

Public (1895) Department.

ORDINARY MS.

G.O., No. 273.

DATED 10 April 1895.

[Despatch Abstract.]

SEGREGATION OF LEPERS.

Communicating, with remarks, to the Local and Municipal Department resolution, Government of India, in the Home Department, regarding the--.

ds

BACK PAPERS.

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

FURTHER PAPERS.

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

[11]
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Public	DEPARTMENT.
G.O., DATED 10 th Apr, 95	
No. 273	

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[Despatch Abstract.]

Communicating with
Remarks to the Local
and Municipal
Dept., revolution, Govt
of India in the
Home Dept., regarding
the Segregation of
Lepers.

Back Paper, No.

189

Further Paper, No.

of 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. , MISCELLANEOUS.

ENCLOSURES,

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

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[5]

1,000—13-1-95.

DEPARTMENT.

From

The Govt of India

Home Dept

No. ^{2 meet.}
138-149

Dated 23.3.95

Received 1/4
Resp 2/4
Enclosures

SUBJECT.

Com? copy of resolution re:
the necessity for state legis-
lation on the question of
the segregation of lepers:

Pub. G.O. 922-922A of 16-11-93 origl
21 of 9-1-91 mis
537 of 2-12-90 origl
721-2 of 29-10-90 mis
797-8 of 22-11-90 mis
582/3 of 16-8-90 mis
Inst 16-17 of 9-1-90 P.C.
1131 of 1-7-89 P.C.
Pub 1023 of 30-10-98 mis
1439 of 13-10-87 origl
281 of 3-3-77 origl
369 of 21-3-77 origl
397 of 31-3-75 origl
1105 of 9-10-74 origl
984 of 7-9-74 origl
644 of 19-6-73 origl
1346 of 9-10-77 origl
341 of 19-3-75 origl
869 of 18-7-64 origl
61 of 17-1-63 origl
1103 of 10-7-59 origl
1021 of 2-7-59 origl

Recd. 10/10/95 N° 273

Order 10/10/95

bound: to the Local
and Municipal dept
with the request that it may be
considered whether the instructions
in the Resolution require necessary and
in the Bill to amend
Act IV of 1884 published
as a Supplement to
the Fort St George Gaz.
ette of the 2nd instant.

7.5.95.
6.4.95.

to
The L. & M. dept
" Surg. Genl
" San'yoner.

15 APR 95
M.S.

WATER ORDER

Extract from the Proceedings of the Government of India, in the Home Department (Medical),--under date Calcutta, the 23rd March 1895.

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}
661-6, 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 the 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 at all events, the State could not attempt more than the encouragement of the grant of medical and charitable relief to lepers in voluntary hospitals and 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 Vict., 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 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 Medical Service—deputed by the Government of India, commenced its investigations in the winter of 1890-91. The Commissioners unanimously reported their opinion that:—(1) leprosy is a disease *sui generis*; it is not a form of syphilis or tuberculosis, but has striking ætiological analogies with the latter; (2) leprosy is not diffused by hereditary transmission, and for this reason, as well as because of the large extent of sterility among lepers, the disease has a natural tendency to die out; (3) though in a scientific classification of diseases leprosy must be regarded as contagious and also inoculable, yet the extent to which it is 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 con-

clusions 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 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

* 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 Vine, F.R.G.S. F.S.S. (Honorary Secretary).

- (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 Payrer 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 leprous. 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 towns 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 to 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 126,351, 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.

(True Extract.)

Offg. Secretary to the Govt. of India.

The Gov. of Madras.

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189 .

GAIN G.O., No.
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DATED

MENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

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LETTER OF GOVERNMENT.

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