

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1659/M

DATED 16th October 1895

[Despatch Abstract.]

Draft Bill to amend the City of Madras Municipal Act, 1884.

Transferring, with remarks, to the Legislative Department
for necessary action the-----.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cur.	784	1896					

[5]
1,000-17-11-93.

LOCAL AND MUNICIPAL DEPARTMENT

Papers to be read in Proceedings:—

Again G.O., dated 8th July 1895, No. 1080 M.

Current No. of 189 , dated from the

Order.

The A.S. had to the same
important thing —
MS

The accompanying draft Bill to amend the City of Madras Municipal Act, 1884, will be transferred to the Legislative Department for the necessary action.

2. Corresponding additions will be made in the draft Bill to amend the Madras Local Boards Act V of 1884, under consideration.

LA 24/9/95 11/9/95

x
Please see memo put up for approval.

To The Legislative Department

Appendix

A Bill to amend the City of
Madras Municipal Act, I of 1884,
as amended by Acts VII of 1884
and II of 1892.

Whereas it is expedient to
amend the City of Madras Muni-
cipal Act I of 1884, as amended by
Acts VII of 1884 and II of 1892, it is
hereby enacted as follows:—

1. In Section 3, the following
clause shall be inserted after
clause (ii):—

"(jj) 'Leprosy' includes any
person suffering from any
variety of leprosy, in whom
the process of ulceration has com-
menced."

<sup>Whodisputes the fact that he
is a leper</sup>
Provided that no person shall
<sup>be adjudged a leper for the pur-
pose of this Act until after</sup>

referred to be such ^{by a medical officer after examination under}
examination ^{by competent}
medical authority."

^{At the end of}
2. In Section 7 the following
clause shall be added at the end:-

"No leper shall be eligible for
nomination or election as a
Municipal Commissioner, and
any Municipal Commissioner
who shall, during continuance
of his office, become a leper,
shall ipso facto, vacate his seat."

3. In Section 33 (b) (i) -
the word "and" after the word
"hospitals" shall be omitted, and
the words "and leper asylums"
shall be inserted after the word
"dispensaries".

4 The following section shall
be inserted after section 33:-

"33 A. If the expenditure in-
curred for any of the purposes
described in the last preceding
section by any authority con-

Perhaps this had better go out
will be difficult to work - are we
to have any candidate for Municipal
Commissioner? The contingency
of a man becoming a leper during his
term of office is very remote - I think
it may be neglected. W.

Note.

It will be noted that Sec 33 of
Act I of '84 differs from the corresponding
section 133 of Act IV of 1884, in that
it contains no reference to lunatic
asylums. It seems therefore to be
a larger step to make the Madras Municipality
chargeable for leper asylums than to ask
Mafassal Municipality to pay for them. For the
latter are already bound to keep up
lunatic asylums, which are much on the same
footing, while Madras is not.

Note.

This will be quite a new
provision. There is no section in
Act I of 1884 corresponding to
sec 114 of Act IV of 1884. It is not
perhaps likely that the Comm^{rs} will
ever require to cooperate in these matters
the Comm^{rs} of the City of Madras.

I think this section will
be too wide as drafted -
I'd alter as shown in red
ink. We are at present
only dealing with leper
asylums. W.

constituted under the Madras District
Municipalities Act, 1884, or the Madras
Local Boards Act, 1884, or other sim-
-lar law for the time being in force,
is calculated to benefit the inha-
bitants of the City, the Municipal
Commissioners may, with the sanc-
tion of the Governor in Council,
contribute towards such expendi-
-ture or the Governor in Council
may direct the Municipal Com-
missioners to show cause within
a month after the receipt of the
order containing the direction,
why such contribution should
not be paid. If the Municipal
Commissioners fail to show such
cause within the said period
to the satisfaction of the Governor
in Council, he may direct the
Municipal Commissioners to
pay such ^{contribution} ~~sum~~ as he shall
determine and it shall be paid accordingly.

5. The following sections shall be inserted after section 318:—

"318A. Whoever being a leper or suffering from any other infectious or contagious ^{or contagious} disease, shall carry on any trade ^{directly} connected with the food, drink, persons or clothing of people generally, shall be liable to a fine not exceeding one hundred rupees for each offence."

"318B. In cases of doubt as to whether a person suspected of being a leper is or is not a leper, the ^{any} magistrate may 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 to so submit himself, may cause him

Note. Submitted that the wording of this is too general to be workable. May not the trades intended be specifically mentioned? W.F.

* vide section 3. clause (m) of Act I of 1884. W.F.

him to be arrested and produced for such examination by such officer, provided that no 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 examination by a medical officer."

W.F.

11/8/55

Memorandum of additions to
be made in the Bill to amend the
Madras Local Boards Act of 1884.

1. In Section 3, the following
clause shall be inserted after
clause (XXIII):—

"(XXIV) 'Leper' includes any
person suffering from any
variety of leprosy, in whom
the process of ulceration has com-
menced."

Alter as in the other draft
W

Provided that no person shall
be adjudged a leper for the pur-
poses of this Act until after
he has been declared to be such
by examination by competent
medical authority."

2. In section 11 the following
proviso shall be added at the end

See note on the City draft
W

"Provided that no leper shall
be eligible for appointment as a
member of the District Board, and
that any member of the District
Board

Board, who shall during con-
tinuance of his office, become a
leper, shall, ipso facto, vacate
his seat."

3. In section 16, the following
proviso shall be added at the end:-

"Provided that no leper shall
be eligible for appointment as
a member of the Taluk Board
and that any member of the
Taluk Board who shall, during
continuance of his office, become
a leper, shall ipso facto vacate
his seat."

See section 1.2
11/11

4. In section 95 (iii), the words
"and leper" shall be inserted
between the words "lunatic" and
"Asylums".

5. The following shall be
substituted for section 118:—

"If the expenditure incurred
for any of the purposes described
in section 95 by any authority

Constituted

or the City of Madras Municipal Act 1884

^

Constituted under the Madras
District Municipalities Act 1884,
or other similar law for the time
being in force, is calculated to
benefit the inhabitants of any
local area or if that incurred
by the Board of any local area
is calculated to benefit the inha-
bitants of any other local area,
the Local Board of the area
so benefited, may with the
Sanction of the Governor in
Council contribute towards
such expenditure; or the
Governor in Council may
direct such Local Board to
show cause, within a month
after receipt of the order
containing the direction, why
such contribution should
not be paid. If the
Local Board fail to show
such cause within the said period

to the satisfaction of the Governor in Council, he may direct the said Local Board to pay such ^{Contribution} sum as he shall name, and it shall be paid accordingly."

6. The following sections shall be inserted after Section 118:—

"118A. Whoever being a leper or suffering from any other loathsome disease shall carry on any trade connected with the food, drink, persons or clothing of people generally, shall be liable to a fine not exceeding one hundred rupees for each offence."

"118B. In cases of doubt as to whether a person suspected of being a leper is or is not a leper any magistrate of the first class may order him, within five days of the receipt of the order, to submit himself for exami-

Note.

The provision comes in awkwardly here. It would perhaps be less out of place after sections 100, or 101. Wherever it is put it will, it is submitted, look odd, for Act I of '84 goes into very few of the sanitary details elaborated in Act IV of 1884, & it will seem strange that so rigorous a section about lepers, who are for a far better reason, should be less, while the common forms of sanitary practice are unnoted. Submitted that in rural areas cases will be rare, & less harmful than in towns, & that the section may perhaps be omitted.

The same objection to the wide nature of the wording of the section, submitted above, seems also to apply here.

If section 118A. immediately above be thought unnecessary, this section may also go. For Candidates for seats on Dist. & Taluk Bds & Panchayats will not need to be arrested & sent for medical examination, & they will be protected from being wrongly classed as lepers by the proviso to the definition above.

-nation by such medical officer as the Magistrate shall designate, and in case of his neglect or refusal to so submit himself, may cause him to be arrested and produced for such examination by such officer, provided that no 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 examination by a medical officer.

7. In section 121 the following proviso shall be added at the end:—

"Provided that no leper shall be eligible for appointment as a member of the Panchayat and that any member of the Panchayat who shall

See note on p. 2

During

11/8/95

Bills to amend the City of Madras
Municipal Act and the Madras Local
Boards Act with reference to the
resolution of the Government of
India regarding Lepers -

FOR ORDERS.

H.M.
Mis.

13/9
14/9

Appendix.

A Bill to amend the City of
Madras Municipal Act I of 1884,
as amended by Acts VII of 1884
and II of 1892.

Whereas it is expedient to
amend the City of Madras Munici-
pal Act I of 1884, as amended
by Acts VII of 1884 and II of 1892,
it is hereby enacted as follows:

1. In section 3, the follow-
ing clause shall be inserted
after clause (ii):—

"(j) 'Lepers' includes any
person suffering from any variety
of leprosy, in whom the process
of ulceration has commenced

Provided that no person who
disputes the fact that he is a
leper shall be dealt with as,
or adjudged a leper for the

Note for A.M.

Amended draft bills revised in
accordance with A.M.'s personal
instructions are submitted for
approval.

2. Go. ^{1080-M.}_{8.7.95} has already
been printed & sent to the Legis-
lative Dept. & the Surgeon-General.
The alterations that are required
in it to bring it into accordance
with these two draft bills are
marked in the original, put up, with
red ink. Most of these are
verbal, but two of them, — the
omission of the proviso to sec. 9. having
lepers for seats on Muni. Councils, &
the addition in sec. 76. requiring Councils
to contribute if called upon to asylums
in Madras City, — are important. Orders
are issued as to whether these may not
now be circulated, & an amended copy
of Go. ^{1080-M.}_{8.7.95} issued. This Go. has

purpose of the act until he has been declared to be such by a medical officer after examination under section 318B."

2. In section 33 (b) (i) — the words "and" after the word "hospitals" shall be omitted, and the words "and leper asylums" shall be inserted after the word "dispensaries".

3. The following section shall be inserted after section 33

"33A. If the expenditure incurred on leper asylums by any authority constituted under the Madras District Municipalities Act, 1884, or the Madras Local Boards Act, 1884, or other similar laws for the time being in force, is calculated to benefit the inhabitants of the city, the Municipal Commissioners may, with the sanction of the Governor

not yet, it is believed, gone round to members of the Legislative Council

W. 27/9/95

2/10/95

I don't see the object of issuing an amended order ^{1000 M} 8.7.95. In dealing with that order the Leg. Dept. can make the necessary amendments.

This is to be circ^d & the Bill to amend the City Act published under H.E.'s orders as soon as finally approved. Full details of O.R. should be prepared on the basis of Madras's orders.

W 3/10/95

The Hon Mr. White seems to be right in this, as well as in dropping any attempt to make lepers in charge of the offices in the Municipal Councils, Local Boards, Taluk Boards & Municipalities, as of little importance and difficult to work.

W 8 Oct

7/10/95

Section 318 has been repealed, but I think it will be useful to enact some provision as 318A & 318B

W 8 Oct

in council contribute towards such expenditure, or the Governor-in-Council may direct the Municipal Commissioners to show cause, within a month after the receipt of the order, containing the direction, why such contribution should not be paid. If the Municipal Commissioners fail to show such cause within the said period to the satisfaction of the Governor or in Council, he may direct the Municipal Commissioners to pay such contribution as he shall name and it shall be paid accordingly."

4. The following sections shall be inserted after section 318

"318A. Whoever being a leper or suffering from any other infectious or contagious disease, shall carry on any trade directly connected with the food, drink, person

persons or clothing of people generally, shall be liable to a fine not exceeding one hundred rupees."

"318 B- In cases of doubt as to whether a person suspected of being a leper is or is not a leper, any magistrate may order him within five days of the receipt of the order, to submit himself for examination by such medical officer as such magistrate shall designate, and in case of his neglect or refusal to so submit himself, may cause him to be arrested and produced for such examination by such Officer. Provided that no 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 proviso to 3(jj) is about persons adjudged to be lepers after examination under 318(B) by a medical officer, but 318(B) says nothing about adjudging. This should be done by a medical officer. There should be an express provision that the medical officer shall report to the Magistrate that the Magistrate shall then adjudge the person to be a leper or not.

W
Soct

JG

This limit seems to be unnecessary in the case of leprosy

JG no harm in it
W
Soct

The medical officer shall report the result of the examination to the Magistrate who shall thereupon adjudge whether the person be a leper or not.

for the purpose of submitting ^{such} himself for examination.

~~"medical officer"~~

Warrington 18
2/10/95

as soon as possible this Bill with statement of O. & R. should be introduced. The Leg. Dept. will put up a note accordingly.

W
Soct

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Memorandum of additions
to be made in the Bill to amend
the Madras Local Boards Act V of 1871.

1. In section 3, the following
clause shall be inserted after
clause (xxiii) :—

"(xxiv) 'Leper' includes any
person suffering from any variety
of leprosy, in whom the process
of ulceration has commenced.

Provided that no person, who
disputes the fact that he is a
leper shall be dealt with as or
adjudged a leper for the purposes
of this Act until he has been
declared to be such by a medical
officer after examination under
section 118-B."

2. In section 95 (iii), the
words "and leper" shall be insert-
ed between the words "lunatic"
and "Asylum".

4.

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shall

be

alter

3. The following shall be substituted for section 118:—

"If the expenditure incurred for any of the purposes described in section 95 by any authority constituted under the Madras District Municipalities Act, 1884, or the City of Madras Municipal Act, 1884, ^{amended by Act VII of 1954 & II of 1952} or other similar laws for the time being in force, is calculated to benefit the inhabitants of any local area or if that incurred by the Board of any local area is calculated to benefit the inhabitants of any other local area, the Local Board of the area so benefited, may with the sanction of the Governor in Council contribute towards such expenditure; or the Governor in Council may direct such Local Board to show cause, within a month after

4. After sec. 98. a new Chapter, numbered Chapter I, ~~shall be~~ and entitled "Powers and duties of Local Boards regarding sanitary & other matters", shall be begun, & the numbers of the present chapters I & VI shall be altered into II & VII respectively.

after receipt of the order containing the direction, why such contribution should not be paid. If the Local Board fail to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said Local Board to pay such contribution as he shall name, and it shall be paid accordingly."

5. The following sections shall be inserted after section 118:—

"118A. Whoever being a leper or suffering from any other infectious or contagious disease shall carry on within any local area to which this section shall be temporarily or permanently extended by the local Government, any trade directly connected with the food, drink, persons or clothing of people generally, shall

shall be liable to a fine not exceeding one hundred rupees."

"118 B. In cases of doubt as to whether a person suspected of being a leper is or is not a leper, any magistrate of the first class may 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 to so submit himself, may cause him to be arrested and produced for such examination by such officer. Provided that no 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

The medical officer shall report the result of the examination to the Magistrate who shall thereupon adjudge whether the person be a leper or not.

of submitting himself for ^{such} examination, by a medical officer."

M. R. 95

22
2/10/95

Read again G.O. No 1080m of 8 July 95

Order No 1659m of 16-10-95

The accompanying draft Bill to amend the City of Madras Muni. Act 1854 will be transferred to the Legt. Dept. for necessary action.

2. Corresponding additions will be made in the draft Bill to amend the Madras Local Boards Act II of 1854.

The additions & alterations in the Bill to amend Act II of 1854 which were suggested to be made, in G.O. dated 8.7.95.

3. The Bill to amend Act II of 1854 which were suggested to be made, in G.O. dated 8.7.95. No 1080-A require some modification to correspond with the draft Bill referred to in para 1. supra, and a copy of that G.O. with these modifications marked upon it will be furnished to the Legt. Dept.

W. 12.10.95

13/10/95 (for orders)

To the Legist. Dept. with copies of Hon. Mr. Ramesh' & H.E. the Governor's notes. (those parts marked with red pencil.)

Supp. 23/10/95

20/10/95
40-10/10/95
10/10/95
17/10/95

Bills to amend the City of Madras Muni. Act, and the Madras Local Boards Act with reference to the resolution of the Govt. of India with reference to the same.

for

(for orders.)

1. Hon. Mr. G. S. S. S.

2. H.E. the Governor.

Resubmitted to Hon. Mr. Ramesh with reference to Hon. Mr. G. S. S. S. note against sec. 318.B. of the first bill. The words "under sec 318.B" in sec. 3 (ii) were only intended to apply to "after examination" and not to "adjudged as dealt with", but a pencil addition to the sections in both acts specifically requiring the Med. Officer to report to the Magistrate to advise whether the suspect is a leper or not is submitted for approval.

10/10/95

22/10 10/10/95
24/10 10/10/95
29/10 10/10/95
11/10/95

When given for copying
When copied
When countersigned
When signed

189

AGAIN G.O., No. 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.:-

A = Copy in full.
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