

Public (1897) Department.

ORDINARY, MS.

G.O., No. 1446

DATED 4.11.97

INDEXED.

4/11/97

[Despatch Abstract.]

Stating that the Govt sees no reason to reconsider G.O. No. 590 of 17-5-97 re the grant of medical certificates by medical officers when required by the Police.

4.11.97

AD 4/11/97

Refer to me please

BACK PAPERS.

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

FURTHER PAPERS.

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

Public (1897) Department.

CURRENT No. 2278

Order

From Surgeon. Maj: Genl. C. Sibthorp
J.R.C.P.S.

Surgeon. Genl. with the Govt. of Madras.



No. *2*
117

Dated 19th June 1897.

Received 20 } 6 - 1897

Registered 23 }

Enclosures -

Spare copies -

22/7/97

SUBJECT.

Requests to reconsider the decision about grant of certificates when required by the Police and cancel the amendment to G.O. No. 1382 Judicial of 12th August 1889.

Please keep file together

Copy of 5-90 of 97 called for from
Madras
26/6/97
6/7/97

G.O.	No.	Department.	Date.
L	590	Pub	12-5-97
	1382	"	12-8-89
L R 1530		Just	10-9-96
	865	Pub	13-8-96
	937	"	11-5-87
	1327	"	4-6-80

[illegible]

CURRENT 2278
OFFICE OF SURGEON-GENERAL
2
WITH THE GOVERNMENT OF MADRAS,
Pottanamund 19th June 1898.
MADRAS,
ON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,

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

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

—T—

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

SIR

I have the honor to acknowledge the receipt of
G. O. No 590 Public, dated 17 May 1897 amending G. O.
No 382 Judicial dated 12 August 1889 and directing
that Medical Officers should in future invariably
grant certificates when required by the Police to do so.

2. This decision of Government is based on the apprehensions entertained by the Collector and District Magistrate Hietna District who considers that the G. O. of 12th August 1889 No. 1382 Judicial as interpreted by the District Medical and Sanitary Officer Hietna may lead Medical officers to make light of serious injuries.

3. The only grounds for such apprehensions on the part of the Collector are that (1) so far back as in 1888 he had in his judicial capacity come across a case in which the Medical Subordinate concerned was found guilty of gross carelessness in giving a certificate and (2) he was informed by a late Superintendent of Police that there was reason to believe that Medical Subordinates had given false post mortem certificates in certain cases, but no notes of such cases have been kept - So that the Subordinates

I have a recollection
of other calls
having been made
and than three upon
"by the St-
mple having
occurred. I
cannot at present
recall any particular
one, but of the
to demand necessary
they can be
looked up

Medical Department has practically been con-
demned wholesale on ~~hearsay~~ ^{and} on an isolated
case of carelessness which happened 9 years ago.
I therefore leave it to Government to decide if this forms
a sufficient reason for amending an order which has
worked so well and satisfactorily since 1889 without
eliciting any complaint until now from any District.
4. In further support of his contention the Collector
quotes a paragraph from a Native Malayalam
Newspaper which dwells on the alleged irregularities
of Medical subordinates in the matter of granting
certificates. If such irresponsible and malicious
statements can be adduced as evidence and accepted
as such it will be almost impossible to work any
Department.

5. The new order while minimizing the supposed
chances of fraud on the part of medical subordinates
has in my opinion opened the way for more litigation
on the part of the people, thrown more work on the
already hard worked and ill-paid medical sub-
ordinates and widened the scope for malpractice
in other directions - a result which will more than
counterbalance any good effect which may accrue
from it. I very much doubt if the despatch of the
certificates to the Magistrate with an occurrence
report can prevent the Police from making capital
out of them as hoped by the Collector.

6. Under the above circumstances I trust that
Government will be pleased to reconsider its
decision to replace a sound and well worked
rule by one obviously open to serious objections

and cancel the amendment to G.O. 901382 Judicial
of 12th August 1889.

7. I have instructed Surgeon-Captain Vickers to
withdraw his circular which has given rise to the
present correspondence.

I have the honor to be

Sir,

Yours Most Obedt. Servant
C. J. S. S. S.

Surgeon-Major-General.

Surgeon-General with the Govt. of Madras.

C. 14.7.97
R 15.7.97

Public Department.

C.No.2273

Subject grant of certificates by medical officers when required by the Police.

Hon. Sir H. W. Bliss K.C.I.E.

FOR ORDERS

Attention is solicited to the notes at P in G.O.No.590 Pub., d/ 17th May 1897. For the reasons there given Govt. decided to amend G.O.No.1582 Judl., d/ 12" August 1889 by emitting the words "into non-compoundable offences" in the first sentence of para 3 of that order; and further directed that medical officers shall in future invariably grant certificates when required by the Police to do so.

2. The Surgeon Genl. now asks for a reconsideration of this decision which he states replaces a sound and well-worked rule by one obviously open to serious objections. The S.G. remarks that the decision of Govt. is based on the apprehension entertained by Mr. Atkinson, that G.O.No. 1582 Judl., d/ 12th August 1889, as interpreted by the District Medical and Sanitary Officer, Kistna, might lead to Medical Officers making light of serious injuries. In reviewing the Dt. Magte's grounds for such apprehension, the S.G. remarks that the subordinate medical dept. has practically been condemned wholesale on hearsay, and on an isolated case of carelessness which happened nine years ago (this is with reference to para 6 of Mr. Atkinson's letter

In para 9 of his letter *Flagged L the*
Dt. Magte of Kistna stated that certi-
ficates should at once be sent to the
with an occurrence report
Magte. *7* so that the Police should not be
able to make capital out of it. The S.G.
remarks that he very much doubts if
this course will attain its object as
hoped by the Dt. Magte. It is directed
~~that~~ in para 2 of G.O.No.590 Pub., d/
17-5-97, that, if in any case a medical
officer considers that unnecessary or
improper use is made of this ruling by
the Police, he should, after granting the
certificate, report the matter to the Dt.
Surgeon who *should* ~~will~~ bring it to the notice
of the Police dept. *Administration -*

Please see his letter from his
Surg^t. General no 9, at
page 4 of G.O. no 590 Pub
d. 17-5-97. The S. G. had
an opportunity then of
laying before Govt his views
on the whole subject: he
contented himself with
embroiding in his letter
Dr. Vicker's explanation, and
adding a simple expression
of concurrence.

The Surgeon General in his present letter makes a great deal of a very small matter. All this G.O. no 590 P.B. did, as regards modifying G.O. no 1382 just, was to decide that the P.B. should always be entitled to a cert. certificate without a fee. Previously they had been entitled to receive one in non-compounded cases, but as it was ^{sometimes} difficult to say, until the certificate was received, whether a case would be non-compounded

or not it has now been
ruled that they shall
receive a certificate whenever
they apply for it. If they make
^{an improper or unnecessary use of their}
~~epidemiological investigations~~
^{right}
demand for a certificate the
med. Subordinate ^{can} report
the matter to the Dist. Surg.
the police ^{if necessary} will be furnished.

In Alkerson, it is true,
argued that the former
system was open to fraud
on the part of med. Subordinates
but it is submitted that
even if every med. Subordinate
were as dishonest as some
suspect the present system
would be an improvement
on the old rule. The S. G.
clearly ^{misunderstands} ~~unduly exaggerates~~
the ^{effect} importance of the B.O.
then he suggests that it
is a ^{change of} ~~change of~~ fraud
against every the whole
class of med. Subordinates.

The S. G. has jumped
to the conclusion that the

which in the Malayalam
paper, Kerala Patrika,
has been accepted as
representing the facts:
this article had it is
submitted, nothing to do
with the passing of the
B.O.

In para 5 of his letter the
S. G. explains, in very
faint language, that
he believes will be the
effect of the present
B.O. It will open ^{the way} the
way for more litigation on
the part of the people,
there more work on the
medical subordinates, &
widen the scope for
mal-practices in ~~the~~
this direction. How an
order that the police are
to receive certificates can
increase litigation in
an undesirable way it is
hard to see. If the certificate

Granted to the police under
the new rule shows that
no non-compoundable case
has been committed. The
matter will drop. If the
party wishes to file his
case he must apply for
stay for a fresh certificate.

On the other hand if the
certificate shows that
a non-compoundable offence
has been committed it
is desirable that the
police should prosecute, and
the accused in litigation
before court will be for the
public good.

The increase of work to
be done. Subordinate must
be coming to very small,
seeing that the new work
will only be attached in
double cases.

What the "new production" in
the "directions" are does
not appear.

I don't see how there would be
any increase in the work
which would any how have come up.

I don't see how the S.G. can
form any opinion on this point without
actual experience. It seems to me that
there cannot be any very great
increase of work to be done but which
is caused by the present order.

I don't suppose that the S.G. has
the least idea himself: the words
are apparently a phrase of speech.

June 13

The S.G. in para 6 of his
letter says perhaps more
than he means. To state
that the "directions" are
replaced a sound and
well worked rule by
one "broadly open to
serious objections" is,
it is submitted, somewhat
strong language for the
S.G. to use. Perhaps
however he ^{only} means that
the serious objections are
known to him, and
to the S.G. The objections are
known near "serious": how
that the S.G. has suggested
do not, as shown above,
stand investigation.
It is submitted that
the reconsideration of the
order is called for. The
S.G. may perhaps be told
that his conclusion that
a general endorsement
of the Sub. Res. established
as applied in the order

is not correct.

AK. The S.G. appears to
me to be retarded
10/7/97. because Govt will
not always accept his views
upon every point.
He has recently objected to the
sending in their reports regarding
medical officers direct to Govt.
and to these not being com-
municated to the Officer com-
mand, and he has recently
made a most unnecessary fuss
about the modification as a
temporary measure of the
order regarding tours of medical
officers and tried to cause down
the throat of Govt. his leader
insisting on one of his orders.
Now he comes up again with a
string of what I regard as
unsubstantiated objections to another
order and puts before that
a construction which it does
not bear and was not intended
to. It seems desirable that
instead of sitting down at
O'Connell concocting lies which
are a waste of his time and
of that of the Officers who have
to submit them for the orders
of Govt. he went about the
country a little more than
he does and saw to the
actual working of his
Dept.

13/7/97.

Order No 144684-11-97
The order may simply
be that the Govt. officers
reason to remember (the)
S.G. of May 17, 1897 -
from orders

acc.
13/7/97

Surgeon (C)

AK
4/1/97
5/11/97

I quite agree with this - There was
some correspondence in '94 as to the
length of time the S.G. might stay at
length in the hot weather. I think it was
fixed at "two months" or "about two
months" - The S.G. must have been
up here quite a time now - I have
written him D.O. suggest that it is
now time that he returned to the
plain & that the action of the med.
Dept. in the distressed districts
would probably be all the better for
a careful inspection

15/7/97

[G]
75
1000-13-8-06.

NOTE FOR THE UNDER SECRETARY.

I found these papers from
now when turning out
a drawer -
I ^{thought} ~~thought~~ having
given instructions
to get up the papers
but what the
S.G. had done
I don't collect

14/6/97

CHIEF SECRETARY
28 JUL 1897
GOVERNMENT OF MADRAS

CHIEF SECRETARY
 28 JUL 1897
 GOVERNMENT OF MADRAS

GOVERNMENT OF
 MADRAS

The undersigned has been
 informed by the
 Inspector of Police, Madras, that
 some little time ago
 he had been informed by
 a person named
 that he had been
 down to his work in the
 kindly let me know if
 did so & when.

Yesterday in the road he
 volunteered the info that
 he was going down on Saturday
 "for a while" & from another
 source I have heard that he
 proposes coming up again in

not correct.

September. Kindly look
up the correspondence
which passed about March
or April, 1894, about his
coming up - was it in
1895? Forget.

Yours truly
H. W. Whipple



OOTACAMUND,

24/2/97

My dear Bliss.

This is what you
wrote on the 15th or a remark which
I made: "There was some cor-
respondence in 94 on the length
of time that the S-S might stay
at Ooty in the hot weather. I think
it was fixed at "two months or
about two months" The S-S might
have been up here under that time

Please write him d.o. to suggest that
it is now time that he returned to
the Plains.

The papers & which you should send
in the file to D. J. & D. being issued
having to turn out of the land, perhaps
after having and this was with
the Gov. so the d.o. was heard
the return of the file with letters. It
has not yet come back: shall I
write without waiting any longer
for it.

It is desirable that the correspondence
should be referred to in order
through the S. G. agreeing as he always
does. I have an idea that the
order was two folios of 25
weeks each with an interval of
two between. Yours very sincerely
Hedrickshire

My dear Ben

Perhaps, as you
say, we had better look
up the old correspondence
before writing to him -
Please visit & let me
see it.

Yours truly
H. W. Ship

28/7/97

ordered the order on 1897
NOTE FOR THE CHIEF SECRETARY.
The D.O. is attached
The following statement of how
the matter stands is attached.

Please see the order of
A. which may it is
submitted, issue at
once.

ME

See the order
which may it is
submitted, issue at
once.
The matter stands is attached.

The question of the S. G's
stay on the hills was first
brought up by the office (under
C.S. then decided that
the papers of 1894 (?) should
be looked up. (under order of
d. d. 29/6/57)

Recd H.E. in his order
d 15-7-57 decided
that a D.O. should be written
to the S.G. regarding his
return to the plains. (A)
On this a note for C.S.
was put up (under B)
stating that the papers
regarding the S.G's 'leave'
stay on the hills were with
H.E. in connection with D.
Sifford's case. C.S. decided
that the order on
case 2278 should be

*This D.O. subsequently
became unnecessary
as the S.G. left order
at once for the
former districts.

file in D. Siffard (order)

date d. 20/7/57

On the receipt of the
H.H. d.o dated

27/7/57 the P.S. was
telephoned to: he replied
that he could return
the file in D. Siffard's
case on the following day.
The file has not yet been
returned however.

(vide message just
below (B)).

As Mr. S. S. pressed
for orders on D. Siffard's
case the P.S. was telephoned
on 23/9/57 (A²). He
did not reply.

Finally when the order
in Council at H was received
the P.S. was telephoned to
again, & also asked personally
when he happened to be
here, to send back at least
the G.O. containing the
remarks regarding the S.S.
staying in the hills. He
promised to do so. But the
papers have not been received.

In the second time however the
D.O. has become untraceable. The
S.S. left 15th on Tuesday morning. AK 15/8/57

When given for copying 2/11
When copied _____
When examined 3/11
When signed _____ } 189

READ AGAIN G.O., No. -
189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO. B

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

N.B.-
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only