

**THE REFORMATORY SCHOOLS ACT, 1897
(VIII of 1897)**

CONTENTS

I—PRELIMINARY

1. **Title and extent**
2. ***[Repealed]***
3. ***[Repealed]***
4. **Definitions**

II—REFORMATORY SCHOOLS

5. **Power to establish and discontinue Reformatory Schools**
6. **Requisites of schools**
7. **Inspection of Reformatory Schools**
8. **Power of Courts to direct youthful offenders to be sent to Reformatory Schools**
9. **Procedure where Magistrate is not empowered to pass an order under section 8**
10. **Power of Magistrates to direct boys under fifteen sentenced to imprisonment to be sent to Reformatory Schools**
11. **Preliminary inquiry and finding as to age of youthful offender**
12. **Government to determine Reformatory School to which such offenders shall be sent**
13. **Persons found to be over eighteen years not to be detained in Reformatory Schools**
14. **Discharge or removal by order of Government**
15. **Agreement between Provinces**
16. **Certain orders not subject to appeal or revision**

**III—MANAGEMENT OF
REFORMATORY SCHOOLS**

17. **Appointment of Superintendent and Committee of Visitors or Board of Management**
18. **Superintendent may license youthful offenders to employers of labour**
19. **Cancellation of license**
20. **Determination of license**
21. **Cancellation of license in case of ill-treatment**
22. **Superintendent to be deemed guardian of youthful offenders. Power to apprentice youthful offender**
23. **Duties of Committee of Visitors**
24. **Powers of Board of Management**
25. **Power to appoint Trustees or other Managers of a school to be a Board of Management**
26. **Power of Board to make rules**

**IV—OFFENCES IN RELATION
TO REFORMATORY SCHOOLS**

27. **Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders**
28. **Penalty for abetting escape of youthful offender**
29. **Arrest of escaped youthful offender**

V—MISCELLANEOUS

30. ***[Repealed]***
31. **Power to deal in other ways with youthful offenders including girls**
32. **Procedure when youthful offender under detention in a Reformatory School is again convicted and sentenced**

TEXT

¹THE REFORMATORY SCHOOLS ACT, 1897
(VIII of 1897)

[11th March, 1897]

**An
Act**

to amend the law relating to Reformatory Schools and to make further provision 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:-

I—PRELIMINARY

1. Title and extent.— (1) This Act may be called the Reformatory Schools Act, 1897: ²[* * *]
³[* * * * * * * *]

⁴[(3) This section and section 2 shall extend to ⁵[the whole of Pakistan]. ⁶[The other sections shall extend in the first instance to Sind and the Karachi Division and East Pakistan, but the Government of ⁷[the Punjab] may at any time, by notification in the Official Gazette, extend these sections to other parts of ⁸[the Punjab] from such day as may be fixed in any such notification].

2 and 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 ⁹[Provincial Government] to perform all or any of the duties imposed by this Act on the Inspector-General: and

¹⁰[* * * * * * * *]

II—REFORMATORY SCHOOLS

5. Power to establish and discontinue Reformatory Schools.—
¹¹[* * *] The ¹²[Provincial Government] may—

(a) establish and maintain Reformatory Schools at such places as it may think fit;

¹For statement of objects and reasons, see Gazette of India, 1896, Pt. V, p. 187; for Report of the Select Committee, see *ibid.*, 1397, Pt. VI p. 55; and for Proceedings in Council see *ibid.*, 1896, Pt. V. pp. 222 and 251; and *ibid.*, 1896, Pt. VI, pp. 44 and 68.

This Act had been declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (II of 1913), section 3 and Schedule I.

It had also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

²The word “and” at the end of sub-section (1), and sub-section (2), repealed by the Repealing and Amending Act, 1914 (X of 1914), section 3 and Schedule II.

³*Ibid.*

⁴Substituted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949), Schedule, for the original sub-section (3) as amended by the Government of India (Adaptation of Indian Laws) Order, 1937, Supplementary Order, 1937.

⁵Substituted by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), section 3 and 2nd Schedule, for “all the Provinces” (with effect

- (b) use as Reformatory Schools kept by persons willing to act in conformity with such rules, consistent with this Act, as the ¹³[Provincial 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 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 there under this Act, he shall certify to that effect, and such certificate shall be published in the ¹⁴[Official Gazette], together with an order of the ¹⁵[Provincial 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 ¹⁶[Provincial Government] a report on the condition of the school in such form as the ¹⁷[Provincial 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 ¹⁸[Provincial Government], direct that, instead of undergoing his sentence, he shall be sent to such a school, and be 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 ¹⁹[Provincial Government] in this behalf, and may be exercised by such Courts whether the case comes before them originally or on appeal.

(3) The ²⁰[Provincial 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 him is a 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 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.

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.

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.

V—MISCELLANEOUS

30. [Application of Act XIV of 1869 to youthful offenders detained in Reformatory Schools]. Repealed by the Prisoners Act, 1900 (III of 1900), section 53 and Schedule 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) discharge 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 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.

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