

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

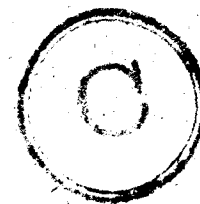
Public (1891) Department.

ORDINARY PRINTED.

G.O., No. 8017802

Dated 24th June 1878.

INDEXED.



[Despatch Abstract.]

Lunatics

Addressing [the Govt of India] on the subject of the transfer to this Presidency of certain ~~lepers~~ — now confined in the Rangoon asylum, and the cost of their maintenance.

For Letter Abstract please omit portion within Track to.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2073/187 9-17 1897 3672/187 9-17 1897 1489 9-12-98							

Government {1898} of Madras. PUBLIC.

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., &c., Nos. 801, 802, 24th June 1898.

JUNE.

Lunatics.

Addressing the Government of India on the subject of the transfer to this Presidency of certain — now confined in the Rangoon Asylum and the cost of their maintenance.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India (Home Department—Medical), to the Chief Secretary to the Government of Madras, dated Calcutta, the 15th March 1898, No. 285.

I am directed to acknowledge the receipt of your letter, No. 1477, dated the 12th November 1897, regarding the transfer of certain lunatics from the Rangoon Lunatic Asylum to the Madras Presidency. The Government of Madras whilst agreeing to receive in Madras, lunatics Nos. 1, 11, 17 on the list as well as Nos. 4 and 7, if the Government of Burma is satisfied as to their identity, do not consider the interests of the remaining lunatics who have no friends to receive them, as a sufficient justification for throwing upon the revenues of the Government of Madras a charge which, it is said, they cannot properly be called upon to bear.

2. The Government of India regret that they are unable to accept the views of the Government of Madras on this point. In paragraph 5 of the letter from the Government of Madras, No. 1218, Judicial, dated the 23rd July 1896, it was stated that experience in the Madras Presidency had shown that lunatics removed from their own country and from their friends and relations would suffer in bodily health or in spirits, and so be hindered in their recovery. The Government of India expressed their concurrence in these conclusions in paragraph 2 of my letter, No. 490 (Medical), dated the 18th May last, and in accordance with the same principle it appears to them to be desirable in the interests of the Madras lunatics at present confined in Burma that they should be transferred to the Madras Presidency. This being the case the financial consequences resulting to the Government of Madras from the repatriation of the lunatics must be regarded as a substantive portion of the Provincial expenditure of that Government, and as such provided for in the assignment of revenues made for Provincial expenditure. If, therefore, the Government of Madras have no further objection to take, the Governor-General in Council proposes to sanction the transfer of all the lunatics, except No. 14, who it is stated has already been released.

3. As the Government of Madras have expressed their willingness to receive lunatics Nos. 1, 11 and 17, orders have been issued for their transfer. A copy of the orders is enclosed.

ENCLOSURE.

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India (Home Department—Medical), to the Chief Secretary to the Government of Burma, dated Calcutta, the 15th March 1898, No. 284.

With reference to the correspondence ending with this department letter,

- * Letter to the Government of Madras, No. 43, dated 28th January 1897.
- From the Government of Madras, No. 1477, dated 12th November 1897.
- To the Government of Madras, No. 285, dated 15th March 1898.

pleased to order the removal of the lunatics named in the margin † from the Rangoon Lunatic Asylum to the Lunatic Asylum at Madras.

- † 1 Thattiah.
- 2. Narainswamy.
- 3. Kundin.

2. It will be seen from the enclosed letter from the Government of Madras that lunatic Ramaswamy, No. 14 in the list, is reported to have lately returned to his village on release from the Rangoon Asylum.

3. A further communication will be sent in due course with regard to the remaining Madras lunatics.

From Surgeon-Major-General C. SIBTHORPE, C.B., F.R.C.P.I., Surgeon-General with the Government of Madras, dated 30th April 1898, No. T-68.

ORDER—No. 801, Public, dated 24th June 1898.

The following letter will be addressed to the Government of India.

(True Extract.)

G. STOKES,
Chief Secretary.

LETTER—to the Secretary to the Government of India, Home Department, No. 802, Public, dated Ootacamund, 24th June 1898.

I am directed to acknowledge the receipt of your letter, No. 285, dated 15th March 1898, regarding the transfer to this Presidency of certain lunatics now confined in the Rangoon Asylum. The Government of India quotes with concurrence an expression of the views of this Government regarding the drawbacks to the removal of lunatics from their own country and from their friends, and on that ground proposes to direct the transfer to Madras of the lunatics in question, leaving the cost of their maintenance to be met by this Government.

2. In reply, I am to say that His Excellency the Governor in Council adheres to the view which he has already expressed as to the disadvantage to lunatics of removal from their own country and from their friends and relations. He is, however, constrained to demur to the present decision of the Government of India that the cost of their maintenance should be borne by this Presidency. The position originally taken up by the Government of Burma was purely financial. That Government held that the Province of Burma could not be held financially responsible for the maintenance of natives of Madras who became insane in Burma. With this view the Government of India did not agree, and Mr. Nathan, in his letter, No. 43, dated 28th January 1897, observed that "the Government of India do not agree with the view indicated by the Chief Commissioner that the Burma Administration cannot properly be held financially responsible for lunatics arrested and confined in Burma who are not natives of that province." He also remarked that "the Government of India consider that the lunatics will be happier and have a better chance of recovery if they are confined in an asylum near their native place than if they remain in a distant province." Concurring in the opinion expressed by the Government of India that the cost of the maintenance of the lunatics was a charge which should be borne by the revenues of Burma and not by this Presidency, His Excellency the Governor in Council was forced to the conclusion that the advantage to the lunatics was not sufficient justification for withdrawing from its legitimate objects in this Presidency the sum which their maintenance would cost.*

* Letter from this Government, dated 12th November 1897, No. 1477.

In the letter now under reply, the Government of India has changed its position. The argument briefly stated is that because it is to the advantage of the lunatics that they should be transferred to Madras, therefore it is incumbent on this Government to receive and maintain them. This view embraces considerations beyond the subject immediately under discussion, for if happiness and recovery be the tests, it is difficult to resist the conclusion that it

is the duty of Government to restore to their homes and to provide for all pauper patients, whether sane or insane. Such a position is obviously untenable, but I am to urge that it shows the tests indicated by the Government of India to be invalid, or valid only relatively and in conjunction with other claims upon the public funds.

3. I am further to observe that lunatics, or at any rate the great majority of them, are confined in asylums in this country not in their own interests but for the security of the public, and that it is reasonable to expect that the public of the province in which it has been found necessary to confine them should bear the cost of their maintenance wherever they may be kept. This was the view adopted by His Excellency the Governor in Council at the outset, and it was supposed that the original opinion of the Government of India was based upon the same consideration. The Government of India, however, abandoning the view communicated in Mr. Nathan's letter already quoted, now considers that the cost of maintenance of the lunatics, being a charge which properly falls on Provincial Revenues, is provided for in the assignment under the Provincial contract. In this connection I am to observe that no charge on account of lunatics confined in another province has hitherto been thrown on this Presidency, and that when the provincial assignment was framed no such charge was contemplated. The standard in both revenue and expenditure then taken was, as pointed out in Finance and Commerce Department letter, No. 1245 A, dated 16th March 1897, that of the closing year of the old settlement, viz., of the year ending 31st March 1897. His Excellency the Governor in Council is therefore of opinion that if the Government of India should adhere to their view that the lunatics in question should be transferred to the Madras Presidency, the cost of their maintenance will be a charge of an exceptional nature for which special arrangements should be made as provided in Article 1337 of the Civil Account Code.

4. I am also to request that if the transfer of the lunatics be decided on, a general rule may be laid down so that this Presidency, in common with others, may be able to transfer any lunatic that may be confined within it to the Presidency or Province of his birth.

5. Turning to the list of the lunatics whom the Government of Burma desires to transfer, I am to remark that one of them, Sheikh Abdul Rahiman (No. 18 in the list forwarded with Mr. Nathan's letter, No. 43, dated 28th January 1897), is said to be a native not of this Presidency but of Mysore. This Government is, therefore, not concerned with him. Of the others, it will be seen that No. 3 has been in Burma ever since he was twelve years of age and does not remember his parents, while No. 19 has spent the whole of her life since she was eighteen in that country. It is clear that in these two cases the transfer of the lunatics to the Presidency of their birth will be a transfer from the country of their adoption and from their homes and friends. The results which it is desired to secure, namely, happiness and recovery, are therefore more likely to be obtained in Burma than in Madras.

G. STOKES,
Chief Secretary.

[Pub.
29
500-22-2-98.]

Public (1898) Department.

CURRENT No.

From

Govt of India
Home Dept.

Order

No. 285

Dated

15

Received

21

Registered

21

Enclosures

Spare copies 7.

SUBJECT.

Starting with reference to the Govt letter no 1477 of 12.11.97 that it appears desirable to the Govt of India that all the Madras lunatics at present confined in Burma should be transferred to the Madras Presidency.

BACK PAPERS.

G.O.	No.	Department.	Date.
	1476-7	Pub:	12-4-27 mt.
	856	"	22-2-27 600
	818	"	22-3-27 X
	146-7	"	16-2-27 mt
	1217-8	9nd:	23-7-27

975-6 9nd. 6-5-95 (117)

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G.
74]
200-30-7-98

NOTE FOR THE CHIEF SECRETARY.

Please see the unfinished note below.

It is submitted that in order to arrive at a decision whether the a protest should be made it is desirable to know whether there are many instances of the President's conduct in our Asylums. If there are not many then the Indian whether it means that all lunatics should be transferred to their own provinces.

The preparation of lists will take some little time but it is submitted that it is well worth while to call for them.

If the C.S. does not consider such an enquiry necessary the note will be completed & submitted to the Financial Dept.

The enquiry is essential to the disposal of the matter. If India's view is to be accepted there should be a general post throughout India of lunatics returning to their own Presidencies & a continual transfer afterwards of subsequent inmates. It must be noted that an insane person does not necessarily feel at home in his own lunatic Asylum in his own Presy. He may be hundreds of miles from his people & his language may not be spoken.

31/3/95

1.4.98

[G
21]
200-1-2-08.

Papers to be read in Proceedings:—

Again G.O., No. , dated 189 .
 Again G.O., No. , dated 189 .
 Current No. 1104 of 1898, dated 15-3-98 , from the Govt. of India.
 „ „ „ 189 „ „ „ „
 „ „ „ 189 „ „ „ „

ORDER.

28
3/5/98
ASH

The S.G. will be requested to submit at a very early date a list showing the number of persons confined in each of the Lunatic Asylums maintained by this Government who are not natives of the Madras Presidency.

The list should show:—

- (a) Name of Lunatic
- (b) Place of birth
- (c) Length of residence in this Presidency.

To

The Surgeon-General

AK 4/4/98
 (from order of G)
 6-4-98

June 29 1998
B. Leander
Department

To Await the receipt of
Mines No. 595 from us.
6-6-88



Surgeon Major General
C. S. Sillithorpe C.B., F.R.C.S.

with the Court of Directors

No. 7/18

April.

Registered 2 May

Enclosure One

Spare copies

SUBJECT,

Submitting a list showing
the names of persons confined
in each of the Lunatic Asylums
maintained by the Madras
Government, who are insti-
tutes of the Madras Presidency

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Statement of the Lunatic Asylums maintained by the Madras Government who are not natives of this Presidency.

No.	Name of Lunatic	Place of birth.	Length of residence in this Presidency.		
			Yrs.	M.	D.
1.	J. Mc Ward.	Bengalore	33	7	12
2.	Shah Patchos	Hyderabad	16	5	23
3.	S. Prudhomme	Pondicherry.	13	5	"
4.	J. Hurts.	Cochin	7	4	19
5.	Miss Patterson.	Scotland	5	7	"
6.	H. G. Gahan.	Rangoon	5	5	4
7.	Miss Schmidt.	Rangoon	5	2	3
8.	A. D' Cruz.	Cochin	4	4	27
9.	John Conant	Cardiff	3	4	24
10.	Probst.	Pondicherry.	3	2	20
11.	G. R. Dringer.	Kanphee	2	9	4
12.	Miss Virginia Pereira	Cochin	1	8	15
13.	Comaraswamy.	Pondicherry.	1	2	14
14.	Anrokiaswamy.	do	1	2	14
15.	Ponnayee.	do	1	2	14
16.	Inammappan.	do	1	2	14
17.	Saravamah.	do	1	2	14
18.	H. J. Donlia	Simla	"	7	13
19.	Gunner Rughie Singh	N. W. Provinces	"	4	12
20.	James Roberts.	Assam	"	6	2
21.	Durgjee.	Jodpore.	"	3	28
22.	Private Shamsuddin	Sauger	"	3	27
23.	Subadar Rughie Singh	N. W. Provinces	"	"	"

Statement Concluded.

No.	Name of Lunatic	Place of birth	Length of residence in this Presidency.	Yrs. & D.
1.	Thotayya	Nalladung Village, Hyderabad.	About 5	
2.	Bagathnam	Not known, Probably N. W. Provinces.	Not known.	
3.	Goyajin	Sathu Kabis hamlet of Kanikabe, N. W. P.	About 4	
4.	Ramamyados	Kopperwar village N. W. P.	about 2	
1.	Ramdos.	Said the Burmese No information but admitted into the Asylum on 24 Feb. 1873.		

Total Lunatics ——— 23
 4
 1
28

Atacamund. }
 22 April 1878. }

[Signature]

[Signature]
 Major-General.

[Signature]

[1]

No. 4/68

From

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

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

SIR,

With reference to your Memorandum No. 88 Public, dated the 6th instant, I have the honor to submit a list showing the names of persons confined in each of the Lunatic Asylums maintained by the Madras Government, who are not natives of the Madras Presidency.

I have the honor to be, Sir,

Your most obedient servant,

[Signature]
 Major-General
 Surgeon-General

with the Govt. of Madras

[Signature]

M.H.C. 18.5.98 C. 20.5.98

Current No. 1517

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, April 1898.

Statement Concluded.

[G.]
1,000 - 22-11-97.

C. No. 1104-1517

Slip C. 18.5.98. C. 20.5.98
18 19.5.98
Public DEPARTMENT.

SUBJECT.

(2) HIS EXCELLENCY THE GOVERNOR.

(1) THE HON'BLE SIR HENRY BLISS, K.C.I.E. ✓ Transfer of civil lunatics from
THE HON'BLE MR. GROSE, C.I.E. Burma to Madras.

FOR ORDERS.

In March 1895 the Chief Commissioner of Burma wrote to this Govt. enclosing a list of 19 civil lunatics believed to be natives of this Presy. who were confined in the Mangan Lunatic Asylum, and enquired whether this Govt. would consent to transfer them to its own asylums. No reasons were given for this request and this Govt. also without assigning reasons ^{politely} ~~annually~~ declined to accede to it, vide G.O. No. 975 Pub., d/10th of May 1895. The Chief Commissioner then addressed India with regard to these and other lunatics. His letter is printed in G.O. No. 146 Pub., d/16th Feb. 1897. The Chief Commissioner suggested that as the Madras Asylums were not overcrowded, the lunatics could be received in Madras without inconvenience. He ^{realised} ~~was~~ that the expense of maintaining lunatics within municipal limits in Burma ^{was} borne by municipalities, and ^{argued} that it was not fair that municipal funds should be required to pay for casual immigrants from Madras and

File B

Abstract B

File T

other places in India who become insane within a short period of their arrival in Burma.

2. The Govt. of India in addressing this Govt. on the subject stated that it did not agree with the Chief Commissioner that the Burma administration ~~could not~~ properly be held financially responsible for lunatics arrested and confined in Burma who were not natives of that province. The Govt. of India however considered that the lunatics would be happier and have a better chance of recovery if confined in an asylum near their native place. It accordingly enquired whether for this reason the Govt. of Madras would consent to receive charge of such of the lunatics as could not be made over to their friends. In replying this Govt., after expressing its willingness to take charge of and hand over certain of the lunatics whose friends were willing to receive them, added that it agreed with the Govt. of India in considering that the Govt. of Burma must be held responsible for the maintenance of persons arrested and confined in that province. H.M. the Governor in Council was unable to consider the interests of the lunatics as sufficient justification for throwing upon this Presy. a charge which it cannot properly be called upon to bear. He therefore regretted that he was unable to comply with Burma's request

G.O. 1476 d. 14/1/97

300, \$

3. G.No.1104 is the further communication from the Govt. of India on the subject. In it the Govt. of India says that it cannot accept the views of the Govt. of Madras in the matter. They quote this Govt's opinion embodied in paragraph 5 of letter No.1313 Judl., d/ 23rd July 1896, that lunatics removed from their own country ~~would~~ ^{are} suffer in bodily health or spirits and so be hindered in their recovery. Accepting this conclusion, the Govt. of India now considers that it is desirable in the interests of the Madras lunatics in Burma that they should be transferred to the Madras Presy. So far the present expression of views of the Govt. of India is entirely in accordance with those held by this Govt. This Govt. has never argued that it was not in the interests of the Madras lunatics that they should be transferred to Madras. But it considered that those interests were not sufficient to justify Madras paying for the maintenance of the lunatics. The Govt. of India then goes to say that because it is in the interests of the Madras lunatics that they should be transferred to this Presy., therefore the cost of their repatriation must be regarded as a substantive portion of the provincial expenditure of Madras and as such provided for in the assignment of revenues made for provincial expenditure. This, it is to be observed, is a complete *non sequitur*. If the Govt. of India has no further objection to

take, India proposes to sanction the transfer of all the lunatics.

India has apparently made up its mind on the subject, but its order is, it is submitted, one which should not be accepted without at least a protest. The cost of maintaining lunatics who have up to now been maintained by other local Govts. is ^{an} entirely new charge thrown upon provincial revenues. It is in fact transferring to this Govt. a service which has previously been performed by another Govt. and as such it is not contemplated in the existing provincial contract. The cost of the 13 lunatics who would probably be transferred will apparently amount to about Rs. 2120 per annum, and although the amount is small, still, before the present contract expires, the charge imposed upon this Govt. by this new order will ^{probably} have reached nearly Rs. 10,000. The details given in list of the lunatics in question at page 4 of G.O. No. 146, Public, dated 16th February 1897 flag ^{T. Sullivan} to show the value of Burmah's contention that it should not be called upon to support ^{immigrants} casual ~~arrangements~~. Of the 13 lunatics whom it is proposed to hand over to Madras, one has been 30 years in Burmah, and served in the police while others have been 20, 16, & 13 years. One of the lunatics too (No. 18) is, it is to be observed, a native not of Madras but of Mysore. This at least may be pointed out to India.

Inquiries have been made of the

(i.e. if the Viceroy's asylum is closed - If it remains open the cost would be somewhat less as the cost per head there is lower than in the Madras asylum, & the telegraph lunatics would naturally be sent there) Difference is immaterial

It is absurd to suppose that such a person as ~~the~~ requires to return to the country of his birth on acct. of nostalgia.

Again take No 19 on the list in flag O.T. she was 18 when she went to Burma

general order directing the transfer to their own Presidencies of all lunatics. From the list it appears that there are only eight native lunatics in Madras Asylums who belong to other parts of British India, and they have none of them been for long in the ~~Pr~~ ~~de~~ ~~ney~~ ~~Still~~ if India's order is to be carried out, it will be well, it is submitted, to ask that these lunatics should be transferred to their own provinces. It is difficult to see how India can meet such a request except by a withdrawal of its orders. Apart from the injustice of the arrangement proposed it seems anomalous that while this Govt. is yearly impressing on its officers the necessity for reducing as far as possible the preponderance of civil lunatics, it should be liable to receive under orders ^{any Madras} lunatics whom another province may choose to confine. The orders of India will, it is presumed, hold in every future case, and it may be expected in future that any Madras lunatic put under restraint in Burmah will immediately be shipped over to this ^{Presidency} ~~country~~. The lunatics are confined by Burmah for the security of its own inhabitants and Burmah should, it is submitted, pay for them.

18/5/95
I think a further protest should be sent to the Govt.

of India, pointing out their change of attitude & the inapplicability of their argument to at least some of the cases. ~~Now~~ This Govt moreover has nothing to do with the ~~inhabitants~~ lunatic born in Mysore. ~~Now~~ The charge was not contemplated in the Govt assignment wh. should be recast if fresh charges are to be thrown upon it. The rule should if made at all, be reciprocal & apply to all parts of India, so that native & other Pres^s in the Madras lunatic asylum should be sent to their own Pres^s.

At 27.5.98.

I quite agree

BS

1875798

5.5.98

20.5.98

[G
24]

1,000-22-11-97.

Slip to Pub. Com. 1104, 1577.

Public DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No.	, dated	189	.
Again G.O., No.	, dated	189	.
Current No. 1104	of 1898, dated 15/3	, from	the Govt of India.
" " 1517	" 1898, "	"	the S.G. (g) (g)
" "	" 189, "	"	"

ORDER.

P.S.

~~H.E. the Governor~~
(Letter to India)

W.S.

Let me have a
clean type written
corrected copy.

At 3.6.98

Typewritten copy submitted below.

129

4/6/98

At

6/6/98

The following letter will be addressed to the Govt. of India,

At 24/5/98

LETTER:—

To
The Secretary to the Govt. of India,
Home Department.

SIR,

I am directed to acknowledge the receipt of your letter No. 285, dated 15th March 1898 regarding the transfer to this Presidency of certain lunatics now confined in the Rangoon asylum. The Govt. of India quotes with concurrence an expression of the views of this Govt. regarding the drawbacks to the removal of lunatics from their own country and from their friends, and on that ground proposes to direct the transfer to be made of

was based upon the same consideration

3. The Govt. of India ~~further~~ *how*
considers *of maintenance*
~~states~~ that the cost of the lunatics

I am to enquire whether it is the intention of the Govt. of India to establish as a universal practice the transfer of lunatics to the provinces in which they

~~WE~~

~~the~~

~~measure~~

~~that the~~

ould be me to this P...

A black and white photograph of a landscape. In the foreground, there is a body of water, possibly a lake or a wide river. The middle ground shows a line of trees and a building, which appears to be a house or a small structure. The background is a hazy, distant landscape. The overall tone is somber and reflective.

that if the cost of such maintenance is to be transferred to the State, the cost of the maintenance will be a very large one, of an exceptional nature, for which special arrangements should be made as provided in Article 133 of the Civil Code.

Handwritten text, mostly illegible due to heavy noise and blurring.

[The handwriting in this block is extremely faint and illegible.]

5. In conclusion I am to ~~submit~~ a
reconsideration of the decision of the
~~Govt. of India~~ and to request that, if
it is finally decided to transfer the
lunatics to this Presidency, this Govt.
may either be reimbursed for the extra
expenditure involved or may be relieved
of the charge of those lunatics now
confined in its asylums who are from
other provinces.

[Faint handwritten notes and markings are visible on the page.]

29/1/01 23/1/01

19
Public Department
U

C.No. 1104 ----- A
" 1517 ----- 2

H.E. the Governor

Letter to the Gov. of India

Ind. G.

8.5.98
10.6.98

ORDER No 801, d/24th June 1898.

P.S.

The following letter will be addressed to the Govt. of India.

No 802
10.6.98

Letter

To

The Secy. to the Govt. of India,
Home Department.

Dec/23/98
24/6/98

Sir,

I am directed to acknowledge the receipt of your letter No.285, d/15th March 1898, regarding the transfer to this Presy. of certain lunatics now confined in the Rangoon asylum. The Govt. of India quotes with concurrence an expression of the views of this Govt. regarding the drawbacks to the removal of lunatics from their own country and from their friends, and on that ground proposes to direct the transfer to Madras of the lunatics in question, leaving the cost of their maintenance to be met by this Govt.

2. In reply I am to say that H.E. the Governor in Council adheres to the view which he has already expressed as to the disadvantage to

lunatics

194/1/2320

lunatics of removal from their own country and from their friends and relations. He is however constrained to demur to the present decision of the Govt. of India, that the cost of their maintenance should be borne by this Presy. The position originally taken up by the Govt. of Burma was purely financial. That Govt. held that the Province of Burma could not be held financially responsible for the maintenance of natives of Madras who became insane in Burma. With this view the Govt. of India ^{did not} agree, and Mr. Nathan in his letter No. 43, d/28th Jany. '97 observed that "the Govt. of India do not agree with the view indicated by the Chief Commissioner that the Burma administration cannot properly be held financially responsible for lunatics arrested and confined in Burma who are not natives of that province". He also remarked that "the Govt. of India consider that the lunatics will be happier and have a better chance of recovery if they are confined in an asylum near their native place, than if they remain in a distant province".

Concurring in the opinion expressed by the Govt. of India that the cost of the maintenance of the lunatics was a charge which should be borne by the revenues of Burma, and not by this Presy., H.E. the Governor in

Council was formed to the conclusion

Letter from this Govt. d/12th
Novr. 1897, No. 1477

2 5821

that the advantage to the lunatics was not sufficient justification for withdrawing from its legitimate object in this Presy. the sum which their maintenance would cost. In the letter now under reply the Govt. of India has changed its position. The argument briefly stated is that because it is to the advantage of the lunatics that they should be transferred to Madras, therefore it is incumbent on this Govt to receive and maintain them. This view embraces considerations beyond the subject immediately under discussion, for if happiness and recovery be the tests it is difficult to resist the conclusion that it is the duty of Govt. to restore to their homes and to provide for all pauper patients whether sane or insane. Such a position is obviously untenable, but I am to urge that it shows the tests indicated by the Govt. of India to be invalid, or valid only relatively and in conjunction with other claims upon the public funds.

3. I am further to observe that lunatics, or at any rate the great majority of them, are confined in asylums in this country not in their own interests but for the safety of the public, and that it is reasonable to expect that the public of the province in which it has been

found necessary to confine them should bear the cost of their maintenance wherever they may be kept. This was the view adopted by F.E. the Governor in Council at the outset, and it was supposed that the original opinion of the Govt. of India was based upon the same consideration. The Govt. of India however, abandoning the view communicated in Mr. Nathan's letter already quoted, now considers that the cost of maintenance of the lunatics, being a charge which properly falls on provincial revenues, is provided for in the assignment under the provincial contract. In this connection I am to observe that no charge on account of lunatics confined in another Province has hitherto been thrown on this Presy., and that when the provincial assignment was framed no such charge was contemplated. The standard in both revenue and expenditure then taken, was, as pointed out in Finance and Commerce Dept. letter No.1245 A, d/16th March 1897, that of the closing year of the old settlement, viz. of the year ending 31st March 1897. F.E. the Governor in Council is therefore of opinion that if the Govt. of India should adhere to their view that the lunatics in question should be transferred to the Madras Presy. the cost of their maintenance will be a charge of an excep-

3 6823
arrangements should be made as provided in article 1337 of the Civil Account Code.

4. I am also to request that if the transfer of the lunatics be decided on, a general rule may be laid down so that this Presy. in common with others may be able to transfer any lunatic that may be confined within it to the Presy. or Province of his birth.

5. Turning to the list of the lunatics whom the Govt. of Burma desires to transfer, I am to remark Sheikh Abdul Rahiman that one of them (No.18 in the list forwarded with Mr. Nathan's letter No. 43, d/28th January 1897) is said to be a native not of this Presy. but of Mysore. This Govt. is therefore not concerned with him. Of the others it will be seen that No.3 has been in Burma ever since he was twelve years of age and does not remember his parents, while No.(19) has spent the whole of her life since she was eighteen in that country. It is clear that in these two cases the transfer of the lunatics to the Presy. of their birth will be a transfer from the country of their adoption and from their homes and friends. The results which it is desired to secure, namely happiness and recovery, are therefore more likely to be obtained

First copy sent to Press. 15/11.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
189

DATE

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

NOT FILLED UP, BEING MEANT FOR DESPATCH
ORIGINAL.

N.B.—

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

ENT.
NUMBER OF COPIES
REQUIRED. { Order complete.
Letter only. 55
Order complete with Letter. 15

in Burma than in Madras.

AA 7.5.98

As wanted

*Slava 3/10/98
Letter not sent
for signature
12/11*