

THE REFORMATORY SCHOOLS ACT, 1876.

ACT NO. V. OF 1876.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 29th February 1876, and is here by promulgated for general information:—

Preamble.

An Act to provide Reformatory Schools.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called “**The Reformatory Schools Act, 1876**”:

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf.

Section 318 of Code of Criminal Procedure repealed.

2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein.

Interpretation-clause.

3. In this Act—

“Youthful offender”

“Youthful offender” means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation:

“Inspector-General.”

“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 of Jails.

II.—Reformatory Schools.

Power to establish and discontinue Reformatory Schools.

4. 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 act in conformity with 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.

Requisites of schools.

5. 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 offenders industrial training;
- (d) an infirmary or proper place for the reception of such offenders when sick.

Inspection of schools.

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector-General of Jails, and if he reports that the requirements of section five 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, 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.

Power of Courts to direct youthful offenders to be sent to Reformatories.

7. Whenever any youthful offender is sentenced to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, the Court may direct that instead of undergoing his sentence, he shall be sent to a Reformatory school, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (a) the High Court, (b) the Court of Session, (c) a Magistrate of the first class, and (d) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras, and Bombay.

Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.

8. Whenever any youthful offender under the age of sixteen years has been or shall be sentenced to imprisonment, the Officer in charge of the Jail in which such offender is confined may bring him before the Magistrate within whose jurisdiction such Jail is situate; and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory school, may direct him to be sent to a Reformatory school, and to be there detained for a period which shall be not less than two and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

“Magistrate” defined.

In this section “Magistrate” means in the towns of Calcutta, Madras, and Bombay, a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

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

9. Every youthful offender so 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 from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

Boys above eighteen not to be detained in school.

10. Nothing contained in section seven, eight, or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

Discharge or removal by order of Government.

11. The local Government may at any time order any youthful offender—

(a) to be discharged from a Reformatory School;

(b) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the local Government thinks fit;

or

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

III.— Management of Reformatory Schools.

Appointment of Superintendent and Committee of Visitors or Board of Management.

12. For the control and management of every Reformatory School. the local Governm-ent shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

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.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

Superintendent may license youthful offenders to employers of labour.

13. Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, 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.

Cancellation of license.

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

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

and if it appears to the Superintendent 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.

Determination of license.

15. If during the term of the license the employer named therein die, or cease from business, 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.

Cancellation of license in case of ill-treatment:

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

Superintendent to be deemed guardian of youthful offenders.

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

Power to apprentice youthful offender.

and if it appear to the Superintendent that any such offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such offender in the School shall cease, and the unexpired term (if any) of his sentence shall be cancelled.

Duties of Committee of Visitors.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(a) visit the school, to hear complaints and see that the requirements of section five 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.

Power of Board of Management.

19. If in exercise of the power conferred by section twelve, 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 thirteen to seventeen, both inclusive; and the license mentioned in section thirteen 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.

Power to appoint trustees or other managers of a school to be a Board of Management.

20. 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 four, 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.

Power of Board to make rules.

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 by youthful offenders,
- (f) the granting of licenses for employment of youthful offenders,

In the absence of a Board of Management, the local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (b), (c), (d), (e) and (f) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

Power of Government of India to make rules.

22. The Governor-General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the Gazette of India.

IV._ Offences in relation to Reformatory schools.

Penalty for abetting escape of youthful offender.

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.

Arrest of escaped youthful offenders.

24. 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.

WHITLEY STOKES,

