

PROCEEDINGS OF THE PLAGUE COMMISSIONER.

(1898)

MISCELLANEOUS.

No. 35

DATED 1-10-98

[Despatch Abstract.]

Passports

Addressing Government Board
the City of Madras Regulation No 22
in the matter of taking —

BACK PAPERS.

No.	Date.	No.	Date.

FURTHER PAPERS.

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Note for submission to
Government

The Health officer of the Municipality of Madras has drawn my attention to the opinion of the Solicitors of the Madras Municipal Comm. Messrs Barclay, Carr & Harnd, that it was impossible to successfully charge Capt Smith Cantonment Magistrate of the Mount for his conduct towards sanitary Inspector & Hospital Asst on plague duty at the Perambur station. I do not submit the opinion, as most of it is based on misapprehension of the rules on the subject. The main point however was whether Capt Smith committed an offence under section 180 of the Penal Code by refusing to go & sign at the Hospital Assistant's office on the P. platform the declaration required by amended Regulation 22 of the Regulation applicable to the city of Madras. It will be

noticed that whereas the wording of the Regulation 17(1) of the original Inoffensive Regulation requires "every person arriving etc etc to obtain from the officer mentioned in Regulation 17(2), a Pass Port. The Regulation No 22 applicable to the city of Madras published in G. O. 890P dated 24th August 1898, states that every person arriving from a plague infected place shall be released with a passport binding him to present himself daily for inspection. The only offence for which Capt. Smith ^{could} apparently ~~should~~ have been prosecuted was that of refusing to go to the Hospital Assistant's office on the platform at Perambur. Every passenger as a matter of fact required to leave his carriage at Perambur & sign the Pass Port on the platform. The Regulation applicable to the City, however, appears not to give the authorities any power to require the passenger to leave his carriage.

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In fact the Regulation throws the burden of granting a passport on the authorities at Perambur station. Capt. Smith was apparently, therefore in his right when he refused to leave the carriage. As regards the use of threatening gestures & abusive language by Capt. Smith the Solicitor advise that his conduct was not such as to render a prosecution advisable. In order to avoid further difficulties in future I venture to recommend that the City of Madras Regulation No 22 be amended in the following way. For the words "every person etc etc shall be released with a passport" I would read "every person etc etc shall be bound to appear at the Hospital Assistant's office on the Perambur platform and obtain a passport binding him etc etc".

If this amendment is made
no passenger will be able to
in future to refuse to leave
the carriage at Perambur
& sign the pass-port on the
platform with impunity.
It is obviously more conven-
ient that passengers should
sign pass-ports on the tables
provided on the platform
than that the Hospital Assistant
& Sanitary Inspector should
be compelled to provide
ink & pens at every carriage
of the train.

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