

[Published with the "Bombay Government Gazette" on the 26th August 1875.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th August 1875, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

Bill No. 6 of 1875.

A Bill for the improvement of Law Reports.

Whereas it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality: And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the 24th & 25th of Victoria, Chapter 104, to be called the Indian Authorized Law Reports; It is hereby enacted as follows:—

1. This Act may be called
Short title. "The Indian Law Reports Act, 1875:"

It extends to the whole
Local extent. of British India;

And it shall come into force on such day as the
Governor General in Council
Commencement. notifies in this behalf in the

Gazette of India.

2. Act No. II. of 1875 (*to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority*) is hereby repealed.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The second section of the Indian Law Reports Act (II. of 1875) declares that every judgment of any High Court established under 24 & 25 Vic., c. 104, shall, if reported in the authorized reports, have the same authority in all subordinate Courts beyond the limits of its appellate jurisdiction as, independently of the Act, such judgment would have within such limits.

The Secretary of State for India objects to this provision, and suggests that Act II. of 1875 should be repealed and re-enacted with the omission of the second section.

The present Bill has been prepared to give effect to this suggestion.

SIMLA; } (Signed) A. HORROUSE.
The 29th July 1875. }

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th August 1875, and was referred to a Select Committee with instructions to make their report thereon in four months :—

Bill No. 7 of 1875.

**THE REFORMATORY SCHOOLS
BILL, 1875.**

CONTENTS.

PREAMBLE.

SECTION.

1. Short title.
- Local extent.
- Commencement.
2. Interpretation-clause.

II.—Reformatory Schools.

3. Power to establish and discontinue Reformatory Schools.
4. Requisites of Schools.
5. Inspection of Schools.
6. Youthful offender may be sent to Reformatory School.
7. Also boys under twelve sentenced to imprisonment.
8. Also boys associating with thieves, &c.
9. Boys above sixteen not to be detained in School.
10. Discharge or removal by order of Government.

III.—Expenses of Reformatory Schools.

11. Power to apply Municipal funds.
12. Power to order parent, &c., of youthful offender to defray cost of his maintenance in School.

IV.—Boards of Management.

13. Appointment of Board of Management.
14. Chairman at meeting of Board.
15. Power to appoint Superintendent.
16. Board may license youthful offenders to employers of labour.
17. Cancellation of license at request of employer. If complaint of employer just, no fresh license until expiry of twelve months.
18. License to determine on death, &c., of employer.
19. License may be cancelled in case of ill-treatment.
20. Board to be deemed guardian of youthful offenders. Board may apprentice youthful offender who has behaved well during term of license.
21. Board may frame rules.

V.—Offences in relation to Reformatory Schools.

22. Punishment to which youthful offenders may be subjected.
23. Penalty for abetting escape of youthful offender.
24. Arrest of escaped youthful offenders.

A Bill to provide Reformatory and Industrial Schools.

Whereas it is expedient to provide Reformatory and Industrial Schools; It is hereby enacted as follows :—

Preamble.

I.—Preliminary.

1. This Act may be called "The Reformatory Schools Act, 1875."
- Local extent. It extends to the whole of British India;
- Commencement. And it shall come into force at once.
- Interpretation-clause. 2. In this Act—

"Youthful offender." "Youthful offender" means—

(a) any boy who, being at the time under the age of fourteen years, has been convicted of any offence punishable under the Indian Penal Code with imprisonment or transportation ;

(b) any boy sent to a Reformatory School under this Act.

"Reformatory School" means a school primarily intended for male youthful offenders, and includes a school in which industrial training is provided, and in which boys are lodged, clothed and fed, as well as taught.

"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 of Jails.

"Magistrate" means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and elsewhere a Magistrate of the first class.

II.—Reformatory Schools.

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

- (a) establish Reformatory Schools at such places as it thinks fit,
- (b) use as Reformatory Schools, schools kept by persons willing to obey such rules consistent with this Act as the Local Government may from time to time 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.
4. Every school so established or used must provide—
 - (a) separate beds for each boy detained therein ;
 - (b) proper sanitary arrangements, water-supply, food, clothing and bedding for such boys
 - (c) the means of giving such boys industrial training ;
 - (d) an infirmary or proper place for the reception of such boys when sick.

5. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if 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*, and the school shall thereupon be deemed a Reformatory School.

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 from time to time prescribe.

6. Whenever any boy who, in the judgment of the Court before which he is charged, is under the age of fourteen years, is convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment, the Court may, in lieu of sentencing him to transportation or imprisonment, direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two years and not more than seven years.

7. Whenever any boy under the age of twelve years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such person is confined may, with the sanction of the Local Government, bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks fit, may direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two and not more than seven years.

8. Whenever it appears to a Magistrate from evidence adduced before him that any boy under the age of fourteen years—

(a) frequents the company of reputed robbers, house-breakers, thieves, public gamblers, or vagrants, or

(b) is without any ostensible means of subsistence,

such Magistrate may direct him to be sent to a Reformatory School and to be there detained for a period of not less than two years and not more than seven years.

9. Nothing contained in sections six, seven and eight shall be deemed to authorize the detention in a Reformatory School of any person above the age of sixteen years.

10. The Local Government may at any time order any youthful offender to be discharged from a Reformatory School, or to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of detention of the offender in a Reformatory School shall not be increased by such removal.

III.—*Expenses of Reformatory Schools.*

11. Notwithstanding anything contained in any law for the time being in force in British India, every municipal corporation, municipal committee, or other body of persons duly appointed to conduct the affairs of a municipality may, with the previous sanction of the Local Government, pay out of the funds at their disposal, towards the establishment, or maintenance, or both, of a Reformatory School within the limits of the place for which they are so appointed, such sum as may be agreed on in this behalf by and between the corporation, committee or body and the Local Government.

12. The parent or other person legally liable to maintain any youthful offender detained in a Reformatory School, shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding five rupees per month.

On the complaint of the said Inspector General, or of any police officer under his directions (with which directions the police officer is hereby required to comply) at any time during the continuance of the offender in the school, any Magistrate having jurisdiction at the place where the person liable as aforesaid resides, may, on summons to such person, examine into his ability, and may, if the Magistrate thinks fit, make an order on him for payment to the said Inspector General of such monthly sum not exceeding five rupees per month as to the Magistrate seems reasonable during the whole or any part of the period for which the offender is liable to be detained in the school.

Every such order may specify the time during which the payment is to be made, or may be until further order.

Every such payment shall be accounted for as the Local Government directs.

The Local Government may in its discretion remit all or any part of any payment so ordered.

Any Magistrate having jurisdiction to make such order may from time to time vary the same as circumstances require on the application either of the person on whom the order is made, or of the said Inspector General, on fourteen days' notice being first given of such application to the Inspector General or such person respectively.

In case of wilful neglect to comply with any order under this section, the Magistrate may proceed in manner provided by the Code of Criminal procedure, section 536, clause 3.

IV.—*Boards of Management.*

13. For the control and management of every Reformatory School established under section three, clause (a), the Local Government shall,

and for the control and management of every Reformatory School used under section three, clause (b), the Local Government may,

from time to time appoint not less than five persons, of whom one at least shall be an officer of Government, and two at least shall be Natives of India.

Such persons shall be called the Board of Management of the School for which they are appointed.

The Local Government may from time to time suspend or remove any person so appointed.

14. At every meeting of the Board of Management of a school established under section three, clause (a), the officer of Government (or if there be more than one such officer, the senior officer) present shall be Chairman; and if there be no such officer present, a Chairman shall be elected by a majority of the Members of the Board.

15. The Board of Management shall appoint, and may (subject to such rules as the Local Government may from time to time prescribe in this behalf) suspend or remove a Superintendent of the Reformatory School under their control and such other subordinate officers as may be necessary.

16. The Board of Management may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under the hand of their Chairman, 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 offender employed at some trade, occupation, or calling.

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

17. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Board of Management that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

If complaint of employers just, no fresh license until expiry of twelve months.

ful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

18. If the employer named in the license die, or cease from business, during the term of the license, the license shall thereupon cease and determine.

19. If it appears to the Board of Management that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Board of Management may cancel the license.

20. The Board of Management of any Reformatory School shall be deemed to be the guardian of youthful offenders. deemed to be the guardian of any youthful offender detained in such school, within the meaning of Act No. XIX. of 1850 (*concerning the binding of apprentices*),

and if it appear to the Board of Management that any such offender has behaved well during one or more periods of a license, the Board may apprentice him under the provisions of the said Act, and on such apprenticeship the responsibility of the Board as regards such offender shall cease.

21. 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 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) punishments for offences committed in the School by youthful offenders,
- (f) the granting of licenses to employers of youthful offenders,
- (g) and, generally, for carrying out the purposes of this Act.

V.—Offences in relation to Reformatory Schools.

22. Except with the sanction of the Board of Management, no Superintendent of a Reformatory School shall punish any youthful offender with more than five stripes or with irons, or with solitary confinement for more than six hours.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police Officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under sections six, seven, or eight, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to establish in British India institutions which, so far as regards males, may serve the combined purposes of the Reformatory Schools and the Industrial Schools so successfully carried on in England under 29 & 30 Vic., cc. 117, 118.

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*, and the school shall thereupon be deemed a Reformatory School.

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 from time to time prescribe.

6. Whenever any boy who, in the judgment of the Court before which he is charged, is under the age of fourteen years, is convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment, the Court may, in lieu of sentencing him to transportation or imprisonment, direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two years and not more than seven years.

7. Whenever any boy under the age of twelve years has been or is sentenced to imprisonment, the officer in charge of the Jail in which such person is confined may, with the sanction of the Local Government, bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks fit, may direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two and not more than seven years.

8. Whenever it appears to a Magistrate from evidence adduced before him that any boy under the age of fourteen years—
Also boys associating with thieves, &c.

(a) frequents the company of reputed robbers, house-breakers, thieves, public gamblers, or vagrants, or

(b) is without any ostensible means of subsistence,

such Magistrate may direct him to be sent to a Reformatory School and to be there detained for a period of not less than two years and not more than seven years.

9. Nothing contained in sections six, seven and eight shall be deemed to authorize the detention in a Reformatory School of any person above the age of sixteen years.
Boys above sixteen not to be detained in School.

10. The Local Government may at any time order any youthful offender to be discharged from a Reformatory School, or to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of detention of the offender in a Reformatory School shall not be increased by such removal.
Discharge or removal by order of Government.

III.—Expenses of Reformatory Schools.

11. Notwithstanding anything contained in any law for the time being in force in British India, every municipal corporation, municipal committee, or other body of persons duly appointed to conduct the affairs of a municipality may, with the previous sanction of the Local Government, pay out of the funds at their disposal, towards the establishment, or maintenance, or both, of a Reformatory School within the limits of the place for which they are so appointed, such sum as may be agreed on in this behalf by and between the corporation, committee or body and the Local Government.
Power to apply Municipal funds.

12. The parent or other person legally liable to maintain any youthful offender detained in a Reformatory School, shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding five rupees per month.
Power to order parent, &c., of youthful offender to defray cost of his maintenance in school.

On the complaint of the said Inspector General, or of any police officer under his directions (with which directions the police officer is hereby required to comply) at any time during the continuance of the offender in the school, any Magistrate having jurisdiction at the place where the person liable as aforesaid resides, may, on summons to such person, examine into his ability, and may, if the Magistrate thinks fit, make an order on him for payment to the said Inspector General of such monthly sum not exceeding five rupees per month as to the Magistrate seems reasonable during the whole or any part of the period for which the offender is liable to be detained in the school.

Every such order may specify the time during which the payment is to be made, or may be until further order.

Every such payment shall be accounted for as the Local Government directs.

The Local Government may in its discretion remit all or any part of any payment so ordered.

Any Magistrate having jurisdiction to make such order may from time to time vary the same as circumstances require on the application either of the person on whom the order is made, or of the said Inspector General, on fourteen days' notice being first given of such application to the Inspector General or such person respectively.

In case of wilful neglect to comply with any order under this section, the Magistrate may proceed in manner provided by the Code of Criminal procedure, section 536, clause 3.

IV.—Boards of Management.

13. For the control and management of every Reformatory School established under section three, clause (a), the Local Government shall,
Appointment of Board of Management.

and for the control and management of every Reformatory School used under section three, clause (b), the Local Government may,

from time to time appoint not less than five persons, of whom one at least shall be an officer of Government, and two at least shall be Natives of India.

Such persons shall be called the Board of Management of the School for which they are appointed.

The Local Government may from time to time suspend or remove any person so appointed.

14. At every meeting of the Board of Management of a school established under section three, clause (a), the officer of Government (or if there be more than one such officer, the senior officer) present shall be Chairman; and if there be no such officer present, a Chairman shall be elected by a majority of the Members of the Board.

15. The Board of Management shall appoint, and may (subject to such rules as the Local Government may from time to time prescribe in this behalf) suspend or remove a Superintendent of the Reformatory School under their control and such other subordinate officers as may be necessary.

16. The Board of Management may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under the hand of their Chairman, 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 offender employed at some trade, occupation, or calling.

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

17. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Board of Management that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

If complaint of employers just, no fresh license until expiry of twelve months.

18. If the employer named in the license die, or cease from business, during the term of the license, the license shall thereupon cease and determine.

19. If it appears to the Board of Management that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Board of Management may cancel the license.

License may be cancelled in case of ill-treatment.

20. The Board of Management of any Reformatory School shall be deemed to be the guardian of any youthful offender detained in such school, within the meaning of Act No. XIX. of 1850 (*concerning the binding of apprentices*),

Board to be deemed guardian of youthful offenders.

and if it appear to the Board of Management that any such offender has behaved well during one or more periods of a license, the Board may apprentice him under the provisions of the said Act, and on such apprenticeship the responsibility of the Board as regards such offender shall cease.

21. 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 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) punishments for offences committed in the School by youthful offenders,
- (f) the granting of licenses to employers of youthful offenders,
- (g) and, generally, for carrying out the purposes of this Act.

V.—Offences in relation to Reformatory Schools.

22. Except with the sanction of the Board of Management, no Superintendent of a Reformatory School shall punish any youthful offender with more than five stripes or with irons, or with solitary confinement for more than six hours.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police Officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under sections six, seven, or eight, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to establish in British India institutions which, so far as regards males, may serve the combined purposes of the Reformatory Schools and the Industrial Schools so successfully carried on in England under 29 & 30 Vic., cc. 117, 118.

The peculiar circumstances of India render it inexpedient to bring girls within the scope of the Bill.

With the previous sanction of the Governor General in Council, Local Governments are empowered to establish Reformatory Schools (which are defined so as to include schools in which industrial training is provided), or to use as Reformatory Schools, schools kept by persons willing to obey such rules as Government may prescribe.

Provision is made that these schools shall be furnished with the proper requisites and periodically inspected.

Three classes of boys may be sent to Reformatory Schools :

- (a) boys under 14 convicted of offences punishable with transportation or imprisonment, but not sentenced ;
- (b) boys under 12 sentenced to imprisonment ; and
- (c) boys under 14 who associate with thieves, vagrants, &c., or are without visible means of subsistence.

The minimum time for which a boy will be sent to a Reformatory School is two years, the maxi-

mum seven years. But no boy will be detained after he attains the age of 16.

As to the expenses of these schools, Municipalities are empowered, with the sanction of the Local Government, to apply Municipal funds to establish or maintain Reformatory Schools, and Magistrates of the first class are empowered to order the parents of youthful offenders to contribute a moderate monthly sum to their support.

The Bill contains provisions as to the Boards which are to control and manage the schools. Two at least of these managers will always be Natives of India. The Board will have power to license youthful offenders to employers of labour ; to cancel such licenses at the employer's request ; to apprentice youthful offenders ; and to make subsidiary rules.

Lastly, the Bill contains some clauses as to offences in relation to Reformatory Schools.

SIMLA ;
The 26th July 1875. } (Signed) A. J. ARBUTHNOT.

WHITLEY STOKES,

Secretary to the Government of India.