be attached to a jail, or be under the same management. He would therefore retain these sections as they stand, with this proviso, that the proceedings of the Board should be subject to the direction and control of the Local Government.

25. *Section 21.*—The provisions of this section do not seem to be very clear as pointed out by Mr. Hankey. The Lieutenant-Governor would therefore suggest that Section 15 of the Bill, as prepared by him, should be retained in preference to the first-named section.

26. Mr. Cockerell points out, as a defect, that there are no provisions in the Bill for the punishment of boys who escape from reformatories, or who run away from the charge of employers of labour to whom they may have been licensed. As regards the first point, the Lieutenant-Governor stated in his Minute of the 11th March last, cited above, that such provision was not necessary, but for the reasons stated by Mr. Cockerell, and to make the Bill complete, Sir Richard Temple is now disposed to think that it would be desirable to make an addition to the Bill as suggested by Mr. Cockerell.

27. In conclusion, I am to say that, to avoid confusion, the Lieutenant-Governor thinks it would be well if the Bill provided for the repeal of Section 318 of the Criminal Procedure Code.

28. As regards the other amendments and additions made in the Bill framed by the Government of India, the Lieutenant-Governor has no remarks to make other than to express his approval of them.

No. 941

FROM

ARTHUR HOWELL, Esq.,

Offg. Secretary to the Govt. of India,

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL,
JUDICIAL DEPARTMENT.

Home Dept.
Judicial.

SIMLA, the 26 June 1877.

SIR,

I AM directed to acknowledge your letter No. 3066 T, dated the 28th October last, and in reply to say that the Governor General in Council is pleased to sanction the proposed establishment of a Reformatory School at Alipore, under the provisions of Act V of 1876.

2. The Government of India approve of the rules proposed by the Government of Bengal as to the periods for which boys sentenced to transportation or imprisonment should be sent to a Reformatory School, with the modifications noted below :

RULE I.—No boy shall be sent to a Reformatory School on a first conviction (except as provided in Rule III) if under 10 years of age for a less period than five years; if over 10, for a less period than three years, unless he shall sooner attain the age of 18.

RULE II.—On a subsequent conviction for a similar offence a boy under 10 years of age shall not be sent to a Reformatory School for a less period than seven years; if over 10, for a less period than five years, unless he shall sooner attain the age of 18.

RULE III.—A first conviction may bring a boy under Rule II,

- (1) if he belongs to a criminal tribe,
- (2) if either of his parents is an habitual criminal,
- (3) if he is destitute,
- (4) if the offence of which he is convicted is one arguing great depravity.

3. As to other youthful offenders not coming under the above rules, the Government of India agree to the proposal to leave the term of their residence in the Reformatory School to the discretion of the Criminal Courts convicting them. Mr. Beverley has suggested that it should be pointed out to Judges and Magistrates that boys as they approach the age of 16 become daily less fit subjects for a Reformatory, and that it is doubtful whether in the exercise of this discretion any boy over the age of 14 should be sent to a Reformatory. The Government of India are not disposed to go so far as this. One of the main objects of a Reformatory is to prevent the contamination of youthful offenders by their association with the inmates of a jail, and it may not infrequently happen that from this point of view the benefit of a Reformatory

would be as important in the case of a boy of 14 as in the case of a boy of 10. Should any caution be conveyed to Magistrates and Judges it should be confined to the cases of hardened offenders as shown by repeated convictions or of boys convicted of crimes arguing great natural depravity.

4. If the Lieutenant-Governor has no objection to the modifications above proposed, I am to request that a complete draft of the rules proposed may be submitted for sanction and publication in the *Gazette of India*. In this view I am to enclose for information a copy of the replies received from certain Local Governments and Administrations to Home Department Circular Nos. ¹⁰₄₉₈₋₄₉₇ of the 29th March 1876.

I have the honour to be,

SIR,

Your most obedient Servant,

Edw. Arthur Howell

Offg. Secretary to the Govt. of India.

JUDICIAL—SEPTEMBER 1877.

No. 2930, dated Calcutta, the 13th August 1877.

From—H. A. COCKERELL, Esq., Offg. Secretary to the Government of Bengal, Judicial Department.

To—The Offg. Secretary to the Govt. of India.

I AM directed to acknowledge the receipt of your letter No. 941, dated the 16th June last, and in reply to state the Lieutenant-Governor has no objections to offer to the modifications proposed by the Government of India in the rules which were submitted by this Government under Section 22 of the Reformatory Schools Act V. of 1876.

2. With reference to para. 4 of your letter under reply, I am directed to submit a complete draft of the rules as approved by the Government of India, and to request that you will be good enough to move His Excellency the Governor General in Council to formally sanction these rules and to order their publication in the *Gazette of India*.

Draft Rules under Section 22, Act V. of 1876.

Rule I.—No boy shall be sent to a reformatory school on a first conviction (except as provided in Rule III.), if under ten years of age, for a less period than five years; if over ten, for a less period than three years, unless he shall sooner attain the age of 18.

Rule II.—On a subsequent conviction for a similar offence, a boy under ten years of age shall not be sent to a reformatory school for a less period than seven years; if over ten, for a less period than five years, unless he shall sooner attain the age of 18.

Rule III.—A first conviction may bring a boy under Rule II.—

- (1) if he belongs to a criminal tribe;
- (2) if either of his parents is an habitual criminal;
- (3) if he is destitute; and
- (4) if the offence of which he is convicted is one arguing great depravity.

Exd.—N. C. D.

Register No. 5811.

HOME

1877

DEPT.

Judicial.

From

The Government of Bengal.

Dated 13th }
Recd. 21st } August.

No. 2930.
enclosures.
spare copies.

D. No. 1338.

L. No. 1338.

PROGS. { SEPTEMBER.
Nos. 157 & 158.

~~The Bengal Government have accepted the amendments suggested, and under Rule XXVII of the rules and orders for the transaction of business in Council, page 37, the rules may now be forwarded to the Legislative Department for consideration.~~

~~W. J. S., 22-8-77.~~

~~L. N., 23-8-77.~~

~~To Legislative Department. A. P. H., 24-8-77.~~

Stating that the modifications suggested in the rules and Section 22 of Act V. of 1876, submitted by the Government of Bengal, seem to the Lieutenant-Governor to be unobjectionable, and submitting a complete draft of the rules for sanction and Gazette.

JUDICIAL—SEPTEMBER 1877.

No. 1446, dated Simla, the 25th September 1877.

From—ARTHUR HOWELL, Esq., Jg. Secretary to the Government of India.

To—The Secretary to the Govt. of Bengal, Judicial Dept.

With reference to your letter No 2930, dated the 13th ultimo, submitting for sanction and for publication in the *Gazette of India* rules, under the Reformatory Schools Act, 1876, for regulating the periods for which youthful offenders may be sent to a reformatory school, I am directed to say that the rules are sanctioned, and will be published in the *Gazette of India* as soon as the Local Government formally introduces the Act as required by Section I.

2. I am to explain that the word "depravity" in para. 4 of Rule III. is intended to mean a general corruption of morals apart from the specific criminality of the particular act. This will be shown in a foot note to the printed rules, and the words "within the meaning of Act XXVII. of 1871, Section 2", will be added to the end of para. (1) of Rule III.

Exd.—N. C. D.

dent print

10.

No. 340

HOME DEPARTMENT.

JUDICIAL.

Fort William, the 13 March 1878.

NOTIFICATION.

IN exercise of the power conferred by Section 22 of the Reformatory Schools Act V. of 1876, the Governor General in Council is pleased to make the following Rules for regulating the periods for which Courts and Magistrates in the territories administered by the Lieutenant-Governor of Bengal may send youthful offenders to reformatory schools in the said territories:

RULE I.—No boy shall be sent to a reformatory school on a first conviction (except as provided in Rule III.), if under ten years of age, for a less period than five years; if over ten, for a less period than three years, unless he shall sooner attain the age of 18.

RULE II.—On a subsequent conviction for a similar offence, a boy under ten years of age shall not be sent to a reformatory school for a less period than seven years; if over ten, for a less period than five years, unless he shall sooner attain the age of 18.

RULE III.—A first conviction may bring a boy under Rule II.

- (1) if he belongs to a criminal tribe within the meaning of Act XXVII. of 1871, Section 2;
- (2) if either of his parents is an habitual criminal;
- (3) if he is destitute; and
- (4) if the offence of which he is convicted is one arguing great depravity.*

* N. B.—The word "depravity" here means a general corruption of morals apart from the specific criminality of the particular act.

JAMES O'KINEALY,

Offg. Secretary to the Govt. of India.

No.

Copy forwarded to the Government of Bengal with reference to the letter thence No. 655, dated 14th February 1878.

Under Secretary to the Govt. of India.

Exd.—C. A. S.

Home Dept. Press—No. 186—12-3-78—61.

of placing immediately in charge of the school a responsible and well-paid working official of suitable status, who resides on the school premises, while the Civil Surgeon confines himself to performing the duties of general supervision which would seem to be more appropriate for an officer of that class than the practical work of managing such an institution. I am to add that as it would appear that the Chingleput Reformatory School will provide accommodation for about 100 boys, the arrangements to be made for its control and management need not apparently be on a more extensive scale than at the Hazaribagh School in which 139 inmates were accommodated at the close of the year 1884.

3. I am to take this opportunity of pointing out that the sanction of the Governor General in Council, as required by section 4 of Act V of 1876, has not yet been procured to the establishment of the proposed Reformatory School, and I am to invite the Madras Govern-

• Home Department Notification No. 340, dated 13th March 1878.

† Letter from Bengal Government, No. 3066 T., dated 28th October 1876, with enclosure.

Letter to Bengal Government, No. 941, dated 16th June 1877.

Letter from Bengal Government, No. 2930, dated 13th August 1877, with enclosure.

Letter to Bengal Government, No. 1416, dated 25th September 1877.

ment to consider the details of the rules to be framed by the Governor General in Council under section 22 of the Act. Copies of the rules* made for the Lower Provinces under that section and of the correspondence† which took place with the Bengal Government in connection therewith are enclosed. The Act will doubtless in due course be brought into force in the Madras Presidency by the Local Government by means of a notification issued under section 1.

4. It would be convenient if your reply to this letter were accompanied by a Proposition Statement showing the entire establishment which it is proposed to entertain for the Reformatory School at Chingleput, and I am accordingly to request that, with the permission of His Excellency the Governor in Council, such a statement may be furnished.

I have the honour to be,

S I R,

Your most obedient Servant,

A. M. S. M.

Secretary to the Government of India.

18 11
No. 1077

FROM

A. MACKENZIE, Esq., C.S.,

Secretary to the Government of India.

TO

THE CHIEF SECRETARY TO THE GOVT. OF MADRAS.

Home Department.
Judicial.

Calcutta, the 11 December 1885.

SIR,

I AM directed to acknowledge the receipt of your letter No. 2610, dated the 26th September last, requesting sanction to the grant of a special allowance of Rs. 300 per mensem to the Civil Surgeon of the Chingleput District whom it is proposed to appoint as Superintendent of the Reformatory School to be established in that District under Act V of 1876.

2. In reply I am to say that the sanction of Her Majesty's Secretary of State is required to the grant of the proposed allowance; but before making any reference to His Lordship on the subject, the Government of India would be glad if the Madras Government would consider whether the system of management which it is proposed to establish for the Reformatory School at Chingleput is the best that could be devised, and whether it is not susceptible of improvement. It is understood from your letter and enclosures that, under the plan recommended by His Excellency the Governor in Council, the work of control and management of the school will devolve upon the Civil Surgeon as Superintendent with a Committee of Visitors, but it is not clear whether it is intended that the Civil Surgeon should actually reside on the school premises. If this is not the intention, I am to suggest that it might with advantage be considered whether the work of actual control and management could not be more satisfactorily performed by a resident officer, who would be in a better position to superintend the inmates and to carry on the practical work of administration than a non-resident official, such as the Civil Surgeon, whose time may be presumed to be already sufficiently occupied by other duties. The Reformatory School at Hazaribagh in the Lower Provinces is managed by a resident Deputy Superintendent on Rs. 200 rising to Rs. 250 per mensem subject to the general supervision of the Civil Surgeon of the District who, as Superintendent, is granted an allowance of Rs. 100 a month. This arrangement has, it is believed, been found to work satisfactorily in practice, and if the Madras Government should see fit to recommend the adoption of a similar plan in the case of the Reformatory School to be established at Chingleput, the Government of India would readily agree thereto. The system adopted at Hazaribagh has the advantage

26-9-85: vol 1 v.
+ file 225.

proc CURRENT NO. 4043.

From
G.O. Home Dept
no 1621

21-12-85
16-11-85

Ends. five
+ 78 for c/p.
of current only

Regarding the
revenue of the Ref. no.
School to be established
at Chingleput

Judicial 13
DEPARTMENT.

From

No.

Letter from Govt of India - Home Dept.
dated 11 Dec 1885. no. 1621.

re. the establishment of the
Reformatory at Chingleput.

FOR ORDERS.

In the above letter the Govt of India raise
five distinct questions connected with
the establishment of the Reformatory.

- 1st the question of management.
- 2nd it is pointed out that under § 4 of Act
I of 1876, the sanction of the Govt
in Council is required to the establish-
ment of the Reformatory.
- 3rd that Act I of 1876 will have to be
brought into force in this Presidency
under § 1 of the Act.
- 4th that Rules will have to be framed
under section 22.
- 5th it is requested that a Proposition
statement of the entire establishment
proposed. may be submitted with the
reply.

None of these subjects can therefore
be at present disposed of. Nos. 2 and
3 may wait till the answer to
India is ready. Meanwhile it is
submitted that the letter be re-
ferred to the Dy. of Jails who may
be directed -

- 1st to submit remarks on the
method of management pro-
posed by the Govt of India
- 2nd to draft Rules - on the lines
adopted in the Bengal Rules
- 3rd to submit the proposition
statement thro' the Act Govt
with full explanations at an
early date

4/11/86
11/11/86
5-11-86

1885
1886

The Reformatory to be
established at Chingleput.

FOR ORDERS.

Att. 11/1
1912

13
Jud. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

13
J. C. 4693 of 1885

Order. 16 January 1886 No 124 2115

The foregoing letter
will be referred to the
Supt Genl of Jails who
will (1) submit remarks
on the method of manage-
ment proposed by the
Govt of India (2) draft
rules on the lines adopted
in the Bengal rules and
(3) submit the proposition
statement called for
thru' the Commr Genl
with full explanations
at an early date.

W. Wilson

127
Sg. of Jails
1611
14-1-86
3

1
21-1-86

P. 10

24 Jan
16-1-86

Regd - all the ...

30/16

No 21

Madras 29th January 1886

From

A. B. Grimes Esq
Inspector General of Jails

To
The Chief Secretary to Government
Fort St. George

Sir

I have the honor to acknowledge
the receipt of a letter from the Govern-
ment of India Home Department
No 1621 dated 11th December 1885 together
with the Government order thereon
dated January 16th 1886 No 124, Misc.
and in reply to the latter, I have now
the honor to submit the remarks therein
called for:-

2. I have the honor to state
that it is intended the Civil Surgeon
of Chingleput should reside on the

premises of the Reformatory School, and that the actual control and management of the school should be entirely vested in him. He will be assisted by a Deputy Superintendent, or Head Master with two Assistant Masters and I would strongly urge that the Civil Surgeon of the District may be permitted to carry out the administration in preference to his having merely a general supervision of the Deputy Superintendent.

3. It has always been the intention to have this Institution under the direct control of the Superintendent, for, as far back as 1876, the late Inspector General of Jails, when submitting his remarks on the introduction of the Reformatory Schools Act V of 1876 into this Presidency says: - "For the control and management of the Reformatory, I would strongly

"advocate the appointment of a Superintendent and a Committee of visitors for, upon the judicious selection of a person for the post of Superintendent, with greatly depend the success or the non-success of the Reformatory."

4. This Government entirely agreed in this view, as shown in their orders dated 13th November 1876 No 2349, subsequently in their order on the report of the Committee on Reformatory schools dated 12th February 1883 No 376. Judicial adhered to the ruling of 1876. The system advocated by the Government of India is very similar to that in force in this Presidency in our District Jails; in which the Jailor has immediate control and charge of the prisoners, the Superintendent (a medical officer) merely confining himself to the general supervision, this only

requires a short visit daily from the Superintendent, but is not the system, I think should be adopted for the Reformatory School, in which, I consider the Superintendent should know each boy's character thoroughly and should be constantly having an eye on all that is going on. He should see that discipline is enforced without harshness and in fact, he should be the Head Master of the establishment.

5 These requirements I do not think, would be obtained, in a person of lower status and on a lower salary. Though he might carry out the routine conscientiously enough. He would not have that moral influence and control over the boys, which the Head of the establishment should have. There are some medical officers who take more interest in the supervision of their jails than others, and who have an aptitude for organization, which

58 18
which is rarely to be found in the class of men, European or native, from which a deputy superintendent would be selected. As the medical officer at Chingleput has not a very heavy professional charge, Mr Goddard, the late collector of that District suggested he should be the superintendent of the Reformatory School, in preference to the school being left principally to the control of a Deputy Superintendent or Manager, and in this I fully concurred when I addressed the Government on the subject, last year.

6 With reference to drafting the rules on the lines adopted in the Bengal rules I beg to remark that the Committee which was convened in 1882 to consider whether it was desirable to bring the Reformatory Act into force in this Presidency; took strong objections to the Bengal rules on several grounds. It was not desirable in their opinion

to make the length of the term of detention depend on whether a boy is sent to a Reformatory on a first or subsequent conviction, on whether he belongs to a criminal class or on the nature of the offence, that the term of detention should not be regulated with reference to the amount of punishment which would have been awarded, if the boy had not been sent to a Reformatory but rather to the following consideration. What length of time is required to effect a real reformation in a boy's character, to give him an educational and industrial training that will be of real service and to ensure that he will not be thrown on his own resources before he was of age to provide for himself. The committee were of opinion that in every case and irrespective of the nature of the offence and the number of convictions the period of detention

16 P. 17
should be fixed (as far as possible without exceeding the maximum allowed under the Act) so as to ensure that a boy be not released until he approaches the completion of his sixteenth year and were also of opinion that a boy under the age of nine should not as a rule be sent to Reformatories at all.

7. I submit therefore according to the recommendations of the Committee the following draft rules:—

Rule I. No boy shall be sent to a Reformatory school if under ten years of age for a less period than seven years, if over ten, for a less period than five years, unless he shall sooner attain the age of 16 years.

Rule II. No boy shall be sent to a Reformatory school under nine years of age or over 16 years of age.

8. The proposition statement of

The establishment which it is proposed
to entertain for the Reformatory School
at Fingert as called for has been
submitted through the Assistant
General.

I have the honor to be

Sir

Your most obedient servant.

Henry R. James.

Inspector General of Jails.

PM

Ind. 16-1-86: 1242
— 26-9-85: 2609-10 out
— 26-6-85: 1688
— 12-2-83: 376 ✓
— 5-5-82: 320 ✓
— 13-11-76: 2749 ✓
21-3-76: 5-1 in.

DEPARTMENT NO. 5.
JUDICIAL.

Jail (1886) Department.

FROM

THE INSPECTOR-GENERAL
OF JAILS,

TO

THE CHIEF SECRETARY
TO GOVERNMENT.

For St. George

Dated

29th
}

January 1886.

Received

No. 21.

ENCLOSURE

SUBJECT.

*Remarking on the
necessity of appointing
the first superior of the
but as superintendent of
the proposed Reformatory.*

22/12/2

Accountant-General's Report.

No. 488
488

The entries in the Column of "Present Scale" have been compared with the Registers of this Office, and are correct with the exception of the items altered in red ink.

The Establishment is a new one. The creation of one appointment of Resident Superintendent in Rs 300 per annum, requires the previous sanction of the Government of India under Rule 5 clause 1 (3) Chapter 33 Civil Account Codes.

ACCOUNTANT-GENERAL'S OFFICE,
Fort St. George,
26 February 1886.

H. Donald
D^y Accountant-General.

Government of Madras.

DEPARTMENT.

No.

FORT ST. GEORGE,

The

188

Secretary to the Government
of Fort St. George.

No 28

Madras 1st February 1886

From
A. R. Grimes Esq
Inspector General of Prisons
To the Chief Secretary to Government
Fort St. George

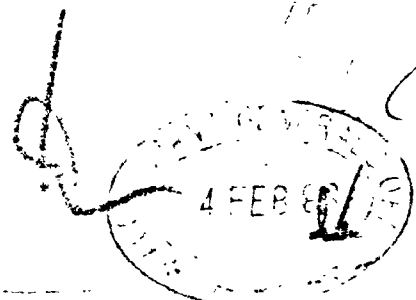
Sir

In continuation of my letter No 21 dated 29th ultimo I have the honor to submit a Proposition statement called for in the order of Government No 124 (Misc) dated 16th January 1886.

I have the honor to be
Sir

Your most obedient servant
Henry R. Grimes
Inspector General of Prisons

Thos the Accountant General.



JUDICIAL.

Jail (1886) Department.

FROM

THE INSPECTOR-GENERAL
OF JAILS,

TO

THE CHIEF SECRETARY
TO GOVERNMENT.

Josh. H. George

Dated

2nd

Received

February 1886.

No. 28

ENCLOSURE

SUBJECT.

*Forwarding Proposition
Statement of the proposed
Reformatory.*

No.

619C

Depo 7/4/86



Judicial DEPARTMENT.

Official Memorandum.

Dated the 7 April 1886.

With reference to his letters - nos. 21 & 28, dated the 29th Jan^y & 1st Feb^y 1886, the Inspector-General of Jails is directed to submit at an early date through the Accountant-General a revised Proposition Statement for the proposed Reformatory at Chingleput providing for a resident deputy Superintendent on Rs. 200 rising to Rs. 250 per mensem, in place of the resident Medical Officer on Rs. 300 per mensem shown in the Proposition Statement, submitted with the second of his letters above referred to. The substitution of a deputy supt for the medical supt will obviate the necessity for

the headmaster on Rs. 150 and the
establishment should therefore be
^{further} revised, by the omission of that
officer.

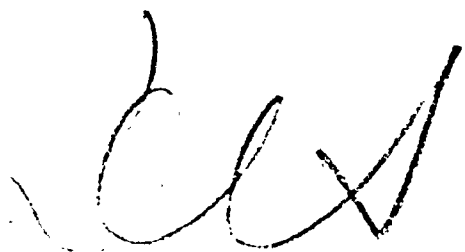
JM

2/4
1/4

2/4

Am. to S. G. of 2nd,
 1819 ©
 277 April 86

From orders
 —



Henry Allen

Accountant-General's Report.

No. 191
456

THE entries in the Column of "Present Scale" have been compared with the Registers of this Office, and are correct with the exception of the items altered in red ink.

The Establishment is a new one.

ACCOUNTANT-GENERAL'S OFFICE,
Fort St. George,
13 April/86

W. Donald
Accountant-General.

Government of Madras.

DEPARTMENT.

No.

FORT ST. GEORGE,

The

155

Secretary to the Government
of Fort St. George.

No. 93.

Madras 8th April 1886.

From,

A. R. Grimes Esq.,
Inspector General of Jails.

To,

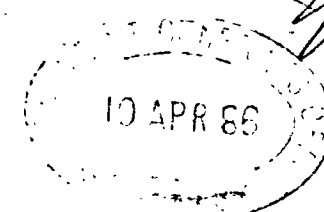
The Honorable E. J. Webster,
Chief Secretary to Government,
Thro' the Accountant General
Fort Saint George

Sir,

As directed in your
official Memorandum No. 619 c
dated 7th instant, I have the
honor to submit a revised po-
sition statement for the proposed
Reformatory at Chingleput.

I have the honor to be

Sir
Your most obedt servant



A. R. Grimes
Inspector General of Jails.

Statement of Proposition

Order sanctioning present Establishment.				NATURE OF CHARGE.											
Government of Department.		Office to which the Proposition refers.	PRESENT SCALE.						PROPOSED SCALE.						
			No.	Designation.	Pay.		No.	Designation.	Pay.						
Minimum.	Maximum.	Minimum.			Maximum.										
No.	Date.														
				RS.	A.	P.	RS.	A.	P.				RS.	A.	P.
										1	Sanitation Officer				
										1	Resident Dy Superintendent	200	-	-	250
										1	Master	75	-	-	75
										1	Second do	35	-	-	35
										1	Writer	20	-	-	20
										1	Head Peon	15	-	-	15
										6	Peons at Rs 8	48	-	-	48
										4	Cooks at Rs 7	28	-	-	28
										2	Scavengers at Rs 5	10	-	-	10
										1	Master Carpenter	15	-	-	15
										1	Do Blacksmith	15	-	-	15
										1	Do Gardener	15	-	-	15
										1	Do Hattaworker	15	-	-	15
										1	Do Tailor	15	-	-	15
										1	Do Boot and shoe-maker	15	-	-	15
										Total	521	-	-	521	

The establishment is required for the proposed Reformatory to be established at Chingaput -

Mary Prymes,
 Inspector General of Jail

(Officer's Designation)

(Signature)

The Secretary to Government
Through the Accounts

Official Department,
 with reference to G.O., No. 1695,
 dated the 23rd September 1878, Financial Department.

Madras }
8th. April 1886. }

JUDICIAL.
Jail (1886) Department.

FROM
THE INSPECTOR-GENERAL
OF JAILS,

TO
THE CHIEF SECRETARY
TO GOVERNMENT.

Thro' Mr. Scott General
Post St. George.

Dated

Received

8th April 1886

No. 93

/ ENCLOSURE

SUBJECT.

Although -
Towards a revised
Proposition statement
for the proposed Reformatory
at Chingleput.

From

Judicial DEPARTMENT.

No.

Inspector Genl. of Jails. 29th Jan. 86 no. 2.
Accountant Genl. 26th Feb. 86. no. 434

FOR ORDERS.

In letter dated 26th September 85. no. 26
the Government of India was address-
ed on the subject of the reformatory
proposed to be established at Chingleput
sanction being requested to the grant of
a special allowance of Rs. 300 p.m. to
the Civil Surgeon of the Chingleput Dist.
where it was proposed
to appoint Superintendent, & a copy
of the Proceedings of this Govt. same date
no. 2809 - being forwarded.

The reply of the Govt. of India to this
letter was dated 11th December 85. no. 162
Five distinct points were raised: refer-
on points 1, 4, & 5 has been made to the
of Jails
and his answers having been received
the several matters for orders are noted
in detail below: -

- (1) The most important question is the first - which
relates to the ^{system} of management: the
Govt. of India say: -
"it is not clear whether it is intended that
"the Civil Surgeon should actually reside on
"the school premises. If this is not the
"intention, I am to suggest that it might be
"advantage be considered whether the work of
"actual control & management could not be
"more satisfactorily performed by a resident officer
"similar to the resident Deputy Superintendent
"at Hazaribagh on Rs. 200 rising to Rs. 250
"per annum, subject to the general supervision
"the Civil Surgeon of the Dist. who, as Superintendent
"draws Rs. 100 a month."

SEP 15

as approved

To this, the D.G. replies that it is intended that the Medical Officer, as Superintendent, should reside on the premises of the Reformatory, and, as the suggestion of the Govt. of India is worded hypothetically, it may be that they will be content with the proposed arrangement when they are informed that the Med. Officer will be resident. The D.G. further remarks that he would strongly urge that the Medical Officer be allowed to be the resident manager, & not have merely a general supervision from outside: he thinks a deputy superintendent would not have the moral influence & control over the boys, which the medical officer as superintendent would exercise.

The decision has to be made, thus, between the system advocated by the ~~Govt.~~ D.G. of Jails, with the District Medical Officer of Chongleput, for the time being, as Superintendent, residing on the premises, with a special allowance of Rs. 300 p.m., & assisted by a Deputy Supt. or Head Master (on Rs. 150 or Rs. 200 p.m.) - and the system - to which the letter from India says - "the Government of India would readily agree" - of a ^{resident} Deputy Superintendent on Rs. 200 or Rs. 250, subject to the general supervision of the District Medical Officer. The following considerations in favor of the latter course may be noted -

(a) that the Dist. Surgeon is liable to be constantly changed - a result which is certainly prejudicial to the working of the institution - whereas the D.G. Supt. would be permanent.

(b) that the latter course is cheaper, the Dist. Surgeon as Superintendent, with his head-master, would cost Rs. 500 p.m., whereas the plan of a resident D.G. Supt. with the Dist. Surgeon exercising a general supervision would cost only Rs. 300 or Rs. 350 p.m.

(c) that the Dist. Surgeon must divide his time between his duties in & his duties outside the Reformatory, whereas the D.G. S.

would have nothing else to do but look after the Reformatory. 30

(d) that the Govt. of India "would readily agree" to the latter course.

The only important argument in favour of the plan of the ~~resident~~ medical officer as ~~superintendent~~ Superintendent - is that he would be a man of better education & culture - & might exercise a more efficacious moral influence over the boys. Against this - has to be put the fact that the boys will belong to the lowest strata of native society. On the whole, it ~~seems~~ is submitted that the ~~present~~ system advocated by the Govt. of India is to be preferred.

2. The Govt. of India point out, that under Sec. 4 of Act I of 1876, the sanction of the Govt. Genl. in Council is required to the establishment of the Reformatory. This will be applied for in due form in the letter to be written to India - when ~~orders~~ on the 1st & 4th points have been ~~passed~~ passed.

3. The Govt. of India also point out, that under Sec. 1 of the Act I of 1876, it must be brought into force by a notification in the official Gazette. This will be prepared.

4. Fourthly, the Govt. of India invite this Govt. to consider the details of the rules to be framed, under Sec. 22 of the Act by the Govt. Genl. in Council, & forward copies of the rules made for the Lower Provinces. These rules are as follow: -

Rule 1. No boy shall be sent to a reformatory school on a first conviction - (except as provided in Rule iii), if under 10 years of age, for a less period than 5 years: if over 10, for a less period than 3 years, unless he shall sooner attain the age of 18.

Rule 2. On a subsequent conviction for a similar offence, a boy under 10 years of age shall not be sent to a

Reformatory school for a less period than 7 years: if over 10, for a less period than 5 years, unless he shall sooner attain the age of 18.

Rule III. A first conviction may bring a boy under rule 2:—

- (1) if he belongs to a criminal tribe
- (2) if either of his parents is an habitual criminal
- (3) if he is destitute
- (4) if the offence of which he is convicted is one requiring great depravity.

FOR ORDERS.

To these Rules. the Jy. of Jails objects in toto. He points out that the Committee, which was convened in 1882 on the question of the Reformatory, considered these rules carefully and objected to them—(1) because the term for which a boy should be sent to the school ought not to be determined by the fact of ~~his~~ his being convicted for the first or second time, nor on the amount of punishment which might have been inflicted, but on the length of time required to effect a reformation in his character—2nd that the minimum periods of detention are insufficient—3rd that the boys should be kept over 16.—The Jy. therefore, acting on the Committee report. Submits 2 draft rules. which are as follow:—

Rule 1. No boy shall be sent to a Reformatory School, if under 10 years of age for a less period than 7 years; if over 10, for a less period than 5 years, unless he shall sooner attain the age of 16 years

Rule 2. No boy shall be sent under 9 years of age nor over 16 years

G.O. 12: Febr 83. no. 376.
Committee's Rept.
paras. 11-13.

Sec. 3. act V of 76

(if considered legal under sec. 22)

31
Of these two rules, it is submitted that the second, as the more general, should come first. In considering this rule, it is to be pointed out that its last clause is in every way superfluous. The last clause says — "no boy shall be sent to the Reformatory school over 16 years of age". But, under the definition of "youthful offender" in the Act — no court can send a boy to the Reformatory — who is not "at the time under the age of 16 years," — moreover Rule 1 — to be noticed below — appears to contemplate the release of all boys at 16. The second of the Jy.'s rules — will therefore count only of this sentence — "No boy shall be sent to the Reformatory school under nine years of age". This is in conformity with the opinion of the Committee of 1882 (vide para. 11 of their Report), and may be adopted. It may be pointed out that the Committee were also in favour of ruling that no boy over 14 should be admitted. ~~It would~~ It would, no doubt, not generally be desirable to receive boys over 14 into the School, but as the Government has power under the Act (Sec. 11) to remove any boy from the

SEP 5. we approve.

school to jail, and as the Act expressly allows boys up to 16 to be sent to reformatories, it would be inexpedient & ^{possibly} illegal to frame a rule excluding boys over 14 & the matter would be more properly dealt with by a ^{circulating} letter of directions to all Magistrates.

Then as to the first rule of the B.G. Two objects are involved - 1st to ensure that boys are not released till near ^{the end of} their 16th year, 2nd to limit the age at which a boy can stay in the reformatory to 16. Both ^{of these} are in accordance with the Committee's recommendations - (para. 13 - para 10 of their Rept.). The first object is doubtless desirable, and probably the second also, considering that boys of the class - who are likely to fill the school - ~~would~~ are usually well able to take care of themselves at 16. It will be observed however, both that the maximum age fixed by the Act is not 16 but 18, and that 18 is adopted by the Bengal Rules. It is not impossible that the Govt. in Council, having expressly adopted 18 as the maximum age in the Act, may be unwilling to adopt 16 in the Rules framed under sec. 22. It will always be possible for the Govt. to remove boys from the School at 16 - and in view of these considerations, it is submitted that 18 should be

substituted for 16 in the 1st of the B.G. Rules.

It is proposed then that the Rules shall run thus -

- (1) No boy shall be sent to a Reformatory School under 9 years of age.
- (2) No boy shall be sent to a Reformatory school, if under 10 years of age, for a less period than 7 years; if over 10, for a less period than 5 years, unless he shall sooner attain the age of 18 years.

It is even doubtful whether Rule 1 is now legal, under the terms of sec. 22.

In these rules - no difference is made between a first and second conviction, as is done in the Bengal rules. Submitted that this is right, being in accordance with the view of the Committee of 1882. Nor is there difference made between boys, the children of criminal ^{and others} parents or destitutes. This matter might be conveniently dealt with in a directory circular to Magistrates, in framing which the recommendations of the Committee's Rept. para. 11 - would need consideration. No other rule, differentiating between the offences committed, or otherwise, was found practicable in Bengal, & ^{now} need ~~not~~ therefore be undertaken here.

(5). The B.G. Submits the following

proposition. Statement for transmission
to the Govt of India. Should the
Govt decide to adopt the recommen-
dation of the Govt of India & the
system of a resident Deputy Supt,
the proposition statement will require
to be recast.

Reformatory

200
19/12.

W

Think the sug-
gestions embodied
in this note may
be adopted 9/11/13
26/13

33
Draft order and Letter to the Govt of
India. regarding the proposed Reforma-
tory at Chingleput

33
In drafting the above order & Letter, a
single departure has been made, from
the proposals w^h rec^d the Hon. Member's
sanction in Note for orders attached to
original of O.M. dated the 7. April 88.

Upon further consideration of Section 22 of
the Reformatory Schools Act I of 1876,
it appears to be almost certain that
the whole of Rule 2 as drafted by the S^g.
^(as was suggested in the note for origin)
of Jails was ultra vires illegal. That
section empowers the S^g. & C. to make
rules - "consistent with this Act for regu-
lating the periods for w^h Courts & Magistrates
may send youthful offenders to Reformatory
Schools according to their ages, the nature
of their respective offences or other consid-
erations."

The Rule proposed by the S^g. of Jails was -
"No boy shall be sent to the Reformatory
under 9. nor over 16 years of age."

It seems probable that this rule would be
illegal under section 22. and it would be at
least so doubtful that the Govt of India
would decline to appeal. The rule does
not regulate the period for w^h a boy may
be sent, but it says no boy under
9 shall be sent at all to the Reformatory.
No such limitation is placed in the Act, &
the Rule w^l not therefore be consistent
with the Act.

I have therefore ventured to omit the
rule. & submit that this course may
be approved.

200

be approved

C. 24/3. C. 29/3.
R. 27/3. R. 1/4.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O. 16th Jan 1886 - no 124 mis,

READ ^{also} the following

from S.G. of Tails: 29th January 86 - no. 21 -
from Secy. Genl: 26th February 86 - no. 123 434
from S.G. of Tails: 8th April 86 - no. 93.

Order 14 May 1861 - 1271.

In the foregoing letters the Inspector General of Tails submits his remarks on the method of management to be adopted in the Reformatory proposed to be established at Chingleput, together with the usual Proposition Statement, and a draft of the Rules to be submitted for the consideration of the Govt of India with a view to their publication by the Gov. Genl in Council under section 22 of Act V of 1876.

2. The important question of management has received the careful attention of the Government. The S.G. of Tail strongly advocates the appointment of the District Mds^r Officer as resident Superintendent of the Reformatory with

444 2/5

under the Act to attempt to fix a lower maximum. The second rule submitted by the Sg. however appears to be altogether inadmissible. The clause providing that no boy shall be sent to a Reformatory over 16. is superfluous with reference to the definition of "juvenile offenders" in Section 3 of the Act - and the clause forbidding any boy to be sent under 9 years of age is wholly beyond the scope and intention of the section 22 under which power to frame rules is given. The object ^{of} the Sg. has desired to attain by this rule - and by the proposed ^{to} limit the age at which boys can remain in the Reformatory to 16 - can be effected ~~without difficulty~~ more appropriately by an executive order of Govt. at a later stage.

5. The first rule only of those ^{drafted} ~~submitted~~ by the Sg. will therefore be submitted to the Govt of India, who will be now addressed for the necessary sanction required under section 4 of the Act and on other points.

SEP
1/5.

The Sg. sent 6 Dec 1885

Mr. Secretary
Reformatory

AM

Enclosed find a copy of the report for Rs. 10000000 to the Superintendent (2nd) of the District (1000) and a copy of the report to the Govt. of India.

Dep. Secy to the Govt
1/6/85

158
Judicial DEPARTMENT

No. 1272 - 11/12/85

To

The Secretary to the Government

of India,

Home DEPARTMENT.

Sir,

With reference to Mr. Mackenzie's letter - no. 1621 - dated the 11th December 1885 - I am directed to submit the marginally noted Proceedings of this Government on the subject of the Reformatory School proposed to be established at Chingleput. and to request that the sanction of H.E. the Governor General in Council may be accorded ^{under section 4 of the Act} to the establishment of the School at that place. With regard to the question of management, ^{the} ~~the~~ Government has resolved to accept the suggestion of the Government of India ^{in regard to appointing} ~~in regard to appointing~~ a Deputy Supt. subject to the control of the Medical Officer of the District - who will not reside in the school, and a Proposition Statement of the entire Establishment is accordingly transmitted with regard to the details of the Rules to be framed by the Gov. General in Council under section 22 of the Reformatory Schools Act. ~~and~~ ^{and} H.E. the Governor in Council does not desire ~~to~~ to recommend that

under the Act to attempt to fix a lower

maximum

by the 24. The rules which have been framed
for the Bengal reformatory should
be applied to this Presidency, and
that no
would suggest for the consideration of
the Govt. of India the single rule indicated
in the Proceedings above referred to.

Section 3

forbidde 2. In conclusion I am to
request the sanction of the Government
of India to the proposals for the man-
agement of the Reformatory embodied in
the Proposition Statement - and to
say that upon receipt of a reply to this
letter the Reformatory Schools Act
of 1876 will be duly brought into force
in the Presidency of India as evidenced by
a notification under section 1.

by by an

later etc

5. The f

by the 24

to the Govt

address

required

on other

sep

7/5.

76

R. Form 100
Telegram

187

DEPARTMENT.

No.

To

The Secretary to the
Government of

Department.

Dated

187

சென்னை
தமிழ்நாடு
சென்னை

a Head Master as assistant, believing that the
Medical Officer's ^{education &} better social status will enable
him to exercise a higher moral control over
the boys. It appears to His Excellency in
Council however that considering the
class from wh^{ch} most of the boys may be expected
to be drawn, the advantages to be derived fr^{om}
the presence of a highly educated medical officer
are over-rated, while it would be impossible
for such an officer in the midst of other duties to
~~be~~ exercise so close & an intimate super-
vision as would be required. The Governor
in Council resolves therefore to adopt the
suggestion of the Government of India in
their letter Home Dept No. 1621 dated 11th Dec 85
and to place the actual control & management
of the institution under a resident Deputy
Superintendent on a salary rising from
Rs 200 to Rs 250 per mensem, supervised
by the District Med^l Officer who will be
Supt of the Reformatory, but will not reside
with an allowance of Rs. 100 p.m.
on the premises. This system which is stated
to be in force at the Reformatory School at

Hazaribagh in the Lower Provinces of Bengal, besides
the advantages of undivided attention and
continuity of management, will produce a
considerable economy on the method advocated
by the 2^d of Jails.

3. The draft Rules submitted by
the 2^d are two in number, namely:-

I. No boy shall be sent to a Reformatory
School, if under 10 years of age, for
a ~~less~~ period than 7 years, if over
10 years of age, for a less period
than 5 years, unless he shall sooner
attain the age of 16 years.

II. No boy shall be sent to a Reforma-
tory school under 9 years of age
nor over 16 years of age.

4. The first of these rules has
the approval of the Government - with
the substitution of "18" for "16" in the
last line. The Reformatory Schools
Act fixes 18 as the maximum age at
which boys may be retained in a Reformatory
and it appears inexpedient in a rule from