

No. 39 OF 1935.

A LAW TO MAKE BETTER PROVISION FOR PROCEEDINGS IN REFERENCE TO JUVENILE OFFENDERS. A.D. 1935.
39 of 1935.

H. R. PALMER,]
Governor.

[23rd December, 1935.

BE it enacted:—

1. This Law may be cited as the Juvenile Offenders Law, Short title.
1935.

2. In this Law, unless the context otherwise requires— Interpreta-
tion.
“child” means a person under the age of fourteen years;

“guardian” includes any person who, in the opinion of the Court having cognizance of any case in relation to a child or young person or in which a child or young person is concerned, has for the time being the charge of, or control over, such child or young person;

“Juvenile Court” means a Magisterial Court when sitting to hear charges against children or young persons other than charges against a child or young person jointly with an adult;

“reformatory” means a place declared by the Governor to be a reformatory for the purposes of this Law;

“young person” means a person who is fourteen years of age or upwards and under the age of sixteen years.

3.—(1) A Juvenile Court shall sit in a different building or room from that in which the ordinary sittings of the Magisterial Court are held, or on different days or at different times from such sittings. Juvenile
Courts.

(2) Where in the course of any proceedings in a Juvenile Court it appears to the Court that the person charged or to whom the proceedings relate is of the age of sixteen years or upwards, or where in the course of any proceedings in any Court other than a Juvenile Court it appears that the person charged or to whom the proceedings relate is under the age of sixteen years, nothing in this Law shall be construed as preventing the Court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case,

(3) Provision shall so far as practicable be made for preventing persons apparently under the age of sixteen years whilst being conveyed to or from Court, or whilst waiting before or after their attendance in Court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of sixteen years is jointly charged or convicted.

(4) In a Juvenile Court no person other than the members and officers of the Court and the parties to the case, their advocates and other persons directly concerned in the case, shall, except by leave of the Court, be allowed to attend :

Provided that *bona fide* representatives of a newspaper or news agency shall not be excluded, except by special order of the Court :

Provided also that no person shall publish the name, address, school, photograph, or anything likely to lead to the identification of the child or young person before the Juvenile Court, save with the permission of the Court or in so far as required by the provisions of this Law. Any person who acts in contravention of the provisions of this proviso shall be liable to a fine not exceeding ten pounds.

Bail of
children and
young per-
sons arrested.

4.—(1) Where a person apparently under the age of sixteen years is apprehended with or without warrant and cannot be brought forthwith before a Court, any Police officer not below the rank of sergeant or the Police officer in charge of the Police Station to whom such person is brought shall inquire into the case, and may in any case, and

- (a) unless the charge is one of homicide or other grave crime ;
- (b) unless it is necessary in the interest of such person to remove him from the association with any undesirable person ; or
- (c) unless the Police officer has reason to believe that the release of such person would defeat the ends of justice,

shall release such person on a recognizance, with or without sureties, being entered into by him or by his parent or guardian or other responsible person in such amount as will, in the opinion of such Police officer, secure the attendance of such person upon the hearing of the charge.

(2) Where such person is not released on recognizance under the provisions of sub-section (1), the Police officer to whom such person is brought shall cause him to be detained in a Police Station until he has been brought before a Court.

5. It shall be the duty of the Chief Commandant of Police to make arrangements for preventing, so far as practicable, a child or young person while being detained in custody from associating with an adult, other than a relative, charged with an offence.

Association with adults during detention in Police Stations.

6.—(1) A Court on remanding or committing for trial a child or young person who is not released on bail, shall, where practicable, instead of committing him to prison, commit him to custody in a Police Station named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law.

Remand or committal to custody in Police Station.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be suitably detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any Court acting in or for the place in or for which the Court which made the order acted, and if it is revoked the young person may be committed to prison.

7.—(1) Where a child or young person is brought before a Juvenile Court for any offence it shall be the duty of the Court as soon as possible to explain to him in simple language the substance of the alleged offence.

Procedure in Juvenile Court.

(2) Where a child or young person is brought before a Juvenile Court for any offence other than homicide the case shall be summarily disposed of in such Court, and it shall not be necessary to ask the child or young person or the parent of such child or young person whether he consents that the child or young person shall be dealt with in the Juvenile Court.

(3) After explaining the substance of the alleged offence the Court shall ask the child or young person whether he admits the offence.

(4) If the child or young person does not admit the offence the Court shall then hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness the child or young person shall be asked if he wishes to put any questions to the witness,

If a child or young person instead of asking questions wishes to make a statement he shall be allowed to do so. It shall be the duty of the Court to put to the witnesses such questions as appear to be necessary. The Court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

(5) If it appears to the Court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to make a statement or to give evidence on oath in which latter case he will be liable to cross-examination.

(6) If the child or young person admits the offence or the Court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. In order to enable it to deal with the case in the best interests of the child or young person, the Court may obtain such information as to his general conduct, home surroundings, school record, and medical history, as it may deem necessary, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the Court may from time to time remand the child or young person on bail or in custody.

(7) If the child or young person admits the offence or the Court is satisfied that it is proved, and the Court decides that a remand is necessary for purposes of enquiry or observation, the Court shall record that the charge is proved and that the child or young person has been remanded. The Court before which a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the Court which so remanded the child or young person.

8. Where a child or young person is charged with any offence, the Court may, in its discretion, require the attendance of his parent or guardian and may make such orders as are necessary for the purpose.

9.—(1) No child shall be sentenced to imprisonment.

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way whether by fine, corporal punishment, committal to a reformatory or otherwise.

Power of Court to require attendance of parent or guardian.

Restrictions on punishment of children and young persons.