

Public (1895) Department.

ORDINARY MS.

G.O., Nos 163-4

Dated 18. 2. 97

[Despatch Abstract.]

Requesting the Residents at Hyderabad and in
Travancore to readdress the darbars concerned
in the light of the remarks made regarding the
maintenance charge of certain Civil Panchayat
committees, being subjects of those states, confined
the domestic asylum, Mysorepatnam, and stating the
steps will be taken in the P.M. dept for issue of
general orders on the subject to avoid misapprehen-
sion in future.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	1206 of 1897	for R 416	30-3-97				
	1686 and 1703 of 97						
	for R 460	30-4-97					

Judicial (189) Department.

CURRENT No.

From The Resident in
Hyderabad

Order

No. 6747

Dated 27/11
Received 2/12
Registered 3/12
Enclosures 1
Spare copies -

SUBJECT.

Forw^d copy of a letter
rec^d from H.H. the Nizam's
Minister on the subject of
the payment of the main-
tenance charges of Farwati
Bhimana, a civil lunatic
in the Lunatic Asylum
at Vizagapatam.

G.O.	No.	Department.	Date.
	100	5257	196
	101	5065	196
	102	12	3 8 96
	103	"	10 4 96
	104	Roll	14 1 93
	105	12	11 6 91
	106	Roll	3 5 95

G.O.	No	Department.	Date.

[illegible]

With reference to your letter
1844, dated 22nd October 1896, regards
the maintenance charges of a civil tier
named Parvati Bhirwanra alias Thotton
reported to be a subject of His Highness
the Vizier, I write to say, that it
is not clear on what grounds His High-
ness' Government are asked to pay such
charges. It is stated in the enclosure
to your letter that the father of the
lunatic has expressed his unwillingness
to maintain his son, and I would therefore
inquire whether, by the present reference
it is intended that His Highness' Govern-
ment should call upon the father to
pay the maintenance charges, with
arrears. At the same time I would
observe that it is scarcely possible
that these heavy arrears can be

by the lunatics' father who appears
a beggar, and is alleged to be
bled to an amount of only Rs 5/-
onth.

(True copy)
Alf. Stacey
for Superintendent,
Jesse Brown
Revenue's Office.

Political Office.

CHIEF SECRET,
-2 DEC 1896
GOVERNMENT OF MA

No. 6747 of 1896.

From J. Schichele - Plowden Esquire, C.P.

RESIDENT AT HYDERABAD

To The Chief Secretary to the
Government of Madras,
Madras.

Dated Hyderabad Residency, the 27th November 1896.

SIR,

N
G
I have the honor to refer to your
letter 1248, dated the 3rd August 1896,
and subsequent reminder dated 18
November 1896, requesting that arrangements
may be made with His Highness the
Nizam's Government for the payment
of the maintenance charges of Parvati
Bhimana, a Civil lunatic, confined
in the Lunatic Asylum at Vizagapatam.
2. I now enclose, for the perusal
of the Government of Madras, a copy

letter No 1291, dated the 16th November
received from His Highness the
our Minister on the subject.

I have the honor to be,

Sir,

your most obed^t servant,

J. Mitchell-Menden

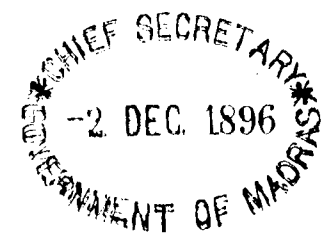
Resident.

" "

Political (189) Department.

CURRENT No.

C No. 5252 + 5282 / 96.



To await reply from the Resident
in Tanjore and Cochin to G.O. 1247-8
3896 From

SR
10.12.96

11.12.96

Order

The Resident-
in Tanjore & Cochin

Ref No. 3652

Dated 27th November 1896

Received

Registered

Enclosures Nil

Spare copies

SUBJECT.

Re the payment of the
maintenance charges of a
civil lunatic in Kizhappattur
Asylum.

G.O.	No.	Department.	Date.
			26 1 73

G.O.	No.	Department.	Date.

RESIDENT'S OFFICE,

Trinidad 27th November 1896.

Captain L. J. Andrews
Asst. President in Charge.

The Chief Secretary to Government.
Fort St. George.

SIR,

With reference to your memorandum of the 14th Instant; I have the honor to inform you that the Dewan's reply has not been communicated to you pending receipt of the copy of G. O. No 73 Cal dated 14th January 1893 applied for in my Ref. on No 3348 dated 9th Instant.

I have the honor to be

His

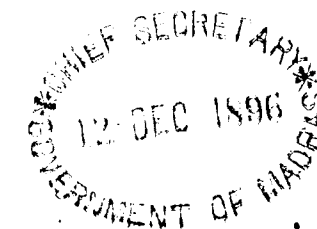
Your most obed^t Servant.

P. Lawrence
 1st President-

in charge.

Political (1897) Department.

CURRENT No.



Lettr. 5252, 5282 + 5437/96.

From

Asst. Resident-
in charge

Tamamere & Cochin

Ref. No. 3803

Order Indorsement.

Transf. to the Public
Department.

(By order)

W. R. S.

Asst. Under Secretary.

Dated 7th December 1896

Received

Registered

Enclosures /

Spare copies

OR
5.1.97.

SUBJECT.

Forwards a copy of a letter
from the Dewan of Tamamere
regarding the payment of the
maintenance charges of a
Sunt Lumatic Rept in the
Vizagapatnam & Cochin.

Regd 8/1/17

Encl. 5.

BACK PAPERS.

G.O.	No.	Department.	Date.
	J C No 5252 + 5282/96		
pro	1247/8	FD	3.8.96
	708	"	10.4.96
	73	"	14.1.95
	R108	BU	11.6.92
	836	BU	3.5.92
	+ 279	BU	9.0

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Back papers - cont

1182	12	17.9.91
323	"	18.2.91
227	"	4.2.91
69/70	"	12.1.91
1346	"	13.8.90
2095	"	7.12.85
330	"	21.2.85
2549	"	11.12.88
14	"	6.1.88
2603	"	15.11.87
2171	"	20.9.87
716	"	2.4.87
508	"	8.3.87
63	"	13.1.87

J C 5039/95 - Connected
papers in a separate

No 3918
G 25.68

Muzur butcherry
Tirunelveli 17th September 1896

From

The Dewan of Travancore

To

The Hon British Resident -
in Travancore & Cochin.

Sir

I have the honor to acknowledge receipt of your letter Ref on C No 2709 dated 19th ultimo ^{with enclosures} regarding the maintenance charges of a lunatic who is under treatment in the Vizagapatam Lunatic Asylum.

It will be seen from the correspondence noted at foot that the question of the liability of this Government to defray the cost of maintaining a lunatic in an Asylum in British India, on the ground that he is a native of this Country, has been already considered and decided by the Madras Government - the decision being that His Highness's Government

West-Recident-
in Charge.

L. G. No 73 Judl
d/16th Jan'y 1893

exists in the present instance.

3. I doubt very much whether the Dewan's argument will hold good in the present case. The status of the two lunatics is different. Whereas Marazana Wain is a Criminal Lunatic, Kumaran Pillai is a Civil Lunatic.
4. In the case of a criminal lunatic, he should probably ^{be} maintained by the Government of the Country where he is confined after conviction; but it would appear to be the duty of the Country to which a civil lunatic belongs to bear the charges of his maintenance in the foreign asylum or to take charge of him and keep him in its own asylum.
5. I submit the case, however, for the orders of Government.

I have the honor to be

Sir

Your most obedient servant

S. S. S. S.
8/12
Asst. President-
in charge.

Mr. C. S.

Subd to C. A.

Blm
26/11/97

20 C. S.

In reply to
his note
overleaf.

J. D. B.
26/11/97

[G.]
21
500-23-11-96.

C.No.109

~~H. E. THE GOVERNOR.~~

SUBJECT.

~~THE HON'BLE MR. BLISS, C.I.E.~~~~THE HON'BLE MR. GROSE, C.I.E.~~H.E. The Governor

CIVIL LUNATICS

FOR ORDERS.

In the report of the official visitors of the Lunatic Asylum, Vizagapata d/ 29th Feb. 1896, it was stated that two civil pauper lunatics who were residents of Hyderabad and Trivandrum respectively were in the asylum. Their relatives were reported to be paupers and unwilling to take charge of them, and ^a ~~it was~~ doubtful whether their maintenance charges should not be met by the Native States concerned. A full statement of the history of the two insanes was called for in G.O.No.708 Mudl., d/ 10th April 1896. These are stitched with G.O.No.1247, d/ 3rd Augt. 1896, from which it appears that one of the lunatics is a native of Halladrag village Takemaul Taluk, Hyderabad. He was committed to the asylum on the 19th August 1893 by the Joint Magistrate, Godavari. Up to the end of May 1896 he had cost Rs.226-12-10 an average monthly cost of Rs.6/12/2. He a beggar and his father lives by the same means. It was stated that the father was willing to maintain him but that he was not fit to be entrusted to the care of

Reb

In Person, order being
 given for the collection
 of the maintenance
 charges of the lunatics
 who are detained in
 the asylum. It is
 to be paid by the
 Native States concerned.

G.R. for papers. Hence
 by the order of 2308220
 on 1057 1-5-80 Delu
 1-5-80 22/1/97

24/1/97

relatives. The second man is a native of Trivandrum. He was committed on the 27th April 1894 by the Principal Asst. Magte., Canjam. He is a beggar and was on a pilgrimage to Benares when arrested as a supposed lunatic. He has an elder brother who is unable to maintain him. Up to the end of May last he had cost Rs.162-6-8 at an average monthly expenditure of Rs.6-7-4. In both cases the probable monthly cost of maintaining ~~the~~ ^{the} lunatic was reported to be Rs.7. By G.O.Nos.1247/8 Judl., d/ 3rd Augt. last, the cases were brought to the notice of the Resdts. at Hyderabad and in Travancore with the request that past expenditure might be recouped and arrangements made for the payment of maintenance charges. In reply the Diwan of Travancore in his letter of the 17th Septr. last (with the current 109) refers to G.O.No.73 Poll., d/ 14th Janv. 1893, as deciding once for all that Provincial should not be recouped by Native States for expenditure on lunatics belonging to them, and requests that in the circumstances the claim ^{may} be reconsidered. The Asst. Resident in his covering letter very properly points out that the two cases are not on all fours as stated by the Diwan, for in the previous case the man was a criminal lunatic whereas the individual now in question is a civil one. In this connection attention is invited to Sir Stokes's note at the foot of the ~~note~~ on the back of current

Medical

Also the notes at Fly B.
M

(734/11-1-93)

No.5131 with the G.O. flagged, in which he laid down the principle that recovery should not be made in the case of criminal lunatics belonging to Native States who are detained by the judicial authorities of the Govt. but that in the case of civil lunatics recovered should continue to be made as heretofore. The Diwan has not appreciated the difference between the two cases nor does it appear to have been pointed out to him. The claim of Govt. to Rs.162-6-8 and subsequent monthly charges is good, but it is a question whether Travancore should be asked to pay up arrears from the 27th April 1894 as there has been considerable delay in bringing the matter to notice.

In regard to the Hyderabad man, it will be observed from the letter from the Nizam's Minister in the file of currents that it is not clear to him on what grounds the Nizam's Govt. is asked to pay the charges, and he enquires with reference to the statement that the father of the lunatic had expressed his willingness to maintain his son, whether the intention is that H.H.'s Govt. should call upon the father to pay the charges with arrears. This of course is out of the question and was never the intention of this Govt. The man was reported to be unmanageable and could not be safely entrusted to relatives. A copy of the statement accompanied the letter to the Resident at Hyderabad. It is submitted that in this case also the claim is good but whether any reduction in it

1248. 3.8.96. (N.)

should be made in consideration of the delay of 3½ years which has occurred is a question for consideration.

It is suggested that to obviate further misconception it would be well to definitely inform all Native States of the cases in which this Govt. is entitled to look to them to meet the maintenance charges of their subjects when kept in Lunatic Asylums in this Presy.

30.13
15.1.97. The liability of States to pay for the maintenance of civil lunatics belonging to them is well recognized. Submitted that the two States be again addressed on the subject. The periods when have elapsed since the lunatics were first confined seems to be no reason for reducing the claims. I had a search made for any order definite order regarding the payment by Native States of the charges on account of lunatics confined in our Asylums. There is no order of the kind but the case passed J.E. & A. shows that the long standing practice has been

2.2.97

Producing copy of order to the lunatics.

[G.]
24.
500-28-10-96.

Public DEPARTMENT.

Papers to be read in proceedings:--

Again G.O., dated 10 April 1896, No. 708 judt. G. A
Again G.O., dated 3 August 1896, No. 1247-48 judt. C. N
Current No. 109 of 1897, dated , from the judt. sept. (print as marked)
" " " 189 " " "
" " " 189 " " "

ORDER. N° 163 of 18-2-97

The papers read above relate to two civil pauper lunatics confined in the Vizagapatam Lunatic Asylum, who were previously residents of Hyderabad and Trevandrum respectively.

The former is a native of Halladrag village, Takemaul Taluk, Hyderabad, and was committed to the Asylum on the 19th August 1893 by the Joint Magistrate, Goudavari. The cost of his upkeep to the end of May 1896 was Rs. 226-12-10.

The latter is a native of Trevandrum and was committed on the 27th April 1894 by the Principal and Assistant, Ganjam. Up to the end of May last a sum of Rs. 162-6-8 had been expended on his maintenance. It has been reported that the probable monthly cost of keeping these men in the Asylum will be about Rs. 7 each.

2. Their cases were referred to S. IV of

brought to the notice of the Residents at Hyderabad, and in Travancore, respectively, with the request that the last expenditure might be recouped by the Native States concerned and arrangements made for the payment by them of maintenance charges in future.

3. In reply, the Travancore Darbar refers to G.O., No. 73 Pol., d/14-1-93, as definitely deciding that ~~the~~ expenditure on lunatics confined in this Presidency should not be a charge against the Native States to which they belong. But, as pointed out by the Asstt. Resident, ~~the~~ ^{man referred to in that} G.O. ~~related to~~ Criminal lunatic: whose maintenance when confined in an Asylum in the Presidency this Govt. recognised as a charge on its provincial revenues. The case in point is, however, of a totally different nature as the man is a Civil lunatic the cost of whose upkeep this Govt. is entitled to look to the State which he belongs to defray. The Resident will explain the matter to the Travancore Darbar which should be again requested to ~~make the~~ ^{repeal} the claim good.

4. H.H. the Nizam's Govt. observes that it is not clear on what grounds it is asked to pay ~~for~~ the charges incurred on the upkeep of the former of the lunatics referred to above, and enquires, in ~~reference~~ ^{reference} to the statement that the father of the lunatic had expressed his willingness to maintain his

it was solely on that ground that the Darbar claimed exemption from the charge for his maintenance & then Govt. accepted it.

As regards the liability of H.H. the Nizam's Govt. to meet the claim the Govt. will be held responsible for that long standing practice as well as equity establishes the responsibility of a Native State to take care of its subjects. The charge incurred on behalf of its own Civil lunatics

- TO The Resident in Travancore & Cochin.
- through the Poll. Deptt.
- " Poll. Department.
- " Judicial Department.
- " Surgeon-General.

Dec/23/97

Govt. should require the father to pay the charges with arrears. The Resident at Hyderabad will be requested to point out that this course is not feasible and was never ~~the intention of~~ ^{contemplated by} H.E. the Governor-in-Council, as the father was reported to live by begging. It is ~~not~~ ^{im} possible to make the lunatic over to his father as he is reported to be unmanageable and not in a fit state to be entrusted with safety to his relatives as he is not a Criminal lunatic the cost of his upkeep is a fair and usual charge against the State of Hyderabad.

5. To obviate any further misconception on this point the Poll. dept. will be requested to ~~inform~~ ^{cause} all Native States within or contiguous to this Presidency of their liability to meet the maintenance charges of any of their subjects who may be at any time be ~~certified~~ ^{confined} as Civil lunatics in the Asylums in this Presidency under §XIV of Act XXVI of 1896.

from orders. 18/2/97

3513 13.2.97 MR. 13/2/97

LETTER:-

N. 164

TO The Resident at Hyderabad.

Sir,

With reference to your letter No. 477, d/27-11-96, I am directed to

br state that as Parvati Bhimani was con-
a fined in the Lunatic Asylum at Vizaga-
i nam as a ^a civil and not ^a criminal lunatic
the cost of his upkeep ~~there~~ is an
equitable and usual charge against H.H.
the Nizam's Govt. under § XIV of Act
VI of 1858.

~~In this connection, I am to invite
f attention to the correspondence margin
of the letter from which it will be seen
that the course adopted in the present
case is in keeping with established
rule.~~

I am to add that it was never the
intention of this Govt. that the luna-
tic's father should be called upon to
defray the maintenance charges. He is
a beggar and is clearly not in a posi-
tion to do so, nor is the son in a fit
state to be handed over to his father's
care.

I am therefore to request that
you will again address H.H's. Govt.
with a view to the payment of the
charges up to the end of May last
amounting to Rs. ²²⁶ 12-10, and of a
monthly maintenance allowance of Rs. 7
commencing with June last.

from orders.
15.2.97 13/4/97
16.2.97

19/2/97
for copying
copied 17/2
examined 20/2
signed 1897

ASAD G.O., No. 189

Ref. No.

ASAD G.O., No.

GOVERNMENT

GOVERNMENT

GOVERNMENT

FOR THE GOVERNMENT

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