

1. Number
2. Date of Report
3. Initials of Reporter
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MADRAS RECORD OFFICE.

Government of Madras.

Public

DEPARTMENT.

G.O. No.

1491

Press
Mis.

Dated

30-7

19-1871

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
30th September 1871.*

No. 146. Read the following letter from the Sanitary Commissioner for Madras, to the Chief Secretary to Government, Fort St. George, dated Madras, 25th September 1871, No. 1351:—

I have the honour to acknowledge receipt of Proceedings of Government, No. 1256, dated 4th September 1871.

2. Although Government has been pleased to dispose definitely of the question I had raised as to my position in regard to the inspection of jails, I would venture to ask permission to offer one or two observations on the letters, No. 135, of 12th August, and No. 138, of the 21st August, of the Inspector-General of Jails, as the points therein raised seem to me to imply a misconception of the regulations under which my duties as Sanitary Commissioner to the Government of Madras are performed.

3. In my reply to the Inspector-General of Jails, under date the 12th August

No. 1469 of 1864, Military Department.

Paragraph relating to inspection of Barracks.

The inquiries of the Commission should not be limited to the condition of the buildings only * * *. The researches of the Commission should extend to every detail which directly or indirectly affects the health and comfort of the inmates of the barracks, such as their occupation when not on duty, habits, diet, cooking, clothing, &c. Particular attention to be paid to the condition of the atmosphere in the barrack buildings both during day and night.

* * *

"The foregoing remarks will apply generally to the hospitals and jails" * * *. These should be carefully inspected by the Commission, and a full report furnished on their present condition, with such suggestions as may be considered necessary for their improvement in respect to their sanitary condition.

(copy of which is attached for information), I pointed out that, in the original instructions to the Sanitary Commission of Madras on its formation, the sanitary inspection of jails was laid down as one of the important duties of the Commission. I quote from these instructions, in the margin, the more important paragraphs relating to jail inspections.

These instructions have never been superseded or cancelled by any later

orders of the Madras Government; and, although the Sanitary Commissioner is now the sole representative of the late Sanitary Commission, the duties of that Officer are in all essentials, both as regards the Military and Civil Departments of the State, precisely as they were when a Sanitary Department was first created.

4. But the Inspector-General of Jails would seem to infer that the Order of the Government of India, 10th September 1868, a portion of which he quotes, cancels the instructions under which the Sanitary Commissioner of Madras performs his duties in regard to the inspection of jails. This, I may remark, is not the case. The order in question was never communicated either to the Madras or Bombay Governments as it undoubtedly would have been had it been the intention of the Government of India to alter the duties of the Sanitary Commissions of those Governments, or to place them in subordination to the Imperial Sanitary Commissioner. The order in question relates solely to the newly-appointed Sanitary Commissioners of minor Governments and Administrations, and not to the then existing Commissioners whose duties had already been laid down and defined. The duties of the local Commissioners, in fact, are restricted entirely to the Civil Department, while the Sanitary Commissioners of Madras and Bombay are the sanitary advisers of their respective Governments in all questions relating to the hygiene of the British and Native Armies, Jails, and civil population of those Presidencies, just as the Imperial Sanitary Commissioner is the responsible adviser of the Supreme Government in regard to all such matters.

5. In paragraph 4 of his letter of the 24th August, the Inspector-General of Jails implies that the question at issue might have been disposed of, by inter-departmental communication, without a reference to Government. I must beg to explain that there was no intentional want of courtesy on my part in taking the course I did, and that I sent the Inspector-General of Jails a copy of my letter, No. 8, dated 15th July 1871, on the same date that it was despatched to Government. If the circular of October 1870, which I complained of as interfering with my duties, had been communicated to me by the Inspector-General of Jails, I should certainly have taken the opportunity of communicating directly with that Officer; but, having been left to discover the existence of such a circular by the refusal of a Jail Superintendent to permit me to enter my remarks in the official visitors' book, it seemed to me that the only proper course was to state the circumstances for the orders of Government, as it rested with the Government alone to correct any error or omissions in the Code of Jail Rules, under which the circular was departmentally issued.

6. With reference to paragraph 5 of the above letter, I must explain that my reply to the Inspector-General of Jails was delayed in consequence of my absence from office records; but, as it must (I infer from the dates) have been received by the Inspector-General of Jails before the despatch of his letter, No. 138, of the 21st August, I venture to think that it would have been only fair to myself that my interpretation of existing orders should have been submitted to Government in connexion with the Extract from the Resolution of Government of India, 10th September 1868.

7. As Government, in their order on the subject, have made no reference to the rules laid down by the Government of India for local Sanitary Commissioners, I deem it only due to the office I hold to lay my views thus distinctly before Government, that the order in question was never intended to apply to this Presidency, and it would be satisfactory to me to know that I have properly interpreted the spirit of the original instructions as to the duties of the Sanitary Commissioner to the Madras Government in regard to the sanitary inspection of jails.

From the Sanitary Commissioner for Madras, to the Inspector-General of Jails, dated Bangalore,
12th August 1871, No. 19-C.

I have the honour to acknowledge the receipt of your letter, No. 1396, of 19th ultimo, and beg to explain that the delay in replying to it has been due to my absence from Madras, and inability to refer to office documents bearing on the subject.

2. The duties of Sanitary Commissioner are defined in outline in letter, No. 1469, of 2nd May 1864, from the Military Secretary to Government to the President of the Madras Sanitary Commission. He is required to "give advice and assistance in all matters relating to the public health, such as selection of new stations and the sanitary improvement of all existing stations and bazaars; to examine new plans for barracks and hospitals; to advise on the laying out of stations and bazaars, the sanitary improvement of native towns, prevention and mitigation of epidemic diseases, and generally to exercise a constant oversight on the sanitary condition of the population, European and Native, to report on the prevalence, causes, and means of preventing sickness and disease."

3. The Madras Government in the same letter, paragraph 2, directed the Commission to commence their labours by inquiring into the sanitary condition of the barracks, lines of native regiments, hospitals, jails, bazaars, and suburbs of the Presidency town.

4. With regard to jails, it was directed that "they should be carefully inspected by the Commission, and a full report furnished on their present condition, with such suggestions as may be considered necessary for their improvement in respect to their sanitary condition."

5. As regards subsidiary jails, the Proceedings of Government, No. 894, Judicial Department, 26th May 1869, lay down that the Sanitary Commissioner is to be an ex-officio visitor of subsidiary jails throughout the Presidency. The omission of the Sanitary Commissioner from the list of official visitors of Central and District Jails, in the Jail Rules drawn up in 1865, I cannot explain; probably it was thought that the authority given in the letter of 2nd May 1864 above quoted was sufficient, or the omission might have been a mere oversight.

6. Practically, my predecessors in office and myself have invariably visited all jails we have met with during our tours of inspection, and have either reported upon them direct to Government, or entered our suggestions in the official visitors' book. With the one exception of the Bellary Jail, the official visitors' book has always been tendered to me by the Jail Superintendent for the entry of my remarks.

7. The suggestions of the Sanitary Commissioner, in regard to the improvement of the sanitary state of jails, are frequently such as can be acted upon either by the officer in charge of the jail, or by the head of the department. It has seemed to me that to trouble Government with separate reports on petty matters that can be remedied departmentally is to entail much useless labour and correspondence on the Secretariat Department of Government.

8. From what has been said, I am of opinion that the orders of Government of the 2nd May 1864 constitutes the Sanitary Commissioner (the representative of the late Sanitary Commission) an "official visitor" of jails. Not having anything more than current records with me at the time of my visit to Bellary, I could not refer Captain McDougall to the date of the order, but I distinctly informed him that I had authority to inspect all jails in my official capacity, and that the fact had never before been questioned to my knowledge.

9. I must explain that Captain McDougall did not question my right to inspect the jail, but merely that he considered your circular of October 1870 precluded him from giving me access to the official visitors' book.

P.S.—Since this letter was written, I have received Proceedings of Government, No. 1040, dated 4th August.

No. 147. ORDER THEREON, 30th September 1871, No. 1491.

Recorded. The question raised has been finally disposed of by G. O., dated 7th September 1871, No. 1256.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Vol. of 1871 31/10/15

PUBLIC.

Dated September, 30th.

Recd.

Encl.

H. O., 30th September 1871, No. 1491.

SEPTEMBER.
Nos. 140-147.

Recording a letter from the Sanitary Commission on the subject of his inspection of the jail in this Presidency.

N^o 1357.

Office of Sanitary Commissioner
Madras 25th September 1871.

From,

The Sanitary Commissioner
for Madras.

To

The Chief Secretary to Government
Public Department,
Fort Saint George.

Sir,

I have the honor to acknowledge receipt of
Proceedings of Government N^o 1256 dated 2nd Sept. 1871.

2. Although Government has been pleased to
dispose definitely of the question I had raised as to
my position in regard to the inspection of jails, I
would venture to ask permission to offer one or two
observations on the letters N^o 135 of 12th Augt. and N^o 1400
of the 21st Augt. of the Inspector General of Jails, as the
points therein raised seem to me to imply a mis-
conception of the regulations under which my duties
as Sanitary Commissioner to the Government of
Madras, are performed.

3. In my reply to the Inspector General of
Jails under date the 12th Augt. (copy of which is
attached for information) I pointed out that in
N^o 11 the original instructions
to the Sanitary Commission of Madras on its
formation, the sanitary inspection of jails was
laid down as one of the important duties of the
Commission. I quote from these instructions in
the margin the more important paras relat-
ing to jail inspections.

These instructions have never been superseded, or cancelled by any later orders of the Madras Government, and although the Sanitary Commissioner is now the sole representative of the late Sanitary Commission, the duties of that office are in all essentials, both as regards the military and Civil departments of the State, precisely as they were, when a Sanitary department was first created.

But the Inspector General of Jails would seem to infer that the order of the Government of India 10th Sept. 1868, a portion of which he quotes, cancels the instructions under which the Sanitary Commissioner of Madras performs his duties in regards to the inspection of jails. This I may remark is not the case. The order in question was never communicated either to the Madras or Bombay Governments, as it undoubtedly would have been, had it been the intention of the Government of India to alter the duties of the Sanitary Commissioner of those Governments, or to place them in subordination to the Imperial Sanitary Commissioner. The order in question relates solely to the newly appointed Sanitary Commissioners of minor Governments and Administrations, and not to the then existing Commissioners whose duties had already

Para relating to inspection of barracks.

been laid down and defined. The duties of the local Commissioners in fact are restricted entirely to the Civil Department, while the Sanitary Commissioners of Madras and Bombay are the Sanitary advisers of their respective Governments in all questions relating to the hygiene of the British and Native armies, jails, and Civil population of those Presidencies, just as the Imperial Sanitary Commissioner is the responsible adviser of the Supreme Government in regards to all such matters.

In para 4 of his letter of the 24th Inst., the Inspector General of Jails implies that the question at issue might have been disposed of by inter-departmental communication, without any reference to Government. I must beg to explain that there was no intention at want of courtesy or any part in taking the course I did, and that I sent the Inspector General of Jails a copy of my letter C. No 8 dated 16th July 1871, on the same date that it was despatched to Government. As the circular of October 1870, which I complained of, as interfering with my duties, had been communicated to me by the Inspector General of Jails, I should certainly have taken the opportunity of communicating directly with that officer, but having been left to discover the existence of such a circular by the refusal of our Jail Superintendent to permit me to enter my remarks in the official visitors book, it seemed to me that the only proper course was, to state the circumstances for the orders of Government, as it rested with the Government alone to correct

any error or omissions in the code of Jail rules, under which the enclosure was departmentally issued.

B. With reference to para 5 of the above letter, I must explain that my reply to the Inspector General of Jails, was delayed, in consequence of my absence from office records; but as it must (I infer from the dates) have been received by the Inspector General of Jails before the despatch of his letter No 138 of the 21st Augt, I venture to think that it would have been only fair to myself, that my interpretation of existing orders should have been submitted to Government in connection with the extract from the resolutions of Government of India 10th September 1868.

A. As Government in their order on the subject have made no reference to the rules laid down by the Government of India for local Sanitary Commissioners, I deem it only due to the office I hold to lay my views thus distinctly before Government, that the order in question was never intended to apply to this Presidency, and it would be satisfactory to me, to know that I have properly interpreted the spirit of the original instructions, as to the duties of the Sanitary Commissioners to the Madras Govt in regard to the sanitary inspection of Jails.

I have the honor to be,

Sir,
Your most obedt Servt

Wm. Smith F.R.C.S.
Sanitary Commissioner

"Copy"

C. No 19.

Office of Sanitary Commissioner
Bangalore 12th August 1871.

From

The Sanitary Commissioner
for Madras.

To

The Inspector General of Jails.
Cotacamund.

Sir,

I have the honor to acknowledge receipt of your letter No 1396 of 19th ulto and beg to explain that the delay in replying to it has been due to my absence from Madras, and inability to refer to office documents bearing on the subject.

2. The duties of Sanitary Commissioners are defined in outline in letter No 1469 of 2nd May 1864 from the Military Secretary to Government to the President of the Madras Sanitary Commission. He is required to give advice and assistance in "all matters relating to the public health, such as selection of new stations and the sanitary improvement of all existing stations and barracks to examine new plans for barracks and hospitals to advise on the laying out of stations and barracks the sanitary improvement of native towns prevention and mitigation of epidemic diseases and generally to exercise a constant oversight on the sanitary condition of the population, European and native, to report on the prevailing causes and means of preventing sickness and disease"

3. The Madras Government in the same letter para 2 directed the Commission to com

menace their labors by enquiring into the sanitary condition of the barracks, lines of Native Regiments Hospitals, Jails, barracks and suburbs of the Presidency towns.

4. With regards to jails, it was directed that they should be carefully inspected by the Commission, and a full report furnished on their present condition, with such suggestions as may be considered necessary for their improvement in respect to their sanitary condition.

5. As regards subsidiary jails the Proceedings of Government 1894 Judicial Department 26th May 1869 lay down that the Sanitary Commissioner is to be an ex-officio visitor of subsidiary jails throughout the Presidency. The omission of the Sanitary Commissioner from the list of official visitors of Central and District Jails, on the jail rules drawn up in 1865, I cannot explain. Probably it was thought that the authority given in the letter of 2nd May 1864 above quoted was sufficient, or the omission might have been a mere oversight.

6. Practically my predecessors in office, and myself have invariably visited all jails we have met with during our tours of inspection and have either reported upon them direct to Government or entered our suggestions in the official visitors book. With the one exception of the Bellary jail, the official visitors book has always been tendered to me by the Jail Superintendent for the entry of my remarks.

7. The suggestions of the Sanitary Com.

missioner in regards to the improvement of the sanitary state of jails, are frequently such as can be acted upon either by the officer in charge of the jail, or by the head of the department. It has seemed to me that to trouble Government with separate reports on petty matters that can be remedied departmentally is to entail much useless labor and correspondence on the Secretariat department of Government.

8. From what has been said, I am of opinion that the orders of Government of the 2nd May 1864, constitutes the Sanitary Commissioner / the representative of the late Sanitary Commissioner / an "official visitor" of jails. Not having anything more than current records with me at the time of my visit to Bellary, I could not refer Capt. McDougall to the date of the order, but I distinctly informed him that I had authority to inspect all jails in my official capacity, and that the fact had never before been questioned to my knowledge.

9. I must explain that Capt. McDougall did not question my right to inspect the jail, but merely that he considered your circular of October 1870 precluded him from giving me access to the official visitors book.

I have now

Signed W. R. Cornish J. R. C.
Sanitary Commissioner
for Madras

"True Copy"
W. R. Cornish J. R. C.
Sanitary Commissioner
for Madras.

J. S. Since this letter was written
I have received Recd. of Govt.
No 1040 dated 2nd August.
(Signed) W. R. C.

Comp. for

Public Department
From 1871
The Santry: Commr.
for Madras.

To

The Chief Secy. to Govt.
Public Deptt.
Fort St. George

Dated 25th
Recd 29th } Sept 1871

No 2071 No 1354

Not recommended. 30 Sept.
1871. No. 1491.

Recorded. The
question raised has
been finally disposed
of by the G.O. dtd 17 Sept.
No. 1255. *ML*

c. 299 146-147.

Submits observations
on the letter of the Inspt-
General of Dails recorded
in G.O. No 1255 of 17 inst:
relative to the nomination
of the Santry: Commr. as an
official visitor of Dails
with an order

3-1-13.

3-7-15 ✓

X 15
Govt. of 1871 Madras
Public

Dated Sept. 30 }
Recd

G. O. 30 Sept. , 1871, No 449

Nos. 446, 447.

Receiving a letter from the
Sanitary Commr. on the
subject of his inspection
of the Sails in this
Presy -