

Public (1896) Department.

ORDINARY PRINTED.

G.O., No. 298

DATED 27th Feb. 1896

INDEXED.

[Despatch Abstract.]

Z. LEWIN, LATE FIRST CLASS HOSPITAL ASSISTANT.

Confirming the Surgeon-General's orders dismissing----from the public service for furnishing two contradictory post-mortem certificates and thus causing a case of murder to be treated as one of suicide, and drawing the attention of the Inspector-General of Police to certain remarks in the District Magistrate's report on the case.

Date.

No. 298, PUBLIC, 27TH FEBRUARY 1896.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper :—

From the Surgeon-General, No. 87, dated 7th February 1896.

ABSTRACT.—Submitting a memorial from Z. Lewin, late First-class Hospital Assistant, appealing against an order by the Surgeon-General dismissing him from the service for recording two contradictory *post-mortem* certificates under suspicious circumstances in a case of supposed murder, which, on the strength of the second certificate, was treated as suicide.

ORDER—No. 298, Public, dated 27th February 1896.

From the papers read above, it is clear that Hospital Assistant Z. Lewin is quite unfit for the responsible position of a hospital assistant. The Surgeon-General's orders dismissing him were amply justified; and are confirmed accordingly.

2. The District Magistrate's report on the case will be forwarded for perusal to the Inspector-General of Police, whose attention will be specially directed to the opinion expressed in the concluding paragraph.

(True Extract.)

G. S. FORBES,
for *Chief Secretary*.

To the Surgeon-General.
" the Inspector-General of Police,
" through the Judicial Department.
" the Departments of the Secretariat.
" all Heads of Departments under the Chief Secretary.

Encl. A. Baitt.

Gobt. of {1896} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., No. 298, 27th February 1896.

FEBRUARY.

Z. Lewin.

Confirming the Surgeon-General's orders dismissing late First-class Hospital Assistant — from the public service for furnishing two contradictory certificates relative to the death of a female who had come by a violent end, and drawing the attention of the Inspector-General of Police to certain remark in the District Magistrate's report on the case.

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23

His Excellency the Right Honourable
Lord Hombark C. C. J. J. Governor in Council
of Fort Saint George, Madras.

CHIEF SECRETARY
-6 JAN. 1896
GOVERNMENT OF MADRAS

May it please your Excellency

The humble memorial of Zachariah

Lewin of Vizagapatam most respectfully sheweth:
1 That your Excellency's memorialist was a First Class
Hospital Assistant no 259 in the Madras Sub. Division
Establishment and had completed 15 years service under
Government;

- 2 That the Surgeon General with your Excellency's
Government dismissed your humble memorialist
in his Order no 7863 dated 24th November last herewith
submitted, on mere suspicion that he gave two con-
-tradictory certificates as to the cause of death of a
woman brought by the Police for post-mortem examination;
- 3 That the facts of the case are briefly as follows so far
as your Excellency's memorialist is concerned:-

The dead body of a female was brought to your memo-
rialist while he was in charge of the Local & Civil
Hospital at Chodavaram in the Vizagapatam District,
for post-mortem examination at 12 noon on the 8th of
March last, where he had just finished his hospital
work and was about to go home for his meals. He
immediately held the post-mortem examination;
there were no serious marks of violence other than
a groove round the neck, a blood stained bruise
on the temple, and a bruise on the arm. These ~

Symptoms

symptoms not being clear enough to indicate the real cause of death and thinking that the bruise on the temple which might have been caused by a blow, might have been the ultimate cause of the woman's death, your Excellency's memorialist wrote a certificate (no 1) accordingly. As he was not however entirely free from doubt about the matter as the woman was stated to have been quite well for some hours after her quarrel with her brother-in-law and to have walked about two or three miles without difficulty, he questioned the Police Constable who brought the corpse to him as to what had occurred to her before her death. The Constable said that she had a quarrel with her brother-in-law who beat her, that she went to the village magistrate and complained to him of the assault; that she then went and complained to her husband who was working in the field about a mile distant. That as he also took no notice of it she returned to her house and there hanged herself probably being unable to bear the insult any longer and that her husband on returning home found his wife hanging dead, cut the rope and placed her on the floor against the wall. Considering this story with the mark or groove round the neck and the position of the vessels on the brain, your Excellency's memorialist came to the conclusion that death might have been due to hanging and not to a blow or a bruise on the temple. He then changed his opinion, prepared Certificate no 2, and gave it

immediately to the Police Constable leaving the certificate no 1 in fact with the fact in a post-mortem certificate book in the records of the Hospital without unfortunately writing on it the word cancelled being in a great haste as it was past 3 P.M. there and as your Excellency's memorialist had been working there all the while without even his breakfast. Being thus in great haste and being of opinion that the bruise on the temple had nothing to do with the woman's death, your Excellency's memorialist omitted quite unobtrusively and without any motive whatever to make mention of the bruise in Certificate no 2. In fact he attached no importance to this bruise. The groove round the neck was however mentioned in the two certificates. The first certificate written by your Excellency's memorialist, was as stated above left in the records of the Hospital without being cancelled and there was no person to suspect any foul play with it. Later on by means unknown to your Excellency's memorialist it went to the District Surgeon with an anonymous petition. That Officer called for your Excellency's memorialist's explanation without showing him the certificate nor telling him how it had reached him. He thereupon told him that he had issued only one certificate to the Police and that if another was forthcoming it must be a forgery as he never issued two; but when he was confronted with the two certificates he at once recognised

signed his hand writing and told him the whole story as mentioned above. Your Excellency's memorialist had not even the remotest idea that the certificate he had written at first and left in the Hospital records uncalled had found its way into the hands of the District Surgeon through an anonymous communication and so could not explain to him immediately how it happened that two certificates were written by him.

The District Surgeon having reported the matter to the Surgeon General with your Excellency's Government, the latter authority moved the District Magistrate to make preliminary inquiry into the case. In that inquiry both the Police Constable who brought the corpse for post-mortem examination and the husband of the deceased woman clearly stated that your Excellency's memorialist wrote and gave his certificate immediately after the post-mortem examination and that neither the person accused of having caused the woman's death nor his friends or relations had any thing to do with your memorialist or any opportunity of speaking to him. The Police Inspector stated that he had received the certificate no 2 through the Police Constable the very evening (8th March) that your memorialist gave it to the Constable or the next morning. It would appear however that the Police made some delay in sending the certificate to the Magistrate and their sins had been unjustly visited on your humble memorialist by the

Surgeon-General on the report of the District Magistrate. That there is not a particle of evidence that your Excellency's memorialist ever issued two certificates and that the suspicion of the District Magistrate shared in by the Surgeon-General that the Police might have prevailed upon your memorialist and obtained a second certificate has no foundation whatever.

5 That in the inquest report the village Panchayats stated long before the corpse was brought to your memorialist for examination that they found a bruise round the neck as if caused by a rope and considered that death was due to hanging.

6 That your Excellency in Council will be pleased from a kind perusal of the records to observe that if at all any body was to blame in the matter it was the Police and not your Excellency's humble memorialist who is quite innocent and honest, and that it is very hard and unjust to punish a long standing public servant so severely as mere suspicion, when there is not a particle of evidence to bring home any offence to him.

7 That your Excellency's memorialist begs humbly to submit that as stated above there is not a particle of evidence to support such remarks as those passed by the Surgeon-General in para 5 of his proceedings viz that your Excellency's memorialist's "conduct has been extremely suspicious" that "the suppression of the first certificate was due to a criminal motive there can possibly be no doubt about" and that the "explanation of the circumstances

under which the second certificate was sub-
 mitted is hardly credible, that your memorialist
 is quite innocent in the matter is fully borne
 out by the statements of the Police Inspector
 the Constable and the husband of the deceased
 woman, that an inspection of the certificate
 book kept in the Chodanuram Hospital will show
 that your memorialist left the certificate ^{with the file} intact
 in the book and that it was afterwards very
 carelessly torn by some evil doer who is ill-disposed
 towards your memorialist, that from this very
 fact itself it would appear that your memorialist
 had no bad motives at all whatever in him
 and that it is very hard and unjust to punish
 a long standing and honest public servant only
 on mere suspicion and supposition.

In conclusion your Excellency's humble memorialist
 begs that your Excellency in Council may be
 graciously pleased to restore him to his appoint-
 -ment which he has unjustly been deprived of
 after a long service of 15 years, for which act of
 kindness he shall as in duty bound ever pray.

Your Excellency's most humble servant
 Zachariah Lawri 40259
 1st Class Hospital Assistant

Vizagapatnam
 3rd January 1896

Public (1896) DEPARTMENT.

FROM
 SURGN-MAJOR-GENL. C. SIBTHORPE, F.R.C.P.I.,

SURGEON-GENERAL WITH THE
 GOVERNMENT OF MADRAS,
 Madras,

To.
 The Honorable the Chaplain
 to Government

No. 87

ENCLOSURES.

Dated 7th February 1896.
 Received

No.

Subject

I am sending with request
 the appeal of ~~the~~ 1st class
 Hosp Asst of Lawri
 lately dismissed the
 Government Service

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, *7th February 1896.*

No. *87*
Encl. *1*

From

SURGEON-MAJOR-GENERAL F. SIBTHORPE, F.R.C.P.J.

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

THE Honorable the Chief Secretary
to Government
Public Department.

SIR,

With reference to G.O.R. No. 100 Pub.
- lic dated the 21st January 1896, B. Lewin, late
a 1st Class Hospital Assistant of the Madras
Subordinate Medical Department has sub-
- mitted an appeal to His Excellency the
Governor against his dismissal from the
service, and I have the honor to transmit
the same for favor of disposal.

2

The circumstances which led
to his dismissal are fully explained in
my Proceedings No. 7863 dated the 27th
November 1895, a copy of which is attached
to the appeal.

3.

I also enclose for the infor-
- mation of Government the file of corres-
- pondence on the subject ending with the
Vizagapatam District Magistrate's letter No.
2650 dated the 23rd October 1895 in case
it may be found necessary to refer to
original papers.

4. In my opinion no fresh grounds have been urged to warrant a reconsideration of the case.

I have the honor to be,

Sir,

Your most obedient Servant,

C. B. B. B. B.

Surgeon-Maj. General

Surgeon-General

with the Govt. of Madras.

[9]
1,000-5-11-85

Hand of one...
Public...
C. No. 528

FOR ORDERS.

1st Class Hospital Assistant, Z.

Lewin, appeals against his dismissal by the S.G. under the following circumstances.

On the 8th March past the body of a female was sent to the Chodav hospital, then in charge of the petitioner for post mortem examination. He prepared a certificate in which he stated that among other things injuries he found "blood congested bruise on the right temple" and he recorded his opinion that death was due to shock caused by a blow on the right temple and not by hanging. This certificate was not handed over to the Police, but another certificate was prepared by the petitioner from which all mention of the bruise was omitted and the opinion recorded that death was caused by strangulation. This second certificate was handed over to the Police and the first one left in the certificate book in the hospital. By some unexplained means this original certificate was abstracted and forwarded to the Dt. Medical Officer under cover of an anonymous petition. When questioned about the matter the petitioner

first said that he had written only one certificate and that the other certificate must be a forgery, but when confronted with the two certificates he explained that certain information which he received from the Police constable who was in charge of the corpse led him to alter his opinion and give certificate No.2.

There was evidence that the woman had been beaten by her brother-in-law and strong suspicion that she had been murdered. The first certificate confirmed to considerable extent this suspicion and the inference is that the Hospital Asst: was got-at in some way and furnished the second certificate in which he ^{and} regarded his opinion that the death was due to strangulation, whereupon the Police threw out the case as one of suicide. In the S.G.'s covering letter he affords no particulars of the case but refers to his proceedings dismissing the petitioner which contain a full account of it and adds his opinion ^{fresh} that no further grounds have been adduced to warrant a reconsideration of his order. Attention is invited to the opinion expressed by the Dt. Magte. in this case. He enters very fully into all the circumstances connected with it. It will be seen that the Hospital Asst.'s explanation of the omission to mention the bruise on the head in the second certificate was that it was due to "hurry" and to the fact that the wound was slight and was caused after death perhaps by

FOR ORDERS.

H. E. THE GOVERNOR.
THE HON'BLE MR. H. W. BLISS, C.I.E.
THE HON'BLE MR. J. GROSE.

dragging the body on the ground." This statement was made after he had ~~the lib~~ ^{deliberately} ~~liberty to record~~ ^{an} his opinion that the death was due to this bruise. There can be no doubt that the omission was ~~an~~ intentional, but it is quite impossible to ascertain now what actually induced the Hospital Asst: to modify his previous opinion and to issue the certificate No.2. Whatever truth there may be in the Hospital Asst's explanation, it is submitted that his petition shows distinctly that he is not a person to be entrusted with such responsible duties. He says in para: 3 of his petition "These symptoms not being clear enough to indicate the real cause of death and thinking that the bruise on the temple, which might have been caused by a blow, might have been the ultimate cause of the woman's death Your Excellency's memorialist wrote a certificate No.1 accordingly." But in that certificate the opinion that death was due to shock caused by the blow was in no way qualified. He then proceeds to state the circumstances under which he gave the second certificate and he adds "Your Excellency's memorialist came to the conclusion that death might have been due to hanging and not to a blow or a bruise on the temple", and the result of this conclusion was that he recorded ^{an un} A qualified opinion that death was caused by strangulation. The ^{an un} might have been in this explanation show that the petitioner was quite unqualified to

Laque
S. J.

give an opinion in the matter on which perhaps depended a question of life and or death. It is submitted that there is ample evidence to show that the petitioner is not fit for retention in the Govt. service, and that the S.G.'s orders should be confirmed.

Attention is invited to the concluding para. of the D. Magte.'s opinion in this case which renders as false follows:--

The conduct of the Police in the matter is most suspicious and requires careful enquiry at the hands of the Supt. or one of his Assts.

It is proposed to ask the I.G. of Police whether any enquiry was instituted and with what result.

J.B.
13/2/96

It seems quite clear that the man is quite unfit to hold the responsible post of Hospital ant. & that the dismissal shd. be confirmed

S.K. 15.2.6

APPEAL against DISMISSAL

(FOR ORDERS)

H.H.

} Govt. need not interfere? The I.G. will see to it in ordinary course

S.K.
We don't know for certain that the D. Magte.'s remarks were sent to the I.G. But I draw his attention to them

MS
17/2/96

C172

A full note
Sh. in p. 200, please.
J.B.
25/2/6

Public Current 20
of 100

Order No 298d/24 Feb 96
A From the papers read above it is clear that the man is quite unfit to hold the responsible post of Hospital ant. & that the dismissal shd. be confirmed

2. The District Magistrate's report on the case will be forwarded for perusal to the I.G. Police whose attention will be specially drawn to the opinion expressed

in the concluding paragraph.

Dismissal from the Public Service of 1st Class Stipendiary Assistant Z. Lewin

[G.]
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100-5-1-96.

Public DEPARTMENT.

List showing the distribution of the Proceedings of Government dated 27 February 1906 No. 298

Revenue Department
Public Works Department
Marine Department
Local and Municipal Department

JUDICIAL.
Honorables the Chief Justice with C.L.
Inspector-General of Police
Do. of Prisons
Do. of Registration
Chief Presidency Magistrate
Commissioner of Police
Judges of the Madras Court of Small Causes
Advocate-General
Government Solicitor
Administrator-General
Sheriff of Madras
Government Pleader
Registrar of Joint Stock Companies

PUBLIC.
Sergeon-General
Meteorological Reporter
President, Board of Examiners
Private Secretary to the Right Honorable the Governor
Government Astronomer
Chemical Examiner
Protector of Emigrants
Superintendent, Government Press
Tamil Translator to Government
Telugu do. to do.
Malayalam do. to do.
Canarese do. to do.
Hindustani do. to do.
British Consular Agent, Pondicherry
Superintendent, Archaeological Survey
Government Epigraphist

POLITICAL.
Resident in Travancore and Cochin
Paymaster, Carnatic Stipends
Political Agent, Pudukota
Do. Sandur
Do. Banganapalli
Government Agent, Tanjore
Special Agent, South Arcot

ECCLIASTICAL.
The Right Reverend the Bishop of Madras
Venerable Archdeacon of Madras
Senior Chaplain of the Church of Scotland

FINANCIAL.
Accountant-General
Commissioner of Paper Currency
Superintendent of Stationery

from Orders

52 Pub
5-7-95
not a case for the Gazette
Dept of the Secret
Hds of depts in the
to the Secretary
16/3/96

Dated 16/3/96

Dated 16/3/96

Dated 14/3/96

Dated 16/3/96

Dated 16/3/96

EDUCATIONAL

Director of Public Instruction
Commissioner for Government Examinations
Superintendent, Government Central Museum

THE DISTRICT MAGISTRATE OF

Anantapur
North Arcot (Chittoor)
South Arcot (Cuddalore)
Bellary
South Canara (Mangalore)
Chingleput (Naidupet)
Coimbatore
Cuddapah
Ganjam (Berhampur)
Godavari (Rajahmundry)
Kistna (Masulipatam)
Kurnool
Madura
Malabar (Calicut)
Nilgiris (Ootacamund)
Nellore
Salem
Tanjore
Tinnevely
Trichinopoly
Visagapatnam

DISTRICT AND SESSIONS JUDGE
OF

North Arcot (Chittoor)
South Arcot (Cuddalore)
Bellary
South Canara (Mangalore)
Chingleput
Coimbatore
Cuddapah
Ganjam (Berhampur)
Godavari (Rajahmundry)
Kistna (Masulipatam)
Kurnool
Madura
North Malabar (Tellicherry)
South Malabar (Calicut)
Nellore
Nilgiris (Ootacamund)
Salem
Tanjore (Tanjore)
Tinnevely (Palamedottah)
Trichinopoly
Visagapatnam

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

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350

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