



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

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FRIDAY, 21ST MARCH 1892.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

**REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER AND
REPORT ON A BILL REGARDING JUVENILE REFORMATORIES.**

I. and II., Vic. Chap. 82.
XVII. and XVIII., Vic. Chap. 86.
XX. and XXI., Vic. Chap. 55.
XXI. and XXII., Vic. Chap. 103.

THE Committee determine to report that in their opinion the following Bill, founded upon the provisions of the Imperial Acts noted in the margin, should be substituted for the Bill submitted to the Select Committee:—

*A Bill for the Establishment and Regulation of Reformatory Schools for
Juvenile Offenders.*

WHEREAS it is expedient to provide for the Establishment and Regulation of Reformatory Schools, as contemplated in the Code of Criminal Procedure, in which Juvenile Offenders may be detained and corrected, and may receive such instruction and be subject to such discipline as shall appear most conducive to their reformation and to the suppression of crime; and whereas it is considered advisable to provide for the confinement in such Reformatories of Juvenile Offenders who may be sentenced by any of the Criminal Courts in the Presidency of Bombay :

I. It is enacted, that it shall and may be lawful for the Governor of Bombay in Council, upon application made to him by the Directors or Managers of any such Institution, to direct the Inspector of Jails and Director of Public Instruction to examine and report to him upon its condition and regulations; and any such Institution as shall appear to the satisfaction of the said Governor of Bombay in Council to be useful and efficient for its purpose, shall be held to be a Reformatory School under the provisions of this Act, and a Certificate to that effect shall be given to the Directors or Managers of the Institution, under the signature of one of the Secretaries to Government. Provided always, that it shall be lawful for the Inspector General of Prisons, or Director of Public Instruction, to visit from time to time any Reformatory School which shall have been so certified as aforesaid; and if upon the report of either or of both of them the said Governor of Bombay in Council shall think proper to withdraw the said Certificate, the withdrawal shall be notified in writing by one of the Secretaries to Government to the Directors or Managers of the said Institution, and the same shall forthwith cease to be a Reformatory School within the meaning of this Act.

II. Whenever the said Governor of Bombay in Council shall at any time grant a Certificate under this Act to any Reformatory School, a notice thereof, specifying the names of the Directors or Managers thereof, shall, within One Calendar month, be published in the *Bombay Government Gazette*, and such publication shall be a sufficient evidence of the fact of such Reformatory School having been certified, to justify the Judge or Magistrate, before whom any such Juvenile Offender shall have been convicted, to commit such Juvenile Offender thereto, subject to the provisions of this Act; and whenever the Governor of Bombay in Council shall withdraw the Certificate granted to any Reformatory School, notice of such withdrawal shall, within One Calendar month, be given in the said *Gazette*.

III. Whenever, after the passing of this Act, any person under the age of sixteen years shall be convicted of any offence punishable by law before any Police Magistrate, or any of the Criminal Courts subject to the Presidency of Bombay, then, and in every such case, it shall be lawful for any Court, Judge, or Police Magistrate, before or by whom such offender shall be so convicted, in addition to the sentence then and there passed as a punishment for his offence, to direct such offender to be sent, at the expiration of his sentence, to some one of the aforesaid Reformatory Schools to be named in such direction, the Directors or Managers of which shall be willing to receive him, and to be there detained for a period not less than two years, and not exceeding five years, and such offender shall be liable to be detained pursuant to such direction. Provided always, that no offender shall be directed to be so sent and detained as aforesaid, unless the sentence passed as a punishment for his offence at the expiration of which he is directed to be so sent and detained, shall be one of imprisonment for fourteen days at the least; provided also, that the Court, Judge, or Police Magistrate, may, if it thinks right, direct such term of imprisonment to be in a moveable or immovable place, in the Civil Jail or in separation from the more heinous offenders; and provided also, that the Governor of Bombay in Council may at any time order any such offender to be discharged from any such School.

IV. If any offender who shall be ordered to be confined in any of the aforesaid Reformatory Schools shall, at any time during the term of such confinement, escape from the place of his confinement, or in his conveyance to such place of confinement, or from any lands belonging to the Reformatory, he shall be punished by an addition, not exceeding two years, to the term for which at the time of his escape he was subject to be confined; and if an offender so punished by such addition to the term of confinement shall afterwards be convicted of a second escape, he shall be liable to be imprisoned with rigorous imprisonment for a term not exceeding three years; and if any offender who shall be ordered to be confined in the said Reformatory shall, at any time during the term of such confinement, attempt to escape from the place of his confinement, or shall forcibly break out of his cell, or shall make any breach therein with intent to escape, he so offending, being convicted thereof, shall be punished by imprisonment for a term not exceeding Twelve Calendar months, in addition to the punishment to which he, at the time of committing any such offence, was subject.

V. Every person who shall rescue any offender who shall be ordered to be confined in any Reformatory, either during the time of his conveyance to the said Reformatory, or whilst such offender shall be in the custody of the person or persons under whose care and charge he shall be so confined, and also every person who shall aid in any such rescue, shall be liable, on conviction, to be imprisoned with rigorous imprisonment for a term not exceeding three years; and every person having the custody of any such offender, or employed by the person having such custody as an Assistant or Guard, who shall knowingly allow such offender to escape, and also every person who shall, by supplying arms, tools, or instruments of disguise, or otherwise in any manner aid any such offender in any escape or in any attempt to make an escape, though no escape be actually made; or who shall attempt to rescue any such offender or aid in any such attempt, though no rescue be actually made, shall, on conviction, be liable to fine and to be imprisoned with rigorous imprisonment for a term not exceeding three years; and every person having such custody as aforesaid, who shall carelessly allow any such offender to escape shall, on being lawfully convicted of the same, be liable to fine or imprisonment not exceeding three months, or to both at the discretion of the Court.

VI. In every case in which any Juvenile Offender shall be sentenced to be detained in a Reformatory School under this Act, the Court by which he shall be so sentenced shall in the Warrant direct that the parent of such offender shall, if of sufficient ability, be liable to contribute to his support and maintenance a sum not exceeding Rupees Three per month; and upon the complaint of the Directors or Managers or any one of them named in the notice published in the *Government Gazette*, under Section II. of this Act, it shall be lawful for the Zillah Judge or Magistrate of Police, to summon the parent, and on the hearing of such summons, whether the

party summoned shall appear or not, to examine into his or her ability to contribute to such offender's support or maintenance, and to make an order upon him or her for such monthly payments, not exceeding Rupees Three per month, as shall seem reasonable during the whole or any part of the detention of such Juvenile Offender in any such Reformatory School, such payment to be made at such times as by such order may be directed to the Director or Manager of the Institution, or to such person as may be appointed to receive the same, and by him to be accounted for and paid as the Zillah Judge or Magistrate of Police may direct.

VII. In case default be made for the space of fourteen days in payment of any sum of money which may have become payable by such parent under any such order, such sum of money shall in every such case be levied upon the goods and chattels of the Defendant by distress and sale thereof; and if it shall appear, on confession of the Defendant or otherwise, or if it shall be returned to the Warrant of Distress in any such case that no sufficient goods of the party against whom such Warrant shall have been issued can be found, it shall be lawful to the Magistrate or Judge to whom such return is made, to commit the Defendant to prison, for any term not exceeding ten days, unless the sum to be paid, and all costs and charges of the distress, and of the commitment and conveying of the Defendant to prison (the amount thereof being ascertained and stated in the Warrant or Commitment) shall be sooner paid.

VIII. It shall be lawful for the Governor of Bombay in Council, upon the application of the Directors or Managers of any Reformatory School for youthful offenders, already established in whole or in part by voluntary contributions, or of the Promoters of a Reformatory School intended to be so established, to make an order for the payment of money in aid of such Reformatory School or of the Establishment thereof, subject to such conditions as may be agreed upon between the Governor of Bombay in Council and the said Directors, Managers, or Promoters; provided also, that in the case of any Reformatory established in the Island of Bombay, payment in aid may be made out of the Municipal Fund as to a "public work," under Section XXVIII. Act XXV. of 1858.

IX. It shall be lawful for the Governor of Bombay in Council, if he shall think fit to do so, to remove any such youthful offender from any Jail to any Reformatory School under this Act; provided always, that such removal shall not increase the period for which such offender was sentenced to remain in the Jail.

X. Section 433 of Act XXV. of 1861 shall be applicable to all Officers exercising magisterial authority in Military Cantonments.