

Reformatory Schools Act, 1897
Act No. 8 of 1897

1420

[11th March, 1897.]

An Act to amend the law relating to Reformatory Schools and to make further provisions 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 :--

LEGISLATIVE HISTORY ▼

- Adapted by A.O., 1937;
- Adapted by Adaptation of Central Act and Ordinances, 1948
- Adapted by Adaptation of Laws Order, 1950
- Adapted by Adaptation of Laws (No. 2) Order, 1956

I. PRELIMINARY

1. Title and extent.- (1) This Act may be called the Reformatory Schools act, 1897; [* * *]

[(2) * * * *]

(3) [It extends to the whole of India except [the territories which, immediately before the 1st November, 1956, were comprised in Part B Stated].]

2. and 3. Repeals. Rep. by the Repealing Act, 1938 (1 of 1938), s.2 and Sch.

4. Definitions.- In this Act, unless there is anything repugnant in the subject or context,--

- (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 [State 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

5. Power establish and discontinue reformatory schools.- [* * *] The State Government may--

- (a) establish and maintain Reformatory Schools at such places as it may think fit ;
- (b) use as Reformatory Schools kept by persons willing to act in conformity with such rules consistent with this Act, as the State 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.

6. Requisites of Schools.- 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 detailed 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.

7. Inspection of Reformatory Schools.- (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 shall be 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 [State Government] a report on the condition of the school in such form as the [State Government] may prescribe.

8. Power of Courts to direct youthful offenders to be sent to Reformatory Schools.-

(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 State Government, direct that, instead of undergoing his sentence, he shall be sent to such a school, and 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 State Government in this

behalf, and may be exercised by such Courts whether the case comes before them originally or on appeal.

(3) The [State 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. Procedure where Magistrate is not empowered to pass an order under section 8.-

(1) When any Magistrate not empowered to pass an order under the last foregoing section is of opinion that a youthful offender convicted by his is 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.

Object & Reasons ▼

We have made this clause conform more strictly to the procedure prescribe by Section 439 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.

10. Power of Magistrates to direct boys under fifteen sentenced to imprisonment to be sent to Reformatory Schools.- The officer in charge of a prison in which a youthful offender is confined, 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 may, if such youthful offender appears to be 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. Preliminary inquiry and finding as to age of youthful offender.-

(1) Before directing any youthful offender 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 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).

12. Government to determine Reformatory School to which such offenders shall be sent.- 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 State Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such Court or Magistrate :

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 State 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 fit 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.

13. Persons found to be over eighteen years not to be detained in Reformatory Schools.- (1) If at any time after a youthful offender has been sent to a Reformatory School it appears to the Committee of Visitors of Board of Management, as the case may be, that the age of such youthful offender has been understated 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, the shall report the case for the orders of the State Government.

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

14. Discharge or removal by order of Government.- The State Government may at any time order any youthful offender-

- (a) to be discharge 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. Agreement between States.- The State Government of any two States may after mutual agreement, generally or specially, notify in their respective Official Gazettes that any Reformatory School situated in one of the States shall be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in the other

State and may thereupon make provision for the removal of youth full offenders accordingly.]

16. Certain orders not subject to appeal or revision.- Nothing contained in the Code of Criminal Procedure, 1882, (10 of 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.

Iii. Management Of Reformatory Schools

17. Appointment of Superintendent and committee of Visitors or board of Management.- (1) For the control and management of every Reformatory School, the State Government shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management. (2) Every Committee and every Board so appointed must consist of not less than five persons [* * *].

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

18. Superintendent may license youthful offenders to employers of about.- (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 may officer of Government or 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.

(2) The license shall be in force for three months and no longer, but may, at anytime and from time o 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.

19. Cancellation of license.- The licence shall be canceled at the desire of the employer named in the license.

20. Determination of license.- If during the term of the license the employer named therein dies, or ceases from business or to employee 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.

21. Cancellation of license in case of ill-treatment.- 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. Superintendent to be deemed guardian of youthful offenders.-

(1) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school, within the meaning of Act No.19 of 1850 (concerning the binding of apprentices).

(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 provision 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.

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

- (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.

24. Powers of Board of Management.- If, in exercise of the power conferred by section 17, the State 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.

25. Power to appoint trustees or other managers of a school to be a Board of Management.- The State 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.

26. Power of Board to make rules.-(1) With the previous sanction of the State 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 offenses committed by youthful offenders ;
and
- (k) the granting of licenses for the employment of youthful offenders.

(2) In the absence of a Board or Management the State 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.

VI. OFFENCE IN RELATION TO REFORMATORY SCHOOLS

27. Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.- Whoever, contrary to any rule made under section 26, introduces or removes or attempts by any means whatever to introduce or remove it 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.

Object & Reasons ▼

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 this clause.

28. Penalty for abetting escape of youthful offender.- 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 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.

29. Arrest if escaped youthful offender.- 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

30. Application of Act 15 of 1869 to youthful offenders detained in Reformatory Schools. [Rep. by the Prisons Act, 1900 (3of 1900), s.53 and Sch. III.]

31. Power to deal in other ways with youthful offenders, including girls.- (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 bond, with or without sureties, as the Court may require, to be responsible for the good behavior 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.

Object & Reasons ▼

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.

32. Procedure when youthful offender under detention in a Reformatory School is again convicted and sentenced.- 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 397 of the Code of Criminal Procedure, 1882, (10 of 1882) but the Court shall forthwith report the matter to the State Government, which have power to deal with the matter in any way in which it thinks fit.

Object & Reasons ▼

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.