

Rules Under the Reformatory Schools Act, 1897.(The Reformatory School at Insein)

No. 339

The 23rd September 1897.

[Amendment : 18.06.1989]

No. 339.- In exercise of the powers conferred by section 26, sub-section (2), of the Reformatory Schools Act, 1897 (VIII of 1897), and in supersession of this Department notifications marginally cited, the Lieutenant-Governor makes the following rules concerning the Reformatory School at Insein:-

A.- RULE CONCERNING “PROHIBITED ARTICLES.”

The undermentioned articles shall be deemed to be “prohibited articles”:-

- (a) intoxicating liquors and drugs, including opium and ganja;
- (b) tobacco;
- (c) money;
- (d) gunpowder, lead, matches, and firearms;
- (e) knives, das, and instruments for cutting or stabbing not provided for the industrial training;
- (f) cards, dice, and other instruments for lotteries or gaming; and
- (g) all articles the possession of which and the purpose thereof have not been authorized by the Superintendent.

B.- RULES FOR MANAGEMENT.

(a) The conduct of business by the Committee of Visitors.

I.-A general meeting of the Committee of Visitors shall be held every month at the school on such day as the Committee may by resolution fix, and at such other times as the Committee may think necessary. Three members shall form a quorum.

II.-Every member of the Committee shall have access to the Reformatory at all times. The school shall be visited at least once a week by at least one member of the Committee.

III.-The Committee shall from time to time visit the school to-

- (a) hear complaints and see that the requirements of section 6 of the Reformatory Schools Act, 1897, have been complied with, and that the management of the school is satisfactory in all respects;
- (b) examine the punishment register;

- (c) bring any special cases to the notice of the Inspector-General of Prisons;
- (d) see that no person is illegally detained in the school;
- (e) see every boy confined in the school; and
- (f) pass the accounts.

IV.-The proceedings of each meeting shall be recorded in a minute-book and the minutes shall be confirmed (after correction if necessary) at the following meeting.

V.-A member of the Committee visiting the Reformatory shall make a note in the visitors' book, to be kept for the purpose, of every visit paid by him, with such remarks as he may wish to make on each subject that has come before his notice; and it shall be the duty of the Superintendent to lay such visitors' book before the Committee at their monthly meeting.

(b) The management of the school.

VI.-The Reformatory shall be managed by the Superintendent, subject to the provisions of the Reformatory Schools Act, 1897, and the rules made thereunder, and subject to the control of the Committee of Visitors and the Secretary thereto.

VII.-The Superintendent shall live in the quarters provided for him and shall devote himself solely to the management of the school, and shall not engage in any other business or pursuit without the consent of the Committee.

VIII.-It shall be the duty of the Superintendent to be present with the boys during the working hours, and to acquaint himself with the conduct and character of each boy and his progress in industrial training.

IX.-The Superintendent shall keep a report book, in which he shall make notes of all occurrences of importance and of any matters on which he may require the orders of the Committee of Visitors. He shall also keep such registers of admissions, licenses, and releases, and such accounts as may from time to time be prescribed by the local Government or the Committee.

X.-The appointment and dismissal of subordinate officials and menial servants shall lie with the Committee, or with members of their body, or with the Superintendent, according as the Committee may by resolution direct.

XI.-It shall be the duty of the Superintendent to be present both when the dormitories are locked for the night and when they are unlocked in the morning. If, owing to illness or other cause, he is unable to perform this duty, he may delegate it to the head warder, noting the fact at the same time in his report book.

XII.-During the night the keys of the dormitories shall be kept by a warder, who shall patrol the verandah of the reserve guard, and the dormitories shall not be opened without the previous permission of the Superintendent, save in the case of fire or other emergency.

XIII.-A warder shall always be on duty at the entrance gate during the day, and a warder shall patrol within the enclosure during the night time.

XIV.-The Hospital Assistant attached to the Insein Jail shall do duty when required in the school, which shall be under the medical supervision of the Superintendent of the Insein Jail. The Hospital Assistant shall keep such registers and returns as shall be prescribed by the Committee.

XV.-The Medical Officer shall enter in a book, to be kept for that purpose, a note of all cases of serious illness attended by him in the school and of the treatment prescribed.

XVI.-All cases of sudden or violent death shall at once be reported to the nearest Magistrate empowered to hold inquests, with the request that he will hold an inquest and communicate his finding to the Committee of Visitors.

XVII.-No person other than the Lieutenant-Governor (together with the members of his staff in attendance on him) shall be admitted within the school premises unless accompanied by a member of the Committee, or unless furnished with a written permission signed by the Inspector-General of Jails, or the President of the Committee, or the Commissioner, Pegu Division, or a Secretary to the Government of Myanmar.

[<Amendment 18.06.1989>](#)

XVIII.-Every youthful offender upon admission to the school shall be given a number according to a consecutive series running from 1 to 5,000, and shall wear a distinctive dress.

XIX.-With a view to 'encourage good conduct and industry, the Committee shall prescribe a system of marks under which small gratuities, not exceeding 8 annas a month, may be earned, one-half of the amount to be spent, at the wish of the boy, on fruits, sweetmeats, and other luxuries not falling within the list of forbidden articles, and the other half to be retained by the Committee pending the boy's discharge.

XX.-The Committee shall also frame rules for the promotion of deserving boys to the grade of monitor; the gratuities earned under the mark system by a monitor shall be double those laid down by the preceding rule.

XXI.-Marks shall be awarded by the Superintendent weekly, and the mark register shall be laid before the Committee at their monthly meeting.

XXII.-It shall be the duty of the Superintendent to lay before the Committee at its general meetings the name of any youthful offender whose period of detention will expire before the next general meeting, and the Committee shall order the discharge of such youthful offender on the date on which his sentence terminates. The Committee shall at the same time examine the account of gratuities payable to those about to be released, and, if a boy has earned no gratuity shall order the payment for him of subsistence allowance.

XXIII.-The subsistence allowance payable under the last preceding rule shall amount to two annas per diem for as many days' journey on foot as the youthful offender's home is distant from the Reformatory school. When a part of the journey can be performed by rail or steamer, the Superintendent shall provide the youthful offender with a railway ticket or passage warrant or steamer ticket to the station nearest his home, and in that case subsistence allowance shall be calculated according to the distance of the youthful offender's home from the said station, with an allowance of two annas per diem for the number of days the journey will take.

XXIV.-The Superintendent shall take care that no youthful offender is discharged from the Reformatory improperly clothed. Every youthful offender on discharge, if no clothing of his own is in store, and if none is brought by his friends, shall be provided with decent clothes such as are usually worn by boys of the agricultural class.

XXV.-It shall be in the discretion of the Committee to direct that the amount of gratuity payable to a youthful offender on his release shall be paid to himself or to some relative or friend on his behalf.

XXVI.-Whenever it shall appear to the Committee that any offender detained in the Reformatory school will reach the age of 18 before the period of his detention will expire, the Committee shall make a report to the local Government requesting an order for his discharge under sections 13 and 14 of the Act,

XXVII.-The diet scale shall be as follows:-

At 6 A.M.-a rice-cake.

Morning meal at 9 a m.

Weight uncooked

Rice	...	...	...	...	10 to 12 oz.
Meat, or fish, or dhal			...	...	4 oz.
Vegetables		...	...	...	4oz.
Salt	...	...	...	...	4 drs.
Oil	...	...	...	...	4 drs.
Ngapi	...	...	...	...	4 drs.

At 2 P.M.-a rice-cake.

Evening Meal.

Weight uncooked

Rice	...	...	...	...	10 to 12 oz.
Vegetables		...	...	...	4 oz.
Salt	...	...	...	...	4 drs.
Oil	...	...	...	...	4 drs.
Ngapi	...	...	...	...	4 drs.

The undermentioned quantities of condiments shall be issued with each meal:-

Drams.

Turmeric
Chillies
Onions

Tamarind

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(c) The educational and industrial training of youthful offenders.

XXVIII.-The following shall be the routine to be observed in the school:-

The dormitories shall be unlocked at day-light, and the boys shall at once be marched off to perform their ablutions and visit the latrines. From 6 to 9 A.M. they shall be employed on the various works. At 9 A.M. the morning meal shall be served, and the boys shall be allowed till 10 A.M. to wash and rest. From 10 A.M. to 1-30 P.M. they shall attend school. From 1-30 to 2-30 P.M. shall be devoted to recreation. From 2-30 to 4-30 P.M. they shall be employed on the various works. From 4-30 P.M. to dusk the boys shall bathe, have their evening meal, and enjoy recreation. At dusk they shall again attend school until 8-30 P.M., when they shall be marched to their dormitories and locked up for the night.

XXIX.-The following subjects shall be taught to all boys in the school:-

Reading, in Myanmar.

Arithmetic, in Myanmar.

Writing, in Myanmar.

Geography, in Myanmar.

XXX.-With the approval of the Lieutenant-Governor, the Committee may arrange for other studies, including English.

XXXI.-The educational staff shall, consist of such a number of masters and at such rates of salaries as may be fixed from time to time at a general meeting of the Committee, subject to the sanction of the local Government. The Superintendent is expected to spend a portion of his time in the school-room.

XXXII.-Agricultural operations and gardening and such trades as the Committee may from time to time determine to introduce shall be taught, regard being had to the probable demand for the boys' labour on their discharge from the school.

The Superintendent shall see that the boys are constantly and suitably employed, and shall endeavour to develop in them an interest and pride in their work and to inculcate that industry is essential to their moral and physical well being.

XXXIII.-For each trade taught in the school there shall be a special instructor. The number of such instructors and the salaries to be paid them shall be regulated by the Committee with the sanction of the local Government.

(d) Visits to, and communication with, youthful offenders.

XXXIV.-The parents and near relations of the boys shall be allowed to visit them once in two months and to correspond with them at reasonable times, unless this privilege is suspended or withdrawn by the Superintendent in consequence of misconduct or interference with the discipline of the school. If a boy is seriously ill, or is about to be removed from the school by legal discharge, notice shall be sent to the parents.

(e) Conditions under which “prohibited articles” may be introduced.

XXXV.-Prohibited articles may be introduced into the school only by the order of the Superintendent, or of the Secretary or President of the Committee, or under resolution of the Committee.

(f) Removal of “prohibited articles.”

XXXVI.-Any prohibited article introduced otherwise than under Rule XXXV shall be taken by any official or servant of the Reformatory to the Superintendent to be dealt with by him.

(g) Supply of “prohibited articles” outside the school.

XXXVII.-No prohibited article may be supplied outside the school to any youthful offender under order of detention therein, unless such youthful offender is licensed under Rule XLV.

XXXVIII.-To a youthful offender licensed under Rule XLVII such prohibited articles may be supplied by his employer only as the Superintendent may by endorsement on the license approve.

(h) Sanctioned possession of “prohibited articles.”

XXXIX.-A youthful offender may possess a prohibited article only in accordance with Rule XXXVIII, or with the special sanction of the Superintendent.

(i) The penalties for possession of “prohibited articles.”

XL.-Possession of a prohibited article by a youthful offender, or supply of a prohibited article by one youthful offender to another, except under Rule XXXIX, shall be deemed to be an act of misconduct and shall be punishable by the Superintendent with any of the penalties mentioned in Rules XLI to XLIV, according to circumstances.

(j) The punishment for offences committed by youthful offenders.

XLI.-The Superintendent is authorized to punish the misconduct of any boy detained in the school; but all such punishments shall be entered in a register which shall be kept for the purpose and shall be laid before the Committee at every meeting.

XLII.-The authorized punishments shall be as follows:-

- (a) Formal warning.
- (b) Loss of marks.-The forfeiture for each offence not to exceed the equivalent of one rupee in the case of ordinary boys and two rupees in the case of monitors.
- (c) Degradation from monitorship for a period not exceeding six months or, with the sanction of the Secretary, permanently.
- (d) Separate confinement for a period not exceeding one month or, with the sanction of the Secretary, two months;
- (e) Solitary confinement for a period not exceeding four days or, with the sanction of the Secretary, seven days, provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the juvenile is again sentenced to solitary confinement.
- (f) Corporal punishment with a light cane on the hands or buttocks; the number of stripes not to exceed six on the hands, or ten on the buttocks, except with the previous sanction of the Secretary, who may authorize not more than 20 stripes on the buttocks.
- (g) Penal diet for a period not exceeding three days; this punishment shall not be repeated until after an interval of one week.
- (h) Application of hand-cuffs for not more than four consecutive days or nights.
- (i) In extreme cases cropping of hair, to be ordered only with the previous approval of the Secretary.

EXPLANATION.

Separate confinement means such confinement with or without labour as excludes a boy from communication with, but not from sight of, other boys, and allows him to take not less than one hour's exercise per diem and to have his meals in association with one or more other boys.

Solitary confinement means such confinement with or without labour as entirely excludes a boy both from sight of, and communication with, other boys.

Penal diet consists of one pound of rice flour per diem cooked with salt in the form of porridge.

Hand-cuffs must be of standard pattern and shall be applied to the wrists in front of the body by day or night for a period which shall not exceed twelve hours at a time, and intervals of not less than twelve hours shall intervene between each such period.

XLIII.-Any two of the punishments enumerated in the foregoing rules may be awarded in combination, except as follows:-

- (1) Formal warning shall not be combined with any other punishment, except loss of marks for the day on which it is administered.
- (2) Solitary confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the boy shall be liable beyond that permitted by Rule XLII.
- (3) Corporal punishment shall not be combined with any other form of punishment except separate confinement and loss of marks.

XLIV.-When the Superintendent is of opinion that misconduct committed by any boy cannot be adequately punished by him under the provisions of Rule XLII, and when such misconduct amounts to a criminal offence, the Superintendent shall prosecute the boy before the Subdivisional Magistrate of Insein, or the District Magistrate of Hanthawaddy.

- (k) The granting of licenses for the employment of youthful offenders.

XLV.-No license shall be granted for the employment of any youthful offender unless such youthful offender has been detained in the school for a period of two years and his conduct during the previous 12 months at least has, in the opinion of the Committee, been entirely satisfactory.

XLVI.-Before a license is granted for the employment of any youthful offender the Committee shall satisfy themselves that the employer is prepared to provide a suitable lodging and sufficient maintenance and clothing for such youthful offender.

XLVII.-A license shall be worded as follows:-

“Whereas A B is at present detained in the Insein Reformatory School under a warrant signed by , and dated , and whereas the said A B has attained the age of 14 years and has conducted himself to the satisfaction of the Committee, and whereas C D, being a trustworthy and respectable person and an employer of labour, to wit, , is willing to receive and take charge of the said A B and to keep the said A B employed at the occupation of a.

These presents witness that the said A B is hereby licensed to live under the charge of C D for a term of three months from this date.

“(Signed)

Superintendent.’

Dated

And at the foot of such license shall be printed the following notes:-

- (1) This license is in force for three months only, but it may be renewed from time to time for a similar period at the wish of the employer.
- (2) The license may be cancelled at the desire of the employer.
- (3) The license is, moreover, determined by-
 - (a) the death of the employer;
 - (b) his cessation from business;
 - (c) the expiration of the period for which the boy' can be detained in the school.
- (4) The license may be cancelled by the Superintendent if it appear to him that the employer has ill-treated the boy or inadequately provided for his lodging and maintenance.
- (5) If the boy herein licensed behaves well during one or more periods of his license, the Superintendent has power to apprentice him under Act XIX of 1850. When he is so apprenticed, the Committee's right to detain him ceases and the unexpired term of his sentence is cancelled.
- (6) A boy who escapes from the charge of his employer may be arrested by any police officer without a warrant.

XLVIII.-The original license shall be delivered to the employer, and a copy may be given to the youthful offender whom it concerns. A register of licenses shall be kept up by the Superintendent in such form as the Committee may prescribe.

Boys licensed under these rules need not wear the school clothing, but shall report themselves at least once a week to the Superintendent of the school or other officer who may be suggested by the Committee and approved by the Lieutenant-Governor.

XLIX.-It shall be the duty of the Superintendent to give due notice to any employer:-

- (i) when any boy's license is about to terminate; and
- (ii) when the period for which he can be detained is about to expire.

F. C. GATES,

Secretary to the Govt. of Myanmar.