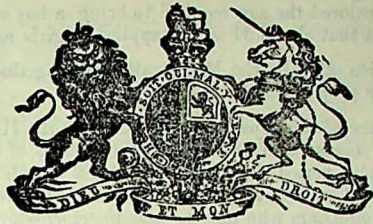


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THURSDAY, 4TH MARCH 1897.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th February 1897:—

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to

- From Agent to Governor General in Baluchistan, No. 3106, dated 20th April 1895 [Paper No. 1].
- From Chief Commissioner, Coorg No. 800, dated 13th June, 1896 [Paper No. 2].
- From High Court, Calcutta, No. 2303, dated 14th July, 1896 [Paper No. 3].
- From Chief Commissioner, Burma, No. 603—L-18, dated 21st July, 1896, and enclosures [Papers No. 4].
- From Secretary for Berar to Resident, Hyderabad, No. 215, dated 29th July, 1896, and enclosures [Papers No. 5].
- From Chief Commissioner, Assam, No. $\frac{142 \text{ L. \& L.}}{3270}$ J., dated 4th August, 1896, and enclosures [Papers No. 6].
- From Chief Commissioner, Central Provinces, No. 5354, dated 10th August, 1896, and enclosures [Papers No. 7].
- From Chief Commissioner, Ajmere-Merwara, No. 1004, dated 21st August, 1896, and enclosures [Papers No. 8].
- From Government, Bengal, No. 2611 P, dated 25th August, 1896, and enclosures [Papers No. 9].
- From Government, Bombay, No. 6262, dated 12th September, 1896, and enclosures [Papers No. 10].
- From Government, North-Western Provinces and Oudh, No. 2650, dated 2nd September, 1896, and enclosures [Papers No. 11].
- From Chief Commissioner, Burma, No. 553—L-18, dated 23rd September, 1896, and enclosures [Papers No. 12].
- From Government, Punjab, No. 1077, dated 3rd October, 1896, and enclosures [Papers No. 13].
- Office Memorandum from Home Department, No. 613, dated 5th November, 1896, and enclosures [Papers No. 14].
- Endorsement from Home Department, No. 634, dated 29th December, 1896, and enclosure [Papers No. 15].
- Note by the Hon'ble Pandit Bishumber Nath, dated 6th January, 1897 [Paper No. 16].

to
Reformatory
Schools and to
make further
provision for
dealing with
youthful offend-
ers was referred,
have considered
the Bill and the
papers noted
in the margin,
and have now the
honour to submit
this our Report,
with the Bill as
amended by us
annexed thereto.

2. *Clause 1.*—We have ascertained that the Punjab and Coorg are the only two provinces of British India (other than deregularized areas such as Upper Burma and British Baluchistan) in which the Reformatory Schools Act, 1876, has not been brought into force. We have, therefore, while making the repeal of the existing Act general, altered the extent clause of the Bill as introduced so as to bring the proposed Act into force at once in all places in which the existing Act is now in force.

3. *Clause 4.*—"Youthful offender."—Owing to the representations made on the subject by the Government of Bengal, we have reduced the age required to bring a boy under this definition from sixteen to fifteen years. It is to be noted that clause 31 is now applied to girls as well as boys.

We have also added a definition of "District Magistrate," making that term include a Chief Presidency Magistrate for the purposes of the proposed Act.

4. *Clause 8.*—In consequence of the objections taken to it by the High Court at Calcutta and other authorities, we have recast this clause and restored the provisions of the existing law under which the discretion of the Courts as to the period for which a youthful offender is to be sent to a reformatory is limited by rules to be made by the Local Government. We have further limited the discretion of the Courts as to the kind of youthful offenders who may be sent to reformatories by also conferring power on the Local Government to provide by rule what youthful offenders should be sent to reformatories having regard to the nature of their offences or other considerations. In view of the reduction of age in the definition of "youthful offender" above explained, we have extended the minimum period of detention from two to three years. Lastly, we have extended the powers conferred by this clause to *any* Magistrate specially authorized by the Local Government in this behalf and have declared that the powers conferred may be exercised whether the case comes before the Court originally or on appeal.

5. *Clause 9.*—We have made this clause conform more strictly to the procedure prescribed by section 349 of the Code of Criminal Procedure by reserving the power to pass sentence as well as to pass the order for detention in a reformatory in the hands of the District Magistrate.

6. *Clause 10.*—We agree with the North-Western Provinces and Oudh Government that the wording of sub-clause (1) of this clause might with advantage be made clearer, and we have adopted the re-draft of the sub-clause proposed by that Government.

7. *Clause 11.*—We have inserted a new sub-clause (2) to this clause requiring a subordinate Magistrate, before sending a case up to a District Magistrate as prescribed by clause 9, to hold such an inquiry into the age of the youthful offender as is required by this clause. We have omitted the old sub-clause (2) as being now unnecessary.

8. *Clause 12.*—We have, on the suggestion of the North-Western Provinces and Oudh Government, recast the proviso to this clause so as to make it impossible to keep a boy, who has been sent to a jail to wait there until he can be removed to a reformatory, for a longer term in the jail than that of his substantive sentence.

9. *Clause 13.*—We have recast this clause on lines proposed by the Chief Commissioner of the Central Provinces, so as to provide a procedure for dealing with a youthful offender whose age has been afterwards found to have been understated at the time of sentence.

10. *Clause 14.*—We have omitted sub-clause (b) of this clause because we do not consider that a boy who has been detained in a reformatory should be sent back to prison under any circumstances.

11. *Clause 15* is new. We are aware that power is already possessed by the Governor General in Council under section 32 of the Prisoners Act, 1871, as amended by Act VII of 1894, section 1, to remove youthful offenders from one reformatory to another in British India, but we are of opinion that it is desirable nevertheless to insert in the body of the new Reformatory Schools Act a specific provision of the nature of that contained in this clause, which confers a general power on the Governor General in Council to direct the use of a reformatory in one province for the reception of youthful offenders from another, and to issue such supplemental orders as to cost of maintenance and other matters as may be necessary.

12. *Clause 16* (formerly clause 15).—We agree generally with the criticisms which have been passed on this clause and have accordingly amended it so as to leave the jurisdiction of the superior Courts under the Code of Criminal Procedure unrestricted, save in so far as relates to orders passed with respect to the age of a youthful offender or the substitution of an order for detention in a reformatory for transportation or imprisonment.

We have omitted clause 16 of the Bill as introduced, as we consider that the cases for which it provides are not such as should properly be dealt with in a reformatory.

13. *Clause 18.*—We have required the Superintendent to obtain the sanction of the Committee before licensing youthful offenders to employers of labour, as we think that this is a power which should not be left in the hands of the Superintendent alone.

14. *Clause 19.*—We have omitted the second part of this clause in the Bill as introduced, because in our opinion it should be left in every case to the discretion of the Committee to license the youthful offender to another employer or not as they may think fit.

15. *Clause 20.*—In compliance with a suggestion from the Chief Commissioner of the Central Provinces, we have made the fact of an employer named in a license ceasing to employ labour a reason for the determination of the license.

16. *Clause 22.*—As in the case of licensing, so in the case of apprenticing, we have subjected the Superintendent's authority to the sanction of the Committee.

17. *Clause 27.*—We have brought this clause into more strict conformity with section 42 of the Prisons Act, 1894, by making it cover cases in which prohibited articles are removed from a reformatory and by including communication with a youthful offender in the scope of the clause.

18. *Clause 28.*—We have raised the penalty of fine under this clause from one hundred to two hundred rupees as in the preceding clause.

19. *Clause 31.*—We have extended the provisions of this clause to girls who may be youthful offenders, and we have limited the exercise of the powers which it confers to the Courts which are empowered to act under clause 8, making provision, analogous to that contained in clause 9, for the case of subordinate Courts which are not empowered to take action under the clause.

20. *Clause 32.*—Having considered the criticisms offered on this clause by the Calcutta High Court and various Local Governments, we have entirely recast it, our object being to provide that a sentence passed on a youthful offender in a reformatory shall commence at once subject to any special orders which the Local Government, to whom the matter is to be reported forthwith, may think fit to issue.

21. We have considered the proposal to provide Reformatory Schools for female juvenile offenders, and in view of the grave objections to this course arising out of Hindu and Muhammadan customs, we are not in favour of the proposal. The Madras Local Government alone favours it, and it may be that the circumstances of that Presidency, where there is a large Christian population, are such that the objections urged by all the other Local Governments and Administrations do not prevail there, but in this case we are of opinion that the proper course is for the Local Legislature to undertake such special legislation for the establishment of such schools in Madras as it may deem necessary.

22. The publication ordered by the Council has been made as follows:—

<i>In English.</i>			Date.
<i>Gazette.</i>			
Gazette of India...	...	...	28th March 1896.
Fort Saint George Gazette ...	...	...	21st April 1896.
Bombay Government Gazette	...	...	2nd April 1896.
Calcutta Gazette	...	...	1st April 1896.
North-Western Provinces and Oudh Government Gazette	...	...	4th April 1896.
Punjab Government Gazette	...	...	9th April 1896.
Central Provinces Gazette	...	...	4th April 1896.
Burma Gazette ...	...	...	11th April 1896.
Assam Gazette ...	...	...	11th April 1896.
Coorg District Gazette	...	...	1st May 1896.
Sind Official Gazette	...	...	14th May 1896.

<i>In the Vernaculars.</i>			Date.
<i>Province.</i>	<i>Language.</i>		
Madras ...	Hindustani ...	...	21st April 1896.
	Telugu ...	...	5th May 1896.
	Kanarese ...	...	12th May 1896.
	Malayalam ...	...	12th May 1896.
Bombay ...	Tamil ...	...	2nd June 1896.
	Marathi ...	...	2nd July 1896.
	Gujarathi ...	...	2nd July 1896.
Bengal ...	Kanarese ...	...	9th July 1896.
	Hindi ...	...	26th May 1896.
	Bengali ...	...	2nd June 1896.
Punjab ...	Uriya ...	...	9th July 1896.
	Urdu ...	...	11th June 1896.
Burma ...	Burmese ...	...	25th April 1896.
Assam ...	Bengali ...	...	13th June 1896.
Coorg ...	Kanarese ...	...	1st June 1896.
Sindh ...	Sindhi ...	...	14th May 1896.

23. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) J. WOODBURN.
 (") M. D. CHALMERS.
 (") A. S. LETHBRIDGE.
 (") ALAN CADELL.
 (") B. BRUSKUTE.
 (") BISHUMBAR NATH.
 (") H. T. PRINSEP.

The 18th February 1897.

THE REFORMATORY SCHOOLS
BILL.

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NO. II.

A Bill to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders.

WHEREAS it is expedient to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

Title, commencement and extent. I. (1) This Act may be called the Reformatory Schools Act, 1897, and [Sec. 1.]

(2) It shall come into force at once.

(3) This section and Section 2 shall extend to the whole of British India. The other sections shall extend in the first instance to the whole of British India except the territories for the time being administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Coorg, but either of the said Local Governments may at any time, by notification in the local official Gazette, extend these sections to their territories from such day as may be fixed in any such notification.

Repeal of Act V of 1876. 2. (1) The Reformatory Schools Act, 1876, is hereby repealed. [Note.]

(2) But all proceedings taken, orders passed, officers appointed or authorised and rules made under the said Act shall, as far as may be, be deemed to have been respectively passed, appointed or authorised and made under this Act.

(3) Any enactment or document referring to the said Act shall, as far as may be, be construed to refer to this Act, or to the corresponding portion thereof.

3. From the date fixed by any notification [Sec. 2.]

Section 399 of Act X of 1882 repealed on date fixed by a notification under Section 1, sub-section (3). issued under Section 1, sub-section (3), Section 399 of the Code of Criminal Procedure, 1882, shall be repealed in the province to which this notification relates. X of 1882.

4. In this Act, unless there is anything repugnant in the subject or context,— [Sec. 3.]

(a) "youthful offender" means any boy who has been convicted of any offence punishable with transportation or imprisonment

and who, at the time of such conviction was under the age of *fifteen* years;

- (b) "Inspector-General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the *Inspector-General*; and
- (c) "*District Magistrate*" shall include a *Chief Presidency Magistrate*.

II.—Reformatory Schools.

[Sec. 4.]

5. With the previous sanction of the Governor-General in Council, the Local Government may—

- (a) establish and maintain Reformatory Schools at such places as it may think fit;
- (b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules, consistent with this Act, as the Local Government may prescribe in this behalf;
- (c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

[Sec. 5.]

Requisites of schools.

6. Every school so established or used must provide—

- (a) sufficient means of separating the inmates at night;
- (b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;
- (c) the means of giving such youthful offenders industrial training;
- (d) an infirmary or proper place for the reception of such youthful offenders when sick.

[Sec. 6.]

7. (1) Every school intended to be established or used as a Reformatory School shall, before being used as such, be inspected by the Inspector-General, and if he finds that the requirements of Section 6 have been complied with, and that, in his opinion, such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, together with an order of the Local Government establishing the school as a Reformatory School or directing that it shall be used as such, and the school shall thereupon be deemed to be a Reformatory School.

(2) Every such school shall, from time to time, and at least once in every year, be visited by the said Inspector-General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may prescribe.

[Sec. 7.]

8. (1) Whenever any youthful offender is sentenced to transportation or imprisonment, and is, in the judgment of the Court by which he is sentenced, a proper person to be an inmate of a Reformatory School, the Court may, subject to any rules made by the Local Government, direct that, instead of

undergoing his sentence, he shall be sent to such a school, and be there detained for a period which shall be not less than *three* or more than seven years.

(2) The powers so conferred on the Court by this section shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, and (d) any Magistrate specially empowered by the Local Government in this behalf, and may be exercised by such Courts whether the case comes before them originally or on appeal.

(3) The Local Government may make rules for—

- (a) defining what youthful offenders should be sent to Reformatory Schools, having regard to the nature of their offences or other considerations, and
- (b) regulating the periods for which youthful offenders may be sent to such schools according to their ages or other considerations.

9. (1) When any Magistrate not empowered [New.]

to pass an order under the last foregoing section is of opinion that a youthful offender convicted by him is a proper person to be an inmate of a Reformatory School, he may without passing sentence, record such opinion and submit his proceedings and forward the youthful offender to the District Magistrate to whom he is subordinate.

(2) The Magistrate to whom the proceedings are so submitted, may make such further inquiry (if any) as he may think fit and pass such sentence and order for the detention in a Reformatory School of the youthful offender, or otherwise, as he might have passed if such youthful offender had been originally tried by him.

10. The officer in charge of a prison in which a youthful offender is con-

finned, in execution of a sentence of imprisonment, may bring him, if he has not then attained the age of *fifteen* years, before the District Magistrate within whose jurisdiction such prison is situate; and such Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that, instead of undergoing the residue of his sentence, he shall be sent to a Reformatory School, and there detained for a period which shall be subject to the same limitations as are prescribed by or under section 8, with reference to the period of detention thereby authorised.

11. (1) Before directing any youthful offender [New.] to be sent to a Reformatory School under section 8, section 9 or section 10, the Court or Magistrate shall inquire into the question of his age and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon, stating his age as nearly as may be.

(2) A similar inquiry shall be made and finding recorded by every Magistrate not empowered to pass an order under section 8 before submitting his proceedings and forwarding the youthful offender

to the District Magistrate as required by section 9, sub-section (1).

[Sec. 9.]

12. Every youthful offender directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may by general or special order appoint for the reception of youthful offenders so dealt with by such Court or Magistrate:

Government to determine Reformatory School to which such offenders shall be sent.

Provided that, if accommodation in a Reformatory School is not immediately available for such youthful offender, he may be detained in the juvenile ward or such other suitable part of a prison as the Local Government may direct—

(a) until he can be sent to a Reformatory School or

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

whichever event may first happen. Should the term of his original sentence first expire, he shall thereupon be released, but, should he be sent to a Reformatory School, then the period of detention previously undergone shall be treated as detention in a Reformatory School.

[Sec. 10.]

13. (1) If at any time after a youthful offender has been sent to a Reformatory School it appears to the Committee of Visitors or Board of Management, as the case may be, that the age of such youthful offender has been under stated in the order for detention, and that he will attain the age of eighteen years before the expiration of the period for which he has been ordered to be detained, they shall report the case for the orders of the Local Government.

(2) No person shall be detained in a Reformatory School after he has been found by the Local Government to have attained the age of eighteen years.

[Sec. 11.]

Discharge or removal by order of Government.

14. The Local Government may at any time order any youthful offender—

(a) to be discharged from a Reformatory School;

(b) to be removed from one Reformatory School to another such school situate within the territories subject to such Government: Provided that the whole period of his detention in a Reformatory School shall not be increased by such removal.

15. (1) The Governor General in Council may by general or special order direct that any Reformatory School situated in one province shall be available for the reception of youthful offenders directed to be sent to any Reformatory School by any Court or Magistrate in any other province.

(2) Any such order may also provide for the removal of the youthful offender, and the cost of his maintenance, and may give any such further directions as may be necessary.

16. Nothing contained in the Code of Criminal Procedure, 1882, shall be construed to authorise any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention in a Reformatory School for transportation or imprisonment.

[New] X of 1882.

Certain orders not subject to appeal or revision.

shall be construed to authorise any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention in a Reformatory School for transportation or imprisonment.

III—Management of Reformatory Schools.

17. (1) For the control and management of every Reformatory School, the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors, or

[Sec. 12.]

(b) a Board of Management.

(2) Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

(3) The Local Government may suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

18. (1) Every Superintendent so appointed may with the sanction of the Committee by license under his hand permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such youthful offender employed at some trade, occupation or calling.

[Sec. 13.]

Superintendent may license youthful offenders to employers of labour.

(2) The license shall be in force for three months and no longer, but may, at any time and from time to time until the expiration of the period for which the youthful offender has been directed to be detained, be renewed for three months at a time.

(3) The license shall be cancelled at the desire of the employer named in the license.

[Sec. 14.]

19. The license shall be cancelled at the desire of the employer named in the license.

20. If during the term of the license the employer named therein dies, or ceases from business, or to employ labour, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

[Sec. 15.]

(2) If it appears to the Superintendent that the employer has ill-treated the youthful offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

[Sec. 16.]

21. If it appears to the Superintendent that the employer has ill-treated the youthful offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

22. (1) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school,

[Sec. 17.]

within the meaning of Act No. XIX of 1880 (concerning the binding of apprentices).

[Here the words in italics are not new.]

(2) If it appears to the Superintendent that any youthful offender licensed under Section 18 has behaved well during one or more periods of his license, the Superintendent may with the sanction of the Committee apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such youthful offender in a Reformatory School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

[Sec. 18.]

23. (1) Every Committee of Visitors appointed under Section 17 for a Reformatory School shall, at least once in every month,—

- Duties of Committee of Visitors.
- (a) visit the school, to hear complaints and see that the requirements of Section 6 have been complied with, and that the management of the school is proper in all respects;
 - (b) examine the punishment-book;
 - (c) bring any special cases to the notice of the Inspector-General; and
 - (d) see that no person is illegally detained in the school.

(2) If any member of a Committee of Visitors so appointed fails or neglects, during a period of six consecutive months, to visit the school and assist in the discharge of the duties aforesaid, he shall cease to be a member of such Committee.

[Sec. 19.]

24. If, in exercise of the power conferred by Section 17, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under Sections 18 to 22, both inclusive; and the license mentioned in Section 18 may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

[Sec. 20.]

25. The Local Government may declare any body of Trustees or Managers of a School, who are willing to act in conformity with the rules referred to in Section 5, clause (b), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

[Sec. 21.]

26. (1) With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act—

- (i) to prescribe the articles which are to be deemed to be "prohibited articles"; and
- (ii) to regulate—
 - (a) the conduct of business of the Board;
 - (b) the management of the school;
 - (c) the education and industrial training of youthful offenders;

(d) visits to, and communication with, youthful offenders;

(e) the terms and conditions under which any articles declared by the Board to be "prohibited articles" may be introduced into or removed out of the school;

(f) the manner in which such articles are to be removed when introduced without due authority;

(g) the conditions and limitations under which such articles may be supplied outside the school to any youthful offender under order of detention therein;

(h) the conditions on which the possession by any such youthful offender of such articles may be sanctioned;

(i) the penalties to be imposed for the supply or possession of such articles when supplied or possessed without due authority;

(j) the punishment of offences committed by youthful offenders; and

(k) the granting of licenses for the employment of youthful offenders.

(2) In the absence of a Board of Management the Local Government may make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in any clause of sub-section (1), other than clause (ii) (a), and also the mode in which the Committee of Visitors shall conduct their business.

IV.—Offences in relation to Reformatory Schools.

27. Whoever, contrary to any rule made under [New.]

section 6, introduces or removes or attempts by any means whatever to introduce or remove into or from any Reformatory School, or supplies or attempts to supply outside the limits of any Reformatory School to any youthful offender under order of detention therein, any prohibited article,

and every officer or person in charge of a Reformatory School who contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Reformatory School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits,

and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

28. Whoever abets an escape, or an attempt to [Sec. 23.]

escape, on the part of a youthful offender from a Reformatory School, or

Penalty for abetting escape of youthful offender.

from the employer of such youthful offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding two hundred rupees, or with both.

[Sec. 24.]

29. A Police-officer may without orders from a Magistrate and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school or from his employer, and take him back to such school or to his employer.

V.—Miscellaneous.

[New.]
XV of 1869.

30. The provisions of the Prisoners' Testimony Act, 1869, shall be applied so far as they can be made applicable, to youthful offenders detained in Reformatory Schools as if they were persons confined in jail within the meaning of that Act.

[New.]

31. (1) Notwithstanding anything contained in this Act or in any other enactment for the time being in force, any Court may, if it shall think fit, instead of sentencing any youthful offender to transportation or imprisonment or directing him to be detained in a Reformatory School, order him to be—

- (a) discharged after due admonition, or
- (b) delivered to his parent or to his guardian or nearest adult relative, on such parent, guardian or relative executing a bond, with or without sureties, as the Court may require, to be responsible for the good be-

haviour of the youthful offender for any period not exceeding twelve months.

- (2) For the purposes of this section the term "youthful offender" shall include a girl.
- (3) The powers conferred on the Court by this section shall be exercised only by Courts empowered by or under section 8.
- (4) When any youthful offender is convicted by a Court not empowered to act under this section and the Court is of opinion that the powers conferred by this section should be exercised in respect of such youthful offender, it may record such opinion and submit the proceedings and forward the youthful offender to the District Magistrate to whom such Court is subordinate.
- (5) The District Magistrate to whom the proceedings are so submitted may thereupon make such order or pass such sentence as he might have made or passed if the case had originally been tried by him.

32. When a youthful offender during his period of detention in a Reformatory School is again convicted by a Criminal Court, the sentence of such Court shall commence at once, notwithstanding anything to the contrary in section 307 of the Code of Criminal Procedure, 1882, but the Court shall forthwith report the matter to the Local Government which shall have power to deal with the matter in any way in which it thinks fit.

J. M. MACPHERSON,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 25th February 1897:—

No. 4 of 1897.

A Bill to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to amend the Indian

Emigration Act, 1883; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Emigration Act, 1897; and

(2) It shall come into force at once.

2. In section 102 of the Indian Emigration Act, 1883, as amended by Act No. XVIII of 1890, section 7, for the words

“British colony or possession”, wherever they occur, the word “country”, and for the words “State, colony or possession”, wherever they occur, the words “State or country,” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

A Native of India who departs by sea out of British India under an agreement to labour for hire in the Straits Settlements, does not “emigrate” within the meaning of the Indian Emigration Act, 1883, and, under section 102 of that Act, the system of comparative freedom under which emigration (in the ordinary sense of the term) from British India to the Straits Settlements is conducted, can be extended only to a protected Native State adjoining the Straits Settlements or to a British Colony or possession. This limitation makes it impossible to extend the same system, which has many advantages, to certain other countries, such as Sarawak, which obtain their supply of labour from British India through the agency and under the general control of the Straits Immigration Department, and regarding which the Government of India may from time to time be satisfied that their administration is such that the freedom from legislative restrictions enjoyed by the Straits may be safely extended. It is, therefore, proposed to amend section 102 of Act XXI of 1883, so as to make it possible for the Governor General in Council, by notification in the *Gazette of India*, to declare that the departure of a Native of India under an agreement to labour for hire in any country for labour in which such persons are recruited exclusively through the agency of the Government of the Straits Settlements, is not “emigration” within the meaning of that enactment.

The 9th February 1897.

(Signed) J. WOODBURN.

J. M. MACPHERSON,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th February 1897 :—

No. 5 of 1897.

A Bill to enable local authorities to borrow money for temporary emergencies.

WHEREAS it is expedient to enable local authorities to borrow money for temporary emergencies; It is hereby enacted as follows :—

1. (1) This Act may be called the Local Authorities (Emergency) Loans Act, 1897.
Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. Notwithstanding anything contained in the Local Authorities Loan Act, 1879, or in any other law for the time being in force, a local authority as defined in that Act may, with the previous sanction of the Governor General in Council, borrow money on the security of its funds for any of the following purposes, namely :—

- (1) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
- (2) the prevention of the outbreak or spread of any dangerous epidemic disease; and
- (3) any measures which may be connected with, or ancillary to, any of the purposes aforesaid.

3. (1) Every loan under the last foregoing section shall be made subject to such terms and conditions as the Governor General in Council may think fit to impose.
Power to Governor General in Council to impose conditions.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the Governor General in Council may, by general or special order, prescribe—

(a) the terms on which the Governor General in Council or the Local Government may lend money under this Act;

(b) the manner of recording and enforcing the conditions on which such loans are to be made;

(c) the inspection of any works carried out or expenditure incurred by means of such loans;

(d) the instalments by which such loans are to be repaid, the interest to be charged thereon and the manner and time of repaying such loans and of paying the interest thereon; and

(e) the accounts to be kept in respect of such loans.

4. The provisions of sections 6 and 7 of the Local Authorities Loan Act, 1879, shall apply to the borrowing of money under this Act.
Application of section 6, Act XI, 1879.

5. The provisions of this Act shall apply to any loan made after the first day of January 1897, and before the commencement of this Act by, or with the sanction of, the Governor General in Council to any local authority for any of the purposes hereinbefore mentioned, and every such loan shall be deemed to have been made under this Act.
Application to loans made before commencement of Act.

STATEMENT OF OBJECTS AND REASONS.

The Local Authorities Loan Act (XI of 1879) enables a local authority to raise a loan "for the carrying out of any works which it is legally authorized to carry out," and section 8 of that Act declares that, except as provided by or under it, no local authority shall for any purpose borrow money upon or otherwise charge its funds, any contract made in defiance of that prohibition being expressly barred as void. Under these provisions, read with those of the special Acts regulating Local Boards and Municipal Committees, it is doubtful whether a loan could lawfully be raised by such a Board or Committee which is temporarily in want of funds, and requires to meet urgent expenditure for the purpose of affording relief in time of famine or scarcity or coping with a visitation of epidemic disease such as that of the bubonic plague. The object of this Bill is to remove all doubt in this connection. Clause 5 has been added in order to validate one loan in particular which the Government of India have recently felt themselves justified by grave emergency in making to a certain municipality.

The 22nd February 1897.

(Signed) J. WESTLAND.

J. M. MACPHERSON,
Secretary to the Government of India.