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DEPARTMENT

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Government {1897} of Madras.

LOCAL AND MUNICIPAL.

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G.O., No. 336 M., 1st March 1897.

MARCH.

Leper Bill.

Directing that a letter be despatched to the Government of India communicating the views of this Government and the opinions of the various officers and bodies consulted on the provisions of a Bill for the segregation of pauper lepers and the control of lepers following certain callings.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 1458 M., dated 1st September 1896.

ABSTRACT.—Referring to the Municipal Commissioners of Madras and certain municipal councils, officers and gentlemen, for their opinion, the draft Bill for the segregation of lepers forwarded by the Government of India, and ordering its publication in the *Fort St. George Gazette*.

READ—also the following papers:—

From the Government Solicitor, dated Madras, 25th September 1896, No. 495.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated Madras, 24th September 1896:—

[*Re* the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings.]

OPINION.

On the subject of the isolation of lepers, I gave my opinion on the 13th July 1889, and have nothing to add thereto.

2. Assuming that it is considered to be inexpedient at present to do more than to provide for the segregation of pauper lepers and to prevent any lepers from following certain callings, I think that the Bill is sufficient to carry out those objects.

3. *Title and Preamble.*—I do not think that the words "*the control* of lepers following certain callings" correctly describe the effect of section 9, which *prohibits* lepers from following the callings mentioned.

4. The Bill makes no provision for the conveyance of lepers to the "Inspector of Lepers," Magistrate or Asylum. Such a provision seems to be expedient, if not necessary.

5. *Section* 10 (*a*).—I think that the lepers should be sent to the nearest asylum, and that this provision should be omitted.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

From the Acting Collector, Vizagapatam District, to the Chief Secretary to Government, dated 29th September 1896, Dis. No. 2406.

As desired in G.O., No. 1458 M., dated 1st September 1896, I have the honour to subjoin my opinions on some of the sections of the draft Bill for the segregation of lepers therewith received:—

	Opinions
Section 6. "Within any local area which has been notified under section 3 any police officer may arrest without a warrant any person who appears to him to be a pauper leper."	It seems to me that this is trusting a great deal to the discretion of the lower grades of the police. I would restrict the power of arrest to officers in charge of police stations as there can never be any urgency about the necessity for arrest.

	Opinions.
Section 9. "Provided that when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule, in respect of such person."	There is nothing laid down about the initiation of proceedings under this section. The accused, if not a *pauper* leper cannot be arrested without a warrant; presumably therefore the Magistrate must summon him on complaint.
Section 10. (*a*) "Require him to enter into a bond with one or more sureties, binding him to depart forthwith from the local area notified under section 3 in which he is, and not to enter that or any other local area so notified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule; or"	I do not see the object of transferring a leper to some other district, unless it is intended to work the Act only in selected districts, and to attempt the purification of the country by successive areas.

(Signed) W. O. HORNE,
Ag. Collector.

From the District Magistrate of North Arcot, to the Chief Secretary to Government, dated Chittoor, 13th October 1896, Dis. No. 1243-Magl.

In reply to G.O., No. 1458 M., dated 1st September 1896, I have the honour to state that the number of lepers according to last census was high in this district, the average per 10,000 (5·21) being considerably in excess of the average (3·89) for the whole Presidency. As in the rest of the Presidency, however, there is a decline in the numbers affected when a comparison is made with the previous census ten years before. The report of the Leprosy Commission has not been supplied to this office, but I believe the conclusions arrived at were that, though the disease is contagious, it is so only to a small extent. I do not think leprosy is so common in this district as to require coercive measures.

2. The draft Bill circulated seems to me to require amendments. Parts of it are not intelligible.

Section 8.—If the Magistrate finds that the person arrested is a leper, but not a pauper, he is, I presume, to discharge him. This should be stated.

Section 9.—I think a person sent to an Inspector of Lepers under the proviso to this section and found not to be a leper is entitled to a certificate in form A.

Section 10.—*Vide* remarks on section 14.

Section 14—is altogether unintelligible; I do not understand what "has refused to issue a certificate in form A" refers to. Under section 7 either a certificate in form A or a certificate in form B must issue when a person is produced. There is no alternative. The only section that can be meant, therefore, is section 10 (*a*). But the machinery under which a certificate in form A can be applied for and obtained is not explained. Again, such a certificate can only be obtained in a non-notified area, because the leper cannot enter a notified area, but it is doubtful if an Inspector of Lepers can be appointed under section 4 elsewhere than in a notified area, because the Act will not be in force in such locality—section 1 (3). The provision in respect of the issue of a certificate in form B is equally obscure. Since the section relates only to non-paupers, it refers only to section 9. But, on the issue of a certificate in form B, the Magistrate would at once proceed with the case and possibly convict. In the event of the appeal in section 14 being successful, what is to be the result? The case under section 9 would be governed by the ordinary rules of criminal procedure and the result of an appeal under section 14 could not be imported thereinto without a special provision to that effect.

(Signed) S. H. WYNNE,
District Magistrate.

From the Collector of the Kistna District, to the Chief Secretary to Government, dated Masulipatam, 10th October 1896.

In accordance with G.O., No. 1458 M., dated 1st September 1896, which reached me only on 27th September, I have the honour to report that I approve of the provisions of the draft Leper Bill therewith forwarded.

2. I am in some doubt whether the ultimate object of the Bill is to protect society from risk of the spread of a loathsome and incurable disease, or from the mere annoyance and disgust entailed by the public exhibition thereof. In the Statement of Objects and Reasons it is said that the expediency of segregating pauper lepers, and of forbidding lepers generally from following certain trades and callings, was urged by the Leprosy Commission, and the Hon'ble Mr. Woodburn in moving for leave to introduce the Bill remarked that the Leprosy Commission pressed these two questions "very earnestly" on the Government of India. But one of the conclusions arrived at by the Commissioners was that leprosy is not proved to be contagious; and as one consequence they reported that "no legislation is called for on the lines either of segregation or of interdiction of marriages with lepers" (Report, page 265).

3. A perusal of the report of the Leprosy Commission, it must however be admitted, yields very unsatisfactory results, and one most extraordinary circumstance is that the Commissioners' own recommendations (pages 385, sqq.) ran so entirely counter to their findings on the evidence placed before them. They found that leprosy is not contagious and that segregation is unnecessary. Yet their first practical suggestion (page 385) is that—"segregation may be voluntary or compulsory, and in either instance partial or complete", and two pages later—"The Commissioners recommend the adoption of a voluntary isolation as extensive as local circumstances allow." What exact signification is to be attached to the word "voluntary" may be gathered from a recommendation on page 388—"The authorities should have the power of ordering lepers infringing the regulations (as to begging and following certain callings) either to return to their homes or to enter an asylum." Again, the Commissioners found that the disease could not be communicated through the medium of food; yet on page 387 they express the opinion "that the sale of articles of food and drink by lepers should be prohibited." The Commissioners do not believe that even in the intimate relationship of married life the chance of contagion is "worthy of serious practical consideration" (pages 286–87), yet they recommend (page 387) that lepers "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", adding, however, this curious qualification "quite apart from the dread of a possible infection."

4. Whether the Government of India, accepting the entirely negative finding of the Leprosy Commission to the effect that there is no proof that leprosy is contagious, has deemed it advisable to bring in the present Bill *pro majore cautela*, or whether that Government in view of other evidence and other opinions has rejected the cardinal finding of the Commission, or whether the Bill is intended not to check a disease but to abate a nuisance, is not a matter of great moment. Whatever be the object, I believe that the vast majority of the people of this country, so far as they do not view it with indifference, will approve of the Bill. In any case it is not an enactment that can have any very extensive applicability. The total number of lepers in the Madras Presidency is only 12,617, and of these there is but little likelihood of any of the following coming within the scope of the Bill—agriculturists (6,445), professionals (567), commercial (1,067). A very small minority of the artizans (3,402), and among vagrants, &c., the beggars (45), are the only lepers whom the new law is likely to affect.

Sections 6, 7 and 8 are likely to be the most commonly employed portions of the Act; and there is good reason to believe that among the people of the country, more especially the educated classes, there is an increasing feeling of disgust and reprobation of the practice of exhibiting loathsome diseases for the purpose of extracting alms.

5. Those native gentlemen whom I have consulted have questioned the advisability of some of the provisions of the Bill, as being unnecessarily severe on an unfortunate class. Such are—the prohibition of the calling of domestic servant—section 9 (*a*);

or of riding in any public conveyance—section 9 (*c*); the absolute discretion conferred by section 10 (*a*) to banish from the local area; the denial of the right of appeal to a pauper leper (section 14).

6. But my own opinion is that the Bill is justifiable either on the hypothesis that leprosy is a contagious disease, or on the ground of the admittedly horrible nature of the scourge. And if it be admitted that legislation for the purpose of extirpating the evil is justifiable, it follows that the measures adopted must be adequate. So far from deprecating any of the provisions of the Bill, I am inclined to think that it will be advisable before long to proceed further, so as to bring under control those lepers to whom the present Bill does not apply.

(Signed) J. N. ATKINSON,
Collector.

From the District Magistrate, Gódávari, to the Chief Secretary to Government, dated Cocanada, 16th October 1896, Cur. No. 741.

With reference to G.O., No. 1458 M., dated 1st September 1896, forwarding for remarks the draft Bill for the segregation of lepers, I have to point out that by the provision of section 9 (*c*) it is practically made a criminal offence for a leper to drink water. In most large towns, which would presumably be the local areas referred to, the only sources of drinking-water are, as a rule, public, and circumstances can easily be imagined under which a leper could not get any one to draw water for him.

(Signed) G. W. ELPHINSTONE,
District Magistrate.

From the Acting District Magistrate, Malabar, to the Chief Secretary to Government, dated Calicut, 18th October 1896, No. 1551-Magl.

In reply to G.O., No. 1458 M., dated 1st September 1896, I have the honour to state that some legislation with respect to lepers is greatly wanted in parts of this Presidency. At Mangalore there is an excellent leper hospital, managed by the Jesuit Fathers. But it was very difficult to make the lepers who infested the streets resort to the hospital or remain there after admission. They preferred to live by begging and the discipline of the hospital was irksome to them. I am therefore of opinion that the introduction of the proposed Bill is very necessary.

2. No additions or alterations in the Bill suggest themselves to me.

(Signed) G. W. DANCE,
Ag. District Magistrate.

From the Chairman, Municipal Council, Calicut, to the Chief Secretary to Government, dated 20th October 1896, No. 1241.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to certain municipal councils, for their opinion, the draft Bill for the segregation of lepers, I have the honour to forward herewith copy of a resolution of the municipal council passed at a meeting held on the 13th instant.

(Signed) S. SWAMINATHA AIYAR,
Chairman.

Enclosure.

Extract from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 13th October 1896.

* * * * *

2. Read again resolution No. 14 of the municipal council, dated 3rd October 1896.

Read also G.O, Mis. No. 1458 M., dated 1st September 1896, referring to the Municipal Commissioners of Madras, and certain municipal councils, officers and gentlemen, for their opinion, the draft Bill for the segregation of lepers forwarded by the Government of India and ordering its publication in the *Fort St. George Gazette*.

Resolution.—The council thinks that legislation for the segregation of lepers is necessary and they approve of the draft Bill subject to the following suggestions:—

"Clause (*d*) of section 9 may be amended so as to admit of exceptions under special circumstances as, for instance, by engaging a special compartment in train."

"Provision to obtain the presence of a leper as a witness or as a party in courts should be made."

From the Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated 21st October 1896, Dis. No. 817.

With reference to G.O., No. 1458 M., dated 1st September 1896, forwarding, for favour of opinion of the Hon'ble the Judges of the High Court, a Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, I am directed to forward a transcript of the minutes recorded by the Hon'ble the Chief Justice and Justices Benson and Boddam, and to state that the Hon'ble Justices Shephard, Subramania Aiyar and Davies have no observations to offer on the Bill.

(Signed) D. W. G. COWIE,
Registrar.

Enclosure.

Minutes.

The Chief Justice.—I strongly approve of this Bill, but I do not think section 9 is sufficiently exhaustive. I would not allow a leper to practise as a legal practitioner in a Court of Justice. It may possibly be open to doubt whether the term "rides in any public conveyance" means as a passenger only and does or does not include the driver of such vehicle. Again, why should a leper be allowed to be a schoolmaster? Many other occupations will doubtless present themselves which it would be well to exclude lepers from. I suggest that section 9 be reconsidered.

Mr. Justice Benson.—Assuming that the control of lepers generally, and the segregation of pauper lepers, are measures necessary for the protection of the community—a question for medical and sanitary, rather than legal, experts—I am of opinion that the proposed law is well designed to effect the object in view and is not open to objection as too stringent a measure.

In the way of verbal criticism I have only the following remarks to make:—

Section 4.—I doubt if there is any necessity to enact that the persons therein specified shall be deemed to be public servants within the meaning of section 21, Indian Penal Code. The latter part of the 9th category enumerated in section 21, Indian Penal Code, seems to include the persons specified in section 4 of the Bill.

Section 9.—For the information of the public as well as for the guidance of the Magistrates and officers enforcing the law, it is desirable that the meaning of "public" in this section should be made clear by definition or by illustration or by both. Complete definition is far from easy, but it is desirable that the range of doubtful cases should be narrowed as far as possible by the legislature rather than by the slow process of judicial decisions under the Act.

Section 12.—The words "*so detained* since the last visit of the board" include every inmate of the asylum at the time of the visit, but the provision is apparently only intended to refer to persons *admitted* to the asylum since the last visit of the board. If this view is correct, the word "admitted" should be substituted for the words "so detained".

Mr. Justice Boddam.—This Bill contains no reference to any fund out of which the proposed leper asylum is to be maintained or the officers appointed for the purpose of carrying out its provisions are to be paid. The power given by section 15 to the Local Government to make rules is not wide enough to embrace this.

The power given by section 6 to the police to arrest pauper lepers is left entirely in their option. If it is intended to be made a part of their duty to arrest any person who appears to be a pauper leper, the word "shall" should be substituted for the word "may". If it is not intended to make it a part of the duty of the police to arrest pauper lepers, then the Bill should be amended by adding the process by which pauper lepers are to be brought before the Inspector of Lepers or the Magistrate. As the Bill stands at present, unless the police arrest them, pauper lepers may remain at large unmolested.

Section 9 should be extended to include in (*b*) all articles intended for use by man and in (*d*) the driver or conductor of a public conveyance.

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Rao Sahib, to the Chief Secretary to Government, dated Calicut, 24th October 1896.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to me for opinion the draft Bill for the segregation of lepers, I have the honour to submit my views as follows.

2. *First as to the necessity for the Bill.*—It has long been felt that people *afflicted with infectious and loathsome diseases* should be removed from public thoroughfares and placed in asylums suitable to their condition. Leprosy is certainly one of those diseases, though there may be difference of opinion as to the degree of infection. People have long felt the necessity for asylums for lepers, and at the present moment there are two leper asylums in this district and in the Travancore territory—one at Calicut and the other, the Lazaretto at Palliport. There is, besides, a leper asylum in the Island of Minicoy. In the absence of statutory law, people suffering from advanced, and specially dangerous stages of leprosy, with running sores, are seen daily seated on the road side soliciting alms. They mix freely with the people; and I have seen a Mappilla leper full of running sores, whose legs and arms are bandaged, going to bazaars where cakes and coffee are sold and touching the eatables and drinking coffee in tumblers which are freely used by others the next moment. Surely, there is the danger of infecting other people by the poison from the running sore or ulcer.

3. The proposed legislation is based on moderate lines and does not go beyond the actual requirements. I am confident that the public will hail with delight the proposed legislation, as its want is already much felt.

4. Leprosy is looked upon by the Hindus as a disease brought on by Karma. Mayne, in his Hindu Law, says as follows about the exclusion of lepers from inheritance:—

"Its occurrence is looked upon as the punishment of sin, either in a present or a past existence, and produces an incapacity for inheritance from the moment it is exhibited until it is removed by expiation. Some cases of leprosy are of a mild and curable form, while others are of a virulent and aggravated type and incurable. It is only the latter form of the malady which causes inability to inherit."

Just so, the present draft aims at segregating only the class of lepers who are suffering from advanced stages of leprosy.

5. *Provisions of the Bill—Section* 1, *clause* (3).—I think the power of extending the Act to any part of India may be left to the several Local Governments without obtaining the previous sanction of the Government of India. To be of any good, the Act should, in my opinion, be extended to all municipal towns and major unions and temporarily to places where more than 20,000 people collect annually during festivals. If this view is accepted, the Government of India may issue an executive order to all Local Governments defining to what extent and in what manner the Act may be extended and the further action may be left to the Local Governments. I will, therefore, delete the phrase "with the previous sanction of the Governor-General in Council" in clause (3), section 1.

6. At Calicut, the Basel Mission is now maintaining an asylum for lepers to which the municipality makes an annual contribution. Time may come when private gentlemen may establish asylums. To provide for this, I beg to suggest the following addition to section 3:—

"The Local Government may also, if it thinks fit, issue licenses to corporate bodies and private gentlemen for the establishment of such asylums, provided they conform to the rules of Government and may withdraw such licenses."

7. *Section* 6.—The arrest without warrant may be restricted to cases wherein the pauper leper may not be able to give security.

8. *Section* 8.—This section lays down that pauper lepers can be discharged only by order of the board constituted under section 5. If, as suggested by me, the provisions of the Act are extended to places where people congregate during festivals, cases may arise where lepers who have relations with means to look after may have been declared pauper lepers by Magistrates for want of full information, as the lepers may have come from a distant place. The relative may undertake in writing to look after the leper and to keep him away from begging. If the Magistrate is satisfied with the undertaking in writing of the relative of the leper, he may himself be empowered to order the discharge of the leper. This course will also minimize the expenditure to public funds, at the cost of which alone the asylums may have to be maintained. Again, if a pauper leper is anxious to go to a *licensed* private asylum, and if the manager of the institution is willing to take him, the Magistrate may be empowered to order his discharge from the asylum constituted under the Act. I beg therefore to suggest the following addition at the end of paragraph 8 : " or by an order of the Magistrate ". In schedule C also the following addition should be made : " or by an order of the Magistrate ".

9. I will further add the following proviso to this section :—

" Provided that at any time if any friend or relative of the pauper leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of in a separate place in his house, so that he would not be allowed to beg in a public place or to do any of the acts mentioned in section 9, the Magistrate may, instead of sending him to the leper asylum, make him over to the care of such friend or relative, or, if he is already in the asylum, may discharge him. Provided also that, at the request in writing of any friend or relative of the leper, the Magistrate may send him to a licensed private asylum if the manager of the asylum agrees in writing to receive him.

" If the Magistrate thinks that the man apprehended by the police is not a pauper leper, the Magistrate should summon the relative or any person who should have charge of the leper. If, on inquiry, it appears that such relative or person has the means and is bound to maintain the leper, the Magistrate may make an order that he should be properly taken care of and should not be allowed to follow any of the callings or do any of the acts mentioned in section 9. If such relative or other person shall wilfully neglect to comply with the said order, he may be fined not exceeding Rs. 50 ".

10. The language of the proviso clearly explains the object. As in the case of a lunatic, if a family or tarwad has means it should surely maintain a leper, and keep him out of harm's way.

11. *Section* 9, *clause* (*a*).—Add the words " or jutka driver " at the end of the clause and omit " or " in line 4.

12. *Clause* (*b*).—This may be worded as follows :—

" Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug, medicine or other substance intended for human consumption or for external application to the human body.

This will embrace " compounders, " persons employed in sodawater factory, and in arrack and toddy shops and depôts."

13. *Clause* (*c*).—I will add after " bathing place " the following :—

" Or in a running stream, river or channel. "

14. *Section* 10.—In line 3, clause (*a*), add the following between the words " him and to " :—

" not to follow any of the callings or do any of the acts mentioned in section 9 or ".

(Signed) S. SWAMINATHA AIYAR.

From the Superintendent, Government Leper Hospital, to the Chief Secretary to Government, dated Madras, 26th October 1896, No. 315.

With reference to G.O., No. 1458 M., dated 1st September 1896, received direct m you, I have the honour to express the opinion that the objects aimed at in the posed Leper Act, 1896, are most salutary and the provisions of the Bill most desir- e. I concur with these provisions with the exception of the definition of " leper " en in clause 2, paragraph (1), which is as follows, viz., " leper " means any person fering from any variety of leprosy in whom the process of ulceration has com- nced. I consider this definition too restricted, it would exclude many advanced lepers who have not ulcers, but who, by reason of deformity and other conditions of leprosy, are repulsive and even dangerous to others, and who therefore should be brought within the scope of the Bill. I would advocate that the definition of a leper be extended by the addition thereto of words to the following effect, immediately after the word " commenced," viz., " or whom leprosy has rendered deformed or repulsive, even when active ulceration is absent."

There are many lepers far advanced in the disease in whom the process of ulceration is, at times, absent, the condition has been checked and the ulcers have healed, especially in cases that have been under treatment and well cared for ; and yet such cases are often loathsome and repulsive by reason of extreme deformity caused by leprosy, such as loss of fingers and toes, depilation of eyebrows and eyelashes ; staring blinded eyes, thickened greasy odorous skin, pendulous ears and hideous tuberculated features, all of which conditions may exist without the presence at times of ulcers or open sores ; amongst the 230 (or so) lepers under my charge in this asylum, I have seen those who have lost all their fingers and toes and even the whole [illegible] or feet, in whom active ulceration and open sores are often absent ; an example of such a case, *i.e.*, extreme leprous deformity without present ulceration is an inmate of the asylum now ; he has lost all the fingers of both hands, leaving bare stumps, half of one foot has disappeared, and the whole of the other together with part of the leg, and yet he has, at present, no ulcer or open sore ; such a case as this, though hideous and pitiable in his leprous deformity, would not be reached under the proposed definition of a leper in the Bill, inasmuch as ulceration is not present, and yet this man should certainly be precluded from engaging in the occupations detailed in clause 9.

In the case of another patient, an inmate for 30 years, the fingers and toes are permanently contracted and distorted from leprosy, yet here also there is no ulceration. In [illegible] he pure tubercular variety of the disease, there is frequently no ulcera- tion [illegible] time, yet persons suffering from this form are particularly loathsome and repulsive in appearance, even without ulcers ; the huge pendulous ear lobes, enlarged, nodulated, and distorted features, and the thickened greasy-looking skin, render these victims hideous to contemplate ; moreover, in this variety, the skin readily cracks and bleeds, affording increased facility for contagion ; the lungs also may be affected by leprous tubercles, in which case there would be a risk of com- municating the disease by the respiration, yet the above class of tubercular leper is not included by the proposed definition in the Bill, and a person so affected would not be precluded from engaging in the occupations mentioned in clause 9, as he has no apparent ulceration, I am of opinion, however, that such a leper should be excluded from these callings.

The presence of ulcers and open sores is doubtless very frequent amongst mendi- cant lepers, who are uncared for and exposed to privation, dirt and other irritating influences, and whose stock in trade is their filthy sores ; such lepers are, whilst trade is prosperous, not anxious for the cure, and therefore removal, of those loathsome conditions, by which they attract attention ; in the case of inmates of a leper hospital, however, ulceration is but a temporary incident, it occurs when a finger or toe loses its vitility in the course of the disease, then the member slowly ulcerates and drops off, or the dead bone works out, after which the ulcer quickly heals under appropriate care and treatment, leaving white scars, and increasing deformities, which are equally repulsive as the ulcers, and which, with other repugnant features of the disease, should unfit the victims for public exposure, and should preclude them from engaging in the trades and callings detailed in the Bill.

So long as a leper is in the incipient stage of the disease, he is not dangerous nor repugnant to the public, and need not be interfered with; but I am of opinion that every pronounced leper whose leprous symptoms would attract attention, whether he be subject to ulceration or not, should be dealt with according to the provisions of the Bill. I therefore advocate the extension of the definition of a leper as I have proposed.

(Signed) G. L. WALKER, M.D., Surgn.-Lt.-Col.,
Superintendent.

From the Chairman, Municipal Council, Madura, to the Chief Secretary to Government, dated 24th October 1896, No. 48.

With reference to G.O., No. 1458 M., dated 1st ultimo, I have the honour to submit herewith copy of resolution of the municipal council and my remarks upon the Bill which the council have desired me to make.

Section 2, *Clause* 1.—In defining the word "leper" I would suggest the omission of the words "*in whom the process of ulceration has commenced*" in the definition, as, I believe, that leprosy is contageous even before such process has commenced and that it would be inadvisable to wait till then to be able to enforce the provisions of the law. The definition would run thus: "leper means any person suffering from any variety of leprosy at any stage of the disease."

Section 6.—After this section I would suggest the introduction of the following section:—

"Every person shall be bound to give information to the nearest Magistrate or Police officer of the existence of a leper."

Because lepers may be moving all over a town and escape detection by a Police officer and a duty ought to be imposed upon the public to give this information.

Section 9.—To clause (*a*) I would suggest the addition of the following callings that of a weaver, a prostitute, a pleader and a laborer; and to clause (*b*) a seller of cooking and other utensils; and after clause (*d*) the addition of another clause (*e*) "or mixes with the public in any public assembly as in a church, temple, mosque, court, &c."

(Signed) R. FISCHER,
Chairman.

From the President, Municipal Commission, Madras, to the Chief Secretary to Government, dated 27th October 1896, G. No. 449.

With reference to G.O., No. 1458 M., dated 1st September 1896, I have the honour to forward herewith an extract from the proceedings of a general meeting of the Commissioners held on 26th instant, as also an extract from the report of the proceedings of the said meeting which appeared in this morning's issue of the *Madras Times*.

(Signed) G. M. J. MOORE, Lt.-Col.,
President.

From the Collector of South Arcot, to the Chief Secretary to Government, dated Cuddalore, 30th October 1896, Ref. on No. 372-Ver. Supl.

I have the honour to reply to G.O., No. 1458 M., dated 1st September 1896.

2. According to the census returns of 1891, the total number of lepers in this district was 1,033, of whom 829 were males and 204 were females. It is doubtful whether this was the correct number, for, as admitted by the Superintendent of Census Operations, Madras (*vide* "Census of India," 1891, Vol. XIII, page 164), "the return of lepers is undoubtedly incomplete, for since leprosy carries with it certain social disabilities, there must be great reluctance to admit the existence of the

horrible disease, and in addition to this the leper is frequently ignorant of the fact that he is a leper." However, as these are the most reliable figures available, I have adopted them, in order to show the prevalence of the disease in this district—which, being a coast district, requires special protection. Inland taluks and inland districts are known to be less liable to foster leprosy than coast taluks, and dry districts than those in which there is a high annual rainfall.

3. These 1,033 lepers were distributed according to age as follows:—

Below 10 years	14
Above 10 and below 20 years	59
„ 20 „ 40 „	362
„ 40 „ 60 „	485
Above 60 years	112
Not stated	1
Total	1,033

The distribution according to religion was as follows:—

Hindus	970 *
Jains	5
Christians	25
Mussulmans	33
Total	1,033

* Palli	312
Pariah	195
Vellala	81
Shepherd	61
Brahmins	12
Other Hindus	259
Total	970

The number of lepers in 10,000 of the population of coast and inland taluks is as follows:—

Inland taluks	4·48
Coast „	5·16
Whole district	4·78

4. These figures indicate to my mind the urgent necessity for the early introduction of a Bill similar to that on which an expression of opinion has been called for. This Bill is intended to provide for (*a*) the segregation of pauper lepers and (*b*) the control of lepers following certain callings. Taking the census classification, and assuming the Pallis and Pariahs to be "pauper" lepers, there would in this district be 507 to be dealt with under the first heading, viz., 312 Pallis and 195 Pariahs. The total number of lepers following certain callings may be taken as 130 as follows:—

Traders	82
Barbers	10
Washermen	20
Oil-pressers	3
Fishermen	10
Distillers and toddy-drawers	5
Total	130

Section 9 (*a*) and (*b*) of the Bill would effectively deal with these persons, whose numbers, as above indicated, are merely approximate.

5. As, I presume, that there is no longer any doubt as to the necessity for legislation in order to segregate pauper lepers, or to control lepers who may be following certain occupations, I refrain from making any further remarks on this aspect of the question, but to submit my opinion that the provisions of the draft Bill are well suited to meet present requirements. The definition of the word "leper" in section 2 does not, however, appear to me to be sufficiently comprehensive. It restricts the term

to persons "suffering from any variety of leprosy in whom the process of ulceration has commenced." As observed long ago by Surgeon-General Balfour in his report to Government, dated 17th July 1876, No. 415 (*vide* "sections from the records of the Madras Government," No. L-II) "Leprosy passes through successive stages, each of which has distinguishing symptoms", of which ulceration is one. The definition would therefore appear to me to require amplification so as to embrace all cases of real leprosy, in whatever stage the person to be dealt with by the Bill may happen to be at the particular time, when the provisions of the Act are sought to be applied to him. The other provisions of the Bill seem to me to be eminently adapted for the ends in view, and I venture to hope that they may soon become law and be extended to this district as to other parts of the Presidency.

6. I have delayed my reply in the hope of receiving the opinions of the District Medical and Sanitary Officer and Divisional Officers for incorporation, but as these have not yet been received and as further delay might be inconvenient to Government, I submit these remarks for such consideration as they may be considered fit to receive.

(Signed) A. E. C. STUART,
Collector.

From the Chairman, Municipal Council, Cuddapah, to the Chief Secretary to Government, dated 30th October 1896, No. 1295.

Adverting to G.O., No. 1458 M., dated the 1st September 1896, I have the honour to state that the Municipal Council, Cuddapah, have, at their meeting held on the 28th of October 1896, approved of the provisions of the draft Bill, therein referred to, for the segregation of lepers.

(Signed) M. W. ELLIOT,
Chairman.

From the Inspector-General of Registration, Madras, to the Chief Secretary to Government, dated 29th October 1896, No. 6954-G.

I have the honour to submit the following reply to G.O., No. 1458 M., dated 1st September 1896 (received by me on the 23rd idem), circulating for opinion, a draft Bill framed by the Government of India for the segregation and control of lepers.

2. The object of the Bill is to prevent lepers, in whom the process of ulceration has commenced, from begging in, or frequenting, places of public resort, or from carrying on certain trades and callings, or doing certain other acts specified in the Bill. To this end, it is proposed that vagrant lepers, who have no ostensible means of subsistence should be arrested and sent before a Magistrate, after examination by a Medical officer (Inspector of Lepers), and detained in a leper asylum until they are cured and discharged. Other lepers who pursue certain occupations, which concern the food, drink, clothing, &c., of the people generally, or who bathe, at public places, &c., or ride in public conveyances are declared liable to fine by a Magistrate, and may, on second conviction, be sent to a leper asylum, or ordered to leave the locality in which the Act may be in force.

3. The Bill thus follows the provisions of the Bengal Act V of 1895, and is very limited in its scope, and I do not think that there can be any reasonable objection to its introduction into every municipal town, and places of large fairs and festivals, and even into Local Fund Unions. The total number of lepers in this Presidency is no doubt small, viz., 12,617, or 1 in 2,824 of the population, and, if the census figures are correct, the number has actually declined since 1881, but the disease is of so loathsome a character that it seems necessary, in the interests of the general public, that those lepers at least, in whom ulceration has begun to appear, should be placed under some restraint, such as is contemplated by the Bill under reference.

4. I would suggest a few alterations in the Bill as shown below :—

(*a*) Before sending a leper to the asylum under section 8, or sentencing him to a fine under section 9, in the first instance, the Magistrate may be allowed discretionary power to discharge the leper, with a warning, provided some relative or respectable person comes forward and furnishes security to the extent of (say) Rs. 100, to take proper care of the leper and prevent him from repeating the acts mentioned in the sections referred to.

(*b*) The clause in section 10 (*a*) regarding the expulsion of lepers from the local area in which the Act is in force, should, I think, be omitted. It seems somewhat anomalous that the same enactment which provides for the segregation and control of lepers in one locality should permit these loathsome persons being thrust upon the people of another locality, without any sort of restraint or control whatever.

(*c*) The Bengal Act requires that any person who may be certified to be a leper shall be produced before a Magistrate, "without any unnecessary delay and within 24 hours, &c." The words "within 24 hours, &c.," have been omitted in clause (*b*) to section 7 of the present Bill. I think they should be inserted. The Police should not be given any discretion as to the detention of a leper for a longer period than 24 hours, exclusive of the time taken up for the journey.

5. Since the above was drafted, I had an opportunity of reading Surgeon-Lieutenant-Colonel Walker's remarks at the municipal meeting held on the 26th instant, pointing out that the definition of leper, as given in the Bill, would exclude from its scope a large number of loathsome and repulsive lepers who may be suffering from an advanced stage of the disease, with even distorted features, &c. I do not feel competent to give an opinion on this subject, but it seems necessary that the definition should be modified so as to bring within the scope of the Act all persons suffering from an advanced stage of the disease.

(Signed) P. RAJARATNA MUDALIYAR,
Inspector-General of Registration.

From the Chairman, Municipal Council, Trichinopoly, to the Chief Secretary to Government, dated 28th October 1896, No. 45.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring the draft Leper Bill for remarks, I have the honour to state that the provisions of the above Bill are approved by the municipal council with the following additions.

2. *Section* 9 (*a*).—After "domestic servant" insert "money-changer, stamp-vendor, pial teacher or schoolmaster."

Section 9 (*b*).—After "sells" insert "or is engaged in the preparation of"; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for human wear."

3. The Bill makes no provision for the separation and protection of the children of arrested female pauper lepers or for the transport by train of arrested lepers. Such provision seems desirable.

(Signed) KHADIR NAVAZ KHAN SAHIB,
Chairman.

From the Acting District Magistrate of the Chingleput District, to the Chief Secretary to Government, dated Saidapet, 1st November 1896, Dis. No. 643-Magte.

With reference to G.O., No. 1458 M. of 1st September 1896, I have the honour to state that I approve of the provisions of the Bill for the segregation of lepers, and have no suggestions to offer.

(Signed) D. D. MURDOCH,
Acting District Magistrate.

From the District Magistrate, Tanjore, to the Chief Secretary to Government, dated Camp, Negapatam, 29th October 1896, No. 61-Tour.

Referring to G.O., No. 1458 M., dated 1st September 1896, calling for remarks on the draft Leper Bill, I have the honour to state that I consider the proposed legislation to be a decided move in the right direction, and I hope that in course of time it may be possible to have a law which will be applicable to lepers other than those covered by sections 2 (2) and 9 of the draft Bill and which will tend to repress any increase in the leper population by forbidding and discouraging marriages with lepers.

2. *Section* 9.—I scarcely think that the list of occupations is sufficiently exhaustive though it would doubtless be impossible to make a list which would include all occupations which should be forbidden to lepers. After "haberdasher" I would add "weaver, cigar-maker" and after "servant" I would add "or in any like or similar occupation."

3. *Section* 10.—I would add a clause after (*a*) as follows: "require him to enter into a bond with one or more sureties binding him not to practise any of the occupations or do any of the acts mentioned in section 9 until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(Signed) J. ANDREW,
District Magistrate.

From the District Magistrate, Madura, to the Secretary to Government, Local and Municipal Department, dated 5th November 1896, Dis. No. 1013-Mgl.

With reference to G.O., No. 1458 M., dated 1st September 1896, I have the honour to say that I approve of the provisions of the Leper Bill. The only suggestion I would make is that section 9 (*a*) and (*b*) are not sufficiently comprehensive, *e.g.*, I would add butcher and dairyman to clause (*a*), and modify clause (*b*) so as to make it penal not only to sell food, &c., but also to deal with it or be concerned in any way with its distribution. If clause (*b*) remain as it is, magistrates will rule that it refers to the salesman only, and the relative or cooly who is engaged in the shop or takes out the bread, meat or milk to customers will escape.

(Signed) J. TWIGG,
District Magistrate.

From the Surgeon-General with the Government of Madras, to the Secretary to Government, Local and Municipal Department, dated Madras, 6th November 1896, No. 515.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring the draft Leper Bill for an expression of my opinion and obtaining and submitting the opinions of such Medical officers as I shall think fit, I have the honour to submit copies of the reports of Surgeon-Lieutenant Colonels O'Hara and Hackett Wilkins and Surgeon-Majors Browning and Lee.

2. I consider the Bill a good one and likely to be of benefit. I would suggest the following points for consideration:—

(i) If the words "subject to the conditions of section 61, Criminal Procedure Code," ought not to be entered after "shall" in section 7 of the proposed Act.

(ii) Under section 9 (*a*) add "money-changer, stamp-vendor, pial teacher or schoolmaster."

(iii) Under section 9 (*b*) after "sells" insert "or is engaged in the preparation of," and after "consumption" and "sells or is engaged in the manufacture of textile fabrics intended for wear."

(iv) Provision should be made for transporting arrested lepers by rail or steamer when necessary.

(Signed) C. SIBTHORPE,
Surgeon-General.

Enclosures.

From the District Medical and Sanitary Officer, Trichinopoly, to the Secretary to the Surgeon-General with the Government of Madras, dated 5th October 1896, No. 2566.

[*Reference*—Leper Bill, 1896—Current No. 893-1, dated the 29th September 1896.]

With reference to the above I have the honour to inform you that I approve the provisions of the above Bill as set forth, but that, in my opinion, the following additions and modifications would be desirable:—

Persons arrested how to be dealt with.

1. Under section 7, after "shall" insert "subject to the conditions of section 61, Criminal Procedure Code."

Practice by leper of certain occupations.

2. (*a*) Under section 9 (*a*), after "domestic servant" insert "money-changer, stamp-vendor and pial teacher or schoolmaster."

(*b*) After "sells" insert "or is engaged in the preparation of"; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for wear."

3. *Remarks.*—Section 7 of the Bill provides that every pauper leper arrested under section 6 "shall forthwith be taken before an Inspector of Lepers." Now unless the number of such Inspectors be relatively large, it is probable that the production of arrested pauper lepers before an Inspector of Lepers will not always be feasible before the expiration of 24 hours. Under these conditions it will be desirable to bring into operation the conditions of section 61, Criminal Procedure Code.

4. The inclusion under section 9 of money-changers, stamp-vendors and pial teachers and schoolmasters has been recommended from actual personal knowledge of such offices being occasionally filled by lepers.

5. The Bill makes no provision for the separation and protection of the children of arrested *female* pauper lepers. Such provision seems desirable.

6. Under the Bill, lepers are prohibited from riding in "any public conveyance." The transport by train of arrested lepers should, perhaps, be specially provided for.

(Signed) W. O'HARA, Surgn.-Lt.-Colonel,
District Medical and Sanitary Officer.

From the District Medical and Sanitary Officer, Malabar, to the Secretary to the Surgeon-General with the Government of Madras, dated Calicut, 8th October 1896, Endt. on Ct. No. 5853.

A most useful Bill, and I hope that it will soon be carried into effect.

2. The only suggestions I would like to make would be—

(i) That instead of inspectors being appointed (*vide* paragraph 4), that all qualified medical men (whether in Government employ, or private practitioner) be empowered to grant certificates, as this will prevent the unfortunate lepers being taken distances for the certificate from an Inspector.

(ii) That in the event of a person so certified objecting to the certificate, he may be permitted to appeal to the board of visitors connected with the nearest asylum.

(iii) That under paragraph 9, section (*a*) the following be added:—

"Or otherwise practises a profession or trade."

(Signed) T. J. HACKETT-WILKINS, Surgn.-Lt.-Colonel,
District Medical and Sanitary Officer.

From the Surgeon to His Excellency the Governor, to the Secretary to the Surgeon-General with the Government of Madras, dated Guindy, 26th October 1896, No. 234.

With reference to your memorandum No. 893-1, dated 24th October 1896, received this day, forwarding for my remarks the draft Leper Bill, I have the honour to observe as follows.

Although, as a medical man, I welcome the Act as showing that more attention will be directed to these unfortunate people, still it appears to me that its provisions are somewhat stringent in tone, when one bears in mind that the Leprosy Commission found, that the amount of contagion that exists is so small that it may be disregarded and that no legislation was called for on the lines of segregation, and that the figures available point strongly to a decrease in the disease; they further observed—"For India complete compulsory segregation may be considered

to be absolutely impracticable. Neither do the conclusions given above as to the nature of the disease justify any recommendation for absolute segregation. 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 * * * * It is impossible for the same reasons to advise compulsory partial isolation. Voluntary isolation is therefore the only measure left for consideration." With reference to the last sentence in the above, I would go further and say that as one is dealing generally with poor, uneducated people of a low order of intelligence, that it is justifiable, in their own interests chiefly, to use a gentle compulsion in isolating and treating them.

As I interpret the finding of the Leprosy Commission, it was that their recommendations regarding the prohibition from following certain trades, &c., *were quite apart from the dread of a possible infection* and the main object of their recommendations was to drive the leper population into rural areas, where farms, &c., would be provided and that thus, by increased material prosperity and hygiene, the disease would ultimately be stamped out. I make these remarks as I think it possible that the object of their recommendations may be lost sight of and that leper asylums might come to be regarded as prisons instead of being looked upon as havens of refuge by those suffering from the disease. From the above it is also to be inferred that any Leper Act should only apply to crowded centres—for practical purposes in India, to municipal towns only. I have no doubt as to the advisability for the provision of more leper asylums, as all evidence points to the fact that the good food, general cleanliness, &c., much improves the state and heals the sores of those afflicted with leprosy, and further that such treatment tends to ultimately stamp the disease out.

Turning now to the draft Bill itself, I do not see any provision for lepers voluntarily coming forward and being admitted into asylums. I would admit all lepers into such institutions irrespective of the type or stage of the disease. It must not be forgotten that the leper population is a small one, a little over a lac for the whole of India.

The definition "in whom the process of ulceration has commenced," section 2, paragraph 1 might be more definite; the process of ulceration may and does occur and healing of the part takes place—even though healed, such a person might be included in the above definition. The section, I presume, is intended to refer to persons who have breaches of surface at the time the examination is made. Under the Act a person, who may be hideously deformed, whose face is a mass of tubercle and whose hands have lost all semblance of symmetry, could carry on his trade provided there is no breach of surface. If the Bill is to be introduced, why not in paragraph 2, section 1, delete "In whom the process of ulceration has commenced."

With reference to paragraph 4, it would be a convenience to the affected person and to the police, if all Commissioned Medical officers were ex-officio Inspectors. In this connection, it is presumed that such Medical officers would be fully protected by law for expressing opinions or granting certificates in the case of persons brought by properly constituted authority.

With reference to paragraph 8, there are no "poor houses" nor poor laws in India. In the event of the only bread-winner of a family being incarcerated, what will become of his or her children?

With reference to paragraph 9, sections (*a*) and (*b*), I would include schoolmasters and stamp-vendors. Do these sections also include the servants of such persons as milkmen, tailors, &c.? I would make the employer responsible in such cases and would fine *him* for infringement.

I am doubtful as to the justice of "fining"—take an example—a leper, possibly a highly moral character, who takes a drink of water at a roadside hydrant is to be fined Rs. 50 on the assumption, I presume, that his or her disease is *very remotely* communicable, whereas a woman of most depraved character may go about with *absolute certainty* communicating a far worse disease and the law takes no cognizance—this would be law but no equity.

With reference to paragraph 10, section (*b*), if a man is again convicted, I cannot see the force of the word "may"; under the Act he is a leper and should again be sent to an asylum. Would it not be advisable in this connection that every one who was once admitted into an asylum should notify to the local authorities his or her abode and any change of abode.

(Signed) W. B. BROWNING, Surgeon-Major,
Surgeon to H. E. the Governor.

From Surgeon-Lieutenant Colonel W. A. LEE, to the Secretary to the Surgeon-General with the Government of Madras, dated Coonoor, 11th October 1896.

The need for such an Act as this has been proved to be an urgent and pressing one, and its early enactment is therefore an object of primary public importance.

2. In view of the positive evidence now accumulated as to the contagiousness of leprosy and the success which, in Norway, has attended the enforcement of strict isolation in arresting the

spread of the disease in that country, the measure now proposed by the Government of India, in so far as it will have a similar tendency, should be warmly welcomed as a practical and philanthropic attempt to mitigate the ravages of leprosy in India.

3. It cannot be held to be an undue interference with the liberty of the individual to check the unrestrained freedom now enjoyed by lepers in the pursuit of avocations conducive to the dessemination of their malady, or its transfer to the healthy by direct contagion.

4. I am of opinion that Medical officers who may be called on to grant certificates under this Act should be specifically protected in the *bonâ fide* exercise of their professional judgment against legal proceedings by parties considering themselves aggrieved thereby. That such immunity should be provided for seems necessary in view of the fact that, under somewhat analogous circumstances in Great Britain, viz., the granting of lunacy certificates, medical men have been subjected to actions at law.

5. It is open to consideration whether following the precedent of the Inebriates Acts, 1879 and 1888, provision should not be made for the voluntary detention for fixed periods in leper asylums of lepers not coming within the scope of the proposed Act.

(Signed) W. A. LEE, Surgn.-Lt.-Colonel.

From the Joint Magistrate of South Arcot, to the District Magistrate of South Arcot, dated 3rd November 1896, Ref. on No. 1880-Magl.

Adverting to your Ref. on No. 2039-Mag. of the 25th ultimo, I have the honour to submit my opinion regarding the provisions of the Leper Bill referred to and published in the *Fort St. George Gazette*, dated the 18th August 1896.

2. The contagiousness of leprosy is, I think, not yet conclusively established. To my mind, it appears to be questionable whether that disease is, strictly speaking, a contagious one. I personally know of Muhammadan families, two or three members of which were unmistakably affected with leprotic ulcers, and who lived together till death with the other members of the family, yet none of the others nor the domestic servants attending day and night on those lepers in the household exhibited any indication of having contracted that disease. I am aware of course that *inoculation* is possible, but I doubt whether leprosy is a desease that could be classified as contagious as small-pox, for instance. Nevertheless, I am of opinion, that, apart from the contagiousness or otherwise of the disease, it would be certainly a wholesome proceeding to bring all pauper lepers under the provisions of the Bill and to place non-paupers under certain of the restrictions contemplated as a matter of public policy and expediency. I am also fully convinced that the objects contemplated are sound, and that the provisions of the Bill are indeed calculated to safeguard the interests of the general public, while they will operate humanely on the unfortunate paupers who are victims to that loathsome disease.

3. I consider that the definition of a "leper" should not be restricted only to those cases where *ulceration* has been established, but that the term should include those in whom the disease is *obviously manifest* irrespective of the presence or absence of ulceration, because the appearance of ulceration would generally depend on the stage of the disease and on the hygienic conditions under which a leper may or may not be placed. I met in Proddattur, Jammalamadagu, Rayadrug and Ellore pauper lepers in whom the disease was well established and whose appearance was most loathsome and repulsive; nevertheless, they exhibited no signs of the breaking down of the tubercles into suppuration, while in others, I observed the scars of healed ulcers.

4. To clause 9 (*a*) I would suggest the addition of such occupations as shroff or money-changer, butcher, stationer, schoolmaster, and to (*b*) of the same clause, after the word "sells" the addition of the words "or is engaged directly in the preparation of." Regarding clause 9 (*d*), this is certainly very hard; "public conveyance" include a railway train. If riding in a public conveyance by a leper is to be penalized, then there should be some ameliorating arrangements for him to perform his journey; the Bill is defective on this point.

(Signed) MUHAMMAD RAZA KHAN,
Joint Magistrate.

5

From the Hon'ble N. SUBBARAO PANTULU Garu, to the Secretary to Government, Local and Municipal Department, dated Madras, 7th November 1896.

With reference to G.O., No. 1458 M., dated 1st September 1896, calling for an expression of my opinion on the draft Bill for the segregation of lepers, I have the honour to state that I approve of the general principles of the Bill. I understand that the Bill is mainly directed for the segregation of *pauper* lepers. Under the Bill when once a pauper leper is committed to a leper asylum with an order in Form C, there is no express provision for his release in cases where he subsequently ceases to be a pauper or where his relatives subsequently come forward and guarantee to support him. I consider that special provisions for his release under the circumstances mentioned above should be embodied in the Bill.

Again, when a person is convicted for a second time under section 10, the punishment proposed to be inflicted on him seems very severe. He may be banished from his home—it may be for ever—till he produces a certificate in Form A; or he may be sent to an asylum with an order in Form D and kept there indefinitely for life. I am strongly of opinion that the banishment from the notified area or detention in the asylum should be limited by the Magistrate himself to a fixed period not exceeding one year. Form E is in my opinion very vaguely worded and the condition imposed therein for releasing a person would, if strictly construed and sometimes in practice, be equivalent to a certificate in Form A.

(Signed) N. SUBBARAO PANTULU.

From the District Magistrate, South Canara, to the Secretary to Government, Local and Municipal Department, dated Mangalore, 10th November 1896, Dis. No. 759-Mgl.

With reference to G.O., No. 1458 M., dated 1st September 1896, on the subject of Leper Bill, I have the honour to suggest that in section 9 a clause might be added to prohibit lepers from occupying a public chattram or rest-house thus:—

(*e*) occupies any public chattram or rest-house.

2. Section 10 (*a*) prescribes bonds to be taken from a leper convicted after a previous conviction: forms of these bonds may be added to the schedule.

3. No objection to the Bill generally has come to my knowledge.

(Signed) W. H. WELSH,
District Magistrate.

From the District Magistrate, Ganjám, to the Secretary to Government, Local and Municipal Department, dated Chatrapur, 10th November 1896, Dis. No. 1693-Eng.

With reference to G.O., No. 1458 M., dated 1st September 1896, asking me as District Magistrate for my remarks on the draft Leper Bill, I have the honour to state that I have in reply to a similar call made on me personally submitted my opinion in a separate letter. I have nothing more to add; but I enclose copies of letters received from the District Sanitary and Medical Officer and Babu B. Chetterjea, Chairman of the municipality, on the subject for the perusal of Government.

(Signed) C. J. WEIR,
District Magistrate.

ENCLOSURES.

From the Acting District Medical and Sanitary Officer, Ganjám to the Collector of Ganjám, dated Berhampur, 1st November 1896, No. 2995.

With reference to your C. No. 1799-Eng. of 1896, and accompanying Leper Bill, herewith returned, I have the honour to state that, in my opinion, the enactment in the proposed Bill does not go far enough, instead of "providing for the segregation of pauper lepers and the control of lepers following certain callings" I would have it, "providing for the segregation of all persons affected with leprosy."

Segregation, as far as I am aware, is the only means that we know of by which the spread of the disease can be kept in check and ultimately diminished. I have had a slight practical experience in the treatment of lepers, having lately been in acting charge of the Leper Hospital at Madras, and, in my opinion, there is nothing of more importance for the good of the public than enforced segregation of lepers. I am of opinion that more leprous patients exist than one is aware of, that the better class of people hide their sick away and yet keep them in their midst.

The disease is a contageous one, due to a specific bacillus, but with a long period of incubation, three years, so that on this account the source of contagion is often forgotten and the patient is looked upon as having been affected by some unknown cause, *i.e.*, fist, &c., whereas I believe he is the recipient of the disease from a pre-existing case. It attacks all classes and all ages. It is now on the increase. In the middle ages it almost disappeared and in those days isolation was enforced, not in the case of a few but was a general law.

I would, therefore, recommend that any known case should be segregated and kept under strict guard.

(Signed) H. THOMSON,
Acting District Medical and Sanitary Officer.

From the District Court Pleader, Berhampur, to the Collector of Ganjám, Chatrapur, dated Berhampur, 31st October 1896.

With reference to your foot-note, Ref. No. 1799-Eng., to G.O., No. 1458 M., dated 18th September 1896, regarding the Bill for the segregation of lepers, and subsequent reminders, I have the honour to state as follows:—

In section 2 (1) a leper is defined as a person suffering from any variety of leprosy *in whom the process of ulceration has commenced.* The italics are my own. I should have (though as a layman, I say it with diffidence) the word leper includes all persons who bear on their persons the unmistakable signs of leprosy whether ulceration has commenced or not. I have known lepers who had their bodies swollen, the fingers and toes stunted, the nails disfigured, the whole body presenting a ghastly appearance, yet the discharge of purulent matter did not appear till years after and a short time before death. If you kindly enquire in your office you will learn of a case like the above—that of K. Siva Rao Pantulu, late head clerk of the Berhampur Tahsildar's office

In section 2 (2) (*b*) in the definition of "pauper leper" the words "beyond begging for charity" which I take from the statement of Objects and Reasons may be added after the word "subsistence" at the end. We are very often troubled by hopeless lepers invading our compounds to beg for alms and the addition of the words proposed would prevent begging in private houses just as section 2 (2) (*a*) would prevent begging in public places; or it would be better to add at the end the words "or beg from door to door for alms."

Section 9 (*a*) is not exhaustive, but at the same time no words such as "and the like" are added to allow of lepers following other callings than those enumerated in the section being brought within the operation of the Act. For instance, I would not allow a leper to roll tobacco into cigars [he may not be a seller himself to come under (*b*)] for public consumption or a leprous weaver or carpenter or goldsmith to exercise his calling at the risk of public health. A pleader affected with leprosy should not be allowed to communicate leprous person to his clients (I know an instance of such a pleader practising in a District and Sessions Court), nor a public servant to be retained in the public service after leprosy has appeared in him. The case of Siva Rao Pantulu mentioned above is in point.

Why should not section 9 prevent lepers from buying in the public market; for, besides their coming in contact with healthy persons, they are likely to contaminate fruits, vegetables, and other articles of human consumption by handing them just for inspection (a bad habit which is common amongst our people) whether they buy or not. Lepers should not be allowed to mingle with or loiter near crowds collected at temples, theatres or other places of public resort.

Some penal provision may, I think, be advantageously made with regard to people who may not come within the purview of section 9 but who keep lepers as servants to help them in their profession; for instance, a seller of sweetmeats or a baker may keep one suffering from leprosy to make sweetmeats or bread for him (I have seen a leper baking bread at the oven in a baker's shop at Calcutta) and our servants may go and buy the things for us without any suspicion of the danger to our healths. The manager of a theatre, a refreshment-room-keeper and the keeper of a barber's shop and the like should be liable to punishment for wilfully admitting a leper as a customer into their respective places of business.

The above remarks are some that have occurred to me after a careful perusal of the Bill. I should have liked to study the whole subject with greater attention, but there is hardly time for it.

I hope you will kindly excuse the delay I have incurred in sending this. The Government Order with your foot-note arrived here during my absence from town. It took me some time to secure a copy of the Bill which I got only yesterday. Ever since my return from Madras on the 20th instant, the present bad health of the town and my own professional work have hardly left me breathing time. Hence the delay.

(Signed) B. CHATTERJEA,
Pleader.

From the District Magistrate, Ganjám, to the Secretary to Government, Local and Municipal Department, dated Chatrapur, 10th November 1896, Dis. No. 1693.

I have the honour to submit the opinion called for in G.O., No. 1458 M., dated 1st September 1896, regarding the draft Bill for the segregation of lepers.

2. I assume that the scope of the Bill is already decided upon and is not open to discussion, but I would remark that the District Medical and Sanitary Officer whom I have consulted on the Bill and who has had experience in the Leper Hospital, Madras, considers that nothing short of the segregation of all lepers will be effectual. I believe, however, this question must have received due consideration from the Commission, and the decision which has been arrived at is doubtless based on weighty grounds.

3. Passing then to the details of the Bill, I notice from the public press that the definition of leper has already been subjected to criticism by medical experts. It seems to me that the definition might be with advantage omitted. The Bill provides for the determination by a medical expert of the question whether a man is a leper or not, and I understand that this may be determined with certainty even although ulceration be absent, unless therefore medical opinion holds that the disease is only contagious after ulceration commences. I consider the definition might be advantageously omitted or altered thus: "'Leper' means any person certified by an Inspector of Lepers to be a leper." It may be perhaps considered that this would involve a difficulty in that Police officers must have some certain rule to guide them in dealing with pauper lepers, but the Bill only requires that the subject should *appear* to be a pauper leper to give the Police officer authority to deal with him.

4. To guard against all possibility of abuse of section 6 of the Bill I think it would be well to provide that arrests should only be made by officer in charge of a Police station. Departmental rules might be passed which would compel the report to the station-house officer by the ordinary constable of all pauper lepers. This would insure that all cases of pauper lepers were reported and that they would be dealt with by an officer of presumably some discretion. This would be especially necessary if a wider significance is given to the term leper as proposed above.

5. *Section* 9.—I consider this section requires amplification and should be made more elastic. As regards section 9 (*a*) it should be made absolutely clear that any one exercising the crafts or pursuing the callings not only as a principal but also as an employé would be liable to the penal provisions of the Act. The courts would probably decide that a leper who assisted in some stage in baking or making confectionery was not working as a baker or a confectioner.

As regards section 9 (*b*) I think it would be well to add after drug "any other article." Food, drink and drug hardly cover the whole ground. The question might arise whether tobacco or betel-nut comes within any of these descriptions.

6. *Section* 9 (*c*) *and* (*d*).—These sections have, I have no doubt, their justification in expert opinion. But the question they suggest is why if these sections are justified should we stop short of segregation of all lepers. Would it not be better to at once segregate lepers than to leave them exposed to prosecution for doing what the majority of lepers must do every day in their lives, viz., wash and drink at public sources of supply. Very few lepers in India have their own bathing places and drinking sources.

7. I notice, however, that the Bill is silent as to the machinery by which the penal clauses in section 9 are to be put in operation. The police have no jurisdiction but an "accuser" seems to be necessary before any Magistrate can act. It is unlikely that the ordinary villager will come forward as an "accuser" unless the accused happens to be his enemy. I do not think the initiative should be left to an accident of this sort. I would suggest that in this Presidency every head of village should be compelled to report to the Magistrate the existence in his village of any person who appears to be a leper. The Magistrate could then institute inquiries as to whether the alleged leper was doing anything which brought him within the penal provisions of section 9 of the Bill. The Bill is silent as to where lepers are to be detained pending examination and how they are to be forwarded to leper asylums; but rules framed under the Act would no doubt deal with this subject which presents some difficulties.

8. I must apologise for the delay in replying to this reference and the crudeness of my criticisms. My time has been very fully occupied of late by the extra work the state of the season involves and I have not had time to study the subject as fully as I should have wished.

(Signed) C. J. WEIR,
District Magistrate.

From the Sanitary Commissioner for Madras, to the Secretary to Government, Local and Municipal Department, dated Fort St. George, 18th November 1896, No. 2150-S.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring for opinion the draft Bill for the segregation of lepers, I have the honour to submit herewith a memorandum thereon.

(Signed) W. G. KING, Surgn.-Lt.-Colonel,
Sanitary Commissioner.

ENCLOSURE.

MEMORANDUM by the Sanitary Commissioner for Madras on the draft Leper Bill.

(1) *Reference Section* 1, *Sub-section* (3).—The Act should be made applicable to the whole of India on a definite date in regard to matters mentioned in section 9; but, before proceeding to enforce rulings affecting leper asylums and dependent upon their existence, Local Governments should be required within a definite date to establish a *sufficient* number of centres. This period might be, say, three years after coming into force of the Act. If this measure be not adopted there will be a constant tendency for lepers to migrate to parts where the Local Governments have not elected to make a notification on account of the expenditure necessary for asylums. Under such circumstances, lepers will be hunted about from one part of the country to the other, without good to the general public in proportion to the inconvenience inflicted upon individual lepers. Thus, if it be considered that Local Governments cannot afford to follow the policy of having a *sufficient* number of asylums to work the Act properly from the outset, the Act should proceed no further than to enforce section 9.

(2) *Reference Section* 2 (1).—Considering that we yet know very little—the Leprosy Commission notwithstanding as to modes of transmission—it would not seem safe to limit the definition of leprosy to where "the process of ulceration has commenced." The mere definition would lead to much quibbling, in that ulceration followed by healing may proceed alternately from time to time. The struggle there might therefore be over the word "commenced," and the different interpretations both medical men and magistrates might give are obvious. But, if we look upon the bacillus lepræ as the prime cause of the disease, and acknowledge that we know little about its mode of transmission, it would certainly be dangerous to have at large a leper whose throat was affected, but who nevertheless had no ulceration of external parts; seeing that both with the sputa and the fœces the bacillus lepræ has been demonstrated in such cases. I would, therefore, omit from the definition the words "in whom the process of ulceration has commenced," and I think there would thus result compensation for laxity suggested under paragraph (4) of this memo

(3) *Reference Section* 6.—I think very strongly that this section should be modified so as to permit arrests only under circumstances embraced by section 9, or where the person is a "pauper leper" within the definition of section 2, sub-section (2).

(4) I would advise the Act be so arranged as to make a wide difference between a leper with ostensible means of subsistence, and without it. It may be claimed that this is illogical, and that if it be worthwhile passing an Act at all, it must embrace lepers rich and poor. I think this involves an exaggerated view of the necessity for action, and believe urgent requirements would be satisfied by segregation of those who persisted in following certain trades, exposing themselves, &c. If interference with private liberty to the extent covered by the Act, namely, that on the diagnosis formed by a policeman (!) any citizen may be arrested and detained on a charge of leprosy until the certificate of an Inspector under the Act were obtained, the correct sequel would be to confine all subject to tuberculosis. As various syphilitic and other skin diseases are frequently mistaken by the average medical practitioner for leprosy, the amount of injustice and scandal which the loose provision might lead to, is evident. A section should therefore be provided to secure control of persons with ostensible means by less harsh measures. These might be maintained in their own or other approved houses under arrangements made to the satisfaction of the Inspector under the Act. Such person would, however, be subject to sections 9, 10 and 11, but not to arrest under section 6. With the object of securing the necessary measure of segregation a leper with ostensible means should be required to appear before a Magistrate on summons being issued, on information supplied by any three rate-payers held by the Magistrate to be respectable, or by any medical officer in Government employ.

(5) *Reference Section* 9.—To *sub-section* (*a*) I would add "vaccinator" after "medical practitioner"; also "shroff, book-seller, book-binder, printer" and after "domestic servant" basket or rope maker, or any trade or occupation which involves preparation or storage of articles in whole or in part by him."

Sub-section C.—I would alter thus: "bathes at any public well or bathing place or private well or bathing place open to the use of the public, or takes water from any public drinking fountain, well, hydrant, tank or reservoir, or from any private source or adjunct of a private water-supply open to the use by the public, or from anything pertaining thereto."

[Note.—In this Presidency numerous water-supplies are maintained by private owners, who do not forfeit the right of ownership by allowing the public to use, &c., because repairs are conducted by them.]

Fort St. George,
18*th November* 1896.

(Signed) W. G. KING, Surgn.-Lt.-Colonel,
Sanitary Commissioner.

From the Chairman, Municipal Council, Kumbakónam, to the Secretary to Government, Local and Municipal Department (through the Sub-Collector and the Collector of Tanjore), dated 10th November 1896, No. 548.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to this council for opinion the draft Bill of the Hon'ble Mr. Woodburn for the segregation of lepers, I have the honour to report as follows.

The Bill was placed for consideration before the council on the 3rd October 1896, when it was referred to a sub-committee for consideration and report. The sub-committee having reported on it, the Bill was again placed with the report of the sub-committee before the council at its meeting held on the 7th instant when the resolution, copy of which is enclosed herein, was passed. The council has no doubt upon the desirability and expediency of the proposed legislation and approves generally the lines upon which the Bill has been framed. But, at the same time, it begs to offer the following suggestions on the details of the Bill as recommended by the sub-committee:—

(1) Section 2, definition 1, only includes those lepers in whom the process of ulceration has set in; but there are other equally loathsome cases of leprosy without ulceration such as swellings, lobes and other hideous and repulsive deformities and coruscations which are as bad and repulsive as ulceration. The definition should therefore be so amended as to cover cases of this sort.

(2) In section 9, clause (*a*), other cases may also be included, *e.g.*, pial schoolmaster, hawker, money-changer, stamp-vendor, compounder, weaver, shop assistant, perfumer and flower-seller.

(3) In clause (*b*) of the same section the following may be added:—

Persons engaged in the preparation of food and other articles of consumption.

(4) No right of appeal from convictions has been conferred by the Bill, and the sub-committee is of opinion that a provision conferring such a right should be insisted.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman, Municipal Council, Kumbakónam.

From the Chairman, Municipal Council, Tanjore, to the Secretary to Government, Local and Municipal Department (through the Divisional Officer, Tanjore), dated 23rd November 1896, No. 1741.

Referring to G.O., No. 1458 M., dated 1st September 1896, I have the honour to forward herewith an extract from the Proceedings of the Municipal Council, Tanjore, dated 18th November 1896, for your information.

(Signed) K. KALYANASUNDARAM AIYAR,
Chairman, Municipal Council, Tanjore.

Opinion of Hon'ble Rao Bahadur C. Jambulingam Mudaliyar Avargal, B.A., M.L., on Bill to provide for the segregation of pauper lepers.

I am in complete accord with the principle and frame work of the Bill. I, however, suggest a few minor alterations in the sections to improve the Bill.

2. *Section* 7.—This corresponds to section 8 of the Bengal Council Act, clause (*b*) of which prescribes that the lepers should be taken within 24 hours before a magistrate exclusive of the time requisite for the journey. This is a useful provision to prevent unnecessary delay and harassment to people, and is the principle adopted in the Criminal Procedure Code. I don't see any inconvenience in having the rule in the Bill; I do not see any reason for omitting such an old and well recognized rule applying to the Police. I would, therefore, have this section in conformity with the section of the Bengal Act.

Section 8.—I presume there is no intention to give power to the magistrate to question the certificate B granted by an Inspector of Lepers, and there is no need to give such power to a non-professional officer like the magistrate. If so, since form B is a certificate declaring a person to be a leper, the conditional form with which the section commences is unnecessary and redundant and likely to be misconstrued. I would alter the form of the section thus:—

"Whenever a person is produced before any magistrate, authorized in this behalf by the Local Government, with a certificate of an Inspector of Lepers in the form B, if it appears to the magistrate, on such evidence as he may think fit to require, that such person is a pauper leper, he shall, after recording his order thereon, send the pauper leper in charge of a Police officer.

Section 9.—In clause (*a*) I would add "shampooer, stationer, bookseller" Shampooer is a recognized profession in this part of India as well as in Northern India. In the Turkish baths of Delhi, Agra and other northern places, a number of them are employed to serve the customers. They are used for rubbing oil and shampooing body before bath. They must be excluded for the same reason that the barber is excluded. Bookseller and stationer must be excluded for the same reason, that the tailor, draper and haberdasher are excluded. I think it is an established theory that paper and writing materials communicate contagion in the same way as cloth. I think the section would be improved by including a general clause at the end "giving power to the Local Government to bring under prohibition by notification such other classes of people as it may deem fit from time to time."

This is necessary, as there are and there may come into existence, several professions not now known and peculiar to each province, which should be brought under prohibition if practised by a leper on the same grounds as apply to the persons included in clauses (*a*) and (*b*). The present clauses must be simply taken as illustrative of what kinds of professions require to be guarded, and should not be an exhaustive list. The best way of carrying out this is to give power to Local Government. In the Bengal Council Act, section 12, power is reserved to municipal councils with sanction of Government to enumerate by bye-laws from time to time the trades and callings from which lepers should be excluded; and there is no mention in the Act itself of any trade or calling. It will be an improvement if, as in the Bill, there is first an enumeration of some of the well-known callings from which lepers should be excluded and then a general clause empowering Government to include other callings if necessary.

Section 12.—This corresponds to section 10 of the Bengal Council Act and I think the latter is much better than the section of the Bill.

The principal differences are:—

(*a*) The Act requires that the members of the board shall *together* inspect. The Bill enables them as the wording stands to inspect separately and independently of each other if they choose. The former is better as it is the joint inspection, which enables them to consult each other and exchange views on the spot, that is useful especially for the purpose of exercising the power given to members under section 11. Individual inspection is not of much use.

(*b*) The Act provides for monthly inspection. The Bill for quarterly inspection. If the Government foresees any special inconvenience for arranging for monthly inspection as in Bengal, I have no objection for the quarterly inspection. My preference, however, is for monthly inspection.

(*c*) The Act lays down (1) a compulsory inspection of every pauper leper *admitted since the last inspection* and the order of his admission, and (2) and an inspection more or less optional of *every other* pauper leper therein, *i.e.*, admitted previous to last inspection and therefore sometime a resident in the asylum, and this is indicated by the words "as far as circumstances will permit" being made applicable to the latter case only.

(*d*) This Bill makes the inspection of every leper more or less optional, by making the words "as far as circumstances will permit" apply to the case of every leper in the asylum without reference to the time of his admission.

This is a very important difference, and I think the inspection of all recent admissions and the orders covering them must be made compulsory as in Bengal and should not be left to circumstances. The powers given in the next following section 13 are, to some extent, in the nature of supervision over the certificates of Inspector of Lepers. Because even in the case of a recent admission since the last inspection, the members of the board can order a discharge in form E, if in their opinion it is not a fit case for admission into the asylum. Therefore, if recently admitted men have not the benefit of an immediate inspection at the next visit of the members, it means that they will have to wait in the asylum till circumstances permit the members to inspect them. If it happens that some recently admitted members are not really fit men for such admission, in other words, if they are not lepers as defined in the Act, it will be inflicting upon them manifold injustice by the provisions of the Bill. The detention in the asylum is wrongful; they will be unnecessarily and unjustly prevented from attending to their professions and callings, and lastly, and this is the most important objection, men otherwise healthy will be kept in the company of lepers till it pleases the members to inspect and made to catch the contagion and become subject to the loathesome disease; and this is running counter to the purposes of the measure.

I am therefore of opinion in this matter that all recent admissions, *i.e.*, since the last visit should be compulsorily inspected at the next periodical visit with the orders of admission, and men fit for discharge should be immediately sent away under section 13. The same reasons for compulsory inspection do not exist in the case of old residents, as they would have been inspected soon after their admission and their detention proves the necessity for their residence.

Section 13.—This should be "the medical officer and one or more other member" as in the previous section; there is no need for "Medical officer and not less than two other members." If the periodical inspection of section 12 is to be made use of for the purposes of section 13 also, as I think it ought to be, the wording of section 12 must be repeated in section 13 also. Further, according to section 5, a board may consist of only three members. In this case section 13 would insist upon the visit of all three members on every occasion, which I suppose is not intended nor is it convenient and practicable. I may also point out that this view is in consonance with the provisions of sections 10 and 11 of the Bengal Act. The other provisions do not call for any remark.

From the Superintendent, Government Press, Madras, dated 7th October 1896, No. 2711.

Abstract.—Reporting the dates on which the Leper Bill was published in the *Fort St. George Gazette*.

Order—No. 336 M., dated 1st March 1897.

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

[Here enter letter No. 337 M., dated 1st March 1897.]

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

Exd. C. M. Thumbuswamy.

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

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G.O., No. 387 L., 23rd February 1897.

FEBRUARY.

Hospitals and Dispensaries for Women and Children.

Communicating to all Local Boards and Municipal Councils and the Municipal Commissioners of Madras, G.O., No. 818 L., dated 4th May 1896, declining, with remarks, to adopt the suggestion of the Dufferin Fund Committee, Madras, that all — should bear the title of "Dufferin Fund" hospitals and dispensaries.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

ORDER—No. 387 L., dated 23rd February 1897.

Government Order, Mis. No. 818 L., dated 4th May 1896, will be communicated to all Local Boards and Municipal Councils and to the Municipal Commissioners of Madras.

(True Extract.)

G. S. FORBES,
Secretary to Government.

To all Presidents of District Boards.
„ all Collectors.
„ all Chairmen of Municipal Councils.
„ the President, Municipal Commission, Madras.

Exd. A. Raitt.

APPENDIX.

G.O., Mis. No. 818 *L., dated 4th May* 1896.

Read—the following papers:—

From the Honorary Secretary, Countess of Dufferin's Fund, Madras Branch, dated 18th February 1896.

From the Surgeon-General with the Government of Madras, dated 14th March 1896, No. 219.

Order—Mis. No. 818 L., dated 4th May 1896.

The Government regrets that it is unable to adopt the suggestion of the Dufferin Fund Committee, Madras, that all hospitals and dispensaries for women and children in the mofussil in this Presidency should bear the title of "Dufferin Fund" hospitals, &c. As Lady Dufferin's efforts have a different aim and were long subsequent to the establishment in this Presidency of institutions for affording medical aid to women, the title generally used—*i.e.*, "Female" or "Women's and Children's" hospital—is more appropriate. It is believed that the terms "Caste" and "Gosha" are not generally applicable to these institutions, and it is therefore unnecessary to order their discontinuance.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Honorary Secretary, Countess of Dufferin Fund,
Madras Branch.
„ Surgeon-General.

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

Proof

For approval of the Secretary
2. orders are solicited as to whether the letter to the Govt of India & the Circulated to H.E., with reference to Office note No. 629 dy 20-3-96 (Copy pasted)

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Appd. A.S.H 5.3.97

H.E. Draft for approval

Letter, No. 337 M., 1st March 1897.

MARCH.

Press shortage as usual

Leper Bill.

Communicating

Directing that a letter be despatched to the Government of India ~~communicating~~ the views of this Government, ~~with~~ the opinions of the various officers and bodies consulted on the provisions of a Bill for the segregation of pauper lepers and the control of lepers following certain callings.

and

LOCAL AND MUNICIPAL DEPARTMENT.

LETTER—from

THE SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

SIR,

In reply to your letter of the 3rd August 1896, No. 1571, inviting an expressi of opinion on the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, I am directed to state that His Excellency the Governor in Council generally approves its provisions.

2. The Hon'ble the Judges of the High Court and certain officers and others have been consulted on the [redacted] of the Bill, and the suggestions made by them are contained in the papers enclosed, which will receive in due course the consideration of the Government of India, but the following points seem to deserve special notice :—

(1) The Bill is silent as to the manner in which the children of female pauper lepers are to be dealt with. A provision seems to be necessary to authorize the separation and protection of such children.

(2) *Section 2.*—(i) It seems desirable to amend the definition of the term "leper" given in clause (1) of this section so as to make it clear that a person in whom the process of ulceration has commenced, whether temporarily healed over or not, is also within the purview of the Act.

(ii) To prevent any possibility of doubt as to the meaning of "ostensible means of subsistence" some such words as "beyond begging for charity or from door to door for alms" may be added at the end of clause 2 (*b*) of this section.

(3) *Section 3.*—It has been suggested that a clause should be added to this section empowering Local Governments to license, under rules to be prescribed, the establishment of private asylums under the management of corporate bodies or private persons. There are no doubt special difficulties in this country in the recognition by Government of private asylums, but His Excellency in Council sees no harm in taking the requisite legal power for this purpose.

(4) *Section 4.*—The Government is inclined to approve on the ground of convenience Dr. Browing's proposal that the section should be amended so as to provide that all commissioned medical officers shall be *ex-officio* Inspectors.

(5) *Section 6.*—His Excellency in Council considers that the power of arresting pauper lepers should be confined to officers not inferior in rank to an officer in charge of a police station.

(6) *Section 7.*—It seems desirable to insert in clause (*b*) a provision similar to that contained in section 61 of the Criminal Procedure Code, in order to prevent the unnecessary detention by police officers of arrested pauper lepers.

(7) *Section 8.*—(i) In the concluding portion of paragraph 10 of its resolution No. 2 Medical/138–149, dated 23rd March 1895, the Government of India expressed the opinion that it may not be necessary to legislate for the voluntary admission of lepers in asylums, but that it 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. His Excellency the Governor in Council would recommend that a provision should be inserted authorizing the admission of such lepers into asylums in the event of there being room and of the patient's undertaking to meet all the charges.

(ii) Magistrates should also be empowered to discharge a person who having been detained as a "pauper leper," subsequently ceases to be a "pauper," either by succeeding to property or otherwise, or in consequence of a voluntary undertaking by his friends, with security to the satisfaction of the Magistrate, to maintain him. The Government does not support a suggestion made with reference to this section that the Magistrate should be able to make an order against the relatives of a leper requiring them to take proper care of him and be responsible for his not following any of the prohibited callings.

(iii) If the Local Government be empowered to recognise private asylums as suggested in paragraph 2 (3) *supra*, a provision should be inserted authorizing the Magistrate to transfer a leper to a licensed private asylum.

(8) *Section 9.*—(i) Clause (*a*) of this section should, it is considered, be amended so as to include a pial teacher or schoolmaster, cigarmaker, compounder, butcher, dairyman and vaccinator; and clause (*b*) should be recast as follows:—

"Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug or other substance intended for human consumption or for external application to the human body."

(ii) The expression "public well or bathing place" occurring in this section should be so defined as to include private wells and bathing places open to the use of the public.

(iii) The driver of a public conveyance should, it is suggested, be also brought under clause (*d*) of this section. The general prohibition of lepers from riding in public conveyances, however, is severe. Apparently the practical danger from contagion is small, at any rate from any temporary contagion such as one is exposed to by riding for a short time in the same railway carriage. The interdict might therefore be removed at any rate in the case of railway carriages, a leper being required, however, to give notice to the railway authorities so as to enable them to take steps to have the carriage swept or washed out with some disinfectant.

(9) *Section 10.*—(i) The Government does not apprehend the particular object of clause (*a*) of this section which empowers a Magistrate to banish a leper from a notified area, where presumably lepers are to be found in some numbers, to an area less frequented by them. It would seem to suffice, if under this clause a leper is required to give security not to repeat the acts or follow the callings prohibited by the Act. If this suggestion be not adopted, the procedure under which the certificate in form A required by clause (*a*) of this section can be applied for should be clearly laid down. Apparently such certificate cannot be obtained in a non- notified area for which the Act does not authorize the appointment of an Inspector of lepers, nor can the person applying for the certificate enter, under the terms of his agreement, that or any other notified area. A person more than once convicted should be entitled to apply for the certificate on production of copies of the convictions to the Inspector.

(ii) It appears desirable that every leper once admitted to an asylum should be required to notify to the local authorities his or her abode and any change of abode.

(10) *Section 14.*—It is recommended that the Magistrate should be specifically empowered to stay proceedings under section 9 pending the result of the appeal under section 14 and to discharge the individual if the appeal is successful.

(11) *Section 15.*—As observed by Mr. Justice Boddam, the Bill contains no reference to any fund out of which the leper asylums to be opened under the Act are to be maintained. His Excellency the Governor in Council would suggest that a

provision may be inserted authorizing the Local Government to require local boards and municipal councils to contribute in such proportions as it deems fit for the establishment and maintenance of these asylums.

3. The Bill and statement were published in the *Fort St. George Gazette* in English on the 18th August, in Tamil, Telugu, Canarese and Malayalam on the 6th October, and in Hindustani on the 29th September 1896.

I have the honour to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
1*st March* 1897.

Secretary to Government.

Exd. T. K. Narayana Iyengar

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

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G.O., No. 336 M., 1st March 1897.

MARCH.

Leper Bill

Directing that a letter be despatched to the Government of India communicating the views of this Government, and with the opinions of the various officers and bodies consulted, on the provisions of a Bill for the segregation of lepers & the control of lepers following certain callings.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 1458 M., dated 1st September 1896.

ABSTRACT.—Referring to the Municipal Commissioners of Madras and certain municipal councils, officers and gentlemen, for their opinion, the draft Bill for the segregation of lepers forwarded by the Government of India, and ordering its publication in the *Fort St. George Gazette*.

READ—also the following papers:—

From the Government Solicitor, dated Madras, 25th September 1896, No. 495.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated Madras, 24th September 1896:—

[*Re* the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings.]

OPINION.

On the subject of the isolation of lepers, I gave my opinion on the 13th July 1889, and have nothing to add thereto.

2. Assuming that it is considered to be inexpedient at present to do more than to provide for the segregation of pauper lepers and to prevent any lepers from following certain callings, I think that the Bill is sufficient to carry out those objects.

3. *Title and Preamble.*—I do not think that the words "*the control* of lepers following certain callings" correctly describe the effect of section 9, which *prohibits* lepers from following the callings mentioned.

4. The Bill makes no provision for the conveyance of lepers to the "Inspector of Lepers," Magistrate or Asylum. Such a provision seems to be expedient, if not necessary.

5. *Section* 10 (*a*).—I think that the lepers should be sent to the nearest asylum, and that this provision should be omitted.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

From the Acting Collector, Vizagapatam District, to the Chief Secretary to Government, dated 29th September 1896, Dis. No. 2406.

As desired in G.O., No. 1458 M., dated 1st September 1896, I have the honour to subjoin my opinions on some of the sections of the draft Bill for the segregation of lepers therewith received:—

Section 6.	Opinions
"Within any local area which has been notified under section 3 any police officer may arrest without a warrant any person who appears to him to be a pauper leper."	It seems to me that this is trusting a great deal to the discretion of the lower grades of the police. I would restrict the power of arrest to officers in charge of police stations as there can never be any urgency about the necessity for arrest.

Section 9.	Opinions.
"Provided that when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule, in respect of such person."	There is nothing laid down about the initiation of proceedings under this section. The accused, if not a *pauper* leper cannot be arrested without a warrant; presumably therefore the Magistrate must summon him on complaint.
Section 10.	
(*a*) "Require him to enter into a bond with one or more sureties, binding him to depart forthwith from the local area notified under section 3 in which he is, and not to enter that or any other local area so notified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule; or"	I do not see the object of transferring a leper to some other district, unless it is intended to work the Act only in selected districts, and to attempt the purification of the country by successive areas.

(Signed) W. O. HORNE,
Ag. Collector.

From the District Magistrate of North Arcot, to the Chief Secretary to Government, dated Chittoor, 13th October 1896, Dis. No. 1243-Magl.

In reply to G.O., No. 1458 M., dated 1st September 1896, I have the honour to state that the number of lepers according to last census was high in this district, the average per 10,000 (5·21) being considerably in excess of the average (3·89) for the whole Presidency. As in the rest of the Presidency, however, there is a decline in the numbers affected when a comparison is made with the previous census ten years before. The report of the Leprosy Commission has not been supplied to this office, but I believe the conclusions arrived at were that, though the disease is contagious, it is so only to a small extent. I do not think leprosy is so common in this district as to require coercive measures.

2. The draft Bill circulated seems to me to require amendments. Parts of it are not intelligible.

Section 8.—If the Magistrate finds that the person arrested is a leper, but not a pauper, he is, I presume, to discharge him. This should be stated.

Section 9.—I think a person sent to an Inspector of Lepers under the proviso to this section and found not to be a leper is entitled to a certificate in form A.

Section 10.—*Vide* remarks on section 14.

Section 14—is altogether unintelligible; I do not understand what "has refused to issue a certificate in form A" refers to. Under section 7 either a certificate in form A or a certificate in form B must issue when a person is produced. There is no alternative. The only section that can be meant, therefore, is section 10 (*a*). But the machinery under which a certificate in form A can be applied for and obtained is not explained. Again, such a certificate can only be obtained in a non-notified area, because the leper cannot enter a notified area, but it is doubtful if an Inspector of Lepers can be appointed under section 4 elsewhere than in a notified area, because the Act will not be in force in such locality—section 1 (3). The provision in respect of the issue of a certificate in form B is equally obscure. Since the section relates only to non-paupers, it refers only to section 9. But, on the issue of a certificate in form B, the Magistrate would at once proceed with the case and possibly convict. In the event of the appeal in section 14 being successful, what is to be the result? The case under section 9 would be governed by the ordinary rules of criminal procedure and the result of an appeal under section 14 could not be imported thereinto without a special provision to that effect.

(Signed) S. H. WYNNE,
District Magistrate.

From the Collector of the Kistna District, to the Chief Secretary to Government, dated Masulipatam, 10th October 1896.

In accordance with G.O., No. 1458 M., dated 1st September 1896, which reached me only on 27th September, I have the honour to report that I approve of the provisions of the draft Leper Bill therewith forwarded.

2. I am in some doubt whether the ultimate object of the Bill is to protect society from risk of the spread of a loathsome and incurable disease, or from the mere annoyance and disgust entailed by the public exhibition thereof. In the Statement of Objects and Reasons it is said that the expediency of segregating pauper lepers, and of forbidding lepers generally from following certain trades and callings, was urged by the Leprosy Commission, and the Hon'ble Mr. Woodburn in moving for leave to introduce the Bill remarked that the Leprosy Commission pressed these two questions "very earnestly" on the Government of India. But one of the conclusions arrived at by the Commissioners was that leprosy is not proved to be contagious; and as one consequence they reported that "no legislation is called for on the lines either of segregation or of interdiction of marriages with lepers" (Report, page 265).

3. A perusal of the report of the Leprosy Commission, it must however be admitted, yields very unsatisfactory results, and one most extraordinary circumstance is that the Commissioners' own recommendations (pages 385, sqq.) ran so entirely counter to their findings on the evidence placed before them. They found that leprosy is not contagious and that segregation is unnecessary. Yet their first practical suggestion (page 385) is that—"segregation may be voluntary or compulsory, and in either instance partial or complete", and two pages later—"The Commissioners recommend the adoption of a voluntary isolation as extensive as local circumstances allow." What exact signification is to be attached to the word "voluntary" may be gathered from a recommendation on page 388—"The authorities should have the power of ordering lepers infringing the regulations (as to begging and following certain callings) either to return to their homes or to enter an asylum." Again, the Commissioners found that the disease could not be communicated through the medium of food; yet on page 387 they express the opinion "that the sale of articles of food and drink by lepers should be prohibited." The Commissioners do not believe that even in the intimate relationship of married life the chance of contagion is "worthy of serious practical consideration" (pages 286–87), yet they recommend (page 387) that lepers "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", adding, however, this curious qualification "quite apart from the dread of a possible infection."

4. Whether the Government of India, accepting the entirely negative finding of the Leprosy Commission to the effect that there is no proof that leprosy is contagious, has deemed it advisable to bring in the present Bill *pro majore cautela*, or whether that Government in view of other evidence and other opinions has rejected the cardinal finding of the Commission, or whether the Bill is intended not to check a disease but to abate a nuisance, is not a matter of great moment. Whatever be the object, I believe that the vast majority of the people of this country, so far as they do not view it with indifference, will approve of the Bill. In any case it is not an enactment that can have any very extensive applicability. The total number of lepers in the Madras Presidency is only 12,617, and of these there is but little likelihood of any of the following coming within the scope of the Bill—agriculturists (6,445), professionals (567), commercial (1,067). A very small minority of the artizans (3,402), and among vagrants, &c., the beggars (45), are the only lepers whom the new law is likely to affect.

Sections 6, 7 and 8 are likely to be the most commonly employed portions of the Act; and there is good reason to believe that among the people of the country, more especially the educated classes, there is an increasing feeling of disgust and reprobation of the practice of exhibiting loathsome diseases for the purpose of extracting alms.

5. Those native gentlemen whom I have consulted have questioned the advisability of some of the provisions of the Bill, as being unnecessarily severe on an unfortunate class. Such are—the prohibition of the calling of domestic servant—section 9 (*a*); of riding in any public conveyance—section 9 (*c*); the absolute discretion conferred by section 10 (*a*) to banish from the local area; the denial of the right of appeal to a pauper leper (section 14).

6. But my own opinion is that the Bill is justifiable either on the hypothesis that leprosy is a contagious disease, or on the ground of the admittedly horrible nature of the scourge. And if it be admitted that legislation for the purpose of extirpating the evil is justifiable, it follows that the measures adopted must be adequate. So far from deprecating any of the provisions of the Bill, I am inclined to think that it will be advisable before long to proceed further, so as to bring under control those lepers to whom the present Bill does not apply.

(Signed) J. N. ATKINSON,
Collector.

From the District Magistrate, Gódávari, to the Chief Secretary to Government, dated Cocanada, 16th October 1896, Cur. No. 741.

With reference to G.O., No. 1458 M., dated 1st September 1896, forwarding for remarks the draft Bill for the segregation of lepers, I have to point out that by the provision of section 9 (*c*) it is practically made a criminal offence for a leper to drink water. In most large towns, which would presumably be the local areas referred to, the only sources of drinking-water are, as a rule, public, and circumstances can easily be imagined under which a leper could not get any one to draw water for him.

(Signed) G. W. ELPHINSTONE,
District Magistrate.

From the Acting District Magistrate, Malabar, to the Chief Secretary to Government, dated Calicut, 18th October 1896, No. 1551-Magl.

In reply to G.O., No. 1458 M., dated 1st September 1896, I have the honour to state that some legislation with respect to lepers is greatly wanted in parts of this Presidency. At Mangalore there is an excellent leper hospital, managed by the Jesuit Fathers. But it was very difficult to make the lepers who infested the streets resort to the hospital or remain there after admission. They preferred to live by begging and the discipline of the hospital was irksome to them. I am therefore of opinion that the introduction of the proposed Bill is very necessary.

2. No additions or alterations in the Bill suggest themselves to me.

(Signed) G. W. DANCE,
Ag. District Magistrate.

From the Chairman, Municipal Council, Calicut, to the Chief Secretary to Government, dated 20th October 1896, No. 1241.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to certain municipal councils, for their opinion, the draft Bill for the segregation of lepers, I have the honour to forward herewith copy of a resolution of the municipal council passed at a meeting held on the 13th instant.

(Signed) S. SWAMINATHA AIYAR,
Chairman.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 13th October 1896.

* * * * *

2. Read again resolution No. 14 of the municipal council, dated 3rd October 1896.

Read also G.O., Mis. No. 1458 M., dated 1st September 1896, referring to the Municipal Commissioners of Madras, and certain municipal councils, officers and gentlemen, for their opinion, the draft Bill for the segregation of lepers forwarded by the Government of India and ordering its publication in the *Fort St. George Gazette*.

Resolution.—The council thinks that legislation for the segregation of lepers is necessary and they approve of the draft Bill subject to the following suggestions :—

"Clause (*d*) of section 9 may be amended so as to admit of exceptions under special circumstances as, for instance, by engaging a special compartment in train."

"Provision to obtain the presence of a leper as a witness or as a party in courts should be made."

From the Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated 21st October 1896, Dis. No. 817.

With reference to G.O., No. 1458 M., dated 1st September 1896, forwarding, for favour of opinion of the Hon'ble the Judges of the High Court, a Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, I am directed to forward a transcript of the minutes recorded by the Hon'ble the Chief Justice and Justices Benson and Boddam, and to state that the Hon'ble Justices Shephard, Subramania Aiyar and Davies have no observations to offer on the Bill.

(Signed) D. W. G. COWIE,
Registrar.

Enclosure.

Minutes.

The Chief Justice.—I strongly approve of this Bill, but I do not think section 9 is sufficiently exhaustive I would not allow a leper to practise as a legal practitioner in a Court of Justice. It may possibly be open to doubt whether the term "rides in any public conveyance" means as a passenger only and does or does not include the driver of such vehicle. Again, why should a leper be allowed to be a schoolmaster? Many other occupations will doubtless present themselves which it would be well to exclude lepers from. I suggest that section 9 be reconsidered.

Mr. Justice Benson.—Assuming that the control of lepers generally, and the segregation of pauper lepers, are measures necessary for the protection of the community—a question for medical and sanitary, rather than legal, experts—I am of opinion that the proposed law is well designed to effect the object in view and is not open to objection as too stringent a measure.

In the way of verbal criticism I have only the following remarks to make :—

Section 4.—I doubt if there is any necessity to enact that the persons therein specified shall be deemed to be public servants within the meaning of section 21, Indian Penal Code. The latter part of the 9th category enumerated in section 21, Indian Penal Code, seems to include the persons specified in section 4 of the Bill.

Section 9.—For the information of the public as well as for the guidance of the Magistrates and officers enforcing the law, it is desirable that the meaning of "public" in this section should be made clear by definition or by illustration or by both. Complete definition is far from easy, but it is desirable that the range of doubtful cases should be narrowed as far as possible by the legislature rather than by the slow process of judicial decisions under the Act.

Section 12.—The words "*so detained* since the last visit of the board" include every inmate of the asylum at the time of the visit, but the provision is apparently only intended to refer to persons *admitted* to the asylum since the last visit of the board. If this view is correct, the word "admitted" should be substituted for the words "so detained".

Mr. Justice Boddam.—This Bill contains no reference to any fund out of which the proposed leper asylum is to be maintained or the officers appointed for the purpose of carrying out its provisions are to be paid. The power given by section 15 to the Local Government to make rules is not wide enough to embrace this.

The power given by section 6 to the police to arrest pauper lepers is left entirely in their option. If it is intended to be made a part of their duty to arrest any person who appears to be a pauper leper, the word "shall" should be substituted for the word "may". If it is not intended to make it a part of the duty of the police to arrest pauper lepers, then the Bill should be amended by adding the process by which pauper lepers are to be brought before the Inspector of Lepers or the Magistrate. As the Bill stands at present, unless the police arrest them, pauper lepers may remain at large unmolested.

Section 9 should be extended to include in (*b*) all articles intended for use by man and in (*d*) the driver or conductor of a public conveyance.

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Rao Sahib, to the Chief Secretary to Government, dated Calicut, 24th October 1896.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to me for opinion the draft Bill for the segregation of lepers, I have the honour to submit my views as follows.

2. *First as to the necessity for the Bill.*—It has long been felt that people *afflicted with infectious and loathsome diseases* should be removed from public thoroughfares and placed in asylums suitable to their condition. Leprosy is certainly one of those diseases, though there may be difference of opinion as to the degree of infection. People have long felt the necessity for asylums for lepers, and at the present moment there are two leper asylums in this district and in the Travancore territory—one at Calicut and the other, the Lazaretto at Palliport. There is, besides, a leper asylum in the Island of Minicoy. In the absence of statutory law, people suffering from advanced, and specially dangerous stages of leprosy, with running sores, are seen daily seated on the road side soliciting alms. They mix freely with the people; and I have seen a Mappilla leper full of running sores, whose legs and arms are bandaged, going to bazaars where cakes and coffee are sold and touching the eatables and drinking coffee in tumblers which are freely used by others the next moment. Surely, there is the danger of infecting other people by the poison from the running sore or ulcer.

3. The proposed legislation is based on moderate lines and does not go beyond the actual requirements. I am confident that the public will hail with delight the proposed legislation, as its want is already much felt.

4. Leprosy is looked upon by the Hindus as a disease brought on by Karma. Mayne, in his Hindu Law, says as follows about the exclusion of lepers from inheritance :—

"Its occurrence is looked upon as the punishment of sin, either in a present or a past existence, and produces an incapacity for inheritance from the moment it is exhibited until it is removed by expiation. Some cases of leprosy are of a mild and curable form, while others are of a virulent and aggravated type and incurable. It is only the latter form of the malady which causes inability to inherit."

Just so, the present draft aims at segregating only the class of lepers who are suffering from advanced stages of leprosy.

5. *Provisions of the Bill—Section* 1, *clause* (3).—I think the power of extending the Act to any part of India may be left to the several Local Governments without obtaining the previous sanction of the Government of India. To be of any good, the Act should, in my opinion, be extended to all municipal towns and major unions and temporarily to places where more than 20,000 people collect annually during festivals. If this view is accepted, the Government of India may issue an executive order to all Local Governments defining to what extent and in what manner the Act may be extended and the further action may be left to the Local Governments. I will, therefore, delete the phrase "with the previous sanction of the Governor-General in Council" in clause (3), section 1.

6. At Calicut, the Basel Mission is now maintaining an asylum for lepers to which the municipality makes an annual contribution. Time may come when private gentlemen may establish asylums. To provide for this, I beg to suggest the following addition to section 3 :—

"The Local Government may also, if it thinks fit, issue licenses to corporate bodies and private gentlemen for the establishment of such asylums, provided they conform to the rules of Government and may withdraw such licenses."

7. *Section* 6.—The arrest without warrant may be restricted to cases wherein the pauper leper may not be able to give security.

8. *Section* 8.—This section lays down that pauper lepers can be discharged only by order of the board constituted under section 5. If, as suggested by me, the provisions of the Act are extended to places where people congregate during festivals, cases may arise where lepers who have relations with means to look after may have been declared pauper lepers by Magistrates for want of full information, as the lepers may have come from a distant place. The relative may undertake in writing to look after the leper and to keep him away from begging. If the Magistrate is satisfied with the undertaking in writing of the relative of the leper, he may himself be empowered to order the discharge of the leper. This course will also minimize the expenditure to public funds, at the cost of which alone the asylums may have to be maintained. Again, if a pauper leper is anxious to go to a *licensed* private asylum, and if the manager of the institution is willing to take him, the Magistrate may be empowered to order his discharge from the asylum constituted under the Act. I beg therefore to suggest the following addition at the end of paragraph 8: "or by an order of the Magistrate". In schedule C also the following addition should be made: "or by an order of the Magistrate".

9. I will further add the following proviso to this section:—

"Provided that at any time if any friend or relative of the pauper leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of in a separate place in his house, so that he would not be allowed to beg in a public place or to do any of the acts mentioned in section 9, the Magistrate may, instead of sending him to the leper asylum, make him over to the care of such friend or relative, or, if he is already in the asylum, may discharge him. Provided also that, at the request in writing of any friend or relative of the leper, the Magistrate may send him to a licensed private asylum if the manager of the asylum agrees in writing to receive him.

"If the Magistrate thinks that the man apprehended by the police is not a pauper leper, the Magistrate should summon the relative or any person who should have charge of the leper. If, on inquiry, it appears that such relative or person has the means and is bound to maintain the leper, the Magistrate may make an order that he should be properly taken care of and should not be allowed to follow any of the callings or do any of the acts mentioned in section 9. If such relative or other person shall wilfully neglect to comply with the said order, he may be fined not exceeding Rs. 50".

10. The language of the proviso clearly explains the object. As in the case of a lunatic, if a family or tarwad has means it should surely maintain a leper, and keep him out of harm's way.

11. *Section* 9, *clause* (*a*).—Add the words "or jutka driver" at the end of the clause and omit "or" in line 4.

12. *Clause* (*b*).—This may be worded as follows:—

"Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug, medicine or other substance intended for human consumption or for external application to the human body.

This will embrace "compounders," persons employed in sodawater factory, and in arrack and toddy shops and depôts."

13. *Clause* (*c*).—I will add after "bathing place" the following:—

"Or in a running stream, river or channel."

14. *Section* 10.—In line 3, clause (*a*), add the following between the words "him and to":—

"not to follow any of the callings or do any of the acts mentioned in section 9 or".

(Signed) S. SWAMINATHA AIYAR.

From the Superintendent, Government Leper Hospital, to the Chief Secretary to Government, dated Madras, 26th October 1896, No. 315.

With reference to G.O., No. 1458 M., dated 1st September 1896, received direct from you, I have the honour to express the opinion that the objects aimed at in the proposed Leper Act, 1896, are most salutary and the provisions of the Bill most desirable. I concur with these provisions with the exception of the definition of "leper" given in clause 2, paragraph (1), which is as follows, viz., "leper" means any person suffering from any variety of leprosy in whom the process of ulceration has commenced. I consider this definition too restricted, it would exclude many advanced lepers who have not ulcers, but who, by reason of deformity and other conditions of leprosy, are repulsive and even dangerous to others, and who therefore should be brought within the scope of the Bill. I would advocate that the definition of a leper be extended by the addition thereto of words to the following effect, immediately after the word "commenced," viz., "or whom leprosy has rendered deformed or repulsive, even when active ulceration is absent."

There are many lepers far advanced in the disease in whom the process of ulceration is, at times, absent, the condition has been checked and the ulcers have healed, especially in cases that have been under treatment and well cared for; and yet such cases are often loathsome and repulsive by reason of extreme deformity caused by leprosy, such as loss of fingers and toes, depilation of eyebrows and eyelashes; staring blinded eyes, thickened greasy odorous skin, pendulous ears and hideous tuberculated features, all of which conditions may exist without the presence at times of ulcers or open sores; amongst the 230 (or so) lepers under my charge in this asylum, I have seen those who have lost all their fingers and toes and even the whole hands or feet, in whom active ulceration and open sores are often absent; an example of such a case, *i.e.*, extreme leprous deformity without present ulceration is an inmate of the asylum now; he has lost all the fingers of both hands, leaving bare stumps, half of one foot has disappeared, and the whole of the other together with part of the leg, and yet he has, at present, no ulcer or open sore; such a case as this, though hideous and pitiable in his leprous deformity, would not be reached under the proposed definition of a leper in the Bill, inasmuch as ulceration is not present, and yet this man should certainly be precluded from engaging in the occupations detailed in clause 9.

In the case of another patient, an inmate for 30 years, the fingers and toes are permanently contracted and distorted from leprosy, yet here also there is no ulceration. In cases of the pure tubercular variety of the disease, there is frequently no ulceration at any time, yet persons suffering from this form are particularly loathsome and repulsive in appearance, even without ulcers; the huge pendulous ear lobes, enlarged, nodulated, and distorted features, and the thickened greasy-looking skin, render these victims hideous to contemplate; moreover, in this variety, the skin readily cracks and bleeds, affording increased facility for contagion; the lungs also may be affected by leprous tubercles, in which case there would be a risk of communicating the disease by the respiration, yet the above class of tubercular leper is not included by the proposed definition in the Bill, and a person so affected would not be precluded from engaging in the occupations mentioned in clause 9, as he has no apparent ulceration, I am of opinion, however, that such a leper should be excluded from these callings.

The presence of ulcers and open sores is doubtless very frequent amongst mendicant lepers, who are uncared for and exposed to privation, dirt and other irritating influences, and whose stock in trade is their filthy sores; such lepers are, whilst trade is prosperous, not anxious for the cure, and therefore removal, of those loathsome conditions, by which they attract attention; in the case of inmates of a leper hospital, however, ulceration is but a temporary incident, it occurs when a finger or toe loses its vitility in the course of the disease, then the member slowly ulcerates and drops off, or the dead bone works out, after which the ulcer quickly heals under appropriate care and treatment, leaving white scars, and increasing deformities, which are equally repulsive as the ulcers, and which, with other repugnant features of the disease, should unfit the victims for public exposure, and should preclude them from engaging in the trades and callings detailed in the Bill.

So long as a leper is in the incipient stage of the disease, he is not dangerous nor repugnant to the public, and need not be interfered with; but I am of opinion that every pronounced leper whose leprous symptoms would attract attention, whether he be subject to ulceration or not, should be dealt with according to the provisions of the Bill. I therefore advocate the extension of the definition of a leper as I have proposed.

(Signed) G. L. WALKER, M.D., Surgn.-Lt.-Col.,
Superintendent.

From the Chairman, Municipal Council, Madura, to the Chief Secretary to Government, dated 24th October 1896, No. 48.

With reference to G.O., No. 1458 M., dated 1st ultimo, I have the honour to submit herewith copy of resolution of the municipal council and my remarks upon the Bill which the council have desired me to make.

Section 2, *Clause* 1.—In defining the word "leper" I would suggest the omission of the words "*in whom the process of ulceration has commenced*" in the definition, as, I believe, that leprosy is contageous even before such process has commenced and that it would be inadvisable to wait till then to be able to enforce the provisions of the law. The definition would run thus: "leper means any person suffering from any variety of leprosy at any stage of the disease."

Section 6.—After this section I would suggest the introduction of the following section:—

"Every person shall be bound to give information to the nearest Magistrate or Police officer of the existence of a leper."

Because lepers may be moving all over a town and escape detection by a Police officer and a duty ought to be imposed upon the public to give this information.

Section 9.—To clause (*a*) I would suggest the addition of the following callings that of a weaver, a prostitute, a pleader and a laborer; and to clause (*b*) a seller of cooking and other utensils; and after clause (*d*) the addition of another clause (*e*) "or mixes with the public in any public assembly as in a church, temple, mosque, court, &c."

(Signed) R. FISCHER,
Chairman.

From the President, Municipal Commission, Madras, to the Chief Secretary to Government, dated 27th October 1896, G. No. 449.

With reference to G.O., No. 1458 M., dated 1st September 1896, I have the honour to forward herewith an extract from the proceedings of a general meeting of the Commissioners held on 26th instant, as also an extract from the report of the proceedings of the said meeting which appeared in this morning's issue of the *Madras Times*.

(Signed) G. M. J. MOORE, Lt.-Col.,
President.

From the Collector of South Arcot, to the Chief Secretary to Government, dated Cuddalore, 30th October 1896, Ref. on No. 372-Ver. Supl.

I have the honour to reply to G.O., No. 1458 M., dated 1st September 1896.

2. According to the census returns of 1891, the total number of lepers in this district was 1,033, of whom 829 were males and 204 were females. It is doubtful whether this was the correct number, for, as admitted by the Superintendent of Census Operations, Madras (*vide* "Census of India," 1891, Vol. XIII, page 164), "the return of lepers is undoubtedly incomplete, for since leprosy carries with it certain social disabilities, there must be great reluctance to admit the existence of the

horrible disease, and in addition to this the leper is frequently ignorant of the fact that he is a leper." However, as these are the most reliable figures available, I have adopted them, in order to show the prevalence of the disease in this district—which, being a coast district, requires special protection. Inland taluks and inland districts are known to be less liable to foster leprosy than coast taluks, and dry districts than those in which there is a high annual rainfall.

3. These 1,033 lepers were distributed according to age as follows:—

Below 10 years	14
Above 10 and below 20 years	59
„ 20 „ 40 „	362
„ 40 „ 60 „	485
Above 60 years	112
Not stated	1
Total	1,033

The distribution according to religion was as follows:—

Hindus	970
Jains	5
Christians	25
Mussulmans	33
Total	1,033

• Palli	312
Pariah	195
Vellala	81
Shepherd	61
Brahmins	12
Other Hindus	259
Total	970

The number of lepers in 10,000 of the population of coast and inland taluks is as follows:—

Inland taluks	4·48
Coast „	5·16
Whole district	4·78

4. These figures indicate to my mind the urgent necessity for the early introduction of a Bill similar to that on which an expression of opinion has been called for. This Bill is intended to provide for (*a*) the segregation of pauper lepers and (*b*) the control of lepers following certain callings. Taking the census classification, and assuming the Pallis and Pariahs to be "pauper" lepers, there would in this district be 507 to be dealt with under the first heading, viz., 312 Pallis and 195 Pariahs. The total number of lepers following certain callings may be taken as 130 as follows:—

Traders	82
Barbers	10
Washermen	20
Oil-pressers	3
Fishermen	10
Distillers and toddy-drawers	5
Total	130

Section 9 (*a*) and (*b*) of the Bill would effectively deal with these persons, whose numbers, as above indicated, are merely approximate.

5. As, I presume, that there is no longer any doubt as to the necessity for legislation in order to segregate pauper lepers, or to control lepers who may be following certain occupations, I refrain from making any further remarks on this aspect of the question, but to submit my opinion that the provisions of the draft Bill are well suited to meet present requirements. The definition of the word "leper" in section 2 does not, however, appear to me to be sufficiently comprehensive. It restricts the term

to persons "suffering from any variety of leprosy in whom the process of ulceration has commenced." As observed long ago by Surgeon-General Balfour in his report to Government, dated 17th July 1876, No. 415 (*vide* "sections from the records of the Madras Government," No. L-II) "Leprosy passes through successive stages, each of which has distinguishing symptoms", of which ulceration is one. The definition would therefore appear to me to require amplification so as to embrace all cases of real leprosy, in whatever stage the person to be dealt with by the Bill may happen to be at the particular time, when the provisions of the Act are sought to be applied to him. The other provisions of the Bill seem to me to be eminently adapted for the ends in view, and I venture to hope that they may soon become law and be extended to this district as to other parts of the Presidency.

6. I have delayed my reply in the hope of receiving the opinions of the District Medical and Sanitary Officer and Divisional Officers for incorporation, but as these have not yet been received and as further delay might be inconvenient to Government, I submit these remarks for such consideration as they may be considered fit to receive.

(Signed) A. E. C. STUART,
Collector.

From the Chairman, Municipal Council, Cuddapah, to the Chief Secretary to Government, dated 30th October 1896, No. 1295.

Adverting to G.O., No. 1458 M., dated the 1st September 1896, I have the honour to state that the Municipal Council, Cuddapah, have, at their meeting held on the 28th of October 1896, approved of the provisions of the draft Bill, therein referred to, for the segregation of lepers.

(Signed) M. W. ELLIOT,
Chairman.

From the Inspector-General of Registration, Madras, to the Chief Secretary to Government, dated 29th October 1896, No. 6954-G.

I have the honour to submit the following reply to G.O., No. 1458 M., dated 1st September 1896 (received by me on the 23rd idem), circulating for opinion, a draft Bill framed by the Government of India for the segregation and control of lepers.

2. The object of the Bill is to prevent lepers, in whom the process of ulceration has commenced, from begging in, or frequenting, places of public resort, or from carrying on certain trades and callings, or doing certain other acts specified in the Bill. To this end, it is proposed that vagrant lepers, who have no ostensible means of subsistence should be arrested and sent before a Magistrate, after examination by a Medical officer (Inspector of Lepers), and detained in a leper asylum until they are cured and discharged. Other lepers who pursue certain occupations, which concern the food, drink, clothing, &c., of the people generally, or who bathe, at public places, &c., or ride in public conveyances are declared liable to fine by a Magistrate, and may, on second conviction, be sent to a leper asylum, or ordered to leave the locality in which the Act may be in force.

3. The Bill thus follows the provisions of the Bengal Act V of 1895, and is very limited in its scope, and I do not think that there can be any reasonable objection to its introduction into every municipal town, and places of large fairs and festivals, and even into Local Fund Unions. The total number of lepers in this Presidency is no doubt small, viz., 12,617, or 1 in 2,824 of the population, and, if the census figures are correct, the number has actually declined since 1881, but the disease is of so loathsome a character that it seems necessary, in the interests of the general public, that those lepers at least, in whom ulceration has begun to appear, should be placed under some restraint, such as is contemplated by the Bill under reference.

4. I would suggest a few alterations in the Bill as shown below:—

(*a*) Before sending a leper to the asylum under section 8, or sentencing him to a fine under section 9, in the first instance, the Magistrate may be allowed discretionary power to discharge the leper, with a warning, provided some relative or respectable person comes forward and furnishes security to the extent of (say) Rs. 100, to take proper care of the leper and prevent him from repeating the acts mentioned in the sections referred to.

(*b*) The clause in section 10 (*a*) regarding the expulsion of lepers from the local area in which the Act is in force, should, I think, be omitted. It seems somewhat anomalous that the same enactment which provides for the segregation and control of lepers in one locality should permit these loathsome persons being thrust upon the people of another locality, without any sort of restraint or control whatever.

(*c*) The Bengal Act requires that any person who may be certified to be a leper shall be produced before a Magistrate, "without any unnecessary delay and within 24 hours, &c." The words "within 24 hours, &c.," have been omitted in clause (*b*) to section 7 of the present Bill. I think they should be inserted. The Police should not be given any discretion as to the detention of a leper for a longer period than 24 hours, exclusive of the time taken up for the journey.

5. Since the above was drafted, I had an opportunity of reading Surgeon-Lieutenant-Colonel Walker's remarks at the municipal meeting held on the 26th instant, pointing out that the definition of leper, as given in the Bill, would exclude from its scope a large number of loathsome and repulsive lepers who may be suffering from an advanced stage of the disease, with even distorted features, &c. I do not feel competent to give an opinion on this subject, but it seems necessary that the definition should be modified so as to bring within the scope of the Act all persons suffering from an advanced stage of the disease.

(Signed) P. RAJARATNA MUDALIYAR,
Inspector-General of Registration.

From the Chairman, Municipal Council, Trichinopoly, to the Chief Secretary to Government, dated 28th October 1896, No. 45.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring the draft Leper Bill for remarks, I have the honour to state that the provisions of the above Bill are approved by the municipal council with the following additions.

2. *Section* 9 (*a*).—After "domestic servant" insert "money-changer, stamp-vendor, pial teacher or schoolmaster."

Section 9 (*b*).—After "sells" insert "or is engaged in the preparation of"; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for human wear."

3. The Bill makes no provision for the separation and protection of the children of arrested female pauper lepers or for the transport by train of arrested lepers. Such provision seems desirable.

(Signed) KHADIR NAVAZ KHAN SAHIB,
Chairman.

From the Acting District Magistrate of the Chingleput District, to the Chief Secretary to Government, dated Saidapet, 1st November 1896, Dis. No. 643-Magte.

With reference to G.O., No. 1458 M. of 1st September 1896, I have the honour to state that I approve of the provisions of the Bill for the segregation of lepers, and have no suggestions to offer.

(Signed) D. D. MURDOCH,
Acting District Magistrate.

From the District Magistrate, Tanjore, to the Chief Secretary to Government, dated Camp, Negapatam, 29th October 1896, No. 61-Tour.

Referring to G.O., No. 1458 M., dated 1st September 1896, calling for remarks on the draft Leper Bill, I have the honour to state that I consider the proposed legislation to be a decided move in the right direction, and I hope that in course of time it may be possible to have a law which will be applicable to lepers other than those covered by sections 2 (2) and 9 of the draft Bill and which will tend to repress any increase in the leper population by forbidding and discouraging marriages with lepers.

2. *Section* 9.—I scarcely think that the list of occupations is sufficiently exhaustive though it would doubtless be impossible to make a list which would include all occupations which should be forbidden to lepers. After "haberdasher" I would add "weaver, cigar-maker" and after "servant" I would add "or in any like or similar occupation."

3. *Section* 10.—I would add a clause after (*a*) as follows: "require him to enter into a bond with one or more sureties binding him not to practise any of the occupations or do any of the acts mentioned in section 9 until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(Signed) J. ANDREW,
District Magistrate.

From the District Magistrate, Madura, to the Secretary to Government, Local and Municipal Department, dated 5th November 1896, Dis. No. 1013-Mgl.

With reference to G.O., No. 1458 M., dated 1st September 1896, I have the honour to say that I approve of the provisions of the Leper Bill. The only suggestion I would make is that section 9 (*a*) and (*b*) are not sufficiently comprehensive, *e.g.*, I would add butcher and dairyman to clause (*a*), and modify clause (*b*) so as to make it penal not only to sell food, &c., but also to deal with it or be concerned in any way with its distribution. If clause (*b*) remain as it is, magistrates will rule that it refers to the salesman only, and the relative or cooly who is engaged in the shop or takes out the bread, meat or milk to customers will escape.

(Signed) J. TWIGG,
District Magistrate.

From the Surgeon-General with the Government of Madras, to the Secretary to Government, Local and Municipal Department, dated Madras, 6th November 1896, No. 515.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring the draft Leper Bill for an expression of my opinion and obtaining and submitting the opinions of such Medical officers as I shall think fit, I have the honour to submit copies of the reports of Surgeon-Lieutenant Colonels O'Hara and Hackett Wilkins and Surgeon-Majors Browning and Lee.

2. I consider the Bill a good one and likely to be of benefit. I would suggest the following points for consideration :—

(i) If the words "subject to the conditions of section 61, Criminal Procedure Code," ought not to be entered after "shall" in section 7 of the proposed Act.

(ii) Under section 9 (*a*) add "money-changer, stamp-vendor, pial teacher or schoolmaster."

(iii) Under section 9 (*b*) after "sells" insert "or is engaged in the preparation of," and after "consumption" and "sells or is engaged in the manufacture of textile fabrics intended for wear."

(iv) Provision should be made for transporting arrested lepers by rail or steamer when necessary.

(Signed) C. SIBTHORPE,
Surgeon-General.

Enclosures.

From the District Medical and Sanitary Officer, Trichinopoly, to the Secretary to the Surgeon-General with the Government of Madras, dated 9th October 1896, No. 2566.

[*Reference*—Leper Bill, 1896—Current No. 893-1, dated the 29th September 1896.]

With reference to the above I have the honour to inform you that I approve the provisions of the above Bill as set forth, but that, in my opinion, the following additions and modifications would be desirable :—

Persons arrested how to be dealt with.

1. Under section 7, after "shall" insert "subject to the conditions of section 61, Criminal Procedure Code."

Practice by leper of certain occupations.

2. (*a*) Under section 9 (*a*), after "domestic servant" insert "money-changer, stamp-vendor and pial teacher or schoolmaster."

(*b*) After "sells" insert "or is engaged in the preparation of"; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for wear."

3. *Remarks.*—Section 7 of the Bill provides that every pauper leper arrested under section 6 "shall forthwith be taken before an Inspector of Lepers." Now unless the number of such Inspectors be relatively large, it is probable that the production of arrested pauper lepers before an Inspector of Lepers will not always be feasible before the expiration of 24 hours. Under these conditions it will be desirable to bring into operation the conditions of section 61, Criminal Procedure Code.

4. The inclusion under section 9 of money-changers, stamp-vendors and pial teachers and schoolmasters has been recommended from actual personal knowledge of such offices being occasionally filled by lepers.

5. The Bill makes no provision for the separation and protection of the children of arrested *female* pauper lepers. Such provision seems desirable.

6. Under the Bill, lepers are prohibited from riding in "any public conveyance." The transport by train of arrested lepers should, perhaps, be specially provided for.

(Signed) W. O'HARA, Surgn.-Lt.-Colonel,
District Medical and Sanitary Officer.

From the District Medical and Sanitary Officer, Malabar, to the Secretary to the Surgeon-General with the Government of Madras, dated Calicut, 8th October 1896, Endt. on Ct. No. 5853.

A most useful Bill, and I hope that it will soon be carried into effect.

2. The only suggestions I would like to make would be—

(i) That instead of inspectors being appointed (*vide* paragraph 4), that all qualified medical men (whether in Government employ, or private practitioner) be empowered to grant certificates, as this will prevent the unfortunate lepers being taken distances for the certificate from an Inspector.

(ii) That in the event of a person so certified objecting to the certificate, he may be permitted to appeal to the board of visitors connected with the nearest asylum.

(iii) That under paragraph 9, section (*a*) the following be added :—

"Or otherwise practises a profession or trade."

(Signed) T. J. HACKETT-WILKINS, Surgn.-Lt.-Colonel,
District Medical and Sanitary Officer.

From the Surgeon to His Excellency the Governor, to the Secretary to the Surgeon-General with the Government of Madras, dated Guindy, 26th October 1896, No. 234.

With reference to your memorandum No. 893-1, dated 24th October 1896, received this day, forwarding for my remarks the draft Leper Bill, I have the honour to observe as follows.

Although, as a medical man, I welcome the Act as showing that more attention will be directed to these unfortunate people, still it appears to me that its provisions are somewhat stringent in tone, when one bears in mind that the Leprosy Commission found, that the amount of contagion that exists is so small that it may be disregarded and that no legislation was called for on the lines of segregation, and that the figures available point strongly to a decrease in the disease; they further observed—"For India complete compulsory segregation may be considered

to be absolutely impracticable. Neither do the conclusions given above as to the nature of the disease justify any recommendation for absolute segregation. 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 * * * * It is impossible for the same reasons to advise compulsory partial isolation. Voluntary isolation is therefore the only measure left for consideration." With reference to the last sentence in the above, I would go further and say that as one is dealing generally with poor, uneducated people of a low order of intelligence, that it is justifiable, in their own interests chiefly, to use a gentle compulsion in isolating and treating them.

As I interpret the finding of the Leprosy Commission, it was that their recommendations regarding the prohibition from following certain trades, &c., *were quite apart from the dread of a possible infection* and the main object of their recommendations was to drive the leper population into rural areas, where farms, &c., would be provided and that thus, by increased material prosperity and hygiene, the disease would ultimately be stamped out. I make these remarks as I think it possible that the object of their recommendations may be lost sight of and that leper asylums might come to be regarded as prisons instead of being looked upon as havens of refuge by those suffering from the disease. From the above it is also to be inferred that any Leper Act should only apply to crowded centres—for practical purposes in India, to municipal towns only. I have no doubt as to the advisability for the provision of more leper asylums, as all evidence points to the fact that the good food, general cleanliness, &c., much improves the state and heals the sores of those afflicted with leprosy, and further that such treatment tends to ultimately stamp the disease out.

Turning now to the draft Bill itself, I do not see any provision for lepers voluntarily coming forward and being admitted into asylums. I would admit all lepers into such institutions irrespective of the type or stage of the disease. It must not be forgotten that the leper population is a small one, a little over a lac for the whole of India.

The definition "in whom the process of ulceration has commenced," section 2, paragraph 1 might be more definite; the process of ulceration may and does occur and healing of the part takes place—even though healed, such a person might be included in the above definition. The section, I presume, is intended to refer to persons who have breaches of surface at the time the examination is made. Under the Act a person, who may be hideously deformed, whose face is a mass of tubercle and whose hands have lost all semblance of symmetry, could carry on his trade provided there is no breach of surface. If the Bill is to be introduced, why not in paragraph 2, section 1, delete "In whom the process of ulceration has commenced."

With reference to paragraph 4, it would be a convenience to the affected person and to the police, if all Commissioned Medical officers were ex-officio Inspectors. In this connection, it is presumed that such Medical officers would be fully protected by law for expressing opinions or granting certificates in the case of persons brought by properly constituted authority.

With reference to paragraph 8, there are no "poor houses" nor poor laws in India. In the event of the only bread-winner of a family being incarcerated, what will become of his or her children?

With reference to paragraph 9, sections (*a*) and (*b*), I would include schoolmasters and stamp-vendors. Do these sections also include the servants of such persons as milkmen, tailors, &c.? I would make the employer responsible in such cases and would fine *him* for infringement.

I am doubtful as to the justice of "fining"—take an example—a leper, possibly a highly moral character, who takes a drink of water at a roadside hydrant is to be fined Rs. 50 on the assumption, I presume, that his or her disease is *very remotely* communicable, whereas a woman of most depraved character may go about with *absolute certainty* communicating a far worse disease and the law takes no cognizance—this would be law but no equity.

With reference to paragraph 10, section (*b*), if a man is again convicted, I cannot see the force of the word "may"; under the Act he is a leper and should again be sent to an asylum. Would it not be advisable in this connection that every one who was once admitted into an asylum should notify to the local authorities his or her abode and any change of abode.

(Signed) W. B. BROWNING, Surgeon-Major,
Surgeon to H. E. the Governor.

From Surgeon-Lieutenant Colonel W. A. LEE, to the Secretary to the Surgeon-General with the Government of Madras, dated Coonoor, 11th October 1896.

The need for such an Act as this has been proved to be an urgent and pressing one, and its early enactment is therefore an object of primary public importance.

2. In view of the positive evidence now accumulated as to the contagiousness of leprosy and the success which, in Norway, has attended the enforcement of strict isolation in arresting the

spread of the disease in that country, the measure now proposed by the Government of India, in so far as it will have a similar tendency, should be warmly welcomed as a practical and philanthropic attempt to mitigate the ravages of leprosy in India.

3. It cannot be held to be an undue interference with the liberty of the individual to check the unrestrained freedom now enjoyed by lepers in the pursuit of avocations conducive to the dessemination of their malady, or its transfer to the healthy by direct contagion.

4. I am of opinion that Medical officers who may be called on to grant certificates under this Act should be specifically protected in the *bonâ fide* exercise of their professional judgment against legal proceedings by parties considering themselves aggrieved thereby. That such immunity should be provided for seems necessary in view of the fact that, under somewhat analogous circumstances in Great Britain, viz., the granting of lunacy certificates, medical men have been subjected to actions at law.

5. It is open to consideration whether following the precedent of the Inebriates Acts, 1879 and 1888 provision should not be made for the voluntary detention for fixed periods in leper asylums of lepers not coming within the scope of the proposed Act.

(Signed) W. A. LEE, Surgn.-Lt.-Colonel.

From the Joint Magistrate of South Arcot, to the District Magistrate of South Arcot, dated 3rd November 1896, Ref. on No. 1880-Magl.

Adverting to your Ref. on No. 2039-Mag. of the 25th ultimo, I have the honour to submit my opinion regarding the provisions of the Leper Bill referred to and published in the *Fort St. George Gazette*, dated the 18th August 1896.

2. The contagiousness of leprosy is, I think, not yet conclusively established. To my mind, it appears to be questionable whether that disease is, strictly speaking, a contagious one. I personally know of Muhammadan families, two or three members of which were unmistakably affected with leprotic ulcers, and who lived together till death with the other members of the family, yet none of the others nor the domestic servants attending day and night on those lepers in the household exhibited any indication of having contracted that disease. I am aware of course that *inoculation* is possible, but I doubt whether leprosy is a desease that could be classified as contagious as small-pox, for instance. Nevertheless, I am of opinion, that, apart from the contagiousness or otherwise of the disease, it would be certainly a wholesome proceeding to bring all pauper lepers under the provisions of the Bill and to place non-paupers under certain of the restrictions contemplated as a matter of public policy and expediency. I am also fully convinced that the objects contemplated are sound, and that the provisions of the Bill are indeed calculated to safeguard the interests of the general public, while they will operate humanely on the unfortunate paupers who are victims to that loathsome disease.

3. I consider that the definition of a "leper" should not be restricted only to those cases where *ulceration* has been established, but that the term should include those in whom the disease is *obviously manifest* irrespective of the presence or absence of ulceration, because the appearance of ulceration would generally depend on the stage of the disease and on the hygienic conditions under which a leper may or may not be placed. I met in Proddattur, Jammalamadagu, Rayadrug and Ellore pauper lepers in whom the disease was well established and whose appearance was most loathsome and repulsive; nevertheless, they exhibited no signs of the breaking down of the tubercles into suppuration, while in others, I observed the scars of healed ulcers.

4. To clause 9 (*a*) I would suggest the addition of such occupations as shroff or money-changer, butcher, stationer, schoolmaster, and to (*b*) of the same clause, after the word "sells" the addition of the words "or is engaged directly in the preparation of." Regarding clause 9 (*d*, this is certainly very hard; "public conveyance" include a railway train. If riding in a public conveyance by a leper is to be penalized, then there should be some ameliorating arrangements for him to perform his journey; the Bill is defective on this point.

(Signed) MUHAMMAD RAZA KHAN,
Joint Magistrate.

From the Hon'ble N. SUBBARAO PANTULU Garu, to the Secretary to Government, Local and Municipal Department, dated Madras, 7th November 1896.

With reference to G.O., No. 1458 M., dated 1st September 1896, calling for an expression of my opinion on the draft Bill for the segregation of lepers, I have the honour to state that I approve of the general principles of the Bill. I understand that the Bill is mainly directed for the segregation of *pauper* lepers. Under the Bill when once a pauper leper is committed to a leper asylum with an order in Form C, there is no express provision for his release in cases where he subsequently ceases to be a pauper or where his relatives subsequently come forward and guarantee to support him. I consider that special provisions for his release under the circumstances mentioned above should be embodied in the Bill.

Again, when a person is convicted for a second time under section 10, the punishment proposed to be inflicted on him seems very severe. He may be banished from his home—it may be for ever—till he produces a certificate in Form A; or he may be sent to an asylum with an order in Form D and kept there indefinitely for life. I am strongly of opinion that the banishment from the notified area or detention in the asylum should be limited by the Magistrate himself to a fixed period not exceeding one year. Form E is in my opinion very vaguely worded and the condition imposed therein for releasing a person would, if strictly construed and sometimes in practice, be equivalent to a certificate in Form A.

(Signed) N. SUBBARAO PANTULU.

From the District Magistrate, South Canara, to the Secretary to Government, Local and Municipal Department, dated Mangalore, 10th November 1896, Dis. No. 759-Mgl.

With reference to G.O., No. 1453 M., dated 1st September 1896, on the subject of Leper Bill, I have the honour to suggest that in section 3 a clause might be added to prohibit lepers from occupying a public chattram or rest-house thus:—

(*e*) occupies any public chattram or rest-house.

2. Section 10 (*a*) prescribes bonds to be taken from a leper convicted after a previous conviction: forms of these bonds may be added to the schedule.

3. No objection to the Bill generally has come to my knowledge.

(Signed) W. H. WELSH,
District Magistrate.

From the District Magistrate, Ganjám, to the Secretary to Government, Local and Municipal Department, dated Chatrapur, 10th November 1896, Dis. No. 1693-Eng.

With reference to G.O., No. 1458 M., dated 1st September 1896, asking me as District Magistrate for my remarks on the draft Leper Bill, I have the honour to state that I have in reply to a similar call made on me personally submitted my opinion in a separate letter. I have nothing more to add; but I enclose copies of letters received from the District Sanitary and Medical Officer and Babu B. Chetterjea, Chairman of the municipality, on the subject for the perusal of Government.

(Signed) C. J. WEIR,
District Magistrate.

ENCLOSURES.

From the Acting District Medical and Sanitary Officer, Ganjám to the Collector of Ganjám, dated Berhampur, 1st November 1896, No. 2995.

With reference to your C. No. 1799-Eng. of 1896, and accompanying Leper Bill, herewith returned, I have the honour to state that, in my opinion, the enactment in the proposed Bill does not go far enough, instead of "providing for the segregation of pauper lepers and the control of lepers following certain callings" I would have it, "providing for the segregation of all persons affected with leprosy."

Segregation, as far as I am aware, is the only means that we know of by which the spread of the disease can be kept in check and ultimately diminished. I have had a slight practical experience in the treatment of lepers, having lately been in acting charge of the Leper Hospital at Madras, and, in my opinion, there is nothing of more importance for the good of the public than enforced segregation of lepers. I am of opinion that more leprous patients exist than one is aware of, that the better class of people hide their sick away and yet keep them in their midst.

The disease is a contagious one, due to a specific bacillus, but with a long period of incubation, three years, so that on this account the source of contagion is often forgotten and the patient is looked upon as having been affected by some unknown cause, *i.e.*, fist, &c., whereas I believe he is the recipient of the disease from a pre-existing case. It attacks all classes and all ages. It is now on the increase. In the middle ages it almost disappeared and in those days isolation was enforced, not in the case of a few but was a general law.

I would, therefore, recommend that any known case should be segregated and kept under strict guard.

(Signed) H. THOMSON,
Acting District Medical and Sanitary Officer.

From the District Court Pleader, Berhampur, to the Collector of Ganjám, Chatrapur, dated Berhampur, 31st October 1896.

With reference to your foot-note, Ref. No. 1799-Eng., to G.O., No. 1458 M., dated 18th September 1896, regarding the Bill for the segregation of lepers, and subsequent reminders, I have the honour to state as follows:—

In section 2 (1) a leper is defined as a person suffering from any variety of leprosy *in whom the process of ulceration has commenced.* The italics are my own. I should have (though as a layman, I say it with diffidence) the word leper includes all persons who bear on their persons the unmistakable signs of leprosy whether ulceration has commenced or not. I have known lepers who had their bodies swollen, the fingers and toes stunted, the nails disfigured, the whole body presenting a ghastly appearance, yet the discharge of purulent matter did not appear till years after and a short time before death. If you kindly enquire in your office you will learn of a case like the above—that of K. Siva Rao Pantulu, late head clerk of the Berhampur Tahsildar's office

In section 2 (2) (*b*) in the definition of "pauper leper" the words "beyond begging for charity" which I take from the statement of Objects and Reasons may be added after the word "subsistence" at the end. We are very often troubled by hopeless lepers invading our compounds to beg for alms and the addition of the words proposed would prevent begging in private houses just as section 2 (2) (*a*) would prevent begging in public places; or it would be better to add at the end the words "or beg from door to door for alms."

Section 9 (*a*) is not exhaustive, but at the same time no words such as "and the like" are added to allow of lepers following other callings than those enumerated in the section being brought within the operation of the Act. For instance, I would not allow a leper to roll tobacco into cigars [he may not be a seller himself to come under (*b*)] for public consumption or a leprous weaver or carpenter or goldsmith to exercise his calling at the risk of public health. A pleader affected with leprosy should not be allowed to communicate leprous person to his clients (I know an instance of such a pleader practising in a District and Sessions Court), nor a public servant to be retained in the public service after leprosy has appeared in him. The case of Siva Rao Pantulu mentioned above is in point.

Why should not section 9 prevent lepers from buying in the public market; for, besides their coming in contact with healthy persons, they are likely to contaminate fruits, vegetables, and other articles of human consumption by handing them just for inspection (a bad habit which is common amongst our people) whether they buy or not. Lepers should not be allowed to mingle with or loiter near crowds collected at temples, theatres or other places of public resort.

Some penal provision may, I think, be advantageously made with regard to people who may not come within the purview of section 9 but who keep lepers as servants to help them in their profession; for instance, a seller of sweetmeats or a baker may keep one suffering from leprosy to make sweetmeats or bread for him (I have seen a leper baking bread at the oven in a baker's shop at Calcutta) and our servants may go and buy the things for us without any suspicion of the danger to our healths. The manager of a theatre, a refreshment-room-keeper and the keeper of a barber's shop and the like should be liable to punishment for wilfully admitting a leper as a customer into their respective places of business.

The above remarks are some that have occurred to me after a careful perusal of the Bill. I should have liked to study the whole subject with greater attention, but there is hardly time for it.

I hope you will kindly excuse the delay I have incurred in sending this. The Government Order with your foot-note arrived here during my absence from town. It took me some time to secure a copy of the Bill which I got only yesterday. Ever since my return from Madras on the 20th instant, the present bad health of the town and my own professional work have hardly left me breathing time. Hence the delay.

(Signed) B. CHATTERJEA,
Pleader.

From the District Magistrate, Ganjám, to the Secretary to Government, Local and Municipal Department, dated Chatrapur, 10th November 1896, Dis. No. 1693. .

I have the honour to submit the opinion called for in G.O., No. 1458 M., dated 1st September 1896, regarding the draft Bill for the segregation of lepers.

2. I assume that the scope of the Bill is already decided upon and is not open to discussion, but I would remark that the District Medical and Sanitary Officer whom I have consulted on the Bill and who has had experience in the Leper Hospital, Madras, considers that nothing short of the segregation of all lepers will be effectual. I believe, however, this question must have received due consideration from the Commission, and the decision which has been arrived at is doubtless based on weighty grounds.

3. Passing then to the details of the Bill, I notice from the public press that the definition of leper has already been subjected to criticism by medical experts. It seems to me that the definition might be with advantage omitted. The Bill provides for the determination by a medical expert of the question whether a man is a leper or not, and I understand that this may be determined with certainty even although ulceration be absent, unless therefore medical opinion holds that the disease is only contagious after ulceration commences. I consider the definition might be advantageously omitted or altered thus: "'Leper' means any person certified by an Inspector of Lepers to be a leper." It may be perhaps considered that this would involve a difficulty in that Police officers must have some certain rule to guide them in dealing with pauper lepers, but the Bill only requires that the subject should *appear* to be a pauper leper to give the Police officer authority to deal with him.

4. To guard against all possibility of abuse of section 6 of the Bill I think it would be well to provide that arrests should only be made by officer in charge of a Police station. Departmental rules might be passed which would compel the report to the station-house officer by the ordinary constable of all pauper lepers. This would insure that all cases of pauper lepers were reported and that they would be dealt with by an officer of presumably some discretion. This would be especially necessary if a wider significance is given to the term leper as proposed above.

5. *Section* 9.—I consider this section requires amplification and should be made more elastic. As regards section 9 (*a*) it should be made absolutely clear that any one exercising the crafts or pursuing the callings not only as a principal but also as an employé would be liable to the penal provisions of the Act. The courts would probably decide that a leper who assisted in some stage in baking or making confectionery was not working as a baker or a confectioner.

As regards section 9 (*b*) I think it would be well to add after drug "any other article." Food, drink and drug hardly cover the whole ground. The question might arise whether tobacco or betel-nut comes within any of these descriptions.

6. *Section* 9 (*c*) *and* (*d*).—These sections have, I have no doubt, their justification in expert opinion. But the question they suggest is why if these sections are justified should we stop short of segregation of all lepers. Would it not be better to at once segregate lepers than to leave them exposed to prosecution for doing what the majority of lepers must do every day in their lives, viz., wash and drink at public sources of supply. Very few lepers in India have their own bathing places and drinking sources.

7. I notice, however, that the Bill is silent as to the machinery by which the penal clauses in section 9 are to be put in operation. The police have no jurisdiction but an "accuser" seems to be necessary before any Magistrate can act. It is unlikely that the ordinary villager will come forward as an "accuser" unless the accused happens to be his enemy. I do not think the initiative should be left to an accident of this sort. I would suggest that in this Presidency every head of village should be compelled to report to the Magistrate the existence in his village of any person who appears to be a leper. The Magistrate could then institute inquiries as to whether the alleged leper was doing anything which brought him within the penal provisions of section 9 of the Bill. The Bill is silent as to where lepers are to be detained pending examination and how they are to be forwarded to leper asylums; but rules framed under the Act would no doubt deal with this subject which presents some difficulties.

8. I must apologise for the delay in replying to this reference and the crudeness of my criticisms. My time has been very fully occupied of late by the extra work the state of the season involves and I have not had time to study the subject as fully as I should have wished.

(Signed) C. J. WEIR,
District Magistrate.

From the Sanitary Commissioner for Madras, to the Secretary to Government, Local and Municipal Department, dated Fort St. George, 18th November 1896, No. 2150-S.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring for opinion the draft Bill for the segregation of lepers, I have the honour to submit herewith a memorandum thereon.

(Signed) W. G. KING, Surgn.-Lt.-Colonel,
Sanitary Commissioner.

ENCLOSURE.

MEMORANDUM by the Sanitary Commissioner for Madras on the draft Leper Bill.

(1) *Reference Section* 1, *Sub-section* (3).—The Act should be made applicable to the whole of India on a definite date in regard to matters mentioned in section 9; but, before proceeding to enforce rulings affecting leper asylums and dependent upon their existence, Local Governments should be required within a definite date to establish a *sufficient* number of centres. This period might be, say, three years after coming into force of the Act. If this measure be not adopted there will be a constant tendency for lepers to migrate to parts where the Local Governments have not elected to make a notification on account of the expenditure necessary for asylums. Under such circumstances, lepers will be hunted about from one part of the country to the other, without good to the general public in proportion to the inconvenience inflicted upon individual lepers. Thus, if it be considered that Local Governments cannot afford to follow the policy of having a *sufficient* number of asylums to work the Act properly from the outset, the Act should proceed no further than to enforce section 9.

(2) *Reference Section* 2 (1).—Considering that we yet know very little—the Leprosy Commission notwithstanding as to modes of transmission—it would not seem safe to limit the definition of leprosy to where "the process of ulceration has commenced." The mere definition would lead to much quibbling, in that ulceration followed by healing may proceed alternately from time to time. The struggle there might therefore be over the word "commenced," and the different interpretations both medical men and magistrates might give are obvious. But, if we look upon the bacillus lepræ as the prime cause of the disease, and acknowledge that we know little about its mode of transmission, it would certainly be dangerous to have at large a leper whose throat was affected, but who nevertheless had no ulceration of external parts; seeing that both with the sputa and the fœces the bacillus lepræ has been demonstrated in such cases. I would, therefore, omit from the definition the words "in whom the process of ulceration has commenced," and I think there would thus result compensation for laxity suggested under paragraph (4) of this memo

(3) *Reference Section* 6.—I think very strongly that this section should be modified so as to permit arrests only under circumstances embraced by section 9, or where the person is a "pauper leper" within the definition of section 2, sub-section (2).

(4) I would advise the Act be so arranged as to make a wide difference between a leper with ostensible means of subsistence, and without it. It may be claimed that this is illogical, and that if it be worthwhile passing an Act at all, it must embrace lepers rich and poor. I think this involves an exaggerated view of the necessity for action, and believe urgent requirements would be satisfied by segregation of those who persisted in following certain trades, exposing themselves, &c. If interference with private liberty to the extent covered by the Act, namely, that on the diagnosis formed by a policeman (!) any citizen may be arrested and detained on a charge of leprosy until the certificate of an Inspector under the Act were obtained, the correct sequel would be to confine all subject to tuberculosis. As various syphilitic and other skin diseases are frequently mistaken by the average medical practitioner for leprosy, the amount of injustice and scandal which the loose provision might lead to, is evident. A section should therefore be provided to secure control of persons with ostensible means by less harsh measures. These might be maintained in their own or other approved houses under arrangements made to the satisfaction of the Inspector under the Act. Such person would, however, be subject to sections 9, 10 and 11, but not to arrest under section 6. With the object of securing the necessary measure of segregation a leper with ostensible means should be required to appear before a Magistrate on summons being issued, on information supplied by any three rate-payers held by the Magistrate to be respectable, or by any medical officer in Government employ.

(5) *Reference Section* 9.—To *sub-section* (*a*) I would add "vaccinator" after "medical practitioner"; also "shroff, book-seller, book-binder, printer" and after "domestic servant" basket or rope maker, or any trade or occupation which involves preparation or storage of articles in whole or in part by him."

Sub-section C.—I would alter thus: "bathes at any public well or bathing place or private well or bathing place open to the use of the public, or takes water from any public drinking fountain, well, hydrant, tank or reservoir, or from any private source or adjunct of a private water-supply open to the use by the public, or from anything pertaining thereto."

[Note.—In this Presidency numerous water-supplies are maintained by private owners, who do not forfeit the right of ownership by allowing the public to use, &c., because repairs are conducted by them.]

Fort St. George,
18*th November* 1896.

(Signed) W. G. KING, Surgn.-Lt.-Colonel,
Sanitary Commissioner.

From the Chairman, Municipal Council, Kumbakónam, to the Secretary to Government, Local and Municipal Department (through the Sub-Collector and the Collector of Tanjore), dated 10th November 1896, No. 548.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to this council for opinion the draft Bill of the Hon'ble Mr. Woodburn for the segregation of lepers, I have the honour to report as follows.

The Bill was placed for consideration before the council on the 3rd October 1896, when it was referred to a sub-committee for consideration and report. The sub-committee having reported on it, the Bill was again placed with the report of the sub-committee before the council at its meeting held on the 7th instant when the resolution, copy of which is enclosed herein, was passed. The council has no doubt upon the desirability and expediency of the proposed legislation and approves generally the lines upon which the Bill has been framed. But, at the same time, it begs to offer the following suggestions on the details of the Bill as recommended by the sub-committee:—

(1) Section 2, definition 1, only includes those lepers in whom the process of ulceration has set in; but there are other equally loathsome cases of leprosy without ulceration such as swellings, lobes and other hideous and repulsive deformities and coruscations which are as bad and repulsive as ulceration. The definition should therefore be so amended as to cover cases of this sort.

(2) In section 9, clause (*a*), other cases may also be included, *e.g.*, pial schoolmaster, hawker, money-changer, stamp-vendor, compounder, weaver, shop assistant, perfumer and flower-seller.

(3) In clause (*b*) of the same section the following may be added:—

Persons engaged in the preparation of food and other articles of consumption.

(4) No right of appeal from convictions has been conferred by the Bill, and the sub-committee is of opinion that a provision conferring such a right should be insisted.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman, Municipal Council, Kumbakónam.

From the Chairman, Municipal Council, Tanjore, to the Secretary to Government, Local and Municipal Department (through the Divisional Officer, Tanjore), dated 23rd November 1896, No. 1741.

Referring to G.O., No. 1458 M., dated 1st September 1896, I have the honour to forward herewith an extract from the Proceedings of the Municipal Council, Tanjore, dated 18th November 1896, for your information.

(Signed) K. KALYANASUNDARAM AIYAR,
Chairman, Municipal Council, Tanjore.

Opinion of Hon'ble Rao Bahadur C. Jambulingam Mudaliar Avargal, B.A., M.L., on Bill to provide for the segregation of pauper lepers.

I am in complete accord with the principle and frame work of the Bill. I, however, suggest a few minor alterations in the sections to improve the Bill.

2. *Section* 7.—This corresponds to section 8 of the Bengal Council Act, clause (*b*) of which prescribes that the lepers should be taken within 24 hours before a magistrate exclusive of the time requisite for the journey. This is a useful provision to prevent unnecessary delay and harassment to people, and is the principle adopted in the Criminal Procedure Code. I don't see any inconvenience in having the rule in the Bill; I do not see any reason for omitting such an old and well recognized rule applying to the Police. I would, therefore, have this section in conformity with the section of the Bengal Act.

Section 8.—I presume there is no intention to give power to the magistrate to question the certificate B granted by an Inspector of Lepers, and there is no need to give such power to a non-professional officer like the magistrate. If so, since form B is a certificate declaring a person to be a leper, the conditional form with which the section commences is unnecessary and redundant and likely to be misconstrued. I would alter the form of the section thus:—

"Whenever a person is produced before any magistrate, authorized in this behalf by the Local Government, with a certificate of an Inspector of Lepers in the form B, if it appears to the magistrate, on such evidence as he may think fit to require, that such person is a pauper leper, he shall, after recording his order thereon, send the pauper leper in charge of a Police officer.

Section 9.—In clause (*a*) I would add "shampooer, stationer, bookseller" Shampooer is a recognized profession in this part of India as well as in Northern India. In the Turkish baths of Delhi, Agra and other northern places, a number of them are employed to serve the customers. They are used for rubbing oil and shampooing body before bath. They must be excluded for the same reason that the barber is excluded. Bookseller and stationer must be excluded for the same reason, that the tailor, draper and haberdasher are excluded. I think it is an established theory that paper and writing materials communicate contagion in the same way as cloth. I think the section would be improved by including a general clause at the end "giving power to the Local Government to bring under prohibition by notification such other classes of people as it may deem fit from time to time."

This is necessary, as there are and there may come into existence, several professions not now known and peculiar to each province, which should be brought under prohibition if practised by a leper on the same grounds as apply to the persons included in clauses (*a*) and (*b*). The present clauses must be simply taken as illustrative of what kinds of professions required to be guarded, and should not be an exhaustive list. The best way of carrying out this is to give power to Local Government. In the Bengal Council Act, section 12, power is reserved to municipal councils with sanction of Government to enumerate by bye-laws from time to time the trades and callings from which lepers should be excluded; and there is no mention in the Act itself of any trade or calling. It will be an improvement if, as in the Bill, there is first an enumeration of some of the well-known callings from which lepers should be excluded and then a general clause empowering Government to include other callings if necessary.

Section 12.—This corresponds to section 10 of the Bengal Council Act and I think the latter is much better than the section of the Bill.

The principal differences are:—

(*a*) The Act requires that the members of the board shall *together* inspect. The Bill enables them as the wording stands to inspect separately and independently of each other if they choose. The former is better as it is the joint inspection, which enables them to consult each other and exchange views on the spot, that is useful especially for the purpose of exercising the power given to members under section 11. Individual inspection is not of much use.

(*b*) The Act provides for monthly inspection. The Bill for quarterly inspection. If the Government foresees any special inconvenience for arranging for monthly inspection as in Bengal, I have no objection for the quarterly inspection. My preference, however, is for monthly inspection.

(*c*) The Act lays down (1) a compulsory inspection of every pauper leper *admitted since the last inspection* and the order of his admission, and (2) and an inspection more or less optional of *every other* pauper leper therein, *i.e.*, admitted previous to last inspection and therefore sometime a resident in the asylum, and this is indicated by the words "as far as circumstances will permit" being made applicable to the latter case only.

(*d*) This Bill makes the inspection of every leper more or less optional, by making the words "as far as circumstances will permit" apply to the case of every leper in the asylum without reference to the time of his admission.

This is a very important difference, and I think the inspection of all recent admissions and the orders covering them must be made compulsory as in Bengal and should not be left to circumstances. The powers given in the next following section 13 are, to some extent, in the nature of supervision over the certificates of Inspector of Lepers. Because even in the case of a recent admission since the last inspection, the members of the board can order a discharge in form E, if in their opinion it is not a fit case for admission into the asylum. Therefore, if recently admitted men have not the benefit of an immediate inspection at the next visit of the members, it means that they will have to wait in the asylum till circumstances permit the members to inspect ~~him~~ them. If it happens that some recently admitted members are not really fit men for such admission, in other words, if they are not lepers as defined in the Act, it will be inflicting upon them manifold injustice by the provisions of the Bill. The detention in the asylum is wrongful; they will be unnecessarily and unjustly prevented from attending to their professions and callings, and lastly, and this is the most important objection, men otherwise healthy will be kept in the company of lepers till it pleases the members to inspect and made to catch the contagion and become subject to the loathesome disease; and this is running counter to the purposes of the measure.

I am therefore of opinion in this matter that all recent admissions, *i.e.*, since the last visit should be compulsorily inspected at the next periodical visit with the orders of admission, and men fit for discharge should be immediately sent away under section 13. The same reasons for compulsory inspection do not exist in the case of old residents, as they would have been inspected soon after their admission and their detention proves the necessity for their residence.

Section 13.—This should be "the medical officer and one or more other member" as in the previous section; there is no need for "Medical officer and not less than two other members." If the periodical inspection of section 12 is to be made use of for the purposes of section 13 also, as I think it ought to be, the wording of section 12 must be repeated in section 13 also. Further, according to section 5, a board may consist of only three members. In this case section 13 would insist upon the visit of all three members on every occasion, which I suppose is not intended nor is it convenient and practicable. I may also point out that this view is in consonance with the provisions of sections 10 and 11 of the Bengal Act. The other provisions do not call for any remark.

From the Superintendent, Government Press, Madras, dated 7th October 1896, No. A 127/11.

Abstract.—Reporting the dates on which the Leper Bill was published in the *Fort St. George Gazette*.

Order—No. 336 M., dated 1st March 1897.

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

[Here enter letter No. 337 M., dated 1st March 1897.]

(True Extract.)

(Signed) G. S. Forbes
Secretary to Government.

Ed C. M. Thumbuswamy.

Government {1896} of Madras.

LOCAL AND MUNICIPAL.

1 Abstract

Recd.	1896.	*Enclosures.*
Regd.		*Spare copies.*

G.O., No. 1458 M., 1st September 1896.

SEPTEMBER.

Abstract

Leper Bill.

Referring to the Municipal Commissioners of Madras and certain municipal councils, officers and gentlemen, for their opinion, the draft Bill for the segregation of lepers forwarded by the Government of India, and ordering its publication in the *Fort St. George Gazette*.

No. 1458 M., 1st September 1896.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

G.O., No. 17, Legislative, dated 2nd March 1896.

Abstract.—Stating that it is advisable to pass a separate enactment for the segregation and special treatment of lepers in this Presidency and that the necessary steps will be taken at an early date in the Local and Municipal Department for the preparation of a measure on the lines recommended by the Government of India.

From S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, the 3rd August 1896, No. 1571.

I am directed to forward herewith forty copies of the papers noted on the margin and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 1st November next.

Order—No. 1458 M., dated 1st September 1896.

The Hon'ble the Judges of the High Court.
" " the Advocate-General.
" Surgeon-General.
" Sanitary Commissioner.
" Superintendent, Leper Hospital, Madras.
Mr. G. S. Forbes.
" J. N. Atkinson.
" C. J. Weir.
" J. Andrew.
" A. E. Castlestuart Stuart.
" G. W. Dance.
The Hon'ble N. Subba Rao Pantulu.
" " C. Sankaran Nayar.
" " C. Jambulinga Mudaliyar.
Diwan Bahadur P. Rajaratna Mudaliyar.
Rao Sahib S. Swaminatha Aiyar.
Muhammad Safdar Hussain Sahib Bahadur.
The Municipal Commissioners of Madras.
The Municipal Councils of Calicut, Cuddapah, Kumbakónam, Madura, Tanjore and Trichinopoly.
The District Magistrates of Ganjám, Vizagapatam, Gódávari, Chingleput, North Arcot, South Arcot, Tanjore, Madura, Malabar and South Canara.

The question of legislating for the segregation of lepers in this Presidency will be deferred pending the decision of the Government of India regarding the Bill forwarded with the letter read above, which will be referred to the marginally-noted officers and gentlemen for favour of an expression of their opinion on its provisions.

2. The Surgeon-General will be requested to obtain and submit the opinions of such medical officers, not exceeding five, as he shall think fit.

3. The Bill and the Statement of Objects and Reasons will be published in the *Fort St. George Gazette* in English and all vernaculars.

4. The Superintendent, Government Press, should report to Government the dates of publication in the Gazette.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Hon'ble the Chief Justice, with C.L.,
" Government Solicitor,
" President, Municipal Commission, Madras,
" Chairman, Municipal Council, Calicut,
" " " " Cuddapah,
" " " " Kumbakónam,
" " " " Madura,
" " " " Tanjore,
" " " " Trichinopoly,
" Officers and Gentlemen named,
" Superintendent, Government Press,
" Translators to Government,
" Legislative Department.

} with copies of the Bill.

Gazette.

Exd. Shaik Karim.

No. M., January 1897.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers:—

From the Government Solicitor, dated Madras, 25th September 1896, No. 495.

Abstract.—Forwarding the following opinion of the Advocate-General, dated Madras, 24th September 1896:—

[*Re* the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings.]

Opinion.

On the subject of the isolation of lepers, I gave my opinion on the 13th July 1889, and have nothing to add thereto.

2. Assuming that it is considered to be inexpedient at present to do more than to provide for the segregation of pauper lepers and to prevent any lepers from following certain callings, I think that the Bill is sufficient to carry out those objects.

3. *Title and Preamble.*—I do not think that the words "*the control* of lepers following certain callings" correctly describe the effect of section 9, which *prohibits* lepers from following the callings mentioned.

4. The Bill makes no provision for the conveyance of lepers to the "Inspector of Lepers," Magistrate or Asylum. Such a provision seems to be expedient, if not necessary.

5. *Section* 10 (*a*).—I think that the lepers should be sent to the nearest asylum, and that this provision should be omitted.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

From the Acting Collector, Vizagapatam District, to the Chief Secretary to Government, dated 29th September 1896, Dis. No. 2406.

As desired in G.O., No. 1458 M., dated 1st September 1896, I have the honour to subjoin my opinions on some of the sections of the draft Bill for the segregation of lepers therewith received:—

Section 6.

"Within any local area which has been notified under section 3 any police officer may arrest without a warrant any person who appears to him to be a pauper leper."	Opinions. It seems to me that this is trusting a great deal to the discretion of the lower grades of the police. I would restrict the power of arrest to officers in charge of police stations, as there can never be any urgency about the necessity for arrest.

Section 9.	Opinions.
"Provided that when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule, in respect of such person."	There is nothing laid down about the initiation of proceedings under this section. The accused, if not a *pauper* leper cannot be arrested without a warrant; presumably therefore the Magistrate must summon him on complaint.
Section 10.	
• • •	
(*a*) "Require him to enter into a bond with one or more sureties, binding him to depart forthwith from the local area notified under section 3 in which he is, and not to enter that or any other local area so notified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule; or"	I do not see the object of transferring a leper to some other district, unless it is intended to work the Act only in selected districts, and to attempt the purification of the country by successive areas.

(Signed) W. O. HORNE,
Ag. Collector.

From the District Magistrate of North Arcot, to the Chief Secretary to Government, dated Chittoor, 13th October 1896, Dis. No. 1243-Magl.

In reply to G.O., No. 1458 M., dated 1st September 1896, I have the honour to state that the number of lepers according to last census was high in this district, the average per 10,000 (5·21) being considerably in excess of the average (3·89) for the whole Presidency. As in the rest of the Presidency, however, there is a decline in the numbers affected when a comparison is made with the previous census ten years before. The report of the Leprosy Commission has not been supplied to this office, but I believe the conclusions arrived at were that, though the disease is contagious, it is only to a small extent. I do not think leprosy is so common in this district as to require coercive measures.

2. The draft Bill circulated seems to me to require amendments. Parts of it are not intelligible.

Section 8.—If the Magistrate finds that the person arrested is a leper, but not a pauper, he is, I presume, to discharge him. This should be stated.

Section 9.—I think a person sent to an Inspector of Lepers under the proviso to this section and found not to be a leper is entitled to a certificate in form A.

Section 10.—*Vide* remarks on section 14.

Section 14—is altogether unintelligible; I do not understand what "has refused to issue a certificate in form A" refers to. Under section 7 either a certificate in form A or a certificate in form B must issue when a person is produced. There is no alternative. The only section that can be meant, therefore, is section 10 (*a*). But the machinery under which a certificate in form A can be applied for and obtained is not explained. Again, such a certificate can only be obtained in a non-notified area, because the leper cannot enter a notified area, but it is doubtful if an Inspector of Lepers can be appointed under section 4 elsewhere than in a notified area, because the Act will not be in force in such locality—section 1 (3). The provision in respect of the issue of a certificate in form B is equally obscure. Since the section relates only to non-paupers, it refers only to section 9. But, on the issue of a certificate in form B, the Magistrate would at once proceed with the case and possibly convict. In the event of the appeal in section 14 being successful, what is to be the result? The case under section 9 would be governed by the ordinary rules of criminal procedure and the result of an appeal under section 14 could not be imported thereinto without a special provision to that effect.

(Signed) S. H. WYNNE,
District Magistrate.

From the Collector of the Kistna District, to the Chief Secretary to Government, dated Masulipatam, 10th October 1896.

In accordance with G.O., No. 1458 M., dated 1st September 1896, which reached me only on 27th September, I have the honour to report that I approve of the provisions of the draft Leper Bill therewith forwarded.

2. I am in some doubt whether the ultimate object of the Bill is to protect society from risk of the spread of a loathsome and incurable disease, or from the mere annoyance and disgust entailed by the public exhibition thereof. In the Statement of Objects and Reasons it is said that the expediency of segregating pauper lepers, and of forbidding lepers generally from following certain trades and callings, was urged by the Leprosy Commission, and the Hon'ble Mr. Woodburn in moving for leave to introduce the Bill remarked that the Leprosy Commission pressed these two questions "very earnestly" on the Government of India. But one of the conclusions arrived at by the Commissioners was that leprosy is not proved to be contagious; and as one consequence they reported that "no legislation is called for on the lines either of segregation or of interdiction of marriages with lepers" (Report, page 265).

3. A perusal of the report of the Leprosy Commission, it must, however, be admitted, yields very unsatisfactory results, and one most extraordinary circumstance is that the Commissioners' own recommendations (pages 385, sqq.) ran so entirely counter to their findings on the evidence placed before them. They found that leprosy is not contagious and that segregation is unnecessary. Yet their first practical suggestion (page 385) is that—"segregation may be voluntary or compulsory, and in either instance partial or complete", and two pages later—"The Commissioners recommend the adoption of a voluntary isolation as extensive as local circumstances allow." What exact signification is to be attached to the word "voluntary" may be gathered from a recommendation on page 388—"The authorities should have the power of ordering lepers infringing the regulations (as to begging and following certain callings) either to return to their homes or to enter an asylum." Again, the Commissioners found that the disease could not be communicated through the medium of food; yet on page 387 they express the opinion "that the sale of articles of food and drink by lepers should be prohibited." The Commissioners do not believe that even in the intimate relationship of married life the chance of contagion is "worthy of serious practical consideration" (pages 286–87); yet they recommend (page 387) that lepers "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", adding, however, this curious qualification "quite apart from the dread of a possible infection."

4. Whether the Government of India, accepting the entirely negative finding of the Leprosy Commission to the effect that there is no proof that leprosy is contagious, has deemed it advisable to bring in the present Bill *pro majore cautela*, or whether that Government in view of other evidence and other opinions has rejected the cardinal finding of the Commission, or whether the Bill is intended not to check a disease but to abate a nuisance, is not a matter of great moment. Whatever be the object, I believe that the vast majority of the people of this country, so far as they do not view it with indifference, will approve of the Bill. In any case it is not an enactment that can have any very extensive applicability. The total number of lepers in the Madras Presidency is only 12,617, and of these there is but little likelihood of any of the following coming within the scope of the Bill—agriculturists (6,445), professionals (567), commercial (1,067). A very small minority of the artizans (3,402), and among vagrants, &c., the beggars (45), are the only lepers whom the new law is likely to affect.

Sections 6, 7 and 8 are likely to be the most commonly employed portions of the Act; and there is good reason to believe that among the people of the country, more especially the educated classes, there is an increasing feeling of disgust and reprobation of the practice of exhibiting loathsome diseases for the purpose of extracting alms.

5. Those native gentlemen whom I have consulted have questioned the advisability of some of the provisions of the Bill, as being unnecessarily severe on an unfortunate class. Such are—the prohibition of the calling of domestic servant—section 9 (*a*); or of riding in any public conveyance—section 9 (*c*); the absolute discretion conferred by section 10 (*a*) to banish from the local area; the denial of the right of appeal to a pauper leper (section 14).

6. But my own opinion is that the Bill is justifiable either on the hypothesis that leprosy is a contagious disease, or on the ground of the admittedly horrible nature of the scourge. And if it be admitted that legislation for the purpose of extirpating

the evil is justifiable, it follows that the measures adopted must be adequate. So far from deprecating any of the provisions of the Bill, I am inclined to think that it will be advisable before long to proceed further, so as to bring under control those lepers to whom the present Bill does not apply.

(Signed) J. N. ATKINSON,
Collector.

From the District Magistrate, Gódávari, to the Chief Secretary to Government, dated Cocanada, 16th October 1896, Cur. No. 741.

With reference to G.O., No. 1458 M., dated 1st September 1896, forwarding for remarks the draft Bill for the segregation of lepers, I have to point out that by the provision of section 9 (*c*) it is practically made a criminal offence for a leper to drink water. In most large towns, which would presumably be the local areas referred to, the only sources of drinking-water are, as a rule, public, and circumstances can easily be imagined under which a leper could not get any one to draw water for him.

(Signed) G. W. ELPHINSTONE,
District Magistrate.

From the Acting District Magistrate, Malabar, to the Chief Secretary to Government, dated Calicut, 18th October 1896, No. 1551-Magl.

In reply to G.O., No. 1458 M., dated 1st September 1896, I have the honour to state that some legislation with respect to lepers is greatly wanted in parts of this Presidency. At Mangalore there is an excellent leper hospital, managed by the Jesuit Fathers. But it was very difficult to make the lepers who infested the streets resort to the hospital or remain there after admission. They preferred to live by begging and the discipline of the hospital was irksome to them. I am therefore of opinion that the introduction of the proposed Bill is very necessary.

2. No additions or alterations in the Bill suggest themselves to me.

(Signed) G. W. DANCE,
Ag. District Magistrate.

From the Chairman, Municipal Council, Calicut, to the Chief Secretary to Government, dated 20th October 1896, No. 1241.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to certain municipal councils, for their opinion, the draft Bill for the segregation of lepers, I have the honour to forward herewith copy of a resolution of the municipal council passed at a meeting held on the 13th instant.

(Signed) S. SWAMINATHA ~~IYER~~ Aiyar,
Chairman.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 13th October 1896.

* * * * *

2. Read again resolution No. 14 of the municipal council, dated 3rd October 1896.

Read also G.O., Mis. No. 1458 M., dated 1st September 1896, referring to the Municipal Commissioners of Madras, and certain municipal councils, officers and gentlemen, for their opinion, the draft Bill for the segregation of lepers forwarded by the Government of India and ordering its publication in the *Fort St. George Gazette*.

Resolution.—The council thinks that legislation for the segregation of lepers is necessary and they approve of the draft Bill subject to the following suggestions:—

"Clause (*d*) of section 9 may be amended so as to admit of exceptions under special circumstances as, for instance, by engaging a special compartment in train."

"Provision to obtain the presence of a leper as a witness or as a party in courts should be made."

From the Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated 21st October 1896, Dis. No. 817.

With reference to G.O., No. 1458 M., dated 1st September 1896, forwarding; for favour of opinion of the Hon'ble the Judges of the High Court, a Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, I am directed to forward a transcript of the minutes recorded by the Hon'ble the Chief Justice and Justices Benson and Boddam, and to state that the Hon'ble Justices Shephard, Subramania Aiyar and Davies have no observations to offer on the Bill.

(Signed) D. W. G. COWIE,
Registrar.

ENCLOSURE.

Minutes.

THE CHIEF JUSTICE.—I strongly approve of this Bill, but I do not think section 9 is sufficiently exhaustive. I would not allow a leper to practise as a legal practitioner in a Court of Justice. It may possibly be open to doubt whether the term "rides in any public conveyance" means as a passenger only and does or does not include the driver of such vehicle. Again, why should a leper be allowed to be a schoolmaster? Many other occupations will doubtless present themselves which it would be well to exclude lepers from. I suggest that section 9 be reconsidered.

MR. JUSTICE BENSON.—Assuming that the control of lepers generally, and the segregation of pauper lepers, are measures necessary for the protection of the community—a question for medical and sanitary, rather than legal, experts—I am of opinion that the proposed law is well designed to effect the object in view and is not open to objection as too stringent a measure.

In the way of verbal criticism I have only the following remarks to make:—

Section 4.—I doubt if there is any necessity to enact that the persons therein specified shall be deemed to be public servants within the meaning of section 21, Indian Penal Code. The latter part of the 9th category enumerated in section 21, Indian Penal Code, seems to include the persons specified in section 4 of the Bill.

Section 9.—For the information of the public as well as for the guidance of the Magistrates and officers enforcing the law, it is desirable that the meaning of "public" in this section should be made clear by definition or by illustration or by both. Complete definition is far from easy, but it is desirable that the range of doubtful cases should be narrowed as far as possible by the legislature rather than by the slow process of judicial decisions under the Act.

Section 12.—The words "*so detained* since the last visit of the board" include every inmate of the asylum at the time of the visit, but the provision is apparently only intended to refer to persons *admitted* to the asylum since the last visit of the board. If this view is correct, the word "admitted" should be substituted for the words "so detained".

MR. JUSTICE BODDAM.—This Bill contains no reference to any fund out of which the proposed leper asylum is to be maintained or the officers appointed for the purpose of carrying out its provisions are to be paid. The power given by section 15 to the Local Government to make rules is not wide enough to embrace this.

The power given by section 6 to the police to arrest pauper lepers is left entirely in their option. If it is intended to be made a part of their duty to arrest any person who appears to be a pauper leper, the word "shall" should be substituted for the word "may". If it is not intended to make it a part of the duty of the police to arrest pauper lepers, then the Bill should be amended by adding the process by which pauper lepers are to be brought before the Inspector of Lepers or the Magistrate. As the Bill stands at present, unless the police arrest them, pauper lepers may remain at large unmolested.

Section 9 should be extended to include in (*b*) all articles intended for use by man and in (*d*) the driver or conductor of a public conveyance.

From M.R.Ry. S. SWAMINATHA ~~IYER~~ Avargal, B.A., Rao Saheb, to the Chief Secretary to Government, dated Calicut, 24th October 1896.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to me for opinion the draft Bill for the segregation of lepers, I have the honour to submit my views as follows.

2. *First as to the necessity for the Bill.*—It has long been felt that people *afflicted with infectious and loathsome diseases* should be removed from public thoroughfares and placed in asylums suitable to their condition. Leprosy is certainly one of those diseases, though there may be difference of opinion as to the degree of infection. People have long felt the necessity for asylums for lepers, and at the present moment there are two leper asylums in this district and in the Travancore territory—one at Calicut and the other, the Lazaretto at Palliport. There is, besides, a leper asylum in the Island of Minicoy. In the absence of statutory law, people suffering from advanced, and specially dangerous, stages of leprosy, with running sores, are seen daily seated on the road side soliciting alms. They mix freely with the people; and I have seen a Mappilla leper full of running sores, whose legs and arms are bandaged, going to bazaars where cakes and coffee are sold and touching the eatables and drinking coffee in tumblers which are freely used by others the next moment. Surely, there is the danger of infecting other people by the poison from the running sore or ulcer.

3. The proposed legislation is based on moderate lines and does not go beyond the actual requirements. I am confident that the public will hail with delight the proposed legislation, as its want is already much felt.

4. Leprosy is looked upon by the Hindus as a disease brought on by Karma. Mayne, in his Hindu Law, says as follows about the exclusion of lepers from inheritance:—

"Its occurrence is looked upon as the punishment of sin, either in a present or a past existence, and produces an incapacity for inheritance from the moment it is exhibited until it is removed by expiation. Some cases of leprosy are of a mild and ...ble form, while others are of a virulent and aggravated type and incurable. It is only the latter form of the malady which causes inability to inherit."

Just so, the present draft aims at segregating only the class of lepers who are suffering from advanced stages of leprosy.

5. *Provisions of the Bill—Section* 1, *clause* (3).—I think the power of extending the Act to any part of India may be left to the several Local Governments without obtaining the previous sanction of the Government of India. To be of any good, the Act should, in my opinion, be extended to all municipal towns and major unions and temporarily to places where more than 20,000 people collect annually during festivals. If this view is accepted, the Government of India may issue an executive order to all Local Governments defining to what extent and in what manner the Act may be extended and the further action may be left to the Local Governments. I will, therefore, delete the phrase "with the previous sanction of the Governor-General in Council" in clause (3), section 1.

6. At Calicut, the Basel Mission is now maintaining an asylum for lepers to which the municipality makes an annual contribution. Time may come when private gentlemen may establish asylums. To provide for this, I beg to suggest the following addition to section 3:—

"The Local Government may also, if it thinks fit, issue licenses to corporate bodies and private gentlemen for the establishment of such asylums, provided they conform to the rules of Government and may withdraw such licenses."

7. *Section* 6.—The arrest without warrant may be restricted to cases wherein the pauper leper may not be able to give security.

8. *Section* 8.—This section lays down that pauper lepers can be discharged only by order of the board constituted under section 5. If, as suggested by me, the provisions of the Act are extended to places where people congregate during festivals, cases may arise where lepers who have relations with means to look after may have been declared pauper lepers by Magistrates for want of full information, as the lepers may

have come from a distant place. The relative may undertake in writing to look after the leper and to keep him away from begging. If the Magistrate is satisfied with the undertaking in writing of the relative of the leper, he may himself be empowered to order the discharge of the leper. This course will also minimize the expenditure to public funds, at the cost of which alone the asylums may have to be maintained. Again, if a pauper leper is anxious to go to a *licensed* private asylum, and if the manager of the institution is willing to take him, the Magistrate may be empowered to order his discharge from the asylum constituted under the Act. I beg therefore to suggest the following addition at the end of paragraph 8 : " or by an order of the Magistrate ". In schedule C also the following addition should be made : " or by an order of the Magistrate ".

9. I will further add the following proviso to this section :—

" Provided that at any time if any friend or relative of the pauper leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of in a separate place in his house, so that he would not be allowed to beg in a public place or to do any of the acts mentioned in section 9, the Magistrate may, instead of sending him to the leper asylum, make him over to the care of such friend or relative, or, if he is already in the asylum, may discharge him. Provided also that, at the request in writing of any friend or relative of the leper, the Magistrate may send him to a licensed private asylum if the manager of the asylum agrees in writing to receive him.

" If the Magistrate thinks that the man apprehended by the police is not a pauper leper, the Magistrate should summon the relative or any person who should have charge of the leper. If, on inquiry, it appears that such relative or person has the means and is bound to maintain the leper, the Magistrate may make an order that he should be properly taken care of and should not be allowed to follow any of the callings or do any of the acts mentioned in section 9. If such relative or other person shall wilfully neglect to comply with the said order, he may be fined not exceeding Rs. 50 ".

10. The language of the proviso clearly explains the object. As in the case of a lunatic, if a family or tarwad has means it should surely maintain a leper, and keep him out of harm's way.

11. *Section* 9, *clause* (*a*)—Add the words " or jutka driver " at the end of the clause and omit " or " in line 4.

12. *Clause* (*b*).—This may be worded as follows :—

" Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug, medicine or other substance intended for human consumption or for external application to the human body.

This will embrace " compounders, " persons employed in sodawater factory, and in arrack and toddy shops and depôts."

13. *Clause* (*c*).—I will add after " bathing place " the following :—

" Or in a running stream, river or channel. "

14. *Section* 10.—In line 3, clause (*a*), add the following between the words " him and to " :—

" not to follow any of the callings or do any of the acts mentioned in section 9 or ".

(Signed) S. SIVAMINATHA ~~IYER.~~ Aiyar

From the Superintendent, Government Leper Hospital, to the Chief Secretary to Government, dated Madras, 26th October 1896, No. 315.

With reference to G.O., No. 1458 M., dated 1st September 1896, received direct from you, I have the honour to express the opinion that the objects aimed at in the proposed Leper Act. 1896, are most salutary and the provisions of the Bill most desirable. I concur with these provisions with the exception of the definition of " leper " given in clause 2, paragraph (1), which is as follows, viz., " leper " means any person

suffering from any variety of leprosy in whom the process of ulceration has commenced. I consider this definition too restricted, it would exclude many advanced lepers who have not ulcers, but who, by reason of deformity and other conditions of leprosy, are repulsive and even dangerous to others, and who therefore should be brought within the scope of the Bill. I would advocate that the definition of a leper be extended by the addition thereto of words to the following effect, immediately after the word "commenced," viz., "or whom leprosy has rendered deformed or repulsive, even when active ulceration is absent."

There are many lepers far advanced in the disease in whom the process of ulceration is, at times, absent, the condition has been checked and the ulcers have healed, especially in cases that have been under treatment and well cared for; and yet such cases are often loathsome and repulsive by reason of extreme deformity caused by leprosy, such as loss of fingers and toes, depilation of eyebrows and eyelashes; staring blinded eyes, thickened greasy odorous skin, pendulous ears and hideous tuberculated features, all of which conditions may exist without the presence at times of ulcers or open sores; amongst the 230 (or so) lepers under my charge in this asylum, I have seen those who have lost all their fingers and toes and even the whole hands or feet, in whom active ulceration and open sores are often absent; an example of such a case, *i.e.*, extreme leprous deformity without present ulceration is an inmate of the asylum now; he has lost all the fingers of both hands, leaving bare stumps, half of one foot has disappeared, and the whole of the other together with part of the leg, and yet he has, at present, no ulcer or open sore; such a case as this, though hideous and pitiable in his leprous deformity, would not be reached under the proposed definition of a leper in the Bill, inasmuch as ulceration is not present, and yet this man should certainly be precluded from engaging in the occupations detailed in clause 9.

In the case of another patient, an inmate for 30 years, the fingers and toes are permanently contracted and distorted from leprosy, yet here also there is no ulceration. In cases of the pure tubercular variety of the disease, there is frequently no ulceration at any time, yet persons suffering from this form are particularly loathsome and repulsive in appearance, even without ulcers; the huge pendulous ear lobes, enlarged, nodulated, and distorted features, and the thickened greasy-looking skin, render these victims hideous to contemplate; moreover, in this variety, the skin readily cracks and bleeds, affording increased facility for contagion; the lungs also may be affected by leprous tubercles, in which case there would be a risk of communicating the disease by the respiration, yet the above class of tubercular leper is not included by the proposed definition in the Bill, and a person so affected would not be precluded from engaging in the occupations mentioned in clause 9, as he has no apparent ulceration, I am of opinion, however, that such a leper should be excluded from these callings.

The presence of ulcers and open sores is doubtless very frequent amongst mendicant lepers, who are uncared for and exposed to privation, dirt and other irritating influences, and whose stock in trade is their filthy sores; such lepers are, whilst trade is prosperous, not anxious for the cure, and therefore removal, of those loathsome conditions, by which they attract attention; in the case of inmates of a leper hospital, however, ulceration is but a temporary incident, it occurs when a finger or toe loses its vitility in the course of the disease, then the member slowly ulcerates and drops off, or the dead bone works out, after which the ulcer quickly heals under appropriate care and treatment, leaving white scars, and increasing deformities, which are equally repulsive as the ulcers, and which, with other repugnant features of the disease, should unfit the victims for public exposure, and should preclude them from engaging in the trades and callings detailed in the Bill.

So long as a leper is in the incipient stage of the disease, he is not dangerous nor repugnant to the public, and need not be interfered with; but I am of opinion that every pronounced leper whose leprous symptoms would attract attention, whether he be subject to ulceration or not, should be dealt with according to the provisions of the Bill. I therefore advocate the extension of the definition of a leper as I have proposed.

(Signed) G. L. WALKER, M.D., Surgn.-Lt.-Col.,
Superintendent.

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From the Chairman, Municipal Council, Madura, to the Chief Secretary to Government, dated 24th October 1896, No. 48.

With reference to G.O., No. 1458 M., dated 1st ultimo, I have the honour to submit herewith copy of resolution of the municipal council and my remarks upon the Bill which the council have desired me to make.

Section 2, *clause* 1.—In defining the word "leper" I would suggest the omission of the words "*in whom the process of ulceration has commenced*" in the definition, as, I believe, that leprosy is contageous even before such process has commenced and that it would be inadvisable to wait till then to be able to enforce the provisions of the law. The definition would run thus: "leper means any person suffering from any variety of leprosy at any stage of the disease."

Section 6.—After this section I would suggest the introduction of the following section:—

"Every person shall be bound to give information to the nearest Magistrate or Police officer of the existence of a leper."

Because lepers may be moving all over a town and escape detection by a Police officer and a duty ought to be imposed upon the public to give this information.

Section 9.—To clause (*a*) I would suggest the addition of the following callings that of a weaver, a prostitute, a pleader and a laborer; and to clause (*b*) a seller of cooking and other utensils; and after clause (*d*) the addition of another clause (*e*) "or mixes with the public in any public assembly as in a church, temple, mosque, court, &c."

(Signed) R. FISCHER,
Chairman.

From the President, Municipal Commission, Madras, to the Chief Secretary to Government, dated 27th October 1896, G. No. 449.

With reference to G.O., No. 1458 M., dated 1st September 1896, I have the honour to forward herewith an extract from the proceedings of a general meeting of the Commissioners held on 26th instant, as also an extract from the report of the proceedings of the said meeting which appeared in this morning's issue of the *Madras Times*.

(Signed) G. M. J. MOORE, Lieut.-Col.,
President.

~~From the Collector and District Magistrate, Tanjore, to the Chief Secretary to Government, dated Camp, Negapatam, 29th October 1896, No. 62-Tour.~~

~~With reference to G.O., No. 1458 M., dated 1st September 1896, calling on me to report on the Leper Bill, I have the honour to inform you that I have this day in my letter, No. 61-Tour, reported on the same as Magistrate of this district and that I have no further remarks to offer.~~

(Signed) J. ANDREW,
Ag. Collector

From the Collector of South Arcot, to the Chief Secretary to Government, dated Cuddalore, 30th October 1896, Ref. on No. 372-Ver. Supl.

I have the honour to reply to G.O., No. 1458 M., dated 1st September 1896.

2. According to the census returns of 1891, the total number of lepers in this district was 1,033, of whom 829 were males and 204 were females. It is doubtful whether this was the correct number, for, as admitted by the Superintendent of Census Operations, Madras (*vide* "Census of India," 1891, Vol. XIII, page 164), "the return of lepers is undoubtedly incomplete, for since leprosy carries with it certain social disabilities, there must be great reluctance to admit the existence of the horrible disease, and in addition to this the leper is frequently ignorant of the fact that he is a leper." However, as these are the most reliable figures available, I have adopted them, in order to show the prevalence of the disease in this district—which, being a coast district, requires special protection. Inland taluks and inland districts are known to be less liable to foster leprosy than coast taluks, and dry districts than those in which there is a high annual rainfall.

3. These 1,033 lepers were distributed according to age as follows:—

Below 10 years	14
Above 10 and below 20 years	59
„ 20 „ 40 „	362
„ 40 „ 60 „	485
Above 60 years	112
Not stated	1
Total	1,033

The distribution according to religion was as follows:—

Hindus	970*
Jains	5
Christians	25
Mussulmans	33
Total	1,033

*Pallis	312
Pariah	195
Vellala	81
Shepherd	61
Brahmins	12
Other Hindus	259
Total	970

The number of lepers in 10,000 of the population of coast and inland taluks is as follows:—

Inland taluks	4·48
Coast „	5·16
Whole district	4·78

4. These figures indicate to my mind the urgent necessity for the early introduction of a Bill similar to that on which an expression of opinion has been called for. This Bill is intended to provide for (*a*) the segregation of pauper lepers and (*b*) the control of lepers following certain callings. Taking the census classification, and assuming the Pallis and Pariahs to be "pauper" lepers, there would in this district be 507 to be dealt with under the first heading, viz., 312 Pallis and 195 Pariahs. The total number of lepers following certain callings may be taken as 130 as follows:—

Traders	82
Barbers	10
Washermen	20
Oil-pressers	3
Fishermen	10
Distillers and toddy-drawers	5
Total	130

Section 9 (*a*) and (*b*) of the Bill would effectively deal with these persons, whose numbers, as above indicated, are merely approximate.

5. As, I presume, that there is no longer any doubt as to the necessity for legislation in order to segregate pauper lepers, or to control lepers who may be following certain occupations, I refrain from making any further remarks on this aspect of the question, but to submit my opinion that the provisions of the draft Bill are well suited to meet present requirements. The definition of the word "leper" in section 2 does not, however, appear to me to be sufficiently comprehensive. It restricts the term to persons "suffering from any variety of leprosy in whom the process of ulceration has commenced." As observed long ago by Surgeon-General Balfour in his report to Government, dated 17th July 1876, No. 415 (*vide* "sections from the records of the Madras Government" No. L-II) "Leprosy passes through successive stages, each of which has distinguishing symptoms", of which ulceration is one. The definition would therefore appear to me to require amplification so as to embrace all cases of real leprosy, in whatever stage the person to be dealt with by the Bill may happen to be at the particular time, when the provisions of the Act are sought to be applied to him. The other provisions of the Bill seem to me to be eminently adapted for the ends in view, and I venture to hope that they may soon become law and be extended to this district as to other parts of the Presidency.

6. I have delayed my reply in the hope of receiving the opinions of the District Medical and Sanitary Officer and Divisional Officers for incorporation, but as these have not yet been received and as further delay might be inconvenient to Government, I submit these remarks for such consideration as they may be considered fit to receive.

(Signed) A. E. C. STUART,
Collector.

From the Chairman, Municipal Council, Cuddapah, to the Chief Secretary to Government, dated 30th October 1896, No. 1295.

Adverting to G.O., No. 1458 M., dated the 1st September 1896, I have the honour to state that the Municipal Council, Cuddapah, have, at their meeting held on the 28th of October 1896, approved of the provisions of the draft Bill, therein referred to, for the segregation of lepers.

(Signed) M. W. ELLIOT,
Chairman.

From the Inspector-General of Registration, Madras, to the Chief Secretary to Government, dated 29th October 1896, No. 6954-G.

I have the honour to submit the following reply to G.O., No. 1458 M., dated 1st September 1896 (received by me on the 23rd idem), circulating for opinion, a draft Bill framed by the Government of India for the segregation and control of lepers.

2. The object of the Bill is to prevent lepers, in whom the process of ulceration has commenced, from begging in, or frequenting, places of public resort, or from carrying on certain trades and callings, or doing certain other acts specified in the Bill. To this end, it is proposed that vagrant lepers, who have no ostensible means of subsistence should be arrested and sent before a Magistrate, after examination by a Medical officer (Inspector of Lepers), and detained in a leper asylum until they are cured and discharged. Other lepers who pursue certain occupations, which concern the food, drink, clothing, &c., of the people generally, or who bathe, at public places, &c., or ride in public conveyances are declared liable to fine by a Magistrate, and may, on second conviction, be sent to a leper asylum, or ordered to leave the locality in which the Act may be in force.

3. The Bill thus follows the provisions of the Bengal Act V of 1895, and is very limited in its scope, and I do not think that there can be any reasonable objection to its introduction into every municipal town, and places of large fairs and festivals, and even into Local Fund Unions. The total number of lepers in this Presidency is no doubt small, viz., 12,617, or 1 in 2,824 of the population, and, if the census figures are correct, the number has actually declined since 1881, but the disease is of so loathsome a character that it seems necessary, in the interests of the general public, that those lepers at least, in whom ulceration has begun to appear, should be placed under some restraint, such as is contemplated by the Bill under reference.

4. I would suggest a few alterations in the Bill as shown below :—

(*a*) Before sending a leper to the asylum under section 8, or sentencing him to a fine under section 9, in the first instance, the Magistrate may be allowed discretionary power to discharge the leper, with a warning, provided some relative or respectable person comes forward and furnishes security to the extent of (say) Rs. 100, to take proper care of the leper and prevent him from repeating the acts mentioned in the sections referred to.

(*b*) The clause in section 10 (*a*) regarding the expulsion of lepers from the local area in which the Act is in force, should, I think, be omitted. It seems somewhat anomalous that the same enactment which provides for the segregation and control of lepers in one locality should permit these loathsome persons being thrust upon the people of another locality, without any sort of restraint or control whatever.

(*c*) The Bengal Act requires that any person who may be certified to be a leper shall be produced before a Magistrate, "without any unnecessary delay and within 24 hours, &c." The words "within 24 hours, &c.," have been omitted in

clause (*b*) to section 7 of the present Bill. I think they should be inserted. The Police should not be given any discretion as to the detention of a leper for a longer period than 24 hours, exclusive of the time taken up for the journey.

5. Since the above was drafted, I had an opportunity of reading Surgeon-Lieutenant-Colonel Walker's remarks at the municipal meeting held on the 26th instant, pointing out that the definition of leper, as given in the Bill, would exclude from its scope a large number of loathsome and repulsive lepers who may be suffering from an advanced stage of the disease, with even distorted features, &c. I do not feel competent to give an opinion on this subject, but it seems necessary that the definition should be modified so as to bring within the scope of the Act all persons suffering from an advanced stage of the disease.

(Signed) P. RAJARATNA MUDALIYAR,
Inspector-General of Registration.

From the Chairman, Municipal Council, Trichinopoly, to the Chief Secretary to Government, dated 28th October 1896, No. 45.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring the draft Leper Bill for remarks, I have the honour to state that the provisions of the above Bill are approved by the municipal council with the following additions.

2. *Section* 9 (*a*).—After "domestic servant" insert "money-changer, stamp-vendor, pial teacher or schoolmaster."

Section 9 (*b*).—After "sells" insert "or is engaged in the preparation of"; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for human wear."

3. The Bill makes no provision for the separation and protection of the children of arrested female pauper lepers or for the transport by train of arrested lepers. Such provision seems desirable.

(Signed) KHADIR NAVAZ KHAN SAHIB,
Chairman.

From the Acting District Magistrate of the Chingleput District, to the Chief Secretary to Government, dated Saidapet, 1st November 1896, Dis. No. 643-Magte.

With reference to G.O., No. 1458 M. of 1st September 1896, I have the honour to state that I approve of the provisions of the Bill for the segregation of lepers, and have no suggestion to offer.

(Signed) D. D. MURDOCH,
Acting District Magistrate.

From the District Magistrate, Tanjore, to the Chief Secretary to Government, dated Camp Negapatam, 29th October 1896, No. 61-Tour.

Referring to G.O., No. 1458 M., dated 1st September 1896, calling for remarks on the draft Leper Bill, I have the honour to state that I consider the proposed legislation to be a decided move in the right direction, and I hope that in course of time it may be possible to have a law which will be applicable to lepers other than those covered by sections 2 (2) and 9 of the draft Bill and which will tend to repress any increase in the leper population by forbidding and discouraging marriages with lepers.

2. *Section* 9.—I scarcely think that the list of occupations is sufficiently exhaustive though it would doubtless be impossible to make a list which would include all occupations which should be forbidden to lepers. After "haberdasher" I would add "weaver, cigar-maker" and after "servant" I would add "or in any like or similar occupation."

3. *Section* 10.—I would add a clause after (*a*) as follows: "require him to enter into a bond with one or more sureties binding him not to practise any of the occupations or do any of the acts mentioned in section 9 until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(Signed) J. ANDREW,
District Magistrate.

From the District Magistrate, Madura, to the Secretary to Government, Local and Municipal Department, dated 5th November 1896, Dis. No. 1013-Ingl.

With reference to G.O., No. 1458 M., dated 1st September 1896, I have the honour to say that I approve of the provisions of the Leper Bill. The only suggestion I would make is that section 9 (*a*) and (*b*) are not sufficiently comprehensive, *e.g.*, I would add butcher and dairyman to clause (*a*), and modify clause (*b*) so as to make it penal not only to sell food, &c., but also to deal with it or be concerned in any way with its distribution. If clause (*b*) remain as it is, magistrates will rule that it refers to the salesman only, and the relative or cooly who is engaged in the shop or takes out the bread, meat or milk to customers will escape.

(Signed) J. TWIGG,
District Magistrate.

From the Surgeon-General with the Government of Madras, to the Secretary to Government, Local and Municipal Department, dated Madras, 6th November 1896, No. 515.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring the draft Leper Bill for an expression of my opinion and obtaining and submitting the opinions of such Medical officers as I shall think fit, I have the honour to submit copies of the reports of Surgeon-Lieutenant Colonels O'Hara and Hackett Wilkins and Surgeon-Majors Browning and Lee.

2. I consider the Bill a good one and likely to be of benefit. I would suggest the following points for consideration :—

(i) If the words "subject to the conditions of section 61, Criminal Procedure Code," ought not to be entered after "shall" in section 7 of the proposed Act.

(ii) Under section 9 (*a*) add "money-changer, stamp-vendor, pial teacher or school-master."

(iii) Under section 9 (*b*) after "sells" insert "or is engaged in the preparation of," and after "consumption" and "sells or is engaged in the manufacture of textile fabrics intended for wear."

(iv) Provision should be made for transporting arrested lepers by rail or steamer when necessary.

(Signed) C. SIBTHORPE, F.R.C.P.I.,
Surgeon-General.

ENCLOSURES.

From the District Medical and Sanitary Officer, Trichinopoly, to the Secretary to the Surgeon-General with the Government of Madras, dated 9th October 1896, No. 2566.

[*Reference*—Leper Bill, 1896—Current No. 893-1, dated the 29th September 1896.]

With reference to the above I have the honour to inform you that I approve the provisions of the above Bill as set forth, but that, in my opinion, the following additions and modifications would be desirable.

Persons arrested how to be dealt with.

1. Under section 7, after "shall" insert "subject to the conditions of section 61, Criminal Procedure Code."

Practice by leper of certain occupations.

2. (*a*) Under section 9 (*a*), after "domestic servant" insert "money-changer, stamp-vendor and pial teacher or schoolmaster."

(*b*) After "sells" insert "or is engaged in the preparation of"; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for wear."

3. *Remarks.*—Section 7 of the Bill provides that every pauper leper arrested under section 6 "shall forthwith be taken before an Inspector of Lepers." Now unless the number of such Inspectors be relatively large, it is probable that the production of arrested pauper lepers before an Inspector of Lepers will not always be feasible before the expiration of 24 hours. Under these conditions it will be desirable to bring into operation the conditions of section 61, Criminal Procedure Code.

4. The inclusion under section 9 of money-changers, stamp-vendors and pial teachers and schoolmasters has been recommended from actual personal knowledge of such offices being occasionally filled by lepers.

5. The Bill makes no provision for the separation and protection of the children of arrested *female* pauper lepers. Such provision seems desirable.

6. Under the Bill, lepers are prohibited from riding in "any public conveyance." The transport by train of arrested lepers should, perhaps, be specially provided for.

(Signed) W. O'HARA, Surgn.-Lt.-Colonel,
District Medical and Sanitary Officer.

From the District Medical and Sanitary Officer, Malabar, to the Secretary to the Surgeon-General with the Government of Madras, dated Calicut, 8th October 1896, Endt. on Ct. No. 5853.

A most useful Bill, and I hope that it will soon be carried into effect.

2. The only suggestions I would like to make would be—

(i) That instead of inspectors being appointed (*vide* paragraph 4), that all qualified medical men (whether in Government employ, or private practitioner) be empowered to grant certificates, as this will prevent the unfortunate lepers being taken distances for the certificate from an Inspector.

(ii) That in the event of a person so certified objecting to the certificate, he may be permitted to appeal to the board of visitors connected with the nearest asylum.

(iii) That under paragraph 9, section (*a*) the following be added :—

"Or otherwise practices a profession or trade."

(Signed) T. J. HACKETT-WILKINS, Surgn.-Lt.-Colonel,
District Medical and Sanitary Officer.

From the Surgeon to His Excellency the Governor, to the Secretary to the Surgeon-General with the Government of Madras, dated Guindy, 26th October 1896, No. 234.

With reference to your memorandum No. 893-1, dated 24th October 1896, received this day, forwarding for my remarks the draft Leper Bill, I have the honour to observe as follows.

Although, as a medical man, I welcome the Act as showing that more attention will be directed to these unfortunate people, still it appears to me that its provisions are somewhat stringent in tone, when one bears in mind that the Leprosy Commission found, that the amount of contagion that exists is so small that it may be disregarded and that no legislation was called for on the lines of segregation, and that the figures available point strongly to a decrease in the disease; they further observed—"For India complete compulsory segregation may be considered to be absolutely impracticable. Neither do the conclusions given above as to the nature of the disease justify any recommendation for absolute segregation. 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 * * * It is impossible for the same reasons to advise compulsory partial isolation. Voluntary isolation is therefore the only measure left for consideration." With reference to the last sentence in the above, I would go further and say that as one is dealing generally with poor, uneducated people of a low order of intelligence, that it is justifiable, in their own interests chiefly, to use a gentle compulsion in isolating and treating them.

As I interpret the finding of the Leprosy Commission, it was that their recommendations regarding the prohibition from following certain trades, &c., *were quite apart from the dread of a possible infection* and the main object of their recommendations was to drive the leper population into rural areas, where farms, &c., would be provided and that thus, by increased material prosperity and hygiene, the disease would ultimately be stamped out. I make these remarks as I think it possible that the object of their recommendations may be lost sight of and that leper asylums might come to be regarded as prisons instead of being looked upon as havens of refuge by those suffering from the disease. From the above it is also to be inferred that any Leper Act should only apply to crowded centres—for practical purposes in India, to municipal towns only. I have no doubt as to the advisability for the provision of more leper asylums, as all evidence points to the fact that the good food, general cleanliness, &c., much improves the state and heals the sores of those afflicted with leprosy, and further that such treatment tends to ultimately stamp the disease out.

Turning now to the draft Bill itself, I do not see any provision for lepers voluntarily coming forward and being admitted into asylums. I would admit all lepers into such institutions irrespective of the type or stage of the disease. It must not be forgotten that the leper population is a small one, a little over a lac for the whole of India.

The definition "in whom the process of ulceration has commenced," section 2, paragraph 1, might be more definite; the process of ulceration may and does occur and healing of the part takes place—even though healed, such a person might be included in the above definition. The section, I presume, is intended to refer to persons who have breaches of surface at the time the examination is made. Under the Act a person, who may be hideously deformed, whose face is a mass of tubercle and whose hands have lost all semblance of symmetry, could carry on his trade provided there is no breach of surface. If the bill is to be introduced, why not in paragraph 2, section 1, delete "In whom the process of ulceration has commenced."

With reference to paragraph 4, it would be a convenience to the affected person and to the police, if all Commissioned Medical officers were ex-officio Inspectors. In this connection, it is presumed that such Medical officers would be fully protected by law for expressing opinions or granting certificates in the case of persons brought by properly constituted authority.

With reference to paragraph 8, there are no "poor houses" nor poor laws in India. In the event of the only bread-winner of a family being incarcerated, what will become of his or her children?

With reference to paragraph 9, sections (*a*) and (*b*), I would include schoolmasters and stamp-vendors. Do these sections also include the servants of such persons as milkmen, tailors, &c.? I would make the employer responsible in such cases and would fine *him* for infringement.

I am doubtful as to the justice of "fining"—take an example—a leper, possibly a highly moral character, who takes a drink of water at a roadside hydrant is to be fined Rs. 50 on the assumption, I presume, that his or her disease is *very remotely* communicable, whereas a woman of most depraved character may go about with *absolute certainty* communicating a far worse disease and the law takes no cognizance—this would be law but no equity.

With reference to paragraph 10 section (*b*), if a man is again convicted, I cannot see the force of the word "may"; under the Act he is a leper and should again be sent to an asylum. Would it not be advisable in this connection that every one who was once admitted into an asylum should notify to the local authorities his or her abode and any change of abode.

(Signed) W. B. BROWNING, Surgeon-Major,
Surgeon to H. E. the Governor.

From Surgeon-Lieutenant Colonel W. A. LEE, to the Secretary to the Surgeon-General with the Government of Madras, dated Coonoor, 11th October 1896.

The need for such an Act as this has been proved to be an urgent and pressing one, and its early enactment is therefore an object of primary public importance.

2. In view of the positive evidence now accumulated as to the contagiousness of leprosy and the success which, in Norway, has attended the enforcement of strict isolation in arresting the spread of the disease in that country, the measure now proposed by the Government of India, in so far as it will have a similar tendency, should be warmly welcomed as a practical and philanthropic attempt to mitigate the ravages of leprosy in India.

3. It cannot be held to be an undue interference with the liberty of the individual to check the unrestrained freedom now enjoyed by lepers in the pursuit of avocations conducive to the dessemination of their malady, or its transfer to the healthy by direct contagion.

4. I am of opinion that Medical officers who may be called on to grant certificates under this Act should be specifically protected in the *bonâ fide* exercise of their professional judgment against legal proceedings by parties considering themselves aggrieved thereby. That such immunity should be provided for seems necessary in view of the fact that, under somewhat analogous circumstances in Great Britain, viz., the granting of lunacy certificates, medical men have been subjected to actions at law.

5. It is open to consideration whether following the precedent of the Inebriates Acts, 1879 and 1888, provision should not be made for the voluntary detention for fixed periods in leper asylums of lepers not coming within the scope of the proposed Act.

(Signed) W. A. LEE, Surgn.-Lt.-Colonel.

From the Joint Magistrate of South Arcot, to the District Magistrate of South Arcot, dated 3rd November 1896, Ref. on No. 1880-Magl.

Adverting to your Ref. on No. 2039-Mag. of the 25th ultimo, I have the honour to submit my opinion regarding the provisions of the Leper Bill referred to and published in the *Fort St. George Gazette*, dated the 18th August 1896.

2. The contagiousness of leprosy is, I think, not yet conclusively established. To my mind, it appears to be questionable whether that disease is, strictly speaking, a contagious one. I personally know of Muhammadan families, two or three members of which were unmistakably affected with leprotic ulcers, and who lived together till death with the other members of the family, yet none of the others nor the domestic servants attending day and night on those lepers in the household exhibited any indication of having contracted that disease. I am aware of course that *inoculation* is possible, but I doubt whether leprosy is a desease that could be classified as contagious as small-pox, for instance. Nevertheless, I am of opinion, that, apart from the contagiousness or otherwise of the disease, it would be certainly a wholesome proceeding to bring all pauper lepers under the provisions of the Bill and to place non-paupers under certain of the restrictions contemplated as a matter of public policy and expediency. I am also fully convinced that the objects contemplated are sound, and that the provisions of the Bill are indeed calculated to safeguard the interests of the general public, while they will operate humanely on the unfortunate paupers who are victims to that loathsome disease.

3. I consider that the definition of a "leper" should not be restricted only to those cases where *ulceration* has been established, but that the term should include those in whom the disease is *obviously manifest* irrespective of the presence or absence of ulceration, because the appearance of ulceration would generally depend on the stage of the disease and on the hygienic conditions under which a leper may or may not be placed. I met in Proddattur, Jammalamadagu, Rayadrug and Ellore pauper

lepers in whom the disease was well established and whose appearance was most loathsome and repulsive; nevertheless, they exhibited no signs of the breaking down of the tubercles into suppuration, while in others, I observed the scars of healed ulcers.

4. To clause 9 (*a*) I would suggest the addition of such occupations as shroff or money-changer, butcher, stationer, schoolmaster, and to (*b*) of the same clause, after the word "sells" the addition of the words "or is engaged directly in the preparation of." Regarding clause 9 (*d*), this is certainly very hard; "public conveyance" include a railway train. If riding in a public conveyance by a leper is to be penalized, then there should be some ameliorating arrangements for him to perform his journey; the Bill is defective on this point.

(Signed) MUHAMMAD RAZA KHAN,
Joint Magistrate.

From the Hon'ble N. SUBBARAU Pantulu Garu, to the Secretary to Government, Local and Municipal Department, dated Madras, 7th November 1896.

With reference to G.O., No. 1458 M., dated 1st September 1896, calling for an expression of my opinion on the draft Bill for the segregation of lepers, I have the honour to state that I approve of the general principles of the Bill. I understand that the Bill is mainly directed for the segregation of *pauper* lepers. Under the Bill when once a pauper leper is committed to a leper asylum with an order in Form C, there is no express provision for his release in cases where he subsequently ceases to be a pauper or where his relatives subsequently come forward and guarantee to support him. I consider that special provisions for his release under the circumstances mentioned above should be embodied in the Bill.

Again, when a person is convicted for a second time under section 10, the punishment proposed to be inflicted on him seems very severe. He may be banished from his home—it may be for ever—till he produces a certificate in Form A; or he may be sent to an asylum with an order in Form D and kept there indefinitely for life. I am strongly of opinion that the banishment from the notified area or detention in the asylum should be limited by the Magistrate himself to a fixed period not exceeding one year. Form E is in my opinion very vaguely worded and the condition imposed therein for releasing a person would, if strictly construed and sometimes in practice, be equivalent to a certificate in Form A.

(Signed) N. SUBBARAU PANTULU.

From the District Magistrate, South Canara, to the Secretary to Government, Local and Municipal Department, dated Mangalore, 10th November 1896, Dis. No. 759-Mgl.

With reference to G.O., No. 1453 M., dated 1st September 1896, on the subject of Leper Bill, I have the honour to suggest that in section 3 a clause might be added to prohibit lepers from occupying a public chattram or rest-house thus:—

(*e*) occupies any public chattram or rest-house.

2. Section 10 (*a*) prescribes bonds to be taken from a leper convicted after a previous conviction: forms of these bonds may be added to the schedule.

3. No objection to the Bill generally has come to my knowledge.

(Signed) W. H. WELSH,
District Magistrate.

From the District Magistrate, Ganjám, to the Secretary to Government, Local and Municipal Department, dated Chatrapur, 10th November 1896, Dis. No. 1693-Eng.

With reference to G.O., No. 1458 M., dated 1st September 1896, asking me as District Magistrate for my remarks on the Kraft Leper Bill, I have the honour to state that I have in reply to similar call made on me personally submitted my opinion in a separate letter. I have nothing more to add; but I enclose copies of letters received from the District Sanitary and Medical Officer and Babu B. Chetterjea, Chairman of the municipality, on the subject for the perusal of Government.

(Signed) C. J. WEIR,
District Magistrate.

ENCLOSURES.

From Acting District Medical and Sanitary Officer, Ganjám to the Collector of Ganjám, dated Berhampur, 1st November 1896, No. 2995.

With reference to your C. No. 1799-Eng. of 1896, and accompanying Leper Bill, herewith returned, I have the honour to state that, in my opinion, the enactment in the proposed Bill does not go far enough, instead of "providing for the segregation of pauper lepers and the control of lepers following certain callings" I would have it, "providing for the segregation of all persons affected with leprosy."

Segregation, as far as I am aware, is the only means that we know of by which the spread of the disease can be kept in check and ultimately diminished. I have had a slight practical experience in the treatment of lepers, having lately been in acting charge of the Leper Hospital at Madras, and, in my opinion, there is nothing of more importance for the good of the public than enforced segregation of lepers. I am of opinion that more leprous patients exist than one is aware of, that the better class of people hide their sick away and yet keep them in their midst.

The disease is a contagious one, due to a specific bacillus, but with a long period of incubation, three years, so that on this account the source of contagion is often forgotten and the patient is looked upon as having been affected by some unknown cause, *i.e.*, fate, &c., whereas I believe he is the recipient of the disease from a pre-existing case. It attacks all classes and all ages. It is now on the increase. In the middle ages it almost disappeared and in those days isolation was enforced, not in the case of a few but was a general law.

I would, therefore, recommend that any known case should be segregated and kept under strict guard.

(Signed) H. THOMSON, M.B., D.P.H.,
Acting District and Medical Sanitary Officer.

From the District Court Pleader, Berhampur, to the Collector of Ganjám, Chatrapur, dated Berhampur, 31st October 1896.

With reference to your foot-note Ref., No. 1799-Eng., to G.O., No. 1458 M., dated 18th September 1896, regarding the Bill for the segregation of lepers, and subsequent reminders, I have the honour to state as follows :—

In section 2 (1) a leper is defined as a person suffering from any variety of leprosy *in whom the process of ulceration has commenced.* The italics are my own. I should have (though as a layman, I say it with diffidence) the word leper includes all persons who bear on their persons the unmistakable signs of leprosy whether ulceration has commenced or not. I have known lepers who had their bodies swollen, the fingers and toes stunted, the nails disfigured, the whole body presenting a ghastly appearance, yet the discharge of purulent matter did not appear till years after and a short time before death. If you kindly enquire in your office you will learn of a case like the above—that of K. Siva Rao Pantulu, late head clerk of the Berhampur Tahsildar's office.

In section 2 (2) (*b*) in the definition of "pauper leper" the words "beyond begging for charity" which I take from the statement of Objects and Reasons may be added after the word "subsistence" at the end. We are very often troubled by hopeless lepers invading our compounds to beg for alms and the addition of the words proposed would prevent begging in private houses just as section 2 (2) (*a*) would prevent begging in public places; or it would be better to add at the end the words "or beg from door to door for alms."

Section 9 (*a*) is not exhaustive, but at the same time no words such as "and the like" are added to allow of lepers following other callings than those enumerated in the section being brought within the operation of the Act. For instance, I would not allow a leper to roll tobacco into cigars [he may not be a seller himself to come under (*b*)] for public consumption or a leprous weaver or carpenter or goldsmith to exercise his calling at the risk of public health. A pleader affected with leprosy should not be allowed to communicate leprous person to his clients (I know an instance of such a pleader practising in a District and Sessions Court), nor a public servant to be retained in the public service after leprosy has appeared in him. The case of Siva Rao Pantulu mentioned above is in point.

Why should not section 9 prevent lepers from buying in the public market; for, besides their coming in contact with healthy persons, they are likely to contaminate fruits, vegetables, and other articles of human consumption by handing them just for inspection (a bad habit which is common amongst our people) whether they buy or not. Lepers should not be allowed to mingle with or loiter near crowds collected at temples, theatres or other places of public resort.

Some penal provision may, I think, be advantageously made with regard to people who may not come within the purview of section 9 but who keep lepers as servants to help them in their profession; for instance, a seller of sweetmeats or a baker may keep one suffering from leprosy to make sweetmeats or bread for him (I have seen a leper baking bread at the oven in a baker's shop at Calcutta) and our servants may go and buy the things for us without any suspicion of the danger to our healths. The manager of a theatre, a refreshment-room-keeper and the keeper of a barber's shop and the like should be liable to punishment for wilfully admitting a leper as a customer into their respective places of business.

The above remarks are some that have occurred to me after a careful perusal of the Bill. I should have liked to study the whole subject with greater attention, but there is hardly time for it.

I hope you will kindly excuse the delay I have incurred in sending this. The Government Order with your foot-note arrived here during my absence from town. It took me some time to secure a copy of the Bill which I got only yesterday. Ever since my return from Madras on the 20th instant, the present bad health of the town and my own professional work have hardly left me breathing time. Hence the delay.

(Signed) B. CHATTERJEA,
Pleader.

From the District Magistrate, Ganjám, to the Secretary to Government, Local and Municipal Department, dated Chatrapur, 10th November 1896, Dis. No. 1693.

I have the honour to submit the opinion called for in G.O., No. 1458 M., dated 1st September 1896, regarding the draft Bill for the segregation of lepers.

2. I assume that the scope of the Bill is already decided upon and is not open to discussion, but I would remark that the District Medical and Sanitary Officer whom I have consulted on the Bill and who has had experience in the Leper Hospital, Madras, considers that nothing short of the segregation of all lepers will be effectual. I believe, however, this question must have received due consideration from the Commission, and the decision which has been arrived at is doubtless based on weighty grounds.

3. Passing then to the details of the Bill, I notice from the public press that the definition of leper has already been subjected to criticism by medical experts. It seems to me that the definition might be with advantage omitted. The Bill provides for the determination by a medical expert of the question whether a man is a leper or not, and I understand that this may be determined with certainty even although ulceration be absent, unless therefore medical opinion holds that the disease is only contagious after ulceration commences. I consider the definition might be advantageously omitted or altered thus: "Leper' 'means any person certified by an Inspector of Lepers to be a leper." It may be perhaps considered that this would involve a difficulty in that Police officers must have some certain rule to guide them in dealing with pauper lepers, but the Bill only requires that the subject should *appear* to be a pauper leper to give the Police officer authority to deal with him.

4. To guard against all possibility of abuse of section 6 of the Bill I think it would be well to provide that arrests should only be made by officer in charge of a Police station. Departmental rules might be passed which would compel the report to the station-house officer by the ordinary constable of all pauper lepers. This would insure that all cases of pauper lepers were reported and that they would be dealt with by an officer of presumably some discretion. This would be especially necessary if a wider significance is given to the term leper as proposed above.

5. *Section* 9.—I consider this section requires amplification and should be made more elastic. As regards section 9 (*a*) it should be made absolutely clear that any one exercising the crafts or pursuing the callings not only as a principal but also as an employé would be liable to the penal provisions of the Act. The courts would probably decide that a leper who assisted in some stage in baking or making confectionery was not working as a baker or a confectioner.

As regards section 9 (*b*) I think it would be well to add after drug "any other article." Food, drink and drug hardly cover the whole ground. The question might arise whether tobacco or betel-nut comes within any of these descriptions.

6. *Section* 9 (*c*) *and* (*d*).—These sections have I have, no doubt, their justification in expert opinion. But the question they suggest is why if these sections are justified should we stop short of segregation of all lepers. Would it not be better to at once segregate lepers than to leave them exposed to prosecution for doing what the majority of lepers must do every day in their lives, viz., wash and drink at public sources of supply. Very few lepers in India have their own bathing places and drinking sources.

7. I notice, however, that the Bill is silent as to the machinery by which the penal clauses in section 9 are to be put in operation. The police have no jurisdiction but an "accuser" seems to be necessary before any Magistrate can act. It is unlikely that the ordinary villager will come forward as an "accuser" unless the accused happens to be his enemy. I do not think the initiative should be left to an accident of this sort. I would suggest that in this Presidency every head of village should be compelled to report to the Magistrate the existence in his village of any person who appears to be a leper. The Magistrate could then institute inquiries as to whether the alleged leper was doing anything which brought him within the penal provisions of section 9 of the Bill. The Bill is silent as to where lepers are to be detained pending examination and how they are to be forwarded to leper asylums; but rules framed under the Act would no doubt deal with this subject which presents some difficulties.

8. I must apologise for the delay in replying to this reference and the crudeness of my criticisms. My time has been very fully occupied of late by the extra work the state of the season involves and I have not had time to study the subject as fully as I should have wished.

(Signed) C. J. WEIR,
District Magistrate.

From the Sanitary Commissioner for Madras, to the Secretary to Government, Local and Municipal Department, dated Fort St. George, 18th November 1896, No. 2150-S.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring for opinion the draft Bill for the segregation of lepers, I have the honour to submit herewith a memorandum thereon.

(Signed) W. G. KING, M.B., C.M., D.P.H.,
Surgn.-Lieut.-Colonel, Sanitary Commissioner.

ENCLOSURE.

MEMORANDUM by the Sanitary Commissioner for Madras on the draft Leper Bill.

(1) *Reference Section* 1, *Sub-section* (3).—The Act should be made applicable to the whole of India on a definite date in regard to matters mentioned in section 9; but, before proceeding to enforce rulings affecting leper asylums and dependent upon their existence, Local Governments should be required within a definite date to establish a *sufficient* number of centres. This period might be, say, three years after coming into force of the Act. If this measure be not adopted there will be a constant tendency for lepers to migrate to parts where the Local Governments have not elected to make a notification on account of the expenditure necessary for asylums. Under such circumstances, lepers will be hunted about from one part of the country to the other, without good to the general public in proportion to the inconvenience inflicted upon individual lepers. Thus, if it be considered that Local Governments cannot afford to follow the policy of having a *sufficient* number of asylums to work the Act properly from the outset, the Act should proceed no further than to enforce section 9.

(2) *Reference Section* 2 (1).—Considering that we yet know very little—the Leprosy Commission notwithstanding as to modes of transmission—it would not seem safe to limit the definition of leprosy to where "the process of ulceration has commenced." The mere definition would lead to much quibbling, in that ulceration followed by healing may proceed alternately from time to time. The struggle there might therefore be over the word "commenced," and the different interpretations both medical men and magistrates might give are obvious. But, if we look upon the bacillus lepræ as the prime cause of the disease, and acknowledge that we know little about its mode of transmission, it would certainly be dangerous to have at large a leper whose throat was affected, but who nevertheless had no ulceration of external parts; seeing that both with the sputa and the fœces the bacillus lepræ has been demonstrated in such cases. I would, therefore, omit from the definition the words "in whom the process of ulceration has commenced," and I think there would thus result compensation for laxity suggested under paragraph (4) of this memo.

(3) *Reference Section* 6.—I think very strongly that this section should be modified so as to permit arrests only under circumstances embraced by section 9, or where the person is a "pauper leper" within the definition of section 2, sub-section (2).

(4) I would advise the Act be so arranged as to make a wide difference between a leper with ostensible means of subsistence, and without it. It may be claimed that this is illogical, and that if it be worthwhile passing an Act at all, it must embrace lepers rich and poor. I think this involves an exaggerated view of the necessity for action, and believe urgent requirements would be satisfied by segregation of those who persisted in following certain trades, exposing themselves, &c. If interference with private liberty to the extent covered by the Act, namely, that on the diagnosis formed by a policeman (!) any citizen may be arrested and detained on a charge of leprosy until the certificate of an Inspector under the Act were obtained, the correct sequel would be to confine all subject to tuberculosis. As various syphilitic and other skin diseases are frequently mistaken by the average medical practitioner for leprosy, the amount of injustice and scandal which the loose provision might lead to, is evident. A section should therefore be provided to secure control of persons with ostensible means by less harsh measures. These might be maintained in their own or other approved houses under arrangements made to the satisfaction of the Inspector under the Act. Such person would, however, be subject to sections 9, 10 and 11, but not to arrest under section 6. With the object of securing the necessary measure of segregation a leper with ostensible means should be required to appear before a Magistrate on summons being issued, on information supplied by any three rate-payers held by the Magistrate to be respectable, or by any medical officer in Government employ.

(5) *Reference Section* 9.—To *sub-section* (*a*) I would add "vaccinator" after "medical practitioner"; also "shroff, book-seller, book-binder, printer" and after "domestic servant" basket or rope maker, or any trade or occupation which involves preparation or storage of articles in whole or in part by him."

Sub-section C.—I would alter thus :—" bathes at any public well or bathing place or private well or bathing place open to the use of the public, or takes water from any public drinking fountain, well, hydrant, tank or reservoir, or from any private source or adjunct of a private water-supply open to the use by the public, or from anything pertaining thereto."

[NOTE.—In this Presidency numerous water-supplies are maintained by private owners, who do not forfeit the right of ownership by allowing the public to use, &c., because repairs are conducted by them.]

FORT ST. GEORGE,
18*th November* 1896.

(Signed) W. G. KING, M.B., C.M., D.P.H.,
Surgn.-Lieut.-Colonel, Sanitary Commissioner.

From the Chairman, Municipal Council, Kumbakónam, to the Secretary to Government, Local and Municipal Department (through the Sub-Collector and the Collector of Tanjore), dated 10th November 1896, No. 548.

With reference to G.O., No. 1458 M., dated 1st September 1896, referring to this council for opinion the draft Bill of the Hon'ble Mr. Woodburn for the segregation of lepers, I have the honour to report as follows.

The Bill was placed for consideration before the council on the 3rd October 1896, when it was referred to a sub-committee for consideration and report. The sub-committee having reported on it, the Bill was again placed with the report of the sub-committee before the council at its meeting held on the 7th instant when the resolution, copy of which is enclosed herein, was passed. The council has no doubt upon the desirability and expediency of the proposed legislation and approves generally the lines upon which the Bill has been framed. But, at the same time, it begs to offer the following suggestions on the details of the Bill as recommended by the sub-committee :—

(1) Section 2, definition 1, only includes those lepers in whom the process of ulceration has set in ; but there are other equally loathsome cases of leprosy without ulceration such as swellings, lobes and other hideous and repulsive deformities and coruscations which are as bad and repulsive as ulceration. The definition should therefore be so amended as to cover cases of this sort.

(2) In section 9, clause (*a*), other cases may also be included, *e.g.*, pial schoolmaster, hawker, money-changer, stamp-vendor, compounder, weaver, shop assistant, perfumer and flower-seller.

(3) In clause (*b*) of the same section the following may be added :—

Persons engaged in the preparation of food and other articles of consumption.

(4) No right of appeal from convictions has been conferred by the Bill, and the sub-committee is of opinion that a provision conferring such a right should be insisted.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman, Municipal Council, Kumbakónam.

From the Chairman, Municipal Council, Tanjore, to the Secretary to Government, Local and Municipal Department (through the Divisional Officer, Tanjore), dated 23rd November 1896, No. 1741.

Referring to G.O., No. 1458 M., dated 1st September 1896, I have the honour to forward herewith an extract from the Proceedings of the Municipal Council, Tanjore, dated 18th November 1896, for your information.

(Signed) T. KALYANASUNDARAM AIYAR,
Chairman, Municipal Council, Tanjore.

Bill to provide for the segregation of pauper lepers, etc.

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Agmt ljo No 1456 m. dated 18th Septr 1896.
corr Nos 26652, 26922, etc. read at the top of the

P.S Order No 336 m - 1 - 3 - 97 101 es dated

The following letter will be despatched to the Government of India:—

(Here Enter Letter No dated

Letter 337 m - 1 - 3 - 97

To

The Secretary to the Government of India, 1011

Legislative Department.

Sir,

In reply to your letter of the 3" August 1896, No. 1571, inviting opinions on the provisions of the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings [illegible] and to state that this Government generally approves the provisions of the Bill.

2. The suggestions made in the papers enclosed will receive in due course the consideration of the Government of India, but the following are the points which deserve special notice:—

(1) The Bill is silent as to the manner in which the children of female pauper lepers are to be dealt with. A provision seems to be necessary to authorize the separation and protection of such children.

(2) Section 2 (1)-It seems desirable to amend the definition of the term "leper" given in clause(1) of this section so as to make it clear that a person in whom the process of ulceration has commenced

despatches

Please send along with this a spare copy of Ejo No 336 m, 31-3-97.

Secure urgent

The Hon'ble the Judges of the H. Ct. & certain officers & others have been consulted on the provisions of the Bill &

commenced, whether temporarily healed over or not, is also ~~covered by it~~ within the purview of the Act.

(ii) ~~The Government would also suggest that in view of~~ To prevent any possibility of doubt as to the meaning of "ostensible means of subsistence" ~~the words~~ in clause 2 (b) of this section, following words ~~may~~ be added at the end of clause 2 (b) of this section. "or from door to door begging for charity or for alms".

(3) Section 3. It has been suggested that ~~the following clause~~ a clause should be added to this section ~~so as to~~ empowering Local Governments to license, under rules to be prescribed, the establishment of private asylums for lepers ~~:-~~ under the management of corporate bodies or private persons ~~The Local Government may, if it thinks fit, grant licenses for the establishment of such licenses, provided they conform to the rules of Government in force for the time being, and may withdraw such licenses~~. It is a question whether in this country licensed asylums either for lepers or lepers should be recognized by Government, but His Excellency in Council sees no harm in taking the power to do so and has accordingly no objection to the proposed amendment.

There are no doubt special difficulties in this country in the acquisition by Govt of private asylums

(4) Section 4. The Government considers it desirable to amend this section so as to provide that all commissioned medical officers shall be ex-officio Inspectors, ~~as it would be convenience to the affected person and the police officer~~.

on the ground of convenience Mr Browning's proposal that is enclosed has the approval

(5) Section 6. His Excellency in Council ~~considers~~ concurs in the suggestion made by Mr. Weir that the power of arresting pauper lepers should be confined to officers not inferior in rank to an officer in charge of a Police station.

(6) Section 7. ~~There appears to be no objection to~~ It seems desirable to insert in clause (b) ~~of this section~~ after the words "Local Government" the words "or Municipal Council" and to add at the end of the clause the words "or Municipality".

(7) Section 8. (i) In the concluding portion of para 10 of its resolution No. 2 Medical/138-149, dated 23rd March 1895, the Government of India expressed the opinion that it may not be necessary to legislate for the voluntary admission of lepers in asylums, but that it 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. His Excellency the Governor in Council would recommend that a provision ~~should be inserted for the taking in~~ authorizing the admission of such lepers in asylums in the event of there being room and the patient undertaking to meet all the charges.

(ii) It seems also desirable that Magistrates should also be empowered to discharge a person who having been detained as a "pauper leper", subsequently ceases to be a "pauper" either by succeeding to property or heirship or in consequence of a voluntary undertaking by his friends, with security to the satisfaction of the Magistrate, ~~by his relations~~ to maintain him.

(iii) If the Local Government be empowered to recognise private asylums as suggested in para 2 (3) supra a provision should

The sort does not support a question made with reference to this question that the Magte shd be empowered to make an order against a leper to call upon the relatives of to show cause why they should not maintain him & prevent him from taking to be responsible for his not following any of the prohibited callings.

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Page E (Page 6)

should be inserted authorizing the Magistrate to transfer a leper to a licensed private asy-lum ~~either at his own request or at the request of his friend or relative~~.

(8) Section 9-(i) Clause (a) or this section should, it is considered, be amended so as to include a pial teacher or school master, cigarmaker, compounder, butcher, dairy-man and vaccinator, and clause (b) ~~should~~ would be recast as follows:-

" Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug or other substance intended for human consumption or for external application to the human body".

(ii) The ~~Government considers it neces-sary that the~~ expression "public well or bathing place" occurring in this section should be so defined as to include pri-vate wells and bathing places open to the use of the public.

(iii) The driver of a public conveyance should, it is suggested, be also brought under clause (d) of this section. The gener-al prohibition of lepers from riding in pub-lic conveyances however is ~~in the opinion of the Government very severe~~, considering apparently how little is the danger from contagion as small, at any rate from any temporary contagion such as one is exposed to ~~from~~ by riding for a short time in the same railway carriage. The interdict might therefore be removed at any rate in the case of railway carriages; ~~but~~ a leper ~~might~~ be however required to give notice to the Railway authorities so as to enable them to take steps to have the carriage ~~carefully~~ washed out with ~~soap~~ except or washed out with disinfectant

(9) Section 10. (i) The Government ~~does~~ does not apprehend the particular object ~~see~~ of clause (a) of this sec-tion ~~in~~ empowering the Magistrate to ba-nish a leper from a notified area, where presumably lepers are to be found in some numbers, to an area less frequent-ed by them. It would seem to suffice if under this clause the leper is required to give security not to repeat the acts or fol-low the callings prohibited by the Act.

(ii) If this suggestion be not adopted, the procedure under which the certifi-cate in form A required by clause (a) of this section can be applied for should be clearly laid down. ~~Specified.~~ Such certificate cannot apparently be obtained in a non-notified area for which the act does not autho-rize the appointment of an Inspector of lepers, nor can the person applying for the certificate enter under the terms of his agreement enter that or any other notified area. ~~It seems there-fore necessary to provide that~~ A per-son more than once convicted should be entitled to apply for the certificate on production of copies of the convictions to the Inspec-tor.

(iii) ~~(i)~~ It appears desirable that every leper once admitted to an asylum should be required to notify to the Local authorities his or her abode and any change of abode.

(10) Section 14. It is recommended that the Magistrate should be specifically empowered to stay proceedings under section 9 pending the result of the appeal under section 14 and to discharge the individual if the appeal is successful.

(11) Section 15 As observed by Mr. Justice Boddam, the Bill contains no reference to any fund out of which the leper asylums to be opened under the Act are to be maintained. His Excellency H. Gov in Council would therefore suggest that a provision may be inserted authorizing the Local Government to require Local Boards and Municipal Councils to contribute in such proportions as it deems fit for the establishment maintenance of these asylums.

3. The Bill and Statement were published in the Fort St. George Gazette in English on the 18th August, in Tamil, Telugu, Canarese and Malayalam on the 6th October and in Hindustani on the 29th September 1896.

(From orders)

V.A 25/11/97

27.2.97

11/3/97

Agmt GO No. 1458-L, dated 1st September 1896.

current Nos 2885-L, 2892-L, 2752-L, 2793-L, 2816-L, 2893-L, 2853-L, 2859-L, 2881-L, 2894-L, 2870-L, 2902-L, 2914-L, 2946-L, 2947-L, 2948-L, 2949-L, 2950-L, 2951-L, 2988-L, 2982-L, 2985-L, 3001-L, 3028-L, 3029-L, 3034-L, 3048-L, 3064-L, 3074-L, 3091-L, 3092-L, 3122-L, 3163-L & 3182-L of 1896.

Bill for the Segregation of pauper lepers and the Control of lepers following certain callings.

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(Hag T)

H.E. the Governor

336-L
1-3-97

B

mily O No 2086-L, dated 6th Nov 1888.

FOR ORDERS.

× In the Government order read above a Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, which was forwarded by the Government of India for the opinion of this Government, was referred to the Judges of the High Court, the Advocate-General, the Surgeon-General, the Municipal Councils of certain municipalities, some of the District Magistrates and certain other gentlemen, both official and non-official, for remarks. The Surgeon-General was also requested to obtain and submit the opinions of not more than five of the medical officers under him. The letters read above contain the replies received. Remarks have been submitted by all the Municipal Councils, the District Magistrates and other officers to whom the Bill was referred, but among the gentlemen whose opinions were called for, two, viz., the Hon'ble C. Sankaran Nayar and Muhammad Safdar Husain Sahib, have not submitted any. Before, however, considering the remarks and suggestions offered by the several local bodies, officers and gentlemen, on the provisions of the Bill, the history of the Bill may be briefly given as follows.

2. In its × resolution dated the 26th September 1888, the Government of India 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 one per cent. only of the lepers actually known to exist came under organized 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 sexes and the confinement for life of all affected by leprosy, which His Excellency 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 Government of India 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 leprosy 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.

G.O., No. 923 M., dated 25th July 1889.

3. Subsequently, upon a further examination of the question, the Government of India considered that some further 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, and a Bill was accordingly drawn up, in which provision was made for the detention of lepers generally on their own application, and authorizing 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. In inviting the views of the local authorities upon the provisions of this Bill, 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.

G.O., Nos. 16 and 17, Judicial, dated 9th January 1890.

4. This Government stated in reply that the provisions of the Bill were not likely to be of any practical use, that if it was intended to stamp out or materially reduce the disease, something far more thorough than the proposed legislation was undoubtedly essential and that it was undoubtedly essential and that it would not be prepared to approve of any such undertaking until very much more decisive evidence was produced that the disease was increasing. It was, however, pointed out that advantage might be taken of the opportunity for amending section 269 of the Indian Penal Code so as to render it possible to control the carrying on by lepers of various avocations, such as

Please see the introduction to the Report of the Leprosy Commission page viii

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

(page).

Page 416 of the Leprosy Commissioners Report -

E

those of butcher, baker, bazaar-keeper or barbers, washermen or others of the same kind likely to spread the disease, and that it would suffice to enact generally that wherever the words "infection" or "contagion" or "infectious or contagious disease" occur in any law, they shall be held to include the infection or contagion and the disease of leprosy unless the contrary should appear. In the meantime the English National Leprosy Fund, formed under the presidency of His Royal Highness the Prince of Wales, contemplated the appointment of a Leprosy Commission to visit India, and the Government of India apparently deferred the consideration of the subject pending receipt of the recommendations of the Commission.

5. 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 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 propogated 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 particularly 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 pre-disposition 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, which are related to each other in ways at present imperfectly known.

6. The Commissioners while holding that their conclusions as to the nature of

the disease did not justify any recommendation for absolute segregation or compulsory partial isolation, made the following recommendations for the regulation of leprosy and lepers in India, which they considered could be effected by means of municipal byelaws: (*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 byelaws 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 byelaws.

7. The report of the Commission was considered by a special Committee of six members and by the members of the Executive Committee of the National Leprosy Fund. The members of these two committees accepted all the conclusions of the Commissioners except Nos. 3 and 6. They declared themselves unable to accept the view that segregation in any case of leprosy in India is either impracticable or undesirable 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.

8. The memorandum of the Special Committee appointed by the National Leprosy Fund Committee and the remarks of the Surgeon-General with the Government of India, who agreed with the finding of the Commissioners regarding the contagiousness of leprosy, were forwarded to this Government with the request that recommendations might be made for giving practical effect in this Presidency to the conclusions of the Leprosy Commissioners. This Government stated in reply that the report of the Leprosy Commission and the conclusions

G.O., Nos. 922, 922 A., Public, dated 16th November 1893.

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(a) prohibition of sale of food & drink by lepers or of occupation as barber washerman a prostitute.
(b) prevention of begging & wandering vagrants
(d) med. authority to be consulted before proceeding, taken ag. lepers

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Please see paras 8 to 12 of the Govt of India Resln

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

as to the disease embodied in it, formed sufficient ground to warrant the refusal to assent to such measures of compulsory segregation or of isolation and supervision of lepers in their homes as were advocated in the proceedings of the Committee of National Leprosy Fund. It approved of legislation for carrying out recommendations (*a*), (*b*) and (*d*) of the Commissioners and for the expenditure of local and municipal funds on this object, but stated that, considering the inadequacy of the finances of the local bodies, the provision of asylums for lepers might be left mainly to private charity. The Government was, however, opposed to any legislation against prostitution, as it considered such a measure impracticable.

9. The Government of India, however, generally approved of the recommendations made by the Leprosy Commissioners and decided (1) that in and 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 and washerman, which concern the food, drink and clothing of the people generally; (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 suffiering from the disease and without relatives who can properly care for and treat them; (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; (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; (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; and (6) that it might not be necessary to legislate for the voluntary admission of lepers in asylums, but that the adoption of such a provision in any province in which it would be useful was unobjectionable. It was also pointed out that a Bill to provide for the purposes

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G.O No 17 Legis , dated 2nd
I March 1896 no 1458. date
1st September

above mentioned had already been introduced in the Council of the Lieutenant-Governor of Bengal, and the Local Government was accordingly asked 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.

10. This Government thereupon thought of amending the City of Madras and the District Municipal Acts, but subsequently decided in favour of passing a separate enactment providing for the segregation and special treatment of lepers, and when a draft Bill was accordingly in the course of preparation, the general Bill for the segregation of pauper lepers and the control of lepers following certain callings above referred to was received from the Government of India. There is a consensus of opinion in favour of the introduction of the Bill and the remarks and suggestions of the various local bodies, officers and gentlemen on the provisions contained therein are summarised in the accompanying statement.

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30/1/97

H.H.

Please see notes on the individual sections in the tabular statement placed below.

In forwarding the remarks of those who have been consulted or who have offered their opinions we may express general approval of the Bill, and refer to such of the ~~recommendations~~ points as the Govt. may think deserving of more special notice. Minor suggestions the Leg. Dept. of the Govt. of India will consider on the perusal of the opinions forwarded. F.A. Cox

The Govt. of India have asked for a very early reply

F.A.

12/2/97
A 414
17.2.97

Again G.O., dated 1st September 1896, No. 1458 M

Current No. of 189 , dated

Current No. of 189 , dated

Current Nos 2665 M, 2692 M, 2751 M, 2793 M, 2816 M, 2833 M, 2853 M, 2859 M, 2881 M, 2891 M, 2898 M, 2902 M, 2914 M, 2946 M, 2947 M, 2948 M, 2949 M, 2950 M, 2951 M, 2980 M, 2981 M, 2985 M, 3001 M, 3028 M, 3029 M, 3034 M, 3048 M, 3069 M, 3074 M, 3091 M, 3092 M, 3122 M, 3163 M, 3182 M of 1896.

FOR ORDERS.

A

In the Government Order read above a bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, which was forwarded by the Government of India for the opinion of this Government, was referred to the Judges of the High Court, the Advocate-General and Surgeon-General, to the Councils of certain Municipalities, to some District Magistrates and to certain other gentlemen, both official and non-official, for remarks. The Surgeon-General was also requested to obtain and submit the opinions of not more than five of the best medical officers under him. The letters read above contain the replies received. Remarks have been submitted by all the Municipal Councils, the

District

District Magistrates and other officers to whom the bill was referred; but among the gentlemen whose opinions were called for, three, viz, Mr G. S. Forbes, the Honble C. Sankaran Nayar and Muhammad Sufdar Husain Sahib, have not submitted any. Before, however, considering the remarks and suggestions offered by the several local bodies, officers and gentlemen, on the provisions of the Bill, the history of the Bill may be briefly given as follows:—

In its resolution dated the 26th September 1888, the Government of India observed that, so far as had been ascertained at the Census of 1881, there were 131618 lepers in British India, that these figures did not in all probability afford a true measure of the disease, and that about one per cent only of the lepers actually known to exist came under organized 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 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 Government of India 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 leprosy 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

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 Government of India considered that some further 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, and a Bill was accordingly drawn up in which provision was made for the detention of lepers generally on their own application, 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. In inviting the views of the local authorities upon the provisions of this Bill, the Government of India requested the

FOR ORDERS.

G.O 923th 25-7-89 C

the local Governments and Administrations to state whether in the opinion of persons qualified to judge leprosy was on the increase or not.

3. This Government stated in reply that the provisions of the Bill were not likely to be of any practical use, that if it was intended to stamp out or materially reduce the disease, something far more thorough than the proposed legislation was undoubtedly essential and that it would not be prepared to approve of any such undertaking until very much more decisive evidence was produced that the disease was increasing. It was, however, pointed out that advantage might be taken of the opportunity for amending Section 269 of the Indian Penal Code so as to render it possible to control the carrying on by lepers of various avocations such as those of butcher, baker, bazaar-keeper or barbers, washermen or others of the same kind likely to spread the disease and that it would suffice to enact generally that wherever the words 'infection' or 'contagion' or 'infectious and

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and dangerous disease' occur in
any law, they shall be held to
include the infection or Contagion
and the disease of leprosy unless
the contrary should appear. In the
meantime the English National Lep-
-rosy Fund, formed under the
presidency of His Royal Highness
the Prince of Wales contemplated
the appointment of a Leprosy Com-
- mission to visit India, and the
Government of India apparently
deferred the consideration of the
subject pending receipt of 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 Surgeons,
London, and two officers of the
Indian Medical Service deputed by
the Government of India, Com-
-menced its investigations in the
winter of 1890-91. The Commission-
-ers unanimously reported their
opinion that (1) leprosy is a dis-
-ease sui generis; it is not a form
of

of syphilis or tuberculosis, but has
striking aetiological analogies
with the latter; (2) leprosy is not
diffused by hereditary transmission,
and for this reason, as well 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 propa-
-gated 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 condi-
-tions, nor by insanitary surround-
-ings, neither does it particularly affect any
race or caste; (5) leprosy is indirectly
influenced by insanitary surround-
-ings, such as poverty, bad food
or deficient drainage or ventilation,
for these by causing a pre-disposition
increase the susceptibility of the
individual to the disease; and (6) lep-
-rosy in the great majority of cases
originates de novo, that is, from
a sequence or concurrence of causes
and conditions, which are related to
each

ach other in ways at present im-
perfectly known.

5. The Commissioners while hold-
ing that their conclusions as to
the nature of the disease did not
justify any recommendation for
absolute segregation or compulsory
partial isolation, made the follow-
ing recommendations for the regula-
tion of leprosy and lepers in India,
which they considered could be effect-
ed by means of municipal bye-laws:—
(a) that the sale of articles of food
and drink by lepers should be prohi-
bited and that they should be
prevented from practising prostitu-
tion, and from following such occu-
pations, as those of barber and washer-
man, 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 concentra-
tion of lepers in towns and cities is
to discourage it, and that to this
end the municipal authorities should
be empowered to pass byelaws pre-
venting vagrants suffering from
leprosy from begging in or frequent-
ing

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 authori-
ties should have the power of order-
ing 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 byelaws.

6. The report of the Committee
was considered by a Special Committee
of six members and by the members
of the Executive Committee of the
National Leprosy Fund. The
members of these two Committees
accepted all the conclusions of
the Commissioners except Nos. 3 and
6. They declared themselves unable
to accept the view that segregation
in any case of leprosy in India
is either impracticable or undesir-
able and urged that the Govern-
ment of India should take the
necessary steps in the direction of
such segregation of lepers as
might be found possible.

7.

7. The memorandum of the special Committee appointed by the National Leprosy Fund Committee and the remarks of the Surgeon-General with the Government of India, who agreed with the finding of the Commissioners regarding contagiousness of leprosy, were forwarded to this Government with the request that recommendations might be made for giving practical effect in this Presidency to the Conclusions of the leprosy Commissioners. This Government stated in reply that the report of the leprosy Commission and the conclusions as to the disease embodied in it, formed sufficient ground to warrant the refusal to assent to such measures of compulsory segregation or of isolation and supervision of lepers in their homes, as were advocated in the proceedings of the Committee of National leprosy Fund. It approved of legislation for carrying out recommendations (a), (b) and (d) of the Commissioners and for the expenditure of local and municipal funds on this object, but stated that considering the inadequacy of the finances

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of the local bodies, the provision of asylums for lepers might be left mainly to private charity. The Government was, however, opposed to any legislation against prostitution as it considered such a measure impracticable.

8. The Government of India, however, generally approved of the recommendations made by the leprosy Commissioners and decided (1) that in and 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 and washerman which concern the food, drink and clothing of the people generally, (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

G.O. No 1080 dt/8-7-95

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, (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 Municipalities and local Boards concerned, (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, (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, (6) that it might not be necessary to legislate for the voluntary admission of lepers in asylums, but that it had no objection to the adoption of such

a

a provision in any Province in which it would be useful was unobjectionable. It was also pointed out that a Bill to provide for the purposes above mentioned had already been introduced in the Council of the Lieutenant-Governor of Bengal and the Local Government was accordingly asked 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.

9. This Government thereupon first thought of amending the City of Madras and District Municipalities Acts, but subsequently decided in favour of passing a separate enactment providing for the segregation and Special treatment of lepers, and when a Draft Bill was accordingly in the course of preparation, the

G.O. No 1659 M dt 16-10-95 — H

WHEREAS it is [illegible]pedient to provide for the segregation of pauper lepers and the control of lepers following certain callings; It is hereby enacted as follows:—

1. (1) This Act may be called the Lepe[illegible] Act, 1896.

Title, extent and commencement.

[illegible] it exte[illegible] to the whole British India: but

(3) It shall not come into force in any part thereof until the Local Government, with the previous sanction of the Governor-General in Council, has, by notification in the local Gazette, declared it applicable thereto.

...ions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members.
TITLE AND PREAMBLE.		
Advocate-General.		
The words "the *control* of lepers following certain callings" do not correctly describe the effect of section 9, which prohibits lepers from following the callings mentioned.	The words "the prohibition of lepers from" may be substituted for "the control of lepers."	For the preamble "Control" is a sufficiently apt term S.K. The Select Committee will see to this WS
Municipal Council, Trichinopoly, and Dr. O'Hara.		
The Bill contains no provision for the separation and protection of the children of arrested female pauper lepers.	Such a provision seems necessary. Yes WS (1)	
SECTION 1, CLAUSE (3).		page 5 of Govt letter No 2112 dated 8-9-95 (Hay R)
S. Swaminatha Aiyar.		
The Act should be extended to all Municipal towns and major unions and temporarily to places where more than 20,000 people collect annually during festivals.	The Government of India has decided that for the present at all events the prohibition contemplated by the Act shall not apply except to lepers in and near Municipalities and at the larger fairs and similar gatherings. The question of selecting the local areas to which the Act can be applied, may be considered when the necessary notification under section 1 (3) is issued.	Page 6 of Do.
The phrase "with the previous sanction of the Governor-General in Council" should be omitted. The Government of India may issue an executive order to all Local Governments defining the extent to which and the manner in which the Act may be extended, leaving the further action to Local Governments.	The compulsory segregation of lepers for which the Bill provides was not recommended by the Leprosy Commissioners who found that the disease was not contagious. The Bill has been framed on the recommendation of the Special Committee which considered their report and of the Surgeon-General with the Government of India. The Government of India appears to think that great caution has to be exercised in extending the Act to any local area and has therefore reserved to itself the power of sanctioning the application of the Act.	No recommendation required S.K. WS

the general Bill for the segregation of pauper lepers and the control of lepers following certain callings as extended to Madras. Hence a consensus of opinion in favour of the introduction of the Bill and the removal and segregation of the various local bodies, officers and gentlemen on the [illegible] formations contained therein are summarised in the accompanying statement:—

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 1, CLAUSE (3)—*cont.*	page 6 of 50.	68 Legve Flag K. 12.8.95
Sanitary Commissioner.		
If it be found that Local Governments cannot afford to have a sufficient number of asylums to work the Act properly from the outset, the Act should proceed no further than to enforce section 9.	There appears to be no difficulty in providing a sufficient number of asylums if, as suggested by the Government of India, the several municipalities and local boards in the Presidency contribute towards their maintenance and consequently the Act can be enforced as a whole. The City of Madras and the District Municipal Acts will have to be amended so as to legalize the expenditure of the funds of the local bodies concerned for the purpose of starting and maintaining such asylums in and near Madras and other municipal towns. The necessary provision has been made in the Bill to amend the Local Boards Act—*vide* remarks against section 15 of the Bill.	I donot think it is absolutely necessary to provide asylums before enforcing sec. 9. All lepers prohibited from practising the trades &c inhibited will not necessarily become paupers. In fact we shall not be able to say what is wanted in the way of asylum accommodation until the law begins to operate. We have an asylum in Madras & one should be opened on the West Coast + one at [illegible] to begin with. Of course it may be found that every dist. Bd will require one but it is not likely. However the Loc. Govt will have its say as to the commencement of the Act & the question does not affect the draft of the Act. SH DS
2. In this Act, unless there is anything repugnant in the subject or context,—		
Definitions.		
(1) "leper" means any person suffering from any variety of leprosy in whom the process of ulceration has commenced; and	There is an Asylum on the W. Coast, the Pallipat Lazarette — also, I think, one in Calicut. DS	
SECTION 2, CLAUSE (1).	page 6	
Dr. Walker, Superintendent, Leper Hospital, and Municipal Council, Kumbakónam.		
Add the following after the word "commenced":— "or whom leprosy has rendered deformed or repulsive even when active ulceration is absent."	The Government of India has on the advice of its medical officers concluded that there is a certain danger in allowing lepers with running sores to engage in trades, because there is danger of septic poisoning from such sore or ulcer and considers that the public interests do not require that action should be taken against lepers who have not reached this stage.	More deformity need not be added of the test is to the ulceration. Prohibition might equally be applied to a repulsive deformed cripple. SH DS

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 2, CLAUSE (1)—*cont.*		
Municipal Council, Madura, Dr. Browning, and Sanitary Commissioner.		
Omit the words "in whom the process of ulceration has commenced."	It is argued in support of this suggestion that the definition, as it now stands, is not clear and that it is presumably intended to refer to persons who have ulcers (breaches on the surface of the body) at the time of examination. The process of ulceration may occur and the healing of the part take place, but the person may be hideously deformed and such a person can with impunity carry on his trade.	If ulceration has commenced whether temporarily healed ours or not the person will be within the definition. However we may suggest that words should be added to make this clear.
Collector, South Arcot, Dr. Thomson, and Municipal Council, Rajahmundry.		
The term "leper" should be defined so as to include all cases of leprosy, in whatever stage the person to be dealt with by the Bill may happen to be at the time when the Act is applied to him.	As already pointed out, however, the Government of India does not intend at present to take any action against lepers who have not got running sores or ulcers.	
Hon'ble P. Rajaratna Mudaliar.		
The definition should be modified so as to bring within the scope of the Act all persons suffering from an advanced stage of the disease.	Such a modification seems to be unnecessary—*vide* remarks above.	

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble members.
SECTION 2—CLAUSE (1)—*cont.* *Mr. C. J. Weir.* The definition of the term "leper" should be either omitted or altered as follows :— "Leper means any person certified by an Inspector of Lepers to be a leper."	The proposed omission does not appear to be advisable. The Act authorises a Police officer to arrest without a warrant any person who appears to him to be a pauper leper (section 6). If the definition is omitted as suggested, it will give unlimited powers to the Police officer, who under the Act can arrest only persons with sores. To guard against this abuse, it is proposed to leave the duty of arresting, to the Station-house officer, but this course, although in itself desirable, will not adequately meet the difficulty.	The Inspector must have a definition to go on. The proposal is inadmissible [illegible]
(2) "pauper leper" means a leper— (*a*) who has in a public place solicited alms or exposed or exhibited any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or (*b*) who is at large without any ostensible means of subsistence.	The suggested alteration overlooks sections 6 and 7. It is only after arrest that lepers are sent to Inspectors for examination.	(3) [illegible]
SECTION 2, CLAUSE 2 (*b*). *Municipal Council, Rajahmundry.* Add at the end "beyond begging for charity or from door to door for alms."	This addition is proposed with the object of bringing pauper lepers begging in private houses within the purview of the Bill. The same object can, however, be attained by inserting the words "or private house" after the words "public place" in clause (*a*).	No harm in the addition if there is any chance of doubt as to the meaning of "ostensible means of subsistence". A similar objection has been taken with regard to the same phrase in the Cr. Pro. Code [illegible]
SECTION 3. *S. Swaminatha Aiyar.* The following should be added to this section :— "The Local Government may also, if it thinks fit, issue licenses to corporate bodies and private gentlemen for the establishment of such asylums, provided they conform to the rules of Government and may withdraw such licenses."	This suggestion follows the provision in section 1 of Act 36 of 1858 and seems worthy of consideration.	No harm in the addition. Whether in this country [illegible] is likely to appear of licensed asylums either for insanes or lepers may be a question. But there can be no harm I think in taking the powers & arranging them.
3. The Local Government may, by notification in the local Gazette, appoint any place to be a leper asylum for the purposes of this Act and define the local areas from which lepers may be sent to such asylum, and may, in like manner, alter or cancel any such notification. Appointment of leper asylums by Local Government.		(4)

4. The Local Government may appoint, either by name or by virtue of his office, any medical officer of the Government to be an Inspector of Lepers and any person to be a Superintendent of a Leper Asylum with such establishment as may, in its opinion, be necessary, and every officer or person so appointed shall be deemed to be a public servant within the meaning of section of the Indian Penal Code.

Appointment of Inspectors of Lepers and Superintendents of Asylums.

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
Section 4.		
Justice Benson.		
It is doubtful whether there is any necessity to enact that persons therein specified shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, as the latter part of the ninth category of section 21 includes all the individuals referred to in section 4 of the Bill.	The clause of section 21 referred to is apparently "every officer *in the service* or pay of Government, etc." It is, however, not clear whether an Inspector of Lepers who does not receive any remuneration from Government in that capacity can be held to be "in the service" of Government so as to come within the definition. The express provision in the Bill therefore seems better.	The clause better stand as drafted. It is a useful provision & prevents the objection being taken that certain persons are not public servants.
Dr. Hackett Wilkins.		
Instead of Inspectors of Lepers being appointed, all qualified medical men, whether in Government employ or private practitioners, may be authorised to issue the necessary certificates.	These suggestions, if approved, will prevent a leper from being taken distances for examination, but it does not seem to be expedient to entrust the duty to private practitioners. Dr. Browning's proposal however appears to be ~~a good one.~~ preferable.	It is for the Govt. to determine the question of who are the Inspectors. The Bill may stand as drafted
A right of appeal against such certificates to the Board of visitors of the nearest asylum constituted under section 5 should be provided.		
Dr. Browning.		
It would be a convenience to the affected person and the police, if all commissioned medical officers were ex-officio Inspectors.		This proposal will not in any case fall within an amendt. of the clause. Under Sec 12 the Board inspects the Lepers periodically; & under Sec 13 the Head Officer of the Asylum & two members of the Board may at any time discharge a person from the Asylum notwithstanding [illegible]

ggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
CTION 6.		
6. Within any local area which has been notified under section 3 any police officer may arrest without a warrant any person who appears to him to be a pauper leper.		
Arrest of pauper lepers.		
District Magistrate, Vizagapatam, and Mr. C. J. Weir.		
(1) This section is trusting a great deal to the discretion of the lower grades of the Police. The power of arresting should be restricted to officers in charge of Police stations, as there can be no urgency about the matter.	The proposed alteration is very desirable. Better confine the power of arrest to officers & inferior in rank to officers in charge of Police Stations WS	(1) ~~I suggest that~~ The objection would be met by saying "any police officer under the orders of the officer in charge of the Police Station in which the person is found" WS
Justice Boddam.		
(2) It is now discretionary on the part of the police to arrest pauper lepers. If it is intended to make the arrest of pauper lepers a part of their duty, the word "shall" should be substituted for "may." If not, the procedure to be followed in such cases should be specifically laid down.	It seems best to make it the duty of the police to arrest pauper lepers. The amendment suggested may therefore be recommended. 'May' is the best word WS	(2) On the whole *may* seems the more appropriate word. The policeman may be on other duty & have no time to make the arrest; & in such cases may is used. ~~Even if~~ the word above is adopted "may" seems quite sufficient, as the police officer is bound to obey orders, & 'shall' would not limit the range of the clause unless recast
S. Swaminatha Aiyar.		
(3) The arrest without warrant may be restricted to cases wherein the pauper leper may not be able to give security.	It is not likely that "pauper lepers," who have no ostensible means of subsistence beyond begging will be able to find security and the Bill, as it stands, will cause no hardship in practice. Besides, every pauper, as soon as he is arrested, will be taken to the Inspector.	(3) & (5) No recommendation need be made WS
Sanitary Commissioner.		
(4) The Act should provide that lepers with ostensible means should be maintained in their own or other approved houses under arrangements made to the satisfaction of the Inspector.	It seems desirable to make some such provision for securing the segregation of well-to-do lepers in their own houses, though it would cause unnecessary annoyance.	(4) It is not the object of the legislation to interfere with such persons in the way indicated WS
(5) This section should be modified so as to authorise the arrest of pauper lepers as well as those falling under section 9.	The Bill provides for the arrest of pauper lepers apparently because they very commonly obtrude their sores upon the public with a view to forcing people to give them alms and being vagrants might abscond if not arrested at once. In the case of the other class of lepers, several of whom may probably be respectable, there is obviously no necessity for such immediate action.	

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members.
SECTION 6—*cont.*		
Municipal Council, Madura.		
(6) The following section should be inserted after this :— "Every person shall be bound to give information to the nearest Magistrate or Police officer of the [illegible] a leper."	This is unnecessary as the Bill is intended only to prohibit lepers from exposing themselves in public and from following certain trades and callings affecting the public. In either case the police will take action.	
SECTION 7.		
eral, Municipal Council, Trichinopoly, O'Hara and Mr. C. J. Weir.		
d be made for the conveyance of lepers tor of Lepers, Magistrate or Asylum. tions 8 and 10.)	It seems necessary to provide for this.	The man is already in custody under sec. 6 and [illegible] the obligation to take the arrested person before the Inspector of Lepers or the Magistrate is sufficient authorization to do so. However Govt. of India will see the suggestion
dd also be made for the detention of g examination by a Magistrate.	Do. do.	until discharged [illegible] sec. 8.
CLAUSE (*b*).		
P. Rajaratna Mudaliar, and Hon'ble C. Jambulinga Mudaliyar.		
nd within twenty-four hours exclusive necessary for the journey from the place the Inspector of Lepers and thence to rate's Court," should be inserted after	This addition is on the lines of section 61 of the Criminal Procedure Code and seems desirable.	No objection
~~**Section 7.**~~		
~~*a, Surgeon-Lieutenant-Colonel and Ins, and Surgeon-General.*~~		
After "shall" insert "subject to the provisions of section 61 of the Criminal Procedure Code."	Please see the remarks above.	

7. Every person arrested under the last foregoing section shall forthwith be taken before an Inspector of Lepers, who,—

rson arrested how to be ealt with.

(*a*) if he finds that such person is not a leper within the meaning of section 2, shall give him a certificate in Form A set forth in the schedule, whereupon such person shall be immediately released from arrest;

(*b*) if he finds that such person is a leper within the meaning of section 2, shall give to the police officer in whose custody the leper is, a certificate in Form B set forth in the schedule, whereupon the leper shall, without unnecessary delay, be taken before a magistrate having jurisdiction under this Act.

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble
SECTION 7—*cont.* *Dr. Lee.* Medical officers should be protected in their *bonâ fide* exercise of professional judgment against legal proceedings by parties considering themselves aggrieved. Under similar circumstances, by the grant of lunacy certificate, in Great Britain medical men have been subjected to actions of law.	The suggestion is worthy of consideration.	The statutory obligation is a good answer to an action if the med. officer acted bonâ fide in the exercise of the duty cast upon him. So I should say. WS
SECTION 8. *Dr. Browning.* (1) There are no "poor-houses" nor "poor laws" in India. In the event of the only bread-winner of a family being incarcerated, what will become of his or her children?	It appears to be desirable that some provision should be made to remedy this hardship. The Hindu family law & present statute provides for this. As to the rest, Trustees has an exception to cost to a pauper leper should be liable to be brought into the Act, provided he abstains from following certain callings & performing certain acts. WS	(1) This is no doubt a difficulty: but is the Govt. to undertake by statute the provision for the wife & children of a leper confined under the Act? It does not do so in the case of an ordinary vagrant who is imprisoned.
(2) Provision should be made for the voluntary detention for fixed periods in leper asylums of lepers not coming within the scope of the proposed Act.	This suggestion may be recommended to the Government of India for consideration. The Bill provides only for the segregation of "pauper lepers," and if voluntary admission is to be allowed, it should also be legalised. Please see however the concluding sentence of paragraph 10 of the Government of India Resolution in G.O., No. 68 Legislative, dated 12th August 1875.	(2) In the G. of I. letter quoted they were inclined to think such provision unnecessary but left it open to consider such a provision in any province in which the L. Govt. thought it to be useful. There will be no harm in the Govt. of these being room & the patient meeting his own expenses. Lapse WS
District Magistrate, North Arcot. (3) It should be stated that if the Magistrate finds the person arrested to be a leper but not a pauper, he should be discharged.	This appears to be unnecessary, as under the section the Magistrate can send the leper to an asylum only in case he is found to be a pauper. (3) S.V.R.	
S. Swaminatha Aiyar. & Hon'ble N. Subba Rao (4) Add the following words at the end:— "or by an order of a Magistrate." P.T.O.	The proposed addition seems to be desirable.	

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 8—*cont.* ~~Hon'ble Mr. Subba Rao.~~ The section, as it stands, lays down that pauper lepers can be discharged only by order of the Board constituted under section 5. This does not provide for a case in which a leper found in a gathering is declared to be a pauper leper by the Magistrate on insufficient information, but his relatives with means subsequently agree in writing to look after the leper and keep him away from begging. If the Magistrate is satisfied with the undertaking in writing, he may himself be empowered to discharge the leper. If a pauper leper desires to go into a licensed private asylum with the consent of its manager, the Magistrate may discharge him.		If a person is detained as a pauper leper, but subsequently ceases to be a 'pauper' either by succeeding to property or by in consequence of an undertaking with consent to the satisfaction of the Magte by his relatives to support him, it wd be I think proper that he shd be discharged by an order of the Magte. he may commend & the power to the G. of I. Secns 8 & 13 wd. then both be modified. S.V. Bs.
S. Swaminatha Aiyar. The following provisos should be added :— (1) "Provided that at any time if any friend or relative of the pauper leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of in a separate place in his house, so that he would not be allowed to beg in a public place or to do any of the acts mentioned in section 9, the Magistrate may, instead of sending him to the leper asylum, make him over to the care of such friend or relative, or if he is already in the asylum, may discharge him."	This follows section 4 of Act 36 of 1858 (India), Lunatic Asylums, and may be adopted.	
(2) "Provided also that at the request in writing of any friend or relative of the leper, the Magistrate may send him to a licensed private asylum if the manager agrees in writing to receive him."	the leper or of Bs This depends on whether private asylums are to be recognised or not. S.V.	

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members.
SECTION 8—*cont.* *S. Swaminatha Aiyar*—cont. (3) "If the Magistrate thinks that the man apprehended by the Police is not a pauper leper, the Magistrate should summon the relative or any person who should have charge of the leper. If on enquiry it appears that such relative or person has the means and is bound to maintain the leper, the Magistrate may make an order that he should be properly taken care of and should not be allowed to follow any of the callings or do any of the acts mentioned in section 9. If such relative or person shall wilfully neglect to comply with that order, he may be fined not exceeding Rs. 50."	This also follows section 5 of the above Act, and may be adopted.	(3) This proviso shd not, it is submitted, be accepted. Govt not put any obligation of this sort on the Magte, & with a penalty on an objection is handed over Relative. ~~In cases of~~ Where an insane ~~person~~ in similar circs, he is a person afflicted with some sort of insanity which is not dangerous to himself or the public. In the case of the Leper, he is in the stage of ulceration & on the hypothesis of the bill a person who ought to be segregated, & there is therefore no necessity to call upon the relatives to take care of him. Of course if they are voluntarily ~~are~~ prepared to ~~undertake~~ remove the ~~the~~ pauper qualification they may do so see (1) of the ~~proposed~~ provisos proposed by this gentleman.
Hon'ble P. Rajaratna Mudaliyar. Before sending a leper to the asylum under section 8, or sentencing him to a fine under section 9 in the first instance, the Magistrate may be allowed discretionary power to discharge the leper with a warning, provided some relative or respectable person comes forward and furnishes security to the extent of, say, Rs. 100 to take proper care of the leper and prevent him from repeating the acts mentioned in the sections referred to.	This is almost identical with the proviso No. 1 suggested above by S. Swaminatha Aiyar.	
Hon'ble C. Jambulinga Mudaliyar. The section may be modified as follows:— "Whenever a person is produced before any Magistrate authorised in this behalf by the Local Government with a certificate of an Inspector of Lepers in Form B, if it appears to the Magistrate on such evidence as he may think fit to require that such person is a pauper leper, he shall after recording his order thereon, send the pauper leper in charge of a Police officer, &c."	The wording of the section, as it now stands, follows that of section 8 of the Bengal Act V of 1895, and would imply that the Magistrate has power to question the validity of a certificate granted by an Inspector of Lepers. The proposed amendment will remove this misapprehension.	I dont understand Mr Jambulinga Mudaliyar's objection. The Magte may question an Inspector's certificate: it may be incomplete & besides the grounds on which the Inspr may give may not satisfy the Magte. The section in the Bill seems right.

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
9. Whoever, being a leper, pursues within any local area which has been notified under section 3 any of the following callings or does any of the following acts, namely,—	SECTION 9. *Practice by leper of certain occupations.* *Justice Benson.* This appears to be necessary—*vide* the Sanitary Commissioner's remarks on section 9 (*c*).	The 2d. Comm. under s. 9 (c) infra
Municipal Council, Kumbakónam.		
The Bill does not confer any right of appeal to a leper against a conviction.	This seems to be worthy of consideration.	Particulars of last para. omitted, there will be the same power of appeal as in every other case. Hs
District Magistrate, Vizagapatam, and Mr. C. J. Weir.		
There is nothing laid down about the initiation of proceedings under this section. The accused, if not a pauper leper, cannot be arrested without a warrant; presumably therefore the Magistrate must summon him on complaint.	It would be unnecessary to provide for this in the Bill itself, as offences under this section will come within the definition of non-cognizable offences under the Criminal Procedure Code and can be dealt with accordingly. To make the point clear, however, the necessary provision may perhaps be made in the rules framed under section 15.	Prosecn. no doubt generally be initiated by complaint by the Police or Municipal Authorities Hs
(a) practises as a medical practitioner, or works as a barber, washerman, water-carrier, baker, confectioner, tailor, draper, haberdasher or domestic servant;	CLAUSE (*a*). *S. Swaminatha Aiyar.*	
Add "or jutka-driver" at the end of the clause and omit "or" in line 4.	It would be sufficient if the driver also is included in clause (*d*) as suggested below.	I wd not include jutka driver: he is on the box. The legislation does not contemplate depriving a leper of all means of subsistence. & it intends to confine the prohibition primarily to callings having an intimate concern with the food & drink of the population, or their clothing &c. i.e. the daily domestic life of the household.

I would include drivers of public conveyances. They are always on the box but have to handle the cushions & interior generally of the carriages &c Hs

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 9, CLAUSE (*a*)—*cont.* *Municipal Council, Madura.* Add the following callings :— " Weaver, prostitute, pleader and labourer." *Municipal Councils of Trichinopoly and Kumbakónam.* After " domestic servant " add " money-changer, stamp-vendor, pial teacher or schoolmaster." *District Magistrate, Tanjore, and Municipal Council, Rajahmundry.* After " haberdasher " add " weaver and cigar-maker " and after " servant " add " or in any like or similar occupation." *Hon'ble C. Jambulinga Mudaliyar.* Add at the end of this clause " shampooer, stationer and bookseller." A clause should be added at the end of this section giving power to the Local Governments to bring under prohibition by notification such other classes of people as it may deem fit from time to time. *Municipal Council, Kumbakónam, Dr. O'Hara, Dr. Browning and Surgeon-General.* Add at the end " pial schoolmasters, hawker, money-changer, stamp-vendor, weaver, compounder, shop assistant, perfumer and flower-seller."	The list of callings given in clause (*a*) of section 9 is by no means exhaustive, but to make a complete enumeration is not possible. A proviso may be added to the section so as to enable the Local Government to prohibit by notification lepers from carrying on such other trades as may be considered desirable, having regard to the circumstances of each locality—*vide* section 12 of the Bengal Act V of 1895. The Government of India has, however, said that it is not prepared to legislate against prostitution by lepers.	Nor these ? except perhaps Weaver Yes Yes Somewhat odd many of them - Presumably in most cases clothes are washed before they are worn Yes I think pial teacher or schoolmaster might be included on the analogy of domestic servant and because children are unaware of the risk & will therefore not be careful to avoid contact Yes Yes also cigar maker & compounder who is scarcely included in medical practitioner, or a seller of a drug 2nd add no general clause Yes, Yes Yes Yes

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 9, CLAUSE (*a*)—*cont.*		
District Magistrate, Madura.		
Add at the end "butcher and dairy man."		Butcher & dairy men shd be added specifically as they may say there are not salesmen within clause 7. Yrs WS
Collector of South Arcot.		
Add at the end "shroff, money-changer, butcher, stationer and schoolmaster."		
Mr. C. J. Weir, Ganjám.		
This clause should be made clear by providing that any one pursuing the callings not only as principal but also as an agent, would be liable to the penal provisions of the Act.		
Chief Justice.	*Vide* remarks on page 12.	
This section is not sufficiently exhaustive and should be reconsidered. A leper should not be allowed to practise as a legal practitioner, nor should he be a schoolmaster, and there are many other occupations which it would be well to exclude lepers from.	If any calling is to be allowed there is probably last harm in this See above	WS
Sanitary Commissioner.		
Add after "Medical practitioner" "vaccinator, shroff, bookseller, bookbinder, printer" and after "domestic servant" "basket or rope maker or any trade or occupation which involves preparation and storage of article, in whole or in part by him."		Vaccinator shd be added but not the rest. As I noted above the legislation is not to bar lepers from all employment WS

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 9, CLAUSE (*a*)—*cont.* *Dr. Hackett, Wilkins.* Add at the end "or otherwise practises a profession or trade."	*Vide* remarks on page 12.	ctrd
Mr. Atkinson. The prohibition of the calling of a domestic servant is unnecessarily severe.	nevertheless The prohibition appears to be desirable.	Yes Yes BS
CLAUSE (*b*). *Justice Boddam.* All articles intended for use by man should also be included under this head.	This will render the scope of the prohibition unnecessarily wide and oppressive.	yes Yes BS
S. Swaminatha Aiyar, Collector South Arcot, Municipal Councils of Rajahmundry and Kumbakónam, Dr. O'Hara, and Surgeon-General. The wording should be altered as follows:— "Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug, medicine or other substance intended for human consumption or for external application to the human body."	~~The alteration in this clause proposed by S. Swaminatha Aiyar, together with the addition suggested by Dr. O'Hara, would make the section complete. It is, however, doubtful whether such a course will be justifiable in the face of the conclusion arrived at by the Leprosy Commissioners that the extent to which the disease is propagated by contagion and inoculation is exceedingly small.~~ Please see remarks on next page.	Too indefinite BS I approve this suggestion BS

ons.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
(*b*) sells any food, drink or drug intended for human consumption;		
SECTION 9, CLAUSE (*b*)—*cont.*		
Municipal Council, Madura.		
Add "a seller of cooking and other utensils".	These can be cleansed before use after purchase WD	
Municipal Council, Trichinopoly.		
After "sells" insert "or is engaged in the preparation of" and after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for human wear".	See above as to weavers WD	
District Magistrate, Madura.		
This clause should be modified so as to make it penal not only to sell food, but also to deal with it or be concerned in any way with its distribution.	The alteration in this clause proposed by Swaminatha Aiyar, together with the addition suggested by Dr. O'Hara, would make the section complete. It is, however, doubtful whether such a course will be justifiable in the face of the conclusion arrived at by the Leprosy Commissioners that the extent to which the disease is propogated by contagion and inoculation is exceedingly small.	The proposals are wider than the legislature intended 15-
Mr. C. J. Weir.		
Add after "doing" "or any other article".		
Dr. O'Hara' Surgeon-General.		
Add at the end "sells or is engaged in the manufacture of textile fabric".		
Municipal Council, Rajahmundry.		
Dyers should be prohibited from buying in public markets.	The proposal to prohibit dyers from buying in public markets seems to be unnecessarily severe.	Yes WD

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members.
(c) bathes at a public well or bathing-place or takes water from any public drinking fountain, well, hydrant, tank or reservoir; or		
SECTION 9, CLAUSE (c)—*cont.*		
Dr. Browning.		
The imposition of a fine on lepers for drinking water at a public fountain is unjust.	The severity of the measure must be admitted, but the justifications seems to lie in the fact that public sources of water-supply should be preserved from contamination. Moreover there will be no difficulty whatever in his getting some one to draw water for him.	I think the provision is necessary WS a leper There will never be any difficulty in a leper getting water from a passer-by. One notices this frequently.
Mr. C. J. Weir.		
This clause is unnecessarily severe. It is practically made a criminal offence for a leper to drink water. In most large towns the only sources of drinking water are as a rule public and circumstances can easily be imagined under which a leper could not get any one to draw water for him.		Yes: but experience does not support the imagination.
S. Swaminatha Aiyar and Dr. O'Hara.		
Add after "bathing-place" the following:—"or in a running stream, river/channel".	This does not appear to be either necessary or desirable.	No: as long as the water is running WS
Sanitary Commissioner.		
Add "or private well or bathing-place open to the use of the public" after "bathing-place" and "or from any private source or adjunct of a water-supply open to the use of the public or from anything pertaining to" at the end.	Public well or bathing-place, &c., occurring in this section may be so defined as to include private wells, &c., open to the use of the public—*vide* Justice Benson's suggestion on section 9.	Yes WS ✓
(d) rides in any public conveyance; or shall be punishable with fine not exceeding fifty rupees:	Section 9, clause (d).	
Mr. Atkinson and Mr. C. J. Weir.		
The prohibition of riding in a public conveyance is unnecessarily severe.	The prohibition appears to be desirable—~~C.O., No. 693 R., dated 9th March 1872, No. 702, dated 4th October 1879 and No. 54 R., dated 14th January 1880.~~	WS

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 9, CLAUSE (*d*)—*cont.*		
Collector, South Arcot.		
This clause is very hard. If it is made penal for a leper to travel in a train, there must be some ameliorating arrangements for him to perform his journey.		
Municipal Council, Calicut.	The proposed amendment may be adopted.	
This should be amended so as to admit of exceptions under special circumstances, *i.e.*, by engaging a separate compartment in a train.		This ~~power~~ shd certainly be allowed, I think: but the general prohibition is very severe; & considering how little is the danger from contagion at any rate any temporary contagion such as one is exposed to from sitting for a short time in the same railway carriage I think the prohibition might be removed at any rate in the case of mail way carriages. But a leper might be required to give notice ~~to~~ so that the railway auth^s might ~~reserve the carriage~~ or pass a mop steeped in disinfecting fluid over the carriage seats
Justice Boddam.		
This clause should include the driver and conductor of a public conveyance.		
Chief Justice.	It would be better to include the driver also.	I wd say yes: see above as to jutka drivers S.R. See above Ws
It is doubtful whether the term "rides in a public conveyance" means as a passenger only and does or does not include the driver of such vehicle.		
Municipal Councils of Madura and Rajahmundry.		
The following should be added as clause (*e*):— "or mixes with the public in any public assembly, as in a church, temple, mosque, theatre or court, &c."		
District Magistrate, South Canara.	The proposed additions are unnecessarily severe.	Yes S.R. Ws
Add at the end a new clause (*e*)— "or occupies any public chattram or rest-house."		Yes - This would meet the case Ws

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
Note - Please see page 11.		
SECTION 9, ~~CLAUSE (*d*) *cont.*~~ *Municipal Council, Rajahmundry.* It should be made penal ~~to employ a leper as a servant in a calling (apparently those referred to in clauses (*a*) and (*b*) are meant), or~~ for the manager of a theatre, refreshment-room keeper, the keeper of a barber's shop and the like to admit a leper as customer into their places of business.	see cl. 2 supra This suggestion seems worthy of consideration.	unnecessarily severe. The BS
Section 9, PROVISO. *District Magistrate, North Arcot.* A person sent to an Inspector of Lepers under the proviso to this section and found not to be a leper is, it is thought, entitled to a certificate in Form A.	It seems to be necessary to make an express provision to this effect, as it will prevent harassing by an individual being sent more than once to an Inspector of Lepers.	no harm in giving him a certificate in form A: but of course he is liable to arrest at any subsequent time if he did fall within the Act. BS
SECTION 10. *Municipal Council, Calicut.* Provision to obtain the presence of a leper as a witness or as a party in courts should be made.	Not necessary: if in custody he can be produced under the Witnesses Testimony act BS	
CLAUSE (*a*). *District Magistrate, Vizagapatam.* The object of transferring a leper to some other area is not apparent unless it is intended to work the Act only in selected districts and to attempt the purification of the country by successive areas.	~~This clause, as it now stands, is very defective. In the first place it provides no penalty for a breach of the bond and secondly it does not lay down the procedure to be adopted by the banished leper for obtaining a certificate in Form A. The proposed measure, moreover, seems to be unnecessarily severe. The best course would therefore be to omit the clause as suggested by the Advocate-General.~~ Please see remarks below PTC	Not produced with the draft letter to Madras Govt.

10. Whenever any leper who has been convicted of an offence punishable under the last foregoing section, is again convicted of any offence punishable under that section, the magistrate may, in addition to, or in lieu of, any punishment to which such leper may be liable,—

Conviction after previous conviction.

(*a*) require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area notified under section 3 in which he is, and not to enter that or any other local area so notified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule; or

Suggestions.		Remarks of the Secretary and the Hon'ble Members
SECTION 10, CLAUSE (*a*)—*cont.* *Mr. Atkinson.* The absolute discretion conferred by this section to banish a leper from a local area is unnecessarily severe. *Advocate-General.* This clause should be omitted, the lepers being sent to the nearest asylum. *Hon'ble P. Rajaratna Madaliyar.* This clause should be omitted. *S. Swaminatha Aiyar and District Magistrate, Tanjore.* Add the following between the words "him" and "to" in line 3:— "Not to follow any of the callings or do any of the Acts mentioned in section 9 or." *District Magistrate, North Arcot.* The procedure under which the certificate in Form A can be applied for and obtained is not explained. Such a certificate cannot be obtained in a non-notified area, for which the Act does not authorize the appointment of an Inspector of Lepers and the person applying for the certificate cannot enter the notified area.	This clause, as it now stands, is very defective. In the first place, it provides no penalty for a breach of the bond and secondly, it does not lay down the procedure to be adopted by the banished leper for obtaining a certificate in Form A. The proposed measure, moreover, seems to be unnecessarily severe. The best course would therefore be to omit the clause as suggested by the Advocate-General.	I don't see the particular object of so severe a clause as clause (*a*). A notified local area is presumably an area in which lepers are to be found in some numbers. Why should he be banished from such an area to an area less frequented by lepers. Under (*a*) I could simply require security not to repeat the acts or follow any of the callings interdicted by the Act This would be better KW This defect may be brought to notice A person more than once convicted should be entitled to apply for certificate A on production of the convictions to the Resp^r. KW

11. Whoever, having been sent to a leper asylum under an order of a magistrate in Form C or Form D set forth in the schedule, escapes from, or leaves, the asylum without the permission in writing of the Superintendent thereof, may be arrested by any police officer without a warrant, and upon arrest shall be forthwith taken back to the leper asylum.

Re-arrest of escaped lepers.

No remarks

Suggestions.	ice.	Remarks of the Secretary and the Hon'ble Members
SECTION 10, CLAUSE (*a*)—*c*...		
District Magistrate, South Canara.	Please see remarks above.	
A form of the bond to be taken from a leper under this section should be given in the schedule.	~~This clause, as it now stands, is very defective. In the first place it provides no penalty for a breach of the bond and secondly it does not lay down the procedure to be adopted by the banished leper for obtaining a certificate in Form A. The proposed measure, moreover, seems to be unnecessarily severe. The best course would therefore be to omit the clause as suggested by the Advocate-General.~~	
Hon'ble N. Subba Rao.		
The banishment from notified area or detention in an asylum of a leper who is convicted a second time should be limited by the Magistrate himself to a fixed period not exceeding one year.		
(*b*) send him in charge of a police officer, with an order in Form D set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board appointed for the asylum under section 5.	CLAUSE (*b*).	
	Dr. Browning.	
	" for " may " at the beginning of this	If clause (*a*) be omitted as suggested above, the word " may " at the beginning of this clause may be altered into " shall " unless it is intended to give the Magistrate discretionary power in dealing with the matter.
		This may be insisted on.
Every leper once admitted into an asylum should notify to the local authorities his or her abode and any change of abode.		
12. The medical officer and one or more other members of the Board constituted for any leper asylum under section 5 shall, once at least in every quarter, inspect the leper asylum for which such Board is constituted, and shall see and examine, as far as circumstances will permit, every leper detained therein under the provisions of this Act and the order for admission of every leper so detained since the last visit of the Board, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the lepers so detained.	SECTION 12.	
Inspection by Board.	*Justice Benson.*	
	d " in the expression " detained " is apparently intended to mean if so, this word should be substituted."	The proposed alteration does not appear to be an improvement. No object can be gained by providing for the examination of the order for admission of lepers, who having been taken into the asylum, die before the visit of the Board.

"May" will stand if the Security clause either in original form as amended as suggested above remains part of the Act

Yes

I agree I see no object in the proposed alteration

Suggestions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members
SECTION 12—*cont.* *Hon'ble C. Jambulingam Mudaliar.* The section should be altered on the lines of section 10 of Bengal Act V of 1895, so as to provide for the following :— (1) That the members of the Board shall visit the asylum jointly ; (2) that the inspection should be made monthly instead of quarterly ; and (3) that the inspection of recent admissions should be made compulsory and not left to circumstances as at present.	Two at least of the members of Quarterly seems enough So it is : every leper is to be examd ceris ceris permit	the Bd will attend } and that seems enough but the exam^n is to be "so far as BS
SECTION 13. *Hon'ble C. Jambulingam Mudaliar.* For "the Medical officer and not less than two other members of the Board, &c.," substitute "the Medical officer and one or more other members of the Board, &c.," as it would be undesirable to insist upon the attendance of all the members of the Board where it consists of only three and as the wording of section 12 must be repeated in section 13, also, so that the periodical inspection might be of use for the purpose of the latter section.	The suggestions may be adopted. 13. The medical officer and not less than two other members of the Board constituted for any leper asylum under section 5 may at any time, by an order in writing in Form E set forth in the schedule and signed by them, direct the discharge from the leper asylum of any leper detained therein under the provisions of this Act. Order of discharge by Board.	This is right enough, I think BS
SECTION 14. *District Magistrate, North Arcot.* The provision in respect of the issue of the certificate in Form B is obscure. On the issue of a certificate to this effect, the Magistrate would at once proceed with the case under section 9 and possibly convict. No provision has been made as to what would be the result if the appeal in section 14 is successful. The proceedings under section 9 would be governed by the rules of Criminal Procedure, but those relating to an appeal (section 14) cannot be imported into this Act without special provision.	The Bill is no doubt defective in this respect. The Magistrate must be empowered to stay proceedings pending result of the appeal and to discharge the individual if the appeal is successful.	The point may be brought to the notice of the Govt of India. BS

14. Any person other than a pauper leper in respect of whom an Inspector of Lepers has issued a certificate, in Form B set forth in the schedule, delcaring him to be a leper, or has refused to issue a certificate in Form A set forth in the schedule, may appeal to such officer as may be appointed by the Local Government in this behalf, and the decision of such officer shall be final.

Appeals.

...ions.	Notes by the office.	Remarks of the Secretary and the Hon'ble Members.
—*cont.*		
Mr. Atkinson.		
The denial of the right of appeal to pauper lepers is unnecessarily severe.	It is extremely doubtful whether pauper leper will avail himself of the privilege even if it is granted; but there is no harm in giving him this right.	There is no necessity in this case for giving such an appeal. It is not a question of conviction & impt. but of detention in an Asylum: & after Med. Offr. of the Asylum or the Board finds he is not a pauper he will naturally be discharged in due course. WS
Section 15.		22
Justice Boddam.		
...contains no reference to any fund out of ...e proposed leper asylum is to be maintained ...fficers appointed for the purpose of carrying ... its provisions are to be paid. The power ...y section 15 to the Local Government to ...les is not wide enough to embrace this.	A provision similar to that contained in section 4 of the Bengal Act may be made.	The Act might declare that the funds may be raised by Dr. Bds & Municipalities to contribute in such proportions as it deems fit to the provision & maintce of Q.V. WS
Schedule C.		
S. Swaminatha Aiyar.		
...he end— "...or by an order of the Magistrate."	This addition will be necessary if the suggestions made by this gentleman regarding section 8 are adopted.	
Schedule E.		not noticed with office letter to Madras Secretary copied WS 12/2/97
Hon'ble N. Subba Rao.		
This form is vaguely worded and the condition imposed therein for releasing a person would, if strictly construed, and sometimes in practice, amount to a certificate in Form A.	The significance of this suggestion is not clear.	

15. The Local Government may, by notification in the local Gazette, make rules—

Power of the Local Government to make rules.

(*a*) for the guidance of all or any of the officers discharging any duty under this Act;

(*b*) for the management of, and the maintenance of discipline in, a leper asylum; and

(*c*) generally for carrying out the purposes of this Act;

and may, in like manner, alter or cancel any rules so made.

S. Krishnaswamy

[L. & M. 500—18-8-96.]

Local & Munl. (1896) Department.

CURRENT No. 2752 M
2806

Order

Print only
abstract of the Council

From

The Superintendent,
Government Press,
Madras.

No.

Dated 7-10-96
Received 12-10-96
Registered 12-10-96
Enclosures
Spare copies

SUBJECT.

Reporting the dates on which the Leper Bill was published in the "Fort Saint George Gazette".

6

19/10.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 274
~~280~~

Statement showing the dates on which the undermentioned Bill was published in the "Fort St. George Gazette."

(Vide *para.* 2 *of G.O. dated* 2*nd June* 1891, *No.* 1042, *Judicial.*)

CHIEF SECRETARY'S GOVERNMENT OF MADRAS 8 OCT 1896

Title of the Bill.	English.	Tamil.	Telugu.	Canarese.	Malayalam.	Hindustani.	Remarks.
	1896	1896	1896	1896	1896	1896	
Madras Bill 17 of 1896 — Leper Bill	18th August	6th October	6th October	6th October	6th October	29th Septr	G.O. No. 1458 M 1st September 1896, Local & Municipal.

GOVERNMENT PRESS,
Madras, 7th October 1896.

To

The Chief Secretary to Government,
Madras.

Acct. No. 122.
300—6-8-94.

J. Fisher
Offg Superintendent.

From

THE SUPERINTENDENT,

GOVERNMENT PRESS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

Madras.

Dated } 189 .
Received }

Subject.

REPORTS the dates on which the ~~within-~~ Leper ~~mentioned~~ Bill was published in the "Fort St. George Gazette."

[L. & M. 500—18-8-96.]

Local & Munl. (1896) Department.

CURRENT No. 2985 M

98.

Order

From

The Hon"ble Rao Bahadur C.Jambulingam Mudaliyar Avargal B.A,M.L.

Cuddapah.

No.

Dated 4-11-96

Received 5-11-96

Registered 5-11-96

Enclosures /

Spare copies

68

SUBJECT.

Submitting his opinion on the Bill to provide for the segregation of pauper lepers.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Opinion of Hon'ble Rao 22P
Bahadur C. Jambulingam Madalier Mob,
B a, M L; on Bill to provide for the
Segregation of Pauper Lepers:-

1. I am in Complete accord with the principle and frame work of the Bill. I however suggest a few minor alterations in the Sections to improve the Bill.

2. Sec 7. This Corresponds to Sec 8 of the Bengal Council Act. clause (b) of which prescribes that the Lepers shall be taken within 24 hours before a Magistrate exclusive of the time requisite for the journey. This is a useful provision to prevent unnecessary delay and harassment to people. and is the principle adopted in the Criminal Procedure Code. I don't see any inconvenience in having the rule in the Bill; I do not see any.

1/2985 Chingleput

any reason for omitting such an old and well recognized rule applying to the Police. I would therefore, have this Section in Conformity with the Sections of the Bengal Act.

See 8: I presume there is no intention to give power to the Magistrate to question the Certificate (B) granted by an Inspector of Lepers, and there is no need to give such power to a non-professional officer like the Magistrate. If so, since form (B) is a Certificate declaring a person to be a leper, the Conditional form with which the Section Commences is unnecessary and redundant and likely to be misconstrued. I would alter the form of the Section thus:-

"Whenever a person is produced before any Magistrate, authorized in this behalf by the Local Government, with a Certificate of an Inspector of Lepers in the form (B), if it appears to the Magistrate, on such evidence as he may think fit to require, that such person is a pauper leper, he shall after recording his order thereon, hand the pauper leper in charge of a Police-Officer &c

23D

See 9. In clause (a) I would add

"Shampooers, Stationers, Booksellers

Shampooers is a recognized Profession in this part of India as well as in Northern India. In the Turkish baths of Delhi, Agra, and other Northern places a number of them are employed to serve the Customers. They are used for rubbing oil and shampooing body before bath. They must be excluded for the same.

90

reason that the barber is excluded.
Book-seller and stationer must be
excluded for the same reason, that the
tailor, draper, hatter and hosier are excluded.
I think it is an established theory
that paper and writing materials
communicate Contagion in the same way
as cloth. I think the Section would
be improved by including a general
clause at the end "giving power to the
Local Government to bring under
prohibition by notification such
other classes of people as it may
deem fit from time to time"
This is necessary as there are and
there may come into existence, several professions
not now known and peculiar to each
province, which should be brought
under prohibition if practised by a
leper on the same grounds as apply to
the persons included in clauses (a) & (b).

The present clauses must be simply
taken as illustrative of what kinds
of professions require to be guarded,
and should not be an exhaustive list.
The best way of carrying out this is to
give power to Local Government. In
the Bengal Council Act, section 12, power is
reserved to Municipal Councils with
sanction of Government to annexate
by bye laws from time to time the trades &
and Callings from which lepers should
be excluded; and there is no mention
in the Act itself of any trade or
Calling. It will be an improvement if,
as in the Bill, there is first an enumeration
of some of the well known Callings from
which lepers should be excluded.
and then a general clause empowering
Government to include other Callings
if necessary.
Sec 12. This corresponds to Sec 10 of the

the Bengal council Act and I think the latter is much better than the section of the Bill.

The principle differences are:-

(a) The Act requires that the members of the Board shall together inspect. The Bill enables them as the wording stands to inspect separately and independently of each other if they choose. The former is better as it is the joint inspection, which enables them to consult each other and exchange views on the spot, that is useful especially for the purpose of exercising the power given to members under Sec 11. Individual inspection is not of much use.

(b) The Act provides for monthly inspection. The Bill for quarterly inspection. If the Government foresees any special inconvenience for arranging for monthly inspection as in Bengal, I have no objection for the latter. Any preference however is for monthly inspection.

(c) The Act lays down (1) a Compulsory inspection of every pauper leper admitted since the last inspection + the order of his admission and (2) an discretionary inspection more or less optional of every other pauper leper therein i.e. admitted previous to last inspection and therefore sometime a resident in the asylum, and this is indicated by the words "as far as circumstances will permit" being made applicable to the latter case only.

(d) This bill makes the inspection of every leper more or less optional, by making the words "as far as circumstances will permit" apply to the case of every leper in the asylum without reference to the time of his admission.

This is a very important difference, and I think the inspection of all recent admissions and the orders

25?

72

Covering them must be made compulsory as in Bengal and should not be left to circumstances. The powers given in the next following Section 13 are to some extent in the nature of supervision over the Certificatory of the Dasputer of Lepers. Because even in the case of a recent admission since the last inspection, the members of the Board can order a discharge in Form E. if in their opinion it is not a fit case for admission into the asylum. Therefore if recently admitted men have not the benefit of an immediate inspection at the next visit of the members, it means that they will have to wait in the asylum till circumstances permit the members to inspect him. If it happens that some recently admitted members are not really fit men for such admission, in other words, if they are not lepers as defined in the Act, it will be inflicting upon them manifold injustice by the provisions of the Act. The detention in the asylum is wrongful; they will be unnecessarily and unjustly prevented from attending to their professions and callings, and lastly, and this is the most important objection, men otherwise healthy will be kept in the company of lepers till it pleases the members to inspect and more to catch the Contagion and become subject to the loathsome desease; and this is to the running Counter to the purposes of the measure.

I am therefore ~~strongly~~ of opinion in this matter that all recent admissions i.e since the last visit should be Compulsorily inspected at the next periodical visit with the orders, and men fit for discharge should be immediately sent away under see 13. The same reasons for Compulsory inspection do not exist in the case

of old residents, as they would have been inspected soon after their admission and their detections proves the necessity for this residence.

Section 13 This should be "the Medical officer and one or more other members" as in the previous section; there is no need for "Medical officers and not less than 2 other members". If the periodical inspection of Section 12 is to be made use of for the purposes of Section 13 also, as I think it ought to be, the wording of Section 12 must be repealed in Section 13 also. Further according to Section 5 a Board may Consist of only 3 members. In this case Section 13 would insist upon the visit of all 3 members on every occasion, which I suppose is not intended nor is it Convenient and practicable.

I may also point out that this view is in Consonance with the provisions of Sections 10 and 11 of the Bengal Act. The other provisions do not call for any remarks.

4. November 96
Cuddapah

(Sd) Arthur Lingen
Member Board of
Legislative Council

Local & Munl. (1896) Department.

CURRENT No. 27934

8/8.

From The District Magistrate North Arcot.

Order

Dis No. 1243 / Magt 926 of 13-10-96

Dated 13th October 1896.

Received 16 OCT. 96

Registered 17-10-96

Enclosures

Spare copies.

SUBJECT.

Submitting remarks on the draft bill to the Segregation of lepers received with G.O No 1458 Ms dated 1st September 1896.

8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

NORTH ARCOT, COLLECTOR'S OFFICE,

Chittoor 13th October 1896.

47

Dis No. _____ of 1896 dated

Rec'd 13-10-96

Local & Municipal Dept.

2793

From

G. H. Wynne Esqr

~~*Collector & District Magistrate,*~~

North Arcot.

To

The Chief secretary to Government

Local and Municipal

Department.

Sir,

In reply to G.O No 1458 Jn dated 1st September 1896, I have the honor to state that the number of lepers according to the last census was high in this District, the average per 10,000 (5·21) being considerably in excess of the average (3·89) for the whole presidency. As in the rest of the presidency however, there is a decline in the numbers affected when a comparison is made with the previous census, ten years before. The report of the leprosy commission has not been supplied to this office, but I believe the conclusions arrived at were that though the disease is contagious it is so only to a small extent. I do not think leprosy is so common in this

9

District

District as to require coercive measures.

2. The draft bill circulated seems to me to require amendments. Parts of it are not intelligible.

Section 8. If the Magistrate finds that the person arrested is a leper but not a pauper, he is I presume to discharge him. This should be stated.

Section 9. I think a person sent to an Inspector of lepers under the proviso to this section and found not to be a leper is entitled to a certificate in form A.

Section 10. Vide remarks on Section 14.

Section 14 is altogether unintelligible. I do not understand what "has or refused to issue a certificate in form A" refers to. Under Section 7 either a certificate in Form A or a certificate in form B must issue when a person is produced. There is no alternative. The only Section that can be meant therefore is section 10.(a). But the machinery under which a certificate in form A can be applied for and obtained is not explained. Again such a certificate can only be obtained in a non-notified area because the leper cannot enter a notified area, but it is doubtful if an Inspector of lepers can be appointed under section 4 elsewhere than in a notified area, because the act will not be in force in such locality, section 1(3) The provision in respect of the issue of certificate in form B is equally obscure. Since the section relates only to non-paupers, it refers only to Section 9. But, on the issue of a certificate in Form B, the Magistrate would at once proceed with the case and possibly commit. In the event of the appeal in section 14 being successful what is to be the result? The case under section 9 would be governed by the ordinary rules of criminal procedure and

this reference to 10(a) is wrong as it refers to pauper lepers

yes

the

the result of an appeal under Section 14 could not be imported therein into without a special provision to that effect.

I have the honor to be
Sir
Your most obedient servant.
L. S. Wyeeneu
District Magistrate

Cl3.

Cle
14.10

L. & M.
500—18-8-96.

Local & Munl. (1896) Department.

CURRENT No. 2805 Fr

Order

From
The Government Solicitor,
Madras.

No. 495

Dated 30-9-96

Received 30-9-96

Registered 31-9-96

Enclosures

Spare copies

SUBJECT.

Forwarding opinion of the Advocate-General regarding the Bill to provide for the segregation of pauper lepers and the control lepers following certain callings.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Remarks of the Assistant to the Hon'ble

9 Papers

Notes for the Office

Title & Preamble

Advocate General

Hon'ble to the Control of lepers following certain Callings" dated 1896.

No Amendments

Legislative Department

Re the Bill to provide for the segregation of pauper lepers, and the control of lepers following certain callings.

O P I N I O N

1. On the subject of the isolation of lepers, I gave my opinion on the 13th July 1889, and have nothing to add thereto,

2. Assuming that it is considered to be inexpedient at present to more than to provide for the segregation of pauper lepers, and to pre-vent any lepers from following certain callings, I think that the Bill is sufficent to carry out those objects.

3. Title & Preamble. I do not think that the words "the control of lepers following certain callings" correctly describe the effect of section 9 which prohibits lepers from following the callings mention

4. The Bill makes no provision for the conveyance of lepers to the "Inspector of Lepers", Magistrate or Asylum. Such a provision seems to be expedient, if not necessary.

5. Section 10 (a) I think that the lepers should be sent to the nearest asylum, and that this provision should be omitted.

J. H. Spring Branson

Madras

24th September 1896

Advocate General

(True Copy)

Ernest Barclay

Government Solicitor

(1896) Department

From

Ernest Barclay
Government Solicitor
Madras

To

The Chief Secretary
to Government
Ootacamund

No 495

Dated 25 September 1896
Received

GOVT. SECRETARIAT
29-SEP 1896
GOVERNMENT OF MADRAS

Forwarded with reference to the Order of Government No 1458 M. dated 1st September 1896. Local and Municipal.

Ernest Barclay

Government Solicitor

[V. C. P.—1-11-94.—300.]

28

B.o. C. / Dis. No. 2406 of 1896

VIZAGAPATAM COLLECTOR'S OFFICE,
Dated 29th September 1896.
Recd 1st October 1896

From W. O. Horne Esqr
F. D'A. O. Wolfe-Murray Esqr.
Ag. Collector,
Vizagapatam District.

Local & Municipal Dept.
Current No 2092 M.

To

The Honorable J. F. Price,
Chief Secretary to Government,
Local & Municipal Department,
Madras.

Sir,

As desired in G. O. no 1458 M. dated 1st September 1896, Local and Municipal, I have the honor to subjoin my opinions on some of the Sections of the draft Bill for the segregation of lepers therewith received.

Section 6.

"Within any local area which has been notified under Section 3 any police officer may arrest without a warrant any person who appears to him to be a pauper leper."

Opinions.

It seems to me that this is trusting a great deal to the discretion of the lower grades of the Police. I would restrict the power of arrest to officers in charge of Police stations as there can never be any urgency about the necessity for arrest.

for my

DEPARTMENT.

FROM

THE COLLECTOR OF VIZAGAPATAM.

To

THE CHIEF SECRETARY TO GOVERNMENT,

DEPARTMENT,

MADRAS.

Dated } 189 .
Received }

Re.C. / *Dis.* No.

ENCLOSURES.

Subject.

× × × ×

Section 9.

"Provided that when any
"person is accused of an
"offence under this Section,
"the Magistrate before whom
"he is accused shall cause
"him to be examined by an
"Inspector of Lepers and shall
"not proceed with the case
"unless such Inspector
"furnishes a certificate
"in form B set forth in
"the Schedule, in respect
"of such person."

Section 10.

× × × ×

(a) "Require him to enter into
"a bond with one or more sureties,
"binding him to depart forth-
"-with from the local area
"notified under Section 3 in
"which he is, and not to
"enter that or any other local
"area so notified until an
"Inspector of Lepers shall have
"given him a certificate in
"Form A. set forth in the
"Schedule; or"

There is nothing laid down about the initiation of proceedings under this Section. The accused, if not a pauper leper, cannot be arrested without a warrant, presumably therefore the Magistrate must summon him on Complaint.

I do not see the object of transferring a leper to some other District, unless it is intended to work the Act only in selected Districts, and to attempt the purification of the Country by successive areas.

I have the honor to be,
Sir,
Your most obedient Servt
R. [illegible]
for Sy Collector

[L. & M. 500—18-8-96.]

Local & Munl. (1896) Department.

CURRENT No. 2876 M

Order

From Dr. Atkinson Esqr
~~The Collector of Kistna.~~

No.

Dated 10-10-96
Received 19-10-96
Registered
Enclosures
Spare copies

SUBJECT.

Reporting on the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No.———of 189

OFFICE

OF THE

COLLECTOR & MAGISTRATE,

MASULIPATAM.

KISTNA DISTRICT.

10th October 1896.

FROM,

J. N. Atkinson Esqre

Collector, Kistna District.

Dept.

No. 2814/96

TO,

The Chief Secretary to Government,

~~Department,~~

Fort St. George.

SIR,

In accordance with Government Order No 1458 M dated 1st September 1896, which reached me only on 27th September, I have the honor to report that I approve of the provisions of the draft Leper Bill, herewith forwarded.

2 I am in some doubt whether the ultimate object of the Bill is to protect society from risk of the spread of a loathsome and incurable disease; or from the mere annoyance and disgust entailed by the public exhibition thereof. In the statement of Objects and Reasons it is said that the expediency of segregating pauper lepers, and of forbidding lepers generally from following certain trades

12 and

and calling was urged by
the Leprosy Commission;
and the Honorable Mr. Ro
- d Burn in moving
for leave to introduce the
Bill remarked
that the Leprosy Comm
-ssion pressed
these two questions "very e
-arnestly" on the
Government of India.
but one of the
conclusions arrived at
by the Commissioners
was that leprosy is not
proved to be
contagious, and as one
consequence
they reported that "no
-gislation is
called for on the lines
either of segregation
or of interdiction of m
marriages with
lepers." (Report p. 265)

3 A perusal of the Repor
of the Leprosy
Commission, it must be
-ners be admitted,
yields every unsatisfac
-tory results. and
one most extraordinar
circumstance,
is that the Commissio
-ners own recom
-mendations (pp. 385, 99) ran so entirely
counter to their findings on the evidence
placed before them. They found that
leprosy is not conta
-gious, and that
segregation is unne
-cessary. Yet
their first practical suggestion
(p 385) is that:- "Segregation may be
Voluntary or Compul
-sory, and in
either instance partia
-l or Complete".

and two pages later: "The Commissioners
recommend the adoption of a voluntary
isolation as extensive as local circumstances
allow". What exact signification is to be
attached to the word "Voluntary" may
be gathered from a recommendation on
p 388; "The authorities should have the
power of ordering lepers infringing the
regulations, (as to begging and following
certain callings), either to return to their
homes or to enter an asylum." — Again the
Commissioners found that the disease could
not be communicated through the medium
of food; yet on p 387 they express the
opinion "that the sale of articles of food
and drink by lepers should be prohibited".
The Commissioners do not believe that
even in the intimate relationship of married
life the chance of contagion is "worthy
of serious practical consideration."
(pp 286-7). yet they recommend (p 387)
that lepers "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"

— adding however this curious qualification
— "quite apart from the dread of a possible infection."

4 Whether the Government of India, accepting the entirely negative finding of the Leprosy Commission to the effect that there is no proof that leprosy is contagious, has deemed it advisable to bring in the present Bill pro majore Cautela; or whether that Government in view of other evidence and other opinions has rejected the Cardinal finding of the Commission; or whether the Bill is intended not to check a disease, but to abate a nuisance is not a matter of great moment. Whatever be the object, I believe that the vast majority of the people of this Country, so far as they do not view it with indifference, will approve of the Bill. In any case it is not an enactment that can have any very extensive applicability. The total number of lepers in the Madras Presidency is only 12,617, and of these there is but little likelihood of any of the following coming within the scope of the Bill, agriculturists (6445);

Professionals (567); Commercial (1067). A very small minority of the artizans (3402), and among Vagrants etc, the beggars (45) are the only lepers to whom the new Law is likely to affect.

Sections 6, 7 and 8 are likely to be the most commonly employed portions of the act; and there is good reason to believe that among the people of the Country, more especially the educated classes there is an increasing feeling of disgust and reprobation of the practice of exhibiting loathsome diseases for the purpose of extracting alms.

5 Those native gentlemen whom I have consulted have questioned the advisability of some of the provisions of the Bill, as being unnecessarily severe on an unfortunate class. Such are the prohibition of the calling of domestic servant (S. 9(a)), or of riding in any public conveyance (S. 9(c)): the absolute discretion conferred by S. 10 (a) to banish from the locality; the

the denial of the right of appeal to a pauper leper (S. 14).

But my own opinion is that the Bill is justifiable either on the hypothesis that leprosy is a contagious disease, or on the grounds of the admittedly horrible nature of the scourge. And if it be admitted, that legislation for the purpose of exterpating the evil is justifiable, it follows that the measures adopted must be adequate. So far from deprecating any of the provisions of the Bill, I am inclined to think that it will be advisable before long to proceed further, so as to bring under control those lepers to whom the present Bill does not apply.

I have the honor to be

Sir,

Your most obedient Servant,

J. D. Atkinson

Collector

10/10

10/10

1896. CHIEF SECRETARY 15 OCT. 1896 GOVERNMENT OF MADRAS

From,

THE COLLECTOR,

KISTNA DISTRICT.

To,

THE Chief SECRETARY

TO GOVERNMENT,

~~DEPARTMENT~~,

FORT ST. GEORGE.

Dated 10th october 1896.

Despatched

Received

D No. 4462 of 189 6.

ENCLOSURES. nil

SUBJECT.

Reporting on the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings.

LAM

Judicial (1896) Department.

CURRENT No. 2833 M

1896 CHIEF SECRETARY 19 OCT. 1896 GOVERNMENT OF MADRAS

Order

From

The District Magistrate, Godavery.

No. 741.

Dated 16.10.96

Received 21-10-96

Registered 21-10-96

Enclosures

Spare copies.

SUBJECT.

Submitting the opinion on the draft Bill for the Segregation of lepers.

46

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cir. No 744

Godavari District.
District Magistrate's Office
Cocanada dated.

CHIEF SECRETARY
19 OCT 1896
GOVERNMENT OF

Local & Municipal Dept.
2833 M

From

G. D. Elphinstone Esquire
District Magistrate Godavari.

To

The Chief Secretary to Government
Local and Municipal
Department.

Sir,

With reference to G.O. No 1458 M. dated 1.9.96 forwarding for remarks the draft bill for the Segregation of lepers, I have to point out that by the provision of Section 9 (e) it is practically made a Criminal offence for a leper to drink water. In most large towns which would presumably be the local areas referred to, the only Source of drinking water, are, as a rule, public, And Circumstances Can easily be imagined under which a leper Could not get

17

Any one to draw water for him.

I have the honor to be,
Sir,
Your most obedient Servant
/Sd/ G.W. Elphinstone
Asst. Magistrate.

Assanga
Forst. magistrate.

8
1.10

Judicial (1896) Department.

CURRENT No. 2853 J

CHIEF SECRETARY'S OFFICE
22 OCT. 1896
GOVERNMENT OF MADRAS

From

The District Magistrate
Malabar

No. 1551/mag.

Order

Dated 18th October 1896

Received 22 " "

Registered " " "

Enclosures

Spare copies.

SUBJECT.

Leper Bill

Stating that the introduction of the proposed — is very necessary

18

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 10

Malabar District Magte Office
Calicut 18th October 1856.

Rev. Dept.
2853 M

From

C. W. Dance Esq.
Actg. District Magistrate
Malabar

To

The Chief Secretary to
Government, Local
& Municipal Department

Sir,

In reply to G.O 2014 58 M
dated 13 September 1856 I have
the honor to State that some
legislation with respect to lepers
is greatly wanted in parts of this
Presidency. At Mangalore there
is an excellent leper hospital —
managed by the Jesuit Fathers. but
it was very difficult to make the
lepers who infested the streets, resort
to the hospital, or remain there
after admission. They preferred to
live by begging & the discipline of the
hospital was irksome & stern. I
am therefore of opinion that
the

19

the introduction of the proposed bills is very necessary.

2. No additions or alterations in the bill suggest themselves to me.

I have the honor &c,
Sir,
Your most Obt servant,

Asst District Magistrate.

Local & Munl. (1896) Department.

CURRENT No. 2859/M

CHIEF SECRETARY
23 OCT. 1896
GOVERNMENT OF MADRAS

From

The Chairman
municipal Council
Calicut

Order.

No. 1241/1896

Dated 20th october 1896

Received 23rd " "

Registered " " "

Enclosures one

Spare copies

SUBJECT.

Forwarding copy of the resolution of the municipal Council dated 13th october 1896 approving, with certain remarks, of the draft bill for the supply of lights forwarded with G.O. No. 1458-M. dated 18th Septr

BACK PAPERS.

G.O.	No.	Department.	Date.
G.O.	1458-M	Local Sel	1-9-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 12th October 1896.

125/

Present

Rao Saheb S. Swaminatha Iyer avl B.A Chairman
W. Naylor Esq
Rao R. C. Lambodara Iyer avl "
" K. Krishnan Nair " B.A.BCE
M. G. Zachariah B.A
Rao R. Govinje Ardeshir avl "
" P. A. Krishna Menon "
" P. P. Kammadara Menon "
" Macialdel Kunhamed "
" M. A. Subramonia Iyer "
" P. Krishna Menon "
M. J. W. Gomes.

x x x x x

2) Read again Resolution No. 14 of the municipal Council dated 3rd October 1896.

Read also G.O. No. 1458-M/96 dated 18th September 1896 referring to the municipal Commissioner of Madras and certain municipal Councils, Officers and Gentlemen, for their opinion, the draft Bill for the Segregation

1
2859/96
21

No. 1241

Municipal office
Calicut 20th October 1876

Local and Municipal Dept.
2859/76

From.

Rao Saheb S. Swaminatha Iyer avl. B.A

Chairman, municipal Council
Calicut

To.

The Honorable A. J. Arundel. B.A. I.C.S

Actg: Chief Secretary to Govt.
Local and municipal Dept.
Madras

Sir,

With reference to G.O. No. 1458-2 dated 1st September 1876 (Local and municipal) referring to certain municipal Council, for their opinion, the draft bill for the segregation of lepers, I have the honor to forward herewith copy of a resolution of the municipal Council passed at a meeting held on the 13th instant.

I have the honor to be,
Sir,
Your most obedient Servant

22
Dan

Ramaswamy
Chairman

segregation of lepers forwarded by the Government of India and ordering its publication in the Fort Saint George Gazette.

The Council thinks that legislation for the segregation of lepers is necessary and they approve of the draft bill subject to the following suggestions

"Clause 4 of section 9 may be amended so as to admit of exceptions under special circumstances as for instance by engaging a special compartment in trains."

Provision to obtain the presence of a leper as a witness or as a party in courts should be made

(Sd) S. Swaminatha Iyer
Chairman

(True extract)

Ramaswamy
Chairman
20—10—76

Dan

2/11

L & M Dept

Judicial (1896) Department.

S & N

CURRENT No. 2881/M

From The Registrar,
High Court of Judicature,
Madras.

Dis. No. 817 of 1896
No.

Order

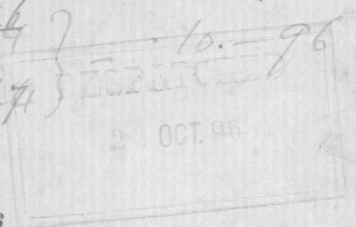
Dated 21st October/96.

Received 24 } -10-96

Registered 27 }

Enclosures

Spare copies



SUBJECT.

Forwarding a transcript of the minutes recorded by the Hon. the Chief Justice and Justices Benson and Boddam on the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings and stating that the Hon. Justices Shephard, Subramania Aiyar and Davies have no remarks to offer.

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2/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dis.No. 817.

High Court of Judicature,
Madras, 21st October 1896. 13P

CURRENT NO. ~~4657~~ 2881/M

From

D. W. G. Cowie, Esquire,
Registrar of the High Court of Judicature,
Madras.

To

The Honorable Mr. A. T. Arundel,
Acting Chief Secretary to the Government of
Madras.

Honorable Sir,

With reference to G.O., No.1458 M, dated 1st September 1896, forwarding for favor of opinion of the Honorable the Judges of the High Court, a Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings, I am directed to forward a transcript of the minutes recorded by the Honorable the Chief Justice and Justices Benson and Boddam, and to state that the Honorable Justices Shephard, Subramania Aiyar and Davies have no observations to offer on the Bill.

I have the honor to be,
Honorable Sir,
Your most obedient servant,
D W G Cowie
Registrar.

24

Minutes.

The Chief Justice;------I strongly approve of this Bill, but I do not think section 9 is sufficiently exhaustive. I would not allow a leper to practise as a Legal practitioner in a Court of Justice. It may possibly be open to doubt whether the term "rides in any public conveyance" means as a passenger only and does or does not include the driver of such vehicle. Again why should a leper be allowed to be a schoolmaster? Many other occupations will doubtless present themselves which it would be well to exclude lepers from. I suggest that section 9 be reconsidered.

Mr. Justice Benson;------Assuming that the control of lepers generally, and the segregation of pauper lepers, are measures necessary for the protection of the community - a question for medical and sanitary, rather than legal experts- I am of opinion that the proposed law is well designed to effect the object in view and is not open to objection as too stringent a measure.

In the way of verbal critism I have only the following remarks to make;-

Section 4. I doubt if there is any necessity to enact that the persons therein specified shall be deemed to be public servants within the meaning of section 21, Indian Penal Code. The latter part of the 9th category enumerated in section 21, Indian Penal Code, seems to include the persons specified in section 4 of the Bill.

Section 9. For the information of the public as well as for the guidance of the Magistrates and officers enforcing the law, it is desirable that the meaning of "Public" in this section should be made clear by definition or by illustration or by both. Complete definition is far from easy, but it is desirable that the range of doubtful cases should be narrowed as far as possible by the Legislature rather than by the slow process of Judicial decisions under the Act.

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Section

Section 12. The words "so detained since the last visit of the Board" include every inmate of the Asylum at the time of the visit, but the provision is apparently only intended to refer to persons admitted to the Asylum since the last visit of the Board. If this view is correct the word "admitted" should be substituted for the words " so detained ".

Mr. Justice Boddam;----- This Bill contains no reference to any fund out of which the proposed leper Asylum is to be maintained or the officers appointed for the purpose of carrying out its provisions are to be paid. The power given by section 15 to the Local Government to make rules is not wide enough to embrace this.

The power given by section 6 to the police to arrest pauper lepers is left entirely in their option. If it is intended to be made a part of their duty to arrest any person who appears to be a pauper leper the word "shall" should be substituted for the word "may". If it is not intended to make it a part of the duty of the police to arrest pauper lepers then the Bill should be amended by adding the process by which pauper lepers are to be brought before the Inspector of lepers or the Magistrate. As the Bill stands at present unless the police arrest them, pauper lepers may remain at large unmolested.

Section 9 should be extended to include in(b) all articles intended for use by man and in (d) the driver or conductor of a public conveyance.

(True Copy)

Registrar.

[L. & M. 500—14-8-96.]

Local & Munl. (1896) Department.

CURRENT No. 2871/96

Order

From M. R. Ry. S. Swaminatha Aiyar Avargal, Calicut

No.

Dated 24-10-96

Received 26-10-96

Registered 27-10-96

Enclosures

Spare copies

SUBJECT.

Submitting his opinion on the draft bill for the segregation of lepers

26

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

168 Calicut

24th October 1896.

Judl. Dept.

No. 2891

From

Mr. R.R. I. Swaminatha Iyer
Asst. B. A.
Rao Saheb

To

The Honble A. J. Arundel
B. A.
Chief secretary to
Government
Local & Municipal
Department
Fort St George
Madras.

Sir

With reference to G. O.
No. 1458 Mr. dated 1st September
96 referring to me for opinion
the draft bill for the segregation
of lepers, I have the honor to
submit my views as follows:-

2. First as to the
necessity for the bill. It has
long been felt that people
afflicted with infectious and
loathsome diseases should be
removed from public thoroughfares and placed in asylums
suitable to their condition.
Leprosy is certainly one of
those

those diseases, though there may be difference of opinion as to the degree of infection. People have long felt the necessity for asylums for lepers and at the present moment there are two leper asylums in this District and in the Travancore Territory, one at Calicut and the other the Dazaretto at Pallipore. There is besides a leper asylum in the Island of Minicoy. In the absence of statutory law, people suffering from advanced and specially dangerous stages of leprosy, with running sores, are seen daily seated on the road side soliciting alms. They mix freely with the people & I have seen a Moplah leper full of running sores whose legs and arms are bandaged going to bazaars where cakes and coffee are sold and touching the eatables and drinking coffee in tumblers which are

freely

freely used by others the next moment. Surely, there is the danger of infecting other people by the poison from the running sore or ulcer.

3. The proposed legislation is based on moderate lines and does not go beyond the actual requirements. I am confident that the public will hail with delight the proposed legislation, as its want is already much felt.

4. Leprosy is looked upon by the Hindus as a disease brought on by Karma. Mayne in his Hindu Law says as follows about the exclusion of lepers from inheritance.

"Its occurence is looked upon as the punishment of sin either in a present or a past existence and produces an incapacity for inheritance from the moment it is exhibited until it is removed by expiation.

Some

Some cases of leprosy are of a mild & curable form while others are of a virulent and aggravated type and incurable. It is only the latter form of the malady which causes "inability to inherit" - just so the present draft aims at segregating only the class of lepers who are suffering from advanced stages of leprosy.

Provisions of the bill.

5. Section 1 clause (3)
I think the power of extending the act to any part of India may be left to the several Local Governments without obtaining the previous sanction of the Government of India. To be of any good, the act should, in my opinion, be extended to all municipal towns & major unions and temporarily to places where

more

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more than 20,000 people collect annualy during festivals. If this view is accepted, the Government of India may issue an executive order to all Local Governments defining to what extent and in what manner the act may be extended & the further action may be left to the Local Governments. I will therefore delete the phrase "with the previous sanction of the Governor General in Council" in clause (3) section 1.

6. At Calicut the Basel Mission is now maintaining an asylum for lepers to which the Municipality makes an annual contribution. Time may come when private gentlemen may establish asylums. To

provide

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provide for this, I beg to suggest the following addition to Section 3.

"The Local Government may also if it thinks fit issue licenses to corporate bodies and private gentlemen for the establishment of such asylums provided they conform to the rules of Government & may withdraw such licenses."

7. Section 6.

The arrest without warrant may be restricted to cases wherein the pauper leper may not be able to give security.

8. Section 8

This section lays down that pauper lepers can be discharged only by order of the Board constituted under Section 5. If, as suggested by me, the provisions of

of the act are extended to places where people congregate during festivals, cases may arise where lepers who have relations with means to look after, may have been declared pauper lepers by Magistrates for want of full information, as the lepers may have come from a distant place. The relative may undertake in writing to look after the leper & to keep him away from begging. If the Magistrate is satisfied with the undertaking in writing of the relative of the leper, he may himself be empowered to order the discharge of the leper. This course will also minimize the expenditure to public funds at the cost of

of which alone the asylums may have to be maintained. Again, if a pauper leper is anxious to go to a licensed private asylum & if the manager of the institution is willing to take him, the Magistrate may be empowered to order his discharge from the asylum constituted under this act. I beg therefore to suggest the following addition at the end of para 8 "or by an order of the Magistrate". In schedule be also the following addition should be made "or by an order of the Magistrate"

9. I will further add the following proviso to this section.

"Provided that at any time

time if any friend or relative of the pauper leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of in a separate place in his house so that he would not be allowed to beg in a public place or to do any of the acts mentioned in Section 9, the Magistrate may, instead of sending him to the Leper Asylum, make him over to the care of such friend or relative, or, if he is already in the Asylum, may discharge him. Provided also that at the request in writing of any friend or relative of the leper, the Magistrate may send him to a licensed private

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private asylum if the Manager of the asylum agrees in writing to receive him.

If the Magistrate thinks that the man apprehended by the Police is not a pauper leper, the Magistrate should summon the relative or any person who should have charge of the leper. If, on enquiry, it appears that such relative or person has the means & is bound to maintain the leper, the Magistrate may make an order that he should be properly taken care of and should not be allowed to follow any of the callings or do any of the acts mentioned in Section 9. If ~~of the~~ such relative or other person shall wilfully neglect to comply with the said order

order he may be fined not exceeding Rs 50".

10. The language of the proviso clearly explains the object. As in the case of a lunatic, if a family or ward has means it should surely maintain a leper & keep him out of harm's way.

11. Section 9. clause (a) add the words "or gutka dried" at the end of the clause & omit "or" in line 4

12. Clause (b) This may be worded as follows:-

"Sells or engages in any way in any process connected with the preparation of any article of food, drink, drug medicine or other substance intended for human Consumption or for external application to

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to the human body.

This will embrace "Compounders" persons employed in soda water factory, and in arrack & toddy shops and depots

13. Clause (6)

I will add after "bathing place" the following

"or in a running stream river or channel".

14. Section 10

In line 3, clause (a) add the following between the words "him ~~or~~ and to"

"not to follow any of the calling or do any of the acts mentioned in Section 9 or"

I have the honor to be
sir,
your most obedt. servant

Head Qr Dy Collector
Calicut

CHIEF SECRETARY
26-OCT. 1896
GOVERNMENT OF MADRAS

From
M R R
S. Swaminatha Ayyar

To
The Hon: A. J. Arundel
Chief Secy to Govt
Local & Municipal Dept.

Dated 24 Oct 1896.

Subject.

giving opinion on the draft bill for the segregation of lepers.

[L. & M. 500—18-8-96.]

Local & Munl. (189) Department.

CURRENT No. 2898/96

98

Order

From Superintendent, Govt. Leper Hospital.

No. 315

Dated 26-10-96

Received 27-10-96

Registered 27-10-96

Enclosures

Spare copies

SUBJECT.

Expressing his opinion on the draft Bill for the segregation of lepers.

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30/10

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

GOVERNMENT LEPER HOSPITAL,

No. 315. Madras, 26 October 1896.

210

From Surgeon A. [illegible] Gen. Walker M.D.
THE SUPERINTENDENT,
GOVERNMENT LEPER HOSPITAL,

Dept. 1898 M

To

The Chief Secretary to Government
Madras

CHIEF SECRETARIAT GOVERNMENT OF MADRAS 26-OCT. 1896

SIR,

With reference to G. O. No. 1458 M. dated 1st September 96 received direct from you, I have the honor to express the opinion that the objects aimed at in the proposed Leper act 1896 are most salutary and the provisions of the bill most desirable. I concur with those provisions with the exception of the definition of "leper" given in clause 2 para (1) — which is as follows, viz:- "leper" means any person suffering from any variety of leprosy in whom the process of ulceration has commenced. — I consider this definition too restricted, it would exclude many advanced lepers who have not ulcers, but who, by reason of deformity and other conditions of leprosy, are repulsive and even dangerous to others, and who therefore should be brought within the scope of the bill. I would advocate that the definition of a leper be extended by the addition thereto of words to the following effect, immediately after the word "commenced" viz:- "or whom leprosy has

3s—"

rendered deformed or repulsive, even when active ulceration is absent."

There are many lepers far advanced in the disease, in whom the process of ulceration is, at times absent, the condition has been checked and the ulcers have healed, especially in cases that have been under treatment and well cared for; and yet such cases are often loathsome and repulsive by reason of extreme deformity caused by leprosy, such as loss of fingers & toes, depilation of eyebrows & eyelashes; staring ~~bloodshot~~ blinded eyes, thickened greasy odorous skin, pendulous ears and hideous tuberculated features, all of which conditions may exist without the presence at times of ulcers or open sores; amongst the 230 (or so) lepers under my charge, in this asylum, I have seen those who have lost all their fingers and toes and even the whole hands or feet, in whom active ulceration and open sores are often absent; an example of such a case, i.e. extreme leprous deformity without present ulceration, is an inmate of the asylum now;- he has lost all the fingers of both hands, leaving bare stumps, half of one foot has disappeared, and the whole of the other together with part of the leg, and yet he has, at present, no ulcer or open sore:- such a case as his, though hideous and pitiable in his leprous deformity, would not be reached under the proposed definition of a leper in the bill, inasmuch as ulceration is not present, and yet this man should certainly be precluded from engaging in the occupations detailed in clause 9.

In the case of another patient, an inmate

for 30 years, the fingers and toes are permanently contracted and distorted from leprosy, yet here also there is no ulceration. In cases of the pure tubercular variety of the disease, there is frequently no ulceration at any time, yet persons suffering from this form are particularly loathsome and repulsive in appearance even without ulcers;- the huge pendulous ear lobes, enlarged nodulated, and distorted features, and the thickened greasy looking skin, render these victims hideous to contemplate; moreover, in this variety, the skin readily cracks & bleeds, affording increased facility for contagion; the lungs also may be affected by leprous tubercles, in which case there would be a risk of communicating the disease by the respiration, yet the above class of tubercular leper is not included by the proposed definition in the bill, and a person so affected would not be precluded from engaging in the occupations mentioned in clause 9, as he has no apparent ulceration. I am of opinion, however, that such a leper should be excluded from these callings.

The presence of ulcers & open sores is doubtless very frequent amongst mendicant lepers, who are uncared for, and exposed to privation, dirt and other irritating influences, and whose stock in trade is their filthy sores; such lepers are, whilst trade is prosperous, not anxious for the cure, and therefore removal, of those loathsome conditions, by which

they attract attention; in the case of inmates of a leper hospital however, ulceration is but a temporary incident; it occurs when a finger or toe loses its vitality in the course of the disease, then the member slowly ulcerates and drops off, or the dead bone works out, after which the ulcer quickly heals under appropriate care and treatment, leaving white scars, and — increasing deformities, which are equally repulsive as the ulcers, and which with other repugnant features of the disease, should unfit the victims for public exposure, and should preclude them from engaging in the trades & callings detailed in the bill.

So long as a leper is in the incipient stage of the disease, he is not dangerous nor repugnant to the public, and need not be interfered with, but I am of opinion that every pronounced leper whose leprous symptoms would attract attention, whether he be subject to ulceration or not, should be dealt with according to the provisions of the bill. I therefore advocate the extension of the definition of a leper as I have proposed.

I have the honor to be

Sir,

Your Most Obedient Servant

Geo. Woaden M. D

Surgeon Lt: Col:

Superintendent Govt. Leper Hospital

[L. & M. 500—14-8-96.]

Local & Munl. (1896) Department.

CURRENT No. 2902/96

Order

From The Chairman, Municipal Council Madura

No. 48

Dated 24-10-96

Received 27-10-96

Registered 28-10-96

Enclosures 1

Spare copies

SUBJECT.

Submitting remarks on the Lepers' Bill.

37

30/6

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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Municipal Office,

No. 48

MADURA 24th October 1896.

Enclosures. one.

Local Dept.
2902 M

From,

R. Fisches Esquire,
Chairman,
Municipal Council,
Madura.

To,

The Chief Secretary to Government,
Fort St. George,
Madras.

Sir,

With reference to GO no: 1458 M dated 1st Ultimo, I have the honor to Submit herewith copy of resolution of the Municipal Council and my remarks upon the Bill which the Council have desired me to make.

Section 2 Clause 1. In defining the word "leper" I would Suggest the omission of the words "in whom the process of ulceration has commenced", in the definition, as I believe that leprosy is contageous even before such process has commenced and that it would be inadvisable to wait till then to be able to enforce the provisions of the law. The definition would run thus "leper means any person

Suffering

Suffering from any variety of leprosy at any stage of the disease."

Section 6. After this section I would suggest the introduction of the following section:-

"Every person shall be bound to give information to the nearest Magistrate or Police Officer of the existence of a leper." Because lepers may be moving all over a town and escape detection by a Police Officer and a duty ought to be imposed upon the public to give this information.

Section 9. To clause (a) I would suggest the addition of the following callings that of a weaver, a prostitute, a pleader and a laborer; and to clause (b) a seller of cooking and other utensils; and after clause (d) the addition of another clause (e) "or mixes with the public in any public assembly as in a church, temple, mosque, court &c."

I have the honor to be,

Sir,

Your most obedient Servant,

P. Venkatasa

Chairman
(Delegate)

Ad

Don't print

Extract from the proceedings of the Municipal Council, Madura, passed at its meeting held on the 13th October 1896.

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312. Read G.O. no. 1458 M dated 19th September 1896 referring to the Municipal Commissioners of Madras and certain Municipal Councils, Officers and Gentlemen for their opinion the draft Bill for Segregation of lepers.

The Council approve of the objects of this Bill and request the Chairman to forward the same with his remarks to Government.

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(Signed) R. Fischer
Chairman

(True Copy)

P. Venkatasa

Chairman
(Delegate)

39

Ad

ENCLOSURE No. /

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

Dated 24th October 1896.

No. 48.

Copy of resolution of the Municipal Council Madura dated 13th October 1896 Pp. 312

1/1892 Mofft 35

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1896.

LOCAL AND MUNICIPAL DEPARTMENT.

CHIEF SECRETARY
27 OCT. 1896
GOVERNMENT OF MADRAS

FROM

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No.

ENCLOSURE one

Dated 24th October 1896.
Received

No. 48

SUBJECT.

Submitting remarks on the Lepers' Bill referred to in GO no. 1458 m dated 1st September 1896

Local & Munl. (1896) Department.

CURRENT No. 2914

CHIEF SECRETARY
28 OCT. 1896
GOVERNMENT OF MADRAS

From

THE PRESIDENT,

Municipal Commission,

Madras.

G. No. 449

Dated 27th october 1896

Received 28 " " "

Registered 29 " " "

Enclosures 2

Spare copies

SUBJECT.

Forwarding an extract from the proceedings of a General meeting of the Commissioners held on 26th oct. 96 together with an extract from the "Madras Times" dated 27th oct 96 in reference to the order of Government on the Lepers Bill.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Genl. Dept.
13

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G. No. 449

MUNICIPALITY OF MADRAS.

General Department,

Madras, 5th October 1896.

Local and Municipal Dept.
2914 M

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

To

The Chief Secretary to Government,

Fort Saint George.

SIR,

Enclosures 2

With reference to G.O.No.1458 M., Local and Municipal, dated 1st September 1896, I have the honor to forward herewith an extract from the proceedings of a General Meeting of the Commissioners held on 26th Instant, as also an extract from the report of the proceedings of the said Meeting which appeared in this morning's issue of the "Madras Times."

I have the honor to be,

Sir,

Your most obedient servant,

G. M. Moore Lt.Col.

President, Munl.Commn.

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Extract referred to

G.O.No.1458 M., dated 1" September 1896,referring to the Commissioners and others for opinion the draft Bill for the ---- segregation of lepers.

Proposed by M.R.Ry.V.C.Desika Chariar Avargal and seconded by M.R.Ry.C.Tirumalayya Naidu Garu-

"That a small Committee composed as under be appointed to consider the Bill -

The President.

Surgeon Lt.Col.G.L.Walker.

Surgeon.Lt.Col.J.Maitland.

M.R.Ry.V.Varadappa Naidu Garu and

The Hon'ble P.Rungiah Naidu Garu."

The resolution on being put to the Meeting was lost.

Proposed by Surgeon Lt.Col.G.L.Walker and seconded by ---- M.R.Ry. V. Varadappa Naidu Garu -

"That the following additions be made -

Clause 2(1) after the word 'commenced' add ' or whom leprosy has rendered deformed or repulsive even when active ulceration is absent'.

Clause 9(a) after 'domestic servant' add 'money changer, stamp vendor, pial teacher or school master'.

Clause 9(b) after 'sells' and before 'food' insert ' or engaged in the preparation of'; after 'consumption ' add ' sells or is engaged in the manufacture of textile fabrics intended for sale or wear'."

Surgeon Lt.Col. G.L.Walker with the consent of the Meeting withdrew his resolution and proposed-

"That the Commissioners approve of the principle of the Bill "

M.R.Ry.V.Varadappa Naidu Garu seconded.

This resolution on being put to the Meeting was carried.

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Extract referred to
"Madras Times"
27 October 1916.

MUNICIPALITY OF MADRAS.

A GENERAL MEETING of the Municipal Commissioners for the City of Madras was held at the Municipal Office yesterday at 5 P.M. *Present*:—Col. Moore, C. I. E., (President); Mr. Cowasjee Eduljee, Dr. V. Varadappa Naidu, Mr. J. DeCaster, Mr. E. H. Elliot, Mr. C. Thirumalayya Naidu, Surgn. Lt.-Col. Walker, Surgn.-Major Maitland, Mr. M. K. Lachmana Chariar, Mr. R. Balakrishnama Chetty, Mr. P. Theagaroya Chetty, Mr. M. Ramakristna Pantulu, Mr. G. Subrayalu Chetty, Mr. M. Varadarajulu Chetty, Rai Bahadur C. Kaliana-sundaram Chetty, Mr. H. Ormerod, Mr. G. Subramaniya Iyer, the Hon'ble Mr. P. Rungiah Naidu, Mr. V. C. Desika Chariar, Mr. P. M. Sivagnana Mudaliar, Mr. W. S. Venkataramanjulu Naidu, Mr. C. Yethirajulu Naidu, Rao Bahadur V. Krishnama Chariar, Mr. P. V. Krishnaswy Chetty and Mr S. Gurusami Chetty.

THE LEPER BILL.

The PRESIDENT, in opening the proceedings, said that the first business before the meeting was the consideration of the draft Bill for the segregation of lepers referred to the Commissioners for opinion. Under Section 15 of the Bill, the Local Government had the power to make notes for the management and maintenance of lepers.

Mr V. C. DESIKA CHARI observed that it would be highy inconvenient for the Commissioners, as a body, to consider the provisions of the Bill. He therefore, proposed the appointment of a Committee, consisting of Dr. Walker, Dr. Maitland. Dr. Varadappa Naidu, Mr. Rungiah Naidu and the President to consider the Bill.

Mr. C. THIRUMALAYYA NAIDU seconded the proposition.

Surgeon-Major MAITLAND, in opposing the resolution, pointed out that there was not the slighest use in appointing a Committee as the matter was an urgent one, the Commissioners ought to decide the question at once. The proposition was, after a slight discussion, put to the vote and lost.

Surgeon-Lieut.-Col. WALKER said :—Gentlemen, I wish to make a few observations about the Bill, terminating eventually in a resolution. I may say I have gone through this Bill as carefully as I could, because my opinion has been asked in two other capacities, viz., as a Superintendent of the Lying-in-Hospital and the Leper Asylum, and as a Surgeon of the district. I may say that the objects aimed at in the proposed Leper Bill are most salutary and the provisions of the Bill most desirable. I concur with these provisions with the exception of the definition of "Leper" given in clause 2 para (1) which is as follows, *viz* :—"Leper" means any person suffering from any variety of leprosy in whom the process of ulceration has commenced." I consider this definition too restricted, it would exclude many advanced lepers who have not ulcers, but who by reason of deformity and other conditions of leprosy are repulsive and even dangerous to others, and who therefore should be brought within the scope of the Bill. I would advocate that the definition of a leper be extended by the addition thereto of words to the following effect immediately after the word "commenced" *viz*., "or whom leprosy has rendered deformed or repulsive, even when active ulceration is absent." There are many lepers far advanced in the disease in whom the process of ulceration is at times absent, the condition has been checked and the ulcers have healed, especially in cases that have been under treatment and well-cared for; and yet such cases are often loathsome and repulsive by reason of extreme deformity caused by leprosy, such as loss of fingers and toes, depilation of eyebrows and eyelashes; staring blinded eyes, thickened greasy odorous skin, pendulous ears, and hideous tuberculated features; all of which conditions may exist without the presence, at times, of ulcers or open sores. In cases of the pure tubercular variety of the disease, there is frequently no ulceration at any time, yet persons suffering from this form are particularly loathsome and repulsive in appearance. Even without ulcers, the huge pendulous earlobes, enlarged, nodulated, and distorted features, and the thickened greasy looking skin, render these victims hideous to contemplate; moreover, in this variety, the skin readily cracks and bleeds, affording increased facility for contagion. The lungs also must be affected by leprous tubercles, in which case there would be a risk of communicating the disease by the respiration; yet the above class of tubercular leper is not included by the proposed definition in the Bill, and a person so affected would not be precluded from engaging in the occupations mentioned in clause 9,

one selected by the Surgeon General

2/2914 Mutted 45

as he has no apparent ulceration. I am of opinion, however, that such a leper should be excluded from these callings. The presence of ulcers and open sores is doubtless very frequent amongst mendicant lepers; who are uncared for and exposed to privation, dirt, and other irritating influences, and whose stock in trade is their filthy sores. Such lepers are, whilst trade is prosperous, not anxious for the cure and therefore removal of these loathsome conditions by which they attract attention. In the case of inmates of a leper hospital, however, ulceration is but a temporary incident; it occurs when a finger or toe loses its vitality in the course of the disease, then the member slowly ulcerates and drops off, or the dead bone works out, after which the ulcer quietly heals under appropriate care and treatment, leaving white sores and increasing deformities, which are equally repulsive as the ulcers, and which with other repugnant features of the disease, should unfit the victims for public exposure and should preclude them from engaging in the trades and callings detailed in the Bill. So long as a leper is in the incipient stage of the disease, he is not dangerous nor repugnant to the public, and need not be interfered with; but I am of opinion that every pronounced leper, whose leprous symptoms would attract attention, whether the subject to ulceration or not, should be dealt with according to the provisions of the Bill.

I propose the following resolution :—

1. That in clause 2 (1) after the word 'commence' add the following. 'or when leprosy has rendered deformed or repulsive even when active ulceration is absent.'

2. That in clause 9 (a) after the word 'servant' add 'money changer, stamp vendor, pial teacher or school master.'

3 And that in clause 9 (b) after the word 'sale' add 'or is engaged in the preparation of'; and after the word 'consumption' add 'sells or is engaged in the manufacture of textile fabrics intended for sale or wear.'

Dr V VARADAPPA NAIDU seconded the proposition.

Mr. G. SUBRAMANIYA IYER said that the Commissioners, as a body, were greatly indebted to Dr. Walker for the valuable opinion he had expressed in this Bill. But he did not know if the Commissioners were called upon to submit to Government such detailed opinions on this Bill. Dr. Walker's speech would, no doubt, be sent to Government who would give their best attention to his valuable remarks under the advice of professional men. It was not altogether desirable or prudent for the Commissioners to commit themselves to the opinions he had expressed. The Commissioners might pass a resolution approving of this Bill generally.

Mr. V. C. DESIKA CHARI also opposed the resolution on the ground, that the Commissioners had not had time to consider the details of the Bill.

Surgeon-Major MAITLAND agreed with Mr. Subramanyia Iyer in saying that it would be enough if the Commissioners passed a resolution merely approving of the principle of the Bill. Dr. Walker had other opportunities of suggesting the alterations proposed. It seemed to him out of place for the Commissioners to go into details at present.

The PRESIDENT said that the main question was whether the Commissioners approved of the segregation of lepers or not. They were merely asked for an expression of opinion on the Bill. He looked upon the Bill as having two provisions, namely the segregation of lepers and the prevention of lepers from following certain trades. If the Commissioners approved of those two provisions they were perfectly justified in approving of the scope of the Bill.

Dr. WALKER, with the consent of his seconder and the meeting, withdrew his resolution, and in lieu of it moved the following: "The Commissioners approve of the principles of this Bill"

Dr. VARADAPPA NAIDU seconded this proposition.

Mr. V. C. DESIKA CHARI observed that the object of Government in asking the Commissioners for their opinion was not so much to get their approval of the Bill in general terms as to get their opinion on the several provisions of this Bill. Unless they considered it in detail, he did not think they would be doing their duty.

The proposition was then put to the vote and carried.

Local & Munl. (1896) Department.

CURRENT No. 2945 M

Encl

From The Collector & District Magistrate Jaunpur

Order.

No. 62 Jour of 1896

Dated 29th October 1896.

Received 2-11-96

Registered 2-11-96

Enclosures Nil

Spare copies

SUBJECT.

Replying to G.O no 1458 Re 1.9.96 Calling for remarks on the draft Bill for the Segregation of lepers.

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

TANJORE DISTRICT MAGISTRATE'S OFFICE,

No. 62 / Tour / 96 Camp, Nagapatam. 29th October 1896

FROM

J. Andrews ESQUIRE,
acting Collector & DISTRICT MAGISTRATE,
TANJORE,

To

The chief SECRETARY TO GOVERNMENT,
Local and municipal DEPARTMENT,
MADRAS.

SIR,

With reference to G.O. No. 1458 dated 1st September 1896, calling on me to report on the Leper Bill, I have the honor to inform you that I have this day in my letter no. 61/Tour reported on the same as Magistrate of this district and that I have no further remarks to offer.

I have the honor to be
Sir,
Your most obedt servt
J Andrews
acting Collr & Magte

Local & Munl. (1896) Department.

CHIEF SECRETARY
31 OCT. 1896
GOVERNMENT OF MADRAS

CURRENT No. 2944/96

DESPATCHED
30 OCT. 96

From

The Collector of South Arcot.

Order

Letter No. 372. of 96. dt. 26th Sept.

Dated 30th October 1896

Received 2-11-96

Registered 2-11-96

Enclosures

Spare copies.

SUBJECT.

Submitting his remarks on the "Leper Bill."

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

SOUTH ARCOT.

268

COLLECTOR'S OFFICE,

Cuddalore.

Dated 30th October 1896.

NO. 2947/M.

FROM

A.E. Cockburn Stuart Esquire

COLLECTOR OF SOUTH ARCOT.

TO

THE CHIEF SECRETARY,

TO GOVERNMENT

Local & Municipal DEPARTMENT.

MADRAS.

SIR,

I have the honour to reply to Government order No. 1458 M dated 1st September 1896.

2. According to the Census Returns of 1891, the total number of lepers in this District was 1033, of whom 829 were males and 204 were females. It is doubtful whether this was the correct number, for, as admitted by the Superintendent of Census Operations Madras, - (vide "Census of India" 1891. vol XIII p 164) - "the "return of lepers is undoubtedly "incomplete, for since leprosy carries "with it certain social disabilities, "there must be great reluctance

6-

to admit the existence of the horrible disease, and in addition to this the leper is frequently ignorant of the fact "that he is a leper." However, as these are the most reliable figures available, I have adopted them, in order to show the prevalence of the disease in this District - which, being a Coast District, requires special protection. Inland Taluks and inland Districts are known to be less liable to foster leprosy than Coast Taluks, & dry Districts than those in which there is a high annual rainfall.

3. These 1033 lepers were distributed according to age as follows:-

Below 10 years ...	14
Above 10 and below 20 ...	59
Above 20 and below 40 ...	362
Above 40 and below 60 ...	485
Above 60 ...	112
Not stated ...	1
Total ...	1033.

The distribution according to religion was as follows:-

Hindus ...	970	viz: Pallis	312
Jains ...	5	Pariahs	195
Christians ...	28	Vellalas	81
Musalmans ...	33	Shepherds	61
Total:	1033.	Brahmins	12
		Other Hindus	259
		Total ...	970.

The number of lepers in 10,000 of the population of Coast and Inland Taluks is as follows:-

Inland Taluks: 4.48
Coast Taluks: 5.16
Whole District: 4.78

4. These figures indicate to my mind the urgent necessity for the early introduction of a Bill similar to that on which an expression of opinion has been called for. This bill is intended to provide for (a) the segregation of pauper lepers and (b) the control of lepers following certain callings. Taking the Census classification, and assuming the Pallis and Pariahs to be "pauper" lepers, there would in this District be 507 to be dealt with under the first heading: viz 312 Pallis and 195 Pariahs. The total number of lepers following certain callings may be taken as 130 as follows:-

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Traders ...	82
Barbers ...	10

Washermen . . . 20
Oil pressers . . . 3
Fishermen . . . 10
Distillers and toddy drawers 3 5
3
Total: 130.

Section 9 (a) and (b) of the Bill would effectively deal with these persons, whose numbers, as above indicated, are merely approximate.

5. As, I presume, that there is no longer any doubt as to the necessity for legislation in order to segregate pauper lepers, or to control lepers who may be following certain occupations, I refrain from making any further remarks on this aspect of the question, but to submit my opinion that the provisions of the draft Bill are well suited to meet present requirements. The definition of the words "leper" in section 2 does not, however, appear me to be sufficiently comprehensive. It restricts the term to persons "suffering from any variety of leprosy

"leprosy in whom the process of "ulceration has commenced". As observed long ago by Surgeon-General Balfour in his report to Government dated 17th July 1876 (vide "Selections from the Records of the Madras Government" No. LII). "leprosy "passes through successive "stages, each of which has distinguishing symptoms", of which ulceration is one. The definition would therefore appear me to require amplification so as to embrace all cases of real leprosy, in whatever stage the person to be dealt with by the Bill, may happen to be at the particular time, when the provisions of the Act are sought to be applied to him. The other provisions of the Bill seem to me to be eminently adapted for the end in view, and I venture to hope that they may soon become law

and

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and be extended to this District as to other parts of the Presidency.

6. I have delayed my reply in the hope of receiving the opinions of the District Medical and Sanitary Officers and Divisional Officers for incorporation, but as these have not yet been received and as further delay might be inconvenient to Government, I submit these remarks for such Consideration as they may be considered fit to receive.

I have the honour &c
Sir
Your most obedient Servant.

A Pasteur Stuart.
Collector.

Local & Munl. (1896) Department.

CURRENT No.

CHIEF SECRETARY
1 NOV. 1896
GOVERNMENT OF MADRAS

From The Chairman
Municipal Council
Cuddapah

Order.

No. 1295

Dated 30th October 1896

Received 2-11-96

Registered 2-11-96

Enclosures

Spare copies

SUBJECT.

Stating that the Council have approved of the provisions of the Draft Bill for the Segregation of lepers.

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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CUDDAPAH MUNICIPAL OFFICE,

No. 1295

Dated 30 October 1896

Local and Municipal Dept.

Cr. 2949/M

Enclosure.

From M. W. Elliot Esquire,

Chairman, Municipal Council,

CUDDAPAH.

To

The Chief Secretary to Government,

Local and Municipal department,

Fort Saint George.

Sir,

Adverting to G. O. dated the 15th September 1896, No. 1458 Pu., I have the honor to state that the Municipal Council, Cuddapah, have at their meeting held on the 28th of October 1896, approved of the provisions of the Draft Bill, therein referred to, for the Segregation of Lepers.

I have the honor to be,

Sir,

Your most obedient Servant

Municipal Council

29-10-96

Chairman.

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29/10-

Local & Municipal

~~Judicial~~ (1896) Department.

CURRENT No. 2957 M
~~4765~~

CHIEF SECRETARY
30 OCT. 1896
GOVERNMENT OF MADRAS

From

The Inspector-General of Registration, Madras.

Order

G. No. 6954

Dated 29th October 1896.

Received ~~29-10~~ 2-11-96

Registered 2/11

Enclosures -

Spare copies -

SUBJECT.

Submitting opinion on the draft Bill, framed by the Government of India for the segregation and control of lepers.

~~57~~ 57

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Registration Department. 4763 30P

G. No. 957 Dept. 2950 M

From

M. A. Ry. P. Rajaratna Mudaliyar, Avargal,
Dewan Bahadur,
Inspector-General of Registration,
Madras,

To

The Hon'ble Mr. A. T. Arundel,
Acting Chief Secretary to Government,
Fort St. George.

Madras 29 October 1896.

Sir,

I have the honor to submit the following reply to Government Order, No. 1458, M, dated 12th September 1896 — (received by me on the 23rd idem), circulating for opinion, a draft Bill framed by the Government of India for the segregation and control of lepers.

2. The object of the Bill is to prevent lepers, in whom the process of ulceration has commenced, from begging in, or frequenting, places of public resort, or from carrying on certain trades and callings, or doing certain other acts specified in the Bill. To this end, it is proposed that vagrant lepers

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lepers, who have no ostensible means of subsistence should be arrested and sent before a Magistrate, after enamination by a medical officer (Inspector of lepers); and detained in a leper asylum until they are cured and discharged. Other lepers who pursue certain occupations, which concern the food, drink, clothing, etc of the people generally, or who bathe at public places etc, or ride in public conveyances are declared liable to fine by a Magistrate, and may, on second conviction, be sent to a leper asylum, or ordered to leave the locality in which the Act may be in force.

3. The bill thus follows the provisions of the Bengal Act V of 1895, and is very limited in its scope, and I do not think that there can be any reasonable objection to its introduction into every municipal town, and places of large fairs and festivals, and even into Local Fund Unions. The total number of lepers in this Presidency is no doubt small, viz 12617, or 1 in 2824 of the population; and, if the census figures correctly ... number has actually declined

since 1881, but the disease is of so loathsome a character that it seems necessary, in the interests of the general public, that those lepers at least, in whom ulceration has begun to appear, should be placed under some restraint, such as is contemplated by the Bill under reference.

4. I would suggest a few alterations in the Bill as shown below:—

(a) Before sending a leper to the asylum under section 8, or sentencing him to a fine under section 9, in the first instance, the Magistrate may be allowed discretionary power to discharge the leper, with a warning, provided some relative or respectable person comes forward and furnishes security to the extent of (say) Rs 100, to take proper care of the leper and prevent him from repeating the acts mentioned in the sections referred to.

(b). The clause in section 10(a) regarding the expulsion of lepers from the local area in which the Act is in force, should, I think, be omitted. It seems somewhat anomalous that the same enactment

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provides for the segregation and control of lepers in one locality should permit these loathsome persons being thrust upon the people of another locality, without any sort of restraint or control whatever.

(c) The Bengal Act requires that any person who may be certified to be a leper shall be produced before a Magistrate "without any unnecessary delay and within 24 hours etc". The words "within 24 hours etc" have been omitted in clause b section 7 of the present Bill. I think they should be inserted. The Police should not be given any discretion as to the detention of a leper for a longer period than 24 hours, exclusive of the time taken up for the journey.

5. Since the above was drafted, I had an opportunity of reading Surgeon-Lieutenant Colonel Walker's remarks at the Municipal meeting held on the 26th instant, pointing out that the definition of leper, as given in the Bill, would exclude from its scope a large number of loathsome and repulsive lepers who may be suffering from an advanced stage of the disease

disease, with even distorted features, etc. I do not feel competent to give an opinion on this subject, but it seems necessary that the definition should be modified so as to bring within the scope of the Act all persons suffering from an advanced stage of the disease.

I have the honor to be
Sir,
your most obedient servant

Inspr Genl of Hosps

Local & Munl. (1896) Department.

CURRENT No. 2951 /96

From

The Chairman,
Municipal Council
Trichinopoly

No. 45.

Order.

Dated 28-10-96

Received 2-11-96

Registered 2-11-96

Enclosures

Spare copies

CHIEF SECRETARY
1. NOV. 1896
GOVERNMENT OF MADRAS

SUBJECT.

Approving the draf
Leper Bill with certain
difications.

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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MUNICIPAL COUNCILLORS' OFFICE,

No. 45. TRICHINOPOLY 28th October 1896.

Local & Municipal Dept. 2951/96

FROM, Khan Bahadur Khadir Nawaz Khan Saheb
CHAIRMAN,
Municipal Council,
TRICHINOPOLY.

To,

The Chief Secretary to Government,
Local and Municipal Department,
FORT ST. GEORGE.

~~Through the Collector of Trichinopoly.~~

SIR,

With reference to G.O. 1458 M. dated 1st September 1896 referring the draft leper bill for remarks, I have the honor to state that the provisions of the above bill are approved by the Municipal Council with the following additions.

2. Sec 9 (a) After "domestic servant" insert money changer, stamp vendor, pial teacher or school master.

Sec 9 (b) After "sells" insert or is engaged in the preparation of; after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for human ~~ware~~ wear"

3. The bill makes no provision for the separation and protection of the children of arrested female pauper lepers or for the transport by train of arrested lepers. Such provision seems desirable.

6 2

I have the honor to be,
Sir
your most obedient servant.
K K Nawaz Jung
Jun Chairman

Rec'd

Local & Munl. (1896) Department.

CURRENT No. 2980/11.

From The Asst Dist Magistrate Chingleput

Order

Dis No. 643/Magts of 96

Dated 1st November 1896

Received 3-11-96

Registered 3-11-96

Enclosures

Spare copies.

SUBJECT.

Approving of the provisions of the Bill for the segregation of lepers.

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Chingleput Magistrals'

Dis No. 643/Magl of 96

Saidapet

DISTRICT ~~COLLECTOR'S~~ OFFICE,

1st November 1896.

348

From

D. D. Murdoch Esquire,

Magistrate

& ~~District Collector~~ of the

Chingleput District,

2980 M

To

The Chief Secretary to Government,

Local and Municipal Department,

Madras.

SIR,

With reference to G. O.

No 1458 M., of 15th September 1896,

I have the honor to state that

I approve of the provisions of

the Bill for the segregation of

lepers, and have no suggestions

to offer.

I have the honor to be,

Sir

Your most obedient Servant,

D. D. Murdoch

Acting District Magte

64

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Local & Munl. (1896) Department.

CURRENT No. 2984 M

CHIEF SECRETARY
31. OCT. 1896
GOVERNMENT OF MADRAS

From

The District Magistrate
Tanjore

Order.

No. 61 / Jour of 1896

Dated 29th October 1896

Received

Registered

Enclosures Nil

Spare copies

SUBJECT.

Offering remarks on the draft Bill for the segregation of lepers.

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Mr D Sahib
Please time for this
to the Mysore Table

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local.

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TANJORE DISTRICT MAGISTRATE'S OFFICE,

No. 61 / Four d/6 Camp, Negapatam. 29th October 1896.

FROM

J. Andrew ESQUIRE,

DISTRICT MAGISTRATE,

TANJORE,

To

Local & Judicial Dept.
2984 M
Dec 1896

The Chief SECRETARY TO GOVERNMENT,

Local & municipal DEPARTMENT,

MADRAS.

SIR,

Referring to Government Order,
No: 1458 M, dated 18th September 1896,
calling for remarks on the draft Lepers Bill,
I have the honour to state that I
consider the proposed legislation to
be a decided move in the right direction,
and I hope that in course of time
it may be possible to have a law
which will be applicable to lepers
other than those covered by sections
66 2 (2) and 9 of the draft and

will tend to repress any increase in the leper population by forbidding and discouraging marriages with lepers.

2. Section 9. I scarcely think that the list of occupations is sufficiently exhaustive though it would doubtless be impossible to make a list which would include all occupations which should be forbidden to lepers. After "haberdashes" I would add "weavers cigar-makers" and after "Servant" I would add "or in any like or similar occupation".

3. Section 10. I would add a clause after (a) as follows:— "require him to enter into a bond with one or more sureties binding him not to practise any of the occupations or do any of the acts mentioned in Section 9 until an Inspector of Lepers shall have given him a certificate in Form A set forth in the Schedule —

I have the honour to be
Sir,
Your most obedient Servant

J. Henderson.
Ag Dt magistrate.

Colombo

360

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Cuddapah
the 5th November 1896.

Local & Munl. (1896) Department.

CURRENT No. 3001 M

Sent
Dept.
2985 M

From
The District Magistrate of
Madura

To
The Hon'ble C. Jambulingam Mudaliar Avl
Cuddapah.

To
The Secretary
Legislative Council
Madras.

Dy No. 1013 M 96

Sir,

I have the honor to submit by separate post the observations on the "Bill to provide for the segregation of Lunatic Lepers" Common or opinion with G.O. 11

Dated 5th November 1896
Received 6th " "
Registered 7th "
Enclosures
Spare copies

SUBJECT.

Expressing his opinion on the draft Bill for the segregation of Lepers.

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 378 Madura District Magistrate's office
November 189

L.C. 3001 M

From

J. Twigg Esquire,
District Magistrate of
Madura.

To.

The Chief Secretary to Government,
Local and Municipal Department,
Madras

Sir,

With reference to Government order No: 1458 M (Local and Municipal) dated 1st. September 1896, I have the honor to say that I approve of the provisions of the Leper bill. The only suggestion I would make is that section 9 (a) and (b) are not sufficiently comprehensive, e.g. I would add butcher and dairyman to clause (a), and modify clause (b) so as to make it penal final not only to sell food &c but also to deal with it or be concerned in anyway with its distribution. If clause (b) remain as it is, Magistrates will rule that it refers to the salesman only, and the relative or cooly who is engaged in the shop or

take out the bread, meat or milk to customers
will escape.

I have the honorable,
Sir,
Your most obedient Servant,

W. Wills
District Magistrate

3/11

Local & Munl. (1896.) Department.

CURRENT No. 2948/M

CHIEF SECRETARY
31. OCT. 1896
GOVERNMENT OF MADRAS

From

The Surgeon-General with the
Government of Madras.

Order

No. 499

Dated 29th October 1896.

Received 2-11-96

Registered 2-11-96

Enclosures

Spare copies.

SUBJECT.

Stating that a report on the draft bill for the segregation of lepers will be submitted as soon as possible.

5/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1]

No. 499

OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,

Madras, 29th October 1896.

Fro

SURGEON-MAJOR-GENERAL H. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,
Local and Municiapl, DEPARTMENT.

SIR,

With reference to your Reminder Memorandum No.1214, dated the 24th October 1896, I have the honour to state that a report on the draft bill for the segregation of lepers will be submitted as soon as possible.

I have the honour to be,

Sir,

Your most obedient Servant,

H Sibthorpe

Surgeon-Major-General,
Surgeon-General with the
Government of Madras.

No. 2566 Office of the District Medical

Public (1896.) Department.

CURRENT No. 3028 M

From

The Surgeon-General with the
Government of Madras.

No. 575

Dated 6th November 1896.

Received 10 NOV

Registered 10-11-96

Enclosures Four.

Spare copies

SUBJECT.

Submitting, with remarks, opinions of certain medical officers on the --- draft Bill for the segregation of Lepers forwarded by the Government of India.

Order

12/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 2566
9-10-96.

Office of the District Medical and Sanitary Officer Trichinopoly
9th October 1896

From

Surgeon Lt. Col. W. O'Hara
District Medical and Sanitary Officer
Trichinopoly

To

The Secretary to the Surgeon-General with the Government of Madras,
Madras.

Ref Leper Bill 1896

Current No 893/1 dated the 29th September 1896.

Sir,

With reference to the above I have the honor to inform you that I approve the provisions of the above Bill as set forth, but that, in my opinion, the following additions and modifications would be desirable.

1. Under Section 7 after "shall" insert — Subject to the conditions of Section 61 Criminal Procedure Code. (Persons arrested how to be dealt with)

2(a) Under Section 9(a) after "domestic servant" insert — money-changer, Stamp-vender and Pyal teacher or School master. (Practice by leper of certain occupations)

(b) After "sells" insert, or is engaged in the preparation of; after "consumption" add, sells or is engaged in the manufacture of textile fabrics intended for wear.

3.

3. Remarks:— Section 7 of the Bill provides that every pauper leper arrested under Section 6 "shall forthwith be taken before an inspector of lepers". Now unless the number of such inspectors be relatively large it is probable that the production of arrested pauper lepers before an inspector of lepers will not always be feasible before the expiration of 24 hours— under these conditions it will be desirable to bring into operation the conditions of Section 61 Criminal Procedure Code.

4. The inclusion under section 9 of money-changers Stamp-venders and pyal teachers and school masters has been recommended from actual personal knowledge of such offices being occasionally filled by lepers.

5. The Bill makes no provision for the separation and protection of the children of arrested female pauper lepers. Such provision seems desirable.

6. Under the Bill, lepers are prohibited from "riding in" any public conveyance". The transport by train of arrested lepers should perhaps be specially provided for.

I have &c.
Sd/ William O'Hara.
Surgeon Lt Colonel
District Medl & Sany Officer,
Trichinopoly

(True copy)
D Simpson M.B.
Surgeon-Captain,
Leery Surgn.-Genl. with the Govt. of Madras.

III

Encl: on ft. No. 5853.

To

The Secretary to the Surgeon General with the Government of Madras.

A most useful bill, and I hope that it will soon be carried into effect.

2. The only suggestions I would like to make would be:—

i. That instead of inspectors being appointed (vide para 4), that all qualified medical men (whether in Government employ or Private Practitioner) be empowered to grant certificates, as this will prevent the unfortunate lepers being taken distances for the certificate from an Inspector.

ii. That in the event of a person so certified objecting to the certificate, he may be permitted to appeal to the Board of visitors connected with the nearest Asylum.

iii. That under para 9, section (a) the following be added.

"Or otherwise practices a profession or trade".

Sd/ J. Hackett Wilkins
Surgeon Lt Colonel
District Medical & Sany Officer,
Malabar

Calicut
8-10-96

(True copy)

D Simpson M.B.
Surgeon-Captain
Leery Surgn.-Genl. with the Govt. of Madras.

Government House,
Guindy 26th October 1896.

No. 234

From,

Surgeon Major W. B. Bowring
Surgeon to H.E. the Governor

To,

The Secretary Surgeon General
with the Govt. of Madras.

Sir,

With reference to your Memo No. 893 dated 24th October 1896, received this day, forwarding for my remarks the draft Lepers bill, I have the honor to observe as follows:-

Although, as a medical man, I welcome the act as shewing that more attention will be directed to these unfortunate people, still it appears to me that its provisions are somewhat stringent in tone, when one bears in mind that the Leprosy Commission found, that the amount of contagium that exists is so small that it may be disregarded and that no legislation was called for on the lines of segregation, and that the figures available point strongly to a decrease in the disease; they further observed - "For India "complete compulsory segregation may be consider- "ed to be absolutely impracticable. Neither do the "conclusions given above as to the nature of the "disease justify any recommendation for absolute "segregation. The presence of a leper in a healthy "community is a source of danger no greater than "the presence of an individual suffer-

"tuberculosis. Both diseases are contagious
"in an equal and minimal degree × × ×
"It is impossible for the same reasons to ad-
"vise compulsory partial isolation. Voluntary
"isolation is therefore the only measure left
"for consideration." With reference to the last
sentence in the above, I would go further and
say that as one is dealing generally with
poor, uneducated people of a low order of
intelligence, that it is justifiable, in their
own interests chiefly, to use a gentle compul-
sion in isolating and treating them.

As I interpret the finding of the Lepro-
commission, it was that their recommendations
regarding the prohibition from following
certain trades &c, were quite apart from the
dread of a possible infection and the main
object of their recommendations was to drive
that leper population into rural areas, where
farms, etc, would be provided and that thus,
by increased material prosperity and hygiene
the disease would ultimately be stamped out.
I make these remarks as I think it possible
that the object of their recommendations may
be lost sight of and that Leper Asylums
might come to be regarded as persons unfit
of being looked upon as havens of refuge by
those suffering from the disease. From the
above it is also to be inferred that any
leper act should only apply to crowded
Centres - for practical purposes in India, to

Municipal

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Municipal towns only. I have no doubt as
to the advisability of the provision of more
leper Asylums as all Evidence points to the
fact that the good food, general cleanliness,
etc, much improves the status and heals the
sores of those afflicted with leprosy and
further that such treatment tends to ulti-
mately stamp the disease out.

Turning now to the draft bill itself I do
not see any provision for lepers voluntarily com-
ing forward and being admitted into Asylums.
I would admit all lepers into such institutions
irrespective of the type or stage of the disease.
It must not be forgotten that the leper popu-
lation is a small one, a little over a lac for
the whole of India

The definition "in whom the process of
ulceration has commenced" Section 2, para 1,
might be more definite; the process of ulcera-
tion may and does occur and healing of the
part takes place - even though healed, such
a person might be included in the above
definition. The section I presume, is intended
to refer to persons who have breaches of
surface at the time the examination is made
Under the act a person, who may be hideously
deformed, whose face is a mass of tubercle
and whose hands have lost all semblance
of symmetry, could carry on his trade pro-
vided there is no breach of surface. If the
bill is to be int- by the 1st para

Section 1, delete "in whom the process of ulceration has commenced"

With reference to para 4, it would be a convenience to the affected person and to the police, if all commissioned medical officers were ex-officio inspectors. In this connection, it is presumed that such medical officers would be fully protected by law for expressing opinions or granting certificates in the case of persons brought by properly constituted authority.

With reference to para 8, there are no "poor houses" nor poor laws in India. In the event of the only bread winner of a family being incarcerated, what will become of his or her children?

With reference to para 9 sections (a) (aa) (b), I would include schoolmasters and stamp vendors. Do these sections also include the servants of such persons as milkmen, cabmen, etc.? I would make the employer responsible in such cases and would fine him for infringement.

I am doubtful as to the practice of "fining" - take an Example - a leper, possibly a highly moral character, who takes a drink of water at a roadside hydrant is to be fined Rs50 on the assumption, I presume that his or her disease is very remotely communicable, whereas a woman of

with absolute certainty communicating a far worse disease and the law takes cognizance - this would be law but no Equity

With reference to para 10 section (b) if a man is again convicted, I cannot see the force of the word "may"; under the act he is a leper and should again be sent to an Asylum. Would it not be advisable in this connection that every one who was once admitted into an Asylum should notify to the local authorities his or her abode and any change of abode.

I have the honor etc

Sd/ W. R. Browning
Surgeon Major
Surgeon to H.E. the Governor

/True Copy/

Simpson Capt I.M.S.
Surgeon Captain
Leper Surgeon General with the
Government of Madras

Local & Munl. (1896) Department.

CURRENT No. 3122 W

&

From The Sanitary Commissioner for Madras.

Order

No. 2150

Dated 18th November 1896.

Received 18-11-96

Registered 18-11-96

Enclosures one.

Spare copies

SECRETARY TO GOVERNMENT
18 NOV 1896
LOCAL & MUNICIPAL DEPARTMENT

SUBJECT.

Submitting with reference to G.O. No 1458 M dated 1.9.1896 Memorandum on the draft Bill for the Segregation of lepers.

1108

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

5682

Memorandum by Surgeon Lieut Col. W.G. King, Sanitary Commissioner for Madras on the draft Leper Bill.

(1) Reference Section 1. Sub-section (3)

The Act should be made applicable to the whole of India on a definite date in regard to matters mentioned in section 9, but, before proceeding to enforce rules affecting Leper Asylums and dependent upon their existence, Local Governments should be required within a definite date to establish a sufficient number of Centres. This period might be, say 3 years after coming into force of the Act. If this measure be not adopted, there will be a constant tendency for lepers to migrate to parts where the Local Governments have not elected to make a notification on account of the expenditure necessary for Asylums. Under such circumstances lepers will be hunted about from one part of the country to the other, without good to the General public in prospect

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to the inconvenience inflicted upon individual lepers. Thus, if it be considered that Local Government cannot afford to follow the policy of having a sufficient number of Asylums to work the Act properly from the outset the Act should proceed no further than to enforce section 9.

(2) Reference Section 2(1). Considering that we yet know very little the Leprosy Commission notwithstanding as to modes of transmission, it would not seem safe to limit the definition of leprosy to where "the process of ulceration has commenced". The mere definition would lead to much quibbling as that ulceration followed by healing may proceed alternately from time to time. The struggle then might therefore be over the word "Commenced" and the different interpretations both medical men and magistrates might give, are obvious. But if we look upon the Bacillus Leprae as the prime cause of the disease, and acknowledge that we know little about its mode of transmission it would certainly be dangerous to have at large a leper whose throat was affected but who nevertheless had no ulceration of external parts, seeing that both with the sputa and the fæces the Bacillus Leprae has been demonstrated in such cases. I would, therefore, omit from the definition the words "in whom the process of ulceration has commenced", and I think there would thus result compensation for laxity suggested under para (4) of this memo.

(3) Reference Section 6 I think very strongly that this section should be modified so as to permit arrest only under circumstances embraced by Section 9, or where the person is a "pauper leper" within the definition of Section 2 - subsection (2).

(4) I would advise the Act be so arranged as to make a wide difference between a leper with ostensible means of subsistence, and without. It may be claimed that this is illogical, and that if it be worth while passing an Act at all, it must embrace lepers rich and poor. I think this involves an exaggerated view of the necessity for action, and believe urgent requirements would be satisfied by segregation of those who persisted in following certain trades, exposing themselves &c. If interference with private liberty to the extent covered by the Act, namely, that on the diagnosis formed by a policeman any citizen may be arrested and detained on a charge of leprosy until the

the certificate of an Inspector under the Act were obtained, the correct sequel would be to confine all subject to tuberculosis. As various syphilitic and other skin diseases are frequently mistaken by the average Medical practitioner for leprosy, the amount of injustice and scandal which the loose provision might lead to, is evident. A section should therefore be provided to secure control of persons with ostensible means by less harsh measures. Then might be maintained in their own or other approved houses under arrangements made to the satisfaction of the Inspector under the Act. Such person would however be subject to Sections 9, 10 and 11, but not to arrest under Section 6. With the object of securing the necessary measure of segregation a leper with ostensible means should be required to appear before a Magistrate on summons being issued, on information supplied by any three rate payers held by the Magistrate to be respectable, or by any Medical officer in Government employ.

(5) Reference section 9. To sub section (2) I would add "Vaccinator" after "Medical practitioner", also "Shroff, book-seller, book-binder, printer" and after "domestic servant" "basket or rope maker, or any trade or occupation which involves preparation or storage of articles in whole or in part by him"

Sub section C I would alter thus:— "bathes at any public well or bathing place, or private well or bathing place open to the use of the public, or takes water from any public drinking fountain, well, hydrant, tank or reservoir, or from any private source or adjunct of a private water supply open to the use by the public, or from anything pertaining thereto".

[Note— In this Presidency numerous water supplies are maintained by private owners, who do not forfeit the right of ownership by allowing the public to use the because repairs are conducted by them]

W. King

Mb, C.M., D.P.H.
Surgeon Lieut Col.
Sanitary Commissioner with Govt

Office of Sanitary Commissioner
Fort Saint George, 18th November 1896.

578

No. 2150
S

OFFICE OF SANITARY COMMISSIONER,

Fort St. George, 15th November 1896

Local Dept.
3122/M

From

SURGEON LIEUT.-COL. W. G. KING, M.B., C.M., D.P.H.,

SANITARY COMMISSIONER FOR MADRAS,

To

THE

Secretary to Government,
Local & Municipal Department,
Fort Saint George

Enclosure. /one/

SIR,

With reference to G. O. No. 1458 M dated 1st September 1896 referring for opinion the draft Bill for the segregation of lepers, I have the honor to submit herewith a memorandum thereon.

I have the honor to be,
Sir,
Your most Obedient Servant,

W. King

Surgeon Lieut-Col
Sanitary Commissioner for Madras

112

SUB-COLLECTOR'S OFFICE
11 NOV. 96
TANJORE

Local & Munl. (1896) Department.

Endt on Cur No 2290 of 96. Forwarded Secy 24/11

CURRENT No. 3163/M

Annexure
Agreement
22.11.96.

Current No. 5342 of 1896

Recd 23-11-96

From

The Chairman
Municipal Council
Kumbakonam.

Order.

No. 548.

Dated 10th November 1896

Received 24-11-96

Registered 24-11-96

Enclosures

Spare copies

SECRETARY TO GOVERNMENT
24 NOV. 1896
LOCAL & MUNICIPAL DEPARTMENT

13.11.96

SUBJECT.

Forwarding copy of resolution of the Council on the Sub Committee's report on the draft Bill for the Legislation of Lepers

Current No. 2290 of 1896

Endon Cur No 5342 of 96 12.11.96

Forwarded

Sub Collr

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Meeting of the Municipal Council Kumba Konam held on the 7th December 187

Present

The Hon'ble T. S. Sivasamy Aiyar Avergal Rao Bahadur Chairman

" W. B. Sykes Esquire D. C. S.

The Hon'ble Rao Bahadur S. Appoo Sastriar Avergal B.A.

" A. C. Narayanasamy Aiyer "

" K. K. Sivagnanam Pillai "

" A. Ramalinga Chettiar "

" S. Sriagnanada Chettiar " B.A.B.L.

" N. Krishnasamy Iyengar " B.A.B.L.

" S. Vythinadha Mudaliar "

" S. V. Bathasamy Chettiar "

" N. Krishnasamy Chettiar "

" A. Rangasamy Chettiar "

Don't print

× × ×

2. Read G. O. No. 1458 Mu. 1. 2. 76 referring for opinion the draft Bill for the Segregation of Cheris.

Read also the report of the Sub Committee thereon.

Proposed by the Hon'ble N. Krishnasamy Iyengar Avergal and Seconded by the Hon'ble A. C. Narayanasamy Aiyer Avergal and Carried that a letter on the lines of the Sub Committee's report be Submitted to Government omitting the last two ultimate

114

365 Mo 876

Dept.
No. 3063/h

No. 548/97

MUNICIPAL COUNCILORS' OFFICE

KUMBAKONAM 10th November 1896.

FROM

T. S. Sivasamy Adaya alias Rao Bahadur

CHAIRMAN, MUNICIPAL COUNCIL

KUMBAKONAM.

To

The Secretary to Government

Local & Municipal Department

Thro' The Sub Collector & The Collector of

Tanjore.

SIR,

With reference to G. O. No. 1468 Leg. dated 1.9.96 referring to this Council for opinion the draft bill of the Honorable the Vice-President for the segregation of Tehsil, I have the honor to report as follows:—

The Bill was placed for consideration before the Council on the 8th October 1896, when it was opposed & a Sub Committee for consideration and report. The Sub Committee having reported on it, the bill was again placed with the report of the Sub Committee before the Council at its meeting held on the 7th instant, when the resolution, copy of which is enclosed herein, was passed. The Council has no doubt upon the desirability and expediency

1115

Sub Committee's report.

(Vice Chairman)

Chairman

Clerk
K.N.

FROM

THE CHAIRMAN

MUNICIPAL COUNCIL

KUMBAKONAM.

To

Dated
Despatched
Received

ENCLOSURES.

No.

SUBJECT.

Local & Munl. (1896) Department.

CURRENT No. 3182/M

Order

From The Chairman
Municipal Council
Kumbakonam

SECRETARY TO GOVERNMENT
20 NOV 1896
LOCAL & MUNICIPAL DEPARTMENT

No. 1974/1

Dated 23rd November 96.
Received 26th " "
Registered 26th " "
Enclosures 1
Spare copies

SUBJECT

Forwarding for information an extract from the proceedings of the Municipal Council Kumbakonam dated 18th November 1896 on the draft Bill for the Segregation of Lepers.

117

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(Form No. 43)

Local & Municipal Dept.
CIRC... 3182 M

TANJORE MUNICIPAL OFFICE,
23rd November 1896.

No. 1741

From

The Hon: K. Kalyana Sundaram Aiyar

CHAIRMAN,
MUNICIPAL COUNCIL,
TANJORE.

To

The ~~Chief~~ Secretary,
TO GOVERNMENT,
Local & Municipal Department
Fort St. George,
MADRAS.

Thro. the Divisional Officer,
TANJORE.

SIR,

Referring to G.O. No. 1458 M. dated 1st September 1896, I have the honor to forward herewith an extract from the Proceedings of the Munc. Council Tanjore dated 18th November 1896 for your information.

I have the honor to be
Sir
Your most obedient servant
K. Swaminatha Sastri
Chairman Delegate

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D/21/11

Ad

TANJORE MUNICIPALITY.

Extract from the Proceedings of the Municipal Council, Tanjore, at a meeting held at 5 P. M. *on* Wednesday *the* 18th November 1896. *at the Municipal Office, Tanjore.*

Don't print

PRESENT.

13 **Councillors**

* * *

Resolution No.

~~**Read**~~

The Hon: K. Kalyanasundaram Iyer avl. Chairman

Mr. R. Ry. C. Murugesam Pillai avl. Dy Collector and Ex-Officio Councillor.

Munchi Kamalalam Chettiar avl. Councillor

Markasah Rowther " "

" Raka Krishna Raidu Garu " "

" V. Appasamy Dandayaram avl " "

" S. A. Swaminatha Sastrul " "

" Samunda Pillai avl " "

" Palaneyandi Pillai avl " "

" Krishnasamy Raidu Garu " "

" Sanjeevi Pillai avl " "

" Kandasamy Pillai avl " "

" Mr. Narayana Iyer avl " "

19

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* * *

IV. Read G-O-No. 1458 M. dated

1st September 1896, referring for opinion the draft Bill for the segregation of lepers.

The Council approves of the provisions of the Bill.

* * *

/Signed/ K. Kalyanasundaram
Chairman

/True Extract/

for Swaminatha Sastri
Chairman delegate

9/11
Std

Local & Munl. (1896) Department.

CURRENT No. 2692

Order

From The Collector of Vizagapatam. / Dt Magistrate

Dis No. 2406.

Dated 28th September 1896

Received 5 OCT. 96

Registered

Enclosures

Spare copies.

SUBJECT.

Submitting his opinions on some of the sections of the draft Bill for the segregation of lepers.

9/10.

3

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

S.T.O

Dr. No. 1693 dated

From,

L.C. Dept.
Cr. 30 9/96

C. J. Weir, Esquire, I.C.S.,

To

The Secretary to Government,
Local and Municipal Department.

Dated Chatrapur 10th November 1896.

Sir,

I have the honor to submit the opinion called for in G. O. No. 1458 M., dated 1st September 18[illegible] regarding the draft Bill for the segregation of lepers.

2. I assume that the scope of the Bill is already decided upon and is not open to discussion; but I would remark that the District Medical and Sanitary Officer whom I have consulted on the Bill and who has had experience in the Leper Hospital, Madras, considers that nothing short of the segregation of all lepers will be effectual. I believe however this question must have received due consideration from the Commission and the decision which has been arrived at is doubtless based on weighty grounds.

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3.

3. Passing then to the details of the Bill, I notice from the public Press that the definition of leper has already been subjected to criticism by medical experts. It seems to me that the definition might be with advantage omitted. The Bill provides for the determination by a medical expert of the question whether a man is a leper or not, and I understand that this may be determined with certainty even although ulceration be absent, unless therefro medical opinion holds that the disease is only contagious after ulceration commences. I consider the definition might be advantageously omitted or altered thus:- "leper" means any person certified by an Inspector of lepers to be a leper. It may be perhaps considered that this would involve a difficulty in that Police Officers must have some certain rule to guide them in dealing with pauper lepers; but the Bill only requires that the subject should appear to be a pauper leper to give the Police Officer authority to deal with him.

4. To guard against all possibility of abuse of Section 6 of the Bill I think it would be well to provide that arrests should only be made by officer in charge of a Police Station. Departmental rules might be passed which would compel the report to the Station House Officer by the ordinary Constable of all pauper lepers. This would insure that all cases of

of pauper lepers were reported and that they would be dealt with by an officer of presumably some discretion. This would be especially necessary if a wider significance is given to the term leper as proposed above.

5. Section 9.

I consider this section requires amplification and should be made more elastic. As regards Section 9(a) it should be made absolutely clear that any one exercising the crafts or pursuing the callings not only as a principal but also as an employé would be liable to the penal provisions of the act. The Courts would probably decide that a leper who assisted in some stage in baking or making confectionery was not working as a baker or a confectioner.

As regards Section 9 (b) I think it would be well to add after drug "any other article." Food, drink and drug hardly cover the whole ground. The question might arise whether tobacco or betel-nut comes within any of these descriptions.

6. Section 9(c) and (d).

These sections have I have no doubt their justification in expert opinion. But the question they suggest is why if these sections are justified should we stop short of segregation of all lepers. Would it not be better to at once segregate lepers than to leave them exposed to prosecution for doing what the majority of lepers must do every day in their lives, viz: wash and drink

at public sources of supply. Very few lepers in India have their own bathing places and drinking sources.

7. I notice however that the Bill is silent as to the machinery by which the Penal clauses in Section 9 are to be put in operation. The Police have no jurisdiction; but an "accuser" seems to be necessary before any magistrate can act. It is unlikely that the ordinary villager will come forward as an "accuser" unless the accused happens to be his enemy. I do not think the initiative should be left to an accident of this sort. I would suggest that in this Presidency Head of village should be compelled to report to the magistrate the existence in his village of any person who appears to be leper. The magistrate could then institute inquiries as to whether the alleged leper was doing anything which brought him within the penal provisions of Section 9 of the Bill. The Bill is silent as to where lepers are to be detained pending examination and how they are to be forwarded to leper asylums; but Rules framed under the act would no doubt deal with this subject which presents some difficulties.

8. I must apologise for the delay in replying to this reference and the crudeness of my criticisms. My time has been very fully occupied of late by the extra work the state of the season involves and I have not had time to study the subject as fully as

I should have wished.

I have the honor to be,

Sir,

Your most obedient Servant,

E. Stewart

V.O.S.

107

Local & Munl. (1896) Department.

CURRENT No. 3094 M

From C. J. Weir Esquires

Order

SECRETARY TO GOVERNMENT * LOCAL & MUNICIPAL DEPARTMENT * 16 NOV 1896

Dated 10th November 1896.

Received 16 " " "

Registered 16 " " "

Enclosures Nil

Spare copies

SUBJECT.

Submitting opinion as the provisions of the Leper bill.

1094.

18/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 2995. Office of District Medical & Sanitary Officer, Ganjam.
Berhampore 18th November 1896.

From

Surgeon Major H. Thomson M.B D.P.H.
As: District Medical & Sanitary Officer,
Ganjam.

SECRETARY TO GOVERNMENT * MEDICAL DEPARTMENT * 16 NOV 1896

To

C. J. Weir, Esquire, I.C.S.,
Collector of Ganjam.

Sir,

With reference to your C. No. 1799/Leg 1896 and accompanying Leper bill, herewith returned, I have the honor to state that in my opinion the enactment in the proposed bill does not go far enough; instead of "providing for the segregation of pauper lepers and the control of lepers following certain callings" I would have it, providing for the segregation of all persons affected with leprosy.

Segregation, as far as I am aware, is the only means that we know of by which the spread of the disease can be kept in check and ultimately diminished.

107

3091 Wolf 96

diminished. I have had a slight practical experience in the treatment of lepers, having lately been in acting charge of the Leper Hospital at Madras, and in my opinion there is nothing of more importance for the good of the public than enforced segregation of lepers. I am of opinion that more leprous patients exist than one is aware of, that the better class of people hide their sick away and yet keep them in their midst.

The disease is a contagious one, due to a specific bacillus, but with a long period of incubation, three years, so that on this account the source of contagion is often forgotten and the patient is looked upon as having been affected by some unknown cause i.e. fait &c. &c., whereas I believe he is the recipient of the disease from a preexisting case. It attacks all classes and all ages. It is now on the increase. In the middle ages it almost disappeared and in those days isolation was enforced, not in the case of a few but was a general law.

I would therefore recommend that any known case should be segregated and kept under strict guard.

I have &c.

(Sd) H. Thomson.

Surgeon major

as: Sr. Med.l & San.: Offr.

Ganjam.

(True Copy)

C J W

District Magistrate.

5-2-57

From

Babu B. Chatterjea,

District Court Pleader,

Berhampore.

To

C. J. Weir, Esquire,

Collector of Ganjam,

Chatrapur.

Dated Berhampore, the 31st October 1896.

Sir,

With reference to your footnote Ref. No. 1799 Exp/96 to G. O. No. 1458, M., dated 18th September 1896, regarding the bill for the segregation of lepers, and subsequent reminders, I have the honor to state as follows.—

In Section 2 (1) a leper is defined as a person suffering from any variety of leprosy in whom the process of ulceration has commenced. The underlining is my own. I should have (though as a layman, I say it with diffidence) the word leper include all persons who bear on their persons the unmistakeable signs of leprosy whether ulceration has commenced or not. I have known lepers who had their bodies swollen, the fingers and toes stunted, the nails disfigured, the whole body presenting a ghastly appearance, yet the discharge of purulent matter did not appear till years after and

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30/1/1897

short time before death. If you kindly enquire in your office you will learn of a case like the above — that of K. Siva Rao Pantulu late Head Clerk to the Berhampore Tahsildar's Office.

In Section 2 (2) (h) in the definition of "pauper leper" the words "beyond begging for charity" which I take from the Statement of Objects and reasons may be added after the word "subsistence" at the end. We are very often troubled by hopeless lepers invading our compounds to beg for alms and the addition of the words proposed would prevent begging in private houses just as Section 2 (2) (a) would prevent begging in public places; Or it would be better to add at the end of the words "or beg from door to door for alms."

Section 9 (a) is not exhaustive, but at the same time no words such as "and the like" are added to allow of lepers following other callings than those enumerated in the Section being brought within the operation of the act. For instance I. would not allow a leper to roll tobacco into Cigars (he may not be a seller himself to come under (b)) for public consumption or a leprous weaver or carpenter or goldsmith to exercise his calling at the risk of public health. A pleader affected with leprosy should not be allowed to communicate leprous person to his clients (I know an instance of such a pleader practising

practising in a district and Sessions Court) nor a public servant to be retained in the public service after leprosy has appeared in him. The Case of Siva Rao Pantulu mentioned above is in point.

Why should not Section 9 prevent lepers from buying in the public market, for, besides their coming in contact with healthy persons, they are likely to contaminate fruits, vegetables, and other articles of human consumption by handing them just for inspection (a bad habit which is common amongst our people) whether they buy or not. Lepers should not be allowed to mingle with or loiter near crowds collected at temples, theatres or other places of public resort.

Some penal provision may, I think be advantageously made with regard to people who may not come within the purview of Section but who keep lepers as servants to help them in their profession; for instance, a seller of sweetmeats or a baker may keep one suffering from leprosy to make sweetmeat or bread for him (I have seen a leper baking bread at the oven in a baker's shop at Calcutta) and our servants may go and buy the things for us without any suspicion of the danger to our healths. The manager of a theatre, a refreshment room keeper or the keeper of a barber's shop and the like should

should be liable to punishment for wilfully admitting a leper as a customer into their respective places of business.

The above remarks are some that have occurred to me after a careful perusal of the bill. I should have liked to study the whole subject with greater attention, but there is hardly time for it.

I hope you will kindly excuse the delay I have incurred in sending this. The G. O. with your footnote arrived here during my absence from town. It took me some time to secure a copy of the bill which I got only yesterday. Ever since my return from Madras on the 20th instant, the present bad health of the town and my own professional work have hardly left me breathing time. Hence the delay.

I have &c.

(Sd) B. Chatterjea.
Pleader, District Court,
Ganjam.

(True Copy.)

District Magistrate,
Ganjam.

608

No. 1693 / Eng 896.

Ganjam District Magtes Office.
Dated Chatrapur 10 Novembr 1896.

Rec'd Municipal Dept.
30 Nov 1896

From

C. J. Weir, Esquire, I.C.S.,
District Magistrate,
Ganjam.

To

The Secretary to Government,
Local and Municipal Department,

Sir,

With reference to G. O. No. 1458-M, dated 1st September 1896 asking me as District Magistrate for my remarks on the Draft Leeper Bill I have the honor to state that I have in reply to similar call made on me personally submitted my opinion in a separate letter. I have nothing more to add but I enclose copies of letters received from the District Sanitary and Medical Officer and Babu B. Chatterjea, Chairman of the Municipality on the subject for the perusal of Government.

I have the honor to be,
Sir,
Your Most Obedient Servant,

C. J. Weir

District Magistrate.

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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (1896) Department.

CURRENT No. 3091

§§

From The District Magistrate Sangam

Order

No. 9 Dis

Dated 10th November 1896.

Received 16th " "

Registered 16th " "

Enclosures Two encl

Spare copies

SUBJECT.

Submitting opinion on the provisions of the Leper bill called for in G.O. 1458 dt 1-9-96.

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29

SECRETARIAT BOMBAY GOVERNMENT * MUNICIPAL DEPARTMENT * 1896

Local & Munl. (189) Department.

CURRENT No. 3074

§§

From The District Magistrate South Canara

Order

Disposal No. 759/96

Dated 10th November 1896.

Received 14th " "

Registered 14th " "

Enclosures

Spare copies

SUBJECT.

Submitting report called for Government Order No. 1458 M. dated 1st September 1896 on the subject of the Leper Bill —

97

18/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Disposal No: 759/96
Copied

Local & Municipal Dept.
CURRENT No. 3074 M
~~South Canara Dt. Magistrate's Office~~

Mangalore, 10th November 1896.

From

W. H. Welsh Esqr.,
District Magistrate,
South Canara.

To,

The Secretary to Government
Local and Municipal Department
Fort St. George.

Sir,

With reference to Government Order No: 1458 M. dated 1st September 1896 on the Subject of Leper Bill, I have the honor to suggest that in Section 9 a clause might be added to prohibit lepers from occupying a public Chattram or rest house thus.....

(e) occupies any public chattram or rest house.

2. Section 10 (a) prescribes bonds to be taken from a leper convicted after a previous conviction: forms of these bonds

bonds may be added to the Schedule.

3. No objection to the Bill generally has come to my knowledge.

I have the honor to be
Sir,
Your most obedt. Servt.

J Duncanswamy
Fr. Dr. Magistrate

copied
84
19

Local & Munl. (1896) Department.

CURRENT No. 3069/M

From
The District Magistrate of Malabar

Order.

No. 1664

Dated 10 November 1896.
Received 13-11-96
Registered 13-11-96
Enclosures /
Spare copies

SUBJECT.

Leper Bill.

Stating that the reply to G.O No. 1458 dated 1st September 1896 was already submitted and that a Copy is enclosed

—.

94

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Malabar District Magistrate's office
Received 10th November 1896
C.T. 3069/K

From G. W. Dauer Esquire Acg

Acting District Magistrate, Malabar.

To

The Secretary to Government,

Local and Municipal Department.

Sir,

With reference to the Memorandum dated the 5th instant No. 1274, I have the honour to state that a reply to G.O No. 1458 dated the 1st September 1896 was submitted on the 20th October. A Copy of it is herein enclosed.

I have the honour to be.

Sir

Your Most obedient Servant

M. Srinivasa K

for District Magistrate

No. 2853
22-10-96

95

Malabar Dt Magistrate.
Calicut 18th October 1896.

No. 1551/Magl

To

The Chief Secretary to Government
Local and Municipal Department.

Sir, In reply to G.O No. 1458 M dated 1st Septr 1896, I have the honour to state that some legislation with respect to lepers is greatly wanted in parts of the Presidency. At Mangalore there is an excellent leper hospital managed by the Jesuit fathers. But it was very difficult to make the lepers who infested the streets resort to the hospital or remain there after admission. They preferred to live by begging and the discipline of the hospital was irksome to them. I am therefore of opinion that the introduction of the proposed bill is very necessary.

2. No additions or alterations in the bill suggest themselves to me.

I have &c
(Sd) G. W. Dance
as Dt Magistrate

(True Copy)

M. Srinivasa Rao
for District Magistrate

[L. & M. 1,000—28-10-96.]

Local & Munl. (1896) Department.

CURRENT No. 3048 M

Order

From The Hon'ble N. Subba Rao Pantulu Garu Madras.

No.

Dated 7-11-96

Received 11-11-96

Registered 11-11-96

Enclosures

Spare copies

SUBJECT.

Expressing his opinion on the d
Bill for the segregation of leper

91

12

12/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

478

Madras, the 7th November 1896

Law Dept.

3048/96

From

Hon. N. Subbarao Gentlemen

To

The Chief Secretary

The Secretary Govt. of Scotland

CHIEF SECRETARY'S
10-NOV. 1896
GOVERNMENT OF MADRAS

Sir,

With reference to G.O. No. 1458. M. dated 1st September 1896, calling for an expression of my opinion on the draft-bills for the segregation of lepers, I have the honour to state that I approve of the general principles of the bill. I understand that the bill is mainly directed for the segregation of pauper lepers. Under the bill when once a pauper leper is committed to a leper asylum with an order in Form C, there is no express provision for his release in cases where he subsequently ceases to be a pauper or where his relatives subsequently come forward and guarantee to support

I consider that special provisions for his release under the circumstances mentioned above should be embodied in the bill.

Again. when a person is convicted for a second time under sec 10, the punishment proposed to be inflicted on him seems very severe. He may be banished from his home, — it may be for ever — till he produces a certificate in Form A; Or he may be sent to an Asylum with an order in Form D and kept there indefinitely for life. I am strongly of opinion that the banishment from the notified area or detention in the Asylum should be limited by the Magistrate himself to a fixed period not exceeding one year. Form E. is in my opinion very vaguely worded and the condition imposed therein for Releasing a person, would if strictly construed, and sometimes in practice, be equivalent to a certificate in Form A.

I have the honorable
Your most Obedient Servt
J Dubbard

Local & Munl. (1896) Department.

Sent

CURRENT No. 3034 h

From the Collector of South Arcot

~~*Order*~~

DESPATCHED
8 NOV. 96

No.

Dated 7th November 1896.
Received 10th " "
Registered 10th " "
Enclosures
Spare copies.

SUBJECT.

Stating that the reply D.O. 458 M dated 1-9-96 was addressed to the Local and Municipal department and despatched from my office on the evening of the 30th ultimo.

89

12/11

a/13/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

South Arcot. No.

Collector's office
Cuddalore
Dated 7th November 18[illegible]

From

A.E. Castleton Stuart Stuart Esquire.
Collector of South Arcot

Don't print

[illegible] 3034 M

The Secretary to Government
Local and Municipal
department.

Sir,

With reference to your reminder dated the 5th instant requesting an early reply to Government order 1458, dated 1st September 1896, I have the honour to state that my reply addressed to the Local and Municipal department was despatched from my office on the evening of the 30th ultimo.

I have the honour to be
Sir,
Your most obedient servant

A B Wallymott
For Collector.

Con 29474/96

30

7/11

Local & Munl. (1896) Department.

CURRENT No. 3029/96

§8

From The Collector of Thaton
South Arcot.

Order

No. 2405
1098

Dated 5th
Received 10th
Registered 10th
Enclosures } November 96
Spare copies.

SUBJECT.

Submitting an original draft
Magt's opinion regarding
the provisions of the Lepers
Bill referred to in G.O. No 1455
J. 1-5-96. (Local & Municipal)

86

12/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

most loathsome and repulsive;
Nevertheless, they exhibited no signs of
the breaking down of the tubercles into
suppuration, while in others I observed
the scars of healed ulcers.

3. To clause 9 (a) I would suggest
the addition of such occupations as
shroff or money changer, butcher, stationer
schoolmaster and to (b) of the same
clause, after the word "sells" the addition
of the words "or is engaged directly in the
preparation of." Regarding clause 9 (d),
which is certainly very hard, "public con-
veyance" include a railway train. By
riding in a public conveyance by a
leper is to be penalized, there should
be some ameliorating arrangements
for him to perform his journey, the
Bill is defective on this point.

I have the honourable
Sir
Your most obedient servant
W. D. Le Hay
Joint Magistrate.
8/11/96

contemplated are sound, and that the provisions of the bill are indeed calculated to safeguard the interests of the general public, while they will operate humanely on the unfortunate paupers who are victims to that loathsome disease.

2. I consider that the definition of a "leper" should not be restricted only to those cases where ulceration has been established, but that the term should include those in whom the disease, obviously manifest irrespective of the presence or absence of ulceration, because the appearance of ulceration would generally depend on the stage of the disease and on the hygienic conditions under which a leper may, or may not be placed. I met in Proddatoor, Jamalamadugu, Rayadrug and Ellore pauper lepers in whom the disease was well established and whose appearance was taking a contagious one. I personally know of Mahomadan families, two or three members of which were unmistakably affected with leprotic ulcers, and who lived together till death with the other members of the family, yet none of the others nor the domestic servants attending day and night on those lepers in the household exhibited any indication of having contracted that disease. I am aware of course that inoculation is possible, but I doubt whether leprosy is a disease that could be classified as contagious as smallpox, for instance. Nevertheless, I am of opinion that, apart from the contagiousness or otherwise of the disease, it would be certainly a wholesome proceeding to bring all pauper-lepers under the provisions of the Bill and to place non-paupers under certain of the restrictions contemplated as a matter of public policy and expediency. I am also fully convinced that the objects

2/

1896, 45 P

From

Mak[d] Reza Khan Esquire

Joint Magistrate of

To Sout[h] Arcot.

The District Magistrate of

South Arcot.

Dated 3rd November 1896

Recd 4th Do

No. Regn 1880

Mag[l] 96

Encl: —

Sir

Adverting to your Reference No. 2039 Mag[l] of the 25th ultimo, I have the honour to submit my opinion regarding the provisions of the Leper Bill referred to and published in the Fort Saint George Gazette dated the 18th August 1896.

2. The contagiousness of leprosy is, I think, not yet conclusively established. To my mind, it appears to be questionable whether that disease is, strictly

Submitted to the Chief Secretary to Govt. in continuation of the appeal of 372 dated 3rd Septr.

Appellate Department

Govt.

87

38P

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

No. 575

Madras, 6th November 1896.

3028 M

From

SURGEON-MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.L.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

SIR,

With reference to G.O.No.1458-M., dated 1st September 1896 referring the draft Leper bill for an expression of my opinion and obtaining and submitting the opinions of such Medical Officers as I shall think fit, I have the honor to submit copies of the reports of Surgeon-Lieutenant Colonel O'Hara, and Hackett Wilkins, and Surgeon-Majors Browning & Lee.

2. I consider the bill a good one and likely to be of benefit. I would suggest the following points for consideration:-

(i) If the words "subject to the conditions of Section 61 Criminal Procedure Code" ought not to be entered after "Shall" in Section 7 of the proposed act.

(ii) Under Section 9 (a) add "money changer, stamp vendor pyal teacher or School-master."

(iii) Under Section 9(b) after "sells" insert "or is engaged in the preparation of", and after "consumption" add "sells or is engaged in the manufacture of textile fabrics intended for wear."

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(iv) Provision should be made for transporting arrested lepers by rail or steamer when necessary.

I have the honour to be,
Sir,
Your most obedient Servant,

C. Sibthorpe

Surgeon-Major-General,
Surgeon-General with the
Government of Madras.

To

The Secretary
Surgeon General with the
Government of Madras

The need for such an Act as the
has been proved to be an urgent and
pressing one, and its early enactment
is therefore an object of primary publi
importance.

2. In view of the positive evidence
now accumulated as to the contagiousness
of leprosy and the success which, in Burma
has attended the enforcement of strict
isolation in arresting the spread of the
disease in that Country, the measure
now proposed by the Govt. of India, in s
far as it will have a similar tendency
should be warmly welcomed as a practi
-cal and philanthropic attempt to mitig
the ravages of leprosy in India.

3. It cannot be held to be an undue
interference with the liberty of the indi
-vidual to check the unrestrained freedom
now enjoyed by lepers in the pursuit of
avocations conducive to the dissemination
of their malady, or its transfer to the
healthy by direct contagion.

4. I am of opinion that medi
-cal officers who may be called on to
grant certificates under this Act should

specifically protected in the bona
de exercise of their professional judg-
ment against legal proceedings by parties
considering themselves aggrieved thereby.
That such immunity should be provided
for seems necessary in view to the fact
that under somewhat analogous circum-
stances in Great Britain viz. the
granting of lunacy certificates medical
men have been subjected to actions at
law.

It is open to consideration whether
following the precedent of the Inebriates
Acts 1879 & 1888, provision should not be
made for the voluntary detention for fixed
periods in Leper Asylums of lepers not
coming within the scope of the proposed
Act.

Coonoor
11th October 1896

Sd/ W. A. Lee
Surgeon Lt Colonel

(Duplicate)

CHIEF SECRETARY'S
9 NOV. 1896
GOVERNMENT OF MADRAS

Thompson M.B.
Surgeon-Captain
Secy Surgeon-General
with the Govt. of Madras.