

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	247	Press
		~~Mis.~~
Dated	20 2	19 1886

166-168

11/2

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
20th February 1866.*

No. 166. Read the following letter from the Secretary to the Government of India, to the Secretary to Government, Fort Saint George; dated Fort William, 7th February 1866, No. 1225.

Home Department.
Judicial.

Referring to the subject of the proposed reduction of the pay of Inspectors General of Prisons, and the proposal to combine the duties of Inspector General of Prisons with those of Health Officer and Adviser to the local Governments in sanitary matters, I am directed to state that, under the circumstances explained in your letter, No. 1581, dated the 7th November last, the Governor General in Council is pleased to authorize the grant of a salary of Rupees 1833-5-4 to Colonel Wilson, the successor of Mr. Rohde, on the understanding that he is eventually to undertake also, if required, the duties of Civil Sanitary Commissioner for the Madras Presidency, in addition to the Jail duties, and without additional pay.

2. In order that the proper elucidation of the subject may be secured, and

Minute by the Governor General, concurred in by the other
Members in Council, dated 9th January 1866.
Financial Despatch to Secretary of State, No. 13, dated 22nd
January.

that the Government of Madras may be placed in possession of the exact views of His Excellency in Council, I am directed to forward, confidentially, a copy of the papers marginally noted.

No. 167. ORDER THEREON, 20th February 1866, No. 247.

Under the authority given in the foregoing letter, the salary of Lieutenant Colonel Wilson, as Inspector General of Jails, will be fixed at Rupees 1833-5-4 per mensem, on the understanding that he is eventually to undertake also, if required, the duties of Civil Sanitary Commissioner for the Madras Presidency, in addition to the Jail duties and without additional pay.

(True Extract).

Chief Secretary.

To the Inspector General of Jails.
" Accountant General.

Exd. J. H. Burns

N^o 1225.
From E. C. Bayley Esq^r
Secretary to the Gov^t of India

To The Secretary to the Gov^t of Fort St. George
Dated Fort William the 7th February 1865

Home Depart^t
Judicial

Sir,

Referring to the subject of the proposed reduction of the pay of Inspectors General of Prisons, and the proposal to combine the duties of Inspector General of Prisons with those of Health Officer and Adviser to the Local Governments in Sanitary matters, I am directed to state that under the circumstances explained in your letter N^o 1581 dated the 7th ~~December~~ ^{November} last, the Governor General in Council is pleased to authorize the grant of a salary of Rs. 1033.5.4, to ^{Mr. Wilson} ~~Captain~~ Wilson the successor of Mr. Rhoads, on the understanding that he is eventually to undertake also, if required, the duties of Civil Sanitary Commissioner for the Madras Presidency, in addition to the full duties, and without additional pay.

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In order that the proper elucidation of the subject may be secured, and that the Govern^t

of Madras may be placed in possession of the
exact views of His Excellency in Council, I am
directed to forward, confidentially a copy of the papers
marginally noted.

Minute by the
Govt. Secy. concurred in
by the other Members
in Council of 9 Jan 7/66
Forwarded by post to Secy
of State 11.13.77 Jan 7.

I have the honor to be
Sir,
Your most Obedient Servant
C. Bayley
Secretary to the Govt. of India

Minute by His Excellency the Right Hon'ble the Governor General of India, concurred in by
the other Members of Council, dated 9th January 1866.

The object of the present Minute is to state the measures which I would
propose to adopt with the view of establishing on a satisfactory basis a system
for ensuring proper care and supervision of the Public Health in India.

The reasons which led to the appointment of Sanitary Commissions in
the three Presidencies are well known. The primary object which the Gov-
ernment had in view was the improvement of the sanitary state of the Army,
but it was obvious that this object could not be fully attained unless measures
were also taken to guard against the numerous removable causes of disease
which almost everywhere exist outside the limits of our Cantonments. It was
impossible suddenly to create the machinery for carrying out all that was re-
quired, not only for the immediate protection of the health of the troops, but
for the care of the Public Health generally. It was desirable to proceed gra-
dually and to learn by experience what was the character of the measures which
ought to be adopted. I consider that this experience has now been gained,
and that the time has come in which the Government ought to take further
steps for establishing a system which shall ensure constant attention to the
requirements of the Public Health throughout India, and shall provide the
means of carrying into effect the more important practical measures of sanitary
improvement.

I have received from Mr. Ellis, President of the Madras Sanitary Commis-
sion, now on leave in England, a Memorandum which he has written on this
subject. It is desirable that this should be briefly noticed.

Mr. Ellis proposes to constitute a Department of Public Health under the
Government of India, and under the Governments of Madras and Bombay, and
to appoint the President of the Sanitary Commission in each case to be a Sec-
retary to Government in the Public Health Department. "What is advocated,"
he says, "is the recognition by the Home Authorities, and by the Government
of India, of the importance of the sanitary administration, by placing per-
sonal responsibility on its representative, and by admitting him to the same
means of influence as other Heads of Departments occupy and exercise. * * *
In short, let the Head of the Public Health Department hold an influential
position, such as will secure attention to his work, and prevent measures of
public health depending upon the good-will of the Head of some other De-
partment already over-worked, and from whom it will hardly be expected that
he will make sanitary administration, and the study of the requirements of
the public health of the Civil and Military communities, his first and prin-
cipal object."

Mr. Ellis does not propose to do away with the Sanitary Commissions.
The only change would be that the President would become a Secretary to
Government, and in that capacity he would personally lay before the Government
the Reports of the Commission. It is further suggested that all the business
connected with prisons, and with the superintendence of the working of muni-
cipal bodies, which is now performed by the Secretaries in various departments,
might be made over to the Secretary in the Department of Public Health.

Although many of Mr. Ellis's remarks regarding defects in existing ar-
rangements are undeniably true, the measures which he proposes would be
altogether insufficient. The state of things with which we have to deal on

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165. 22.1.1866

Handwritten notes and signatures at the bottom of the page, including "C. Bayley" and "J. Ellis".

this side of India is essentially different from that in the minor Presidencies. Although, in the Bengal Presidency, the Government of India holds in its own hands the administration of the Army, it exercises no more direct authority over the ordinary civil administration of the greater part of the country than it exercises in Madras and Bombay. A Secretary to Government, or any other Officer immediately subordinate to the Government of India, could no more supervise in detail the sanitary administration, in non-military matters, of Bengal, of the North-Western Provinces, and of the Punjab, or of the Provinces under the Chief Commissioners, than he could supervise that of Madras and Bombay.

Mr. Ellis has also mistaken the position which is held by the Secretaries to the Government of India. He writes as if they formed "a sort of Cabinet," and as if they were responsible Ministers holding the administrative charge of departments like the Secretaries of State at home. This is not the position of an Indian Secretary to Government. Undoubtedly he may, and often does, if he be a man of ability, exercise very considerable influence, but he has no executive power, and is in no sense Head of the Department to which he is attached. At the same time it may be admitted that the measure which Mr. Ellis suggests would, in some respects, be useful, and the plan which I propose to adopt includes somewhat similar arrangements.

The President of the Sanitary Commission for Bengal, or the Chief Sanitary Officer of the Government, by whatever name he may be called, must necessarily hold an entirely different position in regard to matters affecting the sanitary interests of the Army and of the Civil population respectively. With regard to the former, he properly submits his recommendations to the Government of India. With regard to the latter, neither he nor the Government of India can have any immediate means of action; all action must come from the authorities with whom the actual administration of the country rests. In respect, therefore, of sanitary improvements among the Civil population, the essential thing is to provide the Local Governments and Administrations with the necessary machinery. I would do this in the following manner:—

First, there should be in each district a Health Officer. It is not now necessary to describe in detail the duties that he would have to perform, but their character will be sufficiently obvious. It may be stated generally that it would be his duty to make himself acquainted with the sanitary conditions and requirements of his Station and District, and to advise the local authorities accordingly. The opportunity afforded by the revision of the salaries of all Medical Officers in Civil employment has already been taken, to declare that these duties will form a part of the ordinary charge of all Civil Surgeons. No additional expenditure will be involved by this arrangement, and there can be no doubt that, as a general rule, the duties of Health Officer can be efficiently discharged by the Civil Surgeon, without any interference with his other work. In exceptional cases, where Municipal funds are rich, where the duties are heavy, and the necessity for stronger sanitary establishments is felt by the Municipal Authorities, it may be found desirable to have separate Health Officers, paid from the local funds.

The cost of carrying out works of sanitary improvement in towns and districts would necessarily fall upon local funds, under such checks as may be found necessary. It would only be in very peculiar cases, where the health of the troops was immediately involved, or for some other special cause, that the Imperial revenues could be expected to bear a portion of such charges.

In order to provide the Local Governments and Administrations with the means of exercising proper control over all the District Officers of Health, I would appoint the Inspector General of Prisons to be Principal Officer of

Health in each Province. He would act as the chief adviser of the Local Government in all matters affecting the Public Health. This plan would be more effectual, convenient, and economical than any other that has been suggested. Its advantages have been described by Mr. J. Strachey, President of the Bengal Sanitary Commission, as follows:—"In Bengal, in the North-Western Provinces, in the Punjab, in the Central Provinces, and in Oudh, there are now Inspectors General of Prisons. All of these are Medical Officers of experience, selected on account of the special qualifications which they possess. Their duties oblige them to visit, as frequently as may be practicable, almost every district in the country, for there is hardly a district in which there is not a jail to be inspected. Almost every large Native City or Military Cantonment has a jail in its neighbourhood. In the jails of this Presidency there are more than 50,000 prisoners, for whose sanitary supervision the Inspectors General are responsible. There are no other Officers who possess such facilities for making themselves acquainted with the state of the Public Health in all parts of the country, or whose duties more necessarily involve the study of the principles and practice of sanitary science. The District Health Officers will ordinarily be the Civil Surgeons, who are, for the most part, in charge of the District Jails, and for this reason also there is a special propriety in making the Inspector General of Prisons the Head of the Department of Public Health."

In 1861 these duties were, to a considerable extent, actually performed in the Punjab by Dr. Hathaway, Inspector General of Prisons. He was appointed a special Sanitary Commissioner, and with excellent results. It may also be noticed that this plan of appointing the Inspectors General of Prisons to be Principal Officers of Health, was discussed and approved by the Indian Jail Committee in 1864. This Committee consisted of Officers whose opinion on such a point was very valuable.

The Principal Officer of Health would ordinarily have nothing to say to general questions affecting the health of the Army, but he would properly deal with local causes of disease. Thus, for example, it would be no part of his duty to propose changes in the diet and clothing of the troops, but it would be his duty to point out the existence of local nuisances and defects, the removal of which fell within the province of the Local Government.

It would obviously be inexpedient, except perhaps to an unimportant extent, to give the Principal Officer of Health any independent executive authority. He would act as the sanitary adviser of the Local Government, and would obtain the orders of the Head of the Government on all questions of sanitary importance which were reported by the District Health Officers, or which were otherwise brought to his knowledge. With the object of giving him better opportunities of access to the Head of the Government and of increasing his usefulness, it will, in my opinion, be desirable to appoint the Principal Officer of Health to be in each case a Deputy Secretary to the Local Government. This plan would not affect his position as Inspector General of Prisons. In this capacity he is a responsible administrative Officer, which as Secretary he would not be, and this responsibility ought not to be weakened.

I have lately proposed to modify the rates of pay allowed to the Inspectors General of Prisons, and to fix their salaries prospectively, in this Presidency, at the following sums:—

2	Inspectors General, Bengal Proper	...	at Rs. 1,500 per mensem.
1	" N. W. Provinces	...	" 1,500 "
1	" Punjab	...	" 1,500 "
1	" Oudh	...	" 1,000 "
1	" Central Provinces	...	" 1,000 "

I consider, as I have stated elsewhere, that these salaries are sufficient for the duties to be performed by the Inspectors General of Prisons. As remuneration for their duties in the Health Department, I propose to give to each of them in this Presidency an allowance not in any case exceeding Rs. 300 per mensem. They would thus be in as good a position as before in respect of their total emoluments.

To complete the organization of the Public Health Department, the following arrangements should be adopted in connection with the Government of India.

Propositions for modifying the constitution of the Sanitary Commissions were sent to the Secretary of State in October last. Under the plan that was then proposed, there will be no paid Members in the Commissions, and the President will become a Sanitary Commissioner, with a Medical Officer as Secretary. This Sanitary Commissioner should, for the reasons already explained, deal only with matters affecting the health of the Army. He should be termed Sanitary Commissioner for the Army, and he should make his Reports and recommendations, as at present, to the Military Department. The Military Department cannot properly or conveniently deal with questions affecting the Civil population. Many such questions, under the plans that have now been detailed, will no doubt, however, come up to the Government of India from the Local Governments and Administrations in this Presidency. These questions should be disposed of in the Home Department, and the most suitable and convenient plan to ensure their being promptly and effectively dealt with, will be to appoint the Sanitary Commissioner for the Army to be also a Deputy Secretary to the Government of India in the Home Department. Under this arrangement he will also be at all times able to bring to the immediate notice of the Government of India, every subject of sanitary importance which may appear to him to demand attention. Every necessary object will thus be gained as completely, and more conveniently and economically, than by creating an entirely new Department of Public Health.

In these proposals I have referred only to the Local Governments and Administrations in the Bengal Presidency, and to the central authority of the Government of India. So far as the Civil Administration is concerned, Madras and Bombay, although called separate Presidencies, are, in some respects, less onerous charges than the Provinces under the Lieutenant Governors of Bengal, the North-Western Provinces, and the Punjab, and arrangements for the care of the Public Health which are considered sufficient in the latter cases will hardly appear insufficient in the former. There is, however, this difference in Madras and Bombay, that there are separate Armies under the control of the Local Governments. I would therefore recommend that the arrangements under the Madras and Bombay Governments should be placed upon a footing similar to that adopted under the Government of India. The President of the Sanitary Commission should become Sanitary Commissioner for the Army, and should make his Reports to the Local Government in the Military Department, and he should also be appointed a Deputy Secretary to the Government for the discharge of the sanitary duties connected with the Civil Departments. The plans proposed regarding District Health Officers would be equally applicable in Madras and Bombay, and the Sanitary Commissioner, in his capacity of Deputy Secretary to Government, would discharge the duties which, under the Local Governments in the Bengal Presidency, will fall to the Inspector General of Prisons as Principal Officer of Health.

I would make no change in the salaries proposed for the Sanitary Commissioners in the Despatch to the Secretary of State, dated 21st October last, or in any of the other arrangements which were then recommended for altering the constitution of the Sanitary Commissions. The present scheme will in all respects fit in with the former proposals.

I anticipate that the whole cost of carrying out the plans that have now been proposed will be more than covered by the savings which will follow from adopting the arrangements recommended in the Despatch of the 21st October. Those savings will ultimately amount to Rs. 5,700 per mensem, as shown in the margin. The monthly charges on account of the allowances pro-

	Present monthly charges.	Monthly charges proposed in Despatch of 21st October 1865.
President Sanitary Commission for Bengal	Rs. 3,500	Rs. 2,500
Ditto ditto for Madras	3,000	2,000
Ditto ditto for Bombay	3,000	2,000
9 Members of the Sanitary Commissions in the three Presidencies, at Rs. 300 each ...	2,700	...
Total ...	12,200	6,500
Monthly saving ...	Rs. 5,700.	

posed for the Inspectors General of Prisons as Principal Officers of Health, will amount only to Rs. 1,800 per mensem. There is, thus, a large margin left for meeting any other necessary expenses on account of Office Establishments, &c.

I think that the arrangements detailed in this Minute should be carried out with as little delay as possible, and I propose to address the Secretary of State accordingly.

JOHN LAWRENCE.

W. R. M.

H. S. M.

G. N. T.

W. M.

10th January 1866.

11th January 1866

12th January 1866.

13th January 1866.

Minute by the Hon'ble W. Grey, dated 11th January 1866.

I agree entirely in the proposals made by the Governor General in this paper, with exception of the proposal to have two instead of one Inspector General of Prisons in Bengal. I freely admit that the question is a doubtful one, and that there is much to be said in support of His Excellency's view—but as the Lieutenant Governor has expressed himself to be decidedly averse to the change, and as the substitution of two Inspectors General for one must involve a considerable expense, I am of opinion that the matter should be allowed to remain as at present. It is beyond question that the jails have been very well administered in Bengal during the last ten years or so, and therefore I think there is not sufficient ground for insisting on a change which the Local Government is averse to, and which involves an increased expenditure. If it should be said that the large mortality in the Bengal jails may suggest a doubt whether the administration has really been efficient, my answer would be, that any number of Inspectors General would fail to influence that point, so long as the jail accommodation remains as insufficient and as bad of its kind as it is at present. This evil, it may be hoped, is in course of being removed by the construction of the eight new Central Jails which the Government of India and the Secretary of State have sanctioned.

Should it be determined, as I hope it may be, to leave the present arrangement of one Inspector General for the Lower Provinces untouched, I think no one will say that so onerous an appointment is overpaid at its present* salary, but it will not be necessary to give any addition on account of the new position and duties to be

* Rs. 2,500.

given to the Inspector General in connection with the Public Health. Having regard to the much larger charge which he will have than any of the other Inspectors General, his salary as Inspector General might be fixed at Rs. 2,000, and the salary attached to the office of Principal Health Officer at Rs. 500, thus leaving him practically as he now is.

W. GREY.

Minute by Colonel the Hon'ble H. M. Durand, c. s., dated 11th January 1866.

I have no objection to the proposals in the Minute of His Excellency the Governor General, provided that in all questions affecting in any way the Forces of Her Majesty, whether European or Native, serving in India, the Sanitary Commissioner report to the Secretary in the Military Department, as at present the case.

In assenting to this experiment I must guard against its being supposed that the experience gained from our Sanitary Commissions is of any positive value in my estimation.

H. M. D.

I propose that copy of Mr. Grey's and Colonel Durand's notes should be converted into Minutes should they wish it, and go home, or be incorporated in the letter to the Secretary of State. I am much in favor of two Inspectors for the Bengal Lieutenant Governorship, and consider that it is impossible that one can properly supervise 61 jails spread over so wide an area, in much of which travelling is extremely difficult. If one be only allowed by the Secretary of State, I agree to his getting Rs. 2,000 as Inspector of Jails and Rs. 500 as Health Officer. As regards Colonel Durand's remarks, it is not intended that the Deputy Secretary should correspond with the Military Department as such, but that as Sanitary Commissioner, he should send his letters to the Military Secretary. And in respect to the division of his salary, that should be a question for the decision of the Finance Member. Mr. Grey expressed a wish that this reference should go to the Secretary of State in the Home Department, to which I have no objection. Take copies of these documents and transfer.

13th January 1865.

J. L.

FINANCIAL DEPARTMENT.

No. 13 of 1866.

To

THE RIGHT HON'BLE SIR CHARLES WOOD, BART., M. P.,
SECRETARY OF STATE FOR INDIA.

Fort William, the 22nd January 1866.

SIR,

In your Despatch No. 148 of the 24th June 1864, you limited the pay of the Inspector General of Prisons at Bombay to Rs. 1,200 per month, and requested that we should take into consideration the advisability of reducing the pay of all future incumbents of the corresponding office under the other Local Governments to the same amount.

2. The opinions of the Local Government as to the practicability of such a reduction have been obtained.

3. The Government of Madras objects to a greater reduction than that proposed by Mr. Ricketts, viz., Rs. 22,000 per annum. The Governments of the N. W. Provinces and the Punjab deprecate any reduction below the present amounts sanctioned (Rs. 22,000 and Rs. 18,000 per annum respectively), and the Lieutenant Governor of the N. W. Provinces adds that he was even meditating an application for an augmentation of the salary of the office. The Lieutenant Governor of Bengal assents to the salary being reduced to Rs. 2,000 per month on first appointment, and with a proviso that it shall rise by Rs. 100 annually to Rs. 2,500 per month. His Honor objects strongly to a suggestion which was made to him, that the duties should be divided between two Officers.

4. We have been unable to come to a unanimous decision in regard to the division of the office of Inspector General in Bengal into two. On the one hand, it appears *prima facie* very difficult for one Inspector General properly to supervise and control the management of 61 Jails scattered over so large an area, in much of which travelling is extremely difficult; but, on the other hand,

it is beyond question that the Jails in Bengal have in fact been very well administered during the last ten years or so under one Inspector General, and the Local Government, as already remarked, is very averse to the change, which among other objections involves an increased expenditure.

5. If, upon consideration of the arguments contained in the accompanying papers, you should determine on making a division between the two offices, we would recommend a salary of Rs. 1,500 per month for each of the Inspectors General in Bengal. If not, a salary of Rs. 2,000 per month for a single Officer seems to the Governor General to be adequate.

6. With regard to Madras, the N. W. Provinces, and the Punjab, the amount should be fixed at Rs. 1,500 per month, and for Oudh, the Central Provinces, and British Burmah, the present rate of pay of Rs. 1,000 per month seems a sufficient remuneration.

7. The whole of these arrangements should of course be prospective, and should not affect present incumbents.

8. Immediately in connection with this subject, we have further had under consideration the importance of everywhere utilizing the knowledge, experience, and opportunities of the local Inspector General of Prisons for planning and supervising sanitary measures in connection with the Civil Administration of their respective charges. For this duty we would assign a separate and additional salary to each Inspector General as Principal Health Officer of the Province, to the extent of Rs. 300 a month in Bengal, Madras, Bombay, the N. W. Provinces, and the Punjab, and of Rs. 200 per mensem in Oudh and the Central Provinces. But in consideration of the extent of British possessions in Burmah, and the general high cost of living in that country, we would assign to the Inspector General an additional salary of Rs. 300 per mensem as Health Officer.

9. The 300 Rupees proposed for Bengal is on the supposition that the office of Inspector General is divided into two, and that each Inspector General will receive Rs. 300 a month. If, however, the division does not take place, we are of opinion that Rs. 500 a month should be assigned for the duty, in consideration of the very much larger charge which the Inspector General of Bengal will have than any of the other Inspectors General; thus practically leaving his whole salary at the present amount (Rs. 2,500), which will certainly not be an excessive salary for so onerous an appointment.

10. The details of the measures we propose to adopt with the view of carrying out these arrangements on a satisfactory basis, are contained in the Minute of His Excellency the Governor General, dated the 13th instant, a copy

of which is herewith forwarded, and we solicit that the recommendations therein offered may meet with your early consideration, in order that if approved the necessary arrangements may be carried out with as little delay as possible.

11. Minutes by the Hon'ble Mr. Grey and the Hon'ble Colonel Durand are also forwarded.

FORT WILLIAM,
The 22nd January 1866. }

We have the honor to be,

SIR,

Your most obedient humble Servants.

(Signed)	JOHN LAWRENCE,
"	W. R. MANSFIELD,
"	H. S. MAINE,
"	W. GREY,
"	G. N. TAYLOR,
"	W. MASSEY,
"	H. M. DURAND.

List of Papers.

Home Department Order, No. 520, dated 15th January 1866, and its enclosures.

FINANCIAL DEPARTMENT,

FORT WILLIAM,

No. 13, dated 22nd January 1866.

From the Government of India,
To the Right Hon'ble the Secretary
of State for India.

Regarding the Salaries proposed to be assigned
to the Inspectors General of Prisons in Bengal,
Madras, the N. W. Provinces, the Punjab, Oudh,
the Central Provinces and British Burmah, and
the additional duty to be assigned to the Inspec-
tors General of the several places, of planning and
superintending sanitary measures in connection with
the Civil Administration of their respective
charges.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Secretary
to the Government of India
Home Department

(H. M. S. 7 Feb 1866 No. 1225)

Order No. 20 February 1866 No. 247.

Under the authority
given in the foregoing
letter, the salary of
Sir John Wilson
as Inspector General of
Prisons will be fixed at
Rs 1253. 5. 4, per annum
on the understanding
that he is eventually
to undertake also, if
required, the duties of
Civil

Sanitary Commis.
Super for the Mairas
Presidency in addition
to the post duties and
without additional pay.

Order that the
following letter be
despatched to the Govern-
ment of India.

[Signature]

to the Secy Genl of India
- Assistant Secy -

[Signature]

under 1866. Department.

No. 247.

PROCEEDINGS OF GOVERNMENT.

Dated 24 February 1866.

Press No. 2165, G. M.—14-11-55—560.

1864/1870—1880 continued