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Local & Munl. (189) Department

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G.O., No. 725 m

DATED 4/4/98

DESPATCHED

[Despatch Abstract.]

The rules for the treatment of Venereal diseases in Cantonments. Referring to certain D.C. magistrates, District Boards & municipal commrs for very early remarks letter from the Govt. of India regarding the question of extending ——— to areas outside such Cantonments.

BACK PAPERS.

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

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Government {1898} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. 725 M., 4th April 1898.

APRIL.

Rules for the treatment of Venereal Diseases in Cantonments.

Referring to certain District Magistrates, District Boards and Municipal Councils, for very early remarks, letter from the Government of India regarding the question of extending the — to areas outside such cantonments.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Sanitary), to the Chief Secretary to the Government of Madras, dated Calcutta, 10th March 1898, No. 494.

In continuation of the letter from this department, No. 2659, dated the 15th December 1897, forwarding, for the information of the Government of Madras, a copy of a letter, addressed to the Quartermaster-General in India, on the subject of the future treatment of venereal diseases in cantonments, I am directed to address you on the question of the extension of the rules issued in the notification of the Government of India in the Military Department, No. 1148, dated the 15th October last, under sections 26 and 27 of the Cantonments Act, 1889, to areas outside cantonments. For facility of reference a copy of the rules is enclosed.

2. The committee appointed to consider the rules expressed the opinion that the mere removal from the precincts of a cantonment of persons suffering from venereal diseases will be of little avail unless they are prevented from settling elsewhere with the certain result of spreading the disease over a wider and less-regulated area. As a first step they suggested that it should be urged on Local Governments that municipalities and other such bodies should be empowered, if necessary, and required to co-operate actively with cantonment authorities in their endeavours to check the spread of infectious or contagious disorders, having in view the grave responsibility which attaches to every civilized community in a matter so vital to the welfare of the country at large.

3. The suggestion of the committee has been carefully considered by the Government of India, and I am directed to make the following remarks on the subject for the consideration of the Government of Madras.

4. The areas adjoining cantonments are either rural or municipal. In the first instance the villages just outside the cantonment, from which women constantly carry to the cantonment supplies for the use of residents in the cantonment, are often the most dangerous places for the infection of soldiers. The extension under section 28 of the Cantonments Act, 1889, of the rules of the 15th October to these rural areas is therefore very desirable, and it does not appear to the Government of India that any serious obstacles would be likely to arise against such an extension either on the ground of jurisdiction, or of the extra expenditure, which in this case is not likely to be very great, that would fall on cantonment funds. The Governor-General in Council will be glad to receive the advice of the Government of Madras on the proposal to extend the rules of the 15th October to rural areas situated in the immediate neighbourhood of a cantonment. (1)

5. The case of municipal areas adjoining cantonments is difficult, but is also of great importance. Some cantonments abut on municipal areas, and in such cases the rules enforced in the cantonment are liable to be rendered nugatory if a prostitute has only to move a few hundred yards in order to escape from their operation. It appears to the Government of India that it would be of great advantage to extend Rules 13 and 14 (*c*), and Rule 15, in so far as it relates to Rule 14 (*c*), to some of the larger municipalities adjoining cantonments, and they will be glad to receive the opinion of the Government of Madras with regard to this proposal. (2)

6. The extension of Rule 10 to municipalities adjoining cantonments also appears to the Government of India to deserve careful consideration. Rule 10 empowers the Commanding Officer to order persons who have failed to comply with certain provisions of the rules to remove from the cantonment, and prohibits any person with reference to whom such an order has been made from remaining longer in, or from re-entering, the cantonment without the written permission of the Commanding Officer. The salutary effect of this rule is likely to be largely diminished if a prostitute expelled from the cantonment is able to settle in its immediate vicinity. If Rule 10 is extended to municipal areas under section 28 of the Cantonments Act, it must be extended exactly in its present form, and action could only be taken under it by the authority of the Commanding Officer. It appears to the Government of India that there would be a danger that the extension of the authority of a Commanding Officer into an adjacent municipality might give rise to friction and inconvenience, and it might therefore be more convenient that the municipal authority or, preferably, the District Magistrate, should be empowered to take action in accordance with the provisions of Rule 10. If this course is adopted, it will, however, necessitate an amendment of the law, since it is not authorized by section 28 of the Cantonments Act, and there are obvious inconveniences in further legislation on this subject. The Government of India will be glad to learn the opinion of the Government of Madras on the practicability and expediency of extending Rule 10 to municipalities adjoining cantonments, and on the question whether the rule should be extended in its present form or whether Municipalities or District Magistrates should be empowered to take action under it.

ENCLOSURE.

Notification, No. 1148, *dated Simla, the* 15*th October* 1897.

In continuation of the notification of the Government of India in the Military Department, No. 750, dated the 9th July 1897, and in supersession of the rules published in G.G.O., No. 460, dated the 3rd May 1895, and of any rules hitherto issued which are inconsistent with the rules hereby published, the Governor-General in Council is pleased to make the following rules, under sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), and to direct that they be put in force in all cantonments in British India:—

Definitions.

1. In these rules—

(*a*) the expression "bazaar" means any land set apart for occupation by natives of India, except the lines of native troops;

(*b*) the expression "regimental bazaar" means any bazaar under the management of regimental authorities;

(*c*) the expression "infectious or contagious disorder" includes cholera, leprosy, enteric fever, venereal disease and every infectious or contagious disorder; and

(*d*) the expression "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway.

Hospitals or dispensaries.

2. (*1*) So far as the funds at its disposal permit, the cantonment authority may—

(*a*) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary; or

(*b*) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment not maintained by it.

3. Every hospital or dispensary maintained or aided under this rule shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders.

Medical officer to be in charge of hospital or dispensary.

4. A medical officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under rule 2.

XIII of 1889. Subordinate establishments for hospitals or dispensaries.

5. Subject to the control over the Cantonment fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, there shall be appointed for every hospital or dispensary maintained or aided under rule 2 such subordinate establishment as may be necessary.

6. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under rule 2 to be provided with—

Medical supplies, appliances, &c.

(*a*) all necessary drugs, instruments, apparatus, furniture and appliances;
(*b*) sufficient cots, bedding and clothing for in-patients; and
(*c*) such further requisites as may be necessary.

7. Every hospital or dispensary maintained or aided under rule 2 shall be maintained in accordance with the rules made generally or specially by the Governor-General in Council, or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor-General in Council or the Local Government may think proper.

Application of civil hospital rules.

At every hospital or dispensary maintained or aided under rule 2 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders and, with the sanction of the cantonment authority, any other sick persons, may receive medical treatment free of cost, and if treated as in-patients shall be either dieted gratuitously or, should the medical officer in charge so direct, granted subsistence allowance on a scale to be determined by the cantonment authority;

Free patients.

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 338 of the Code of Civil Procedure. XIV of

8. Any sick person who is ineligible under the last foregoing rule to receive medical treatment free of cost in any hospital or dispensary maintained or aided under rule 2 may, upon such terms as the cantonment authority thinks fit to impose, be admitted to treatment in such hospital or dispensary.

Paying patients.

9. If the medical officer in charge of a hospital or dispensary maintained or aided under rule 2 has *prima facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form set forth in the schedule or in any similar form, call upon such person to attend at the hospital or dispensary at a time to be specified in the notice and not to quit it without the permission of the medical officer in charge unless and until such medical officer is satisfied, by examination if necessary, that such person is not in fact suffering, or is no longer suffering, from such disorder:

Power to call upon person suffering from infectious or contagious disorder to attend and remain in the hospital or dispensary.

Provided that, if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the medical officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as to him seem fit and proper.

10. If the medical officer in charge of a hospital or dispensary maintained or aided under rule 2 reports in writing to the Commanding Officer of the cantonment that any person having received a notice as provided in rule 9 has refused or omitted to attend at the hospital or dispensary, or that such person, having attended at the hospital or dispensary, has quitted it without the permission of such medical officer, the Commanding Officer may, if he thinks it expedient, by order in writing, direct such person to remove from the cantonment within twenty-four hours and prohibit such person from remaining longer in, or re-entering, it without his written permission.

Power to exclude from cantonment.

11. The cantonment authority may, by notice in writing, prohibit—

Removal of brothels of prostitutes.

(*a*) the keeping of a brothel, or
(*b*) the residence of a public prostitute in the cantonment or in any specified part thereof.

12. No public prostitute shall be permitted to reside within the limits of any regimental bazaar situate in the cantonment.

Exclusion of public prostitutes from regimental bazaars.

13. No person shall, in any street or public place within the limits of the cantonment, loiter for the purpose of prostitution or importune any person to the commission of sexual immorality:

Loitering or importuning for sexual immorality prohibited.

Provided that no person shall be charged with a breach of this rule, except on the complaint of the person importuned or of a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, or of an officer as defined in the Cantonments Act, 1889. XIII of 1889.

ORDER—No. 725 M., dated 4th April 1898.

The letter from the Government of India read above will be referred to the District Magistrates of Bellary, Chingleput, Malabar, the Nilgiris, Trichinopoly and Vizagapatam, the District Boards of Chingleput and the Nilgiris and the Municipal Councils of Bellary, Cannanore, Trichinopoly and Vizianagram, for very early remarks.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the District Magistrate, Bellary.
" " " Chingleput.
" " " Malabar.
" " " The Nilgiris.
" " " Trichinopoly.
" " " Vizagapatam.
" President, District Board, Chingleput.
" " " the Nilgiris.
" Chairman, Municipal Council, Bellary.
" " " Cannanore.
" " " Trichinopoly.
" " " Vizianagram.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval.

Recd. / Regd. } 1898. Enclosures / Spare copies

G.O., No. 725 M., 4th April 1898.

APRIL.

The Rules for the treatment of Venereal Diseases in Cantonments.

Re[illegible] certain District Magistrates, District Boards and Municipal Councils, for very early re[illegible] from the Government of India regarding the question of extending — to areas outside such cantonments.

Penalties.

Penalties. 14. Whoever—

(*a*) having, under rule 10, been prohibited from remaining in, or re-entering, the cantonment, remains in, or re-enters, it without the written permission of the Commanding Officer ; or

(*b*) fails to comply with a notice under rule 11 ; or

(*c*) commits a breach of rule 13 ;

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

Arrest without warrant. 15. Any member of the police-force employed in the cantonment may arrest without a warrant any person committing, or charged with having committed, an offence punishable under clause (*a*) or clause (*c*) of the last foregoing rule :

Provided as follows :

(i) no person shall be so arrested whose name and address are known to either the complainant or the arresting officer ;

(ii) no person shall be so arrested who consents to give his or her name and address unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall be on the arresting officer ;

(iii) no person so arrested shall be detained after his or her name and address have been ascertained ;

(iv) no person so arrested shall, except under the order of a magistrate, be detained longer than may be necessary for bringing him or her before a magistrate ; and

(v) no person shall be so arrested for a breach of rule 13, except—

XIII of 1889. (*a*) at the request of the person importuned or of an officer as defined in the Cantonments Act, 1889, in whose presence the breach was committed ; or

(*b*) by, or at the request of, a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed.

Schedule.

(*See Rule* 9.)

To _____

_____

Take notice that under rule 9 of the Rules under the Cantonments Act, 1889 (XIII of 1889), published in the *Gazette of India*, 1897, Part I, page ——, you are hereby called upon to attend at the _____ on —— day, the _____

——, 189 , at _____ o'clock M., and not to quit the said $\frac{\text{hospital}}{\text{dispensary}}$ without the permission of the medical officer in charge unless and until such officer is satisfied that you are not in fact suffering, or are no longer suffering, from an infectious or contagious disorder, that is to say from——

_____

_____

Medical Officer in charge of the

_____

Dated _____, *the* _____, 189 ——

(Signed) F. J. MAITLAND, Major-General,
Secretary to the Government of India.

Endorsement No. 765.

Transferred to the Local and Municipal Department, in continuation of endorsement, No. 96, dated 14th January 1898.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

22nd March 1898.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Sanitary), to the Chief Secretary to the Government of Madras, dated Calcutta, 10th March 1898, No. 494.

In continuation of the letter from this department, No. 2659, dated the 15th December 1897, forwarding, for the information of the Government of Madras, a copy of a letter, addressed to the Quartermaster-General in India, on the subject of the future treatment of venereal diseases in cantonments, I am directed to address you on the question of the extension of the rules issued in the notification of the Government of India in the Military Department, No. 1148, dated the 15th October last, under sections 26 and 27 of the Cantonments Act, 1889, to areas outside cantonments. For facility of reference a copy of the rules is enclosed.

2. The committee appointed to consider the rules expressed the opinion that the more removal from the precincts of a cantonment of persons suffering from venereal diseases will be of little avail unless they are prevented from settling elsewhere with the certain result of spreading the disease over a wider and less-regulated area. As a first step they suggested that it should be urged on Local Governments that municipalities and other such bodies should be empowered, if necessary, and required to co-operate actively with cantonment authorities in their endeavours to check the spread of infectious or contagious disorders, having in view the grave responsibility which attaches to every civilized community in a matter so vital to the welfare of the country at large.

3. The suggestion of the committee has been carefully considered by the Government of India, and I am directed to make the following remarks on the subject for the consideration of the Government of Madras.

4. The areas adjoining cantonments are either rural or municipal. In the first instance the villages just outside the cantonment, from which women constantly carry to the cantonment supplies for the use of residents in the cantonment, are often the most dangerous places for the infection of soldiers. The extension under section 28 of the Cantonments Act, 1889, of the rules of the 15th October to these rural areas is therefore very desirable, and it does not appear to the Government of India that any serious obstacles would be likely to arise against such an extension either on the ground of jurisdiction, or of the extra expenditure, which in this case is not likely to be very great, that would fall on cantonment funds. The Governor-General in Council will be glad to receive the advice of the Government of Madras on the proposal to extend the rules of the 15th October to rural areas situated in the immediate neighbourhood of a cantonment.

5. The case of municipal areas adjoining cantonments is difficult, but is also of great importance. Some cantonments abut on municipal areas, and in such cases the rules enforced in the cantonment are liable to be rendered nugatory if a prostitute has only to move a few hundred yards in order to escape from their operation. It appears to the Government of India that it would be of great advantage to extend Rules 13 and 14 (*c*), and Rule 15, in so far as it relates to Rule 14 (*c*), to some of the larger municipalities adjoining cantonments, and they will be glad to receive the opinion of the Government of Madras with regard to this proposal.

6. The extension of Rule 10 to municipalities adjoining cantonments also appears to the Government of India to deserve careful consideration. Rule 10 empowers the Commanding Officer to order persons who have failed to comply with certain provisions of the rules to remove from the cantonment, and prohibits any person with reference to whom such an order has been made from remaining longer in, or from re-entering, the cantonment without the written permission of the Commanding Officer. The salutary effect of this rule is likely to be largely diminished if a prostitute expelled from the cantonment is able to settle in its immediate vicinity. If Rule 10 is extended to municipal areas under section 28 of the Cantonments Act, it must be extended exactly in its present form, and action could only be taken under it by the authority of the Commanding Officer. It appears to the Government of India that there would be a danger that the extension of the authority of a Commanding Officer into an adjacent municipality might give rise to friction and inconvenience, and it might therefore be more convenient that the municipal authority or, preferably, the District Magistrate, should be empowered to take action in accordance with the provisions of Rule 10. If this course is adopted, it will, however, necessitate an amendment of the law, since it is not authorized by section 28 of the Cantonments Act, and there are obvious inconveniences in further legislation on this subject. The Government of India will be glad to learn the opinion of the Government of Madras on the practicability and expediency of extending Rule 10 to municipalities adjoining cantonments, and on the question whether the rule should be extended in its present form or whether Municipalities or District Magistrates should be empowered to take action under it.

ENCLOSURE.

Notification, No. 1148, dated Simla, the 15th October 1897.

In continuation of the notification of the Government of India in the Military Department, No. 750, dated the 9th July 1897, and in supersession of the rules published in G.G.O., No. 460, dated the 3rd May 1895, and of any rules hitherto issued which are inconsistent with the rules hereby published, the Governor-General in Council is pleased to make the following rules, under sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), and to direct that they be put in force in all cantonments in British India:—

Definitions.

1. In these rules—

(*a*) the expression "bazaar" means any land set apart for occupation by natives of India, except the lines of native troops;

(*b*) the expression "regimental bazaar" means any bazaar under the management of regimental authorities;

(*c*) the expression "infectious or contagious disorder" includes cholera, leprosy, enteric fever, venereal disease and every infectious or contagious disorder; and

(*d*) the expression "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway.

Hospitals or dispensaries.

2. (*1*) So far as the funds at its disposal permit, the cantonment authority may—

(*a*) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary; or

(*b*) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

(*2*) Every hospital or dispensary maintained or aided under this rule shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders.

Medical officer to be in charge of hospital or dispensary.

3. A medical officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under rule 2.

XIII of 1889.

Subordinate establishments for hospitals or dispensaries.

4. Subject to the control over the Cantonment fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, there shall be appointed for every hospital or dispensary maintained or aided under rule 2 such subordinate establishment as may be necessary.

9. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under rule 2 to be provided with—

Medical supplies, appliances, &c.

(*a*) all necessary drugs, instruments, apparatus, furniture and appliances;
(*b*) sufficient cots, bedding and clothing for in-patients; and
(*c*) such further requisites as may be necessary.

8. Every hospital or dispensary maintained or aided under rule 2 shall be maintained in accordance with the rules made generally or specially by the Governor-General in Council, or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor-General in Council or the Local Government may think proper.

Application of civil hospital rules.

At every hospital or dispensary maintained or aided under rule 2 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders and, with the sanction of the cantonment authority, any other sick persons, may receive medical treatment free of cost, and if treated as in-patients shall be either dieted gratuitously or, should the medical officer in charge so direct, granted subsistence allowance on a scale to be determined by the cantonment authority:

Free patients.

Provided that the subsistence allowance granted as aforesaid shall not be less than the allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 338 of the Code of Civil Procedure. XIV of 1882.

Any sick person who is ineligible under the last foregoing rule to receive medical treatment free of cost in any hospital or dispensary maintained or aided under rule 2 may, upon such conditions as the cantonment authority thinks fit to impose, be admitted to treatment in such hospital or dispensary.

Paying patients.

If the medical officer in charge of a hospital or dispensary maintained or aided under rule 2 has *prima facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form given in the schedule or in any similar form, call upon such person to attend at the hospital or dispensary at a time to be specified in the notice and not to quit it without the permission of the medical officer in charge unless and until such medical officer is satisfied, by examination if necessary, that such person is not in fact suffering, or is no longer suffering, from such disorder:

Power to call upon person suffering from infectious or contagious disorder to attend and remain in the hospital or dispensary.

Provided that, if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the medical officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as to him seem fit and proper.

10. If the medical officer in charge of a hospital or dispensary maintained or aided under rule 2 reports in writing to the Commanding Officer of the cantonment that any person having received a notice as provided in rule 9 has refused or omitted to attend at the hospital or dispensary, or that such person, having attended at the hospital or dispensary, has quitted it without the permission of such medical officer, the Commanding Officer may, if he thinks it expedient, by order in writing, direct such person to remove from the cantonment within twenty-four hours and prohibit such person from remaining longer in, or re-entering, it without his written permission.

Power to exclude from cantonment.

11. The cantonment authority may, by notice in writing, prohibit—

Removal of brothels of prostitutes.

(*a*) the keeping of a brothel, or
(*b*) the residence of a public prostitute in the cantonment or in any specified part thereof.

12. No public prostitute shall be permitted to reside within the limits of any regimental bazaar situate in the cantonment.

Exclusion of public prostitutes from regimental bazaars.

13. No person shall, in any street or public place within the limits of the cantonment, loiter for the purpose of prostitution or importune any person to the commission of sexual immorality:

Loitering or importuning for sexual immorality prohibited.

Provided that no person shall be charged with a breach of this rule, except on the complaint of the person importuned or of a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, or of an officer as defined in the Cantonments Act, 1889. XIII of 1889.

Penalties.

14. Whoever—

Penalties.

(*a*) having, under rule 10, been prohibited from remaining in, or re-entering, the cantonment, remains in, or re-enters, it without the written permission of the Commanding Officer; or
(*b*) fails to comply with a notice under rule 11; or
(*c*) commits a breach of rule 13;

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

15. Any member of the police-force employed in the cantonment may arrest without a warrant any person committing, or charged with having committed, an offence punishable under clause (*a*) or clause (*c*) of the last foregoing rule:

Arrest without warrant.

Provided as follows:

(i) no person shall be so arrested whose name and address are known to either the complainant or the arresting officer;

(ii) no person shall be so arrested who consents to give his or her name and address unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall be on the arresting officer;

(iii) no person so arrested shall be detained after his or her name and address have been ascertained;

(iv) no person so arrested shall, except under the order of a magistrate, be detained longer than may be necessary for bringing him or her before a magistrate; and

(v) no person shall be so arrested for a breach of rule 13, except—

(*a*) at the request of the person importuned or of an officer as defined in the Cantonments Act, 1889, in whose presence the breach was committed; or

(*b*) by, or at the request of, a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed. XIII of 1889.

SCHEDULE.

(*See Rule* 9.)

To _____

_____

Take notice that under rule 9 of the Rules under the Cantonments Act, 1889 (XIII of 1889), published in the *Gazette of India*, 1897, Part I, page ——, you are hereby called upon to attend at the _____ on _____ day, the _____ _____, 189 , at _____ o'clock M., and not to quit the said hospital/dispensary without the permission of the medical officer in charge unless and until such officer is satisfied that you are not in fact suffering, or are no longer suffering, from an infectious or contagious disorder, that is to say from _____ _____

Medical Officer in charge of the _____

Dated _____, *the* _____, 189 ——

(Signed) P. J. MAITLAND, Major-General,
Secretary to the Government of India.

Endorsement No. 765.

Transferred to the Local and Municipal Department, in continuation of endorsement, No. 96, dated 14th January 1898.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

22nd March 1898.

Order—No. 725 M., dated 4th April 1898.

The letter from the Government of India read above will be referred to the District Magistrates of Bellary, Chingleput, Malabar, the Nilgiris, Trichinopoly and Vizagapatam, the District Boards of Chingleput and the Nilgiris and the Municipal Councils of Bellary, Cannanore, Trichinopoly and Vizianagram, for very early remarks.

(True Extract.)

for *Ag. Secretary to Government.*

To the District Magistrate, Bellary.
" " " Chingleput.
" " " Malabar.
" " " The Nilgiris.
" " " Trichinopoly.
" " " Vizagapatam.
" President, District Board, Chingleput.
" " " " ~~Malabar~~.
" " " " Nilgiris.
" Chairman, Municipal Council, Bellary.
" " " " Cannanore.
" " " " Trichinopoly.
" " " " Vizianagram.

Exd. A. Raitt.

SECRETARY OF STATE FOR INDIA
11 MAR 1898
GOVERNMENT OF INDIA
LOCAL & MUNICIPAL DEPT.

No. 494.

From

J. P. HEWETT, Esq., C.I.E.,
Secretary to the Government of India,

To

The Chief Secy to the Govt. of Madras.

Home Department.
Sanitary.

Calcutta, the 10th March 1898.

Sir,

In continuation of the letter from this Department, No. 2659, dated the 15th December 1897, forwarding, for the information of the Government of Madras, a copy of a letter addressed to the Quarter Master General in India, on the subject of the future treatment of venereal diseases in Cantonments, I am directed to address you on the question of the extension of the rules issued in the Notification of the Government of India in the Military Department, No. 1148, dated the 15th October last, under sections 26 and 27 of the Cantonments Act, 1889, to areas outside Cantonments. For facility of reference a copy of the rules is enclosed.

2. The Committee appointed to consider the rules expressed the opinion that the mere removal from the precincts of a Cantonment of persons suffering from venereal diseases will be of little avail unless they are prevented from settling elsewhere with the certain result of spreading the disease over a wider and less regulated area. As a first step they suggested that it should be urged on Local Governments that Municipalities and other such bodies should be empowered, if necessary, and required to co-operate actively with Cantonment authorities in their endeavours to check the spread of infectious or contagious disorders, having in view the grave responsibility which attaches to every civilized community in a matter so vital to the welfare of the country at large.

3. The suggestion of the Committee has been carefully considered by the Government of India, and I am directed to make the following remarks on the subject for the consideration of the Government of Madras.

4. The areas adjoining Cantonments are either rural or Municipal. In the first instance the villages just outside the Cantonment, from which women constantly carry to the Cantonment supplies for the use of residents in the Cantonment, are often the most dangerous places for the infection of soldiers. The extension under section 28 of the Cantonments Act, 1889, of the rules of the 15th October to these rural areas is therefore very desirable, and it does not appear to the Government of India that any serious obstacles would be likely to arise against such an extension either on the ground of jurisdiction, or of the extra expenditure, which in this case is not likely to be very great, that would fall on Cantonment Funds. The Governor General in Council will be glad to receive the advice of the Government of Madras on the proposal to extend the rules of the 15th October to rural areas situated in the immediate neighbourhood of a Cantonment.

5. The case of Municipal areas adjoining Cantonments is difficult, but is also of great importance. Some Cantonments abut on Municipal areas, and in such cases the rules enforced in the Cantonment are liable to be rendered nugatory if a prostitute has only to move a few hundred yards in order to

escape from their operation. It appears to the Government of India that it would be of great advantage to extend Rules 13 and 14 (*c*), and Rule 15, in so far as it relates to Rule 14 (*c*), to some of the larger Municipalities adjoining Cantonments, and they will be glad to receive the opinion of the Govt. of Madras with regard to this proposal.

6. The extension of Rule 10 to Municipalities adjoining Cantonments also appears to the Government of India to deserve careful consideration. Rule 10 empowers the Commanding Officer to order persons who have failed to comply with certain provisions of the rules to remove from the Cantonment, and prohibits any person with reference to whom such an order has been made from remaining longer in, or from re-entering, the Cantonment, without the written permission of the Commanding Officer. The salutary effect of this rule is likely to be largely diminished if a prostitute expelled from the Cantonment is able to settle in its immediate vicinity. If Rule 10 is extended to Municipal areas under section 28 of the Cantonments Act, it must be extended exactly in its present form, and action could only be taken under it by the authority of the Commanding Officer. It appears to the Government of India that there would be a danger that the extension of the authority of a Commanding Officer into an adjacent Municipality might give rise to friction and inconvenience, and it might therefore be more convenient that the Municipal authority or, preferably, the District Magistrate should be empowered to take action in accordance with the provisions of Rule 10. If this course is adopted, it will, however, necessitate an amendment of the law since it is not authorized by section 28 of the Cantonments Act, and there are obvious inconveniences in further legislation on this subject. The Government of India will be glad to learn the opinion of the Government of Madras on the practicability and expediency of extending Rule 10 to Municipalities adjoining Cantonments, and on the question whether the rule should be extended in its present form, or whether Municipalities or District Magistrates should be empowered to take action under it.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewett

Secretary to the Government of India.

Notification No. 1148, dated Simla, the 15th October 1897.

In continuation of the notification of the Government of India in the Military Department, No. 750, dated the 9th July 1897, and in supersession of the rules published in G. G. O. No. 460, dated the 3rd May 1895, and of any rules hitherto issued which are inconsistent with the rules hereby published, the Governor General in Council is pleased to make the following rules, under sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), and to direct that they be put in force in all cantonments in British India:

Definitions.

1. In these rules,—

(*a*) the expression "bazar" means any land set apart for occupation by natives of India, except the lines of native troops;

(*b*) the expression "regimental bazar" means any bazar under the management of regimental authorities;

(*c*) the expression "infectious or contagious disorder" includes cholera, leprosy, enteric fever, venereal disease and every infectious or contagious disorder; and

(*d*) the expression "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway.

Hospitals or dispensaries.

2. (*1*) So far as the funds at its disposal permit, the Cantonment Authority may—

(*a*) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary; or

(*b*) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

2. Every hospital or dispensary maintained or aided under this rule shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders.

Medical officer to be in charge of hospital or dispensary.

3. A medical officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under rule 2.

Subordinate establishments for hospitals or dispensaries.

4. Subject to the control over the Cantonment Fund which is vested in the Local Government by section 28 of the Cantonments Act, 1889, there shall be appointed for every hospital or dispensary maintained or aided under rule 2, such subordinate establishment as may be necessary.

XIII of 1889.

Medical supplies, appliances, etc.

5. So far as the funds at its disposal permit, the Cantonment Authority shall cause every hospital or dispensary maintained or aided under rule 2 to be provided with—

(*a*) all necessary drugs, instruments, apparatus, furniture and appliances;

(*b*) sufficient cots, bedding and clothing for in-patients; and

(*c*) such further requisites as may be necessary.

Application of civil hospital rules.

6. Every hospital or dispensary maintained or aided under rule 2 shall be maintained in accordance with the rules made generally or specially by the Governor General in Council, or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor General in Council or the Local Government may think proper.

Free patients.

At every hospital or dispensary maintained or aided under rule 2 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders and, with the sanction of the Cantonment Authority, any other sick persons may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, should the medical officer in charge so direct, granted subsistence allowance on a scale to be determined by the Cantonment Authority:

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 338 of the Code of Civil Procedure.

XIV of 1882.

Paying patients.

8. Any sick person who is ineligible under the last foregoing rule to receive medical treatment free of cost in any hospital or dispensary maintained or aided under rule 2, may, upon such terms as the Cantonment Authority thinks fit to impose, be admitted to treatment in such hospital or dispensary.

9. If the medical officer in charge of a hospital or dispensary maintained or aided under rule 2 has *primâ facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form set forth in the schedule or in any similar form, call upon such person to attend at the hospital or dispensary at a time to be specified in the notice and not to quit it without the permission of the medical officer in charge unless and until such medical officer is satisfied, by examination, if necessary, that such person is not in fact suffering, or is no longer suffering, from such disorder:

Power to call upon person suffering from infectious or contagious disorder to attend and remain in the hospital or dispensary.

Provided that, if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the medical officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as to him seem fit and proper.

10. If the medical officer in charge of a hospital or dispensary maintained or aided under rule 2, reports in writing to the Commanding Officer of the cantonment that any person having received a notice as provided in rule 9 has refused or omitted to attend at the hospital or dispensary, or that such person, having attended at the hospital or dispensary, has quitted it without the permission of such medical officer, the Commanding Officer may, if he thinks it expedient, by order in writing, direct such person to remove from the cantonment within twenty-four hours and prohibit such person from remaining longer in, or re-entering, it without his written permission.

Power to exclude from cantonment.

11. The Cantonment Authority may, by notice in writing, prohibit—

Removal of brothels or prostitutes.

(*a*) the keeping of a brothel, or

(*b*) the residence of a public prostitute, in the cantonment or in any specified part thereof.

12. No public prostitute shall be permitted to reside within the limits of any regimental bazar situate in the cantonment.

Exclusion of public prostitutes from regimental bazars.

13. No person shall, in any street or public place within the limits of the cantonment, loiter for the purpose of prostitution or importune any person to the commission of sexual immorality:

Loitering or importuning for sexual immorality prohibited.

Provided that no person shall be charged with a breach of this rule, except on the complaint of the person importuned or of a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, or of an officer as defined in the Cantonments Act, 1889.

Penalties.

Penalties.

14. Whoever,—

(*a*) having, under rule 10, been prohibited from remaining in, or re-entering, the cantonment, remains in, or re-enters, it without the written permission of the Commanding Officer; or

(*b*) fails to comply with a notice under rule 11; or

(*c*) commits a breach of rule 13;

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

15. Any member of the police-force employed in the cantonment may arrest without a warrant any person committing, or charged with having committed, an offence punishable under clause (*a*) or clause (*c*) of the last foregoing rule:

Arrest without warrant.

Provided as follows:

(*i*) no person shall be so arrested whose name and address are known to either the complainant or the arresting officer;

(*ii*) no person shall be so arrested who consents to give his or her name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall be on the arresting officer;

(*iii*) no person so arrested shall be detained after his or her name and address have been ascertained;

(*iv*) no person so arrested shall, except under the order of a Magistrate, be detained longer than may be necessary for bringing him or her before a Magistrate; and

(*v*) no person shall be so arrested for a breach of rule 13, except—

(*a*) at the request of the person importuned or of an officer as defined in the Cantonments Act, 1889, in whose presence the breach was committed,

(*b*) by, or at the request of, a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed.

SCHEDULE.

(*See Rule 9.*)

To _____

_____

Take notice that under rule 9 of the Rules under the Cantonments Act, 1889 (XIII of 1889), published in the *Gazette of India*, 1897, Part I, page ____, you are hereby called upon to attend at the _____ on _____ day, the _____ _____, 189 , at _____ o'clock M., and not to quit the said $\frac{\text{hospital}}{\text{dispensary}}$ without the permission of the medical officer in charge unless and until such officer is satisfied that you are not in fact suffering, or are no longer suffering from an infectious or contagious disorder, that is to say from _____

_____

Medical Officer in charge of the

_____

Dated _____, *the* _____, *189* ____.

P. J. MAITLAND, *Major-General*,
Secretary to the Government of India.

XIII of 1889.

G. I. C. P. O.—No. 1520 H. D.—9-3-98.—260.—G. R.

Public (1898) Department.

1113 M

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LOCAL & MUNICIPAL DEPT.
CURRENT No. 1113 M

From Govt of India Home Dept

No. 484

Endt. No 765 dy 22-3-98.
~~Order~~

Transferred to the Local and Municipal Dept. in contn of Endt. No. 96 dy 14th January 1898.

A. Chapple.
Ag. Under Secretary

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SUBJECT.

Re the question of extension of the rules for the treatment of Venereal diseases in Cantonments to areas outside such Cantonments

Secy
PS. Order No. 725-M dy 4/4/98

The letter from the Government of India read above will be referred to the District Magistrates of Bellary, Chingleput, Malabar, the Nilgiris, Trichinopoly and Vizagapatam, the District Boards of Chingleput, ~~Malabar~~ and

P.T.O

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1113 M of 1898.

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ouncils of Bellary, Cannanore,
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.. President, District Boards of Chingleput Malabar and the Nilgiris.
.. Chairmen, Municipal Councils of Bellary, Cannanore, Trichinopoly and Vizianagram.

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