



REHABILITATION OF THE JUVENILE DELINQUENTS OF MADRAS PRESIDENCY UNDER COLONIAL INDIA

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Abstract

This paper aims to depict the reformatory system for the juvenile delinquents during the British period in Madras presidency. The first law towards the juvenile delinquents was the Apprentices Act enacted in 1850 for the welfare of such children. The Madras Borstal Schools Act, 1926 (Madras Act V of 1926) was passed for the reformation of juvenile delinquents. The British enacted separate procedures for the trial and rehabilitation of juvenile delinquents.

Keywords: *Borstal Schools, Juvenile Delinquents, Reformatory Homes, Visiting Committee, Advisory Board, Discharged Prisoners Aid Society, License, Madras Children Aid Society.*

Juvenile delinquents are minors, who violates the law and they are not called as criminals as that would be for adults who commit crimes. The crimes committed by minors are called “delinquent acts and the term ‘Juvenile’ has been defined in clause (h) of Section 2 of the General Clause Act 1897, a boy who has not attained the age of 16 or a girl who has not attained the age of 18 were punishable under law for offence. The juvenile offenders were divided into two groups, the first group was Adolescent offenders age not less than 16 nor more than 21 years and the second group was Youthful offenders under the age of 16 and further this people were divided into classes as child offenders under 14 years of age and young person offenders between 14 and 16 years of age. The adolescent male offenders were detained at Borstal schools and juvenile offenders under 16 years both boys and girls were detained at senior or junior certified schools.

Juvenile justice system plays an important role in protecting the children especially who are in conflict with the law and such young offenders are termed as Juvenile delinquents. Some of the socio-economic factors such as poverty, broken families, ill-treatment of parents, poor education, school environment, peer groups, etc., always influence the child. The British framed certain laws to protect these children through institutions and non institutional structures.

The Apprentice Act of 1850 was the first law passed by the British government to deal with young offenders in India. The Indian Penal Code, Sections 82 and 83 also deals with children who offend the law. The Criminal Procedure Code of 1861 also provided special care for such children. A series of Reformatory School Acts were enacted for juvenile justice during the years 1854, 1855, 1870 and 1876. These acts had provisions to empower the government to establish reformatory schools to keep young criminals away from the contaminated atmosphere of jails and to protect the rights of children.

According to these Acts juvenile delinquents were treated differently from the adult criminals. The Reformatory School Acts of 1876, is the landmark in the history of development of Juvenile justice system and it was first implemented in the Madras Presidency. This Act was aimed at providing care, protection, development and rehabilitation of juvenile delinquents. The Madras Presidency government arranged 54 acres of land for a reformatory school for juveniles under the provisions of India Act V of 1876.

Madras Jails Committee was appointed on the 28th day of April, 1919 under the chairmanship of Alexander G.Cardew, ICS, Member of the executive council, Madras, with six distinguished members. According to the committee’s report of 1920, imprisonment of child offenders was prohibited, provision of children’s court, establishment of remand homes, certified schools and emphasized on the importance of pre-sentence enquiry and super-vision of after release. Madras children Act 1920 also emphases to protect the young offenders, but this Act came into force only during 1928 and it remained unchanged even after Independent India. In 1939 the first juvenile court was established in Madras presidency and the juvenile offenders were transferred to Reformatory Homes, Certified Schools, Borstal school and Salvation Army institutes.

Borstal School

Borstal School is a place in which young offenders were detained in pursuance of training and they are subjected to discipline. The minimum period of detention was two years and the maximum period was five years and an inmate cannot be detained after he attains 23 years of age. The primary objective of Borstal Schools is to ensure care, welfare and rehabilitation of young offenders and cannot be treated as either a miniature jail or a substitute of it. Borstal schools were set-up under the Madras Borstal Schools Act of 1926, for delinquent boys and girls. This Act was amended several times regarding the



powers of the state government regarding this Act, classification of inmates into various grades for purposes of discipline and control, and also the procedure for releasing the inmates on license.

The Juvenile delinquents sentenced to more than three months imprisonment were generally transferred to the nearest central jail where there were given separate accommodation. Those sentenced to shorter terms of imprisonment were confined in the district jails, a separate block has been provided to accommodate. Whenever the accommodation in a Borstal School was not immediately available, he was detained in a special ward or such other suitable part of a prison on the advice of the State Government.

The number of inmates detained in Borstal schools during 1929 were 913 out of which 478 were received by direct committal and 49 by transfer, 61 were transferred, 247 release, three escaped and remained, at large and two died. It was found necessary during 1929 to convert the District Jail, Palamcottah, into a complete Borstal school. This second Borstal school was therefore established with effect from the 15th May 1929. Adolescent sections have been opened in the central jails at Rajahmundry, Yellore, Trichinopoly, Cannanore and Salem, where the Borstal school system was modified as Certified Schools. There were 6 certified schools in Madras Presidency and the Anjuman Industrial School, Madras, was declared a suitable place of custody for destitute and vagrant Muslim children in Madras city under section 29 of the Madras Children Act. There were 636 boys and 54 girls in these certified schools of Madras Presidency. In 1929, there were some new admissions of 325 boys and 39 girls and in the same year, 276 boys and 28 girls were discharged. The number of inmates increased over the years and in 1932, 812 were detained in Tanjore and Palamcottah Borstal school.

Education was given to the inmates' upto VIII standard in the junior certified schools and upto VI standard in the senior certified school in Chingleput. The medium of instruction was the mother tongue, vocational training was imparted in the schools in weaving, carpentry, tailoring, blacksmithing, masonry, book binding and laundry. Music was also taught, Carnatic music in the curriculum and appointment of part time music instructor in senior certified schools, Chingleput and a band was maintained.

Visiting Committee and Advisory Board

Management of Borstal Schools was under the Inspector-General and every Borstal School had a Superintendent appointed by the State Government. Visiting Committees were appointed who consisted of the Sessions Judge, the District Magistrate, the District Educational Officer within whose respective jurisdictions the Borstal School was situated and four non-official members were also appointed by the State Government. They visit the Borstal School either individually or collectively to make suggestions for the improvement of the training from time to time and also advice regarding their release on license and detention after examining the records of the Borstal School. The visiting committees classify the inmates according to their industry and good conduct.

The Inspector-General of Police on the recommendation of the Visiting Committee, if he was satisfied that the offender would give up crime and lead a useful and industrious life, discharge him from the Borstal School granting him a written license under surveillance of government, secular institution, religious society or any responsible person in the society. When the authorities were not satisfied with the conduct or progress of any offender detained, shall remain under the supervision for a further period even after the end of the term of detention not exceeding one year under the supervision of such authority and discharge on license under supervision.

The conditions for release of convicts on the recommendations of the Advisory Board were placed before the government, for their consideration or rejection. This work of the Advisory board was a means for improving the conduct of the prisoners and discipline generally. The officials in the Advisory board of the Madras Presidency consists of an Inspector General of Prisons as chairman, the Sessions Judge of the division in which the prison is situated, the District Magistrate of the district in which the prison is situated, a non-official member appointed by the government and the Superintendent of the concerned jail as the Secretary of the board.

Role of Discharged Prisoners Aid Society and Reformation

Lieutenant Colonel J.P. Cameron, the Inspector General of prisons was responsible for the birth of the Discharged Prisoners Aid Society at Madras in the year 1921. Those prisoners discharged who had improved public sympathy and co-operation sought the assistance and the protection of the Discharge Prisoners Aid Society for the adult and Madras Children Aid Society for the children.

The Borstal inmates after-care was entrusted to Probation Officers under Madras Probation of Offenders Act of 1936, designated Chief Probation Superintendent, who was under the control of the Inspector-General of Prisons and District



Probation Officers for each district was appointed to administer, to enforce the provisions of the Madras Children Act of 1920, the Madras Borstal Schools Act of 1925, the Madras Suppression of Immoral Traffic Act of 1930 and certain provisions of the Code of Criminal Procedure.

Many ex-Borstal boys were provided with employment and they got substantial help in many other ways. The Discharged Prisoners Aid Society helped such persons with small sum of money and recommended for appointments. Another new feather of this society was the formation of a 'Muslim Prisoners Aid Society' at Bellary. Even 'Homes' were established for temporary accommodation to ex-prisoners seeking the aid of the society and awaiting for employment. These discharged prisoners had benefited by this society during the two decades of the British rule.

Reformation System

The system of education imparted to the offenders detained in Borstal Schools includes physical training, industrial and agricultural training, school education and active outdoor games. An attempt is made to equip these offenders with a sound practical grounding in some useful industry. Organized games are part of the school curriculum and Scout work forms a special feature of the training, ambulance work and first aid are taught in the three Government certified schools. The Palamcottah Modified Borstal Team obtained the second prize in the Jagamal Raja Ambulance Challenge Shield Competition.

Primary education was compulsory, they were provided with necessary books and were taught English. Subjects of the general interest connected with agriculture, hygiene, industrial training was normally given. Female inmates were also received similar instruction and were trained in knitting, sewing, weaving and the like. There was a library attached to the school with books of moral and educative value, news papers and magazines were supplied to inculcate reading habit. Training was imparted to juvenile criminals in several trades depending on their interest and this training appeal to the boys and had an inspiring effect on them. The object of technical training was for their reformation and rehabilitation and were given certificates to enable them to seek employment after release.

The dramatic entertainments put-up by the Borstal schools in the jail premises generated considerable collections. These entertainments were freely held and, it not only relieved the monotony of prison life but also had educative value. They were taken care of by providing better living conditions with sufficient accommodation, ventilation, food facilities, potable drinking water, better diet, medical and sanitation facilities interview and communication facilities, entertainment, etc.

Medical care was provided in the Borstal School inmates suffering from any illness and the Inspector-General may send the offender to any civil hospital for proper medical treatment. There was a separate kitchen for sick persons in these Borstal schools. Reformatory programmes were regularly conducted with the help of officials from the educational departments, non-official and philanthropic organizations. Spiritual discourses, lectures and preaches on issues of health, social life and literacy classes were some of the regular features. Such correctional programmes not only break the monotony of prison setting but also change the atmosphere with an urge for betterment.

In the year 1940, Juveniles were responsible for many thefts in the districts of Kistna and Guntur. The police had traced all of them and sent to Certified Schools for correction. Another case of interest which was recorded in the year 1941 was a Kepmari juvenile of the Trichinopoly district committed a daring money theft of an amount Rs.5000 near the Imperial Bank of India at Bezwada in Kistna district. He was arrested and a major portion of the property was recovered by the police and the accused was sent to Borstal School at Tanjore.

Conclusion

The objective of the school was to detain juvenile delinquents for a period sufficiently long to enable them to receive education and to develop physical and moral health so that they could lead a systematic life. Through the process of reformation they developed habits of obedience, truth speaking, regularity, industry, order, cleanliness, and with the help of a judicious system of rewards and punishments. A new branch of Discharged Prisoners' Aid Society committee was formed at Cocanada and all the district committees endeavored to expand work and improve their aftercare organization. At Cannanore and Palamcottah, homes were constructed and brought into use and the Bellary Home was provided with a suitable workshop. Juvenile justice system provides welfare along with criminal justice functions in safeguarding the rights of children, the Indian Juvenile Justice system passed through many phases to make the young criminals recognize the responsibility of society and also to protect them from all sorts of exploitation and abuses. After Independence Juvenile Justice Act of 1986 is an important land mark in the history of juvenile justice system.



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