

20
Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 967

Dated 9th May 1895

INDEXED.

[Despatch Abstract.]

Cantonments Act of 1889.

Communicating to certain District Magistrates, with the request that the necessary instructions may be issued to the Cantonment Magistrates concerned, copy of a resolution of the Government of India regarding a fresh set of rules prepared under the---as amended by Act V of 1895.

BACK PAPERS.

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

FURTHER PAPERS.

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

9TH MAY 1895, No. 967, JUDICIAL.

GOVERNMENT OF MADRAS. JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 27th March 1895, R. No. 367, Judicial.

ABSTRACT.—Directing publication in the *Fort St. George Gazette* of G.G.O., No. 309, prescribing fresh draft rules under the Cantonments Act, 1839, immediately on receipt of the *Gazette of India* containing the rules.

READ—also the following paper :—

Extract from the Proceedings of the Government of India, in the Military Department,—under date Simla, the 29th April 1895, No. 1910-D.

Read—the following correspondence :—

Despatch to Secretary of State for India, No. 232, Mily., dated 1st Nov. 1893.
 „ from „ „ 26 „ „ 1st Mar. 1894.
 „ to „ „ 85 „ „ 29th May „
 „ from „ „ 137 „ „ 29th Nov. „

Observations.—On the 5th of June 1888, the following resolution was passed in the House of Commons :—“That, in the opinion of this House, any mere suspension of measures for the compulsory examination of women and for licensing and regulating prostitution in India is insufficient, and the legislation which enjoins, authorises or permits such measures ought to be repealed;” and in a despatch dated the 14th June 1888, the Secretary of State for India directed that it should receive at the hands of the Governor-General in Council the careful consideration which a resolution of the House of Commons deserves.

2. In compliance with this despatch, the Governor-General in Council issued explicit orders, dated the 26th July 1888, with a view of putting an end to any practices which involved the licensing or registration of prostitutes or the compulsory examination of women in cantonments.

3. In 1889 the new Cantonments Act was passed, and among other matters it was enacted that the Governor-General in Council might make rules to provide for “the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease.”

4. The precise nature of these rules was the subject of discussion between the Secretary of State and the Government of India, and on the 4th July 1890 the Governor-General in Council duly made and published certain rules under the Act, providing, amongst other things, for the creation of such general hospitals as might be necessary in cantonments, for the reception and treatment of persons suffering from any diseases, including infectious or contagious diseases, within the cantonment.

5. Notwithstanding the instructions which were from time to time issued in consonance with the orders of 1888, it was found that the practices which had been condemned by the resolution of the House of Commons, and which had been

prohibited by the orders of the Governor-General in Council, and by subsequent orders, had not been wholly discontinued in some cantonments; and it was therefore determined to give effect to these orders by legislation.

6. An Act for this purpose was passed by the Governor-General in Council on the 7th day of February 1895, and by that Act it is provided that no rule made under the Cantonments Act of 1889 should contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution. Similarly, it is provided that no rule should contain any regulation for the licensing or special registration of prostitutes, or for giving legal sanction to the practice of prostitution in any cantonment.

7. It must also be observed that an examination of a woman against her will, if not made under the authority of an enactment or a rule having the force of law, is an assault, and punishable as such under the provisions of the Indian Penal Code; and it should be expressly noticed that the practices to which attention was drawn in the resolution of the House of Commons are not merely prohibited by executive order, but that no rule can be made under the Cantonments Act which shall directly or indirectly countenance them.

8. Under these circumstances, it is obvious that the rules of 1890 made under the provisions of the Cantonments Act, 1889, require revision, and it has been represented that they do not sufficiently explicitly carry into effect the instructions of the Government of India and the policy of the resolution of the House of Commons. The Governor-General in Council has been pleased therefore to prepare a fresh set of rules under the Cantonments Act of 1889, as amended by the Act V of 1895, and these rules were published for general information, as required by the Act of 1889, in G.G.O., No. 309, dated 22nd March 1895.

Resolution.—The Governor-General in Council directs that the said rules, when finally adopted, be published in the *Gazette of India* and in the local gazettes, and, together with Act V of 1895, be posted up in such public place or places in every cantonment as the Cantonment Magistrate may think best suited for giving publicity thereto.

And it is hereby declared that all practices contrary to the said rules or to the policy of the resolution of the House of Commons are prohibited, and all cantonment officers and other persons concerned are hereby commanded to abstain from all such practices.

Order.—Ordered that a copy of this resolution be forwarded to the Home Department, the Foreign Department, the Legislative Department, the Chief Secretaries to the Governments of Madras and Bombay, to the Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab, the Chief Commissioners of the Central Provinces, Assam and Burma, the Resident at Hyderabad, and the Quartermaster-General in India.

(Signed) E. H. H. COLLEN, Major-General,
Secretary to the Government of India.

Copy of the foregoing forwarded to the Chief Secretary to the Government of Madras, in continuation of Military Department No. 1488-D, dated 23rd March 1895, for the information of His Excellency the Governor in Council and for such action as may be necessary.

(By order.)

(Signed) E. H. H. COLLEN, Major-General,
Secretary to the Government of India.

ORDER—dated 9th May 1895, No. 967, Judicial.

Communicated to the District Magistrates of Chingleput, Malabar, Nilgiris and Vizagapatam, with the request that the necessary instructions may be issued to the Cantonment Magistrates concerned, with reference to the resolution of the Government of India.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the District Magistrate of Chingleput.

of Malabar.

of Nilgiris.

of Vizagapatam.

Exd. A. Baitt.

Govt. of {1895} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 9th May 1895, No. 937.

MAY.

Cantonments Act of 1889.

Communicating to certain District Magistrates, with the request that the necessary instructions may be issued to the Cantonment Magistrates concerned, copy of a resolution of the Government of India regarding a fresh set of rules prepared under the — as amended by Act V of 1895.

IMMEDIATE.

Sanitary.

Cantonment Hospitals.

No. 1910-D.

GOVERNMENT OF INDIA.

MILITARY DEPARTMENT.

It is requested that the above heading, with number and date of this communication, may be quoted in any subsequent correspondence on this subject.

Extract from the Proceedings of the Government of India in the Military Department,—(under date Simla, the 29th April 1895).

READ the following correspondence :—

Despatch to Secretary of State for India, No. 232-Mily., dated 1st November 1893.

Ditto from ditto ditto No. 26-Mily., dated 1st March 1894.

Ditto to ditto ditto No. 85-Mily., dated 29th May 1894.

Ditto from ditto ditto No. 137-Mily., dated 29th November 1894.

OBSERVATIONS.—On the 5th of June 1888, the following resolution was passed in the House of Commons :—" That, in the opinion of this House, any mere suspension of measures for the compulsory examination of women and for licensing and regulating prostitution in India is insufficient, and the legislation which enjoins, authorises, or permits such measures ought to be repealed ;" and in a despatch dated the 14th June 1888, the Secretary of State for India directed that it should receive at the hands of the Governor-General in Council the careful consideration which a resolution of the House of Commons deserves.

2. In compliance with this despatch, the Governor-General in Council issued explicit orders, dated the 26th July 1888, with a view of putting an end to any practices which involved the licensing or registration of prostitutes, or the compulsory examination of women in cantonments.

3. In 1889 the new Cantonments Act was passed, and among other matters it was enacted that the Governor-General in Council might make rules to provide for "the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease."

4. The precise nature of these rules was the subject of discussion between the Secretary of State and the Government of India, and on the 4th July 1890 the Governor-General in Council duly made and published certain rules under the Act, providing, amongst other things, for the creation of such general hospitals as might be necessary in cantonments, for the reception and treatment of persons suffering from any diseases, including infectious or contagious diseases, within the cantonment.

5. Notwithstanding the instructions which were from time to time issued in consonance with the orders of 1888, it was found that the practices which had been condemned by the resolution of the House of

Commons, and which had been prohibited by the orders of the Governor-General in Council, and by subsequent orders, had not been wholly discontinued in some cantonments; and it was therefore determined to give effect to these orders by legislation.

6. An Act for this purpose was passed by the Governor-General in Council on the 7th day of February 1895, and by that Act it is provided that no rule made under the Cantonments Act of 1889 should contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution. Similarly, it is provided that no rule should contain any regulation for the licensing or special registration of prostitutes, or for giving legal sanction to the practice of prostitution in any cantonment.

7. It must also be observed that an examination of a woman against her will, if not made under the authority of an enactment or a rule having the force of law, is an assault, and punishable as such under the provisions of the Indian Penal Code; and it should be expressly noticed that the practices to which attention was drawn in the resolution of the House of Commons are not merely prohibited by executive order, but that no rule can be made under the Cantonments Act which shall directly or indirectly countenance them.

8. Under these circumstances it is obvious that the rules of 1890 made under the provisions of the Cantonments Act, 1889, require revision, and it has been represented that they do not sufficiently explicitly carry into effect the instructions of the Government of India and the policy of the resolution of the House of Commons. The Governor-General in Council has been pleased therefore to prepare a fresh set of rules under the Cantonments Act of 1889, as amended by the Act V of 1895, and these rules were published for general information, as required by the Act of 1889, in G. G. O. No. 309, dated 22nd March 1895.

RESOLUTION.—The Governor-General in Council directs that the said rules, when finally adopted, be published in the *Gazette of India* and in the local gazettes, and, together with Act V of 1895, be posted up in such public place or places in every cantonment as the Cantonment Magistrate may think best suited for giving publicity thereto.

And it is hereby declared that all practices contrary to the said rules or to the policy of the resolution of the House of Commons are prohibited, and all cantonment officers and other persons concerned are hereby commanded to abstain from all such practices.

ORDER.—Ordered that a copy of this resolution be forwarded to the Home Department, the Foreign Department, the Legislative Department, the Chief Secretaries to the Governments of Madras and Bombay, to the Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab, the Chief Commissioners of the Central Provinces, Assam, and Burma, the Resident at Hyderabad, and the Quartermaster-General in India.

(Sd.) E. H. H. COLLEN, *Major-General,*
Secretary to the Government of India.

Copy of the foregoing is forwarded to—

The Home Department for information with reference to Military Department No. 5292-D, dated 31st October 1893, and such action as may be necessary.

The Foreign Department, in continuation of Military Department No. 1489-D, dated 23rd March 1895, for information and communication to the local administrations under that department.

The Legislative Department for information, in continuation of Military Department No. 517-D, dated 29th January 1895.

The Chief Secretary to the Government of ^{Madras} ~~Bombay~~, in continuation of Military Department No. 1488-D, dated 23rd March 1895, for the information of His Excellency the Governor in Council and for such action as may be necessary.

The Chief Secretary to the Government of Bengal, Judicial Department, in continuation of Military Department No. 1487-D, dated 23rd March 1895, for the information of the Hon'ble the Lieutenant-Governor, and for such action as may be necessary.

The Chief Secretary to the Government of the ^{North-Western Provinces and Oudh} ~~Punjab~~, in continuation of Military Department No. 1488-D, dated 23rd March 1895, for the information of the Hon'ble the Lieutenant-Governor, and for such action as may be necessary.

The Chief Commissioner of ^{the Central Provinces} ~~Assam~~ ~~Burma~~, in continuation of Military Department No. 1488-D, dated 23rd March 1895, for information, and such action as may be necessary.

The Resident at Hyderabad for information.

The Quartermaster-General in India, in continuation of Military Department No. 4912-D, dated 13th October 1893, for necessary action under the orders of His Excellency the Commander-in-Chief in India.

By order,

E. H. H. Collen
Major-General,
Secretary to the Government of India.

Judicial Dept.
CURRENT No. 2262

367 7-27-3-95

From, The Govt of India
Mily Dept.



Read again 27 March
95 No. 367 Judl. (ab)

No. 1910 D

Order
P.S. 29 May 1895, No. 967

Dated 27 April } 1895
Recd 6 May }
Encl. 4 L. of the C.

Subject

Forwarding copy of a resolution
re a fresh set of rules prepared
under the Cantonments Act of 1887
as amended by the Act of 1895.

Communicated to the S.
Magistrate of Chingleput, Malabar,
Nilgiris & Vizagapatam with the
request that the necessary instructions
may be issued to the Cantonment
Magistrates concerned with reference
to the resolution of the Govt of India.

8
ss. 95
8/5/95

To the S. of Chingleput }
Malabar }
Nilgiris }
Vizagapatam }

8-5-95

(60)

608

Proc. Phil. Sec. Geny

9TH MAY 1895, No. 967, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

Read—again the following paper :—

G.O., dated 27th March 1895, R. No. 367, Judicial.

ABSTRACT.—Directing publication in the *Fort St. George Gazette* of G.G.O., No. 309, prescribing fresh draft rules under the Cantonments Act, 1889, immediately on receipt of the *Gazette of India* containing the rules.

Read—also the following paper :—

Extract from the Proceedings of the Government of India, in the Military Department,—under date Simla, the 29th April 1895, No. 1910-D.

Read—the following correspondence :—

Despatch to Secretary of State for India, No. 232, Mily., dated 1st Nov. 1893.
" from " " " 26 " " 1st Mar. 1894.
" to " " " 85 " " 29th May "
" from " " " 137 " " 29th Nov. "

Observations.—On the 5th of June 1888, the following resolution was passed in the House of Commons :—"That, in the opinion of this House, any mere suspension of measures for the compulsory examination of women and for licensing and regulating prostitution in India is insufficient, and the legislation which enjoins, authorises or permits such measures ought to be repealed;" and in a despatch dated the 14th June 1888, the Secretary of State for India directed that it should receive at the hands of the Governor-General in Council the careful consideration which a resolution of the House of Commons deserves.

2. In compliance with this despatch, the Governor-General in Council issued explicit orders, dated the 26th July 1888, with a view of putting an end to any practices which involved the licensing or registration of prostitutes or the compulsory examination of women in cantonments.

3. In 1889 the new Cantonments Act was passed, and among other matters it was enacted that the Governor-General in Council might make rules to provide for "the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease."

4. The precise nature of these rules was the subject of discussion between the Secretary of State and the Government of India, and on the 4th July 1890 the Governor-General in Council duly made and published certain rules under the Act, providing, amongst other things, for the creation of such general hospitals as might be necessary in cantonments, for the reception and treatment of persons suffering from any diseases, including infectious or contagious diseases, within the cantonment.

5. Notwithstanding the instructions which were from time to time issued in consonance with the orders of 1888, it was found that the practices which had been condemned by the resolution of the House of Commons, and which had been

prohibited by the orders of the Governor-General in Council, and by subsequent orders, had not been wholly discontinued in some cantonments; and it was therefore determined to give effect to these orders by legislation.

6. An Act for this purpose was passed by the Governor-General in Council on the 7th day of February 1895, and by that Act it is provided that no rule made under the Cantonments Act of 1889 should contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution. Similarly, it is provided that no rule should contain any regulation for the licensing or special registration of prostitutes, or for giving legal sanction to the practice of prostitution in any cantonment.

7. It must also be observed that an examination of a woman against her will, if not made under the authority of an enactment or a rule having the force of law, is an assault, and punishable as such under the provisions of the Indian Penal Code; and it should be expressly noticed that the practices to which attention was drawn in the resolution of the House of Commons are not merely prohibited by executive order, but that no rule can be made under the Cantonments Act which shall directly or indirectly countenance them.

8. Under these circumstances, it is obvious that the rules of 1890 made under the provisions of the Cantonments Act, 1889, require revision, and it has been represented that they do not sufficiently explicitly carry into effect the instructions of the Government of India and the policy of the resolution of the House of Commons. The Governor-General in Council has been pleased therefore to prepare a fresh set of rules under the Cantonments Act of 1889, as amended by the Act V of 1895, and these rules were published for general information, as required by the Act of 1889, in G.G.O., No. 309, dated 22nd March 1895.

Resolution.—The Governor-General in Council directs that the said rules, when finally adopted, be published in the *Gazette of India* and in the local gazettes, and, together with Act V of 1895, be posted up in such public place or places in every cantonment as the Cantonment Magistrate may think best suited for giving publicity thereto.

And it is hereby declared that all practices contrary to the said rules or to the policy of the resolution of the House of Commons are prohibited, and all cantonment officers and other persons concerned are hereby commanded to abstain from all such practices.

Order.—Ordered that a copy of this resolution be forwarded to the Home Department, the Foreign Department, the Legislative Department, the Chief Secretaries to the Governments of Madras and Bombay, to the Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab, the Chief Commissioners of the Central Provinces, Assam and Burma, the Resident at Hyderabad, and the Quartermaster-General in India.

(Signed) E. H. H. COLLEN, Major-General,
Secretary to the Government of India.

Copy of the foregoing forwarded to the Chief Secretary to the Government of Madras, in continuation of Military Department No. 1488-D, dated 23rd March 1895, for the information of His Excellency the Governor in Council and for such action as may be necessary.

(By order.)

(Signed) E. H. H. COLLEN, Major-General,
Secretary to the Government of India.

ORDER—dated 9th May 1895, No. 967, Judicial.

Communicated to the District Magistrates of Chingleput, Malabar, Nilgiris and Vizagapatam, with the request that the necessary instructions may be issued to the Cantonment Magistrates concerned, with reference to the resolution of the Government of India.

(True Extract.)

Chief Secretary.

To the District Magistrate of Chingleput.

" " of Malabar.

" " of Nilgiris.

" " of Vizagapatam.

Gobt. of {1895} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 9th May 1895, No. 967.

MAY.

Cantonments Act of 1889.

Communicating to certain District Magistrates, with the request that the necessary instructions may be issued to the Cantonment Magistrates concerned, copy of a resolution of the Government of India regarding a fresh set of rules prepared under the — as amended by Act V of 1895.

First copy sent to Press.

Returned for signature.

Despatched in print.

LEAD AGAIN G O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B. —

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

NUMBER OF COPIES
REQUIRED.

Order complete. 60
Letter only.
Order complete with Letter.

Q. Q. of 27/3/95 R No 307.
Abstract Winchey publication
in the 75th issue of the
of 490 No 309 ^{prescribing} containing
fresh draft rules ~~under~~
under the Cantonment Act,
1889, immediately on
receipt of the Gazette
of India containing the
rules.

85967895