

Legislative (1895) Department.

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G.O., No 68

Dated 12<sup>th</sup> August 1895

INDEXED.

[Despatch Abstract.]

BILL TO AMEND ACT IV OF 1884 (THE MADRAS DISTRICT MUNICIPALITIES  
ACT).

Communicating to the Legislative Council Proceedings, Local  
and Municipal Department, forwarding Proceedings, Public Department,  
on resolution from the Government of India regarding the segregation of  
pauper lepers, with a request that certain additions and alterations  
may be made in the --.



# BACK PAPERS.

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# FURTHER PAPERS.

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12TH AUGUST 1895, No. 68, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following paper :—

G.O., dated 8th July 1895, Mis. No. 1080 M., Local and Municipal.

Read—the following paper :—

G.O., dated 10th April 1895, Mis. No. 273, Public.

Read—the following :—

Extract from the Proceedings of the Government of India, in the Home Department (Medical),—under date Calcutta, the 23rd March 1895, No. 2-Medical—138-149.

Read—

Home Department Resolution, No. 8 Medical—624-633, dated the 26th September 1888.  
 Home Department Resolution No. 5 Medical—351-361, dated the 15th June 1889, and the draft Bill to provide for the isolation of lepers and the amelioration of their condition published with it.  
 The replies of Local Governments and Administrations to the above Resolution.  
 The Report (1893) of the Leprosy Commission in India appointed at the instance of the National Leprosy Fund in 1890.  
 The Memorandum on that Report, as prepared by a Special Committee appointed for the purpose by the National Leprosy Fund, and endorsed or annotated by members of the Executive Committee of the Fund.  
 Home Department Circular letter No. 11 Medical—561-570, dated the 15th September 1893, forwarding, for the opinion of Local Governments and Administrations, the above mentioned Report and Memorandum, together with a Memorandum by the Surgeon-General with the Government of India.  
 The replies of Local Governments and Administrations to that Circular letter.  
 Home Department letter No. 48 Medical, dated the 7th February 1895, to the Government of Bengal, conveying the approval of the Governor-General in Council to the introduction in the Local Legislative Council of a draft Bill to provide for the segregation of pauper lepers and the regulation of the exercise by lepers of certain trades or callings.

*Resolution.*—The question whether it would not be possible for the State to take a more direct part in the prevention or treatment of leprosy in India has been for some years under the consideration of the Government of India. In the Resolution, dated the 26th September 1888, the Governor-General in Council 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 1 per cent. only of the lepers actually known to exist came under organised 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 Governor-General in Council came to the conclusion that, for the time of medical and charitable relief to lepers in voluntary hospitals and leper 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.

2. Subsequently, upon a further examination of the question, the Governor-General in Council considered that some additional 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. His Excellency in Council accordingly directed the preparation of a Bill providing for the detention of lepers at their own request in accordance with the voluntary system adopted in regard to habitual drunkards by the Statute 42 and 43 Vic., Cap. 19, 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. The Bill contained a provision requiring the segregation of the sexes at retreats and protecting a leper from being sent against his will to a retreat where attendance at any religious observance or at any instruction in religious subjects was obligatory upon the inmates. In inviting the views of the local authorities upon the provisions of the Bill on the 15th June 1889, 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.

3. The replies showed that very great uncertainty existed as to the cause and character of the disease of leprosy, and the opinions of those consulted differed very much upon these points. The opinion was expressed by many of the highest medical authorities consulted that the disease is not contagious except by inoculation, and that the part played by inoculation in determining its spread is very small. It then became a matter for the consideration of the Government of India whether it would not be desirable to introduce the Bill in an amended form, on the one hand limiting its application to persons suffering from the disease in an advanced and specially dangerous stage, and on the other hand extending the power of arrest and compulsory detention so as to cover all such dangerous lepers who might after warning persist in coming out and mixing with the public. The conclusion at which the Government of India then arrived was that there was no safe basis even for an enactment of this restricted description. At the time the English National Leprosy Fund, formed under the presidency of His Royal Highness the Prince of Wales for the purpose of perpetuating the memory of Father Damien who died of leprosy contracted during his work among the lepers of Hawaii, contemplated the appointment of a Leprosy Commission to visit India, and the Government of India, after communicating their views to Her Majesty's Secretary of State for India, decided to await 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 Physicians and the Royal College of Surgeons, London, and two †—officers of the Indian

\* Beaven N. Rake, Esq., M.D., L.R.C.P., M.R.C.S.  
Geo. A. Buckmaster, Esq., M.D.  
A. A. Kanthack, Esq., M.D., M.R.C.P., F.R.C.S.

† Surgeon-Major A. Barclay, M.B.  
Surgeon-Major S. J. Thomson, D.P.H.

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 aetiological analogies with the latter; (2) leprosy is not defused by hereditary transmission, and for this reason, as well as because of the large extent of stirlity 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 propagated 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 peculiarly 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 predisposition 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, dealt with in the report, which are related to each other in ways at present imperfectly known.

5. The Commissioners observed that "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. The amount of ulceration which exists in both diseases is to some extent a measure of the danger of contagion." They held that their conclusions as to the nature of the disease did not justify any recommendation for absolute segregation, and for the same reasons they found it impossible to advise compulsory partial isolation. They advocated the adoption of a voluntary isolation as extensive as local circumstances would allow, and suggested that, if marriages among lepers were permitted, this plan might be more easily carried out. They stated that they would in no case suggest an Imperial Act, especially directed against lepers as such, for the reason that they considered lepers to be far less dangerous to a community than insane or syphilitic people.

6. The Commissioners made the following recommendations for the regulation of leprosy and lepers in India, which they considered could be effected by means of municipal bye-laws:—(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 bye-laws 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 bye-laws.

7. The report of the Commission was considered by a Special Committee consisting of two members \* nominated by the Executive Committee of the National Leprosy Fund, two members † nominated by the Royal College of Physicians, and two members ‡ nominated by the Royal College of Surgeons. It was also considered at the same time by the members § of the Executive Committee of the National Leprosy Fund. As the result of this consideration a memorandum was prepared by the members of these two committees accepting the conclusions of the Commissioners except—(3) that the extent to which leprosy is propagated by

contagion and inoculation is exceedingly small; and (6) that leprosy in the majority of cases originates *de novo*, that is, from a sequence or concurrence of causes and conditions, dealt with in the report, and which are related to each other in ways, at present imperfectly known. These committees declared themselves unable to accept the view that segregation in any case of leprosy in India is either impracticable or undesirable, and stated that they would be sorry if the Government of India were encouraged by the report of the Commissioners to refrain from taking the necessary steps in the direction of such segregation of lepers as might be found possible. They

\* The Honourable Geo. N. Curzon, M.P., then Under Secretary of State for India (Chairman).  
Edward Clifford, Esq.

† Sir Dyce Duckworth, M.D., LL.D.  
G. A. Heron, Esq., M.D., F.R.C.P.

‡ Jonathan Hutchinson, Esq., LL.D., F.R.S.  
N. C. Macnamara, Esq., F.R.C.S.

§ Baron Ferdinand de Rothschild, M.P. (Chairman).  
The Bishop of London.

The late Sir Andrew Clark, Bart., F.R.S., President,  
Royal College of Physicians.

Sir James Paget, Bart., F.R.S.

Sir Joseph Fayrer, K.C.S.I., M.D.

Sir W. Guyer Hunter, K.C.M.G., M.D., M.P.

Sir Algernon Borthwick, Bart., M.P. (Honorary Treasurer).

Sir Edward Lawson, Bart. (Honorary Treasurer).

Sir Somers Vane, F.R.C.S., F.S.S. (Honorary Secretary).



stated that their opinions on segregation were in accord with those of Dr. Vandyke Carter, viz., that it should be effected—

- (i) by erecting plain asylums at certain centres, each of which would be a refuge common to several districts, and a place of detention, under due management and supervision ;
- (ii) by founding leper colonies, or village communities, mainly of the affected, who, while allowed more liberty of movement, should yet be prevented from mingling with the peasantry around ;
- (iii) by requiring the strict isolation in suitable separate lodgment of leprosy subjects retained in their homes at express wish of friends ; and
- (iv) by giving legislative authority to take up the vagrant sick, to remove the sorely diseased who are insufficiently guarded at home, and at times to enforce continued isolation of the infected until medical sanction of liberty be granted.

While reserving these opinions the committees gave a general approval to the recommendations of the Commissioners enumerated above in paragraph 6, though they did not concur in the opinion that municipalities would be necessarily or universally the best means of effecting the object of providing for the regulation of lepers and leprosy in India. They wished to go much further than the Commissioners in controlling the action of lepers, 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. The late Sir Andrew Clark, Sir W. Guyer Hunter, Sir James Paget, Sir Joseph Fayrer and Dr. Jonathan Hutchinson dissented from the opinion expressed in the body of the report of the Special Committee on the subject of the contagion of leprosy, believing that the evidence of the spread of leprosy by contagion is not sufficient to justify the compulsory segregation of lepers, and that there is no adequate reason for prohibiting the marriage of the leprosy. Sir Dyce Duckworth also expressed a somewhat similar opinion.

The Surgeon-General with the Government of India has also stated his concurrence with the finding of the Commissioners upon the issue whether leprosy is contagious or not, and this view has found favour generally among the authorities in this country. The Governor-General in Council, while regarding with every respect the opinion of the eminent gentlemen upon the Special Committee and the Executive Committee of the National Leprosy Fund who dissented from the finding of the Leprosy Commissioners regarding the contagious character of the disease, is constrained to accept the conclusion of the Commissioners upon this matter, fortified as it is by the views of the distinguished medical authorities just cited, and by the general opinion of those in India who are qualified to pass judgment on it. His Excellency in Council accordingly feels assured that the extent to which the disease is propagated in India by contagion is small, and, holding this opinion, is unable to approve of the compulsory segregation, either absolute or partial, of lepers except under the special circumstances which are detailed *infra* in paragraph 10.

8. The Local Governments and Administrations were requested to offer their opinions for giving practical effect to the recommendations of the Commissioners. There is complete unanimity of opinion in favour of the first recommendation that lepers should be prohibited from engaging in certain trades. This recommendation cannot indeed be directly justified on the conclusion of the Commissioners regarding the question of the contagiousness of leprosy, but it appears to the Government of India that, as the Lieutenant-Governor of the Punjab observes, "it is amply justified on the grounds that there is a certain danger in allowing lepers with running sores to engage in those trades, and the people of this country, and indeed, it may be said, of any other country, would be struck with dismay if they discovered that the articles they used or consumed had been handled by such lepers." There is, in fact, the Government of India are advised, danger of septic poisoning from any such running sore or ulcer.

The question arises whether the prohibition in respect of the trades in question should be confined to municipalities or made of general application. The majority of the Local Governments and Administrations would, for the present at least, proscribe lepers from engaging in trades only in municipal areas, upon the broad grounds

that the enforcement of the prohibition would be impracticable in agricultural villages, and that the members of village communities, who are fully cognizant of the most trifling details connected with the every day life of their fellow residents in a village, are well able to protect themselves. The object is to protect the public from dealing unwittingly with leper tradesmen, and the Governor-General in Council thinks that this can be adequately secured if the prohibition is confined to municipalities and to the larger fairs and religious and other gatherings which are held outside the limits of towns. His Excellency in Council has, therefore, decided that, for the present at all events, the prohibition should not apply except to lepers in and near municipalities and at the larger fairs and similar gatherings. As the Government of India abstain strictly from regulating prostitution, no bye-law or Act dealing with the prohibition against lepers following certain trades or callings should extend to that of prostitution by leper women.

In the opinion of the Governor-General in Council the question of amending the Municipal Acts in the provinces where they are at present deficient in this respect should now be taken into consideration. In connection with this point it appears to His Excellency in Council that section 55 of Act XV of 1883 in the North-Western Provinces and Oudh cannot, as urged by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, be held to refer to this matter, and that section 85 of Act XVIII of 1889 in the Central Provinces, which the Chief Commissioner of the Central Provinces considers would enable Municipal Commissioners to prohibit, as a public nuisance, lepers from publicly exposing their sores or from engaging in trade, does not provide for it with sufficient precision.

9. The second recommendation of the Commissioners was directed against the prevalent custom of mendicant lepers to leave their homes and crowd into the large centres of population. The Commissioners held that vagrant and indigent lepers scattered about the country are not a source of serious danger, and their proposal that municipal authorities should be empowered by bye-laws to prevent vagrants afflicted with leprosy from begging in or frequenting places of public resort or using public conveyances in towns and cities was dictated by the expectation that the effect of such bye-laws in large towns would be an emigration into the surrounding country, and a furtherance of the scheme for establishing experimental leper colonies or farms in rural districts. With the exception of the Government of Madras and the Chief Commissioner of Assam, the Local Governments and Administrations are generally in favour of sending to, and retaining in, asylums vagrant pauper lepers who congregate in towns. It has been forcibly urged to the Government of India that this question, as well as that of prohibiting lepers from engaging in certain trades, has an administrative as well as a medical aspect, and that action such as the Commissioners proposed is justified by the loathsomeness of the disease, by the circumstance that those suffering from it very commonly obtrude their sores upon the public with a view to forcing people to give them money, and by the fact that people in India are commonly struck with horror at the approach of a leper, and are apt to yield to his importunity in order to induce him to move on. In deference to the sentiments of the community generally, the Government of India agree that steps should be taken to prevent mendicant lepers from obtruding their deformities on the public gaze in town and cities. The experience gained in Bombay, since the establishment of the leper asylum at Matoonga, shows that regulations having this object may, if intelligently and energetically carried out, be expected to be productive of great benefit to the leper community as well as the general public.

The Commissioners recommended that the authorities in towns should be empowered to order a leper infringing the regulations either to return to his home or to enter an asylum. This recommendation is generally accepted except by the Government of Madras which would limit the power of enforcing obedience to the bye-laws to the actual expulsion of lepers from towns and cities, and by the Chief Commissioner of Assam on the ground that he is not prepared to recommend compulsory detention in asylums. The view which approves itself to the Government of India and to the majority of the Local Governments and Administrations is that vagrant lepers in municipalities should be dealt with in much the same way as vagrant lunatics are dealt with under the provisions of Act XXXVI of 1858, viz., that such



persons should be brought before a medical officer and a magistrate and sent to an asylum by an order of the latter if found to be suffering from the disease and without relatives who can properly care for and treat them. The Governor-General in Council considers that, for the present at all events, it will be sufficient to take power to deal with vagrant lepers in this manner in municipalities and their immediate neighbourhood.

10. The Commissioners recommended that leper asylums should be built near towns where they do not already exist, and the memorandum of the Surgeon-General with the Government of India, circulated with Home Department letter of the 15th September 1893, contained detailed suggestions for the establishment and location of additional asylums throughout the country. The Surgeon-General was of opinion that requirements would be met if on an average one asylum was provided to each revenue division. A suggestion of the Commissioners, intended to be ancillary in the rural districts to the establishment of asylums in the immediate neighbourhood of towns, was that leper farms in rural tracts where lepers with their wives and families could cultivate the soil might be productive of practical good. They considered that comparatively few children would be born, and proposed that they should, if possible, be removed to orphanages from which they would be discharged as soon as they could support themselves.

This part of the subject appears to the Government of India to need further consideration by the Local Governments and Administrations. The Governor-General in Council considers that in each division or some convenient area an asylum, or an asylum and a farm, should be maintained so as to accommodate the lepers who may be found vagrant in the municipalities in the division or area, and His Excellency in Council is of opinion that the additional expense which may be necessary for the purpose should be met jointly by the municipalities and district and local boards of the division or area. The Government of India will be glad if the Local Governments and Administrations will take the matter into their consideration at an early date, in order to determine to what extent additional accommodation will be required, how the cost of providing and maintaining such accommodation should be divided among the local bodies, and whether any amendment of the law relating to municipalities and district and local boards is necessary for the establishment of such asylums and farms outside the limits of municipalities and for the proposed division of the cost. The Government of India are inclined to think that it may not be necessary to legislate, as was proposed in clause 4 of the Bill circulated in 1889, for the voluntary admission of lepers in asylums, but they 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.

11. The fourth recommendation of the Commissioners was that competent medical authority should always be consulted before action in regard to lepers is taken. With this view the Government of India entirely agree. But the Commissioners did not suggest a definition of the terms "leper" and "leprosy" which could be adopted for the purpose of the provisions to be made in the different laws and bye-laws. In the opinion of the Government of India the terms should for this purpose be defined, as in the Bill at present before the Legislative Council of the Lieutenant-Governor of Bengal, which is alluded to in the preamble of this Resolution, so as only to include cases in which ulceration has actually commenced. The Governor-General in Council considers that the public interests do not require that action should be taken against persons attacked with the disease who have not reached that stage. In any case in which it is proposed to enforce the bye-laws against a person who appears to be affected with ulcerous sores, a preliminary to such action will be that he should be examined by a competent medical authority.

12. The enquiry mentioned in paragraph 2 of this Resolution which was instituted into the question whether the disease of leprosy is on the increase or not in this country was taken up by the Leprosy Commissioners. At the time when the report was issued the returns for the census of 1891 had not been fully revised, but they were sufficiently complete to enable the Commissioners to make an elaborate examination of the statistics given in the last three censuses taken in India regarding the distribution of lepers in the country. The conclusions at which they arrived was that the alarm about the increase

of leprosy in British India is altogether groundless, that the figures available, though unfortunately consisting of only three sets, pointed strongly to a decrease in the number of these unfortunate people, and in any case to the disease not being on the increase, that the number of lepers had been greatly overstated, 110,000 being perhaps nearest the truth, and that leprosy could therefore not be regarded in the light of a general danger. The final statistics of the Census Commissioner for India showed the number of persons described as lepers at the census of 1891 to be 126,361, of whom 31,069 were females. Mr. Baines thought it possible that a good deal of the decrease in the numbers of lepers returned in 1891, from tracts in which they were formerly remarkably high, might be nominal, and due to greater accuracy of diagnosis, and the Governor-General in Council is inclined to agree with him that it is impossible to say for certain whether the disease of leprosy in this country is on the whole stationary or not. His Excellency in Council, however, sees no reason to dissent from the general conclusion of the Commissioners that leprosy does not prevail in India to such an extent as to constitute a general or universal danger, and that the means by which we must look forward to secure its diminution are improved sanitation and better dietetic conditions.

13. The legislation which is required to carry out the decisions of the Government of India in paragraphs 8, 9 and 10 of this Resolution will be effected in Local Legislative Councils in the provinces where they exist and for other provinces by the Governor-General in Council. The Bill cited in the preamble has already been introduced in the Council of the Lieutenant-Governor of Bengal, and the Governments of Madras, Bombay and the North-Western Provinces and Oudh should now proceed 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. The Governor-General in Council will be glad to receive in due course, from the Lieutenant-Governor of the Punjab and the Local Administrations, proposals for effecting the changes in the law which will be required in the provinces administered by them.

14. The Governor-General in Council cannot conclude this Resolution without placing on record his appreciation of the able and exhaustive manner in which the Leprosy Commissioners conducted their enquiry. Two of them, the Governor-General in Council regrets, passed away before His Excellency in Council had had an opportunity of publicly acknowledging their labours. Surgeon-Major Barclay died at Simla of typhoid fever while the Commissioners were still engaged in their investigations, and Dr. Beaven Rake at Trinidad in August 1894. Finally, the Government of India desire to express on behalf of the Empire their thanks to the Committee of the National Leprosy Fund for devoting a portion of the subscriptions raised in memory of the late Father Damien to the investigation of the disease of leprosy throughout India.

*Order.*—Ordered, that this Resolution be published in the *Gazette of India*, and that a copy be forwarded to all Local Governments and Administrations and to the Foreign Department for information.

(Signed) J. P. HEWETT,  
*Offg. Secretary to the Govt. of India.*

*Order*—dated 10th April 1895, Mis. No. 273, Public.

Communicated to the Local and Municipal Department with the request that it may be considered whether the instructions in the Resolution render necessary any amendments in the Bill (to amend Act IV of 1884) published as a supplement to the *Port St. George Gazette* of the 2nd instant.

(True Extract.)

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

To the Local and Municipal Department.

" Surgeon-General.  
" Sanitary Commissioner.



Order—dated 8th July 1895, Mis. No. 1080 M., Local and Municipal.

The papers will be forwarded to the Legislative Department with the request that the following additions and alterations may be made in the Bill to amend Act IV of 1884 :—

(1) in section 5 a definition of the word "leper" such as shall include any person suffering from any variety of leprosy in whom the process of ulceration has commenced, with a proviso that no person shall be adjudged a leper for the purpose of the Act until after examination by competent medical authority ;

(2) in section 9 a proviso that no leper shall be eligible for appointment to a municipal council, and that any councillor who shall, during continuance of his office, become a leper, shall *ipso facto* vacate his seat ;

(3) in section 75 a provision for the insertion of the words "and leper" between "lunatic" and "asylums" in section 113 (ii) of the existing Act ;

(4) in section 76 that the following be substituted for section 114 :—

"If the expenditure incurred for any of the purposes described in the last preceding section by any authority constituted under the Madras Local Boards Act, 1884, or other similar law for the time being in force, is calculated to benefit the inhabitants of any municipality, or if that incurred by the Municipal Council in any one municipality is calculated to benefit the inhabitants of any other municipality, the Municipal Council of the municipality so benefited may, with the sanction of the Governor in Council, contribute towards such expenditure, or the Governor in Council may direct such Municipal Council to show cause, within a month after receipt of the order containing the direction, why such contribution should not be paid. If the Municipal Council fail to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said Municipal Council to pay such sum as he shall name and it shall be paid accordingly."

(5) in section 125 that the words "who sells or exposes for sale therein any article or" be omitted from section 205-A of the Act as it is proposed to amend it ;

(6) a new section to follow section 133 to provide for the addition to Chapter IV of the Act of a section prohibiting with a penalty the carrying on by lepers or persons suffering from any other loathsome disease, of any trade connected with the food, drink, persons or clothing of people generally.

(7) Another new section to follow this to provide that, in cases of doubt as to whether a person suspected of being a leper is or is not a leper, any magistrate of the first class may order him, within five days of the receipt of the order, to submit himself for examination by such medical officer as the magistrate shall designate, and in case of his neglect or refusal to so submit himself, may cause him to be arrested and produced for such examination by such officer provided that no person suspected of being a leper shall be required to proceed to a greater distance than three miles from his ordinary place of residence for the purpose of submitting himself for examination by a medical officer.

2. The portions of the Government of India's letter which relate to the proposed legislation regarding vagrant lepers will be referred to the Surgeon-General for report as to what number of lepers approximately it will be necessary to find accommodation for in the event of the proposed legislation being introduced, what will be the best places for accommodating them and what new arrangements it will be necessary to make. In this connection it will be observed that leprosy is less prevalent in Madras than in most other parts of India and that Government doubts the propriety of erecting additional asylums, while it considers that farms for lepers are quite unnecessary.

(True Extract.)

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

To the Legislative Department, with copy of notes.  
" Surgeon-General.

ORDER—dated 12th August 1895, No. 68, Legislative.

Communicated to the Legislative Council.

(True Extract.)

L. DAVIDSON,  
Ag. Under Secy. to Govt.

To the Hon'ble Members of the Legislative Council.  
" Local and Municipal Department.

Exd. P. Seetharam.



Communicating to the Legislative Council Proceedings, Local and Municipal Department, forwarding Proceedings, Public Department, on a resolution from the Government of India regarding the segregation of pauper lepers, with a request that certain additions and alterations may be made in the —.

find out what was done with papers  
relating to other Bills received after  
the report of the Select Committee but  
before the Bill came before the Council  
Such cases will show the usual practice  
you will have time to look them up while  
the Press is printing the paper. -X-



Note for the Under Secretary

The usual practice is after the Select Committee's Billings are over such papers are usually com<sup>d</sup> to the League Council. For example in the case of 'Madras Proprietary Estates Village Service Bill' -

S.O. 24 Leg. 23-3-93

108 Leg - 7-10-93

111 Leg - 12-10-93.

+ Des<sup>d</sup> 7 Nov 1893

In the case of the Bill <sup>in question</sup> itself please see S.O. 19-14-3-95, & before nos 87 & 89 Legre.

I herewith submit the Cus 196 in <sup>proof</sup> & beg to suggest that paper no 88 sh<sup>d</sup> as well be com<sup>d</sup> to the League Council.

\* Two copies.

CRV  
3/8.



Legislative Dept.

CURRENT NO. 176

Govt. of { 1895 } Madras.

Local and Municipal Department.

To

The Legislative Department.

Recd 15/7/95

Enc: 1 (copy of letter)

Proceedings, dated 8<sup>th</sup> July 1895,  
No. 1080/W

Subject.

Act IV of 1884

Forwarding to the Legislative Department C.O. Public Department communicating resolution of the Government of India regarding the segregation of pauper lepers with the request that certain additions and alterations may be made to the Bill to amend Act IV of 1884 and referring to the Surgeon General the portions of the Govt. of India's letter which relate to the proposed legislation regarding pauper lepers. (1) that in the larger gatherings the sale of



Current No. 1274 M.

From

FOR ORDERS.

The Leprosy question is of smaller importance in Madras where there are only 3.54 lepers in a population of 10,000 and the proportion is decreasing, than in most other parts of India (Census report, page 166), but in Ganjam there are 5.14, in Chingleput 6.06 and in South Canara 8.07 (In Bengal there are 8.09 in 10,000). The absolute number of lepers is great in Vizagapatam (964), in North Arcot 1136 and in South Arcot (1033) (Census Vol. XIV page 274) I doubt if asylums are required any where. Certainly farms are not. It may be that asylums would be good at Chattrapur, Madras (for North Arcot, Chingleput and Madras) and Calicut (where there is an asylum already) but I don't think asylums would be required elsewhere and think the opinion of the District Medical officers should be taken before establishing them there.

(Initialed) J. G.  
5/6.

The Public Department forwards copy of the resolution of the Govt. of India No. 2 Medical/138-149 on the proceedings of the Leprosy Commissioners with the request that it may be considered in the L. and M. Department whether the instructions in the resolution render necessary any amendments in the bill to amend Act IV of 1894.

2. The instructions as regards legislation are.—

1) that in or near municipalities and at the larger fairs and similar gatherings the sale of articles of food and

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alterations



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 (para. 8(2)).

(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 XXVI 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 suffering from the disease and without relatives who can properly care for and treat them (para. 9(2)).

(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.

concerned (para. 10(2)).

(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 (para. 11).

(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 (para. 11).

(6) the Govt. of India is not in favour of, but will not object to, a provision for the voluntary admission of lepers into asylums (para. 10(2)).

3. The amending bill having already passed through the Select Committee it is desirable that the alterations made should be as few as possible. The insertion of such a provision as that regarding vagrant lepers (2) would raise a general question of considerable importance and such

(2) and the first part of (3) must, I think, be dealt with by separate legislation. If this is decided on, let us have the existing Lepers Acts and the Bills which are under consideration in Calcutta (and elsewhere, if elsewhere) put up separately and not in the large file of the Calcutta Gazette. A few spare copies of the Calcutta Bill, at all events, might be written for.

(Initialed) H. W. B.

Yes separate legislation will be needed if asylums are established, but see note above. Perhaps it will be enough to amend the law

relating



much as could not conveniently be dealt with at this stage. Moreover, it would be premature to make such a provision before Govt. was assured that sufficient asylum accommodation had been provided. It is submitted that this portion of the resolution had better be dealt in a separate bill similar in its terms to Act XXXVI of 1858.

4. The financial part of the question (3) seems to be sufficiently dealt with in sections 113 and 114 of the Act as amended. Perhaps to leave no doubt about the matter the words 'lunatic asylums' in section 113(2) might be altered to 'lunatic and leper asylums' - as there would be nothing in this repugnant to the present policy of Govt.

5. The definition in (4) would appear to be necessary even if no other addition is made since the new section

relating to Municipalities (including the Madras Municipality) and to Local Fund Boards.

(Initialed) J.G.

I do not see why a section could not be introduced, authorizing Municipalities to erect and equip and maintain leper asylums outside or within their areas, and provide for their joining with Local Boards as regards financing them. It seems to me that it would be more complete to deal with all Municipal matters in the same Act.

(Initialed) J.G.

x I think this desirable / Yes and the wording of section 114 should be altered as shown in pencil in the copy in the file

(Initialed) H.W.B.

J.G.

x The Madras Leper Asylum is within the Municipality.

(Initialed) J.G.

(Initialed) H.W.B.

present there is apparently no need

and it should be in

section 205 A already provides for the expulsion of any leper found selling anything or handling any article exposed for sale in a market.

6. As to (1) the regulation of the exercise by lepers of certain trades and callings - this again is a large subject and it cannot be entirely disposed of by an amendment of the Municipalities Act. At the same time it is submitted that it would be better dealt with by amendments in the Municipal and Local Boards Acts than by separate legislation. The Municipal Act as amended already prevents lepers from selling or handling food in markets (section 205 A) and wherever a trade is subject to licence e.g. baking, washing &c. a leper can be prevented from carrying it on by refusal of the licence. At the

(Initialed) H.W.B.

J.G.

J.G.

anyway, bakers etc. must be included.

(Initialed) W.

CAN

22/7.



ingly) unless the mere fact of a  
 lepers carrying on such a trade could  
 be treated as a nuisance section 8(287).  
 It is therefore submitted that it might  
 be advisable to add a section after  
 the portion of the Chapter IV which  
 deals with offensive and dangerous  
 trades prohibiting with a penalty the  
 carrying on of any trade connected with  
 the food, drink, persons or clothing of  
 people generally by lepers or persons  
 suffering from any other loathsome  
 disease. A proviso - similar to that  
 in (5) above might follow this.

(Initialed) H. W. B.  
 J. G.  
 W.

Probably the proviso would  
 be best tacked on to the  
 definition of leper.

(Initialed) H. W. B.

(Initialed) H. W. B.  
 J. G.  
 W.

As for (6), legislation for the  
 voluntary admission of lepers into  
 a voluntary admission of lepers into  
 asylums seems unnecessary.

It might perhaps be ad-  
 visable to add a provision to the  
 new section 10 A to the effect that no  
 leper (i.e. as defined by the Govt. of  
 Madras) shall be liable for membership  
 of any committee or section

Yes and it should be made  
 that if becomes a  
 section, he should be  
 seat

(Initialed) H. W. B.

H. W. B.

(Initialed) H. W. B.  
 W.

x closed.

present there is apparently no me-  
 getting rid of one should he be re-  
 or appointed except by declaring his  
 continuance in office to be injurious  
 the efficiency of the Council (section  
 19 W (amended).

9. This disposes of the legal as-  
 pect of the question: for the rest it  
 is submitted that the Surgeon General  
 may be asked to report what number  
 of lepers approximately it would be  
 necessary to provide accommodation  
 for in the event of the proposed  
 legislation being brought in, what  
 would be the best places for accom-  
 modating them and what new ar-  
 rangements it would be necessary  
 make. It is understood that there  
 already leper hospitals at Madras  
 Calicut and Trichinopoly and that  
 the Tanjore District Board has  
 the erection of one under considera-  
 so that as far as the southern

District

The whole printed as a legislative  
 paper.

CAN  
 22/7



acts are concerned no very great  
expense would have to be incurred.

A note regarding the changes,  
if any, necessitated in the Local Boards  
Act II of 1884 will be put up for  
consideration after the decision of the ques-  
tions now raised in respect of the  
Municipal Act. It is presumed that  
the legislation will follow the same  
lines in both cases though in the  
former it will be only in the case of  
fairs and gatherings and of the  
neighbourhoods of Municipalities that  
action will be necessary.

(Initialed) C. G. I.  
3. V.

I am not sure that it would not be better  
make lepers the subject of separate legislation.

(Initialed) J. F. P.  
15/5/95.

As I said above, this matter which is to be  
purely Municipal and Local Fund affair had  
better be incorporated in the Acts which regulate  
their proceedings so that the members need only be  
obliged to resort to their own Act to see how their  
business should be carried on.

(Initialed) W. O.  
7 June.

/True copy/

C. G. I. Odhumbur  
11. VII. 95.  
Sg. Assistant Secretary  
for Chief Secretary.

GO 88-7-95 M. N. 1080  
Local and Municipal Department.  
68  
CHIEF SECRETARY  
MADRAS.  
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Public Department, Dated 10<sup>th</sup> April 1895,  
N<sup>o</sup> 273, communicating resolution of the Government of  
India regarding the segregation of pauper lepers & with  
the request that it may be considered whether the in-  
structions in the resolution render necessary any amend-  
ments in the Bill to amend Act IV of 1884.

Order, 8<sup>th</sup> July 1895, N<sup>o</sup> 1080 M. N.

The papers will be forwarded to the Legislative  
Department with the request that the following addition  
and alterations may be made in the Bill to amend Act  
IV of 1884:—

(1) in Section 5 a definition of the word "leper" such  
shall include any person suffering from any variety of  
leprosy in whom the process of ulceration has com-  
menced, with a proviso that no person shall be adjudged  
a leper for the purpose of the Act until after

examination  
the whole printed as a legislative  
paper.  
C. G. I.



ination by competent medical authority.

in Section 9 a proviso that no leper shall be eligible for appointment to a Municipal Council, and that any Councillor who shall, during continuance of his office, become leper, shall ipso facto vacate his seat.

in section 75 a provision for the insertion of the words "and leper" between "lunatic" and "asylums" in section 3 (ii) of the existing Act.

in Section 76 that the following be substituted for section 114:-

"If the expenditure incurred for any of the purposes described in the last preceding section by any authority constituted under the Madras Local Boards Act, 1884, or other similar law for the time being in force, is calculated to benefit the inhabitants of any Municipality, or if that incurred by the Municipal Council in any one Municipality is calculated to benefit the inhabitants of any other Municipality, the Municipal Council of the Municipality so benefited may with the sanction of the Governor in Council contribute towards such expenditure; or the Governor in Council may direct such Municipal Council to show cause, within a month after receipt of the order containing the directions, why such contribution should not

for Chief Secretary

of the Governor in Council, he may direct the <sup>Legislative</sup> Municipal Council to pay such sum as he shall name and it shall be paid accordingly."

(5) in Section 125 that the words "who sells or exposes for sale therein any article or" be omitted from section 205 A of the Act as it is proposed to amend it.

(6) a new section to follow section 133 to provide for the addition to Chapter IV of the Act of a section prohibiting with a penalty, the carrying on by lepers or persons suffering from any other loathsome disease, of any trade connected with the food, drink, persons or clothing of people generally.

(7) Another new section to follow this to provide that, in cases of doubt as to whether a person suspected of being a leper is or is not a leper, any magistrate of the first class may order him, within five days of the receipt of the order to submit himself for examination by such medical officer as the magistrate shall designate, and in case of his neglect or refusal to so submit himself, may cause him to be arrested and produced for such examination by such officer.

all whole printed as a legislative paper.

CAV

22/7.



remains for the ordinary for  
the purpose of submitting himself for examination by a  
medical officer.

2. The portions of the Government of India's letter  
which relate to the proposed legislation regarding vagrant  
lepers will be referred to the Surgeon General for report  
as to what number of lepers approximately it will be  
necessary to find accommodation for in the event of the  
proposed legislation being introduced, what will be the  
best places for accommodating them and what new arrange-  
ments it will be necessary to make. In this connection  
it will be observed that leprosy is less prevalent in  
Madras than in most other parts of India and that  
Government doubts the propriety of erecting additional  
hospitals, while it considers that farms for lepers are  
quite unnecessary.

(True Extract)

C. Todhunter

11-VII-95.

Sgt. Assistant Secretary  
for Chief Secretary

The Legislative Department, with copy of notes.  
Surgeon General.

containing the directions, why such contributions should  
not

for Chief Secretary

Legislative

Current No. 14

Order of 12<sup>th</sup> August 1895  
10.68

Communicated to  
the Leg. Council

D  
10.6.95

Note for Leg. Council

I presume you have checked  
the proof carefully. - Note that  
paper 88 must be commd to the  
Council, be careful to keep a list of  
the papers which will have to be  
laid on the Council Table at the next  
meeting.

To the Honble members of the Leg. Council  
" " Lt. M. Dept. V. 10.6.95

You can have it put a type  
at once including the Govt of  
India Resolutions in extenso  
I am not certain about the form  
of the order. Wasn't there a note  
about the subject the other day.  
I think I shall run.

Communicated to the Leg. Council  
to the Hon. Member in charge of  
the Dist. Bill

What was done with recent similar  
papers: -  
20.7

Note for U. S.

The above current  
is from the Lt. M. Dept. Suggesting  
certain amendments to the B.  
to amend Act IV of 1882 on  
considering the resolution of  
Govt of India regarding the  
segregation of pauper lepers  
recorded in G.O. of 10-4-95  
273 Public

The current should be  
printed for Comm. to the Leg.  
islative Council. It is Submi  
whether copies of the G.O. should  
be sent to the members of the  
Leg. Council when it is issued  
as also laid on the Table at the  
next Council

The original Lt. M. G.O.  
is not available.

CRN

18/7 Papers nos 87, 1089 are now put a  
Now that the Select Committee's sitting  
over, an order as the U. S. Suggest  
they to submit may be passed, & the  
the whole printed as a legislative  
paper.

CRN  
22/7



Bill to amend Act W of 1854  
(The District Municipalities Act)

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.  
189

LITHO

NUMBER OF COPIES  
REQUIRED. { Order complete.  
Letter only.  
Order complete with Letter.

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANTIME DESPATCH  
IN ORIGINAL.

N.B. —

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.

orig. copy. Lth. Progs  
sent to Press  
26/7