

Public (1897) Department.

ORDINARY MS.

G.O., No. 935

DATED 13-7-97

INDEXED.

[Despatch Abstract.]

Inquiring of the Resident at Hyderabad
whether any lunatic asylums have been
established in H. H. the Nizam's territory,
and if so, whether British subjects are
admitted therein.

BACK PAPERS:

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

FURTHER PAPERS.

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

Pub.
29.
100-5-17.

Public (1897) Department.

CURRENT No.

From The Resident at
Hyderabad

No. 3530

Dated 26
Received 29 } 6-07.
Registered 30.
Enclosures -1
Spare copies

SUBJECT.

Forwarding copy of letter
recd from the Hyderabad
State on the subject of the
liability of Native States
to meet the maintenance
charges of any of their sub-
jects who may be confined
in the lunatic asylums
in the Madras Presy.

Order

BACK PAPERS.

G.O.	No.	Department.	Date.
for	715	Pub	5-6-97a
R 460		Pub	10-4-97
R 131-2		Poll	24-4-97
R 416		Pub	30-3-97
- 168-69		Poll	16-3-97
- 147-8		Just	3-8-96
323		"	18-2-97

59-70 .. 12-1-91

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	1346		13-8-90
	2095		7-12-88
	330		21-2-89
	2549		11-12-88
	16889		20-8-81

Copy of letter No. 719, dated the 27th May 1897, from His Highness the Nizam's Minister, Hyderabad, to the Resident at Hyderabad.

Will you kindly refer to correspondence ending with the First Assistant Resident's Letter No. 620, dated 31st March 1897, regarding a demand made by the Government of Madras for maintenance charges on account of a Lunatic named Parvati Bhimara, alias Thotaya, who has been in the Lunatic Asylum at Vizagapatam since July 1893.

2. It appears that the Government of Madras require that all Native States should be informed of their liability to meet the maintenance charges of any of their subjects who may be confined under act XXXVI of 1858, as Civil Lunatics in the Asylum of the Madras Presidency. His Highness Government, however, cannot see that any liability has been established by the mere passing of such a Government Resolution. Indeed the Resolution itself appears to be in contravention of the provisions of the very act of the Government of India which it seeks to enforce.

3 From the history of the Lunatic Parvati, supplied by the Government of Madras, it appears that his father has a house worth Rs. 50/ and an Inam of Rs. 5/ a year, and that the father was willing to maintain his son (presumably in his own house) but could not do so as the lunatic would be quite unmanageable out of an asylum. The case therefore clearly falls under clause 4 of section 8 of the Act, which provides that "if it shall appear to the satisfaction of the Judge that the Lunatic has not sufficient property and that no person legally bound to maintain the said lunatic has sufficient means for the payment of such expenses, he shall certify the same in the order for the reception of the Lunatic into the Asylum, instead of making such orders for the payment of such expenses as afore-said." As, therefore, when the lunatic Parvati was admitted into an asylum, no engagement was apparently taken from his friends or relatives for the payment of expenses, such expenses are clearly payable by the Government under section 14 of the Act, which

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which is very clear on the point. His Highness' Government cannot conceive, how, after all these years, such a claim as that which has been preferred can be made, or how a Native State can be forced into the position of a friend or relative legally responsible for the maintenance of a Lunatic. The term "Government" used in Section 14 of the Act clearly means the Executive Government of the Presidency or Province in which the Asylum is established, and not the Government whose subject the lunatic is. Sections 1 and 2 of the Act.

4. The Government of Madras state in paragraph 5 of their Resolution that long standing practice as well as equity, establishes the responsibility of a Native State to bear the charges incurred on behalf of its own Civil Lunatics, but it is not clear why, if the practice of requiring Native States to pay such charges, is of long standing, no claim has been preferred for nearly four years. As regards the equity of the charge, His Highness' Government believe that

a Government in whose territory a Lunatic is found, is bound to adopt measures either for his protection or for the protection of their subjects against his violence. The man in question is stated to be a dangerous lunatic, and any delay on the part of the Authorities at Vizagapatam in locking him up would probably have resulted in his being a criminal lunatic, for whose maintenance, according to the views of the Government of Madras, no claim could have been preferred.

5. Although, therefore, the Lunatic Parvati appears to be a subject of His Highness the Nizam, His Highness Government cannot regard that fact as establishing any liability on their part for his maintenance at an asylum in British India.

True Copy

Alfred

In Superintendent,
Issue Branch,
Residents Office

AS

Political Office.

No. 3530 of 1897.

From J. Bicheli - Snowden Esquire, C.P.I.

RESIDENT AT HYDERABAD,

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

Dated Hyderabad Residency, 29 June 1897.
CHIEF SECRETARY
29 JUN 1897
GOVERNMENT OF MADRAS

SIR,

I have the honor to refer to the correspondence ending with your letter No. R-132 dated the 24th April 1897, regarding the liability of Native States to meet the maintenance charges of any of their subjects who may at any time be confined as civil lunatics in the Lunatic Asylums in the Madras Presidency.

2. I have now to forward

From the information of the Government
of Madras, a copy of a letter No 719
dated the 27th May 1897, received
from His Highness the Nizam's
Minister on the subject and in
the circumstances therein stated
I am of opinion that the charges
up to the end of May 1896 amount-
ing to Rs 226-12-10 and of a monthly
maintenance allowance of Rs 71-
5/- commencing with June 1896 as
communicated in your letter No 164
dated the 18th February 1897 cannot
be enforced against His Highness
Government. So far as Hyderabad
is concerned, there is no information
forthcoming in the Resident's Office
to show that there is, as set forth
in paragraph 4 of the Proceedings
of the Government of Madras,
No 163 dated the 18th February 1897, 1
received with your letter No 169 P
dated

dated the 16th March 1897, any "long
standing practice" under which
that State could equitably be held
responsible.

I have the honor to be,
Sir,
your most obed^t servant,

Thomas Bladen
Resident.

AB

NOTE FOR THE CS

Q' G.O. no 168 Pol. d. 16-3-97
Communicated to native
States the news of this Govt.
Expressed in G.O. no 163
Pol. d. 18 Feb 1897, regarding
responsibility for the
maintenance in Madras Lunatic
Asylums of the subjects of
native states.

E G.O. no 715 Pol. d. 5.6.97
modified the former order
was to allow native states
which maintain Lunatic
Asylums to have their
subjects, who may be confined
in Madras Asylums, maintained
free of cost.

The Nizam's Govt. has now
protested, Badi current.

The G.O. modifying the
original order has not

yet reached Hyderabad;
if there is any objection
in Hyderabad the present

letter will require ^{date} no answer,
as the claim of this Govt. will
be to be maintained.

* 90234 1517197. N'

** it has been delayed
owing to some misunderstanding
as to whether Public or
Political should
communicate it.

Draft of this copy (in English
file) was submitted.

It was found that the

made to ascertain whether
 there is any asylum in the
 Nizam's Territory. Lunatics
 would be sent from British
 Police Stations, ^{2nd} Secunderabad,
 to Madras (under G.O.
 no 1688 of 59 July d. ^{20.8.97} ~~Nizam's~~ N²)
 Let it be not known that
 is done with lunatics from
 their places. It is submitted
 that before going further the
 Resident may be asked
 whether there are asylums
 in the Nizam's Territory.

AY.
 12/7/97

[G.]
 73
 3000 30-7-96.

NOTE FOR FILE

Letter W. 935 of 13 July 97
 to the Resident at
 Hyderabad.

Sir,

Adverting to your letter
 no 3530, dated 26 June
 1897 and with reference to
 the proceedings of the Govt
 no 715 Public d. 5 June
 1897 communicated to you
 with my letter no 934 Pub d
 13 July 97, I am directed to
 enquire whether any lunatic
 asylums have been established
 in H.H. the Nizam's Territory,
 & if so whether British ^{received} subjects
 are maintained therein.

AY. 12/7/97
 12/7/97.