

Public (1897) Department.

ORDINARY MS.

G.O., No. 1104

DATED 21. 8. 97

[Despatch Abstract.]

Informing the Collector of Nellore
that Lunatic Narasimhaya of
Mynampudi should be dealt
with in the ordinary way
under Sec: 4 of Act 36 of 1858

23/8/97

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[1.]
2,000-5-3-97.

Judicial (1897) Department.

CURRENT No.

From

The Dy. District Magistrate
Mellore

Order

Endorsement of 16/2/97 August 1897

Transferred to the Public
Dept.

No. 841
mag

Dated 20th July 97

Received
Registered } 24.7.97

Enclosures

Spare copies

SUBJECT. *re 11.8.97*

Requesting sanction to
send lunatic M. Narasimhaiah
accompanied to the Asylum
Madurai.

This is not a precedent. In this case
the act is put up. no
precedent could be traced.

*At
7/8/97*

By Under Secretary

To the Public Dept.

When name not used this is the only one to be used. The Public Dept. is not to be used. The Public Dept. is not to be used. The Public Dept. is not to be used.

BACK PAPERS.

G.O.	No.	Department.	Date.
	271	Ind	8.2.96
	989	Pub	23.7.97 mis
	12178	Ind	23.7.97 mgl.
	776	Ind	9.4.87
	1038	—	18.4.83 (50)

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Nellore District Magistrate's
Office, 25 July 1897.

From

E. Scott Esquire
Ag. District Magistrate
Nellore

To.

The Chief Secretary to
Government, Judicial Department,
Madras.

Sir,

I have the honour to report the
following case of a lunatic for the
orders of Government.

2. One M. Karasimhappa of Nynam-
palli, Ongole Taluk, was found
wandering about Ongole in 1895,
indecently exposing his person, and
was charged by the Police and
placed before the Submagistrate of
Ongole. He was found to be of
unsound mind.

brought to the notice of Government
in this office Reference No: ¹¹⁶⁴ ~~1164~~ of
13.1.96. In its order No: 270 Judicial
dated 8.2.96, Government ordered
that the lunatic should be set at
liberty, and in future, should
necessity arise, his brother should
be required under the provisions
of Section 5 of Act XXXVI of 1858 to
ensure that he is properly cared
for.

3. The lunatic has again been
wandering state naked through
the streets of Ongole, and on the
matter being brought to my notice
I have directed his detention in the
Sub jail at Ongole, where he is
under medical observation.

4. The Deputy Magistrate, Ongole,
reports that the lunatic
are to be found in the

and object to do so as he is an
outcaste. It seems impossible in
having regard to these facts to
compel the brothers under section 5
of Act XXXVI of 1858 to take care of
the lunatic, and I therefore request
sanction to send him to the Lunatic
Asylum at Madras.

I have the honour to be
Sir,

Your most obedient servant,

By ^{to} District Magistrate

[10]
1000-2-27

Public DEPARTMENT.

C. No. 2965

H. E. THE GOVERNOR.

^{Secy. to Govt.}
THE HON'BLE ~~MR.~~ BLISS, C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Lunatic Karasimhayya of
Mynampad

FOR ORDERS.

I don't think that it is need
he troubled with this.
Even saying that the mother
or mother were bound
to maintain the lunatic
- which is a very moot
point both only as a
question of law but
as the man is an outcast
it is wrong that they
are too poor to support
him and there is nothing
nothing to be done but
to deal with him in
the ordinary way and
send him to the L. H.

L.D.
(18/8/97)

The case of this Brahmin
lunatic was fully gone into
in the notes at with go. ^{271. Just} 8.2.96
In that order govt directed the
lunatic to be set at liberty and
added that, if need arose, his
brother should be required to
under § 5 of Act ~~xxxvi~~ of 1858 to
ensure that he is properly
cared for.

The District Magistrate
now reports that Karasimhayya
has been again found perambulating
- being the streets of Ongole in a state
of nudity, and that he therefore
directed his detention in the
Subjail at Ongole where he
is now under medical observation.

It is reported that the
lunatic's brothers are too
poor

poor to maintain^{him} and
object to do so as he is
an outcast

The D.M. therefore
considers it is impossible
to compel the brothers to
take care of the lunatic
and requests sanction
to his being sent to the
Lunatic Asylum at Madras.

~~In the medical~~
History Sheet flagged
the man is shown as a
Criminal Lunatic. The
papers have however
been transferred to
Public as he has been
considered to be practically
a Civil Lunatic vide
271 Sub
8. 2. 70

* Please see note flagged
info 989 sub d/23.7.97 and
para 408 of Mayne's Hindu
Law. The obligation on the
head of a family to maintain
an outcast is a moot point.
Acq. of Act XXVI of 1858 (Free Hon of Religion)
referred to in para 408 is not
a law but a rule of court.

(Whereas he may
have been before the
man is now a
Civil Lunatic)

It is submitted that no course
is now open except to direct
that the Lunatic should be
dealt with in the ordinary course
under sec 4 of Act XXVI of 1858
and produced before a magistrate.
The D.M. has not reported whether
the Lunatic's family is undivided

but this, as things stand, can
make little difference. If
they are undivided the Lunatic
is entitled to maintenance of
from the ancestral property, &
as to the extent of his share
of this property. As a matter of
fact the Lunatic is the eldest
member of his family, & even
if and in spite of his lunacy
might be its manager if there
were any property to manage.
If his duty has devolved on a
younger brother that brother is
not, it is submitted, a person
who is "legally bound" to maintain
the Lunatic under sec 5 of Act
XXVI of 1858: all that he
is legally bound to do is to
provide the Lunatic with such
maintenance as his share in the
common estate will cover. This
appears to be the accepted view
of the law (vidi Mayne. para 409).
If the family is a divided one
it does not appear that the
younger brother is in any way
bound to maintain the Lunatic.
Even a son, when of age, is not entitled

Wanatanāa by nofakē:
a fortiori a bōkē is
not by self bound to maintain
his bōkē.

Act. xxxi of 1858 is extremely
vague. It speaks of the
person who "has or ought
to have charge" of the
lunatic, but it gives no
indication as to how the
liability to take charge of
a lunatic is to be decided.

Under the circumstances
it is submitted that the
D.C. should be told to
proceed on the ordinary
line.

AM

1. *Journal of the American Medical Association*, 1990; 263: 1033-1036.

1970-1971, 1972-73.

1991-1992

C. J. C. J.

W^o 1104 of 21 Augt '97

...in order to circumvent the fil-
tering unit, you should deal with the
X
...in the earliest way
and a question of not "find" or "lost".

(for value of β)

M.

80

21/01/97.

(* It is not, strictly speaking, decided that the man is at present educated. That will only be settled by the doctrine.)

A. L. Price & Sons, Baltimore

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 When signed 25 } 1897

READ AGAIN G.O., No. _____ DATED _____
 189 .

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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