

## **REFORMATORY SCHOOLS ACT, 1897**

### **8 of 1897**

[ ]

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<sup>a</sup>[a] For Statement of Objects and Reasons, see Gazette of India, 1896, Pt. V, page 187; for Report of the Select Committee, see 1897, Pt. VI, page 55. This Act has been declared to be in force in- (i) the Sonthal Parganas by Regn. 3 of 1872; (ii) the Khondmas district by Regn. 4 of 1936, Section 3 and Schedule; (iii) the Angul district by Regn. 5 of 1936, Section 3 and Schedule. Angul is a part of Dhenkanal district of Orissa State. This Act has been extended to the States merged in the State of- (a) Bombay by Bom. Act 5 of 1950, Section 3 (30-3-1950); (b) Madhya Pradesh by M. P. Act 12 of 1950, Section 3 (3-4-1950); (c) Orissa by Ori. Act 4 of 1950, Section 4 (-3-1950); (d) Punjab by Punj, Acts 5 of 1950, Section 3 ( 15-4-1950) and 18 of 1958, Section 4 and Schedule II ( 15-5-1958). 11th March, 1897

CHAPTER 1  
PRELIMINARY

## **1. Title and extent :-**

(1) This Act may be called The Reformatory Schools Act, 1897; "[\*].

**1**<sub>2</sub>[ \* \* \* \* \*]I

(3) <sup>2</sup>[ It extends<sup>3</sup> to the whole of India except ^[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].]

1. The word 'and' and sub-section (2) were omitted by the Repealing and Amending Act, 1914 (10 of 1914), Section 3 and Schedule II.

2. Substituted for the former sub-section .(3) by A.C.A.O., 1948.

3. The provisions of this Act shall cease to apply in any area in which- (i) Parts II to XI of the Bombay Children Act, 1948 (Bom. 70 of 1948). have been brought into operation-See Section 6 of that Act. Bombay is divided into the States of Gujarat and Maharashtra by Act 11 of 1960; Said Bombay Act now applies to whole of Gujarat-See Guj. Act 33 of 1965. (ii) the provisions of the Madras Children Act. 1920 (Mad. 4 of 1920) relating to youthful offenders have been applied to any class of them-See Section 2 of that Act. Andhra Pradesh has been carved out of Madras State under Act 30 of 1953. (iii) the provisions of the East Punjab Children Act, 1949(E.P. 39 of 1949), shall be, or have been, brought into operation-See Section 4(1) of that Act; Punjab has now been reorganised into the States of Haryana and Punjab and Union Territory of Chandigarh. Parts of Punjab have been transferred to Himachal Pradesh as well-See Act 31 of 1966. (iv) Chapters I and III to VIII of (he Uttar Pradesh Children Act. 1951 (U. P. 1 of 1952), have been brought into force-See Section 76 of that Act: (v) the West Bengal Children Act, 1959(W.B. 30 of 1959), is inforce-See Section 51 of that Act; (vi) Assam Children Act, 1971 (Assam Act 12of 1971), has been enforced-SeeSection 58(1) of that Act; (vii) Bihar Children Act, 1970 (Presi, Act 10 of 1970) has been enforced-See Section 58(1) of that Act; (viii) Madhya Pradesh Bal Adhinyam, 1970 (M. P. Act 15 of 1970) has come into force-See Section 67(1) of that Act; (ix) Mysore Children Act, 1964 (Mys. Act 19 of 1964); the said Act applies to whole of Mysore and repeals the Act where it might have been in force - See Section 6(2) of that Act, (x) Rajasthan Children Act, 1970 (Raj. Act 16 of 1970), has come into force- See Section 58(1) of that Act; (xi) Children Act, 1960 (Act 60 of 1960); the Act applies to all the Union Territories and repeals this Act in territories where it has been enforced; the Act has so far been brought into force in the Union Territories of- Dadra and Nagar Havell (with effect from 1-7-1965); Goa. Daman and Diu (with effect from 1-1-1964); Himachal Pradesh (with effect from 2-10-1962) (Himachal Pradesh is a State

now under Act 53 of 1970); Pondicherry (with effect from 1-10-1963).

## **2. Repeals :-**

Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]

## **3. Repeals :-**

Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]

## **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 <sup>1</sup> [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.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

## CHAPTER 2

### REFORMATORY SCHOOLS

## **5. Power to establish and discontinue reformatory schools**

:-

<sup>1</sup>[\* \* \*] The <sup>2</sup>State Govern- ment] 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 <sup>1</sup> [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.

1. Substituted for the words "Provineial Government" by A.L.O., 1950

2. For such rules made by the Punjab Government, see Punj. Gaz.

1903, Extra, p. 3.

## **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 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.

## **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 thereunder this Act, he shall certify to that effect, and such certificate shall be published in the <sup>1</sup>[Official Gazette], together with an order of the <sup>2</sup>[State 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 <sup>2</sup>[State Government] a report on the condition of the school in such form as the <sup>2</sup> [State Government] may prescribe.

1. Substituted for the words "Provincial Government" by A.L.O., 1950

2. For such rules made by the Punjab Government, see Punj. Gaz. 1903, Extra, p. 3.

## **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 <sup>1</sup>[State Government], direct that, instead of undergoing his sentence, he



**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 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. 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 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).

**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 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.

**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 or 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, they 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 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. Agreement between States :-**

The <sup>1</sup> [State] Governments 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 youthful offenders accordingly.]

1. Substituted for the word/words "Province/Provinces" by A.L.O., 1950.

**16. Certain orders not subject to appeal or revision :-**

Nothing contained in 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.

**17. Appointment of Superintendent and Committee of Visitors or Board of Management :-**

(1) For the control and management of every Reformatory School, t h e <sup>1</sup> [State Government] shall ap- point 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 any Superintendent or any Member of a Committee or Board so appointed.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

**18. Superintendent may license youthful offenders to employers of labour :-**

( I ) Every Su- perintendent 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 Gov- ernment 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, occupa- tion or calling.

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

"We have required the Superintendent to obtain the sanction of the Committee before licensing youthful offenders to the employers of labour as we think that this is a power which should not be left in the hands of the Superintendent alone."-S.C.R.

**19. Cancellation of license :-**

The license shall be cancelled 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 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.

**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 power to apprentice youthful offender :-**

(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 period 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.

**22A. Permission to a youthful offender to live with his parent or guardian :-**

( I ) The State Government or, any authority to which the State Government may delegate its powers in this behalf may, on the recommendation of the Superintendent and the Committee of Visitors appointed under S. 17, permit a youthful offender sent to a Reformatory School to live under the charge of his parent or guardian for any period not exceeding thirty days at a time, excluding the time required for journeys and the days of departure from and the arrival at the Reformatory School : 896 [Ss 23-26] [The] Reformatory Schools Act, 1897 Provided that such permission shall not be granted, unless-

(i) the youthful offender has completed at least two years of stay in a Reformatory School and his conduct has been in the opinion of

the Superintendent, uniformly satisfactory.

(ii) the parent or the guardian or such youthful offender executes a bond with or without surety, as the Superintendent may require for the return of the youthful offender to the Reformatory School on the expiry of the period for which he is permitted to live under the charge of such parent or guardian, as the case may be; and

(iii) in the case of a second or subsequent permission not less than year has elapsed from the date of the expiry of the previous permission.

(2) A youthful offender, who is permitted to live under the charge of his parent or guardian under sub-section (1). shall return on the due date to the Reformatory School.

(3) The period during which a youthful offender is permitted to live under the charge of his parent or guardian under sub-section (1), shall count towards the total period of his sentence, provided that he returns to the Reformatory School on the due date and his conduct has been found to be satisfactory during the period for which he was permitted so to live.

(4) If the parent or guardian, as the case may be, fails to fulfil any of the conditions in the bond executed by him under Cl. (ii) of the proviso to sub-section (1), the bond shall be declared to be forfeited and any person bound thereby, shall be liable to the penalty thereof" -Bihar Act 7 of 1956, 3. 2 (222-1956.).

### **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 of the Superintendent under section 18 to section 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. Substituted for the words "Provincial Government by A.L.O., 1950.

**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 offences committed by youthful offenders; and

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

(2) In the absence of a Board of Management the <sup>1</sup> [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.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

#### CHAPTER 4

#### OFFENCES 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 re- moves 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. "We have brought this clause into more strict conformity with S.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."-S.C.R.

**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 of 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.

**29A. Arrest of youthful offender who fails to return to school :-**

A Police Officer may, without orders from a Magistrate and without warrant arrest any youthful offender who fails to return to a Reformatory School after the expiry of the period for which he has been permitted under section 22-A to live under the charge of his parent or guardian or escapes from the charge of his parent or guardian, as the case may be, during any such period, and take him back to the school."- Bih. Act 7 of 1956, S. 4 (22-2-1956).

CHAPTER 5

MISCELLANEOUS

**30. Application of Act 15 of 1869 to youthful offenders detained in Reformatory Schools :-**

Repeated by the Prisons Act, 1900 (3 of 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 a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour 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 of 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.

"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."- S.C.R.

### **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 S.397 of Code of Criminal Procedure, 1973, but the Court shall forthwith report the matter to the State Government, which shall have power to deal with the matter in any way in which it thinks fit. "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."-S.C.R.