

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|          |       |                |
|----------|-------|----------------|
| G.O. No. | 357   | Press          |
| 25-26    |       | <del>Mis</del> |
| Dated    | 19-3- | 1918           |

Not to be folded or roughly handled

Ind-*Cutt* 357 = 16-3-1858

*Fort St. George, Judicial Consultation, 19th March 1858.*

No. 25. Read the following Memorandum from J. ROHDE, Esq., Inspector of Prisons; to the Chief Secretary to the Government of Fort St. George, dated 20th February 1858.

The Inspector of Prisons has the honor to submit the following suggestions in regard to the proposed Lunatic Asylum Bill.

The rule proposed in para. V, requiring "every Darogah or District Police Officer to apprehend and send to the Magistrate all persons found wandering at large within his District who are deemed to be Lunatics" appears objectionable, the extent of annoyance and inconvenience to which individuals may be unnecessarily subjected in large Districts under this rule and the opening it gives for abuse, seems considerable. It appears to the Inspector that the direct and *uncalled for* interference of District Police Officers should be limited to the case of persons deemed to be dangerous by reason of lunacy. In this latter case it may not be desirable to give the Police Officer the option of accepting or rejecting security tendered, though in such cases he might be directed to make a report to the Magistrate and await his orders before proceeding to remove the patient.

2. In para. VIII, the provision under which committals may be made under the certificate of an Apothecary seems objectionable and open to question nor does there appear any necessity for this insertion.

3. In para. XII, authorizing the transfer under the direction of the Inspector of Prisons from one Asylum to another *Asylum*, it may be well to add or suitable hospital.

4. In para. XVI, the application by the committing Officer to the Civil Court seems unnecessary, the Magistrate might be authorized to order maintenance to be given at a certain rate in accordance with the patient's condition and circumstances, open to the revision of such order by the Civil Court. The necessary process of the Court in the first instance would often involve the family in needless trouble and expense.

Ordered that the following letter be despatched.

No. 26. To the Honorable D. ELIOTT, Esq., Member for Madras of the Legislative Council of India, dated 16th March 1858, No. 357.

SIR,

I am directed by the Right Honorable the Governor in Council to forward, for your information, copy of a Memo. received from the Inspector of Prisons, dated 20th February 1858, offering suggestions on the Bill now before the Legislative Council, relating to Lunatic Asylums.

2. The Government concur with Mr. Rohde that it is not desirable that, as provided in Section V of the Bill, Darogahs or District Police Officers should be required to *apprehend* persons deemed Lunatics unless they seem to be dangerous characters. In all other cases it would be enough for them to report the circumstances to the Magistrate and await his orders; but this should be done whether the friends of the Lunatic engage to take care of him or not.

3. In regard to the Medical Certificate referred to in Section VIII, the Government think with the Inspector, that Certificates given by Apothecaries should not be admitted.

4. The Government see no objection to the addition proposed by Mr. Rohde to Section XII, empowering Inspectors of Jails to order the removal of a Lunatic "to a suitable Hospital."

5. They think also with that Officer that the order for the payment of the expenses incurred in the maintenance of a Lunatic out of his Estate, &c., might issue from the Magistrate without reference, as required by Section XVI, to the Civil Court, but subject to revision by such Court if appealed to.

6. In addition to what has been noticed by the Inspector, this Government would remark that by Section I of the Bill it is provided that "the Executive Government of any Presidency *place, with the sanction of the Governor General of India in Council*, may establish Asylums for the reception and detention of Lunatics at such places as may be deemed proper, or if it think fit, may grant licenses to any private persons for the establishment of such Asylums." It is not clear whether the sanction here referred to is to be general, that it is to be for the Supreme Government to grant to the subordinate Governments permission to establish or license such establishments generally—according to some general scheme or code of regulations. If this be meant, it should in the opinion of His Lordship in Council be more distinctly expressed. If on the contrary it be intended that the sanction is to be had in each individual case, the condition seems

*Now I of the Bill, Da-  
rogahs or District Police  
Officers*

Fort St. George, Judicial Consultation, 19th March 1858.

to this Government to be objectionable, unnecessary and likely to lead to useless references and correspondence. It cannot they would submit be needful or expedient for the local Governments to trouble the Government of India on every occasion on which they may find it expedient to establish a public Lunatic Asylum or license a private one.

(Signed) T. PYCROFT,  
Chief Secretary.

2.  
The Inspector of Prisons submits some  
remarks upon the Lunatic Asylums Bill  
now before the Leg. Council. He says that  
for the first objection, he does not  
appear why a Director or District Officer  
shall be "expected" persons deemed to  
be lunatics, unless they seem to be dangerous.  
In this case, it would be enough to refer to  
the Inspector and avoid his order, but then  
I submit it would be better to refer to  
the lunatic, except to take care of him, and  
not - They should be treated as lunatics  
with full & not the exception of an Apothecary.

seems to me scarcely difficult.  
3<sup>rd</sup> S x II. The suggestion of the Inspector  
on this section does not seem to me of  
much moment.

4<sup>th</sup> S x VI. I think with Mr. B. that  
all this might be done by the Inspector  
subject to the decision of the Court if appropriate  
but that it is not necessary to refer  
to the Court in the first instance.

In addition to what has been noticed by  
the Inspector I would be inclined to say by  
Section 1. it is provided that the execution  
of any order of any person  
with the sanction of the Court of Justice.

30  
in Council may establish a domestic  
city or public or license private  
ones.

Truly the word *unincorporated*  
may be omitted. The Local Govt.  
may wish to set for itself in  
the matter. It cannot be necessary  
for it to go up to the Supreme Court  
whenever a domestic authority is to  
be established or licensed.

26.2.50.

26.2.50.  
a system which  
was put to the test  
affairs of the city and  
the whole of the  
country will  
4

Sept 19<sup>th</sup>

45

Judicial Department.

No 357

To D. Elliott Esq<sup>r</sup>  
Member, for Madras,  
of the  
Legislative Council  
for India.

A

W  
to  
M

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I am directed by the  
Right Honorable the G.  
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tion, copy of a Memo-  
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February 1858, offering sug-  
gestions on the Bill now  
before the Legislative  
Council, relating to Lunatic  
Asylums.

2. — The Government  
concur with Mr. Pothol  
that it is not desirable  
that, as provided in Sec-  
tion I of the Bill, Dis-  
tricts or District Police  
Officers

Handwritten text in Urdu script, likely a translation or commentary on the English document.

Handwritten notes in Urdu script, possibly a signature or additional remarks.

226 Sub.  
R5 March

Officers should be re-  
quired to apprehend per-  
sons deemed Lunatics un-  
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him or not. —

3. — In regard to the  
Medical Certificate re-  
ferred to in Section VIII,  
the Government think  
with the Inspector, that  
Certificates given by Apo-  
thecaries should not be  
admitted. —

4. — The Government  
see no objection to the ad-  
dition proposed by Mr.  
Pollock to Section XII, em-  
powering Inspectors of  
Sails to order the removal  
of

51  
of a Lunatic "to a suit-  
able Hospital." —

5. — They think also  
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of his Estate Shd., might  
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trate without reference,  
as required by Section  
XVI, to the Civil Court,  
but subject to revision  
by such Court if ap-  
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6. — In addition to  
what has been noticed  
by the Inspector, this  
Government would re-  
mark that by Section  
I of the Bill it is pro-  
vided that "the Execu-  
tive Government of any  
Presidency or place, with  
the sanction of the Go-  
vernor General of India  
in Council, may esta-  
blish Asylums for the  
reception

reception and detention of  
Lunatics at such places  
as may be deemed proper,  
or if it shall fit, may  
grant licenses to any pri-  
vate persons for the esta-  
blishment of such Asy-  
lums." It is not clear  
whether the sanction here  
referred to is to be general  
that it is to be for the  
Supreme Government to  
grant to the Subordinate  
Governments permission  
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the opinion of his Lord-  
ship in Council be more  
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on the contrary it be in-  
tended that the sanction  
is to be had in each in-  
dividual case - the con-  
dition seems to this Go-  
vernment to be objectionable.

Fort St George  
16 March, 1858.

Copy to the High Commission - Dated 19<sup>th</sup>

6.5  
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to lead to useless refer-  
ences and correspondence.  
It cannot they would  
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24/10/08  
28.9.08

24/10/08  
Judicial 1838 De March

2-6-22 1838

2-6-22 1838

To  
The Member of the  
Legislative Council  
of India for Madras

28/10/08

25/10/08  
Forwarding with  
observational copy of a Memo  
received from the Director  
of Prisons offering sugges-  
tions on the Bill now before  
the Legislative Council  
relating to Executive Mag-  
istrate.