[L. & M. 9,000-8-8-06.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1080/m

DATED 8th July 1895.

[Despatch Abstract.]

Act IV of 1884.

Forwarding to the Legislative Department G.O., Public Department, communicating resolution of the Government of India regarding the segregation of pauper lepers with the request that certain additions and alterations may be made to the Bill to amend Act IV of 1884, and referring to the Surgeon-General the portions of the Government of India's letter which relate to the proposed legislation regarding vagrant lepers.

BACK PAPERS.

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

FURTHER PAPERS.

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

Proceedings of the Madras Government
Read the following letter

No. $\frac{2 \text{ Medical}}{138-149}$.

Extract from the Proceedings of the Government of India, in the Home Department (Medical),—under date Calcutta, the 23rd March 1895.

READ—

Home Department Resolution No. $\frac{8 \text{ Medical}}{624-633}$, dated the 26th September 1888.

Home Department Resolution No. $\frac{5 \text{ Medical}}{351-361}$, dated the 15th June 1889, and the draft Bill to provide for the isolation of lepers and the amelioration of their condition published with it.

The replies of Local Governments and Administrations to the above Resolution.

The Report (1893) of the Leprosy Commission in India appointed at the instance of the National Leprosy Fund in 1890.

The Memorandum on that Report, as prepared by a Special Committee appointed for the purpose by the National Leprosy Fund, and endorsed or annotated by members of the Executive Committee of the Fund.

Home Department Circular letter No. $\frac{11 \text{ Medical}}{561-570}$, dated the 15th September 1893, forwarding, for the opinion of Local Governments and Administrations, the above-mentioned Report and Memorandum, together with a Memorandum by the Surgeon-General with the Government of India.

The replies of Local Governments and Administrations to that Circular letter.

Home Department letter No. 48 Medical, dated the 7th February 1895, to the Government of Bengal, conveying the approval of the Governor General in Council to the introduction in the local Legislative Council of a draft Bill to provide for the segregation of pauper lepers and the regulation of the exercise by lepers of certain trades or callings.

RESOLUTION.

THE question whether it would not be possible for the State to take a more direct part in the prevention or treatment of leprosy in India has been for some years under the consideration of the Government of India. In the Resolution, dated the 26th September 1888, the Governor General in Council observed that so far as had been ascertained at the census of 1881 there were 131,618 lepers in British India, that these figures did not in all probability afford a true measure of the disease, and that about 1 per cent. only of the lepers actually known to exist came under organised relief in Institutions maintained by charity or assisted by Government. It was stated that the great majority of lepers preferred to be the objects of local charity and appeared to disapprove of the small amount of restraint to which they were liable in institutions maintained for their treatment. The Governor General in Council was of opinion that the absolute segregation of the sexes and the confinement for life of all affected by leprosy, which His Excellency in Council was then assured was the only effectual measure for stamping out the disease, would not only be repugnant to public opinion but would be impracticable in India. After a careful consideration of the subject the Governor General in Council came to the conclusion that, for the time at all events, the State could not attempt more than the encouragement of the grant of medical and charitable relief to lepers in voluntary hospitals and Leper Asylums. His Excellency in Council expressed the opinion that in such institutions the necessity of strictly segregating the sexes should invariably be kept in view and desired that this condition should be enforced in the case of every institution for the relief of lepers receiving aid from public funds, and that every effort should be made to induce the supporters of institutions of the kind maintained by voluntary contributions to adopt a similar rule.

2. Subsequently, upon a further examination of the question, the Governor General in Council considered that some additional measures might be taken with the object of promoting the establishment of asylums or retreats for lepers and giving legislative sanction to the retention of lepers in such retreats.

His Excellency in Council accordingly directed the preparation of a Bill providing for the detention of lepers at their own request in accordance with the voluntary system adopted in regard to Habitual Drunkards by the Statute 42 and 43 Vict., Cap. 19, and authorising Magistrates to arrest and commit to retreats persons proved to be lepers who might be found asking for alms or wandering about without any employment or visible means of subsistence. The Bill contained a provision requiring the segregation of the sexes at retreats and protecting a leper from being sent against his will to a retreat where attendance at any religious observance or at any instruction in religious subjects was obligatory upon the inmates. In inviting the views of the local authorities upon the provisions of the Bill on the 15th June 1889, the Government of India requested the Local Governments and Administrations to state whether, in the opinion of persons qualified to judge, leprosy was on the increase or not.

3. The replies showed that very great uncertainty existed as to the cause and character of the disease of leprosy, and the opinions of those consulted differed very much upon these points. The opinion was expressed by many of the highest medical authorities consulted that the disease is not contagious except by inoculation, and that the part played by inoculation in determining its spread is very small. It then became a matter for the consideration of the Government of India whether it would not be desirable to introduce the Bill in an amended form, on the one hand limiting its application to persons suffering from the disease in an advanced and specially dangerous stage, and on the other hand extending the power of arrest and compulsory detention so as to cover all such dangerous lepers who might after warning persist in coming out and mixing with the public. The conclusion at which the Government of India then arrived was that there was no safe basis even for an enactment of this restricted description. At the time the English National Leprosy Fund, formed under the presidency of His Royal Highness the Prince of Wales for the purpose of perpetuating the memory of Father Damien who died of leprosy contracted during his work among the lepers of Hawaii, contemplated the appointment of a Leprosy Commission to visit India, and the Government of India, after communicating their views to Her Majesty's Secretary of State for India, decided to await the recommendations of the Commission.

4. The Commission, which consisted of five gentlemen of the medical profession, three* selected in England by the National Leprosy Fund in conjunction with the Councils of the Royal College of Physicians and the Royal College of Surgeons, London, and two†—officers of the Indian Medical Service—deputed by the Government of India, commenced its investigations in the winter of 1890-91. The Commissioners unanimously reported their opinion that:—(1) leprosy is a disease *sui generis;* it is not a form of syphilis or tuberculosis, but has striking ætiological analogies with the latter; (2) leprosy is not diffused by hereditary transmission, and for this reason, as well as because of the large extent of sterility among lepers, the disease has a natural tendency to die out; (3) though in a scientific classification of diseases leprosy must be regarded as contagious and also inoculable, yet the extent to which it is propagated by these means is exceedingly small; (4) leprosy is not directly originated by the use of any particular article of food, nor by any climatic or telluric conditions, nor by insanitary surroundings; neither does it peculiarly affect any race or caste; (5) leprosy is indirectly influenced by insanitary surroundings, such as poverty, bad food, or deficient drainage or ventilation, for these by causing a predisposition increase the susceptibility of the individual to the disease; and (6) leprosy in the great majority of cases originates *de novo*, that is, from a sequence or concurrence of causes and conditions, dealt with in the report, which are related to each other in ways at present imperfectly known.

* Beaven N. Rake, Esq., M.D., L.R.C.P., M.R.C.S.
Geo. A. Buckmaster, Esq., M.D.
A. A. Kanthack, Esq., M.D., M.R.C.P., F.R.C.S.
† Surgeon-Major A. Barclay, M.B.
Surgeon-Major S. J. Thomson, D.P.H.

5. The Commissioners observed that "the presence of a leper in a healthy community is a source of danger no greater than the presence of an individual suffering from tuberculosis. Both diseases are contagious in an equal and minimal degree. The amount of ulceration which exists in both diseases is to some extent a measure of the danger of contagion." They held that their conclusions as to the nature of the disease did not justify any recommendation for absolute segregation, and for the same reasons they found it impossible to advise compulsory partial isolation. They advocated the adoption of a voluntary isolation as extensive as local circumstances would allow, and suggested that, if marriages among lepers were permitted, this plan might be more easily carried out. They stated that they would in no case suggest an Imperial Act, especially directed against lepers as such, for the reason that they considered lepers to be far less dangerous to a community than insane or syphilitic people.

6. The Commissioners made the following recommendations for the regulation of leprosy and lepers in India, which they considered could be effected by means of Municipal bye-laws:—(*a*) that the sale of articles of food and drink by lepers should be prohibited and that they should be prevented from practising prostitution, and from following such occupations, as those of barber and washerman, which concern the food, drink, and clothing of the people generally, quite apart from the dread of a possible infection; (*b*) that the best policy in dealing with the concentration of lepers in towns and cities is to discourage it, and that to this end the Municipal authorities should be empowered to pass bye-laws preventing vagrants suffering from leprosy from begging in or frequenting places of public resort or using public conveyances; (*c*) that asylums should be built near towns where they do not already exist, and that the authorities should have the power of ordering lepers infringing the Municipal regulations either to return to their homes or to enter an asylum; and (*d*) that competent medical authority should always be consulted before action is taken under such bye-laws.

7. The report of the Commission was considered by a Special Committee consisting of two members* nominated by the Executive Committee of the National Leprosy Fund, two members† nominated by the Royal College of Physicians, and two members‡ nominated by the Royal College of Surgeons. It was also considered at the same time by the members§ of the Executive Committee of the National Leprosy Fund. As the result of this consideration a memorandum was prepared by the members of these two Committees accepting the conclusions of the Commissioners except:—(3) that the extent to which leprosy is propagated by contagion and inoculation is exceedingly small; and (6) that leprosy in the majority of cases originates *de novo*, that is, from a sequence or concurrence of causes and conditions, dealt with in the report, and which are related to each other in ways, at present imperfectly known. These Committees declared themselves unable to accept the view that segregation in any case of leprosy in India is either impracticable or undesirable, and stated that they would be sorry if the Government of India were encouraged by the report of the Commissioners to refrain from taking the necessary steps in the direction of such segregation of lepers as might be found possible. They stated that their opinions on segregation were in accord with those of Dr. Vandyke Carter, *viz.*, that it should be effected—

(i) by erecting plain asylums at certain centres, each of which would be a refuge common to several districts, and a place of detention, under due management and supervision;

(ii) by founding Leper Colonies, or village communities, mainly of the affected, who, while allowed more liberty of movement, should yet be prevented from mingling with the peasantry around;

(iii) by requiring the strict isolation in suitable separate lodgment of leprous subjects retained in their homes at express wish of friends; and

* The Honourable Geo. N. Curzon, M.P., then Under-Secretary of State for India (*Chairman*).
Edward Clifford, Esq.

† Sir Dyce Duckworth, M.D., LL.D.
G. A. Heron, Esq., M.D., F.R.C.P.

‡ Jonathan Hutchinson, Esq., LL.D., F.R.S.
N. C. Macnamara, Esq., F.R.C.S.

§ Baron Ferdinand de Rothschild, M.P. (*Chairman*).
The Bishop of London.
The late Sir Andrew Clark, Bart., F.R.S., *President, Royal College of Physicians.*
Sir James Paget, Bart., F.R.S.
Sir Joseph Fayrer, K.C.S.I., M.D.
Sir W. Guyer Hunter, K.C.M.G., M.D., M.P.
Sir Algernon Borthwick, Bart., M.P. (*Honorary Treasurer*).
Sir Edward Lawson, Bart. (*Honorary Treasurer*).
Sir Somers Vine, F.R.G.S. F.S.S. (*Honorary Secretary*).

(iv) by giving legislative authority to take up the vagrant sick, to remove the sorely diseased who are insufficiently guarded at home, and at times to enforce continued isolation of the infected until medical sanction of liberty be granted.

While reserving these opinions the Committees gave a general approval to the recommendations of the Commissioners enumerated above in paragraph 6, though they did not concur in the opinion that Municipalities would be necessarily or universally the best means of effecting the object of providing for the regulation of lepers and leprosy in India. They wished to go much further than the Commissioners in controlling the action of lepers, and urged that the Government of India should take the necessary steps in the direction of such segregation of lepers as might be found possible. The late Sir Andrew Clark, Sir W. Guyer Hunter, Sir James Paget, Sir Joseph Fayrer and Dr. Jonathan Hutchinson dissented from the opinion expressed in the body of the report of the Special Committee on the subject of the contagion of leprosy, believing that the evidence of the spread of leprosy by contagion is not sufficient to justify the compulsory segregation of lepers, and that there is no adequate reason for prohibiting the marriage of the leprous. Sir Dyce Duckworth also expressed a somewhat similar opinion.

The Surgeon General with the Government of India has also stated his concurrence with the finding of the Commissioners upon the issue whether leprosy is contagious or not, and this view has found favour generally among the authorities in this country. The Governor General in Council, while regarding with every respect the opinion of the eminent gentlemen upon the Special Committee and the Executive Committee of the National Leprosy Fund who dissented from the finding of the Leprosy Commissioners regarding the contagious character of the disease, is constrained to accept the conclusion of the Commissioners upon this matter, fortified as it is by the views of the distinguished medical authorities just cited, and by the general opinion of those in India who are qualified to pass judgment on it. His Excellency in Council accordingly feels assured that the extent to which the disease is propagated in India by contagion is small, and, holding this opinion, is unable to approve of the compulsory segregation, either absolute or partial, of lepers except under the special circumstances which are detailed *infra* in paragraph 10.

8. The Local Governments and Administrations were requested to offer their opinions for giving practical effect to the recommendations of the Commissioners. There is complete unanimity of opinion in favour of the first recommendation that lepers should be prohibited from engaging in certain trades. This recommendation cannot indeed be directly justified on the conclusion of the Commissioners regarding the question of the contagiousness of leprosy, but it appears to the Government of India that, as the Lieutenant-Governor of the Punjab observes, "it is amply justified on the grounds that there is a certain danger in allowing lepers with running sores to engage in those trades, and the people of this country, and indeed, it may be said, of any other country, would be struck with dismay if they discovered that the articles they used or consumed had been handled by such lepers." There is, in fact, the Government of India are advised, danger of septic poisoning from any such running sore or ulcer.

The question arises whether the prohibition in respect of the trades in question should be confined to Municipalities or made of general application. The majority of the Local Governments and Administrations would, for the present at least, proscribe lepers from engaging in trades only in Municipal areas, upon the broad grounds that the enforcement of the prohibition would be impracticable in agricultural villages, and that the members of village communities, who are fully cognizant of the most trifling details connected with the every day life of their fellow residents in a village, are well able to protect themselves. The object is to protect the public from dealing unwittingly with leper tradesmen, and the Governor General in Council thinks that this can be adequately secured if the prohibition is confined to Municipalities and to the larger fairs and religious and other gatherings which are held outside the limits of towns. His Excellency in Council has, therefore, decided that, for the

present at all events, the prohibition should not apply except to lepers in and near Municipalities and at the larger fairs and similar gatherings. As the Government of India abstain strictly from regulating prostitution, no bye-law or Act dealing with the prohibition against lepers following certain trades or callings should extend to that of prostitution by leper women.

In the opinion of the Governor General in Council the question of amending the Municipal Acts in the Provinces where they are at present deficient in this respect should now be taken into consideration. In connection with this point it appears to His Excellency in Council that section 55 of Act XV of 1883 in the North-Western Provinces and Oudh cannot, as urged by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, be held to refer to this matter, and that section 85 of Act XVIII of 1889 in the Central Provinces, which the Chief Commissioner of the Central Provinces considers would enable Municipal Commissioners to prohibit, as a public nuisance, lepers from publicly exposing their sores or from engaging in trade, does not provide for it with sufficient precision.

9. The second recommendation of the Commissioners was directed against the prevalent custom of mendicant lepers to leave their homes and crowd into the large centres of population. The Commissioners held that vagrant and indigent lepers scattered about the country are not a source of serious danger, and their proposal that Municipal authorities should be empowered by bye-laws to prevent vagrants afflicted with leprosy from begging in or frequenting places of public resort or using public conveyances in towns and cities was dictated by the expectation that the effect of such bye-laws in large towns would be an emigration into the surrounding country, and a furtherance of the scheme for establishing experimental leper colonies or farms in rural districts. With the exception of the Government of Madras and the Chief Commissioner of Assam, the Local Governments and Administrations are generally in favour of sending to, and retaining in, asylums vagrant pauper lepers who congregate in towns. It has been forcibly urged to the Government of India that this question, as well as that of prohibiting lepers from engaging in certain trades, has an administrative as well as a medical aspect, and that action such as the Commissioners proposed is justified by the loathsomeness of the disease, by the circumstance that those suffering from it very commonly obtrude their sores upon the public with a view to forcing people to give them money, and by the fact that people in India are commonly struck with horror at the approach of a leper, and are apt to yield to his importunity in order to induce him to move on. In deference to the sentiments of the community generally, the Government of India agree that steps should be taken to prevent mendicant lepers from obtruding their deformities on the public gaze in towns and cities. The experience gained in Bombay, since the establishment of the Leper Asylum at Matoonga, shows that regulations having this object may, if intelligently and energetically carried out, be expected to be productive of great benefit to the leper community as well as to the general public.

The Commissioners recommended that the authorities in towns should be empowered to order a leper infringing the regulations either to return to his home or to enter an asylum. This recommendation is generally accepted except by the Government of Madras which would limit the power of enforcing obedience to the bye-laws to the actual expulsion of lepers from towns and cities, and by the Chief Commissioner of Assam on the ground that he is not prepared to recommend compulsory detention in asylums. The view which approves itself to the Government of India and to the majority of the Local Governments and Administrations is that vagrant lepers in Municipalities should be dealt with in much the same way as vagrant lunatics are dealt with under the provisions of Act XXXVI of 1858, *viz.*, that such persons should be brought before a Medical officer and a Magistrate and sent to an asylum by an order of the latter if found to be suffering from the disease and without relatives who can properly care for and treat them. The Governor General in Council considers that, for the present at all events, it will be sufficient to take power to deal with vagrant lepers in this manner in Municipalities and their immediate neighbourhood.

10. The Commissioners recommended that Leper Asylums should be built near towns where they do not already exist, and the memorandum of the Surgeon-General with the Government of India, circulated with Home Department letter of the 15th September 1893, contained detailed suggestions for the establishment and location of additional asylums throughout the country. The Surgeon-General was of opinion that requirements would be met if on an average one asylum was provided to each revenue division. A suggestion of the Commissioners, intended to be ancillary in the rural districts to the establishment of asylums in the immediate neighbourhood of towns, was that leper farms in rural tracts where lepers with their wives and families could cultivate the soil might be productive of practical good. They considered that comparatively few children would be born, and proposed that they should, if possible, be removed to orphanages from which they would be discharged as soon as they could support themselves.

This part of the subject appears to the Government of India to need further consideration by the Local Governments and Administrations. The Governor General in Council considers that in each division or some convenient area an asylum, or an asylum and a farm, should be maintained so as to accommodate the lepers who may be found vagrant in the Municipalities in the division or area, and His Excellency in Council is of opinion that the additional expense which may be necessary for the purpose should be met jointly by the Municipalities and District and Local Boards of the division or area. The Government of India will be glad if the Local Governments and Administrations will take the matter into their consideration at an early date, in order to determine to what extent additional accommodation will be required, how the cost of providing and maintaining such accommodation should be divided among the local bodies, and whether any amendment of the law relating to Municipalities and District and Local Boards is necessary for the establishment of such asylums and farms outside the limits of Municipalities and for the proposed division of the cost. The Government of India are inclined to think that it may not be necessary to legislate, as was proposed in clause 4 of the Bill circulated in 1889, for the voluntary admission of lepers in asylums, but they would have no objection to the adoption of such a provision in any Province in which the Local Government or Administration thinks it would be useful.

11. The fourth recommendation of the Commissioners was that competent medical authority should always be consulted before action in regard to lepers is taken. With this view the Government of India entirely agree. But the Commissioners did not suggest a definition of the terms "leper" and "leprosy" which could be adopted for the purpose of the provisions to be made in the different laws and bye-laws. In the opinion of the Government of India the terms should for this purpose be defined, as in the Bill at present before the Legislative Council of the Lieutenant-Governor of Bengal, which is alluded to in the preamble of this Resolution, so as only to include cases in which ulceration has actually commenced. The Governor General in Council considers that the public interests do not require that action should be taken against persons attacked with the disease who have not reached that stage. In any case in which it is proposed to enforce the bye-laws against a person who appears to be affected with ulcerous sores, a preliminary to such action will be that he should be examined by a competent medical authority.

12. The enquiry mentioned in paragraph 2 of this Resolution which was instituted into the question whether the disease of leprosy is on the increase or not in this country was taken up by the Leprosy Commissioners. At the time when the report was issued the returns for the census of 1891 had not been fully revised, but they were sufficiently complete to enable the Commissioners to make an elaborate examination of the statistics given in the last three censuses taken in India regarding the distribution of lepers in the country. The conclusions at which they arrived was that the alarm about the increase of leprosy in British India is altogether groundless, that the figures available, though unfortunately consisting of only three sets, pointed strongly to a decrease in the number of these unfortunate people, and in any case to the disease not being on the increase, that the number of lepers had been greatly overstated, 110,000 being perhaps nearest the truth, and that leprosy could therefore not be regarded in

the light of a general danger. The final statistics of the Census Commissioner for India showed the number of persons described as lepers at the Census of 1891 to be 126,351, of whom 31,069 were females. Mr. Baines thought it possible that a good deal of the decrease in the numbers of lepers returned in 1891, from tracts in which they were formerly remarkably high, might be nominal, and due to greater accuracy of diagnosis, and the Governor General in Council is inclined to agree with him that it is impossible to say for certain whether the disease of leprosy in this country is on the whole stationary or not. His Excellency in Council, however, sees no reason to dissent from the general conclusion of the Commissioners that leprosy does not prevail in India to such an extent as to constitute a general or universal danger, and that the means by which we must look forward to secure its diminution are improved sanitation and better dietetic conditions.

13. The legislation which is required to carry out the decisions of the Government of India in paragraphs 8, 9 and 10 of this Resolution will be effected in Local Legislative Councils in the Provinces where they exist and for other Provinces by the Governor General in Council. The Bill cited in the preamble has already been introduced in the Council of the Lieutenant-Governor of Bengal, and the Governments of Madras, Bombay and the North-Western Provinces and Oudh should now proceed to legislate, either by means of a separate Bill or by such amendment of the Municipal law as is necessary to bring it into accord with the principles which have been accepted by the Government of India. The Governor General in Council will be glad to receive in due course, from the Lieutenant-Governor of the Punjab and the Local Administrations, proposals for effecting the changes in the law which will be required in the Provinces administered by them.

14. The Governor General in Council cannot conclude this Resolution without placing on record his appreciation of the able and exhaustive manner in which the Leprosy Commissioners conducted their enquiry. Two of them, the Governor General in Council regrets, passed away before His Excellency in Council had had an opportunity of publicly acknowledging their labours. Surgeon-Major Barclay died at Simla of typhoid fever while the Commissioners were still engaged in their investigations, and Dr. Beaven Rake at Trinidad in August 1894. Finally, the Government of India desire to express on behalf of the Empire their thanks to the Committee of the National Leprosy Fund for devoting a portion of the subscriptions raised in memory of the late Father Damien to the investigation of the disease of leprosy throughout India.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India*, and that a copy be forwarded to all Local Governments and Administrations and to the Foreign Department for information.

(True Extract.)

J. P. HEWETT,
Offg. Secretary to the Govt. of India.

Order

G. I. C. P. O.—No. 1452 H. D.—26-95.—361—N. C. D.

LOCAL & MUNICIPAL
CURRENT 1274 1895

Order, 10th ~~March~~ April 1895, No 273

Communicated to the
Local and Municipal Department with
the request that it may be considered whether
the instructions in the Resolution render
necessary any amendments in the Bill
(to amend Act IV of 1884) published
as a Supplement to the Fort St. George
Gazette of the 2nd instant.

(True Extract)

W Francis.

for Chief Secretary.

17 APR. 95

I.
The Local & Municipal Department
" Surgeon General
" Sanitary Commissioner.

8/4/

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept.
CURRENT No. 1274 Rr

From
The Public Department

No. 273

Dated 10-4-95

Received 17-4-95

Enclosures

SUBJECT.

Communicating Resolution of the Govt. of India regarding the segregation of pauper lepers &c with the request that it may be considered whether the instructions in the Resolution render necessary any amendments in the Bill to amend Act III of 1884)

G/25. 600—8-3-95.

L. & Mr. DEPARTMENT.

C. No. 1274 Rr.

FOR ORDERS.

The Leprosy question is of smaller importance in Madras where there are only 3·54 lepers on a population of 10,000 & the population is decreasing, than in most other parts of India (Census Report page 165), but in Ganjam there are 5·14 in Chingleput 6·05 & in S Canara 8·0) (In Bengal there are 8·09 in 10,000) The absolute number of lepers is great in Vizagapatam (964) in N arcot 1136 & in S. arcot (1033) (Census Vol XIV page 274) I doubt if asylums are required anywhere. Centums & famines are not. It may be that asylums wd be good at Chittoor, Madras (for N arcot Chingleput & Madras) & Calicut (where there is an asylum already) but I think these asylums wd be required chiefly & I think the opinion of the District Medical Officers shd be taken before establishing them there.

JG 5/6

The Public Department forwards copy of the resolution of the Government of India No. 3Medical/138-149on the proceedings of the Leprosy Commissioners with the request that it may be considered in the L and M Department whether the instructions in the resolution render necessary any amendments in the bill to amend Act IV of 1894.

2. The instructions as regards legislation are:-

(1) that in or near municipalities and at the larger fairs and similar gatherings the sale of articles of food and drink by lepers should be prohibited and that they should be prevented by law from following such occupations as ~~barber~~ barber and washerman which concern the food, drink and clothing of the people generally (para. 8 (2))

(2) that in municipalities and their immediate neighbourhood vagrant lepers should be dealt with in much the same way as vagrant lunatics are dealt with under Act XXXVI of 1858 viz. that such persons should be brought before a Medical Officer and a Magistrate and sent to an asylum by order of the latter if found to be suffering from the disease and without relatives who can properly care for and treat them (para. 9(2))

(3) that asylums and farms for the detention and maintenance of these lepers should be established outside the limits of municipalities and that arrangements should be made for a division of the cost between the Municipalities and Local Boards concerned (para. 10(2))

(4) that definitions of the terms 'leper' and 'leprosy' should be drawn up so as to include only those cases in which ulceration has actually commenced (para. 11)

(5) that in any case where it is proposed to enforce the law against a leper a preliminary should be his examination by competent medical authority (para. 11).

FOR ORDERS.

(2) and the first part of (3) must, I think, be dealt with by separate legislation. If this is decided on, let us have the existing Leper Acts & the Bills which are under consideration in Calcutta (elsewhere, if elsewhere) put up separately & not in the huge file of the Calcutta Gazette — a few spare copies of the Calcutta Bill, at all events, might be written for.

HS

No separate legislation will be needed if asylums are established, but see note above. Perhaps it will be enough to amend the laws relating to Municipalities (including the Madras Municipality) and to Local Fund Boards.

JG

I do not see why a section could not be introduced, authorizing Municipalities to erect & equip & maintain Leper Asylums outside or within× their areas — and provide for their joining with Local Boards as regards financing them. It seems to me that it would be more complete to deal with all Municipal matters in the same Act.

W

Yes and the wording of S. 114 shd. be altered as shown in pencil in the copy in the file

HS JG W

× I think this desirable

× The Madras Leper Asylum is within the Mun.y W

HS

in favour of, but will not object to a provision for the voluntary admission of lepers into asylums (para 10(2))

3. [illegible] amending bill having already passed through the Select Committee it is desirable that the alterations made should be as few as possible. The insertion of such a provision as that regarding vagrant lepers (2) would raise a general question of considerable importance and such as could not conveniently be dealt with at this stage. Moreover, it would be premature to make such a provision before Government was assured that sufficient asylum accommodation had been provided. It is submitted that this portion of the resolution had better be dealt with in a separate bill similar in its terms to Act XXXVI of 1858.

4. The financial part of the question (3) seems to be sufficiently dealt with in Sections 113 and 114 of the Act as amended. Perhaps to leave no doubt about the matter the words 'lunatic asylums' in Section 113(2) might be altered to 'lunatic and leper asylums' – as there would be nothing in this repugnant to the present policy of Government.

5. The definition in (4) would appear to be necessary even if no other addition ~~to~~ is made since the new Sectio

of any leper [illegible] anything or handling any article exposed for sale in a market.

6. As to (1) the regulation of the exercise by lepers of certain trades and callings.-this again is a large subject and it cannot be entirely disposed of by an amendment of the Municipalities Act. At the same time it is submitted that it would be better dealt with by amendments in the Municipal and Local Boards Acts than by separate legislation. The Municipal Act as amended already prevents lepers from selling or handling food in markets (Sec. 205 A) and wherever a trade is subject to license e.g.baking washing&c. a leper can be prevented from carrying it on by refusal of the license. At the same time this does not cover the case of barbers or butchers (when they sell singly) unless the mere fact of a leper's carrying on such a trade could be treated as a nuisance Sec. 5(XVII). It is therefore submitted that it might be advisable to add a Section after the portion of Chapter IV which deals with offensive and dangerous trades prohibiting with a penalty

Journeymen bakers etc. must be included

Probably the proviso would be best attached to the definition of leper

Yes - and it shd. be made clear that if he comes a leper after election, he shd vacate his seat.

(except by declaring his continuance in office to be injurious to the efficiency of the Council Act 9 of 1911 (amended))

nected with the food, drink, person or clothing of people generally by lepers or persons suffering from any other loathsome disease. A proviso similar to that in (5) above might follow this.

7. As for (6), legislation for the voluntary admission of lepers into asylums seems unnecessary.

8. It might perhaps be advisable to add a provision to the new Section 10 A to the effect that no leper (i.e. as defined by the Government of India) should be eligible for membership of a Municipal Council. At present there is apparently no means of getting rid of one should he be elected or appointed.

9. This disposes of the legal aspect of the question; for the rest it is submitted that the Surgeon General may be asked to report what number of lepers approximately it would be necessary to provide accommodation for in the event of the proposed legislation being brought in, what would be the best places for accommodating them and what new arrangements it would be necessary to make. It is understood that there are already leper hospitals at Madras, Calicut and Trichinopoly and that the Tanjore District Board have the erection of one under consideration

closed

...so far as fairs are concerned no very great expense would have to be incurred.

10. A note regarding the changes, if any, necessitated in the Local Boards Act IV of 1884 will be put up for orders after the decisions of the questions now raised in respect of the Municipal Act. It is presumed that the legislation will follow the same lines in both cases though in the former it will be only in the case of fairs and gatherings and of the neighbourhoods of municipalities that action will be necessary.

I am not sure that it would not be better to make lepers the subject of separate legislation

[signature] 15/5/95.

[initials] 8.V.

As I said above, this matter which is to be a purely Municipal & Local Fund affair had better be incorporated in the Acts wh. regulate their proceedings so that the members need only be obliged to resort to their own Acts to see how their entire business shd. be carried on.

[initials] 7 June

Resolution of the Government of India regarding lepers and necessity for altering the bill to amend Act IV of 1884 in accordance therewith.

[initials] 3/6/95 [initials]

H.M. and Circ.

[illegible]

I particularly asked that files other than ordinary should not be sent me while [illegible] written to them was here & [illegible] on hand

U.O. written to 10/5.

[initials] 17/5/95

I should like to see the [illegible] bill

[initials] 19/5

Submitted together with the proceedings of the Legislative Council upon it.

[initials] 20.V.

C 3/5 Reg 15th C 3/5 6/6 R 6/6 8/6

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No 1274 M of 1895, dated 10.IV.95 from the Public Department.

ORDER.

A short Bill will also be required for the amendment of the Mad: City Mun! Act—

[initials]

A note will be put up, as soon as final orders are passed on this current, together with the note on the changes necessary in the Local Boards Act.

[initials] 2/7/95

[initials] 24.VI.

The papers will be forwarded to the ~~Judicial~~ Legislative Department with the request that the following additions may be made to the Bill to amend Act IV of 1884:—

(1) in section 5, a definition of the word "leper" such as shall include any person suffering from any variety of leprosy in whom the process of ulceration has commenced, with a proviso attached that no person shall be adjudged a leper for the purpose of the Act until after examination by competent medical authority.

(2) in section 9, a proviso that no leper shall be eligible for appointment to a municipal council and that any councillor who shall, during continuance of his office, become a leper, shall ipso facto vacate his seat.

(3) in section 75 a provision for the insertion of the words 'and leper' between 'lunatic' and 'asylums' in section 113(ii) of the Existing Act.

(4) in section 76 that the following be substituted for section 114

"If the expenditure incurred for any of the purposes described in the last preceding section by any authority constituted under

Madras Local Boards Act 1884, or other similar law for the time being in force, by any Municipal Council in any Municipality, is calculated to benefit the inhabitants of such Municipality or of any other Municipality, the Municipal Council of such Municipality or other Municipality, as the case may be, may, with the sanction of the Governor in Council, contribute towards such expenditure; or the Governor in Council may direct such Municipal Council to show cause, within a month after the receipt of the order containing the direction, why such contribution[x] shall not be paid. If the Municipal Council fail to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said Municipal Council to pay such a sum as he shall name[x] and it shall be paid accordingly."

(5) a new section to follow section 113 to provide for the addition to Chapter IV of the Act of a section prohibiting with a penalty the carrying on of any trade connected with the food, drink, persons or clothing of people generally by lepers or persons suffering from any other loathsome disease.

2. The portions of the Government of India's letter which relate to the proposed legislation regarding vagrant lepers will be referred to the Surgeon-General for report as to what number of lepers approximately it will be necessary to find accommodation for in the event of the proposed legislation being introduced, what will be the best places for accommodating them and what new arrangements it will be necessary to make. In this connection it is observed that leprosy is far less prevalent in Madras than in most

The other form of amendment will be better, I think JM

[x] Note - these last two alterations, which were not made by the Hon: Mr Bliss, are submitted for approval. They seem to be necessitated by the omission of the words "a reasonable sum".

This will bring the proposed section under the heading "Offensive or dangerous trades" think to which hardly be appropriate. The amendment of the new section will fall under S. 205 A, which comes under the heading of "Markets" unnecessary. Should put the new section under Chapter IV, 12, "General Sanitary Regulations". It might come after S. 225 A or after S. 233 C. In the latter case, however, it will fall under the heading "Prevention of infectious diseases". Now it is a disputable question whether leprosy is an infectious disease. If we therefore put the new section after S. 225 A, the section immediately in the Bill should come after S. 135. Section 125 of the Bill should [illegible] and then new section will be required after the first new section (i.e. after S. 225 A of the Act as amended) to provide that in cases of doubt as to whether a person suspected of being a leper is or is not a leper any Magistrate of the 1st class may direct him to submit himself within so many days [illegible] to within so many miles of his place of residence pursuant to such [illegible] medical officer as the Magistrate shall designate, & in case of his refusal or neglect to submit himself may cause him to be arrested and produced for such examination by such officer. In the absence of such provision we omit because of being able to get the [illegible] examined.

JM
20/6/95

be altered as shown in the copy of the Bill sent herewith, and

[G/24]

DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No of 189 , dated from

ORDER.

other parts of India and that Government doubts the propriety of erecting additional asylums, while it considers that powers for lepers are quite unnecessary

(from orders)
10.VI.
13/6/95

To

The Legislative Department (with notes in original)

The Surgeon General.

Note for H.E. the Governor.

With reference to H.E.'s note on page 3 it is submitted that sees 113 and 114, as it is now proposed to amend them, will be sufficient to authorize Municipal Councils to institute and provide in lepers hospitals, and

"If the expenditure incurred for any of the purposes described in the last preceding section by any authority consti

...tion of vagrant lepers will concern the
... and magistracy as much, if not more,
... the Municipal Councils and Local Boards,
... only concern in the matter will be financial.

for the Hon: Mr Bliss.

As sec 114, as it is now proposed to amend ... somewhat involved, the following alter... wording is submitted for consideration:—

"If the expenditure incurred for any of ... purposes described in the last preceding ...ction by any authority constituted under the ...adras Local Boards Act, 1884, or other similar ...w for the time being in force, is calculated ... to benefit the inhabitants of any Munici...ality, or if that incurred by the Municipal ...uncil in any one Municipality is calculated ... benefit the inhabitants of any other Municipality, the Muni...cipal Council of the Municipality benefited ...may, with the sanction of the Governor in Council, contribute etc"

[initials] 1876/95.

[initials] 10.VI.

...connection it is observed that leprosy is ... less prevalent in Madras than in most

Resolution of the Government of India regarding lepers and necessity for altering the Bill to amend Act IV of 1884 in accordance therewith.

H. M. and Civ.

very well — Let the amendment take this shape [initials] (from orders)

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O, dated 189 , No.

Current No. of 189 , dated from

Current No 1274 of 1895, dated 10.IV.95 from the Public Department

ORDER. 8.7.95 No. 1080 ...

Subject to amendments below [initials] 3/7/95

[initials] 4/7

[initials] 6 July

The papers will be forwarded to the Legislative Department with the request that the following additions and alterations may be made to the Bill to amend Act IV of 1884:—

(1) in section 5 a definition of the word 'leper' such as shall include any person suffering from any variety of leprosy in whom the process of ulceration has commenced, with a proviso that no person shall be adjudged a leper for the purpose of the Act until [after examination by competent medical authority.]

(marginal note: who disobeys the [illegible] that he is a leper dealt with as or he has been declared to be such by a medical officer after examination under the section referred to in para 1 (?) below.)

*[(2) in section 9 a proviso that no leper shall be eligible for appointment to a municipal council, and that any councillor who shall, during continuance of his office become a leper, shall ipso facto vacate his seat.]

(marginal note: * Omit.)

(3) in section 75 a provision for the insertion of the words 'and leper' between 'lunatic' and 'asylums' in section 113(ii) of the existing Act.

(4) in section 76 that the following be substituted for section 114:—

"If the expenditure incurred for any of the purposes ~~incurred~~ described in the last preceding section by any authority consti...

under the Madras Local Boards Act, 1884, [or the City of Madras Municipal Act 1884, as amended by Madras Acts VII of 1884 & II of 1892] or other similar laws for the time being in force, is calculated to benefit the inhabitants of any municipality, or if that incurred by the Municipal Council in any one Municipality is calculated to benefit the inhabitants of any other Municipality, the Municipal Council of the Municipality so benefited may with the ~~consent~~ sanction of the Governor in Council contribute towards such expenditure; or the Governor in Council may direct such Municipal Council to show cause, within a month after receipt of the order containing the direction, why such contribution should not be paid. If the Municipal Council fail to show such cause within the said period ~~named~~ to the satisfaction of the Governor in Council, he may direct the said Municipal Council to pay such [sum] [contribution] as he shall name and it shall be paid accordingly."

(5) in section 125 that the words "who sells or exposes for sale therein any article or" be omitted from & section 205A of the Act as it is proposed to amend it.

(6) a new section to follow section 133 to provide for the addition to Chapter IV of the Act of a section prohibiting with a penalty the carrying on of any trade [directly] connected with the food, drink, persons or clothing of ~~persons staff~~ people generally, by lepers or persons suffering from any other [infectious or contagious &c] [loathsome] disease.

(7) another new section to follow this to provide that, in cases of doubt as to whether a person suspected of being a leper is or not a leper, any magistrate of the first ~~second~~ class may ~~direct~~ order him, within five days of the receipt of the order, to submit himself for examination by such medical officer as the magistrate shall designate, and in case of his neglect or refusal

1st [or second], I think. The power is an altogether extraordinary one & wait then need to be used. Wd. confine it to 1st cl: Magts

HW Jy W

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No of 189 , dated from

ORDER.

to so submit himself, may cause him to be arrested and produced for such examination by such officer, [provided that no ~~such~~ person suspected of being a leper shall be required to proceed to a greater distance than three miles from his ordinary place of residence for the purpose of submitting himself for exam. by a med. officer]

Jy W

2. The portions of the Government of India's letter which relate to the proposed legislation regarding vagrant lepers will be referred to the Surgeon-General for report as to what number of lepers approximately it will be necessary to find accommodation for in the event of the proposed legislation being introduced, what will be the best places for accommodating them and what new arrangements it will be necessary to make. In this connection it will be observed that leprosy is less prevalent in Madras than in most other parts of India and that Government doubts the propriety of erecting additional asylums, while it considers that farms for lepers are quite unnecessary.

CGt
20.VI

J.F.P (from orders)
26/6/95

To

The Legislative Department (with notes in original) [Pro]

The Surgeon General

Despd. 13/7/95

Note for H. E. the Governor

With reference to H. E's note on page 3 it is submitted that sections 113 and 114, as it is now proposed to amend them, will be sufficient to authorize Municipal Councils to equip and maintain leper hospitals and to join with Local Boards in financing them, and with reference to the remark at the close of the order, that the legislation proposed by the Government of India for the arrest and detention of vagrant lepers will concern the police and magistracy as much, if not more, than the Municipal Councils and Local Boards whose only concern in the matter will be financial.

Very well

6 July

Note for the Hon: Mr. Bliss

With reference to the new section inserted in para 2(7) of the order it is submitted (a) that as the offending leper must of necessity be in the same municipality as the magistrate and the medical officer any reference to the distance of his residence is unnecessary and (b) that as the first class magistrate will, in almost all cases, be a touring officer it would be as well to empower the second class magistrates, who ordinarily deal with municipal offences, in this matter also.

As regards H.E.'s note regarding a short bill to amend the City of Madras Act please see A S note beneath that of H.E.

CG 20.VI.

2/7/95

Resolution of the Government of India regarding lepers and alterations in the Bill to amend Act IV of 1884 necessitated thereby.

1080

H. M and Co

(for orders – revised draft)

Despatch & return

C 6/7

R 5/7

When given for copying ______
When copied ______
When examined ______
When signed ______ 189

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

... OF GOVERNMENT.

...EMENT WITH DITTO.

...ERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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