[Ref. 4]

4,000—23-11-07.

DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. 1779 dated 30-11-1899

Date taken out.	For what purpose. Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
11/Mar	e No 2968				25 8 02	
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	R 28/3/88					

L. & M. 170—15-4-05.

Local & Munl. (189) Department.

PRINTED.

G.O., No. 1779 Mun

DATED 30/11/89

[Despatch Abstract.]

Rules to prevent the Spread of Venereal Disease in Cantonments. Requesting the Collectors of certain districts to report what action they propose to take for carrying out the Suggestions of the Govt of India regarding the extension of the —— to areas adjoining Cantonments

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 1779 M., 30th November 1899.

NOVEMBER.

Rules to prevent the spread of Venereal Disease in Cantonments.

Requesting the Collectors of certain districts to report what action they propose to take for carrying out the suggestions of the Government of India regarding the extension of the — to areas adjoining cantonments.

GOVERNMENT OF MADRAS.

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The following letter will be addressed to the Government of India :—

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

Letter—No. 262, Public, dated Fort St. George, 3rd March 1899, to the Secretary to the Government of India, Home Department (Sanitary).

I am directed to acknowledge the receipt of your letter No. 494, dated 10th March 1898, inviting an expression of opinion on certain proposals regarding the extension to areas situated outside cantonment limits of the rules for the treatment of venereal disease in a cantonment, which were issued in the notification of the Government of India in the Military Department, No. 1148, dated 15th October 1897.

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4. The second proposal made in the Circular of March 1898 was to extend the rules against solicitation in streets and public places to municipalities adjoining cantonments. The application of these rules to municipalities under section 28 of the Cantonments Act would entail the grant of jurisdiction in the municipality to the cantonment authorities and police. There is a strong consensus of opinion against such a course, and the Government of India, agreeing with the general view, have abandoned the proposal that the rules against solicitation in cantonments should be extended to neighbouring municipalities. The Governments of the North-Western Provinces and the Punjab and Chief Commissioner of the Central Provinces make the important alternative suggestion that action should be taken under municipal rule to protect cantonments from the effect of disorderly life in adjacent municipalities, the Municipal Acts being amended where necessary for this purpose. The Government of the North-Western Provinces and Oudh proposes that power should be taken to compel prostitutes to live in certain specified localities which would be away from the cantonment and might be placed out of bounds for the troops. The Lieutenant-Governor remarks that this power would be very useful apart from the cantonment question, and would, it is believed, be consonant with native feeling. The Government of the Punjab thinks that any observed effect of disorderly life in municipalities adjacent to cantonments should be brought to the notice of the civil authorities with a view to the amendment, if necessary, of the Municipal Act. The Chief Commissioner of the Central Provinces is of opinion that municipal legislation to prevent solicitation due to the presence of troops, being undertaken in the interests of public decency and morality, and not involving any extension of military authority to municipal areas, would not excite objection. The Government of India are impressed with these views and think it very desirable that, where the health of the troops is affected by prostitutes living in municipalities adjoining cantonments, an endeavour should be made to abate the evil by enforcing proper measures under Municipal Rule, power to do this being taken, where necessary, by an amendment of the Municipal Acts. The Government of the North-Western Provinces and Oudh has shown the way by introducing clauses into its Municipal Bill to prevent loitering for purposes of prostitution and the keeping of disorderly houses to the annoyance of the respectable inhabitants of the vicinity or in the neighbourhood of a cantonment.

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3. I am, however, to state that this Government would view with grave apprehension the extension of the authority of the Commanding Officer under Rule 10 to areas, whether municipal or rural, beyond cantonment limits, and His Excellency the Governor in Council considers that if this rule is to be extended to such areas, it should be amended so as to constitute the Commanding Officer the excluding authority as regards cantonment limits, and the District Magistrate or the Magistrate in charge of a division of the district, who should of course be subject to the District Magistrate, as regards areas beyond cantonments, whether municipal or rural, to which the rule may be extended under section 28 of the Cantonments Act, 1889.

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(Signed) G. STOKES,
Chief Secretary.

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With reference to the correspondence ending with your letter No. 262, dated the 3rd March 1899, I am directed to state that the Government of India, having considered the replies to this department Circular Nos. 494—500, dated the 10th March 1898, regarding the extension of the rules to prevent the spread of venereal disease in cantonments to areas adjoining cantonments, desire to issue the following general instructions regarding the action which they think may be properly taken in the matter.

2. In the first place the views expressed by Local Governments show that it would be undesirable to lay down a hard-and-fast rule to be applied indiscriminately to a given area round all cantonments. It will be necessary to consider carefully and separately the circumstances of each cantonment and the character of the localities adjoining it. The Government of Bombay have gone so far as to object to any general declaration of policy. The Government of India think, however, that some general rules of guidance should be prescribed on the understanding that they are not to be put in practice in any instance until a careful examination has been made of the conditions of the case.

3. The first proposal made in the Circular of the 10th March 1898 was to extend the Infectious and Contagious Disorder Rules, issued in Military Department Notification No. 1148, dated the 15th October 1897,* to villages round cantonments. The Governments of the North-Western Provinces and the Punjab and the Chief Commissioner of the Central Provinces have all expressed the view that a careful selection must be made of villages to which the rules may be extended. The Government of the North-Western Provinces and the Chief Commissioner of the Central Provinces think that it would be unjust and improper to extend the rules to old-standing agricultural villages which existed before the cantonment was formed, but that there would not be the same objection to their extension to villages which owe their existence to the cantonment and are largely inhabited by camp followers. The Chief Commissioner of the Central Provinces would apply the rules to agricultural villages only in very special cases when, after due warning, the headman fails to prevent women, who spread disease among soldiers, from living in numbers in such a village. The Lieutenant-Governor of the Punjab would also extend the rules only in special cases, as, for instance, when the women of a village lying close to cantonments and

* These rules correspond to Rules 196, *et sequitur*, of the Cantonment Code published in the *Gazette of India* of the 17th June last.

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Government {1899} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval.

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(*b*) to comm...

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(Signed) A. R. KNAPP,
for Chief Secretary.

To the Local and Municipal Department.
" District Magistrate, Bellary.
" " " Trichinopoly.
" " " Malabar.
" " " the Nilgiris.
" " " Ganjám.
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" " " Chingleput.
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The letter from the Government of India read above will be referred to the Collectors of Bellary, Malabar, Trichinopoly and Vizagapatam for early report, after consulting the Municipal Councils of Bellary, Cannanore, Trichinopoly and Vizianagram, respectively, as to what action they propose to take for carrying out the suggestions of that Government.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Collector of Bellary.
" " of Malabar.
" " of Trichinopoly.
" " of Vizagapatam.

Exd. A. Rungaswamy Aiyangar.

Commanding Officer any jurisdiction or power to interfere in the municipality. For, in the first place, since it is not proposed to extend section 203, the order of the Commanding Officer can only be directed against persons who at the time are living in the cantonment. In other words, the Commanding Officer will merely be empowered to direct a woman living in the cantonment to quit the cantonment and the municipal area instead of the cantonment only. Next, if the order were disobeyed and the woman settled in the prescribed municipal area, the Commanding Officer could merely prosecute her before a local Magistrate under section 204 of the Code. Beyond instituting a prosecution he could not himself take any steps to [illegible]rrest or punish the offender. Such action could only be taken by the Magistr[illegible]. The Government of India do not, therefore, think that there is any objection to extending section 204 of the Cantonment Code by an order under section 28 of the Cantonments [illegible] 1889, to municipal areas adjoining cantonments, wherever this may be necessar[illegible] prevent prostitutes expelled from cantonments from settling in the vicinity. A[illegible]e same action may be taken with reference to villages to which the whole of th[illegible]s are not extended. Commanding Officers will be instructed by executive ord[illegible]) to use the power only in the case of venereal disease, and (b) to communicate[illegible]h the District Magistrate on making an order of expulsion.

6. I am to request that the general principles laid down in this letter may now be applied to the municipalities in the Madras Presidency. The action to be taken in each municipality should be settled in consultation with the military authorities after a careful examination of the particular circumstances of the case.

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Exd. A. Rangaswamy Aiyangar.

[L. & M.]
200—13-9-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,

Again G.O., No dated 189 ,

Current No. 2882.h. of 1899, dated 19th Octr 99, from the Public Deptt.

" " " 189 , , , " "

" " " 189 , , " " "

P.S. No. 1729 2m 30/11/99

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V.R 25/11/99

W I 29/11 99

The Collectors of Bellary, Malabar, Trichinopoly & Vizagapatam.
Dept. 9/1218 99

Government {1899} of Madras.

PUBLIC.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2882 M

Recd. 7th Nov } 1899. *Enclosures* nil
Regd. — " } *Spare copies* "

G.O., No. 1187, 19th October 1899.

OCTOBER.

Rules to prevent the spread of Venereal Disease in Cantonments.

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living under circumstances connecting them closely with cantonments are known to be freely available to the troops and to be spreading disease among them. The Government of India agree that the decision should ordinarily depend on the answer to the question whether the village is an old-standing agricultural village or whether it owes its existence to the cantonment, and that the rules should be extended to villages of the former class only in special cases, such as those indicated by the Government of the Punjab and the Chief Commissioner of the Central Provinces. The extension being limited in this manner, the Governor-General in Council is of opinion that the rules may be administered by the Commanding Officer in the same manner as if the villages to which they are applied were included in the cantonment. Executive instructions will be issued directing that the Commanding Officer may take action under the rules only for the purpose of preventing the spread of venereal disease in the cantonment.

4. The second proposal made in the Circular of March 1898 was to extend the rules against solicitation in streets and public places to municipalities adjoining cantonments. The application of these rules to municipalities under section 28 of the Cantonments Act would entail the grant of jurisdiction in the municipality to the cantonment authorities and police. There is a strong consensus of opinion against such a course, and the Government of India, agreeing with the general view, have abandoned the proposal that the rules against solicitation in cantonments should be extended to neighbouring municipalities. The Governments of the North-Western Provinces and the Punjab and Chief Commissioner of the Central Provinces make the important alternative suggestion that action should be taken under municipal rule to protect cantonments from the effect of disorderly life in adjacent municipalities, the Municipal Acts being amended where necessary for this purpose. The Government of the North-Western Provinces and Oudh proposes that power should be taken to compel prostitutes to live in certain specified localities which would be away from the cantonment and might be placed out of bounds for the troops. The Lieutenant-Governor remarks that this power would be very useful apart from the cantonment question, and would, it is believed, be consonant with native feeling. The Government of the Punjab thinks that any observed effect of disorderly life in municipalities adjacent to cantonments should be brought to the notice of the civil authorities with a view to the amendment, if necessary, of the Municipal Act. The Chief Commissioner of the Central Provinces is of opinion that municipal legislation to prevent solicitation due to the presence of troops, being undertaken in the interests of public decency and morality, and not involving any extension of military authority to municipal areas, would not excite objection. The Government of India are impressed with these views and think it very desirable that, where the health of the troops is affected by prostitutes living in municipalities adjoining cantonments, an endeavour should be made to abate the evil by enforcing proper measures under Municipal Rule, power to do this being taken, where necessary, by an amendment of the Municipal Acts. The Government of the North-Western Provinces and Oudh has shown the way by introducing clauses into its Municipal Bill to prevent loitering for purposes of prostitution and the keeping of disorderly houses to the annoyance of the respectable inhabitants of the vicinity or in the neighbourhood of a cantonment.

5. The last suggestion made in the Circular of March 1898 was to extend Rule 10 of the rules of October 1897 (corresponding to section 204 of the Cantonment Code) to municipalities adjoining cantonments. It was explained that Rule 10 empowers the Commanding Officer to order persons who have failed to comply with certain provisions regarding hospital attendance, &c., to remove from the cantonment, and prohibits any person, with reference to whom such an order has been made, from remaining longer in or re-entering the cantonment without the written permission of the Commanding Officer ; and it was pointed out that 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. The Government of India have fully accepted the view of the Local Governments that the cantonment authorities and police must not exercise any jurisdiction in municipalities, and they would not permit any extension of cantonment rules which would be contrary to this principle. But an examination of section 204 will show that its extension to municipal areas adjoining cantonments will meet the difficulty pointed out in the Circular without conferring on the

3. I am, however, to state that this Government would view with grave apprehension the extension of the authority of the Commanding Officer under Rule 10 to areas, whether municipal or rural, beyond cantonment limits, and His Excellency the Governor in Council considers that if this rule is to be extended to such areas, it should be amended so as to constitute the Commanding Officer the excluding authority as regards cantonment limits, and the District Magistrate or the Magistrate in charge of a division of the district, who should of course be subject to the District Magistrate, as regards areas beyond cantonments, whether municipal or rural, to which the rule may be extended under section 28 of the Cantonments Act, 1889.

4. It seems clear that this course cannot be adopted without an amendment of the law, and if the Government of India is not prepared to undertake legislation on the subject, I am directed to state that in the opinion of His Excellency the Governor in Council, the extension of Rule 10 to extra-cantonment areas, whether rural or municipal, would be unsafe and is to be deprecated.

(Signed) G. STOKES,
Chief Secretary.

Read—also the following paper :—

From A. H. L. FRASER, Esq., C.S.I., Officiating Secretary to the Government of India, Home Department (Sanitary), to the Chief Secretary to the Government of Madras, dated Simla, 19th September 1899, No. 2702.

With reference to the correspondence ending with your letter No. 262, dated the 3rd March 1899, I am directed to state that the Government of India, having considered the replies to this department Circular Nos. 494—500, dated the 10th March 1898, regarding the extension of the rules to prevent the spread of venereal disease in cantonments to areas adjoining cantonments, desire to issue the following general instructions regarding the action which they think may be properly taken in the matter.

2. In the first place the views expressed by Local Governments show that it would be undesirable to lay down a hard-and-fast rule to be applied indiscriminately to a given area round all cantonments. It will be necessary to consider carefully and separately the circumstances of each cantonment and the character of the localities adjoining it. The Government of Bombay have gone so far as to object to any general declaration of policy. The Government of India think, however, that some general rules of guidance should be prescribed on the understanding that thay are not to be put in practice in any instance until a careful examination has been made of the conditions of the case.

3. The first proposal made in the Circular of the 10th March 1898 was to extend the Infectious and Contagious Disorder Rules, issued in Military Department Notification No. 1148, dated the 15th October 1897,* to villages round cantonments. The Governments of the North-Western Provinces and the Punjab and the Chief Commissioner of the Central Provinces have all expressed the view that a careful selection must be made of villages to which the rules may be extended. The Government of the North-Western Provinces and the Chief Commissioner of the Central Provinces think that it would be unjust and improper to extend the rules to old-standing agricultural villages which existed before the cantonment was formed, but that there would not be the same objection to their extension to villages which owe their existence to the cantonment and are largely inhabited by camp followers. The Chief Commissioner of the Central Provinces would apply the rules to agricultural villages only in very special cases when, after due warning, the headman fails to prevent women, who spread disease among soldiers, from living in numbers in such a village. The Lieutenant-Governor of the Punjab would also extend the rules only in special cases, as, for instance, when the women of a village lying close to cantonments and

* These rules correspond to Rules 196, *et sequitur*, of the Cantonment Code published in the *Gazette of India* of the 17th June last.

Commanding Officer any jurisdiction or power to interfere in the municipality. For, in the first place, since it is not proposed to extend section 203, the order of the Commanding Officer can only be directed against persons who at the time are living in the cantonment. In other words, the Commanding Officer will merely be empowered to direct a woman living in the cantonment to quit the cantonment and the municipal area instead of the cantonment only. Next, if the order were disobeyed and the woman settled in the prescribed municipal area, the Commanding Officer could merely prosecute her before a local Magistrate under section 204 of the Code. Beyond instituting a prosecution he could not himself take any steps to detect, arrest or punish the offender. Such action could only be taken by the Magistrate.

The Government of India do not, therefore, think that there is any objection to extending section 204 of the Cantonment Code by an order under section 28 of the Cantonments Act, 1889, to municipal areas adjoining cantonments, wherever this may be necessary to prevent prostitutes expelled from cantonments from settling in the vicinity. And the same action may be taken with reference to villages to which the whole of the rules are not extended. Commanding Officers will be instructed by executive order (*a*) to use the power only in the case of venereal disease, and (*b*) to communicate with the District Magistrate on making an order of expulsion.

6. I am to request that the general principles laid down in this letter may now be applied to the municipalities in the Madras Presidency. The action to be taken in each municipality should be settled in consultation with the military authorities after a careful examination of the particular circumstances of the case.

Order—No. 1187, Public, dated 19th October 1899.

The letter from the Government of India will be transferred to the Local and Municipal Department in which the necessary action will be taken.

(True Extract.)

for *Chief Secretary.*

To the Local and M[illegible]cipal Department.
" District M[illegible]strate, Bellary.
" " " Trichinopoly.
" " " Malabar.
" " " the Nilgiris.
" " " Ganjám.
" " " Vizagapatam.
" " " Chingleput.
" Deputy Adjutant-General, Madras Command.

Exd. A. F. Eccleston.

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