

Public (1898) Department.

ORDINARY PRINTED.

G.O., No. 696

DATED 21-5-98

[Despatch Abstract.]

Kind Lunatics.

Requesting the Resident in Travancore & Cochin to inform the Cochin Government that the Govt regrets that it is unable to sanction the transfer of the — confined in the Lunatic Asylum at Trichur to any of the Asylums in the Madras Presidency, and commencing these proceedings to the Residents in Hyderabad and in Mysore, and to all Political Agents.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Cm.	2152/98	(Resdt Hyderabad)	—
Cm	1129/05		

Government (1898) of Madras.
PUBLIC.

Recd.

Enclosures

Regd.

Spare copies

G.O., No. 696, 21st May 1898.

MAY.

Lunatics.

Requesting the Resident in Travancore and Cochin to inform the Cochin Darbar that the Government regrets that it is unable to sanction the transfer of the — confined in the Lunatic Asylum at Trichur to any of the asylums in the Madras Presidency; and communicating these proceedings to the Residents in Hyderabad and in Mysore, and to all Political Agents.

GOVERNMENT OF MADRAS.

P U B L I C D E P A R T M E N T.

READ—the following papers:—

From F. A. NICHOLSON, Esq., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Trivandrum, 15th June 1897, Ref. on C. No. 1512.

With reference to the correspondence ending with this office letter, Ref. on C. No. 561, dated 29th February 1896, I have the honour to submit, for the orders of Government, copy of letter No. 1932, of the 1st April 1897, from the Diwan of Cochin, requesting permission to re-open the question of the abolition of the lunatic asylum at Trichur and the transfer of the lunatics maintained there to any of the British asylums in Madras. From a reconsideration of the matter in all its bearings the Diwan has now come to the conclusion that the transfer originally proposed would be far cheaper than the maintenance of a separate State asylum, and he requests, therefore, that the transfer may be sanctioned, the Sirkar undertaking to pay the cost of maintenance of its lunatics according to the average cost in the Calicut asylum.

2. The information called for in memorandum No. 2746, Judicial, dated 16th November 1895, is given below—

(1) The proposed transfer is intended to be permanent, *i.e.*, that all Cochin lunatics shall hereafter be confined in British Indian asylums, preferably the Calicut asylum since it is on the West Coast.

(2) The individuals referred to are civil and criminal cases, the present number being 1 criminal and 8 civil lunatics. The highest number confined at any one time in 1071 (1895-96), for which year alone information is available, was 11.

(3) The Darbar is prepared to defray the charges incurred on account of its lunatics. It is also proposed that the payment for maintenance of the lunatics sent should be made at the average rate in the Calicut asylum; but as it may not be possible to find accommodation for all the Cochin lunatics in that asylum, it would perhaps be advisable to fix a rate with reference to the average cost in the several Madras asylums for a series of years.

(4) There is no regulation in the Cochin State relating to lunatics.

ENCLOSURE.

From P. RAJAGOPALA CHARI, Esq., Diwan of Cochin, to the British Resident in Travancore and Cochin, dated Ernakulam, 1st April 1897, No. 1932.

I have the honour to request that you will be good enough to permit me to re-open a question disposed of in the Diwan's letter to you, dated 17th February 1896, No. 254—P-51. In that letter the Diwan told you that on a reconsideration, he thought it more desirable to place the lunatic asylum at Trichur on a more satisfactory footing than to transfer the lunatics of the State to a British Indian asylum. An estimate for about Rs. 10,000 for erecting a building for the lunatic asylum at Trichur (in pursuance of the idea of placing that asylum on a satisfactory footing) is now before me.

2. Before, however, incurring this large expenditure and also the consequent liability of annual expenditure for keeping the building in order, I think it necessary to reconsider the whole question and see how far the transfer of the lunatics to a British Indian asylum would affect the Sirkar financially. I find from a reference to the Administration Report of the Madras Presidency for 1894-95 that the average cost of a lunatic at Calicut in that year was Rs. 125 and that in Madras the average cost was Rs. 155. I also find that the average cost of a lunatic in the Trichur asylum for the Malayalam year 1071 was Rs. 135-12-0.

3. You would thus see that each lunatic at Trichur costs the State about Rs. 10 per annum more than what he would if he were in the Calicut asylum.

Secondly, taking the capital outlay of Rs. 10,000 on the proposed building and Rs. 2,000 as the probable cost of the land to be acquired for erecting that building the State has to incur an initial outlay of Rs. 12,000, if the asylum at Trichur is to be maintained. The interest at 3 per cent. on the above sum is Rs. 360. Taking 4 per cent. on the cost of the building as the probable cost of the annual repairs to same, you will see that the State will have to spend about Rs. 400 every year in keeping the building in good order. Thus, on account of the building alone, the lunatic asylum, if maintained at Trichur, would cost the State Rs. 760 per annum. I have already pointed out that the cost of maintenance per lunatic per annum is Rs. 10 more at Trichur than at Calicut. Taking 10 as the average number of lunatics at any time in the Trichur asylum this means an expenditure of Rs. 100 more by keeping the lunatics at Trichur than by sending them to Calicut. Adding to this sum of Rs. 100 the sum of Rs. 760 per annum, you will see that by maintaining a lunatic asylum of its own at Trichur the State will have to spend an average of about Rs. 860 more than what it would if it accept the Resident's proposal made in 1895 to send the lunatics to a British asylum.

4. I venture, therefore, to request that you will kindly allow me to re-open the question and ask the Madras Government to permit this Sirkar to send its lunatics to the Calicut asylum, the Sirkar undertaking to pay the cost of maintenance of the lunatics so sent according to the average cost of that asylum.

5. Pending a settlement of this question, I have directed the Engineer not to carry out the work estimated for, and the Peishcar not to acquire any land for erecting the building.

From the Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated 17th July 1897, No. T. 2—226.

In returning your endorsement No. 1420, dated 10th July 1897, I have the honour to state that I see no objection to the transfer of the lunatics now in the Trichur asylum to a Government lunatic asylum in this Presidency, the Cochin Sirkar defraying all charges connected with their maintenance. Nor have I anything to urge against the proposal to make the arrangement a permanent one, provided the legal forms of procedure in force in this Presidency for the admission of all classes are adhered to.

2. As regards the charges, the following statement will show the average annual cost per head in the asylums at Madras and Calicut during the last three years:—

	Madras.			Calicut.		
	RS.	A.	P.	RS.	A.	P.
1894	155	6	0	125	7	11
1895	155	15	2	121	13	5
1896	162	11	8	119	3	1

This does not include expenditure on buildings, but in the case of the Cochin lunatics I consider that a small percentage should be added on this account. In the event of Government agreeing with me, I would fix the same at 8 per cent. of the average annual cost per head, so that taking the figures for 1896 the average annual cost for a Cochin lunatic in Madras would be Rs. 175 and in Calicut Rs. 129 in round numbers.

3. All criminal lunatics will have to be sent to the Madras asylum, the civil ones being transferred to Calicut from time to time after ascertaining that accommodation is available for them in that institution.

From the Surgeon-General with the Government of Madras, dated 18th August 1897, No. T. 3—7.

From J. D. REES, Esq., C.I.E., Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Devikulam, 22nd March 1898, Ref. on C. No. 916.

With reference to memorandum from the Public Department, No. 85, dated 11th January 1898, communicated with G.O., R. No. 32, Political, dated 28th idem, I have the honour to report, for the information of Government, that the Diwan of Cochin

intimates that it is under no regulation that the civil lunatics now maintained in the Trichur asylum are committed to that asylum. The British Criminal Procedure Code has been adopted in Cochin with the necessary modifications as Regulation II of 1059.

From the Surgeon-General with the Government of Madras, dated 22nd February 1898, No. 193.

OPINION.

I am not aware of any law under which civil or criminal lunatics of the Cochin State or any other Native State can be committed to and detained in a lunatic asylum established in British India by Government under Act XXXVI of 1858. The fact that the Cochin State has enacted a Code of Criminal Procedure on the lines of the British Indian Code of Criminal Procedure seems to me to make no difference in respect of criminal lunatics of Cochin. Just as the British Indian Code of Criminal Procedure has operation only in British India, so the Cochin Criminal Procedure Code will have operation only within the territorial limits of that State. The persons who are to be dealt with as criminal lunatics and committed to a lunatic asylum under Act XXXVI of 1858 are defined in Chapter XXXIV of the British Indian Criminal Procedure Code, and certainly a criminal lunatic of the Cochin State is not included in that chapter. As regards Cochin civil lunatics, though there may be no specific enactment in force there, corresponding to Indian Act XXXVI of 1858, yet it may be that they are dealt with in that State according to usage and custom having the force of law. Assuming therefore the action of the Cochin Government in committing civil lunatics to an asylum established in that State to be lawful, it is difficult to see under what authority a lunatic of the Cochin State can be committed either by the authority of that State or by the British Resident at Cochin or by any Magistrate or other authority in British India to an asylum established under Act XXXVI of 1858.

2. I may refer to Act V of 1893 and sections 16 and 19 of Act V of 1871 as amended by Act VII of 1894 which enactments were specially passed for the purpose of legalising execution in British India of certain sentences passed by British Courts and certain tribunals outside British India.

MADRAS,
29th January 1898.

(Signed) V. BHASHYAM IYENGAR,
Offg. Advocate-General.

ORDER—No. 696, Public, dated 21st May 1898.

In view of the legal objections pointed out by the Advocate-General, the Government regrets that it is unable to sanction the transfer of the lunatics confined in the Lunatic Asylum at Trichur to any of the asylums in the Madras Presidency. The Resident will be requested to inform the Cochin Darbar to this effect.

2. These proceedings will be communicated to the Residents in Hyderabad and in Mysore, and to all Political Agents for the information of their respective Darbars.

(True Extract.)

A. T. ARUNDEL,
Chief Secretary.

To the Resident in Hyderabad (with C.L.).

" " in Mysore (with C.L.).

" " in Travancore and Cochin,

" Political Agent, Pudukkottai,

" " Banganapalle,

" " Sanduru,

" Government Solicitor.

through the Political Department.

End A. Raitt.

Enclosure No. 1 to Letter No. 512 4/9/1897

Current No. 900 of 1897

Public Department.



Memorandum No. 1627.

Read the following paper:—

With reference to his letter No. Tour 2/226 of the 17th ultimo the Surgeon-General is requested to report his reasons for fixing on 8 per cent of the average annual cost per head as a fair charge for housing each lunatic sent from Cochin, and whether a minimum charge of say Rs.5 per head per mensem would not be more appropriate.

Ootacamund,

3rd August 1897.

for Chief Secretary.

To

The Surgeon-General, Madras.

128/6/18

Public
Political (1897) Department.

CURRENT No. 4901.

From

The Resident

in Travancore Cochin

Ref on C No. 3866 of 97.

Order

Dated 16th Dec 1897
Received 20th
Registered 20th
20 DEC 1897
GOVERNMENT OF MADRAS

Enclosures Two.

Spare copies

SUBJECT.

*Abolition of the Lunatic
Asylum at Trichur and the
transfer of the lunatics to
British Indian Asylums.*

*Submit ^{copy of} Mr. F. A. Nicholson's
and of its enclosure regard-
ing the — as requested
Memorandum N^o. 2660 of 4-1897.*

BACK PAPERS.

G.O.	No.	Department	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Memorandum No. 386

RESIDENT'S OFFICE,

Trivandrum 16th Decr 1897.

From

J. D. Lees Esquire B.A.E.,

Ag Resident in Travancore & Cochin.

To

The Chief Secretary to Government

Fort St George.

SIR,

I requested in your memorandum N^o. 2669 dated 4th Instant, I beg to submit herewith copy of my predecessor's letter Ref on CH^o. 1512 dated 15th June 1897 and of its enclosure (letter N^o. 1932 dated 1st April last from the Dewan of Cochin) requesting the re-opening of the question of the abolition of the Lunatic Asylum at Trichur and the transfer of the lunatics to British Indian Asylums.

I have the honour to be,

Sir,

Your most obedt servant

Cpt.

Asstt Resident for Ag Resident

Public (1897) Department.

CURRENT No.



Order

From
Surgeon-Major-General C. Sibthorpe
C.B., F.R.C.P.S.,
Surgeon-General with the Govt. of
Madras.

No. 570.

Dated 9th December 1897.

Received }
Registered } 10 - 12 - 97

Enclosures Two

Spare copies

SUBJECT.

Forwarding the Memorandum
No. 1627 of 3rd August 1897
and a copy of his letter No.
Faj/226 dated 17th July 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1]

No. 570

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, 7th December 1897.

From

SURGEON-MAJOR-GENERAL J. 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,

In compliance with your Memorandum No 2670, Public, dated the 4th instant, I have the honor to forward herewith the original of your memorandum No 1627 of 3rd August 1897 and a copy of my letter No 52/226 dated 17th July 1897.

I have the honor to be,

Sir,

Your most obedient servant,

C. Sibthorpe.

Surgeon-Major-General,

Surgeon-General

with the Govt. of Madras.



Public (1897) Department.

CURRENT No.



Heemphill

*Taken from Ref's table
19th/97
aw*

Order

From

*Surgen. Major-General
C. Sutherland C.B., F.R.C.S.
Surgen. General with
the Govt. of Madras.
No. 13/7*

Dated 18th August 1897.

Received 23 " "

Registered 23 " "

Enclosures —

Spare copies —

SUBJECT.

*Giving his reasons on
the proposal of fixing
8 p. C. of the average
annual cost per head
for housing each lunatic
sent from Cochin.*
Num 3997

10-9-97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1]

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

No. *13/7*

Camp Anantapur 18 August 1897

From

C.B.

SURGEON-MAJOR-GENERAL C. SIBTHORPE, 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: 1627, dated 3rd August 1897, I have the honor to state that I proposed 8 per cent of the average annual cost per head for housing each lunatic sent from Cochin as it comes to about a rupee per month, which I consider a very moderate and reasonable charge.

2. You suggest a minimum charge of Rs: 5 per head per mensem or Rs: 60 per annum but it is not clear whether this amount represents the sum total of all the charges connected with each Cochin lunatic or only the charge for housing. If the former, the charge is very low considering that our own most cost Government Rs: 100 per head in round figures. If the Rs: 5 however represents

represents only the charge for housing,
it appears to me rather exorbitant, as
one ordinary lunatic is not likely
to occupy accommodation worth
Rs: 5 per mensem.

Yours truly,

Your obedient servant,

C. S. M. S. P.

[Signature]

Public Dept.

(Through the Pol. Dept.)

C.S.

No. 857/11-1-1898

OM. to the Resident in Travancore
and Cochin.

With reference to his letter

Ref. on OM. 1512 of 1897 para. 2. (4)

the ~~Resident~~ the Resident
in Travancore and Cochin is requested

to inform Government under that

Regulation the Civil Lunatics now in

the Prison Asylum are committed to

that Asylum. He is also requested to

inform Government if the ~~criminal~~ ^{criminal} Pro-

-cedure Code ~~has been adopted~~

has been adopted by the Cochin State.

note

It will be better to have
this on record.

M.C.
10/1/8

M.C.
7/1/8

11.1.98

To

The Resident J. & C.
through the Pol. Dept.

C.S.

No. 86 of 11-1-1898.

O.M. to the Surgeon General

Madras-

1. With reference to his letter No. T. 2/226 dated 17th July 1897 relative to the proposed transfer of the lunatics at present in the Trichur Asylum, in the State of Cochin, to Asylums in British India the Surgeon General is requested to report at his earliest convenience what was the ^{per head} average cost of the additional accommodation recently provided in the Madras Asylum.
2. With reference to his ~~letter~~ letter No. T. 3/7 dated 18th August 1897 he is informed that though the reception of an average ^{no.} of 10 additional lunatics to the number already accommodated in the Calicut Asylum will not ~~impose~~ ^{be} ~~an~~ necessitate ~~an~~ ^{the} the provision of any more wards in the immediate future. Such an increase is to be anticipated sooner or later and therefore ^{the Govt. is of opinion that} it ~~is~~ ^{charge} would be expedient to ~~provide~~ ^{provide} from the first the full ~~accommodation~~ ^{accommodation} cost of lodging the Cochin patients. Irrespective of the ~~actual~~ ^{actual} cost of the administrative buildings i.e. dispensary office quarters for servants and so on it is probable that the provision of wards for additional lunatics would not cost less than Rs 500 ~~per head~~ ^{per head} per head. Interest on this at 6% would come to Rs 30 per annum for each patient. The Surgeon General is requested

-ted to make fresh proposals in the
light of this fact taking as the basis
of his calculation the cost of the new
wards recently provided for the Madras
Asylum.

M.C.
7/8
11.1.98

To
The Surgeon General Secy
11/1/98

C.S.

Public Dept

No. 87 of 11-1-98.
govt. Sol.

O.M. to the ~~Adm. General~~ Madras.

With reference to his letter No. 754 dated 3rd Nov. 1897 ~~unrecorded~~ ^{unrecd} the accompanying papers are forwarded to the ~~Adm. General~~ ^{govt. Sol.} Madras, for ~~the~~ ^{obtaining the} opinion of the ~~Adm. General~~ ^{govt. Sol.} as to the proper legal form to be used for the commitment of civil lunatics from the Asylum in Cochin to Asylums in British India.

It is observed that the Code of Criminal Procedure has been adopted mutatis mutandis by the Cochin State and it is therefore presumed that no difficulty will be experienced in the case of criminal lunatics. But as the Resident in Cochin reports that there is no Regulation in the Cochin state ~~relating~~ relating to lunatics it could seem that the form approved in C.O. No. 1610 Jud. dated 1st August 1895 cannot be applied in the case of civil lunatics who have to be transferred from Trichur to Asylums in British India.

M.P.
10/8
11/1/98

the Govt. Solicitor
with C.Nos 4901 & 4751 of 97 with their encs. to be returned.

Public
Political (1898)) Department.

Ref
CURRENT No. 916

CHIEF SECRETARY
27-MAR 1898
GOVERNMENT OF MADRAS

Order

From
The British Resident
Dumaneose &
Cochin

Ref in C No. 916

Dated 22nd March 1898

Received 27 }
Registered 28 } 3- 98

Enclosures

Spare copies

SUBJECT.

Reporting that two civil
lunatics now maintained
in the ~~Trichur~~ *Trichur* Jail are committed
to it under no definite regulating
to that the British Criminal
Procedure Code has been
adopted with the necessary
modifications.

J. Forman 20, 90 8
 20 1610-11 B 1. 2 23-7 and 35.
 1 346 7 and 2 138-30 u
 s no. 1000.
 L. A. Reports for last
 54 200.

G.O.	No.	Department	Date.
	22	L	8-1-91/80
	6970	Ind	12-1-91
	227	"	4-2-91
	323	"	18-2-91
	182	"	17-6-91/80
	286	"	3-5-92
	108	Ind	4-6-92
	73	Ind	14-1-93

G.O.	No.	Department.	Date.

CHIEF SECRETARY
23 FEB 1944
GOVERNMENT OF MADRAS

From

from
Surgeon Major General
G. S. Sutherland C.B., F.R.C.P.

No.

Dated *the 20th February.*

Received 23. 2. 98'

Registered 24-298

Enclosures —

Spare copies —

SUBJECT,

Reporting the average cost
per head of the additional accom-
modation recently provided
in the Madras Lunatic Asylum
& submitting fresh proposals
for the accommodation of
Cochin Lunatics

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1] /

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, *22nd February* 1898.

No. *193*

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,

In reply to your Memorandum No 86, *Public*, dated 11th January 1898, I have the honor to report that the latest additional wards built in the Madras Lunatic Asylum, were those in the criminal enclosure. They accommodate 166 inmates and cost Rs 60,680 or Rs 365-8-8 per head. Taking this to represent the cost per head of the additional accommodation which will have to be provided sooner or later in the Calicut Asylum for the lunatics from Trichoor, the annual cost per head for these lunatics on account of buildings alone (at the rate of 6 per cent on the total valuation of accommodation for each inmate) would amount to Rs 21-14-11. The annual expenditure per head from other sources, on the basis of the figure

figures for 1896, would, as given in my
letter No. J.2/226, dated 17th July 1897 be
No: 119-3-1 in Calicut and No: 162-11-8 in
Madras. The total annual cost of accommo-
dating the miasma from the Cochin State may
thus be reckoned in round numbers
at No: 141 per head in Calicut and No 184
in Madras.

C. J. Thomas
Magr. Genl

[Signature]

1573
Pub.
J.2/226 (1898) Department

From
Ernest Barclay
Government Solicitor
Madras



To
The Chief Secretary
to Government
Madras

No 54
Dated 1st February 1898
Recd 2nd Feb 98.
Refd 2 98

Enclos. ~~one~~ 4 C.2. 478 4901
with 4 C.2. 478 4901

Forwarded with Enclosures with
reference to the Memorandum
of Government No 87. dated
11th January 1898. Public
Department.

Ernest Barclay
Government Solicitor

Issued 21/1/98

its mind, and had decided to place its lunatic Asylum at Trichur on a more satisfactory footing, instead of transferring the lunatics kept there to a British Indian Asylum.

The subject which was thus dropped has been reopened by the Resident in his letter ~~on~~ of 15th June 1897, enclosing a copy of a letter from the Dewan of Cochin. The Dewan has come to the conclusion that the Cochin State would save money by having its lunatics kept in the Calicut Asylum and paying for them at the average cost per inmate in that institution. In his calculation, however, the Dewan omits to take into account the charges for housing the patients. He arrives at the conclusion that on an average no. of 10 lunatics there would be saving of about Rs 800 per annum.

housing a lunatic, irrespective of the other building charges. I should doubt, therefore, if even Rs 500 was too high a charge. There have been several estimates lately for additional wards in the Madras Asylum - Perhaps the way

90. 485
93 96.

show what the housing charge will come to. The papers might be looked up.

It must be remembered that sooner or later more accommodation for lunatics will be required - If we add these Cochin lunatics to our numbers, it will be so much the sooner - we must then charge from the first the full cost of lodging them -

In short it may be taken that India will let us keep the Calicut Asylum even if it exists in the Wattenai - being abolished?

AS
5/1/98

From the attached note it will be seen that the original letter of the Resident with its enclosures, and the ~~report~~ ^{letter} of the Surgeon-General to whom it was sent for report, were lost in the office; they were supposed in the interim to be with the ad. general, to whom it had been agreed to refer the papers, ~~or~~ presumably with reference to ~~the~~ para. (1) of the Surg. Gen's letter, regarding the necessity for adopting the same legal forms for admission of the Cochin lunatics as are observed in the case of ~~the~~ lunatics in British India.

The copies of this correspondence, ~~was~~ called for as soon as this was discovered, have now been received.

There are two points which have to be considered;

- (1) whether the addition of a charge for housing, as proposed by the Surgeon-General, will not make

the Dewan again change his
mind. On this point a
misunderstanding has arisen, the
origin of which, in the absence
of the original notes (lost as
above described) cannot be
traced.

The S. G. had proposed to charge ' 8 per cent of the average annual cost per head ' as a charge for housing.

This, he said, would bring the average cost of keeping a lunatic in Calcutta up from Rs 119-3-1 (the average in 1896) to Rs 129. This was a moderate estimate, and we p^{ro} no. 3146

an O. M. (no. 1627)

was then sent to him suggesting
that a minimum charge of
\$5 per messen^r would be
more appropriate than his
prop^d charge of 8 p.p.
of the annual (average) cost
per head. ~~It does not~~

~~appears~~ It is not explicitly
said that this Rs 5 per month
was introduced as a charge

for housing only, but it is so much less (about $\frac{1}{2}$) than the total average cost of keeping a lunatic in this asylum that this must have been intended. As the Surgeon General says in his reply C. no. 314.6 this is ~~not~~ rather ~~cost~~ ^{an} ~~exorbitant~~ charge for ~~low~~ housing alone. If adopted, it ~~will~~ ^{should} raise the cost of 10 patients by the sum of Rs 600 per annum, which would only leave a balance of Rs 260 per annum in favour of housing the ~~lunatics~~ ^{lunatics} at Calcutta. It may be noted that in his letter of 6.9.95 the Resident observed that, besides the building ^{at Trichur} being unsuitable, the medical attendance also is capable of improvement. But in ~~the~~ his present letter the question is considered by the Dewan solely from a financial point of view. Nothing is said to indicate that an increased

expenditure on medical attendance is contemplated. If, therefore, it is decided to charge Rs 5 per mensem per inmate for housing, in addition to the cost of feeding etc, the Dewan may not think it worth while to send the Cochin lunatics to Calcutta for the sake of such a paltry saving. But it might be pointed out ~~that~~ to him in favour of that step that the lunatics would receive better medical attendance in Calcutta, and therefore would stand a better chance of recovery.

Submitted, that the Surgeon General's original proposal of $\frac{1}{8}$ of the total average annual cost per head may be added to the charges made for the Cochin patients. This would add about Rs 11 per annum per patient, or Rs 110 for ten patients, leaving a balance of Rs 750 in favour of sending them to Calcutta.

But this Govt. is not concerned to advocate the measure. If we agree it will be to oblige Cochin.
A.A.

Yes. This will be better.
The actual average charge will vary from year to year.

1896.	Rs
Madras	162 . 11 . 8
Calcutta	119 . 3 . 1
	43 . 8 . 7

(2.) The second question is as to the procedure to be adopted in the ~~case of~~ admission of lunatics from Cochin to asylums in British India.

The forms in use in this Presidency are shown or in the file tied in white tape. It appears from the J. G.'s letter no. T. 2/226 of 17th July-98, para. 3, that criminal lunatics will have to be sent to Madras, and civil lunatics only sent to Calcutta. The Resident reports (para 2 (2)) that there are at present 8 civil lunatics to one criminal, so that the necessity for sending the criminal lunatics from Trichur to Madras will only raise the cost of the scheme by Rs 43. 8. 7 to the Cochin State.

But the Resident reports ~~that~~ para 2. (4) that there is no Regulation in the Cochin State for dealing with lunatics. Trichur State

as regards criminal lunatics
there is no difficulty, as it
has been ascertained (vide
attached telephone from the
Resident) that the C. P. C.
has been ~~not~~ adopted by the
Cochin State authorities

authorities. But in regard to
the civil lunatics, who
will be more numerous,
apparently, than the criminal,
there may be some difficulty,

act. xxxvi of 1858 not
having been adopted by the
Cochin State. Submitted that
the Adv. General may be consulted
on this point, before a
reply is sent to the

Resident. If thought advisable
the letter may be also be
addressed with a view to
ascertaining under what regulations
the ^{civil} lunatics now at Trichur are
committed to the asylum, &
whether there would be any

difficulty experienced in
empowering magistrates & others
to commit civil lunatics to the
British Indian Asylums.

ml
S. I. 8.

This step was taken to save time. The
file has been greatly delayed already.
ml
S. 8.

[G.]
[25 A]
5000-2-12-07.

Public DEPARTMENT.

C. No. 3146, 4751, 4901 of 1897
457, 766, 1178 of 1898

SUBJECT.

Transfer of Trichur lunatics
to Calicut Asylum.

FOR ORDERS.

The foregoing currents relate to
the proposed transfer of the inmates
of the Lunatic Asylum at Trichur
in Cochin State to the Lunatic Asylum
at Calicut in British territory and
the contemplated abolition of the
Trichur Asylum by the Cochin
Darbar.

2. Attention is invited to the
Note for Orders at summarizing
the correspondence on the subject.
The inquiries suggested at the
end of the Note were made of the
Resident and the Advocate Genl,
and the Surgeon General was also
asked, as ordered by H. M., to
submit fresh proposals as regards
the cost of lodging the Cochin
patients taking as the basis of

yes.
ml

yes
ml

not necessary
ml 5.1.98

his calculation the cost of the new words recently provided in the Madras Asylum. Their replies are contained in CNOs 1178, 457 & 765, reply, cited at head of this note and flagged reply

3. Taking the Sg's reply first, it will be seen that the latest new wards provided in the Madras Asylum were those in the criminal enclosure and cost Rs 365.8.8 per head. Taking this to represent the cost per head of the additional accommodation which will have to be provided in the Calicut Asylum for the lunatics from Trichur, the annual cost per head for these lunatics on account of buildings alone @ 6 p.c. on the total valuation of accommodation will amount to Rs 21. 14. 11. Adding this sum to the annual expenditure per head from other sources on the basis of the figures for 1896 viz Rs 119. 3. 1 in the case of Calicut and Rs 162. 11. 8 in the case of Madras, the total cost of accommodating the Trichur lunatics will amount ^{in round numbers} to Rs 141 per head in Calicut and Rs 184 in Madras.

[illegible]

5. Lastly, attention is called to the Madras General Order containing Cal. 457 in which he states that there is no law under which British or Colonial lunatics of the Madras State (or for that matter any other State) can be ^(committed to or) detained in an Asylum established in British India under Act XXXVI of 1858 which has been adopted mutatis mutandis in the Madras State will have operation only in British territory; just as the British G.O. has operation only in British territory; Madras as regards Colonial lunatics of the Madras State, they are not included among persons defined by Ch. XXIV of the British G.O. as persons to be dealt with as criminal lunatics under Act XXXVI of 1858; and therefore Madras Colonial lunatics, though there is no specific enactment in force there advisedly to a Act XXXVI of 1858 yet it is that they are dealt with according to usage & custom having the force of law.

This is very dangerous doctrine. The Govt wd expose itself to an action for illegal confinement in the case of every Colonial lunatic in the Calicut or Madras Lunatic Asylum. Presumably the friends of any criminal or civil lunatic could at once secure his release by making an application to a magistrate under Sec 100 C. Crim. Proc., or the magistrate might quite possibly would act of his own knowledge. The offence of wrongful confinement committed by the Govt. or by the Supt of the Asylum wd be the justification for magist- interference as it is not really a case of detention in the strict sense of the word. As regards civil lunatics they could, if dangerous, be taken

Now, if the Madras General Order is correct the proposed transfer of Colonial lunatics will be illegal and the matter must drop. The proposition is, however, substantially consideration, as the Govt. says, there is no law for the commitment or detention of the lunatics in the Madras Asylum and a British Asylum, there is also no law against it, and in the absence of any legal prohibition, perhaps there can be no objection to the proposed transfer of the Colonial lunatics to the Madras Asylum. fact been shown in the case of other States by Hyson, the disability to transfer lunatics subject only to the prohibition that the lunatic was not detained in the strict sense of the word.

If it is thought necessary to
order to make the representation
of the law is subject to the
of to arrange that which is
lunatics from Cochini should
be set at liberty in Calcutta
that are re-converted &
dealt with under the law

As regards criminal
lunatics there can be
different but here again
there should be no real
difficulty. There is nothing
in the C.P.C. limiting the
locality in which a
criminal lunatic should
be confined, & there seems
therefore to be no reason
why the Cochini Govt when
deciding on the place of
confinement should not
have an asylum attached

to the same. The
order issued apparently not
be illegal, but it might
be said of the action of the
Supt of the Asylum. It is
submitted therefore that

It would not matter to us whether
the Cochini Master's order was
legal or not in that territory,
but it matters a great deal
that the Supt of our Asylum
should not illegally confine
a man.

MA

been sent to a Mr. [unclear]

in the case of criminal
lunatics also the proposed
hospitals is unobjectionable.

As regards the payment
to be made by Cochini,
Rs 21-14-11 calculated
above does not include
any share of the general
upkeep of such buildings as
the office, hospital &c,
in of the expenditure
from time to time made
on drains & other sanitary
improvements. There is no
reason why the Govt should
undertake any expenditure
on behalf of Cochini. Submitted
therefore that the attached
share of each local lunatic
should bear of the general
expenditure on buildings
should be fixed at Rs 30
per annum, & that the
Cochini Sirkas should be
told that their lunatics
will be received on condition
that the Sirkas pay ^{annually} for
each the share on which

is found to represent the
cost per head of in the
asylum in which he is
confined, plus a lump
payment of Rs. 50 for
boarding.

Copies of the nursing
accounts regarding the
closing of Cochin asylum
are being obtained. It
has been suggested in the
~~notes~~ ^{note} on this subject
that possibly the Cochin
asylum might be closed
entirely. It may perhaps
be referred to Cochin
with the future of the
Cochin Asylum is not
by any means decided.

As however the Darbar may
possibly, in view of the increased
estimate of cost, again change
its mind it is submitted
that this question need
not await the decision
relating an asylum.

It is possible that the increase
in the charge that we have to
be paid per head we refer
to Cochin but apart from
this I think the legal
difficulties are insuperable.

AK
16/4/98. I quite agree. There is no
reason why we should do an illegal act
I wish actions for wrongful confinement to stop
the Cochin Darbar to save it a few hundred rupees a year. Let them send
more of their inmates in for medical treatment & otherwise
AK 20.4.98

Government (1898) of Madras.
PUBLIC.

Proof submitted to U.S.
for orders as to whether, with
ref to O.M. No 252 of 31.1.98 under
cover of G.O. 1512 of 22.11.97, this
G.O. should be marked for the

Recd.

Regd.

1898.

Enclosures Advocate Genl.

Spare copies

3.4.98

Yes Mr.

6/5/98

G.O., No. 696, 21st May 1898.

MAY.

Lunatics.

Requesting the Resident in Travancore and Cochin to inform the Cochin Darbar that the
Government regrets that it is unable to sanction the transfer of the — confined in the Lunatic
Asylum at Trichur to any of the asylums in the Madras Presidency; and communicating these
proceedings to the Residents in Hyderabad and in Mysore, and to all Political Agents.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

From F. A. NICHOLSON, Esq., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Trivandrum, 15th June 1897, Ref. on C. No. 1512.

With reference to the correspondence ending with this office letter, Ref. on C. No. 561, dated 29th February 1896, I have the honour to submit, for the orders of Government, copy of letter No. 1932, of the 1st April 1897, from the Diwan of Cochin, requesting permission to re-open the question of the abolition of the lunatic asylum at Trichur and the transfer of the lunatics maintained there to any of the British asylums in Madras. From a reconsideration of the matter in all its bearings the Diwan has now come to the conclusion that the transfer originally proposed would be far cheaper than the maintenance of a separate State asylum, and he requests, therefore, that the transfer may be sanctioned, the Sirkar undertaking to pay the cost of maintenance of its lunatics according to the average cost in the Calicut asylum.

2. The information called for in memorandum No. 2746, Judicial, dated 16th November 1895, is given below—

(1) The proposed transfer is intended to be permanent, *i.e.*, that all Cochin lunatics shall hereafter be confined in British Indian asylums, preferably the Calicut asylum since it is on the West Coast.

(2) The individuals referred to are civil and criminal cases, the present number being 1 criminal and 8 civil lunatics. The highest number confined at any one time in 1071 (1895-96), for which year alone information is available, was 11.

(3) The Darbar is prepared to defray the charges incurred on account of its lunatics. It is also proposed that the payment for maintenance of the lunatics sent should be made at the average rate in the Calicut asylum; but as it may not be possible to find accommodation for all the Cochin lunatics in that asylum, it would perhaps be advisable to fix a rate with reference to the average cost in the several Madras asylums for a series of years.

(4) There is no regulation in the Cochin State relating to lunatics.

ENCLOSURE.

From P. RAJAGOPALA CHARI, Esq., Diwan of Cochin, to the British Resident in Travancore and Cochin, dated Ernakulam, 1st April 1897, No. 1932.

I have the honour to request that you will be good enough to permit me to re-open a question disposed of in the Diwan's letter to you, dated 17th February 1896, No. 254—P-51. In that letter the Diwan told you that on a reconsideration, he thought it more desirable to place the lunatic asylum at Trichur on a more satisfactory footing than to transfer the lunatics of the State to a British Indian asylum. An estimate for about Rs. 10,000 for erecting a building for the lunatic asylum at Trichur (in pursuance of the idea of placing that asylum on a satisfactory footing) is now before me.

2. Before, however, incurring this large expenditure and also the consequent liability of annual expenditure for keeping the building in order, I think it necessary to reconsider the whole question and see how far the transfer of the lunatics to a British Indian asylum would affect the Sirkar financially. I find from a reference to the Administration Report of the Madras Presidency for 1894-95 that the average cost of a lunatic at Calicut in that year was Rs. 125 and that in Madras the average cost was Rs. 155. I also find that the average cost of a lunatic in the Trichur asylum for the Malayalam year 1071 was Rs. 135-12-0.

3. You would thus see that each lunatic at Trichur costs the State about Rs. 10 per annum more than what he would if he were in the Calicut asylum.

Secondly, taking the capital outlay of Rs. 10,000 on the proposed building and Rs. 2,000 as the probable cost of the land to be acquired for erecting that building the State has to incur an initial outlay of Rs. 12,000, if the asylum at Trichur is to be maintained. The interest at 3 per cent. on the above sum is Rs. 360. Taking 4 per cent. on the cost of the building as the probable cost of the annual repairs to same, you will see that the State will have to spend about Rs. 400 every year in keeping the building in good order. Thus, on account of the building alone, the lunatic asylum, if maintained at Trichur, would cost the State Rs. 760 per annum. I have already pointed out that the cost of maintenance per lunatic per annum is Rs. 10 more at Trichur than at Calicut. Taking 10 as the average number of lunatics at any time in the Trichur asylum this means an expenditure of Rs. 100 more by keeping the lunatics at Trichur than by sending them to Calicut. Adding to this sum of Rs. 100 the sum of Rs. 760 per annum, you will see that by maintaining a lunatic asylum of its own at Trichur the State will have to spend an average of about Rs. 860 more than what it would if it accept the Resident's proposal made in 1895 to send the lunatics to a British asylum.

4. I venture, therefore, to request that you will kindly allow me to re-open the question and ask the Madras Government to permit this Sirkar to send its lunatics to the Calicut asylum, the Sirkar undertaking to pay the cost of maintenance of the lunatics so sent according to the average cost of that asylum.

5. Pending a settlement of this question, I have directed the Engineer not to carry out the work estimated for, and the Peishcar not to acquire any land for erecting the building.

From the Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated 17th July 1897, No. T. 2—226.

In returning your endorsement No. 1420, dated 10th July 1897, I have the honour to state that I see no objection to the transfer of the lunatics now in the Trichur asylum to a Government lunatic asylum in this Presidency, the Cochin Sirkar defraying all charges connected with their maintenance. Nor have I anything to urge against the proposal to make the arrangement a permanent one, provided the legal forms of procedure in force in this Presidency for the admission of all classes are adhered to.

2. As regards the charges, the following statement will show the average annual cost per head in the asylums at Madras and Calicut during the last three years:—

	Madras.			Calicut.		
	RS.	A.	P.	RS.	A.	P.
1894	155	6	0	125	7	11
1895	155	15	2	121	13	5
1896	162	11	8	119	3	1

This does not include expenditure on buildings, but in the case of the Cochin lunatics I consider that a small percentage should be added on this account. In the event of Government agreeing with me, I would fix the same at 8 per cent. of the average annual cost per head, so that taking the figures for 1896 the average annual cost for a Cochin lunatic in Madras would be Rs. 175 and in Calicut Rs. 129 in round numbers.

3. All criminal lunatics will have to be sent to the Madras asylum, the civil ones being transferred to Calicut from time to time after ascertaining that accommodation is available for them in that institution.

From the Surgeon-General with the Government of Madras, dated 18th August 1897, No. T. 3—7.

From J. D. REES, Esq., C.I.E., Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Devikulam, 22nd March 1898, Ref. on C. No. 916.

With reference to memorandum from the Public Department, No. 85, dated 11th January 1898, communicated with G.O., R. No. 32, Political, dated 28th idem, I have the honour to report, for the information of Government, that the Diwan of Cochin

Papers to be read in Proceedings:—

intimates that it is under no regulation that the civil lunatics now maintained in the Trichur asylum are committed to that asylum. The British Criminal Procedure Code has been adopted in Cochin with the necessary modifications as Regulation II of 1959.

From the Surgeon-General with the Government of Madras, dated 22nd February 1898, No. 193.

OPINION.

I am not aware of any law under which civil or criminal lunatics of the Cochin State or any other Native State can be committed to and detained in a lunatic asylum established in British India by Government under Act XXXVI of 1858. The fact that the Cochin State has enacted a Code of Criminal Procedure on the lines of the British Indian Code of Criminal Procedure seems to me to make no difference in respect of criminal lunatics of Cochin. Just as the British Indian Code of Criminal Procedure has operation only in British India, so the Cochin Criminal Procedure Code will have operation only within the territorial limits of that State. The persons who are to be dealt with as criminal lunatics and committed to a lunatic asylum under Act XXXVI of 1858 are defined in Chapter XXXIV of the British Indian Criminal Procedure Code, and certainly a criminal lunatic of the Cochin State is not included in that chapter. As regards Cochin civil lunatics, though there may be no specific enactment in force there, corresponding to Indian Act XXXVI of 1858, yet it may be that they are dealt with in that State according to usage and custom having the force of law. Assuming therefore the action of the Cochin Government in committing civil lunatics to an asylum established in that State to be lawful, it is difficult to see under what authority a lunatic of the Cochin State can be committed either by the authority of that State or by the British Resident at Cochin or by any Magistrate or other authority in British India to an asylum established under Act XXXVI of 1858.

2. I may refer to Act V of 1893 and sections 16 and 19 of Act V of 1871 as amended by Act VII of 1894 which enactments were specially passed for the purpose of legalising execution in British India of certain sentences passed by British Courts and certain tribunals outside British India.

MADRAS,
29th January 1898.

(Signed) V. BHASHYAM IYENGAR,
Offg. Advocate-General.

ORDER—No. 696, Public, dated 21st May 1898.

In view of the legal objections pointed out by the Advocate-General, the Government regrets that it is unable to sanction the transfer of the lunatics confined in the Lunatic Asylum at Trichur to any of the asylums in the Madras Presidency. The Resident will be requested to inform the Cochin Darbar to this effect.

2. These proceedings will be communicated to the Residents in Hyderabad and in Mysore, and to all Political Agents for the information of their respective Darbars.

(True Extract.)

Chief Secretary.

To the Resident in Hyderabad (with C.L.).

" " in Mysore (with C.L.).

" " in Travancore and Cochin,

" Political Agent, Pudukkottai,

" " Banganapalle,

" " Sanduru,

" ~~Advocate-General~~
Exd. A. Bhatt. Govt. Solicitor

through the Political Department.

Again G.O., No. , dated 189 .

Again G.O., No. , dated 189 .

Current No 3146, 475 of 1897, dated } in proof (attached)
" " 457, 765 } 1898, "
" " 1178 } 189 , "

ORDER.

No 696, 21st May 1898

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Darbars.

(From orders)

The Resident in Hyderabad (with C.L.)

" Resident in Mysore (with C.L.)

" Resident in Travancore & Cochin

" Political Agent, Pudukkottai

" " Banganapalle

" " Sanduru

" Govt. Solicitor

" Advocate-General

Thro' the Political Dept.
12.5.98

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for signature.

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G.O. No.
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