

**BOMBAY MUNICIPAL CORPORATION.**

**MALARIA COMMITTEE  
PAPERS.**

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# BOMBAY MUNICIPAL CORPORATION.

## MALARIA COMMITTEE PAPERS.

### I.

*Extract from the Proceedings of a Meeting of the Corporation held on the 8th October 1914 :—*

In accordance with notice of motion, it was—

Proposed by Mr. D. E. Wacha—

“That with a view to satisfactorily allaying and setting at rest the existing soreness, irritation, and even indignation, prevailing for some months past in an acute form in the Town, a Committee composed of the following Councillors be appointed to consider and report as early as practicable how far and in what direction a new departure is essential for abatement of malarial conditions, bearing in mind the sentiments and feelings of the population :—

(1) The President; (2) The Hon'ble Sir Pherozezshah M. Mehta, K.C.I.E.; (3) The Hon'ble Sir Ibrahim Rahimtoola, Kt, C.I.E.; (4) Sir Bhalchandra Krishna, Kt; (5) Mr. J. S. Wardlaw Milne; (6) The Hon'ble Mr J. A. D. McBan; (7) Mr. A. M. Tod; (8) Sir Temulji B. Nariman, Kt; (9) The Hon'ble Dr. D. A. D'Monte; (10) Dr. K. E. Dadachanji; (11) Mr Joseph Baptista; (12) Dr. Dmsha, Bamanji Pestanji Master; (13) Dr. Jehangir J. Cursetji; (14) Dr. Nadirshaw H. E. Sukhia; (15) Dr. S. S. Bathwala; (16) Dr. Poonsey H. Meisheri; (17) Mr. Vasantrao Anandrao Dabholkar; (18) Mr. R. S. Navalkar; (19) Mr. Rahimtulla Curimbhoy; (20) Mr. Cowasji Jehangir; (21) Mr. Chunilal V. Mehta; (22) Mr. Jehangir B. Petit; (23) Mr. Jamsetji A. Wadia; (24) The Hon'ble Mr Munmohundass Ramji; (25) Dr. E. Moses; and (26) Mr. D. E. Wacha”\*

The motion was seconded by Dr. Nadirshaw H. E. Sukhia and *carried*.

\* Mr. R. B. Mantri, the Hon'ble Sir Fazulbhoy Curimbhoy Ebrahim, Kt., and Major W. Glen Liston, C.I.E., I.M.S., were appointed members of the Committee by Corporation Resolutions, No. 5693, dated the 23rd November 1914, No. 895, dated the 6th May 1915, and No. 1997, dated the 24th June 1915, respectively.

## II.

*Extract from the Minutes of the first Meeting of the Committee, held on the 30th November 1914 :—*

“Proposed by the Hon’ble Sir Pherozechah M. Mehta, K.C.I.E.—

“That Messrs. Merwanjee Muncherjee Cama and Narottam Morarji Goculdas, Principal Signatories to the petition to the Corporation, regarding the closing of wells and tanks in the City which was disposed of under Corporation Resolution No. 4073, dated the 21st September 1914, be informed that the Committee will be glad to hear about a dozen representatives of the Signatories in the matter and to invite them to attend a meeting of the Committee on Tuesday the 15th December 1914, at 4-30 p.m. (Bombay Time).”

*Carried with one dissentient.*

## III.

*Letter from the Commissioner, No. 29408, dated the 4th December 1914 :—*

“I have the honour to forward for information of the Malarial Committee a copy of the Press Note which I issued to the newspapers for publication on 20th July 1914, as to the objections raised to the action taken in connection with wells, and the extent to which these operations have affected the water supply.”

*Press Note referred to above :—*

As a good deal of misconception appears to exist regarding the extent of the anti-malarial operations in Bombay and as to the effect which these operations have had upon the water supply, the following note is issued for general information :—

Owing to the severe outbreak of malaria in Bombay in 1907 and 1908, Government placed Dr. Bentley, an officer of experience in malarial work, on special duty to enquire into the causes and extent of malaria in Bombay and as to the possibility of taking remedial action. Dr. Bentley’s final report, after an interim report published in 1910, was issued in 1911. The conclusions arrived at in that report have been confirmed by all subsequent enquiries and have never been seriously contested. They form the basis of all anti-malarial action in Bombay.

Dr Bentley's report was reassuring in the establishment of the fact that Bombay is not itself a naturally malarious area and that the undrained and low-lying portions of the Island which were formerly popularly supposed to be highly infected with malaria were as a matter of fact extraordinarily free from it. Dr. Bentley, however, proved that there was a most dangerous and widely spread amount of malaria in the older parts of the town which caused an enormous loss by annual sickness and consequent economic loss. He further proved that the only really dangerous mosquito so far as the carrying of malaria is concerned within the Island of Bombay is at present the Anopheles (*Neocellia Stephensi*). He established the fact that this mosquito is found principally in wells and that the area of extreme incidence of malaria in Bombay corresponded with remarkable exactness with the localities in which private domestic wells were common.

One of the strongest proofs of Dr Bentley's conclusions was the prevalence of malaria among the Parsis. This community from its superior average standard of living, its superior education and the readiness with which its members resort to medical advice, would ordinarily have been considered to be much less liable to malarial infection than the other communities in Bombay. It was found, however, both by the examination of spleen and by tests of blood to ascertain the presence of the malarial parasite, that the Parsi community was far more affected than either the Hindu or the Mahomedan communities. That this was not due to any peculiar racial liability to the disease was established by the fact that in the quarters where the Parsis were extremely affected, the Mahomedans and Hindus were also affected in almost the same degree while in the non-malarious parts of the Island, Parsis were not more liable than were people of other races. These facts were acknowledged, after independent investigation by Parsis themselves, to be correct and have not since been in any way challenged.

Dr. Bentley not only proved that the areas where an examination of spleen and blood showed a very heavy incidence of malaria were precisely those in which domestic wells were common, but he also found that of the breeding places chosen by *Neocellia Stephensi* 65 per cent were open wells and 16 per cent. other more or less permanent breeding places such as cisterns, fountains, etc., while 19 per cent. were temporary collections of water. This percentage, however, does not fully represent the preponderance of the inside well as the favourite breeding place of *Neocellia Stephensi*, because Dr. Bentley further found that the wells situated inside dwelling houses were the most prolific producers of

this mosquito whereas wells in the open, though frequently infected, showed only scanty proofs of larvæ. The wells moreover constituted permanent breeding places throughout the year whereas cisterns and similar receptacles were chiefly suitable for the production of *Neocellia Stephensi* during the monsoon months only.

Incidentally it may be remarked that Dr. Bentley proved that mosquitoes of the *Culex* and *Stegomyia* varieties, which are the most common and generally the most annoying mosquitoes in Bombay, breed most generally in stagnant or foul water especially in the entrances to storm water drains, which *Neocellia Stephensi* avoids. Neither *Culex fatigans* nor *stegomyia* has any connection with the spread of malaria and the closing of drains, gutter traps, and storm water catchpits though desirable, if possible, for the reduction of mosquitoes in general could have no effect upon the prevalence of malaria.

Dr. Bentley finally came to the definite conclusion that there was no reason why the highly infected parts of Bombay, which include the A, B and C Wards, should not be reduced at least to the level of non-malariousness which is found at present in the northern parts of the Island. He considered it to be possible to eradicate the local sources of infection which, as has been remarked above, consisted principally of wells. If, on the other hand, such eradication were not undertaken it was obviously possible that not merely would the infected areas continue to be as malaria-ridden as before, but that the infection would gradually spread over the Island until malaria was thoroughly endemic in the whole of Bombay.

On this report the Corporation sanctioned an extension of the anti-malarial measures already undertaken and Government also gave a grant with the special object of assisting in taking action against infected wells. A special staff was employed and placed in charge of one of the Assistants to the Health Officer who was thoroughly acquainted with the requirements of the work and with the difficulties that had to be met. A great deal of anti-malarial work in general has been done, but this note is intended to deal principally with the action taken in connection with wells. It may be stated at once that no action has been taken in regard to any well unless it is found to be infected with mosquito larvæ. Out of the 3,313 wells, in A, B, C, D and E Wards, these larvæ have been found in 2,202 which have been treated as follows:—

348 have been filled in.

770 have been hermetically covered—123 of which have been provided with hand pumps.

834 have been covered over, with trap-doors allowed.

In addition to these 250 wells are under legal action—16 for filling in, 108 for hermetical covering and 126 for hermetical covering with trap-doors allowed. It should be stated that nearly all of those that have been filled in entirely were altogether bad—many of them had not been used for many years for any purpose whatsoever and the owners made no objection to their being filled in. As regards those which have been hermetically covered, hand-pumps have been allowed in all cases in which owners desired to put them. This fact is shown prominently in red ink on the notice which is served on well owners. The cost of the hand-pumps is from Rs. 40 to Rs. 60 each, and the Standing Committee have been willing in every case to assist in allowing these pumps when the smallest reason for doing so existed. It will be observed that in the case of 960 wells trap-doors have been allowed. This has almost invariably been allowed on account of religious objections or prejudices to which the Standing Committee have given the greatest attention, even when they appeared somewhat far fetched. The permission to use trap-doors is, of course, open to very serious objection, from the point of view of efficient anti-malarial prevention. Trap-doors are constantly left open and frequently allow the entry of mosquitoes, either through original bad fitting, or through defects in or injuries to the frame work. Out of 834 cases in which trap-doors have actually been put in, in 119 within the last six months, action has had to be taken because owing to imperfect closing of the trap-doors, the wells were found to be infected with anopheles larvæ. The Standing Committee have, however, preferred that this risk of malaria infection should be undergone rather than that any religious prejudice of the people should be in any way offended, and have dealt with these cases with consideration and leniency.

There is, however, another aspect of the treatment of wells. In addition to the facilities which they give for mosquito breeding, it is well known that the great majority of wells in Bombay are highly infected with polluted matter of different descriptions and the water is seldom fit to drink. This may be proved by the fact that on the examination of 1,686 wells undertaken during the last 2½ years the water of 1,412 was found unfit for drinking purposes—that of 84 wells to be fairly potable and of 190 to be fit for drinking. It should be observed that this only represents chemical examination. Had a bacteriological examination been made there can be little doubt that a large proportion of the 190 wells would have been further declared unfit for drinking purposes. This fact is well-known to the people in general, and although there is a small section of the Hindu population which from religious reasons will not use pipe water at all, the great mass of the people do not under any circumstances drink the

water of these wells, but use it merely for washing purposes in times of scarcity of pipe water. In the great majority of cases, therefore, the provision of a hand-pump for water to be extracted from a well would meet all requirements.

It has now to be seen what good results have followed from the action that has been taken. This action has been, as will be gathered from what has been written above, only partial and not such as could be expected to produce entirely satisfactory results. Nevertheless the following table which is extracted from a report prepared by the Health Officer on the 7th May 1914, shows the improvement that has taken place:—

WARD	Spleen rate.			Parasite rate.			Mortality from Malaria		
	1910	1912	1913	1910	1912	1913	1910	1912	1913
A ... ..	29·9	33·50	15·87	34·8	10·54	2·98	80	91	65
B ... ..	13·0	15·03	3·18	13·1	3·01	2·89	78	101	47
C ... ..	5·9	9·99	4·89	34·5	14·14	1·88	50	58	53
D ... ..	2·7	3·90	3·41	3·8	0·00	0·00	29	22	24
E ... ..	1·8	11·40	4·96	3·8	7·97	5·45	37	56	47

It will be observed from this table that the spleen and parasite rate in the highly affected A, B and C Wards has been very greatly reduced between 1910 and 1913, and this reduction means an enormous diminution in sickness and suffering especially among small children. There has also been within that period a considerable reduction in mortality from malaria in these wards. But the diagnosis of deaths from malaria has been in the past so uncertain and even at present is so imperfect that it is more important to judge the results by the spleen and parasite rates. It will be seen from the figures that the results in D and E Wards, where anti-malarial operations have been slight, do not show any corresponding improvement during these years. So far as they go these figures are quite satisfactory. In addition, however, to the action taken in regard to wells which has been detailed above, a great deal has been done by constant examination, by serving of notice and by rousing the interest of house-owners to remove casual breeding places of mosquitoes and in several quarters in which the house-owners or occupiers have co-operated in this work, a very real diminution in the number of mosquitoes has been observed.

It will be gathered from the above paragraphs that while the work in connection with the wells has been proved to be eminently necessary, it has not been carried out in any hasty or harsh spirit. Every case in which there is the smallest objection raised has been considered by the Standing Committee with the greatest care and nearly every disputed case has been visited by the Commissioner personally.

It remains now to be seen what effect the closing of the wells has had upon the water-supply. It has been stated above that only 348 wells have been totally filled in and many of these were previously entirely unused. 770 have been hermetically covered over, in 123 of which hand-pumps have been allowed and the Standing Committee are perfectly willing to allow them in the remaining 647. Taking, however, the highest figure, less than 1,000 wells have been filled in or covered so as to prevent (in the absence of a pump) the use of their water. In the majority of these cases the water had not been used for drinking purposes for years. The real grievance regarding the shortage of water lies not in the closing of a certain number of extremely insanitary wells, but in the general shortage of the water-supply. It is well known that this supply has been extremely deficient for the past few years. While the demands of the population and trade have steadily increased, the available supply has actually diminished, because, owing to a series of years of short rainfall, the amount of water in the Vehar Lake has so decreased that it has been necessary to reduce the previous daily supply of  $10\frac{1}{2}$  million gallons to  $7\frac{1}{2}$  or 8 million gallons per diem. In the meanwhile not only has the trade of the City increased, but new mills, which consume a large amount of water, have been erected. The supply required for trade purposes has been given out by the Water Engineer in the most sparing manner possible. But if the industries of the City are not to be most seriously hindered it is not possible to limit these demands altogether and any further supply for trade and industry necessarily means reduction of domestic consumption. In the years 1912 and 1913, although the water-supply was short and people underwent a very considerable amount of inconvenience, there were fortunately no serious breaks in the water-supply; the deficiency of water was borne with patience and no very serious situation arose. In the present year, however, there were unfortunately within a short period a number of breaks, such as are liable to occur at any time and which cannot be altogether avoided. Usually it is possible to diminish the inconvenience caused by the cessation of supply in one part of the Town by giving assistance from the other portions of the City, but for various reasons, such as the cotton fires and heavy demands elsewhere, it has not been possible to do so in the present year. This



has brought about an acute feeling of dissatisfaction, and it is not unnatural that people should readily believe exaggerated accounts of the effect of the closing of wells and should regard such closing as the cause of the discomfort which would not have been appreciably diminished had all the wells in the Island remained open.

At the same time it must not be forgotten that there have been other causes which have accentuated the deficiency of water. In many places, high houses and chawls for many hundreds of inhabitants have been erected where only small buildings existed previously, for which the supply of water had been sufficient in the past. Water does not reach the upper parts of these houses and owners have been constantly advised to put in storage tanks and pumps, where the pressure is deficient to raise water to the upper floors. Although storage tanks have been put in to a considerable extent landlords have been unwilling to provide pumps. The expenditure involved not unnaturally makes them unwilling to do so. But it may be remembered that rents have been enormously raised within the last few years and never before has there been such a demand for house accommodation of almost every description. It may be presumed that the returns of house-owners have been correspondingly large.

Fortunately, however, the acute discomfort which is now felt has come at a period when its termination is well within view. The arrangements for an increased water-supply which were not sanctioned by the Corporation until 1911 have been pushed on with the greatest rapidity and fortunately with no serious hitch of any kind, although the sickness among the staff employed has been very considerable. Before the beginning of the next hot weather it will be possible to introduce certain amount of Tansa water into the Vehar Lake. From the Vehar Lake a 48 inch main has been laid in place of the 32 inch main, and it will be possible, immediately Tansa water has arrived in the lake, to increase the daily supply from the present  $7\frac{1}{2}$  million gallons to 11 million gallons per diem. This will only constitute a partial relief, though it should be of great help in the case of any break in the pipes. The new Tansa supply itself, however, may be expected to be available for the City by the end of 1915, or allowing for delays early in 1916. The distribution will not be perfected for some time after as various subsidiary works have to be done, but for all practical purposes there should be an ample supply of water before the hot weather of 1916 begins. With this early and certain prospect of a plentiful supply of water it may be hoped that the people of the City will once more show the same patience with which they have borne the scarcity of water in the past. It will, it may be hoped, be agreed from what has

been written above that it is not possible to suspend anti-malarial operations which are absolutely necessary for the health of the people and which have a very remote connection with the water-supply. These operations will be continued, as they have been in the past, to be carried on with the greatest possible regard for individual or general prejudices. No doubt the anti-malarial work affords opportunity for possible petty corruption just as any other branch of the administration in this country does. Attempts at extortion, however, can be more easily detected in this than in any other branch of the Municipal administration, because no anti-malarial work can possibly be taken except where malarial conditions have been shown to exist, and even then action is taken, not on the report of the subordinate but after inspection by the Malaria Officer and in contested cases by the Health Officer or Municipal Commissioner. Where such conditions do exist, and subordinates are bribed not to report them, it is not possible to feel much sympathy with the person giving the money. In any case complaints can readily be made to the Commissioner himself, or to the Special Malarial Officer, and they will be the subject of careful inquiry.

#### IV.

*Extract from the Minutes of the second meeting of the Committee held on the 15th December 1914 :—*

The following representatives of the signatories to the petition to the Corporation regarding the closing of wells and tanks in the City were present by invitation :—

- Mr. Tribhovandas Varjiwandas.
- „ Vishwanath P. Vaidya.
- „ P. N. Wadia.
- „ Lakhmidas Raoji Tairsi.
- „ Soonderao D. Navalkar.
- „ Rustomji Dadabhoy Mistry.
- „ Dinsha Pestonji Batha.
- „ Kaikhusroo Ardesir Enti.
- „ Dosabhoy Bejonji Motiwala.
- „ Shapurji Hormasji Mistry.
- „ Haridas P. Kapadia.
- „ Gajanan Sadanand Desai.
- „ Gopalji Valji Soonderji.
- „ Naranji Dayal.
- „ W. T. Halai.

The Charman informed the representatives on behalf of the Committee that they would be glad to hear any statement they might wish to make in regard to the question.

*Mr. Lakhmidas Raoji Tairsi* thereupon desired to state his case. The following is a record of the statement made by him and of the questions put to him and the answers given by him :—

He stated that he was Honorary Secretary of the Hindu Gymkhana and an ex-president of the Bhatia Mitra Mandal and that he owned about 7 properties in Bombay. There was a dispute with the Municipality in connection with a well at his property at Walkeshwar and that led to a prosecution. He was fined Rs 50 for not complying with the Municipal requisition in regard to the well in the Police Court. He appealed to the High Court where a Rule was granted against the Commissioner and subsequently made absolute.

Questioned as to what the prosecutions cost him he said—

“In the Police Court I appeared in person. The High Court proceedings cost me about Rs. 255. I have since covered a well at Holi Chakla leaving a trap-door for drawing water.”

*Mr. Tairsi* then continued :—

The pipe water is very defective. People do not get water when they want it. The Hindus have to clean their pots and pans after 10 in the morning when the morning meal is over and pipe water is not obtainable at the time and if there are no wells where are we to get the water from ?

*Sir Pheroze Shah :*

Q. Is that your main complaint ?

A. What I wish to say is that the hue and cry would be less if the pipe water was supplied at suitable hours. When the water supply is deficient if there is a well in the house, we could fall back on it.

Q. But so long as you get pipe water you would not complain about your well being covered over ?

A. Personally I would not complain but my mother who is a Marjadi would.

Q. If the use of the well water is allowed to you after covering it over would you still object ?

A. I would not object personally.

Q. I am not asking your individual opinion. Apart from religious grounds, do you think people would have any other cause for complaint if they were allowed the use of well water after the well was covered ?

A. In the case of those who have no religious objections there would be no objection to the well being covered so long as they are allowed to use the well water.

Q. Are you aware that most of the cases are of this character ?

A. Most people do not object to the use of tap water.

Q. Now let us take the question of the distribution of water. You know that our water supply is not constant and that water must be distributed to the different parts of the City at intervals.

A. Yes.

Q. I take it that what you complain of is that the hours of distribution are very inconvenient.

A. Yes, the present hours of water supply are very inconvenient to Hindus because they take their meals between 9-30 and 10-30 in the morning before they go to office, then the ladies take their meals at about 11-30, and then they have to clean their pots. It is just the time when they want water, but do not get it.

Q. You do not undertake to say that for the whole City ?

A. No. I speak of Mandvi and Fort where water is not given during those hours.

Q. Supposing all cannot be supplied with water at one and the same time, what method would you propose for the distribution of water ?

A. You should fix hours likely to cause the least inconvenience.

Q. Are you aware that the Corporation and the Executive have tried over and over again to supply water in the most convenient manner ?

A. I do not dispute that and give them credit for it.

Q. Could you suggest anything else by which the authorities can improve their system of distribution ?

A. I think water should be given between 10 and 12 in the forenoon and up to 9 or 10 at night. It is the time when water is required for washing purposes.

Q. If you receive water from 6 to 10 A. M. surely you can collect some water and you can use it for washing purposes.

A. The collected water would not be sufficient for the purpose.

Q. Supposing there is a well in the house you can use the well water for cleaning and washing purposes.

A. Yes.

Q. You can do that even if the well is covered and there is a trap-door.

A. Yes.

Q. So that you have no objection to a well being covered leaving a trap-door if there is no religious objection.

A. No.

Q. Suppose the Corporation are told by experts that it is desirable in the interest of the City that wells should be covered over to prevent Malaria mosquitoes from breeding therein would you have any objection to that being done?

A. No. So long as it is done in a sympathetic manner.

Q. As a representative of some of the signatories to the petition which was forwarded to the Corporation you agree that considerations of health must prevail.

A. Such considerations must predominate.

Q. Then I take it that if the Corporation and the Executive are told authoritatively by experts that it is desirable and even necessary for the preservation and maintenance of the health of the City that wells should be covered so as to prevent the breeding of mosquitoes, you would not consider it objectionable to direct that wells should be covered provided a trap-door is allowed for drawing water.

Sir Pherozechah, at this stage, enquired whether anybody else had any objection to the proposition.

*Mr. W. T. Halai* thereupon enquired if the water would not be spoiled owing to the covering of the well. He said that his experience was that if a well was covered, the water therein got spoiled, that the water of a well at No. 138, Mint Road, was used by his family for drinking purposes, his mother being a Marjadi and that the water was considered so good that Dr. Row and Dr. Jehangir had recommended its use in preference to pipe water, but that after it was covered over the water smelled and had suffered in taste.

*Sir Pherozechah :*

Q. You say that the water is spoiled. Have you got any expert opinion to say that it is really spoiled?

A. No, nor has my landlady got such an opinion. But if you think that it is not so you can send for the water and satisfy yourself.

*Dr. Sukhia :*

Q. Is the well covered with concrete or with wire gauze?

A. I have not seen the cover. It has been covered under the orders of the Municipality. I think there is a concrete cover on the well.

*Sir Pheroze Shah :*

Q. How long has it been covered?

A. Approximately about a year and a half.

Q. The objection which you raise to my proposition is that a concrete cover spoils the water.

A. That is what I have seen and my friends also tell me.

Q. Have you had any bad effect from the use of the well water?

A. No, except that I do not like the taste.

*The Commissioner :*

Q. Was your well in Mint Road covered on Municipal action?

A. Yes.

Q. Did I understand you to say that Dr. Row and Dr. Jehangir advised the use of well water in preference to pipe water?

A. Yes, they advised me to give that water to my daughter who was ill.

*Mr. Cowasji Jehangir :*

Q. Can you tell us definitely whether the well has been covered with concrete?

A. I think so.

Q. Have you not seen the cover of the well?

A. No. I have not.

Q. How many people live in your house?

A. About 50.

Q. Do they all use well water?

A. Most of them.

Q. How many tenants of the house use pipe water?

A. Less than half.

Q. Have those who use well water complained?

A. I have not enquired.

Q Then it is your personal complaint that the water does not taste well ?

A. Yes.

Q. How long after the well was covered did you find that the water had a bad smell ?

A. About 3 or 4 months after.

Q. Did you complain about it ?

A. No.

Q. Can you tell us what the size of the trap-door is ?

A. No.

At this stage, *Mr. Vishwanath P. Vaidya* addressed the Meeting. He observed that he had seen houses where a large number of people lived in each house and used well water, that if there was a large well, say of about 20 feet diameter, people could stand around it and draw water, but if the well was covered and a small trap-door was left so that only one man could draw water at a time, the inconvenience caused could well be imagined. Most of the people living in such houses were poor. They had to go without food. Also ladies had to put up with hardship as they could not go to the well when men were there. He had noted that in the case of three or four buildings of which he had personal knowledge. If some other method could be devised for drawing water from wells which were covered most of the difficulties would be obviated.

*Sir Pheroze Shah :*

Q. You are making these observations with regard to 4 or 5 buildings in which a large number of people have to use the well ?

A. Yes.

Q. Is there a supply of pipe water in these places ?

A. Yes.

Q. Leaving aside the Marjadis, the Hindus have no objection to use pipe water and they would go to wells for water when pipe water fails ?

A. Yes.

Q. In the C Ward of which you are talking pipe water is supplied from 5 to 9 A.M. and from 4-30 to 7-30 P.M. Now would it not be possible for people to store water during the morning supply which might last till 4-30 P.M. ?

A. Most of the people may have a "handa" and a "gudda" These would not contain sufficient water to last them till the evening.

Q. Could they not have two "guddas?"

A. They are very poor. If they had additional "guddas" there would be no inconvenience.

Q. You are giving instances of only crowded houses?

A. Yes.

Q. Of chawls?

A. Yes.

Q. There are people living in smaller houses also?

A. From my experience of C and D Wards, I think only those who are well off live in small houses. The poor live in chawls.

Q. How many of those forty or fifty families living in those four or five chawls to which you just referred could not use pipe water?

A. About three-fourths.

Q. Why?

A. Because they have got religious objections.

Q. Then you say that three-fourths cannot use pipe water on religious grounds?

A. That is my experience of one house.

Q. Is that typical of all the other chawls?

A. No. The proportion may vary from zero to any number. There may be many in those chawls who could use pipe water.

Q. Is there any other objection to the present malaria campaign.

A. The most important objection is in regard to the hardship experienced by the people in getting water.

Q. Now, if we are told by experts that it is desirable and necessary for the preservation and maintenance of the health of the City that wells should be covered so that no mosquitoes might breed therein, do you think that the Corporation should not do it?

A. From the figures I have seen I do not think that it is necessary to cover the wells for the preservation of health.

Q. Should we not be guided by experts? If they advise the Corporation to check the breeding of mosquitoes must we not do so?

A. I do not believe that mosquitoes breed in the well to such an extent as has been alleged. I deny that the experts' opinion is correct.



Q. You allege that a non-professional gentleman can form such an opinion merely from figures gathered from reports?

A. It is for you to judge.

Q. Should the Municipality follow the opinion of experts or of non-professional gentlemen like yourself?

A. If I were a member of the Corporation, I would oppose the proposal to follow the experts' advice.

*The Commissioner :*

Q. What figures do you refer to?

A. Death-rate figures in the reports.

Q. From that you argue that there is very little malaria in the City?

A. Yes.

Q. You mean to say that the spleen rate and the parasite rate are not high?

A. I cannot say.

*Mr. Jehangir Petit :*

Q. Is it not the case that in a chawl generally the majority of the people go to wells to take their water supply?

A. Yes.

Q. Supposing that a majority of tenants wanted to take water from pipes, would they get enough water under the present supply?

A. Impossible.

*The Hon'ble Mr. Munmohundass Ramji :*

Q. When do Hindus want water most?

A. Between 10 and 12 a.m. for washing clothes and pans.

Q. In the evening is not water required after meals?

A. Yes.

Q. Would it not be a hardship for people to go to the wells for taking out water at that time?

A. It would be a hardship.

*Mr. Cowasji Jehangir :*

Q. How many per cent. of Hindus have objections to use pipe water?

A. About 10,000 Hindus in Bombay City.

*Mr Tribhorandas Vanyvandas* then addressed the Meeting. He observed that they had heard much about experts. In the year 1869 a suit was filed by his father against the Municipality and expert opinion was taken. It was stated by one expert that sullage passed into sea-water and settled down there. Another opinion was that it floated on the surface and spread on the sea face. Eventually the latter opinion was upheld. He therefore submitted that they should not be carried away by expert opinion but take into consideration the general feeling and sentiments of the people. He had 6 or 8 wells in different localities. He received notices to cover up some of his wells and he requested the Commissioner to have them inspected and after examination it was found that out of 4 wells 2 were free from Malaria larvæ. The Commissioner then decided that the wells which did not contain any larvæ should be kept open and that the other wells should be covered leaving a trap-door. He had a well at Bhuleshwar the water of which was considered very good in that locality. Nevertheless, a notice was served on him for covering it. His well at Madhav Bag was in rather a bad condition and the Trustees of the well were willing to take steps to clean the well or to pump it out and clean it. If the members of the Committee would go to the flats, they would find rank vegetation abounding there. Who cared for that? In tanks and cutchra depots also malaria mosquitoes may be searched for. There were many mosques which had tanks. He wanted to know with regard to how many of them action had been taken. He knew of a case where the Commissioner allowed two trap-doors when one was found insufficient but the difficulty was that all could not approach the Commissioner easily. They might go to the Special Malaria Officer but he had to find work for himself.

*Sir Pherozechah :*

*Q* Do you know that Dr Shroff was an Officer of the Municipality before this work was given to him and therefore he has no need to "create" his present work?

*A.* Yes.

Mr Tribhovandas further stated that the general public feeling was to keep the wells open. If members of the Committee had attended the Public Meeting held at the Town Hall they would have seen that the popular feeling was against the closing of wells. In his house at Warden Road not a single case of Malaria was noticed still action was proposed to be taken with regard to a well in the house and correspondence was going on for 2 years.

*The Commissioner :*

Q. You have a good many wells. You wrote to me and saw me on numerous occasions. You are not afraid of me.

A. No.

Q. You never complained to me that you were worried or harassed.

A. No. But what is the use of complaining to you when we come to you for mercy?

Q. You are one of the Trustees of a well at Madhav Bag?

A. Yes.

Q. We offered to share half the cost when you raised an objection on account of expense.

A. Yes.

Q. Malaria larvæ may be found one day and not another?

A. Yes, but then how are we to act? My argument is that when people have not suffered from Malaria their wells may be left alone.

*Mr. Cowasji Jehangir :*

Q. Do you know of any instance in which people were harassed?

A. Take the instance of the Cloth Market well; if the Commissioner had not been good enough to see the well and if it was ordered to be covered over, it would have caused great hardship.

Q. Do you know of any instance where a well not containing larvæ was required to be covered over?

A. I am talking of my own wells.

*Mr. R. S. Naralkar :*

Q. Do I understand you to say that when there is no local case of Malaria, no action should be taken with regard to wells in the locality unless the water is dirty?

A. Yes.

*The Hon'ble Mr. Munmohundass Ramji :*

Q. What is the nature of the hardship you referred to?

A. Great inconvenience is caused to people. The general belief is that water is purified by being kept open and it is rendered more healthy.

*The Hon'ble Sir Phero-zeshah :*

Q. If members of the Corporation are advised by experts that it is desirable and necessary for the preservation and maintenance of the health of the City that wells should be covered so that no mosquitoes might breed therein and trap-doors be provided which would enable people to make use of the water, should they not act according to that advice?

A. I differ from that opinion. The Corporation may listen to the experts' opinion but the owners must be asked to clean the wells before action is taken. The Corporation ought not to disregard the general feelings and sentiments of the people.

Q. But you agree that action should be taken in such a manner as to minimize the hardship.

A Yes."

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## V.

*Letter to the Chairman, Malaria Committee, dated the 16th December 1914, from Mr. D. E. Wacha :—*

"I cannot refrain from embracing this the earliest opportunity after the meeting of yesterday to express my entire disapproval of the procedure adopted for the purpose of alleviating the grievances of those whom the Committee invited through Messrs M. M. Cama and Narottamdas. You will remember that I was the only member who at the first meeting of the Committee opposed the proposal, moved by the Hon'ble Sir P. M. Mehta, to invite a few persons to hear what they had to say. I opposed the proposal because I felt that it was unnecessary in view of the specific object for which the Corporation had appointed the Committee. The substance in effect of that Resolution by the Corporation is to assist the Committee in arriving at a reasonable agreement how far a modification might be deemed desirable so as to allay popular resentment. The Committee, however, agreed, save myself, to Sir Phero-zesha's proposal. And as a result some gentlemen came forward to state their grievances. The procedure which ought to have been adopted was simply to hear them. It was for the Committee afterwards to recommend the Corporation what modification of the Malarial policy was necessary and in what way in order to allay the irritation and hardship among a considerable population of the city by the prevailing method and manner of conducting the operations. As representing

the city, it was the solemn and bounden duty of the Corporation to see that no section of the community suffered by reason of the method adopted by the Executive to conduct the operations. The Corporation would not be discharging its duty by such distressed people if it failed to redress them. That being the position it was only necessary for the Committee to consider how to mitigate the evil. There was ample correspondence in the way of appeals, &c, made by various owners of private wells from time to time to discuss among themselves how far the grievances were well founded or ill founded and to make recommendations accordingly. Instead of adopting this simple and effective procedure, members were allowed to put questions to those who stated their grievances and that in an inquisitorial manner, as if the Committee were a body sitting in inquisition on them and they were the accused. Only the other day the Corporation condemned the inquisitorial character of the City Survey Bill and yet the Committee yesterday were themselves guilty of sitting up as an Inquisition. Questions regarding experts and other matter were put, which, in my opinion, were absolutely uncalled for. The persons who by our invitation came to state their grievances had nothing to say against the experts or the policy which the Corporation had adopted on the basis of the recommendation of experts. It was not for the purpose of condemning the experts' opinion and the policy based on it that they were called. I maintain once more that they were called simply to state how far the method and manner in which the Executive carried out the policy was of an irritating and harrassing nature, inflicting hardships in certain cases. Instead of the Committee hearing firsthand from the lips of these gentlemen a procedure was allowed by you which, in my opinion, was altogether unhappy and uncalled for. And I cannot but enter my emphatic protest against it. I am to request that you will be so good as to state at the next meeting of the Committee what is the proper procedure you propose adopting to hear those who have volunteered to come forward and state their grievances, so that those who like me have any objections to it may state them. My fear is that if unfortunately the procedure at the January Meeting is to be repeated it would needlessly protract the matter without any tangible result or relief. The object of the Corporation's resolution would be grievously defeated and only lead to an aggravation of the present irritation and indignation which the action of the Executive authority or rather that of its subordinates and far from immaculate subordinates has created and which must culminate some day in a serious breach of the peace or passive resistance to payment of Municipal taxes."

## VI.

*Extract from the Minutes of the third Meeting of the Committee held on the 2nd February 1915 :—*

“ The following representatives of the signatories to the petition to the Corporation regarding the closing of wells and tanks in the City, were present by invitation.—

Mr Lakhmidas Raoji Tansi.  
 Mr Soonderdas D Navalkar  
 Mr. Rustomji Dadabhoy Mistri  
 Mr Dinsha Pestanji Batha  
 Mr Kaikhusru Ardeshir Enti.  
 Mr Shapurji Hormasji Mistry.  
 Mr Gajanan Sadanand Desai.  
 Mr. Gopalji Valji Soonderji.  
 Mr Naranji Dayal.

The Chairman informed the meeting that he had received a letter from Mr. D. E. Wacha stating that the object of inviting the representatives of the petitioners was to hear what they had to represent and not to subject them to any cross-examination and requesting that a proper procedure may be adopted to hear them. With regard to this letter the Chairman observed that he concurred in Mr. Wacha's remarks as to the object of the conference and he invited the gentlemen present to state what they had to say.

He then informed the Meeting that written statements had been handed in by—

Mr K A Enti.  
 Mr Dinsha Pestanji Batha.  
 Mr. Shapurji Hormasji Mistry.  
 Mr Lakhmidas Raoji Tansi.

Mr. Kaikhusru Ardeshir Enti then read from his statement\* a portion which dealt with a well at No. 235, Bellasis Road. The questions put to him in regard to that case and the answers given by him are noted below :—

*The Commissioner :*

Q. Is that your own well ?

A. No. It belongs to Khan Bahadur B. D. Patel, C.I.E., and I am his attorney.

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\* Vile paper marked VII.

Q. Is it not a fact that I saw the well on the 29th of May last and found mosquito larvæ in it?

A. I cannot say whether you found larvæ in the well or not. There are various kinds of larvæ.

*Mr. Cowasji Jehangir :*

Q. You mentioned in your statement that the wire gauze over the well was damaged by Municipal Servants?

A. Yes.

Q. Will you tell us how it was damaged?

A. Municipal employés damaged the wire gauze cover by putting their fingers through the cover. Owing to climatic conditions the cover gives way.

*Dr. Sukhna :*

Q. Do you mean to say that although the Standing Committee and the Commissioner had allowed you to keep a wire gauze cover over the well, the Malaisia Department called upon you to have the well covered with concrete on the ground that the wire gauze would not last for a long time?

A. Yes.

Q. Then you mean that the Department concerned actually went beyond the authority given to it under the orders of the Commissioner and the Standing Committee?

A. Yes.

Q. And you make a serious allegation to the effect that damage was done to the wire gauze by Municipal employés.

A. Yes.

Q. Do you make this allegation now or did you do so before?

A. I have not made it before.

Q. Why not?

A. The damage was done only once. I used to examine the well every morning and have a look at the wire gauze cover; when I saw that some damage was done I made enquiries and I was informed by the Malli that Municipal employés had done the damage.

Q. Did you bring this matter to the notice of the Commissioner or of the Standing Committee or the Malaisia Department any time before this?

A. No.

Q Why not ?

A. I had no time to write to the Standing Committee.

Q What sort of a wire gauze was it ?

A It was an ordinary one.

Q. Did the Malaria Officer tell you, notwithstanding the recommendation of the Commissioner, that wire gauze cover would be allowed to you only once and that in future it would not be allowed ?

A. Yes.

Mr. Enti then read another portion of his statement which dealt with a well at premises No. 121, Medows Street.

The following questions put to him and the answers given by him in connection therewith are noted below :—

*The Commissioner :*

Q You say that the Commissioner's report to the Standing Committee in which he stated that the well was full of kutchra was not correct. Did I not see the well ?

A. Yes, you did. There were more than 200 persons at the premises and no one found kutchra in the well. When I was served with a notice in which it was mentioned that the well should be covered over within 14 days, I wrote to the Standing Committee and the Committee requested the Commissioner not to take any further action in the matter till the decision of the Standing Committee was arrived at. Notwithstanding this immediately after the expiration of 14 days I was served with a summons.

Q. Is it not a fact that at the instance of the Standing Committee a postponement of the case was asked for but that you objected ?

A. I did not object to the postponement. My Counsel objected

Q The case was proceeded with as it was insisted on your behalf and you were fined ?

A. Yes.

Q Do you know whether the Resolution of the Standing Committee was received by the Department after the summons had been taken out ?

A. I am not certain about it.



*Dr. Sukhia:*

Q. With regard to this well all that you wanted was given. What is the cause of complaint? Have you got the date of the summons and the date of the Standing Committee's order in respect of the well.

No.

Q. Can you tell us whether the summons was taken out against you after the Standing Committee decided that the Commissioner should not take further action for the time being in the matter of the well?

A. I cannot say that.

Mr. Enti then read a further portion of his statement and stated that if he was privileged to make certain statements, he would place certain facts before the Committee. He claimed privilege, because he would not like to expose himself to prosecutions on that account.

The Hon'ble Sir Pherozechah observed that it was not for the Committee to lay down the law and that Mr. Enti must take upon himself the responsibility for what he said at the meeting.

Mr. Enti then read the last portion of his statement which contained his suggestions regarding the procedure which should be adopted to minimize the grievances of the people.

Sir Pherozechah observed that it was not right on the part of Mr. Enti to cast aspersions on members of the Corporation and that he should not have made remarks such as "Corporators swallowed the Commissioner's report."

At this stage, the Secretary read out from the records of proceedings the following dates on which letters from Mr. Enti were received and orders passed in regard to the Medows Street well:—

On the 20th January 1913, a letter was received from Mr. Enti, requesting that the requisition for hermetically closing the well might not be pressed, that he might be allowed to provide a double cover over the well with a trap-door for removing the roots of the "people" tree and for repairing damage done by the roots, and a pump for drawing water and that in the meantime the Commissioner might be requested not to take further steps in the matter. This letter was forwarded to the Commissioner for favour of remarks under Standing Committee Resolution No. 6009, dated the 22nd January 1913.

On the 12th February 1913, another letter was received from Mr. Enti stating that his previous letter had been

forwarded by the Standing Committee to the Commissioner for remarks but that in the meanwhile he had been served with a summons to appear before the Chief Presidency Magistrate for non-compliance with the Municipal requisition. This letter was forwarded to the Commissioner with a request that action in respect of the well might be stayed pending the decision of the Committee in the matter.

On receipt of the Commissioner's report No. 228, dated the 3rd April 1913, the Standing Committee under their Resolution No 192,\* dated the 9th April 1913, requested the Commissioner to allow, in addition to the pump, a trap-door for drawing water until the roots of the "people" tree had been destroyed."

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## VII.

*Statement of Mr. K. A. Enti, Secretary, Jeejeebhoy Dadabhoy Charity Funds, Joint Secretary, Rate Payers' Association and Legally Constituted Attorney of Khan Bahadur B. D. Patel, C I.E., and of Bai Ruttonbai, wife of Khan Bahadur B. D. Patel.*

"With profound respect towards the City Fathers who have all assembled here this day to inquire into the grievances of the owners of wells, I beg to submit that this kind of inquiry is an event unprecedented in the annals of the Municipal Corporation of Bombay and I do not hesitate to say that the result of it will be highly beneficial to those who are concerned. Much importance is attached on the opinion of Dr. Bentley but we all know that experts' opinions are not always right and final. We should not blindly accept all that Dr Bentley mentions in his elaborate report right and correct, as we have in the past very sad experience of reports of experts especially in the case of the defective construction of drainage in the City which is the *essential* cause of the Malaria Epidemic and Plague in this city. You will all bear me out that wells in Bombay do not play comparatively a very important part in impairing the health of people here. Many of these are in existence from times immemorial. Mosquito larvæ are not found so abundantly in wells as they are found in manholes of drains and sewer, stormpipes, waterpools formed by leakage from Municipal reservoirs, standpipes, water taps, quarry holes, trenches by the sides of the two Railways and in monsoon everywhere and anywhere on road sides and not the least the foreshores. May I therefore be

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\* *Vide* page 953, Vol. XXXVI, Part II, Record 1912-13; pages 1010-11, Vol XXXVI, Part II, Record 1912-13 and pages 41-42, Vol, XXXVII, Part II, Record 1913-14.

bold enough to request you as City Fathers who are justly and fairly expected to look after the health of those under their care to let the public of Bombay know what immediate steps have been taken to remedy the evil and how far they have been found effective? Have the Municipal Authorities taken any steps against the owners of large stables such as those that are situated in the vicinity of the Byculla Club? I extremely regret to have to state that instead of abating the nuisance they are day by day increasing it; one single instance will be sufficient here. *At present the vast compound of the Byculla Club has for its honourable occupants hundreds of untrained horses.* If I am correct Dr. Bentley himself has admitted that it would not be sufficient to protect wells from larvæ. There are millions of adult mosquitoes and as soon as their favourite breeding places are abolished numbers of these will seek other suitable locations. If this opinion of your own expert is correct I am led to believe that the present system of destroying completely mosquitoes from this city is nothing else but a farce.

I now come to a most *important point* which concerns both the City Fathers and their proteges. The Corporation have declared its express opinion by a *Resolution No. 6784 of the 14th February 1910* after a very careful consideration that it would be well were the Municipal Commissioner and the Standing Committee to issue instructions to the Health Department that in carrying out its Malarial campaign it should avoid by all means in its power hurting the religious sentiments and feelings of such of the owners of houses as happen to have wells on their premises. I am extremely sorry to say that this opinion of the Corporation has been most *ruthlessly ignored* both by the Standing Committee and the Health Department by calling upon owners of wells to *fill in* or *hermetically* cover instead of covering the wells with mosquito proof-covering. It is to be highly regretted that Municipal Officers are *indiscreetly* concentrating their attention almost entirely to *indiscriminately filling* in or hermetically covering of wells. These officers have up till now done nothing in fact with regard to their own cisterns, storm-water passages, &c. Dr Bentley in his report at page 107 along with very many *other suggestions* about wells in general says: Wells may be protected by a cover of stone work or concrete, sheet iron, wire gauze or wood fitted with a trap-door and stocked with suitable fish. In some cases wells stocked with large numbers of small fish of a species known to prey upon mosquito larvæ require *no other* measure of protection if they are kept free of weed and floating. Cannot the Health Department take this work upon themselves and recover the charges from the owners of wells?

The learned Doctor further says that if water is required for use or if the owners are unwilling to protect their wells in the manner stated already they should protect their wells with a fitting cover of iron gauze of not more than  $\frac{1}{16}$  inch mesh or sound wood planking or sheet iron with or without an accurately fitting trap-door, etc. Instead of allowing the wire gauze of the above description I know of cases in which the Department compelled the owners to have wire gauze of  $\frac{1}{30}$  inch mesh.

Having said this I now proceed to enumerate a number of instances in which owners of wells being left entirely at the mercy of the Health Department have been molested and worried.

*Re the Well at 235, Bellasis Road.*

On 29th May 1912, the present Municipal Commissioner in company with the Malaria brigade inspected the above well and decided that the well should be covered over with wire gauze with a small trap-door, the key of which was always to be kept with the Health Officer. This was objected to by the owner's attorney. On the same day a petition was made to the President and Members of the Municipal Corporation. I may mention for your information that this same matter was brought before the Standing Committee on 15th March 1911, and the Committee after due and proper inquiry did not think to take any action against him. For a second time this came before the Standing Committee of June 1912 and was referred to the Well Committee. The Standing Committee on the report of the Well Committee decided this question in his favour and allowed him the wire gauze cover, which he was asking from the Health Department for the last two years and upwards. The key of the trap-door was allowed to remain with him and the insertion of a hand-pump was disallowed on grounds of religious scruples. In the body of the petition very serious allegations were made against the Health Department such as addressing one letter to him and keeping on the record another quite different from the former and referring to a letter which was never received by him. The petition was forwarded to the Corporation and the Commissioner was requested to investigate into this complaint and make his report. This transpired in June 1912. After full six months the Municipal Secretary in December of the same year wrote to him that his request was granted by the Corporation but nothing was said about the serious allegations that were laid against the Department, and though more than two years have passed he has not received any reply as yet. Now in respect of the same well the Special Assistant to the Health Officer, Malaria, sent him an urgent letter on 2nd November 1914 saying that the wire gauze was damaged and that the well should be covered over with concrete under instructions from the Commissioner. A reply was sent to this

stating that the attention of the party was already drawn previous to the receipt of the letter and that a new wire gauze cover was placed. As the party had previously objected to the closing of the well with concrete on ground of religious scruples and as he had *agreed before the Committee* to make good the damage whenever his attention was drawn to it, he would not cover the said well with concrete *That the damage in question was done by the Municipal servants and that they should be warned against repeating such pranks.*

In support of the allegation I herewith attach a copy of correspondence addressed to the Special Assistant to Malaria Department from the Secretary of Miss Petat. The Malaria Officer in reply to the above letter stated that he would recommend the Municipal Commissioner to accept the *wire gauze covering this time on distinct condition that in future if it is damaged the well should be covered over with concrete.*

I therefore beseech you to advise me how I should reply to the Malaria Officer who is over and above anxious to have his free will carried out, notwithstanding my undertaking before the Committee to make good the damage when done owing to climatic effect only and not done by the Municipal Servants.

#### ANOTHER INSTANCE OF HARDSHIP.

Re: *The Well at 121, Meadows Street.*

There was a series of correspondences about this well from December 1910 and then the question was not re-opened till December 1912, when the Municipal Sub-Inspector brought to me *eight notices in the names of parties that had departed this world some sixty, forty-five, thirty and twenty-five years ago,* instead of bringing fresh notices on proper parties, the same Sub-Inspector after a lapse of a very long time served a notice to me as the Secretary of the Jeejeebhoy Dadabhoy Charity Funds. The well was mentioned to be covered over within 14 days. Once more I had to trouble the Standing Committee and *the Committee requested the Commissioner not to take any further action in this matter till the decision of the Standing Committee was arrived at.* Notwithstanding the instructions immediately after the expiration of 14 days the same Sub-Inspector *brought a summons* and said that the Department was instructed to serve summons upon the party without the least delay. I had therefore to address a second letter to the Standing Committee stating my grievances and the Commissioner was told not to proceed into this matter. When the case for hearing came up before the Court the Deputy Health Officer asked for a postponement to this, and the counsel on the other side objected on the ground that

the case should not be postponed but the complaint should be dismissed with liberty to bring fresh action when necessary. The Presidency Magistrate paid no attention to this and fined the Charity Funds since the requirements were not fulfilled within the stipulated time. The Municipal Commissioner in his report to the Standing Committee then stated that as the *well was full of kutchra* it must be closed. There was not even a shadow of truth in this statement. The Commissioner was led astray on the report from the Malaria Department. The Standing Committee after proper inquiry decided the question in my favour. From this you will be pleased to see that no offence was at all committed. I am informed that such fines go into the coffers of the Municipality. Is it not then equitable to return the fine to the proper party when he was guilty of no crime?

#### INSTANCE NO III OF MOLESTATION AND WORRY

Three of the grand daughters of the First Baronet Sir Jamsetjee Jeejeebhoy sold away their property to another and the said estate stood in the name of the new purchaser on the Municipal roll. Previous to the sale the purchaser was a tenant at will in the said house and somehow or other he managed to keep the well open though notices were served to close it. This was done during the régime of the present Malaria Officer. This officer when Dr Turner went on leave was transferred to the Head Office in the summer of last year and Major Harvey succeeded him. This Officer in a straightforward way began to take actions against the well. A fresh notice was issued but the subordinates purposely served the notice on one of the vendors who thice refused to accept the notice that she was no more the owner. On the last occasion the notice was thrown against her. A complaint was made to Major Harvey about this and the investigation lasted for days and days together when the Malaria Specialist was reverted to his old post. The Health Department has utterly failed to trace the person who took the notice. *It is now left to your consummate ratiocination to draw inferences.*

#### INSTANCE NO. IV

Messrs. Dossabhoy Bezonjee Motiwalla and D. P. Batha, have also very serious grounds of complaint. One was served with a notice to cover a cistern which had no water in it and the well of the other was taken up by the Malaria Officer to be covered up by his own men without any warning and when a complaint was made to the Commissioner no reply was sent to him at all. I may here mention that if the Malaria Department

were to work *bonafide* there would be no ground of complaint. What is applicable to one must be applicable to all in such and similar instances without any exception. If a man wants to keep his wells undisturbed he has to take resort to a particular place in the Fort where he can through the medium of others have his desire carried out by hook or by crook. *In corroboration of this statement I may say that at Byculla, Gola Lane, Fort, and in very many other places there are wells which ought to have been closed long ago but have been still kept open, notwithstanding the notices issued against their owners.*

In conclusion I take the opportunity of most respectfully suggesting that the following procedure should be adopted to minimise greater evils :—

(a) Whenever an appeal is made to the Standing Committee or the Corporation against the decision of the Commissioner that body forwards the letter of the appellant to the Commissioner for favour of his remarks and the report of the Commissioner is taken as Gospel truth

This system is most deplorable. The petitioner must be given an opportunity of replying as for instance when the Dhobi Talao was filled in by the Municipality cartloads of silt from the drains were thrown into it. This was also witnessed daily by some of the Corporators and even myself. When late Khan Bahadur Dholoo complained of this the Commissioner reported to the Committee that the complaint was not correct. I wonder how those Corporators who themselves found the truth in Khan Bahadur Dholoo's complaint swallowed the report of the Commissioner. In future in order to put a stop to such ways of giving justice a Committee of two or three should be formed to inquire into the veracity of the complaint and allow the complainant an opportunity of giving a reply. The Bombay Municipality appears to be a milch cow. Petty employes earning about Rs. 30 per month while going home from the office in the evening buy their bazar worth two rupees every day. I know some cases in which Municipal servants when they first got employment were very poor. They had inherited nothing and they had no property of their own. In a City like Bombay where prices of food are very high and living is very dear a family man getting a salary of Rs. 200 or 250 cannot be expected after a service of a few years to erect palatial buildings worth 60 to 70 thousand rupees. In order to avoid this evil I think every alternate year an inventory of the Municipal employes should be taken as is done in some Government Offices. I regret to have to state that I have not dealt with other cases here owing to want of time, however, if necessary, I promise to continue further at the next meeting "

*Letter, dated the 19th August 1913, from the Ag. Secretary to Miss H. F. Petit, to the Special Assistant to the Health Officer, Malaria :—*

*Re : Well at premises No. 44, Forjett Street.*

“ With reference to my letter No. 1031 of the 15th instant, I have the honour to place on record that as arranged, Miss H. F. Petit's medical adviser and myself attended at the spot, and water was drawn from the above well and it was found that no living larvæ were found but only remains of some dead insects were all that could be found. Neither Culex nor Anopheles mosquitoes or larvæ were found. Now it seems that it is unnecessary to do anything further. Dr. Ranina, who was there admitted that there were no living larvæ to be sent for examination. Under the circumstances I am directed to state that if you still think that it is necessary, some fish might be placed in the well, and the matter might be closed here.”

*Re : Well at 34-38, Tardeo Road.*

With reference to the above well I am directed to point out that one of the servants of Mr. Bottlewalla, the tenant of the bungalow, was pointed out by me to Dr. Ranina, as having complained to me that some Municipal servant went to the spot, about five days back, and broke the wire gauze that was placed in the middle of the well. Under the circumstances I have the honour to request you to be pleased to make the necessary inquiries in the matter and do the needful, so that such an injury to the property might not be repeated. I am directed to point out that the chunks in the well, which are complained of and the trap-door will be attended to.

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*Letter from the Commissioner, No. 18187, dated the 29th September 1913, to Mr. R. F. Wadia, Acting Secretary to Miss H. F. Petit :—*

“ With reference to your letter No. 1041 of the 18th August last, I have the honour to point out that though you were asked to provide a hermetical cover over the well at premises No. 34-38, Tardeo Road, you covered it with wooden planks with a central opening protected by wire gauze and a wooden trap-door. As the arrangement is not mosquito-proof and the wire gauze has completely given way the requisitions of the notice must be carried out without any further delay.”



## VIII.

*Statement, dated the 1st February 1915, of Mr. Dīnsha Pestānji Batha, re closing of well at 80 Goga Street :—*

“ On, the 22nd August 1912, I received a notice, dated 17th June 1912, from the Special Assistant to the Health Officer, Malaria, in Bombay, stating that mosquito larvæ had been found in the well in my premises, viz, 80, Goga Street, and requiring me to fill in or hermetically cover the said well.

2. On the 26th August 1912, I wrote a reply saying that no such larvæ existed in the well and that the waters of the well were used for domestic purposes every day as also for the performance of religious ceremonies and I also pointed out that the said well was held in high veneration by several Parsis who some times even worshipped the same in the orthodox manner. Under the circumstances, I requested a reconsideration of the matter and offered to put in as many Khajura fish as necessary in order that mosquito larvæ, if any, might be destroyed.

3. *Two years* after this, the Special Assistant to the Health Officer, Malaria, restarted the same matter alleging that mosquito larvæ were bred in the well in spite of the introduction of Khajura fish.

4. I pointed in my letter in reply of the 16th June 1914, that if mosquito larvæ had reappeared, it might be due to the fact that the supply of Khajura fish in the well had gone out and pointed out that from the very fact that the complaint had been renewed after such a long lapse of time as two years it appeared that the Health Department did not find anything to complain of during the intervening two years and I requested a personal examination of the well, and offered to put in Pikoo fish as well.

5. On the 1st of July last, that is to say, only a fortnight after my said letter, I learnt with great surprise and pain from my tenants that some labourers and a mistry had entered into my house and had commenced to put a wooden covering on my well and had continued the work in spite of the violent protests of my tenants. I repaired to the spot and challenged the mistry to produce his authority for entering upon my premises and threatened to prosecute him for criminal trespass if he continued the work, as the work had been done without any intimation to me. Whoever authorised such action was, I submit, guilty of most high-handed and overbearing policy and was apparently acting beyond his powers. In consequence of this protest, the work was abandoned and the materials removed.

6. I lodged my emphatic protest against this action with the Municipal Commissioner on the 1st of July and asked for an explanation, but none was vouchsafed. I should have thought that in common courtesy an expression of regret might have been tendered or some explanation offered. I submit that nobody had any right whatever, without my permission or knowledge and in the absence of previous intimation, to enter in my property and to do work on it. The action was all the more offensive, as much as correspondence was going on in the matter and if any such action was within the limits of the powers of the authorities concerned due intimation would have been given to me. This is probably an instance in which Municipal subordinates acted in a high-handed manner either to frighten people or to assert in a wrongful manner their authority.

7. I was again served with another notice on the 31st August last and as my tenants threatened to vacate the house if the well was allowed to be closed altogether and as I was being constantly pestered with notices and threats, I had no alternative but to consent against my wish to cover up the well with wire gauze and on the 27th October the Municipal Commissioner gave me permission to do so, and have a trapdoor, same to be kept under lock and key except when water was drawn for religious purposes.

8. I respectfully submit that this order will work a great hardship on me and my tenants. There are five floors of my house and the tenants of the whole house use the water of this well and it will be highly inconvenient for them to draw water from a single trapdoor. Moreover when pipe water is not available it will be highly inconvenient for the tenants to draw water from the well for domestic use and supply through a small trapdoor. The demand for water when pipe water is shut out would be considerable and there would be great difficulty in supplying the demand of all the tenants through a small trap-door.

9. I also beg to point out that there is no reliable evidence to shew that as a matter of fact anopheles larvæ are bred in this well or that if they are bred they are not liable to be easily destroyed or that their disappearance cannot be secured by the introduction of a plentiful supply of Khajura and Pikoo fish which I am prepared to introduce and the supply of which I am prepared to maintain.

10. I now and then get the well cleaned by emptying the well and cleaning the whole of it, a process which is repeated every six or eight months. Having regard to the fact that I have been getting the well cleaned more than once in a year and

that I am willing to put Khajura and Pikoo fish and maintain its supply and there is no reliable evidence as to the existence of anopheles larvæ I submit I should not be compelled to put any covering on my well.

11. I had to submit lately to agree to adopt that course as there was no other alternative having regard to the attitude taken up by the Municipal Commissioner and I wanted to save myself from worry, annoyance and expenses of a Police prosecution. I request the favour of this well being not closed up as the water of this well is being used for religious purposes also as the well itself is held in great veneration as above pointed out and if it is closed the religious susceptibilities of those who have great veneration for this well would be very much hurt."

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## IX.

*Statement of Mr. Shapurji Hormasji Mistry, proprietor of House No. 373, Colaba Road :—*

"The Malaria Department is working with one eye, and that is, to close the wells of Bombay, either good, bad or indifferent, by fair means or foul. The Department is over-bearing, insolent, harassing and annoying to a degree. Their conduct has been so provoking that at times it might have led to a breach of the peace.

Gentlemen, I am not exaggerating in what I say, and saying it simply to malign the Department, but I am prepared to prove to your entire satisfaction or to that of any judicial tribunal not only every word but every syllable of what I have said, but you will have to keep patience and if this enquiry is intended to be a thorough and searching inquiry and not a superficial one, I submit, I will have to request you to follow the voluminous correspondence which I have brought with me and which dates as far back as July 1912, and I hope thereby to convince you of the truth of my assertions. You will see from this correspondence that this Department was working with the sole aim of having my well filled in by hook or by crook and were it not for the perseverance, great exertion and calm determination that I showed in these proceedings throughout the whole period, that the Department was thwarted in its evil aim. I took the matter to the higher officials but it was simply crying in the wilderness, and one was made to feel that one was not living under the benign British rule but was living under a Turkish yoke. The higher officials thought that any body who complained about the wrong doing of the Malaria Department were simply liars and they did so to

put obstacles in the way of the Department. This well was brought up before the Standing Committee of the Corporation for sanction to close it, but at my humble request that body exercised a wise discretion and appointed a Sub-Committee to enquire into the question of my well. This Sub-Committee, accompanied by the Municipal Commissioner, the Deputy Commissioner, the Municipal Secretary, the Malaria Officer, the Malaria Inspector and other Municipal servants assembled at my premises on the 11th June 1912. I am proud to say that I was then able to satisfy the gentlemen of the Sub-Committee and the Municipal Commissioner about the wrong-doing of the Department and the way in which the higher officials were misled by the false statements emanating from the Malaria Department and which tended to encourage that Department to carry on its wrong-doing further. The result of the meeting was the resolution of the Standing Committee that no action was necessary in regard to my well. Since the date of the meeting of the Sub-Committee at my place covering 17 months, I have offered 73 inspections of the well and 54 were actually taken without finding slightest trace of Malaria Larvæ. Still the Department is continuing its policy of pin-prick and annoyance now and then."

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## X.

*Statement, dated the 1st February 1915, of Mr. Lakhmidas Raojee Tairsee re public and charitable well situate at 9A, Walkeshwar Road :—*

"In connection with the above well notice was served on me by the Executive Health Officer, being No 28484 of 1909-10, dated 19th November, informing me that mosquito larvæ were found in the well and calling upon me to abate this nuisance by filling in or hermetically covering in the said well. On 18th December 1909, I informed the Executive Health Officer, with reference to the above letter, that the well in question was overhauled, and as water was constantly drawn and used, there was no possibility of larvæ being found, and added that in my opinion where water is drawn for examination to ascertain whether it contains larvæ or not, it is essential that the party to whom the well belongs should be given an opportunity to be present. I further pointed out the defects of *ex-parte* examination, and requested that such an opportunity should be given to me. In the said communication I assured the Municipal Authorities that I was not disinclined to consider such measures as may be suggested and will adopt the same for the maintenance of the said public and charitable well. A copy of the above communication was forwarded to the Municipal Commissioner for the City

of Bombay for his attention. On 21st January 1910, I was verbally informed that the Health Officer would visit the well at 3-30 p.m. that day, and I should be present. As it was a mail day I informed the party that it was not possible for me to be present at the time named, and requested that another day be appointed. I wrote to the Executive Health Officer on 22nd January 1910 as above. When water of the said well was examined (without previous appointment in my presence), no larvæ were found. (*Vide* the report of the Health Officer, dated 5th February 1915 to the Municipal Commissioner). However, the Health Officer recommended that, if the well is allowed to remain unclosed or uncovered, there is every likelihood of mosquitoes again breeding. The Health Officer also adds in the said report that as the well was reported to be pestertained, the larvæ must have been killed. Thereupon the Municipal Commissioner by his letter No. 36537, dated 12th February 1910, wrote to me that the requisition should be complied with. In reply to the above, on 22nd February 1910, I wrote to the Municipal Commissioner expressing surprise at the requisition made therein and pointed out again that short of closing the well I was willing and open to adopt any reasonable suggestion. I further added that it was a public and charitable well whose water was used by the Marjadis and others for religious purposes, and that it was in existence for over 60 years. By his letter No. D, 18299, dated 25th February 1910, the Deputy Health Officer, D Ward, wrote to me inviting my attention to his letter No. 28484 of 19th November 1909, requesting me to comply with the requisition contained therein within seven days or to state objections. On 12th March 1910, I informed the said Officer that my objections had been already communicated to the Municipal Commissioner, and I referred him to the said Officer.

Here the curtain drops. Interval 2 years and 4 months.

By his letter M. 7123, dated 22nd July 1912, handed to me on 26th August 1912, the Special Assistant to the Health Officer, Malaria, informed me that mosquito larvæ were found in the said well, which is a nuisance and danger to health, and I was asked to abate this nuisance by filling in or hermetically covering the said well, and that if I had any objections, religious or otherwise, I should state the same in writing in seven days. By my letter dated 31st August 1910, I informed the said Officer that no opportunity was given to me to be present at the examination of water of the said well and, till such an opportunity was given, I regretted not being able to go further in the matter. By his notice No. 28 of 1913, dated 17th February, the Municipal Commissioner under Section 381 of the City of Bombay Municipal Act, 1888, with the approval of the Standing Committee,

required me, within a month from date of service, to fill in or hermetically cover the said well, warning me that if I failed to comply with the said requisition, I would render myself liable to penalty under Section 471 of the said Act. On 4th March 1913, in reply to the above notice, I wrote to the Municipal Commissioner referring him to correspondence on the subject of the said well (and gave him particulars of the said correspondence), and pointed out that no opportunity was given to me, though suggested several times, as correspondence on records will show, of being present at the examination of water of the said well; and unless such an opportunity was given, the procedure adopted by the Bombay Municipality spells more of "I want it and you must do it," and if, in spite of this requisition I was taken to law, as threatened, I would place the matter before such a Court of Law. In the said communication I requested the Commissioner to place the said letter before the Standing Committee with such remarks as he may be pleased to make, and let me know if members of the Standing Committee are of opinion that owners of wells are not to be given an opportunity of being present when water is drawn for examination and to draw samples at the same time for examination by both parties. In reply to the above communication, the Municipal Commissioner by his letter No. 1151 of 14th April 1913 informed me that larvæ were found when the Special Assistant himself inspected the well and there is no reason to doubt the correctness of this and the action must proceed. Thus no reply was given to me as to the query raised nor was the communication placed before the Standing Committee and their opinion passed on to me. Thereupon I wrote to the President and Members of the Standing Committee on 28th April 1913, as under:—

"I should like to know when a party believing that a well is free from mosquito larvæ, in spite of contrary statement contained in the usual notice of the Malaria Officer, asks that the water of the well be drawn in his presence, whether his request should be allowed or not. Thanking you in anticipation, and soliciting the favour of an early reply."

Not having heard in reply I wrote on 5th May 1913 to the President and Members of the Municipal Corporation detailing my grievances. By his letter No 1486, dated 9th June 1913, the Municipal Secretary wrote to me informing that where parties reside at the premises the well of which is to be inspected, they are invariably called and shown larvæ present in the well water, but this is not possible where the parties reside elsewhere and that in such cases it is always open to the owner to have one or more residents of the house appointed to whom larvæ should be shown on inspection. Neither the Standing Committee nor the

Corporation, enquired whether such an opportunity, though repeatedly requested, was given to me and if not, why? On the other hand the Corporation contented itself by referring me to the Municipal Commissioner, against whose decision I had appealed. Such a procedure, in my opinion, is not in keeping with the ideas of even simple elements of natural justice, but to my regret I found that the Corporation could not be made to see this. This is tantamount to refusing to hear any complaint against the Standing Committee and the Municipal Commissioner, if so, one fails to see the *raison d'être* of the Corporation and has the effect of virtually establishing the Standing Committee Municipal Commissionerocracy. I was the more surprised at this action, when I remember that there are on the Corporation members who roar like lions on public platforms when Government refuses to separate judicial and executive functions in same hands. But nothing is impossible in an age of short memories. I was summoned to appear before the 2nd Presidency Magistrate on 22nd April 1913, to answer the charge of not complying on 1st April 1913, with Notice No. 28 of 1913, being Case No. M/281 of 1913, and after some hearings I was fined Rs. 50. In this connection I may mention that the learned Magistrate refused my application to summon the Municipal Commissioner and members of the Standing Committee and thus give me an opportunity of proving that the Municipal Commissioner, as required by the Act then in force (subsequently this Section has been amended) had not seen the well and hence had not formed any opinion as required by the Act, further the approval of the Standing Committee was not taken with the full knowledge of the facts of the case. Not being satisfied with the judgment in the case I moved the High Court for a rule which was granted, and the matter coming on for hearing the learned Judges set aside the conviction and directed the Magistrate to dispose off my application according to law to adduce evidence and finish the case accordingly.

In deciding the matter the learned Judge amongst other things said :—

“ But on one point at least we feel quite confident that the evidence was relevant and that is on the point that the approval of the Managing Committee was obtained on a representation of facts which in very material particulars was not accurate and therefore no true approval was obtained in which case the requisition of the Municipal Commissioner was not a proper requisition. The case coming on for disposal on the 18th November 1913, before the 2nd Presidency Magistrate the Municipality withdrew the prosecution unconditionally. In my case it was reported to the Standing Committee (*vide* proceedings of the meeting of 23rd December

1912) item 5512, "the party does not offer any objection" though the fact was otherwise. If your Committee will be pleased to call for a statement from the Standing Committee since the malaria policy was started the number of cases in which they gave approval, and the time this matter took, such a statement would be an eye opener to your Committee and will show more eloquently than one can say in words that the giving of requisite approval is but a solemn farce. Approval pre-supposes full knowledge, and I put it to you City Fathers, whether, under the procedure adopted by the Standing Committee, it is possible for them to have knowledge requisite to give approval. So far as I know and I say this open to correction the procedure was that the Municipal Commissioner put before the Standing Committee a statement of cases and asked for the requisite approval. *Original* papers, letters, complaints and objections received from owners were neither circulated nor actually placed before the Standing Committee. Sometime before, I believe, members of the Standing Committee used to visit wells, etc., in question before giving approval and why this salutary practice has since been discontinued is for you to enquire, may be it is discontinued out of deference to Resolution No. 6784 of 14th February 1910 of the Municipal Corporation. Why the practice referred to has been discontinued it is for you to ask and the Standing Committee to explain. It may be that while the object of malaria campaign is laudable, it is a melancholy fact that the way in which it is carried out, it entails unnecessary hardships, which are preventable with little more tact and more actual sympathy than the public have been getting from the Municipality. The present committee if it leads to no better result than above referred to, in my opinion will not have met in vain."

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## XI.

*Letter, dated the 25th January 1915, from Mr. W. T. Halai.—*

"With reference to the talk I had with you after the Committee adjourned its sitting I beg to send you my statement hereunder containing a few instances to be placed before the Committee and in case any member desires to be enlightened on any question or point I shall be happy to attend on the appointed day and time and give him such explanation as might be within my power. The crusade against the well and the Malarial policy in the way it is pursued by petty Municipal Officials has caused considerable hardship and serious annoyance and in several instances has given rise to petty corruptions. On the Municipal Corporation indemnifying the complainants of



the last named class against all costs and consequences incidental to the charges of corruption, I think they will be too glad to place the same before the Committee. It is not however my province to wash this dirty linen and I rest myself content with the following few suggestions which I have no doubt will convince the Committee as to the real hardships of the many voiceless people and I am fully confident that with sympathetic treatment, at the hands of the Municipal Commissioner and the Corporation, of this question many of the unnecessary hardships will be removed. I think in fairness to the Hindu Community it will be admitted that there are over 60,000 (sixty thousand) people in Bombay who do not touch or make use of pipe water at all, and to that number could be added a fairly large number of such of the members of their families who may personally have no objection to using pipe water and still they have to depend upon well water unless they could make separate culinary arrangements, and afford to keep double sets of kitchens, which I fear a few of this class can afford to do. In therefore allowing the campaigns against wells in the name of Malaria the Committee will be pleased to consider as to whether all these persons should be asked to leave Bombay as undesirable inhabitants by closing up the wells. Several houses with wells have had pulleys provided on each floor for conveniently drawing water from each floor without having to go down. The effect of small trapdoors where the same have been allowed of 15" x 15" have taken away this facility entirely and in particular in large houses people have to wait for a long time before they can draw water out of these trapdoors. The further effect of these trapdoors has been that whereas before the trapdoors were forced, people used to get these wells cleaned periodically by getting any dust, catchra or other materials which might have fallen therein being removed, in order to keep the water clean, but the trap openings have taken away this facility. Water is not available to people when it is most required in the forenoon for washing clothes, etc., and in the afternoon for cleaning pots, and even those who are not Marjadis but who cannot keep in their houses a large quantity of water for the said purposes are considerably inconvenienced. The house Ghaties clean the privies, urinals and nahanies after the morning work in their masters' house is finished, and there is no water for them in the pipes when it is most required in the forenoon. Besides the water that is obtained is at such a low pressure that one hardly gets water even in Fort Waid in the morning even on the 2nd floor and a tap on the ground floor can hardly meet the morning requirements of such a house. House-owners are also put to considerable hardships in the name of Malaria with regard to the water cisterns, etc., provided in the

privies under the flush water closets. Newspapers we always read about breed of Mosquito larvæ cisterns and pots, but I do not recollect to have ever at most of the gullies in the various localities which cost awfully and appear to have been the least cared for stated to be the sources of such breed and the most question that I think which requires investigation is it is the wells or these awfully smelling gullies and pools which breed Mosquito larvæ. It will be admitted the excavations and openings in the ground are also places for the Malarial Mosquitoes since these sort of things go over all the town and all year round. The following instances will show that the hardships of an owner will do not cease till he has entirely filled in the well, and as the same is not done, the house-owner is entirely aware of a Malaria mucedam, a clerk or inspector. Try now and then unnecessarily heckled with correspondence threatened with prosecution. At times the requisitions are so trifling and ridiculous or written in such a way that rather than carrying on unnecessary correspondence if the Malarial Officials honestly believed that it was a nuisance or danger to the health of the inmates of a house or people at large, rather than call upon the Government the Municipality ought to do it by itself.

In cases where proper covers to the well as required by the Municipality have been provided the requisitions from time to time are much as follows :—

(I) To fill the gaps in the cover over the well so as to render the arrangement *perfectly* Mosquito proof and air-tight.

(II) The perpendicular bar in the parapet well.

(III) The trapdoor has now become non-mosquito proof.

(IV) The hinges of the trapdoor have been broken. The whole arrangement must be made *quite* Mosquito proof and the trapdoor kept constantly closed under lock and key. The wire gauze of the sort provided is not likely to be permanently Mosquito proof.

(V) Small hollow perpendicular bars are full of water. They should be filled up with cement immediately.

Over and over the well is in *quite* non-mosquito proof condition and *Anopheles* Mosquitoes are found breeding and a serious nuisance.

the last named class against all costs and consequences incidental to the charges of corruption, I think they will be too glad to place the same before the Committee. It is not however my province to wash this dirty linen and I rest myself content with the following few suggestions which I have no doubt will convince the Committee as to the real hardships of the many voiceless people and I am fully confident that with sympathetic treatment, at the hands of the Municipal Commissioner and the Corporation, of this question many of the unnecessary hardships will be removed. I think in fairness to the Hindu Community it will be admitted that there are over 60,000 (sixty thousand) people in Bombay who do not touch or make use of pipe water at all, and to that number could be added a fairly large number of such of the members of their families who may personally have no objection to using pipe water and still they have to depend upon well water unless they could make separate culinary arrangements, and afford to keep double sets of kitchens, which I fear a few of this class can afford to do. In therefore allowing the campaigns against wells in the name of Malaria the Committee will be pleased to consider as to whether all these persons should be asked to leave Bombay as undesirable inhabitants by closing up the wells. Several houses with wells have had pulleys provided on each floor for conveniently drawing water from each floor without having to go down. The effect of small trapdoors where the same have been allowed of 15" x 15" have taken away this facility entirely and in particular in large houses people have to wait for a long time before they can draw water out of these trapdoors. The further effect of these trapdoors has been that whereas before the trapdoors were forced, people used to get these wells cleaned periodically by getting any dust, catchra or other materials which might have fallen therein being removed, in order to keep the water clean, but the trap openings have taken away this facility. Water is not available to people when it is most required in the forenoon for washing clothes, etc, and in the afternoon for cleaning pots, and even those who are not Marjadis but who cannot keep in their houses a large quantity of water for the said purposes are considerably inconvenienced. The house Ghaties clean the privies, urinals and naharies after the morning work in their masters' house is finished, and there is no water for them in the pipes when it is most required in the forenoon. Besides the water that is obtained is at such a low pressure that one hardly gets water even in Fort Ward in the morning even on the 2nd floor and a tap on the ground floor can hardly meet the morning requirements of such a house. House-owners are also put to considerable hardships in the name of Malaria with regard to the water cisterns, etc., provided in the

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our native countries Malarial Larvæ and Mosquitoes are got rid of—

- (1) By periodically cleaning wells
- (2) By placing Golden or Khajura fishes or tortoise in the wells
- (3) By water-ducks.
- (4) By exposing the wells to the light and heat of the sun.

The people with wells in their houses do pay water-tax without using the pipe water, and there is therefore no reason why the Municipality instead of asking them to be closed up should not clean the same periodically by pumping out water and using the same either for sprinkling on the roads or flushing the neighbouring gulleys. Personally as a Tax-payer I would not even object if the Municipality levies a small tax say of about 1 or 2 Rupees every six months on every house with a well, provided it gets the well periodically cleaned or a petty requisition to the well carried out.

This will—

- (1) Abate nuisance.
- (2) Leave no room for breed of Larvæ.
- (3) Save the Municipality costs of unnecessary correspondence and conflict with house-owners.
- (4) Save the tax-payers and the law abiding house-owners the worries of prosecution and persuasions at the hands of petty Municipal Officials.
- (5) And dispel petty corruptions."

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## XII.

*Letter, dated the 29th January 1915, from Mr. W. T. Halai :—*

"In continuation of my letter to you bearing date the 25th instant and in reply to your letter, dated the 26th instant to hand yesterday, I beg to bring one further fact to the notice of the Committee which through oversight I omitted to mention in my statement. About 2 days after my partial examination on the last occasion the Special Assistant to the Health Officer attended to inspect the well of the house wherein I am a tenant and intimated to me *inter alia*—

- (1) That the Municipality had never required the well in question to be covered and that the landlady had done so of her free will.

(II) That it was covered over 5 or 6 years ago and long before the Malarial campaign.

(III) That there were no Marjadis in the house except my family.

I intimated to him there and then which I repeat here that all the three statements were misstatements, because the landlady and her manager had come to me complaining and besides the suggestion that religious Hindus would prefer to voluntarily cover up their wells was on the face of it ridiculous. He then inspected a card which one of his assistants had brought showing the result of the various inspections which corroborated my statement before the Committee. I further informed him that about 3 years ago when I came to reside in the house in question I had to take several of my big articles of furniture from the rear portion by having the same drawn up by the coolies from the 3rd floor, the passage and the 4th floor being too narrow for taking up such articles and that one of such articles had actually fallen in the well which was entirely open and that I and others used to get the well periodically cleaned, and that there were Marjadis on the 2nd, 3rd, 5th and 6th floors, who did not use pipe water, and if so required all such persons may be inquired of. I bring these facts to your notice because my little experience has shown that on many occasions entirely misleading reports are made and some petty officials in order to justify their conduct have recourse to such things about which the less said the better. I shall feel obliged if you will kindly furnish to me a copy of any report that may have been made by any Malarial officials with regard to the well in the house where I reside."

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### XIII.

*Extract from the Minutes of the fourth Meeting of the Committee, held on the 22nd March 1915 :—*

"The following representatives of the Signatories to the petition to the Corporation, regarding the closing of wells and tanks in the City, were also present by invitation :—

1. Mr. Shapurji Hormusji Mistri.
2. „ Gajanan Sadanand Desai.
3. „ Kaikhusru Ardeshr Enti.
4. „ Naranji Dayal.
5. „ Lakhmidas Raoji Tairsi.
6. „ Sunderrao D. Navalkar.

In the absence of the President, Dr. K. E. Dadachanji was voted to the Chair.

The Chairman informed the meeting that a letter had been received from Mr. W. T. Halai, expressing his inability to attend the Committee's meeting as he had to leave for Cutch Mandvi that day.

The Chairman also informed the meeting that the Commissioner had forwarded, under his letter No. 40880, dated the 20th March 1915, a print of extract paragraphs from the Annual Report of the Special Assistant to the Health Officer, Malaria, for the year 1914, and that it would be circulated to the members in due course.\*

*Mr. Kankhusru Ardeshir Enti* read a further statement† giving additional instances of hardship entailed on house-owners owing to the action of the Malaria Department. The following questions were put to and the answers given by Mr. Enti:—

*The Commissioner:*

Q. Have you got anything personally to do with the case of the Shivalal Motilal Mills?

A. No. I am asked by Mr. Merwanji Alpaiwalla, Solicitor, to bring this case to the notice of the Committee.

Mr. Enti then read the further portion of his statement relating to a cistern at an oil mill in the compound of the Sunderdas Mills at Tardeo. With reference to the strictures alleged to have been passed by the Presidency Magistrate in that case the Commissioner put to Mr. Enti certain questions which together with the answers given by him are noted below:—

*The Commissioner:*

Q. How do you say that the cistern contained boiling water? Have you seen it?

A. Yes.

Q. Who told you all about this case?

A. Mr. Cama, Solicitor

Q. Did the tank always contain boiling water?

A. Yes

Here Mr. Enti referred to a well at Nesbit Lane belonging to Bai Mithubai Cawasji Petit. The questions put to him and the answers given by him in connection with this are noted below:—

*The Commissioner:*

Q. Where is the property situated?

A. In Nesbit Lane

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\* *Vide* Paper marked XVI

† *Vide* Paper marked XIV.



Q. Who is the owner?

A. Bai Mithibai Cawasji Petit.

Mr. Enti further stated as follows.—

“We have received an official letter in which it is stated that the well had been inspected by the Malaria Department.”

*The Commissioner :*

Q. When you say “we have received an official letter” what do you mean by “we”?

A. That is the parties concerned.

Mr. Enti further stated that the inspection took place between November and February and during the whole of that period only one larva was found.

*The Commissioner :*

Q. When did this case occur?

A. After the petition was sent to the Corporation.

*Dr. Sukhna :*

Q. You don't know the date of inspection?

A. No.

Mr. Gajanan Sadunand Desai then read his statement.\* The questions put to him and the answers given by him in regard thereto are noted below:—

*The Commissioner :*

Q. Do you complain of any particular case?

A. I am speaking generally.

Q. You say that a trap-door was allowed in your case and that it was allowed on religious grounds. Was that so?

A. Yes. As far as my case is concerned I have no objection to a trap-door being allowed and as far as my community is concerned there cannot be any religious objection to this

Q. Can you give any instance where a trap-door is not allowed?

A. No I leave it to Dr. Shroff. He knows it best.

*Mr. Wacha :*

Q. Do you know of any case where trap-door was not allowed in spite of there being religious grounds therefor?

A. I have heard of trap-doors not having been allowed in some cases, but do not know of any case definitely.

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\* *Vide* Paper marked XV.

*Mr. Shapurji Hormusji Mistry* then began to read a correspondence\* relating to a case of covering a well at his premises at Colaba and said that the correspondence showed what troubles he had been put to in that case. He submitted that as in another instance (referred to in the correspondence) some wrong had been done to him he had insisted that the inspection should take place in his presence. He was of opinion that wells should be kept clean. His well was not covered with anything and though it was inspected 54 times, not a single larva was ever found therein. Nevertheless, the question of closing his well was brought up before the Standing Committee, though it was proved that there were no larvæ in the well.

*Mr. Wacha :*

*Q.* Have you anything to suggest?

*A.* What I suggest is that instead of the Malaria staff which the Corporation maintain at present there must be a staff to go about and clean all the wells. If wells are kept clean, malaria larvæ will not breed therein. You may charge the owners for the cost of the staff.

*The Commissioner :*

*Q.* Do you mean to say that Malaria Larvæ do not breed in clean water?

*A.* No. If the well is cleaned from time to time there should be no chances for the breeding of Malaria Larvæ.

*Q.* How often would you have the wells cleaned?

*A.* Once a fortnight or once a month.

*Q.* In your written statement you accuse the Malaria Department of being unfair. Will you prove your allegations against the Department?

*A.* Yes I have stated everything in my statement and have clearly shown therein how the Department is harassing the public.

*Dr. Jehangir J. Cursetji* enquired whether the Commissioner admitted the charges levelled by Mr. Mistry against the Malaria Department, and if not, whether they could be substantiated by the correspondence.

The Commissioner repudiated the charges made by Mr. Mistry.

Whilst Mr. Mistry was about to resume reading the correspondence he was asked that copies of it might be supplied to the Committee so as to save their time at the meeting.

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\* *Vide* Papers marked XXV.

Mr. Sunderrao D. Navalkar proceeded to read his statement\* in connection with which the questions put to him and the answers given by him are as noted below.—

*The Commissioner :*

Q. Do you mean to say that larvæ were never found in your well ?

A. Yes. Never.

Q. Do you know that Dr. Shroff visited your well twice and found larvæ in it ?

A. He visited only once in my presence.

Q. Is Dr. Shroff's statement that he visited your well twice and found larvæ therein untrue ?

A. He may have visited when I was away.

Q. Dr. Shroff says when he found larvæ once and asked you to come and see it you would not come down. Is it true ?

A. No.

Q. Are you allowed a trap-door ?

A. Yes.

Q. Was it ever refused ?

A. No.

Q. Have you any grievance about getting water from the well ?

A. No.

Q. You are not a medical expert ?

A. No.

*Mr. Cowasji Jehangir :*

Q. Have you got any complaint at present ?

A. Yes. What I have to say is that though larvæ are not found in my well a trap-door is insisted upon. We want a well quite open for religious purposes. If a well is covered we cannot light a lamp in the niche of the well.

*The Commissioner :*

Q. You are a Pathare Prabhu ?

A. Yes.

Q. Mr. Gajanan Sadanand Desai, who is also a Pathare Prabhu, informs us that he has no objection to a trap-door, whereas you have an objection ?

A. He may have no objection, but I do have.

*Mr. Cowasji Jehangir :*

Q Now that your well is provided with a trap-door how do you perform your religious ceremonies ?

A. We have to submit to the will of the authorities with great inconvenience.

Q. Where is your house ?

A. At Princess Street.

Q. What other ceremonies you cannot now perform ? Is the lighting of a lamp in the niche of a well a ceremony ?

A. Yes. It is a ceremony. Besides the very idea of covering a well is against our religious views.

*Mr. R. S. Navalkar :*

Q. Is that your case that when only once larvæ were found the Department should not have insisted upon action being taken ?

A. On several (five) occasions they did not find larvæ at all, and yet they insisted upon the well being covered over.

Q Mr. Desai says that if a trap-door is allowed religious purposes would be satisfied. You don't agree with him ?

A. No. I don't agree with him.

*Dr. Jehangir J. Cursetji :*

Q. How often did the Malaria Officer's men visit your well in your presence ?

A. Once.

Q. Did they find larvæ ?

A. No.

Q. How often did they visit your well in your absence ?

A. I do not know. All these visits were paid by Inspectors and one visit was paid by the Malaria Officer.

Q. During the visit of the Malaria Officer were larvæ found in your well ?

A. No.

Q. Then in your absence it was found ?

A. Yes.

*The Commissioner :*

Q. When larvæ were found was there no one present in your house ?

A. I do not think anyone of my own family was present.

*Mr. Lakhmidas Raoji Tairsee* said that he had already put in a written statement\* and that if anybody wanted to ask him any questions he was prepared to answer them.

*Dr. Jehangir J. Cursetji* enquired whether the written statements put in by Mr. Tairsee were admitted or repudiated.

Mr. Tairsee replied that it was for the Committee to say that and added that if they wanted to ask him any questions in the matter they could do so.

No questions were asked by anybody, but Dr. Sukhia, however, suggested that in view of the fact that Mr. Tairsee's statement was a long one—nearly 9 pages—it would be better if Mr. Tairsee would tell them the gist of his complaint.

Mr. Tairsee accordingly gave the following points which he considered to be the chief grounds of his complaint.—

(1) The party to whom a well belongs should be given an opportunity to be present at the time when the water of the well is drawn for examination.

(2) The Standing Committee who are supposed to have a knowledge of the subject never consider any case fully. Original papers, letters, etc., are never circulated to the members of the Standing Committee.

In this particular case he said, without attributing any motives to the Malaria Department, that an incorrect report was made to the Standing Committee and though he pointed it out to the Standing Committee and the Corporation none of them cared to go into it. The speed at which they were working was very great. Nearly a hundred wells were ordered to be covered by the Standing Committee in about 4 or 5 minutes and if this was the way in which the work was being done by the Standing Committee it would be much better if one gentleman was appointed who would do the work in a better manner than the Standing Committee itself. The Standing Committee did not care to enter into the matter.

Mr. Tairsee further observed that according to the Municipal Act, he considered that the Malaria Department was working illegally and that the Commissioner had no power to delegate his authority. But that as the Section had since been amended he had nothing to say in this connection. He was prosecuted by the Municipality and fined by the Second Presidency Magistrate, but in the High Court the Magistrate's decision was set aside and the fine refunded. If the Standing Committee had cared to read the correspondence they would have given him justice

*Dr. Master :*

*Q.* You say in your statement (page 2) that "when water of the said well was examined (without previous appointment, in my presence) no larva was found. However the Health Officer recommended that if the well is allowed to remain unclosed or uncovered, there is every likelihood of mosquitoes again breeding." Is it correct?

*A.* Yes. It is so.

*Q.* Later on on page 3 you say "my objections had been communicated and the Municipal Commissioner and I referred him to the said Officer. Here the curtain drops. Interval 2 years and 4 months." Is it correct that no action was taken for 2 years and 4 months?

*A.* Yes.

(Here the Commissioner pointed out that Mr. Tairsee was referring to a period when the Malaria Department had not been created.)

*Q.* After the Malaria Department was created did you bring forward any objection?

*A.* No.

*Mr. Navalkar*

*Q.* At page 7 you say "In my case it was reported to the Standing Committee 'the party does not offer any objection' though the fact was otherwise." What do you mean by this?

*A.* I had taken objection, but somehow or other through oversight a wrong statement was made to the Standing Committee on which possibly the Standing Committee came to that conclusion. Notwithstanding my objection the Standing Committee was informed that no objection had been taken by me and they passed orders. I do not want to charge the Committee but I say that it is quite possible that an incorrect statement is made to the Standing Committee.

*Mr. Cowasji Jehangir :*

*Q.* Do you mean to say that the Standing Committee did not take any action on the statement placed before them?

*A.* Yes, because they never cared to go into it.

*The Commissioner.*

*Q.* In 1912 you had been served with a notice?

*A.* Yes.

*Mr. Cowasji Jehangir :*

*Q.* Do you mean to say that before a report was made to the Standing Committee by the Commissioner you received a notice calling upon you to do a certain thing?

*A.* Yes. I wrote to the Standing Committee, but having heard nothing from them I wrote to the Corporation. I did not know at that time (1912) that a wrong statement had been made to the Standing Committee. It was in 1913 (April) that I wrote to the Standing Committee that a wrong statement had been made to them and that I had objected to the action taken by the Municipality.

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#### XIV.

*Further statement, dated the 22nd March 1915, of Mr. K. A. Enti, Secretary, Jeejeebhoy Dadabhoy Charity Funds, Joint Secretary, Rate Payers' Association and legally constituted Attorney of Bai Ruttanbai, wife of Khan Bahadur B. D. Patel.*

#### INSTANCE No. V OF MOLESTATION AND WORRY.

*Re : Sival Motilal Mills, Tardeo.*

The Malaria Specialist addressed a letter No. M/787, dated 11th October 1914, to the owner of the Mills, and asked him to cover the cisterns that were found by him to breed Malaria larvæ. He further warned the owner, in case the requirements were not fulfilled, further actions would be taken against him. In fact there were two cisterns in the Mills which were never inspected. One was entirely mosquito-proof and the other contained hot water. Mr. Merwanji Alparwalla of Messrs Bicknell, Romer and Merwanji, on behalf of the owner, replied to the Malaria Office fully on the 18th November 1914 in this matter. On the receipt of this letter the Malaria Officer sent another letter No. 23963, dated 14th December 1914, in which he distinctly stated that no further actions would be taken in this case. The owner of the Mills had to incur a certain amount of expenses for this conduct of the Malaria Department.

#### INSTANCE No. VI OF MOLESTATION AND WORRY.

*Re . An Oil Mill in the compound of the Sunderdas Mills at Tardeo.*

In this instance, Mr. Davar, the owner, was prosecuted for not covering the cistern, in the Police Courts. When the case

came out for hearing before the Presidency Magistrate, it was found that the cistern contained boiling water. The learned Magistrate, before allowing the prosecution to withdraw, is said to have passed the following remarks :—“ It is not the closing of the wells, &c , that cause irritation to the public so much as vexatious prosecutions like this.”

INSTANCE NO. VII OF MOLESTATION AND WORRY.

I am very recently informed that the Municipal Commissioner has lately issued a notice against a person to cover the well with concrete, because, on inspection, one solitary larva was said to have been found in it.

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XV.

*Statement, dated the 22nd March 1915, of Mr. Gajanan Sadanand Desai :—*

“ I beg to submit my respectful protest against the entire closing of the wells in Bombay. But before I state the reasons, it would be well if I state the class of society I belong to, for the question affects the whole class in the way hereinafter mentioned I am a Pathare Prabhu, living at Thakurdwar C Ward. My community numbers about 4,700 people, all living in Bombay. I now proceed to state the grounds on which my objection is based :—

*First.*—The supply of water we get from the tap is not sufficient for all our purpose. We require water not only for a bath and cleaning pots, but also for washing clothes, dhoters and saris, which are not sent to the Dhobies. It is a religious practice with our people, both males and females, that they put on newly washed clothes every day before offering their prayers or taking their meals. Hence the daily washing of those articles of dress. Further we live in joint families and require a very large quantity of water for the daily baths of all the members of the family and it is difficult to store such quantity, because the tap is open for a short time from 5 A.M. to 9 A.M.

*Secondly.*—On particular occasions, such as the occurrence of a death in the family, a large quantity of water becomes immediately necessary, and it would be a cruel hardship if the family has to wait till the tap water becomes available. On such occasions, the members are not allowed by religion to touch anything, to eat and drink, unless they have taken a bath and



washed the clothes on their persons. If such casualties take place between the hours of 9 A.M. and 5 P.M., no tap water can then be had, for the taps are kept closed during these hours. Under these circumstances they must be allowed to have recourse to the use of well water for the purpose of bathing and washing their clothes.

*Thirdly.*—On the following special holidays wells and well water are absolutely necessary for religious purposes :—

- (1) During the Ganpati holidays we do not join the tomtom procession and take our Ganpatees for immersion to the Sea, but we do this ceremony at the wells of our houses and consequently require a well for the immersion
- (2) The Rushi Panchmi day is strictly observed by our ladies. On this day *well water* is essentially necessary for every lady of the house to have a bath. The water has to be drawn out of the well with her own hands. For it must not be touched by anybody. All this can be well managed, if our wells are allowed to remain unclosed.
- (3) The Shih Saptami day. This holiday falls on the 7th day of Shravan. Every lady of the house, who has children, worships well in her compound to safeguard the interest of her affectionate children and preserve their health from all satanic powers.
- (4) During the Munj and marriage ceremonies well water has to be drawn for the performance of those ceremonies.

*Fourthly.*—On general grounds common to other communities, it may be pointed out that the Municipal authorities have not yet provided for the contingency which not infrequently happens, when the main pipe is under repairs and no tap water is available for a whole day, nor have they provided any supply of water within easy reach which can be available when a fire breaks out. Under the circumstances I submit my respectful but emphatic protest against the entire closing of wells, until those contingencies (and there may be others) are provided against. I submit that if in the interest of the health of the City it is necessary to close wells, a trap-door may be allowed to be there, so that all the difficulties suggested above may be avoided and the health of the City ensured.<sup>77</sup>

## XVI.

*Letter from the Commissioner, No. 40880, dated the 20th March 1915 :—*

“ In continuation of my letter No. 29408 of 4th December 1914, I have the honour to forward herewith for the information of the Malaria Committee a print of extract paragraphs from the Annual Report of the Special Assistant to Health Officer, Malaria, for the year 1914 ”

*Extract paragraphs from the Annual Report of the Special Assistant Health Officer, Malaria, for the year 1914.*

20. During the last 3 years, 1,831 samples of well water were analysed by the Municipal Analyst and out of these only 204 were declared fit for potable purposes, giving a percentage of 11 14 as fit. The following table shows the result in detail :—

—	1912.	1913	1914.	Total
Fit for potable purposes ... ..	79	85	40	204
Unfit for „ „ ... ..	389	701	164	1,254
Objectionable or suspicious ... ..	86	117	60	263
Fair ... ..	11	59	28	98
No opinion can be given ... ..	5	7	...	12
	570	969	292	1,831

22. These trap-doors are invariably left open and warning letters have to be addressed to the owners. During the year under report 283 letters were addressed to parties to keep the trap-doors constantly closed under lock and key, out of which 40 were sent under the Municipal Commissioner's signature.

28. *Spleen Examination*—House-to-house inspection of children for enlarged spleen was continued during the year. The following table shows the result of Spleen Census by wards and sections :—

Ward.	Section.	Total No examined.	No. with enlarged spleen	Percentage by section	Percentage by wards.
A	Colaba .. ...	480	39	9 06	12·32
	Fort South ...	20	4	20·00	
	Fort North ...	1,337	159	11 89	
	Esplanade ...	249	40	19 67	
		2,086	251	12·32	
B	Mandvi ...	469	28	5·97	6·31
	Chukla ...	25	...	0·00	
	Umerkhadi ...	453	23	5 07	
	Dongri ...	689	45	6·53	
	Market ...	596	45	7·55	
	2,332	141	6·31		
C	Dhobi Talao ...	702	62	8·89	5·50
	Fanaswadi... ..	236	9	3·81	
	Bhuleshwar ...	284	10	3·52	
	Kumbharwada ...	501	20	3 99	
	Khara Talao ...	476	20	4·20	
	2,199	121	5·50		
D	Chowpati ...	115	23	20 00	5·77
	Khetwadi ...	803	30	3·73	
		918	53	5·77	
E	Tarwadi ...	688	33	4·79	4·56
	Byculla ...	1,311	64	4 88	
	1st Nagpada ...	146	2	1·36	
	2nd Nagpada ...	134	6	4 47	
	Tardeo ...	125	5	4·00	
	Mahaluxmi ...	72	3	4·16	
	2,476	113	4·56		
F	Parel ...	437	20	4·57	4·11
	Sion... ..	49	...	0 00	
		486	20	4·11	
	Total ...	10,847	699	6·75	6·75

29 From this it will be seen that Fort North, Esplanade, Chowpati and Fort South sections show high percentage. As

regards Fort South, the number examined is very small, as this section is mostly occupied by offices.

Chowpati included the examination of City Improvement Trust temporary sheds and Permanand's chawls. Here the high percentage is due to outsiders from infected villages coming and occupying these chawls.

There thus remain Esplanade and Fort North, showing respectively a percentage of 19.67 and 11.89.

30. The spleen rate in these sections in the previous years was as follows:—

Sections.	1909.	1910.	1912.	1913.	1914.
Fort North ... ..	49.44	...	40.48	15.27	11.89
Esplanade ... ..	73.38	48.4	27.37	15.63	19.67

It will be seen from the above table that Fort North shows still greater improvement over the figures of the last and previous years, whereas Esplanade section shows a little higher figure than last year. This is due to the changing population in the poor class chawls, including the bigaries' chawls, to the east of Frere Road and in the City Improvement Trust temporary sheds near the Carnac Bridge where children with enlarged spleen come from infected districts. In the City Improvement Trust chawls there were 14 enlarged spleens out of 94 examined and in the Paltou Road Health Department chawls there were 16 out of 62 examined.

31. The following table shows the spleen rates by wards for the last four years:—

Ward	1910	1912	1913	1914.
A ... ..	29.9	33.50	15.87	12.32
B ... ..	13.0	16.03	3.18	6.31
C ... ..	5.9	9.99	4.29	5.50
D ... ..	2.7	3.90	3.41	5.77
E ... ..	1.8	11.40	4.96	4.56

Thus, A Ward shows gradual reduction in the spleen rate since the last three years.

32. The spleen rate for the whole City was 6.75 against 5.87 during the preceding year.

33. The following table shows spleen rates by castes :—

Castes.	No of children examined	No with enlarged spleen	Percentage
Hindus ... ..	6,971	460	6.59
Mahomedans ... ..	1,757	95	5.40
Parsees ... ..	1,057	101	9.55
Christians ... ..	354	30	8.47
Jews ... ..	205	13	6.34
Chinese ... ..	3	.....	0.00

34. The Parsee spleen rate was almost the same as last year.

35. The following table shows spleen rate by castes for the last four years :—

Castes.	1910	1912	1913	1914
Hindus ... ..	16.5	10.55	4.71	6.59
Mahomedans... ..	20.5	4.88	5.75	5.40
Parsees ... ..	24.7	19.06	9.15	9.55
Christians ... ..	13.8	8.26	9.97	8.47
Jews ... ..	.....	6.96	6.47	6.34

NOTE—All these rates are below 10 per cent.

In the case of a healthy area, the average spleen rate amongst children is not above 10 per cent. ; a moderately endemic area, it is between 10 and 25 per cent ; a highly endemic area, it is between 25 and 50 per cent. and a hyperendemic area, it is above 50 per cent.

36 *Medical Inspection of Parsee School Children*—Dr. K. K. Dadachany, Medical Secretary to the Zoroastrian Conference has successfully carried out a scheme of medical inspection of Parsee children attending schools. In all 12 schools in the city were examined by different Parsee medical practitioners, and out of 1,946 children so examined, enlarged spleen was found in 273 cases, giving a percentage of 14.02. This percentage is higher by 4.47 over the figures arrived at by this office. This is due to the large number of children examined, including those residing outside the City of Bombay and attending the different schools.

39. Dr. Sir T. B. Nariman has supplied us with the following spleen rates of the females attending the Parsee Lying-in Hospital in Fort.—

1910 .. .. .	10 per cent.
1913 .. .. .	1.84 „
1914 ... .. .	2.96 „

40. The Joint Schools Committee of the Bombay Municipality recently appointed three Medical Practitioners to make medical inspection of all children attending the Municipal Schools.

In all 8,714 children were examined during the last year, and out of these 254 had enlarged spleens giving a percentage of 2.91.

41. The following table shows the spleen rate by castes as taken by these Medical Practitioners:—

Castes	No. of children examined	No with enlarged spleen	Percentage
Hindus .. .. .	7,579	213	2.82
Mahomedans .. .. .	866	25	2.88
Parsees .. .. .	219	9	4.11
Christians .. .. .	11	2	18.18
Jews .. .. .	39	5	12.82
	8,714	254	2.91

42. This return shows a very low spleen rate amongst the three principal Indian communities, *viz.*, Hindoos, Mahomedans and Parsees.

43. *Random Sampling.*—Random sampling was continued during the year under report. The parasite rate by wards and sections was as under:—

Section.	Month.	No of specimens examined	No. in which parasites found	P. C by section	P. C by wards	Remarks
A	{ Esplanade ... May ... ..	111	4	3 60	} 2 51	
	{ Colaba ... May and June...	52	...	0 00		
	{ Fort North. July ... ..	76	2	2 63		
		239	6			
B	Dongri ... October ... ..	70	1	1 42	1 42	
C	{ Dhobi Talao February and September ...	143	1	0 69	} 1 38	
	{ Fanaswadi... March ... ..	73	2	2 73		
		216	3			
D	{ Khetwadi ... April and August ... ..	148	3	2 02	} 1 86	
	{ Chowpati ... November ... ..	67	1	1 49		
		215	4			
E	{ Mazagon ... January ... ..	63	...	0 00	} 1 58	
	{ Tarwadi .. August ... ..	44	1	2 27		
	{ Byculla ... March and November ... ..	145	3	2 06		
		252	4			
Total ... ..	.....	992	18	.....	1 81	

45. The following table shows the mortality from Malaria by wards:—

Ward	1908	1909	1910.	1911	1912.	1913.	1914.
A ... ..	77	72	80	81	91	65	51
B ... ..	133	71	78	112	101	47	25
C ... ..	41	45	56	52	58	53	42
D ... ..	38	20	29	23	23	24	22
E ... ..	35	51	37	39	56	47	45
F ... ..	5	11	9	9	22	10	11
G ... ..	6	6	1	10	7	11	9
Harbour ...	6	17	9	8	3	4	8
Total ..	341	293	293	334	360	261	213

46. The result of the spleen and parasite rates of the temporary City Improvement Trust chawls near Carnac and Palton Roads was as follows:—

	1909	1912	1913	1914
Spleen rates ... ..	56	36·00	18·01	14·89
Parasite rates ... ..	40	19·17	3·12	4·44

47. The following table shows at a glance by wards the Spleen and Parasite rates and Malarial Mortality for the last 4 years:—

Ward.	Spleen Rates				Parasite Rates.				Mortality from Malaria			
	1910	1912	1913	1914	1910	1912	1913.	1914.	1910	1912.	1913	1914.
A ...	29·9	33·50	15·87	12·32	34·8	10·54	2·98	2·51	80	91	65	51
B ...	13·0	15·03	3·18	6·31	13·1	3·01	2·89	1·42	78	101	47	25
C ...	5·9	9·99	4·89	5·50	34·5	14·14	1·88	1·38	50	58	53	42
D ..	2·7	3·90	3·41	5·77	3·8	0·00	0·00	1·86	29	22	24	22
E ...	1·8	11·40	4·96	4·56	3·8	7·97	5·45	1·58	37	56	47	45



76. The following table shows by wards the number of wells in each ward, filled in, covered over, &c., up to the end of December 1914:—

	Total No. of wells.	No of wells filled in.	No of wells hermetically covered	No of wells hermetically covered and hand pumps fixed.	No. of wells covered leaving trapdoors	No of wells covered leaving trapdoors and hand pumps fixed.	Under fish trial.	Under correspondence with parties	Wells being covered by Municipal agency	Under notice	In Court	Not breeding
Colaba ... ..	65	11	17	2	19	2	1	5	...	3	...	5
Fort South ... ..	53	16	20	5	7	3	...	...	...	...	...	2
Fort North ... ..	506	64	133	11	211	5	18	14	9	24	2	25
Esplanade ... ..	68	14	17	8	14	2	8	2	...	...	...	3
	892	95	187	26	251	12	27	21	9	27	2	35
Mandvi ... ..	75	12	15	8	16	1	6	15	1	...	...	1
Chukla ... ..	74	7	32	5	13	3	1	10	1	...	...	3
Umerkhadi ... ..	49	16	12	3	4	5	4	2	...	...	...	3
Dongri ... ..	14	8	2	1	...	...	...	...	1	...	...	2
Market ... ..	264	16	71	32	92	19	9	3	6	5	...	11
	476	59	132	49	134	28	20	30	9	5	...	20
Dhobi Talao ... ..	404	31	81	9	209	7	17	40	4	...	1	14
Fanaswadi ... ..	253	17	28	13	81	12	9	44	5	3	2	38
Bhuleshwar ... ..	175	13	38	11	43	6	3	27	1	...	1	33
Khara Talao ... ..	12	1	1	...	4	...	1	3	...	...	...	2
Kumbharwada ... ..	48	3	6	2	14	2	3	14	1	...	2	1
	892	64	154	35	342	27	33	128	12	3	6	88
Khetwadi ... ..	219	34	52	11	68	9	5	15	3	...	1	21
Girgaum ... ..	342	25	82	9	53	9	5	49	2	4	1	93
Chowpati ... ..	140	30	41	4	32	4	5	17	...	...	1	6
Walkeshwar ... ..	121	17	14	5	27	6	5	16	1	2	1	27
Mahaluxmi ... ..	89	10	13	7	16	2	6	18	...	1	...	16
	901	116	202	36	196	30	26	115	6	7	4	163
Mazagon ... ..	93	14	13	1	15	3	2	31	...	...	...	14
Tarwadi ... ..	111	20	19	3	18	7	5	24	1	2	3	9
2nd Nagpada ... ..	8	1	3	...	1	...	...	...	...	2	1	1
Kamatipura ... ..	8	3	3	...	1	...	...	...	...	...	...	1
Tardeo ... ..	31	9	9	...	4	2	...	3	1	...	...	3
1st Nagpada ... ..	2	1	...	...	1	...	...	...	...	...	...	...
Byculla ... ..	58	13	18	5	14	1	...	5	...	...	...	1
Lower Mahaluxmi ... ..	37	9	6	2	6	...	3	5	...	...	2	4
	348	70	71	12	60	13	10	68	2	4	6	32
Total of A—E Wards	3309	404	746	158	973	110	116	363	38	46	18	338
			904		1,083			400				
Parel ... ..	95	14	8	...	1	2	32	51	...	...	...	19
Sewri ... ..	112	...	1	...	1	...	15	16	...	...	...	79
Sion ... ..	325	8	...	...	2	1	49	75	...	...	...	158
	532	22	9	...	4	8	96	143	...	...	...	256
Mahim ... ..	546	11	4	1	3	...	80	51	...	...	...	211
Worli ... ..	362	13	3	...	...	...	54	39	...	...	...	408
	908	24	7	1	3	...	134	90	...	...	...	649
Grand Total	4749	450	762	159	980	113	346	594	38	46	18	1343
			911		1,093			632				

77. Very little is being done in F and G wards and our efforts have been mainly in the first five wards of the City.

78. Out of 3,309 wells in A, B, C, D and E wards, 2,391 have been protected, giving a percentage of 72.25 to the total number.

Out of the remaining 918—

116 are under fish trial,

362 are under correspondence.

38, work to be done by Municipal agency.

46 under legal notice.

18 in Court.

338 not breeding at present.

If we take the whole city (*i.e.*, 4,749 wells), then the percentage of wells and tanks protected (*i.e.*, 2,464) to the total number comes to 51.88.

79. The following table shows the number of prosecutions for *wells* and *tanks* instituted and their results from the beginning of the Malaria Department up to the end of 1914:—

Years	Total No of prosecutions instituted.	Nos complied with, withdrawn and acquitted.	Nos. convicted and fined.	Amount of fine.	Percentage of convictions to the number of cases heard.	Remarks.
				Rs.		
1912	99	79	13	134	14.34	7 cases postponed to next year.
1913	389	296	45	479	13.19	55 do.
1914	226	228	32	434	12.30	21 do.
Total.	714	603	90	1,047	12.98	

80. The following table shows, in a tabular form, the actual work done during the year and also the figures for the same from the beginning of the Malaria Department up to the end of the last year:—

	1912.	1913.	1914.	Total from the beginning
No of wells filled in ... ..	*244	119	87	450
No of wells hermetically covered ...	*400	332	189	921
No. of wells covered with trapdoors ...	*381	407	305	1,093
No of wells covered, etc, without resort to legal action	616	343	248	1,207
No of wells, etc, reported to the Standing Committee or the Municipal Commissioner	250	547	331	1,118
No of wells, etc, in which sanction of the Standing Committee or Municipal Commissioner was received.	214	531	321	1,066
No of houses inspected by the staff (including repetitions)	208,804	217,366	175,770	601,940
No of notices issued re: cisterns &c ...	...	119	1,253	1,372
No of cisterns hermetically covered ...	1,161	690	2,428	4,279
No of children examined for spleen ...	12,026	18,613	10,347	40,986
No. of blood slides examined ...	1,333	1,717	1,207	4,257
No. of larvæ samples classified ...	3,517	2,722	1,204	7,443
No. of lectures delivered ...	15	7	2	24
Quantity of quinine distributed ...	32,650	51,604	30,476	114,730
Grs II	9,400	13,150	8,050	30,600
Grs IV	23,250	38,454	22,426	84,130
No of pools treated with pesterine ...	11,473	39,435	47,679	98,587
No of old receptacles removed ...	...	...	3,878	3,878
No of letters outwarded ...	27,780	31,236	34,053	93,069
No of letters inwarded ...	20,043	22,940	27,793	70,776

\* Figures for 1912 include those cases also as are complied with prior to 1912.

81. The total expenditure of this Department from April 1912 to 31st December 1914 was about Rs. 1,52,261.

## XVII.

Memorandum, dated the 22nd March 1915, from Mr. Dinanath Jagannathji—Forwarding, for information, copy, as follows, of his letter to the Standing Committee, dated the 20th March 1915:—

“ I beg most humbly and respectfully to forward herewith for your information and favourable consideration copies of the correspondence that has passed between me and the Special Assistant to the Health Officer, Malania, and the Municipal Commissioner for the City of Bombay, respectively, in respect of the

Municipal requisition to cover a well on my premises No. 25 (a) at Fauaswadi Street, and to request that you will be so good as to spare time to peruse it and to note some of the points raised in my letters to the above officials as well as in their replies. The correspondence itself will acquaint you with all the circumstances of the case and the attitude taken up by the authorities concerned, in connection with the said well although it breeds no anopheles mosquito larvæ. As several points of importance have been raised by me in the accompanying correspondence, I beg most earnestly and humbly to request that you will kindly consider the matter on its merits in the light of the statements made by me, by appointing a Sub-Committee of some of the members of the Standing Committee who may be requested to visit the said well and to examine the water thereof in order to satisfy themselves that the facts mentioned in my letters are correct. I have taken this opportunity of approaching you with a view to obtain redress at your hands in view of the fact that the Municipal Commissioner, Mr. Cadell, has so generously decided not to consider hereafter any further communication on the subject from me. (*Vide* Commissioner's memorandum No. 39743, dated the 10/11th March 1915, numbered 13 in the accompaniments.) Hoping to be excused for troubling you in this way and trusting to receive your favourable reply and redress in the matter "

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*Letter No. M/7793, dated the 8th July 1914, from the Special Assistant to the Health Officer, Malaria, to Mr. Dinanath Jagannathji.*

"I have the honour to inform you that mosquito larvæ have been found in the well in your premises No. 25 (a), Fanaswadi, which constitutes a nuisance and danger to health. You are therefore requested to abate this nuisance by filling in or hermetically covering the said well.

A further inspection will be made in 7 days, when, if nothing has been done further proceedings under Section 381 of the Municipal Act will be instituted in the matter.

If you have any objections against compliance of the requisition asked for above the same should be sent in in writing within 3 days from the receipt hereof. If no reply is received within the aforesaid period, it will be presumed that you have none to offer."

*N. B.*—It may be stated here that all that this Department requires is to protect the well from mosquitoes and not in any way to prevent the water being used. This can easily be achieved by covering the well with concrete, and by providing a hand-pump which can be had without rubber or leather valves.

*Letter, dated the 21st July 1914, from Mr. Dinanath Jagannathi, to the Special Assistant to the Health Officer, Malaria.*

"I have the honour to acknowledge receipt of your letter No. M/7793, dated 8th July 1914, which came to hand on the 17th instant, informing me that mosquito larvæ have been found in the well in my premisses No. 25 (a), Fanaswadī, and thereby it constitutes a nuisance and danger to health and therefore calling upon me to abate this nuisance by filling in or hermetically covering the said well.

In reply I beg to protest against the said requisition on the following grounds, *viz.*:—

1. That the said well has been in existence for over 70 years and that it has heavy and big natural springs on all sides of it and as thousands of gallons of the water are daily, from morning till late in the night, used by my tenants, it is rather surprising that it contains mosquito larvæ.
2. That on or about 13th June 1910, the services of the Municipal Pulsometre were engaged to empty the said well for the purpose of cleaning it, but the water from the natural springs being too heavy for the said Pulsometre to draw, the men in attendance worked for the whole day and then informed me that they were surprised at the heavy flow of water from the springs and were unable to empty it and consequently they had to stop working by about 6 o'clock the same day. The water in the said well always remains, even in the months of May and June, at least 4 to 5 feet deep in spite of the extent to which it is used by my tenants.
3. That the said well at present contains more than 20 to 25 dozen of Pickor, Khajura, and other sorts of fish and that it is every now and then cleansed and kept clean by my staff employed by me to look after the property. The water from the said well has been in the past and is also every now and then taken out and examined by me personally, but no larvæ has ever been found as reported by you. I am always for the sake and benefit of my tenants taking every sort of steps and precautions, to keep the well and its water clean and in good condition.

4. That the water in the said well remains plentiful even at the end of hot weather and it is of very great importance and necessity to keep the well in existence for any immediate use, such as in the case of fire, &c., on my premises, and as well as in the locality. I may here mention that you will not find such a plentiful supply of pure and good water in any of the wells in the locality, except in the 2 or 3 wells on the property known as Mr. Jagannath's Chawls.
5. That from the experience, which I have gained during the last two or three months when the water-pipes were not running on account of bursts in the mains, I would here mention that all the people in this locality and from the whole of the said Fanaswadi Lane and other localities came and fetched water from the said well for their domestic use and that on those days the said well was used by them the whole day.

Under the circumstances mentioned above I shall be glad if you will kindly see your way to withdraw the said intimation and instruct your men not to take any steps in the matter as directed in your said letter. In case you are not in a position to do this, I shall further be obliged if you will kindly instruct your Inspector to make an appointment with me on the premises, so that I may explain the matter fully to him and satisfy him that the well in question does not contain larvæ as reported by you in your letter under reply.

Lastly, before concluding this letter I may point to you that the real places where mosquito larvæ are bred are the gullitraps placed at the mouths of gullies which are seldom flushed by the Municipal Departments and kept clean. As I am a resident of Gugaum I am in a position to know how matters stand and I can, if necessary, quote one or two instances of this nature. Again I beg to draw your special attention to almost all the private lanes and gullies, as also public roads where the dirt, earth and sweepings are thrown by the residents, which are in most cases the chief breeding places for mosquito larvæ and not the wells only, as contemplated by your Department, and which require your special and immediate attention and careful supervision.

Hoping to be excused for troubling you in this manner and thanking you in anticipation."

*Letter No M/9925, dated the 29th July 1914, from the Special Assistant to the Health Officer, Malaria, to Mr. Dinanath Jagannathjee:—*

“With reference to your letter, dated the 21st instant, I have the honour to inform you that I personally inspected the well on the morning of the 25th instant and found larvæ of anopheles mosquitoes breeding therein. This, I regret, is a serious nuisance and cannot be allowed. However, under the circumstances mentioned by you I shall obtain the Municipal Commissioner's approval to the well being covered over with concrete leaving a small trap-door to enable you to draw out water for religious purposes. In the meantime I would request you to commence providing a concrete cover over the well in question, as it cannot, I regret, be allowed to remain open.”

*Letter, dated the 3rd August 1914, from Mr. Dinanath Jagannathjee, to the Special Assistant to the Health Officer, Malaria:—*

“I have the honour to acknowledge receipt of your letter No. M/9925 of the 29th ultimo delivered to my house on the 30th idem and note with surprise and regret that you still maintain that the said well contains larvæ of anopheles mosquitoes breeding therein and which, as you say, were found on your personal inspection of the well on the morning of the 25th July 1914, and therefore you suggest that this being a serious nuisance it cannot be allowed and that the said well be covered over with concrete leaving a small trap-door, which you will be good enough to allow to be kept after getting the Municipal Commissioner's approval to that effect.

In reply I am to say that since the receipt of your first letter of the 8th July last and my writing you in reply thereto on the 21st idem, I have been also visiting the said well every alternative day and inspecting the water therefrom with a magnifying glass. This has proved the presence of some small objects in the well, but those, I contend, might be the result of the fish breeding, as this is the season for them to breed. At the same time I may here mention that since my writing you on 21st ultimo, I am informed by my tenants and the staff to the effect that Municipal Officers have several times visited the place and enquired of those of my tenants who were present there, as to the purposes for which the water from this well is being used, and some other like questions were put to them and after receiving replies from them, they took down some notes and went away.

I am at a loss to see why the Municipal Authorities should insist to have those wells covered or closed which are cleansed and kept in good order and condition by their owners. I still maintain that the wells on our properties are being kept clean and in

good condition at a great expense, only for the benefit and convenience of our tenants, as you will see from the fact that they have been in existence for over 70 years, and are maintained and kept in such condition and state that although our tenants are using water therefrom for all purposes including drinking they have never suffered from Malaria fever. If the wells on our properties are the serious nuisance you complain of, I cannot understand why there have not been constant complaints of malarial fever prevailing amongst the tenants who are living there for more than 30 or 40 years. On the contrary they are greatly pleased and are always glad to live on these premises because those are kept in a very clean condition and all sorts of conveniences are afforded to them. Again I may say that the present supply of pipe-water is not at all sufficient for our tenants and therefore it is very essential for them to use well water the whole day for their daily domestic purposes and that by keeping one small trap-door will not serve their purpose of drawing water and they will suffer great trouble, hardship and inconvenience.

Under all the above circumstances and as shown in my previous letter, it is very essential and of great importance that the said well should be kept open. I shall be much obliged, therefore, if you will kindly see your way to reconsider the matter, allow the said well to be kept open and instruct your men not to take any steps in this connection

Hoping to be excused for troubling you again in this manner."

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*Letter No. M/11206, dated the 11th August 1914, from the Special Assistant to the Health Officer, Malaria, to Mr. Dinanath Jagannathjee.*

"With reference to your letter, dated the 3rd instant, I have the honour to inform you that the well was again inspected by me personally after the receipt of your letter under reply and was found to breed larvæ of anopheles mosquitoes. I regret therefore I cannot allow the well to remain open. The fixing up of a hand-pump for domestic purposes and the provision of a trap-door for religious purposes will obviate all objections, and I would therefore request you to attend to the requisition asked for without delay."

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*Letter, dated the 19th August 1914, from Mr. Dinanath Jagannathjee, to the Special Assistant to the Health Officer, Malaria.*

"I have the honour to acknowledge the receipt of your letter No. M/11206, dated 11th instant, and note with surprise and regret that you cannot allow the well in question to remain open on



the grounds that it has been found to breed larvæ of anopheles mosquitoes.

In reply I have to say that the chief places for breeding larvæ are not so much the wells, as all those places in Bombay where the monsoon water is allowed to accumulate during this season and that, it would appear, no active steps are being taken by your Department, which has a very vast staff as well as funds at its disposal, to mitigate this nuisance. You will always find that, in these monsoon days, mosquitoes are abundant in every part of the City and that nothing has been done to minimise the nuisance; but on the other hand your Department is always putting forward the wells as the chief cause and asking the owners to fill in or close them. I may here mention that most of the street gutters as well as private gullies, &c, are full of larvæ-breeding mosquitoes and that nothing is being done by the authorities in this connection. As a resident of Girgaum I can, on authority, state that there are no wells open in my neighbourhood with one exception—which, I am surprised to see, having missed the attention of the authorities, is still open—and there are nevertheless at present very many mosquitoes in the neighbourhood causing great inconvenience and loss of sleep at night Will you please therefore let me know the cause of the presence of the mosquitoes above referred to, seeing that there are no wells open in this vicinity?

Again I would earnestly call your attention to the fact that it is very difficult for my tenants, who belong to the middle and poorer classes, to make a store of the water, which is required by them during the whole day and night for their domestic uses and that it is therefore of very great importance to keep the said well open. My tenants particularly require water every day from 5 a.m. to 2 p.m. during the day and from 4 p.m. to 10 p.m. at night when the pipe water is not available. With regard to your suggestion that a hand pump should be installed for the domestic purposes I am to say that the maintenance of the pump will, from time to time, cause me inconvenience and expense, as the same will be used and worked not only by the adults but also by the children and will be constantly getting out of order. Again the provision of a single trap-door will not suffice for the requirements of the people who hold about 25 tenements on the said property.

I may here also mention that I quite agree with the views expressed by the Hon'ble Mr. Manmohandas Ramji, who presided over the public meeting of the citizens of Bombay held on 4th August 1914 in the Town Hall for the purpose of expressing the general feeling and sentiments of the citizens

against the closing of wells in this city by the Municipal Authorities and sending a Memorial in this connection to His Excellency the Governor of Bombay.

Under these circumstances, as well as those referred to in my previous letters and pending the final decision of His Excellency the Governor on the abovementioned Memorial, it is earnestly hoped that you will kindly defer taking any further action in this matter. It is also humbly and respectfully suggested that no further action should be taken by your Department in urging the owners of the wells to close or cover them against their feeling and sentiments and those of the general public.

Hoping to be excused for troubling you again in this manner.”

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*Letter No. M/12969, dated the 28th August 1914, from the Special Assistant to the Health Officer, Malaria, to Mr. Dinanath Jagannathjee.*

“With reference to the correspondence ending with your letter, dated the 19th instant, I have the honour to state that the matter cannot be deferred and further steps are being taken to enforce the requisition of this Department.”

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*Letter, dated the 5th September 1914, from Mr. Dinanath Jagannathjee to the Special Assistant to the Health Officer, Malaria.*

“With reference to your letter No. M/12969 of the 28th ultimo I have the honour to note, with regret, that further steps are being taken to enforce the requisition of your Department without deferring the matter in question.

In reply I beg to say that, from the correspondence that has passed between you and myself it appears that your Department has not enlightened me on any of the points put forward therein but is trying to repeat the same arguments and asking me to close the well in question. As your Department is one of enquiry as well as an Executive Office I fail to see why no satisfactory answers are coming forward to the several questions raised in my previous letters. Again I may here urge that a single trap-door will not suit the conveniences of my tenants as also the installation of a hand-pump will put me and my tenants to great trouble owing to constant repairs, etc., being required.

Under the circumstances mentioned above and those mentioned in the previous letters, I shall be much obliged if you will kindly allow me to provide the well with a trap-door on each

of the four sides of the said well subject to the following conditions:—

1. That two out of the four doors may be permitted to be in constant and daily use by my tenants, the other two to be kept closed under lock and key or screwed down. These two doors will, in case of any emergency, such as the stoppage of the pipe water owing to bursts in the mains or any other causes, fire, &c., be opened and used.
2. That I may be allowed to cover the well in question with Shahabad stones, with the provision of the above requested four trap-doors, and that no requisition by your Department for the installation of a hand pump be enforced.

In order to avoid further correspondence in the matter I have put forward the above proposal with a hope that it will receive your favourable consideration and sanction. Failing this I shall have no other alternative but to approach the higher authorities in this connection."

### A (2)

Notice under Section 381 of the City of Bombay Municipal Act, 1888, as amended by Bombay Act, No. VI of 1913.

C. WARD.

No. 308 of 1914-1915.

To

DINANATH JAGANNATH, Esq.,  
 OWNER OF PREMISES NO. 25 (a)  
 at FANASWADI STREET, BOMBAY,  
 (Jagnath Chawl).

Whereas in my opinion the well in your above mentioned premises is a breeding place of mosquitoes, now pursuant to the provisions of Sub-Section (1) of Section 381 of the City of Bombay Municipal Act, 1888, as amended as aforesaid, I do hereby require you within fifteen days from the service hereof to provide over the said well a cover of concrete leaving two 18" x 16" mosquito-proof Christie's wire gauze trap-doors to be constantly kept closed under a lock and key and fix in a hand pump if required.

If you fail to comply with the above requisition you will render yourself liable to the penalty prescribed in that behalf by Section 471 of the said Act, unless, within the time prescribed for compliance, as aforesaid, you deliver to me written objections to such requisition, pursuant to Sub-Section (2) of Section 381 aforesaid.

Dated this 26th day of October 1914.

(Sd) K B SHROFF,

(Sd.) P. R. CADELL,

Special Assistant to  
the Health Officer,  
Malaria.

Municipal Commissioner  
for the City of  
Bombay.

NOTE :—Under Section 68 of the City of Bombay Municipal Act, 1888, as amended by Bombay Act No VI of 1913, the Municipal Commissioner has empowered the Special Assistant to the Health Officer, Malaria, to exercise, perform and discharge the powers, duties and functions conferred and imposed upon and vested in the Commissioner by Section 381 of the said Act, as so amended.

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*Letter, dated the 13th November 1914, from Mr Dinanath Jagannathji, to the Municipal Commissioner for the City of Bombay :—*

“ I have the honour to acknowledge the receipt of your Notice No. 308 of 1914-15 dated 26th ultimo, and served on me on the 4th instant, requiring me to provide over the well at my premises No. 25 (a) situate at Fanaswadi Street, a cover of concrete, leaving two 18" x 16" mosquito proof Christie's wire gauze trap-doors to be constantly kept closed under a lock and key and fixed with a hand-pump if required.

In reply, I beg to protest against the said requisition on the following grounds.—

1. That the said well having been in existence for over 70 years, has heavy and large natural springs on all its sides, and as thousands of gallons of the water are daily from morning till late in the night used by my tenants it is rather surprising that it is a breeding place of mosquitoes. The water in the said well always remains, even in the months of May and June, at least 4 to 5 feet deep in spite of the extent to which it is used by my tenants. The well has already been stocked with 20 to 25 dozen of Pickoe, Khajua and other sorts of fish, and lately I have

added another 15 to 16 dozen of Pickøe fish to the previous stocks and the said well is every now and then cleansed and kept clean by the staff employed by me. The water from the said well has been in the past and is being at present also taken out and examined by me personally, but no larvæ has been traced in it. I have always for the benefit of my tenants taken every sort of precaution and steps to keep the well and its water clean, pure and in good condition at a great cost and expense.

2. That the water in the said well is so plentiful that it is of great importance and necessity to keep the well in existence for any immediate use, such as bursts in the water-pipe mains, fires, etc., and that you will not find such a plentiful supply of pure and good water in any of the wells in this locality except in the 2 or 3 wells on these properties. From the experience, which I have gained during the recent period of bursts in the pipe mains, I would here mention that all the people in this locality and from the whole of the Fanaswadi Street and other localities came and fetched water from the said well for their domestic and drinking purposes and on those days it was used the whole day by them.
  
3. I may here point out to you that the real places where mosquito larvæ are bred are the gully-traps put up at the mouths of the gullies which are seldom cleansed and flushed by your departments. Again, the other places for such breeding are all the private lanes, gullies, public roads where earth, dirt, sweepings, etc., are thrown by the residents. I am at a loss to see why the Municipal authorities should insist to have those wells covered or closed which are cleansed and kept in good order and condition by their owners, and further to see that no effort is being made by your departments to mitigate the nuisance by adopting measures to keep the drains, side-gullies, public or private lanes as clean as possible. Such places of nuisance as drains, gullies, etc., are the chief sources, which, I, as a resident of Girgaum, can prove from the fact that with one exception there are no wells open in my neighbourhood, and there are nevertheless at present very many mosquitoes in the neighbourhood causing great inconvenience and loss of sleep at night. Most of the gutters, gully-traps, etc., in this locality are full of larvæ-breeding mosquitoes but nothing is being done by the authorities in this connection.

4. Again I would earnestly call your attention to the fact that it is very difficult for my tenants, who belong to the middle and poorer classes to make a store of the water, which is required by them particularly every day from 5 a.m. to 2 p.m. during the day and from 4 p.m. to 10 p.m. at night when the pipe water is not available. With regard to your suggestion that a hand-pump should be fixed I beg to say that the maintenance of the pump will from time to time cause me inconvenience and expense as the same will be used and worked not only by the adults but also by the children and will in consequence be constantly getting out of order.
  
5. In connection with your opinion that the said well is a breeding place of mosquitoes, I cannot understand why there have not been constant complaints of malarial fever prevailing amongst the tenants or my neighbours who have been living there for more than 30 or 40 years, although the said well has been in existence for over 70 years, and the water therefrom has been used by them not only for domestic purposes but also for drinking purposes. Again the present supply of pipe water being insufficient for my tenants holding about 25 tenements on the said property, it is very essential and of great importance for them to use well water the whole day for their domestic purposes.
  
6. I may here also mention that I quite agree with the views expressed by the Hon'ble Mr. Manmohandas Ramji, who presided over the public meeting of the citizens of Bombay held on 4th August last in the Town Hall and the views lately expressed by Mr. D. E. Wacha in the Corporation Meeting; and therefore it is earnestly hoped that you will kindly defer taking any further action in all such cases of compelling the owners of wells to close them against their feelings and sentiments and those of the general public as it is understood that a memorial in this connection has been presented to His Excellency the Governor of Bombay by the citizens and that a Committee has been lately appointed by the Corporation to deal with and thrash out the whole question on the motion of Mr. D. E. Wacha.

Under the circumstances mentioned above I have the honour to request you to be good enough to withdraw the said notice and instruct your men not to take any further steps in the matter."

## E

Notice under Section 381 (2) of the City of Bombay Municipal Act, 1888, as amended by Bombay Act No. VI of 1913

C WARD.

No 390 of 1914-1915.

To

DINANATH JAGANNATH, Esq.,  
OWNER OF PREMISES No. 25 (a) at FANASWADY STREET,  
(JAGANNATH CHAWL), BOMBAY

Whereas by Notice No. 308, dated 26th October 1914, you were required pursuant to the provisions of Section 381 of the City of Bombay Municipal Act, 1888, as amended by Bombay Act VI of 1913, to provide a cover of concrete, leaving two 18" x 16" mosquito proof Christie's wire gauze trap-doors to be constantly kept closed under lock and key and fix in a hand-pump, if required, over the well in your abovementioned premises, and whereas pursuant to Sub-Section (2) of the said Section 381, you delivered written objections to the said requisition which objections have been duly reported to and considered by the Standing Committee. And Whereas the Standing Committee have decided that the said well must be covered over as aforesaid and have approved of my instituting a prosecution against you under Section 517 of the said Act if you should fail to carry out the said work. Now, I do hereby require you within fifteen days from the service hereof to provide a cover of concrete, leaving two 18" x 16" mosquito proof Christie's wire gauze trap-doors to be constantly kept closed under lock and key and fix in a hand-pump, if required, over the said well, and I warn you that, if you fail to comply with this requisition, you will render yourself liable to the penalty prescribed in that behalf by Section 471 of the said Act—Dated this 9th day of February 1915.

(Sd) K. B. SHROFF,	(Sd.) P. R. CADELL,
Special Assistant to the	Municipal Commissioner
Health Officer, Malaria.	for the City of Bombay.

*Letter, dated the 2nd March 1915, from Mr. Dinanath Jagannathji, to the Municipal Commissioner for the City of Bombay.*

"I have the honour to acknowledge the receipt of your Notice No 390 of 1914-15, dated 9th February 1915, which was served on me on the 22nd idem, informing me that the Standing Com-

mittee having considered my objections have decided that the well on my premises No 25 (a) at Fanaswady (Jagannath's Chawl) must be covered over and therefore requiring me within 15 days from the service of the said notice to provide a cover of concrete, leaving two 18" x 16" mosquito proof Christie's wire gauze trap-doors to be constantly kept closed under lock and key and fix in a hand pump, if required, over the said well.

In reply I have further to protest strongly against the action you have taken in the matter in spite of the facts already intimated to you to the effect that the water in the said well is as clean as possible, and that it is stocked with about 40 dozens of Khajura Pickœ and other sorts of fish and contains no mosquito-breeding larvæ. Further I have to say that since my writing you last, *i e.*, on 13th November 1914, I have attended at the said well every third or fourth day and examined water therefrom with a magnifying glass and have so far *even up to yesterday* found nothing in it. Further I beg to say that your Malaria Department Inspector who always visits the well and examines water therefrom has also satisfied himself that water from the well in question is clean and free from the mosquito-breeding larvæ. I am also at a loss to see what circumstances have compelled you to approach the Standing Committee and take such steps without satisfying yourself whether the facts mentioned in my previous correspondence were correct or not.

It is with regret that I find that although I have already pointed out to you and the Special Assistant, Malaria Department, that the most dangerous and chief places for the mosquito-breeding larvæ are the gulli-traps, drains in private lanes, gullies, cesspools, &c, no immediate action has been taken by the Department concerned to minimise the nuisance thus caused to the inhabitants of Bombay, which I can prove from the fact that the side gullies are seldom flushed and cleansed by the Health Department, say—even once in 3 or 4 months. On the contrary, overlooking the real facts *re* drains, gutters, &c, your Malaria Department is always after the well and thus putting the owners of the wells in trouble, hardship and to unnecessary heavy expenses.

Under the above circumstances and as shown in my previous correspondence I shall be greatly obliged if you will kindly visit the said well personally, and by examining water satisfy yourself as to whether the facts enumerated above are correct or not. Further I shall be indebted to you, if you will also be pleased to withdraw the said notice under reply and issue instructions to the effect to defer taking any further action in the matter."



*Memorandum No. 39743, dated 11th March 1915, from the Commissioner to Mr. Dinanath Jagannathji* :—

“ With reference to his letter of the 2nd instant, Mr Dinanath Jagannathji is informed that as larvæ of Anopheles mosquitoes breed in the water of the well at his premises No 25 (a) at Fanaswadi, it must be covered with concrete, leaving two trap-doors with a hand pump fixed, if required, without any further delay, failing which further proceedings will be taken. The case has been fully considered and no further communication from Mr. Dinanath in the matter can be considered ”

*Letter, dated the 15th March 1915, from Mr. Dinanath Jagannathji, to the Commissioner.* —

“ I have the honour to acknowledge receipt of your Memo, No. 39743 of 1914-15 of the 10/11th instant and note with surprise and regret that you still maintain that as the larvæ of Anopheles mosquitoes breed in the water of the well in question, it must be closed with concrete, &c In reply I beg to say that it appears from your said memo. that although a request was made to you to visit the well and by examining water therefrom, satisfy yourself whether the well really breeds larvæ or not, you have not taken the trouble to do so but on the contrary you have simply put forward the same argument as was used before to the effect that it breeds Anopheles mosquito larvæ, &c., the correctness of which statement I emphatically deny from the fact that up to yesterday I have not found any larvæ in the said well I therefore strongly protest against the action you have taken in the matter

With regard to the second para. of your said memo. under reply I am further surprised to see that you state “ that the case has been fully considered and no further communication from Mr. Dinanath in the matter can be considered ” for when you, being an Executive Officer, decide not to further consider the representations from parties concerned, the more so as my case is a just and equitable one, your action appears to me to be based on a very one-sided decision and therefore there remains nothing for me to do but to address my grievances to the higher authorities such as the Standing Committee and the Corporation respectively and obtain redress from them.

Under the circumstances stated above I have now been advised to address the Standing Committee in the matter and will do so in the course of this week and therefore I have the honour to request you to defer, in the meantime, taking any further action in the matter. If, however, in spite of my above request you decide to institute legal proceedings against me, you are at liberty to do so.”

## XVIII.

Memorandum from Mr. Dinanath Jagannathji—  
Forwarding, for information, copy, as follows, of his letter to the Standing Committee, dated the 30th March 1915 :—

“ In continuation of my letter of the 20th instant, *re* Municipal requisition to cover a well on my premises No. 25 (a), Fanaswady, I beg to inform you that since my writing on the 15th instant to the Municipal Commissioner, several times up to yesterday the water of the said well had been examined by the Municipal Authorities, and it is understood from enquiries made so far that the Municipal Executive *could find no traces of Anopheles mosquito-breeding larvae in the water of the well.* I shall therefore be obliged if you will kindly, when considering my letter under reference, call for the reports and results of the very recent examinations of the well water from the Municipal Authorities concerned. I may state here for the information of the Standing Committee that the water of the well was examined by the Municipal Authorities yesterday morning between 7 and 9 a.m.”

## XIX.

Memorandum from Mr. Dinanath Jagannathji—  
Forwarding for information, copy, as follows, of his letter to the Standing Committee, dated the 9th April 1915 :—

“ With reference to the correspondence ending with my letter, dated 30th ultimo, *re* the Municipal requisition in respect of a well situate at my premises No. 25 (a), Fanaswady Street, I have the honour to state for your information that I have been served yesterday with a summons to appear on the 15th instant at 1-30 p.m. (S. T.) before the Chief Presidency Magistrate, Bombay, to answer to a charge of not complying on 29th March 1915, with notice No. 390 of 1914-15, issued under Section 381 of the amended Municipal Act, requiring me to provide over the well at my premises No. 25a (Jagannath's Chawl), Fanaswady, a cover of concrete, leaving two 18" x 16" mosquito proof Christie's wire gauze trap-doors to be constantly kept closed under lock and key and fix in a hand pump if required. As my letter, dated 20th March 1915, on this subject is under your consideration, on which I understand you are awaiting the Commissioner's remarks, I beg to request that you will be so good as to ask the Municipal Commissioner to stay further action in the matter pending your decision thereon. Thanking you in anticipation.”

## XX.

Memorandum from Mr. Dinanath Jagannathji—  
Forwarding, for information, copy, as follows, of his letter to the  
Standing Committee, dated the 12th April 1915 :—

“ In continuation of my letter of the 9th instant, I have the honour to forward herewith, for the information and guidance of the Standing Committee, the accompanying copy of the Report of the Chemical Analyser to Government, Bombay, on the analysis of the samples of water taken out of the well at my premises, No. 25a, Fanaswadi Street, which, I hope, will be of great help to the Committee and the Municipal Commissioner in disposing of my representations on the subject.”

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*Letter No 881, dated the 10th April 1915, from the Chemical Analyser to Government, to Mr. Dinanath Jagannathji:—*

“ With reference to your letter No. of the 6th instant I have yesterday had eight samples of water taken from the well of your house No. 25, Fanaswady Street, Bombay (Surface samples and samples at different depths), and I have the honour to state that no mosquito larvæ of any kind whatever were found to be present in any of the samples. It was also chemically examined and found to be a fair sample of potable water.”

## XXI.

Letter to the President, Malaria Committee, dated the 26th March 1915, from Mr. Sunderrao D. Navalkar.—

“ I have to bring to your kind notice the hardship that has been caused on us on account of the operations of the Malaria Department, although no larvæ were found in my well water, from time to time by the Malaria Staff in my presence on the following dates, 12th November 1913, 3rd January 1914, 16th January 1914, 14th November 1914, and 27th November 1914. I happened to be present on these occasions, when I was at home, on the information I received from my servants, whenever Malaria Staff came to inspect my well. I request you to compare the above dates and also the other dates from the mosquito record kept by the Malaria Staff in respect of my well. Although it is alleged by the Malaria Staff that larvæ have been found in my well on different occasions it is not at all necessary on the mere finding of larvæ to cover a well, that contains fish, as you all know very well, that fish swallow larvæ before they are fully developed and transformed into Pupæ which can only be said to

be dangerous, as it is the last stage of larvæ. If one knows the life history of the larvæ one will understand it soon and it does not require any medical qualifications to know it. The Municipal authorities ignore and suppress these scientific facts admitted by all and the Commissioner, although no Pupæ have been found in my well water, forced me to cover the well by making the vague statement made in his notice under Section 381, &c., viz., "whereas in my opinion the well in your abovementioned premises is a breeding place of mosquitoes" on the strength of powers vested in him by the Municipal Act. I do not see any reason why the opinion of the Municipal Commissioner should be held as Gospel truth in the face of scientific facts mentioned above with regard to larvæ. On the contrary all scientists recommend putting of fish in wells and ducks in tanks for the destruction of larvæ. How much reliance can be put upon the Commissioner's opinion, by any one, if he were to know the case of a contractor at Parel, who was prosecuted by the Municipal Authorities several times and fined from day to day in 1904 by a Magistrate for not complying with the requisitions made in the Commissioner's notice under Section 381, &c, of the Municipal Act. The poor contractor did not grudge to pay fines when he was fined once or twice. But when he was made to pay fine for every day till he did the work according to the Commissioner's notice, he had no other alternative than to appeal to the High Court, as it was not a day, month or year's work, that could be completed according to the Commissioner's requisition, and fortunately he succeeded there and several fines paid by him were refunded to him, as it was decided that he was not in possession of that land. What steps have the Commissioner and his Malaria Staff taken now with regard to that land? Did they continue to prosecute the owner and get him fined from day to day as they did in the case of the poor contractor? I think they did not. Why? Because the real owner of that land is either the Government or the Improvement Trust. How surprising it is to note that a place, in the temporary occupation of a contractor for carrying out certain works, which once in the opinion of the Commissioner was dangerous to public health, at once becomes a healthy one and free from danger to public health, as soon as it was held by the High Court that the contractor was not the occupier of it. This case only is quite a sufficient proof to show how the Malaria Staff can carry out things according to their will, and how much reliance can be put on the Commissioner's opinion, in the cases of private persons. Again in the case of private persons, the Commissioner insists on the covering of wells and filling in of tanks. On the other hand he allows to keep burrow pits on the sides of Railway lines. Perhaps it may be that the mosquito larvæ are partial to big bodies, like the Municipality, Improvement Trust, Railways, &c., and

they at once cease to breed in a place as soon as they come to know that it is not the property of a private person. Otherwise there is no other solution for the difference made in the adoption of Malaria measures in the case of big bodies. Again I asked the Corporation and also the Commissioner in my letters (No 245 of 6th November 1914 to the latter) to inform me from the reports made by the Special Assistant to the Health Officer, Malaria, as to the following facts, when I received a notice from the Commissioner alleging that my well is a breeding place for larvæ. He nor the Corporation supplied me with the necessary information I asked, *viz*, whether the said officer has found the said kind of larvæ as an isolated instance on one occasion, or whether he repeatedly found the said kind of larvæ in my well?

Although no larvæ were found in my well on the 12th November 1913, when the Malaria Officer inspected the well, he still insisted on me to cover the well when I was present there. I had already informed this to the Commissioner in my letter No. 89 of 3rd April 1914.

For your information I may state that although the well has been in existence for these years at the same place and in the same condition, it has not been proved or shown that it constitutes a nuisance and danger to health as alleged by the Municipal authorities, and to compel one to cover it, although no Pupæ, much less larvæ, are found in it and without showing any reasonable and real grounds for the justification of their actions except on the support of mere abstract theories, shows the ways how they can do according to their will on the strength of power with the threats of Police Court prosecutions. In the suburbs we have wells and tanks like Bombay. There the Malaria prevails during and some time after the rains only. During the year 1914, there was a sudden outbreak of Malaria in St George's Hospital situated in proximity of the Alexandra Docks and where there are no wells within 300 yards of the Hospital. The Malaria broke out in Bombay as an epidemic with the commencement of the construction of the Alexandra Docks, where no proper care was taken as to the water-logging on the reclaimed land during and after the rains by having proper drainage.

Even the Health Officer attributes Malaria to natural causes when he says in para 47 at p. 174 of his report of 1913, that it is impossible to put a permanent stop to the mischief caused by natural cause during rains. These facts are sufficient to prove that the wells and tanks in Bombay have nothing to do with the spread of Malaria if fish is put in them, and I hope that the Committee will be pleased to consider my case favourably for the reasons stated above and ask the Commissioner to withdraw his

notice for which kind act of yours I shall be highly obliged to you and that you will also see for yourselves whether the Commissioner had sufficient grounds to compel me to cover the well.<sup>3</sup>

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## XXII.

Letter (in Gujerati), dated the 30th March 1915, from Mr. Naranji Dayal—Stating that instead of devising better and simpler means for the extermination of malaria mosquitoes from wells and tanks the Municipality has adopted a policy which causes great inconvenience to the people and which is tantamount to interference with their religious feelings; that there are 50,000 to 60,000 persons in Bombay who never use pipe water but who use only well water for all their household purposes; that there are several Hindu Temples where pipe water is not even touched, that for the performance of religious ceremonies only well water is used, that the “Marjadis” Hindus use only well water in connection with the worship of their idols which they keep in their own houses, that if these people even touch pipe water they have to bathe with well water and that if their food-stuff comes in contact with pipe water they cannot utilize it, and that those among the Vaishnavas who are not “Marjadis” use pipe water for bathing purposes but use only well water for cooking and drinking purposes, the reason for this being that according to the tenets of their religion they cannot take any eatables in their own use before dedicating them to their gods and that for that purpose they require well water. Enquiring if well water is not obtainable in the temples and if the priests are obliged to leave Bombay taking away the idols with them what would be the condition of hundreds of thousands of people worshipping those idols who never eat or drink without having a sight of the idols and whether on the occurrence of such a contingency the people should give up their religion or do without water or go out of Bombay leaving their property and source of their livelihood. Stating further that against these arguments of his some people might say that that was bigotry but that those who say this seem to have no idea of the religious feelings of other people; that he will show how very necessary the presence of wells is even to those who use pipe-water; that people of the ordinary class have to pay to their servants twice or thrice as much as they used to do formerly inasmuch as the work of the servants has much increased for want of pipe water owing to which they have to do washing work, etc., at a well in the afternoon; that the additional expense thus entailed upon the people forces them to curtail expenses in other directions, for instance, the education of their children; that in the case of the poorer

classes there is no end to their hardship as pipe water is only available for three or four hours in the morning and that too at a very low pressure; that there is such a rush on the ground-floor for taking water that they barely get sufficient water for drinking purposes; that many unpleasant scenes take place at the taps of which one cannot have an idea unless one visits the native town personally; that under such circumstances bathing and washing for them is out of the question; that the hardship on the female classes is really pitiable and heart-rending; that they can never wash clothes or clean vessels in the morning because they get only a "handa" full of water even if they wait for half an hour; that besides in the morning they have to prepare meals for the male members of the family, to send children to school, and to look to a variety of other matters, so that they have to do their cleaning and washing in the afternoon but that at that hour there is no water in the taps and that it would be disappointing to find wells closed. Submitting that in the case of wells having trap-doors the rays of the sun cannot penetrate into the water which is essential according to their religion; that well water is necessary for performing certain ceremonies in the case of a dying man and that when water is required at night for the purpose it cannot be obtained as the trap-door is then closed; and that if the key is with the landlord and if he is away the hardship of the tenants can well be imagined. Adding that he does not wish to say that people should be allowed to drink water of bad wells or that such wells should not be closed but that he only wants to say that those wells the water of which is in daily use should be allowed to remain and that if it is apprehended that its water is likely to get spoiled it should be had cleaned; that he cannot help referring to a lecture of Professor Geddes, the Town Planning Expert, in which the Professor pointed out that the picture of the prevalence of Malaria on account of mosquitoes existing in tanks was overdrawn; that there were various means by which the mosquitoes could be removed from tanks, such as putting fish in the tanks, destroying plants growing near them, &c, that it was much more desirable to clean the wells and tanks than to fill them in and that the cleaning could be done at a very small expense.

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### XXIII.

*Extract from the Minutes of the fifth Meeting of the Committee, held on the 29th April 1915 :—*

"The following representatives of the Signatories to the petition to the Corporation, regarding the closing of wells and tanks in the City were also present by invitation.—

Mr. Lakhmidas Raoji Tairsee.  
 Mr. Haridas P. Kapadia.  
 Mr. Gajanan Sadanand Desai.  
 Mr. Naranji Dayal.  
 Mr. W. T. Halai.

The following papers had been circulated to the Committee :—

1. Extract Paragraphs from the Annual Report of the Special Assistant to the Health Officer, Malarna, for the year 1914.
2. Memoranda, dated, respectively, the 20th and 30th March and 9th and 12th April 1915, from Mr. Dinanath Jagannathji.
3. Letter, dated the 26th March 1915, from Mr. Sunderrao D. Navalkar.
4. Docket of a letter in Gujerathi, dated the 30th March 1915, from Mr. Naranji Dayal.

The Chairman informed the meeting that a letter had been received from Mr. Shapurji Hormasji Mistry stating that the correspondence in connection with his well which he was desired to submit to the Committee is being printed and that a fortnight will elapse before the same is ready for circulation.

The Chairman also informed the meeting that a letter had been received from Mr. W. T. Halai suggesting that Mr. Runchhoidas Thakersey and Mr. Jagjivan Seskarani be invited to be present at the meetings of the Committee as they were likely to give useful information to the Committee.

After discussion it was decided that the Committee would not invite them but that they would be prepared to hear them if they would attend the next meeting of the Committee.

With reference to his letter, dated the 30th March 1915, questions were then put to Mr. Naranji Dayal which are noted below together with the answers given by him :—

*Dr. Moses :*

*Q.* You have quoted in your letter a passage expressive of Professor Geddes' opinion. I want to know whether it is wholly from Professor Geddes' speech or lecture.

*A.* Professor Geddes gave a lecture in the Town Hall on the 23rd March last and my quotation is from a report of the lecture which appeared in the "Jam-e-Jamshéd" on the 24th idem.



*The Commissioner*

Q. Do you know whether Professor Geddes is an expert on Malaria?

A. I do not know whether he has passed any examination on the subject of Malaria.

Q. Do you know whether he is a medical man?

A. No. I do not know.

Q. Have you got a well of your own? Have you any personal complaint?

A. No. My complaint is a general one, *i. e.*, from the point of view of a citizen of Bombay

Q. Have you personally experienced any difficulty owing to closing of wells?

A. Yes, I have. I do not get well water.

Q. Have you got any complaints to make about the methods adopted by the Malaria Department?

A. I have fully stated the grievances of the people in my letter.

*Dr. Sukhia :*

Q. Were you present at the lecture given by Professor Geddes?

A. No. As I do not know English it was useless for me to go there

The following questions were then put to Mr. W. T. Halai and the answers given by him are noted below.—

*The Commissioner :*

Q. You said on a previous occasion that Dr. Rao and Dr. Jehangir advised your daughter to drink the water of a well at Mint Road in preference to pipe water. Dr. Rao was asked whether your statement was correct and he informed us that he never gave any such advice. Now do you still maintain your statement?

A. In connection with this question I have written a letter asking for the correspondence between the Commissioner and Dr. Rao and unless I get a written reply to that letter I am not prepared to answer the question.

Q. I want to know whether you still adhere to your previous statement.

A. Yes.

Q. You have stated that a notice was served by the Malaria Department for covering the well. If we say that no such notice was issued, would you still maintain that a notice was served?

A. Yes.

Q. Was the notice served on you?

A. No. The well did not belong to me.

Q. Then how did you know that a notice was issued?

A. The landlady of the house in which I reside brought the notice to me.

Q. Did you see the notice?

A. Yes.

Q. Can you obtain that notice for us?

A. No. It is not with me. The Malaria Department tried to get the notice back from the landlady, against which she has protested through a Solicitor.

Q. Can you give us the number and date of the notice?

A. I refer you to No. 38146, No. 31288 of 5th March 1915 and No. 32375 of 15th March 1915.

The Commissioner at this stage read his letter No. 31288 of 5th March 1915 and the party's reply thereto, &c. (*vide* copy annexed), which did not show that a notice was issued by the Department, and asked Mr. Halai whether he still maintained the charge that the Malaria Department tried to get back the notice after having served it on the landlady. To this no reply was given by Mr. Halai.

Mr. Halai then stated that the well was covered 7 years ago, that on the next day after the Committee's meeting at which he was present, the Special Assistant to the Health Officer, Malaria, came to his place, and bullied and threatened him and told him that what he (Mr. Halai) had stated before the Committee was untrue and that there were no Marjadis in the house except his own family

*Dr. Jehangir:*

I would like to know whether the well in question was closed 7 years ago as stated by Mr. Halai. If so, there was no necessity for making any further enquiry into the matter.

*Mr. Wacha:*

It is for Dr. Shroff to tell us whether, as stated by Mr. Halai, he went to Mr. Halai's place and bullied him or threatened him.

*Dr. Shroff:*

It is quite incorrect to say that I threatened or bullied Mr. Halai. On the occasion referred to I had been to the premises for making enquiries and as Mr. Halai was there a conversation with him took place which was very friendly. The date of closing of the well was not on our records as no notice was served in

regard to the well. The landlady covered the well of her own accord. When I had been to her for making enquiries she referred me to her manager Chotalal Goculdas, who saw me in my office and informed me that no notice had been served in regard to the well and that it had been covered at the verbal desire of an Inspector.

*Dr. Sukhia to Mr. Halai:*

*Q.* When you have got the numbers of these official letters you can produce the letters also?

*A.* I shall ask my landlady to produce them.

*Q.* You will be able to substantiate your own case by producing the papers. Can you produce the notice also?

*A.* About the notice I have told you that it was shown to me and I was consulted in the matter. We used to get the well cleaned formerly but the closing of the well has rendered it quite impossible to obtain water from the well. I shall make enquiries about the notice and will let you know the result.

*Q.* Was the notice shown to you in your capacity as a managing clerk?

*A.* No. It was shown to me as I am a tenant of the house.

*Q.* Have you got a copy of the notice?

*A.* No.

*The Chairman:*

*Q.* When did you see the notice?

*A.* Early in 1914.

*Dr. Sukhia:*

*Q.* Did the landlady ever inform you that the notice was withdrawn?

*A.* No.

*Mr. Chunilal V. Mehta:*

*Q.* Can you tell us on what grounds objection is taken to trap-doors. Is it based on religious grounds or is it because people do not get sufficient water?

*A.* The objection is based on both grounds, certain ceremonies cannot be performed if a well is covered even though a trap-door is provided.

*Q.* Would the provision of more trap-doors than one solve the difficulty?

*A.* Yes, it would so far as convenience is concerned but not the religious difficulty.

Q. Supposing the present policy is to be continued then you would prefer that the number of trap-doors should vary with the size of the well?

A. Yes.

Mr. Wacha :

Q. Do you hail from Porebunder or Mandvi?

A. Mandvi.

Q. Are there many Marjadis at Mandvi?

A. Yes

Q. Do they use well water for religious ceremonies?

A. Yes.

Dr. Sukhia :

Q. Supposing the present policy was to be continued which of the two ways of covering a well would you prefer, covering it with concrete or with a wire-gauze?

A. I would prefer the wire-gauze covering."

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*Letter No. 1095/15, dated the 26th February 1915, from Messrs. Madhavi, Kamdar and Chotubhai, Solicitors, to the Executive Health Officer.*

"We are instructed on behalf of our client Bai Navivahu, widow of Hari Dharamsey, to write to you as follows :

2. Our client is the owner of a property bearing Nos. 136-38, Mint Road, which has a well. In due obedience to the requisitions of your Malarial Department she covered up the well and she is every now and then being harassed by the officials of the said department and they want back from her the notice served upon her for carrying out the said requisitions.

3. We shall feel obliged if you will be so good as to let us know why she is so harassed.

4. We are instructed to add that she is also a Receiver appointed by the High Court in respect of the other immoveable properties belonging to her husband and if there is any requirement to either her said property or the well thereof or to her husband's other properties of which she is the Receiver the same should be communicated to us and we shall advise our client to carry out any reasonable requisitions which may be necessary.

5. Our client resents the petty Municipal officials troubling her every now and then and we should feel obliged if you will be so good as to issue instructions to let us know what the requisitions of your Malarial Department are.

Thanking you in anticipation."

*Letter No. M-31288, dated the 5th March 1915, from the Special Assistant to the Health Officer, Malaria, to Messrs Madhwayi, Kamdar and Chotubhai, Solicitors.*

"I have the honour to acknowledge the receipt of your letter, dated the 26th ultimo, *re* premises No 136-138, Mint Road, and have to state that the well was not covered in obedience to the requisitions of this Department. The Sub-Inspector while visiting this well sometime ago advised the same person in charge of the building to protect the well from fouling. Mr. Chotalal, the manager of the estate, informed me personally that there were no written requisitions from me and that the well was covered at the verbal request of the Sub-Inspector. I therefore cannot understand how any member of my staff can ask for notice when there was no notice in existence. If you will give me the name or names of the persons harassing your client I shall be very glad to make further enquiries. With reference to para. 4, please supply me with the house Nos. and locality of the premises belonging to your client.

As regards para. 5, there are a few crevices in the cover which require to be filled up and the trap-door should be constantly kept closed under lock and key except when water is actually being drawn. The well is examined just like other wells in the city every 15 days and I fail to see what you mean by petty officials troubling your client every now and then."

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*Letter No 1303/15, dated the 9th March 1915, from Messrs. Madhwayi, Kamdar and Chotubhai, Solicitors, to the Special Assistant to the Health Officer, Malaria*

"We beg to acknowledge receipt of your letter No. 31288 of 5th instant and we have seen our client on the subject and in reply we are instructed to state that the well in question has been covered up in obedience to the written orders of your department for which we have been instructed to refer you to your department files. You will agree with us that it is not easy for the Hindus with religious scruples to close up their wells which they require every day for their religious purposes.

We shall be obliged if you will kindly let us know as to who the person in charge was to which your Sub-Inspector advised to protect the well in question from fouling. We shall also feel obliged if you will kindly let us know as to when Mr. Chotalal informed you that there was no notice from your department. On the harassments being repeated our clients will be happy to have

the names of your such officials taken down and furnish you with the same to enable you to make further enquiries. Our client is appointed a Receiver of the properties comprised in the order of the Hon'ble Mr Justice Beaman, dated 21st December 1914. As you are well aware our client does not stay in the premises. The water of the well is required by most of the tenants who are Marjadis and is very largely used by the people on Mint Road, Modi Street and other surrounding places and it is not possible to keep the same under lock and key. If the Municipality as you say did not requisition for closing of this well our client fails to understand as to why you require the same to be kept under lock and key. It is kept closed at night when water is not required. With regard to the alleged crevices in the cover we shall be happy to advise our client to have the same filled up on your informing us as to with what materials you require the same to be filled up. We are making this enquiry to avoid future troubles to our client."

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*Letter No 32375, dated the 15th March 1915, from the Special Assistant to the Health Officer, Malaria, to Messrs Madhavji, Kamdar and Chotubhai, Solicitors.*

"With reference to your letter, dated the 9th instant, I have the honour to inform you that the crevices in the cover over the well referred to may be filled in with cement."

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*Letter No. 1556/15, dated the 19th March 1915, from Messrs. Madhavji, Kamdar and Chotubhai, Solicitors, to the Special Assistant to the Health Officer, Malaria.*

"We beg to acknowledge receipt of your letter No. 32375 of 15th instant to hand the next day. We are communicating with our client asking her to cover the crevices with cement in due obedience to your orders."

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*Letter No. M/2953, dated the 29th April 1915, from the Special Assistant to the Health Officer, Malaria, to Messrs. Madhavji, Kamdar and Chotubhai, Solicitors.*

"With reference to the correspondence ending with your letter, dated the 19th March 1915 (No. 1556/15), I regret to observe that the trap-door is still not fixed and is lying aside. I would therefore request you to rearrange and refix the trap-door and keep it closed under lock and key."

## XXIV.

Memorandum from Mr. Dinanath Jagannathji—  
Forwarding, for information, copy, as follows, of his letter to the  
Standing Committee, dated the 4th May 1915 :—

“I have the honour to acknowledge receipt of your decision,  
conveyed to me by the Acting Municipal Secretary in his letter  
No. 606\* of the 26th April 1915, informing me—

“that you understand that since 19th November last no  
larvæ have been found in the water of the well; but that  
the temporary absence of larvæ is no guarantee that they  
will not breed in future where they have been found to  
breed in the past Further that fish were tried in the well  
but the discovery of larvæ showed that they were not alto-  
gether successful. The Committee understood that I have  
been granted the concession of two trap-doors and a hand-  
pump but that I require four trap-doors and object to fixing  
a hand-pump. The Committee also consider that the con-  
cession granted to me would suffice and that there is no  
objection to my covering the well with Shahabad stones as  
I desire, provided the cover is hermetical. The Committee  
have, however, requested the Commissioner to enforce the  
Municipal requisition only when larvæ are again found in  
the water of the well;”

and in reply beg to thank you for the prompt attention given  
and interest taken by you in this matter.

Further I beg to inform you that in accordance with your  
above decision the Special Assistant to the Health Officer, Malaria,  
has on the morning of the 29th ultimo, personally visited the  
said well and examined the water thereof with the result that no  
larvæ was traced or found therein. He also inquired of my  
Mistry, Mr. Laxuman Nathoo, how and in what way the water  
is being examined by himself, whereupon he the said Mistry  
produced before him our private cloth-net, white enamelled pot,  
magnifying glass, &c., and explained to him the procedure by  
which every day in the morning and evening the water is  
examined by himself or by the owner Mr Dinanath personally;  
by this explanation and other replies to his further questions he  
was satisfied. In the afternoon of the same day the said Malaria  
Officer withdrew the Case No M-13 of 1915 filed by him  
against me in the Court of the Chief Presidency Magistrate and  
which had been postponed to that day pending your decision in  
the matter.

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\* This letter was written in pursuance of Standing Committee Resolution  
No. 520, dated the 21st April 1915.

Under the circumstances I am again much thankful to you for the favourable consideration of the matter in question, but I shall further be much obliged if you will kindly, as you have already by the above referred decision empowered the Commissioner to enforce the said requisition only when larvæ are again found in the water of the well, request the Municipal Commissioner to issue instructions to the Malaria Officer and his Staff to the effect that whenever in future they wished to examine water of the said well, a previous intimation, in order to avoid further correspondence, expense and trouble in the matter, to that effect should be sent to me so that I may personally be present on the occasion or they should examine water of the said well in the presence of my above named Mistry, who resides on the property. Instructions also be issued to the effect that the cloth-net used by the Malaria Staff should, before using it in my well, be first cleansed or washed with water or my own cloth-net should be asked for from my Mistry and used instead of the Municipal one. For this your act of kindness I shall ever be grateful."

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## XXV.

*Papers placed by Mr. Shapurji Hormusji Mistry before the Members of the Committee of the Corporation appointed to consider how far and in what direction a new departure is essential for the abatement of Malarial conditions.*

### **Statement of Mr. Shapurji Hormusji Mistry, Proprietor of House No. 373, Colaba Road.**

The Malaria Department is working with one eye, and that is to close the wells of Bombay, either good, bad or indifferent, by fair means or foul.

The department is overbearing, insolent, harassing, and annoying to a degree.

Their conduct has been so provoking that at times it might have led to a breach of the peace.

Gentlemen, I am not exaggerating in what I say and saying it simply to malign the Department, but I am prepared to prove to your entire satisfaction or to that of any judicial tribunal not only every word but every syllable of what I have said, but you will have to keep patience and if this inquiry is intended to be a thorough and searching inquiry and not a superficial one, I submit I will have to request you to follow the voluminous correspondence which I have brought with me and which dates as far back as July 1912, and I hope thereby to convince you of the truth of my assertions.



You will see from this correspondence that this Department was working with the sole aim of having my well filled in, by hook or by crook, and were it not for the perseverance, great exertion, and calm determination that I showed in these proceedings throughout the whole period that the Department was thwarted in its evil aim.

I took the matter to higher officials, but it was simply crying in the wilderness and one was made to feel that one was not living under the benign British Rule but was living under a Turkish Yoke. The higher officials thought that anybody who complained about the wrong-doing of the Malaria Department were simply liars, and they did it to put obstacles in the way of the Department.

This well was brought up before the Standing Committee of the Corporation for sanction to close it, but at my humble request that body exercised a wise discretion and appointed a sub-committee to inquire into the question of my well.

This sub-committee accompanied by the Municipal Commissioner, the Deputy Commissioner, the Municipal Secretary, the Malaria Officer, the Malaria Inspector and other Municipal servants assembled at my premises on the 11th June 1913.

I am proud to say that I was then able to satisfy the gentlemen of the sub-committee and the Municipal Commissioner about the wrong-doing of the Department and the way in which the higher officials were misled by false statements emanating from the Malaria Department and which tended to encourage that Department to carry on its wrong-doing further.

The result of the meeting was the resolution of the Standing Committee that no action was necessary in regard to my well.

Since the date of the meeting of the sub-committee at my place covering 17 months, I have offered 73 inspections of the well and 54 were actually taken without finding slightest trace of Malaria larvæ.

Still the Department is continuing its policy of pinprick and annoyance now and again.

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MR. CHAIRMAN AND GENTLEMEN,

I believe you have read the statement of my case. I have preferred certain indictments against the Malaria Department, and it now remains for me to place before you the proofs to support these indictments. Before doing so, I cannot however resist the temptation of saying a few words in connection with the two propositions placed by the respected Chairman of the first day's meeting, Sir Pherozechah. The propositions were so far as I remember regarding the opinion of the Municipal expert, concerning the wells of Bombay, and whether the Corporation was justified in acting in accordance with such expert opinion.

In the first place I would ask if the Municipal expert suggests the closing in of all wells, good, bad or indifferent, and the adoption of all other destructive remedies, or he suggests any constructive remedies also with regard to tolerably good wells. If your expert suggests constructive remedies, as I understand he does, has the Municipality tried such constructive remedies, in the case of any of the wells of Bombay during the present malaria campaign? This question has a close relation to my case, and I hope to conclusively prove to you, that even in the case of the best of wells the Municipality have never given the constructive remedies a trial in the remotest degree, but have endeavoured their best to destroy such wells.

Now with regard to the expert opinion itself, I must say that the opinion of the expert is certainly to be respected, but how far it has to be acted upon is a question which should be guided by surrounding circumstances

Are expert opinions infallible? Are such opinions a word from God? Is it not in the experience of this Corporation that expert opinions have occasionally led them into serious pitfalls? Are there not two sides to the shield?

Gentlemen, I hold in my hand a pamphlet, for which I am indebted to the late lamented Mr. Shapoorji Sozabji Mistry, who was a worthy member of this Corporation. The pamphlet refers to the Malaria campaign carried on some years back in the Punjab under Government auspices, by a large staff of highly influential experts at the disposal of the Government, and under circumstances and supervision which can never be equalled in Bombay.

The conclusion the Committee of these experts arrived at was :

The Commission was composed of the Honourable Mr. Nathan, C.I.E., I C S, Lieutenant-Col H. B Thornhill, C.I.E, I A. and Major L. Rogers, M D, F R.C P, F R C.S, I M S. The report shows that the experiments made in a place and under circumstances that were all considered most favourable turned out unsuccessful in spite of the employment of the most vigorous and effectual help of men, money and scientifically trained mind. The general conclusion to be derived from the investigation is that "a heavy monsoon, especially if it extends too late in the season and if the rain is distributed over a number of days with short intervals between them, always produces a high incidence of Malaria in Lahore Cantonment, and that the reverse also holds good. No reliable deductions can be made from the fever statistics unless these considerations are carefully borne in mind" . . . Besides, the statement that "wherever in a tropical country drainage in its broader sense is interfered with or neglected Malaria is increased, and wherever such drainage is improved Malaria is diminished," points out quite reasonably a condition or direction in which a remedy should be looked for. These two points as the valuable result of the investigations are, I think, of so great an importance that they should seriously set a thinking those assuming the responsibility of being reliable guides in the matter of the eradication of Malaria in Bombay.

Malaria in India seems to have potently attracted the attention of the Royal Society of England. It deputed in the autumn of 1901 Dr J. W. Stephens, M D, and Dr. S. R. Christophers, M B., to prosecute inquiries respecting it. In the course of their researches in Africa, the Commissioners had become doubtful of the practical value of operation against mosquitoes in the moister regions of the world, but in the semi-desert conditions prevalent in North India, and especially in the Punjab, they saw what appeared to them to be the proper sphere for such operations. They decided, in consultation with the Military authorities, to try the experiment in a Cantonment of Northern India. The choice fell on a Cantonment both because it was deemed desirable to afford an illustration of measures to improve the health of the troops, and also because the close control which the authorities are able to exercise in a Cantonment offers advantages which do not exist in an ordinary Indian town. The conditions of the more malarial Cantonments of Northern India were passed in review and Lahore Cantonment was finally selected as affording the best prospect of success. "The Government of India who attached great importance to the investigations directed Local Governments to afford every assistance in their power and appointed Major S P James, I M S., to work with the Commissioners. The Commissioner's object was to demonstrate the practicability of diminishing Malaria by minor and inexpensive measure of mosquito destruction such as are described in the volume 'Mosquito Brigades and How to Organize Them,' published by Professor Ronald Ross in 1902." This Professor said in a public lecture that "in order to extirpate malaria, it will not be necessary to declare war against all mosquitoes in general. We already know for a fact that only certain species can carry the disease. . . . It is now a matter of general experience of many investigators that where mosquitoes abound in a house, their larvæ can easily be found at a short distance, say within a few hundred yards from the house. Occasionally, where the house is isolated, and no stagnant water is in its immediate vicinity, mosquitoes may attack it from a greater distance."

Everything considered the Commissioners hoped to extirpate or greatly reduce Malaria in a portion of the large Cantonment of Lahore—Mian Mir. Their investigations extended to the end of December 1901 and were continued by Major James from March 1902 to July 1903. "It is clear from Major James' report that the operations were carried out with thoroughness and care, and their course checked by regular periodical search for larvæ in all kinds of breeding-places. *The results were not satisfactory.* Major James considered that the operations had made little impression on the number of anopheles mosquitoes present." Captain Christophers continued operations from July to November 1903 on the lines of those already carried out, and records that although the destruction of larvæ was enormous, yet they re-appeared in undiminished numbers a few days after oiling, evidently being derived from adult insects within the area. . . . Malaria was much less prevalent than usual among the men of the Royal Artillery, but the reduction was still more marked among the British Infantry living in an untreated area, the area being a healthy one with a low rainfall. . . . In October and November it was found impossible to prevent the bazar rates rising in the treated area, and they were "apparently quite uninfluenced by the operations." In short, all the "results pointed to the same conclusion (as in the previous season), namely, that by the operations the onset of the fever season was postponed, but that after the first two months no effect upon malaria was apparent." One of the most important points demonstrated by this year's work was that "where an abundant food-supply existed anopheles travelled long distances (three-fourths of a mile or more) to

reach it, and that they travelled an equal distance if necessary to lay their eggs." The expectations with which the labours of the Royal Society's Commissioners commenced thus failed altogether to be realized. The result of the operations of 1903 would appear to indicate that malaria-bearing mosquitoes are able to travel in search of food to a distance from their breeding places considerably greater than had up to that time been held possible, a conclusion which would accord with that marvellous instinct which is so striking feature of all insect life."

"The Malaria season of 1903 was somewhat severe and the troops of the British Garrison were seriously affected. Col Hamilton, the Principal Medical Officer of the Division, presented a note to the General Officer Commanding the Division, in which he quoted a remark of the Sanitary Commissioner with the Government of India that the results of the experiments carried out by Major James and Capt. Christophers were distinctly against the employment of anti-mosquito measures as a practical means of combating Malaria in such a Cantonment as Mian Mir. He remarked that such measures were extremely expensive, especially as they required to be renewed from year to year. He enunciated the general theory that wherever in a tropical country drainage in its broader sense is interfered with or neglected Malaria is increased and that wherever such drainage is improved malaria is diminished. He stated his reasons for believing that canal irrigation and defective drainage were the main factors in determining the prevalence of Malaria in the Cantonment."

"The whole organization and force of the Cantonment and Garrison were directed to the prompt and thorough execution of the prescribed measures. General Kitchener personally directed and closely supervised the conduct of the operations and utilized to the full the various agencies employed. The force concentrated on the operations were more powerful and better organized than would be possible anywhere in India, outside a Cantonment with an energetic officer at its head."

The work of closing all irrigation and filling up all canals and cuts within an area of 800 yards from the inhabited portion of the Cantonment was carried out, under a special Divisional Order, as Military fatigue duty. General Kitchener stated "the whole of the troops constituting the Mian Mir Garrison, British and Native, have laboured without remuneration for months in filling drains and depressions." Col. Chesney estimated that about four or five hundred men were employed on the main portion of the work for a period of about four to five months.

"Apart from other questions there is the further question of the danger arising from the accumulation of water in the drains themselves. This is a danger often met with and well recognised in India. . . . Both Col. Chesney and Mr. Aikman, Sanitary Engineer to the Government of the Punjab, recognised this defect and advised that the drainage system needed constant watchfulness and care to guard against it."

"Col. O'Sullivan is the only medical officer who stated that anopheles larvæ were found in wells in sufficient abundance to be dangerous. Major James found a few anopheles larvæ in the wells, but he stated that they were not sufficient to be dangerous or to require operations against them. Col. Hamilton did not consider that wells had any effect on local malarial conditions. Col. Barrow knew of no case in which anopheles larvæ had been found in well water. We found many *Culex* larvæ in disused or little used wells, but not in those in constant use,

*while no anopheles larvæ were discovered in any of them* On the whole we do not think that the wells in Lahore Cantonment are of importance as breeding places of Malaria-bearing mosquitoes "

"On the review of the whole evidence, it appears to us that the prevalence of adult Malaria-bearing mosquitoes has not diminished since the general operations throughout the Cantonment were undertaken."

"There is a remarkable fluctuation in the prevalence of Malaria in Lahore Cantonment from year to year, and this phenomenon does not appear to have received adequate attention from those authorities who have examined the statistics with a view to ascertain the effect of specified causes on the rise or fall of the disease Our studies led us to believe that the key to the more important of these variations is in general to be found in the degree of intensity and the manner of distribution of the monsoon rainfall "

..... The continuous fall in the fever rate for British troops during the years 1904-5-6-7 is accompanied by a succession of years of deficient rainfall . . . It may be said in general that there is a close relationship between a high annual rainfall and a high fever rate and *vice versa*. The effect of a given quantity of rainfall in producing collections of surface water of sufficient duration to breed abundant anopheles will necessarily depend on its daily distribution. For example, a heavy fall on one day, if followed by a dry period, may not remain long enough on the ground for breeding purposes, although the same amount if distributed over a number of days at short intervals may keep pools filled long enough for the production of adult anopheles

The general conclusion to be derived from the above examination is that a heavy monsoon rainfall, especially if it extends too late in the season and if the rain is distributed over a number of days with short intervals between them, always produces high incidence of Malaria in Lahore Cantonment, and that the reverse also holds good No reliable deduction can be made from the fever statistics unless these considerations are carefully borne in mind

"We find no proof that canal irrigation was the main cause of the high Malaria incidence which prevailed in Lahore Cantonment in years gone by, nor that any improvement, that may have taken place in Malarial incidence among the British troops in recent years has been materially aided by closing the canals or by the anti larval campaign in the Camp."

"Anti-malarial operations in Lahore Cantonment were carried out under conditions which were in many respects favourable The special facilities offered by the Military organisation and strength of the Cantonment were utilised with great care and energy with the result that an immense amount has been done to abolish the breeding places of anopheles mosquitoes within the Cantonment and to deal with those remaining Nevertheless even within the Cantonment breeding places have not been altogether abolished "

"The effect of the measures taken on the Malarial conditions of the Cantonment appears to us to be *negative*. We do not think that there is any proof that the anti-larval operations have contributed materially to the diminution of Malaria among the British troops "

Dr. Dadachanji, the Chairman of the meeting of 22nd March 1915, informs me that this opinion of the expert Committee is an exploded theory, but if the combined opinion of such a phalanx of experts only a few years back, is now considered an exploded

theory, what is the guarantee that the opinion of a solitary expert of your Municipality, on whose opinion the present Malaria campaign is based would not also be proved as an exploded theory. There are already signs, and Professor Geddes, who is now in India, has proclaimed from the house top, in different quarters, and at different times, the unwisdom of filling in or shutting up tanks and wells. I also cull the following from the *Bombay Chronicle* of 25th March 1915, page 6.

#### MALARIA AND ITS PREVENTION.

At the London Institute of Civil Engineers, Mr F. D. Evans, Engineer to the Malaria Advisory Board of the Malay State, read a paper on "How to fight Malaria," in the course of which he made some suggestions which are applicable in the case of India. The methods employed by the Malaria Board in the Malay States have met with very great success and they consist chiefly in looking after and improving drainage. It is essential in a campaign against Malaria that drainage arrangement should be well nigh perfect but it is not enough to look after the drains of a city, it is also necessary that woodlands, agricultural lands, etc., should be well drained. Mr Evans remarks that the general improvement in agricultural drainage necessarily means an improvement in the malarious conditions. To quote figures, in Kuala Lumpur, where malaria was most malignant, the remedial measures have been thoroughly carried out, and although they are not yet complete the death-rate from Malaria has now fallen to 4.2 in 1000 in 1913, whereas it was formerly as high as 9.8. In this respect the Federated Malay States are said to be half a century in advance of India, and it is now admitted that drainage is the most radical method of getting rid of this scourge. India is a victim to this disease, and the yearly death-rate is more than 13 lakhs. The *Amrita Bazar Patrika* observes in this connection, that Mr Evans' remedies are what that paper has all along suggested to the Government, and it contends that since the introduction of railways without proper methods of draining the pits and ponds from which earth has been removed for the embankments malaria has been on the increase in Bengal. Government sanitarians have also come to recognise this now."

It practically supports the so-called exploded theory of the Committee of experts in the Mian Mu campaign. The Sanitary Engineer of the Malay States is quite emphatic on the fact that the drainage of a city is responsible for the epidemic of Malaria, and not its tanks and wells.

I do not put forward this variety of opinions as a challenge against the present campaign in Bombay, which is carried on under the auspices of the respected Municipal Commissioner. I simply want to show that there are several sides to the shield. There are sets of experts whose opinions are as wide as under as the two poles.

I, therefore, respectfully submit that your Corporation keeping in view on one hand the opinion of their expert and on the other the surrounding circumstances, and to allay the widespread discontent, which, in spite of what the respected Commissioner may say to the contrary, exists in Bombay against the present Malaria

campaign, would be good enough to devise some constructive remedies, which would assuage the public feeling of annoyance and serve, at the same time, to be a permanent remedy against Malaria.

I have read in the papers a suggestion from Mr. Halai, who was one of the witnesses in the present inquiry, and that suggestion, I respectfully submit, is a very sensible one, and should appeal to us all.

The suggestion is that instead of employing the present exorbitantly paid agency of the Malaria staff the Municipality should engage certain gangs of workmen, who can be employed for periodically cleaning tolerably good wells of Bombay, stock them with fish and employ such other remedies as would exterminate the larvæ of any mosquitoes.

I would now proceed, gentlemen, with the proof, in support of my first indictment, *i. e.*, that the Malaria Department works with one eye, and that is to close all wells, good, bad or indifferent

Dr. Shroff issues a notice on me, to close in or hermetically seal my well, on the 17th of June 1912. This notice was not served on me until the 29th of July, *i. e.*, 43 days after its issue. Between these dates, complaints are made that I did not allow inspection of the well on certain dates. On these occasions, the 24 hours' notice, prescribed under Section 488 of the Municipal Act, was not given to me, and I certainly could not be held responsible if no inspections could be allowed on those days. In regard to the complaint for not allowing inspection, I addressed a communication to the Special Assistant, Malaria, on the 18th July 1912, which is:—

373, LOWER COLABA,  
BOMBAY, 18TH JULY 1912.

Mr. Shapurjee Hormasjee Mistry is in receipt of Dr K. B. Shroff's endorsement No. 6394 of the 15th instant on Dr H. D. Gimi's report, dated the 12th idem, and begs to state that the allegations in Dr Gimi's report are not based on facts but he seems to draw too much upon his imagination.

The well will be open to inspection during morning hours in presence of male members of the family by making a prior appointment, and only when no religious ceremonies are being performed in the Agiary built adjoining the well.

' Needless to say that the well was inspected only a month or so before by Dr. Shroff himself, and it will be open to inspection again any morning by prior appointment.

SHAPURJEE HORMASJEE MISTRY.

In this communication, I allude about a male member's presence, at the inspection, and I have good reasons for insisting on this point. In 1905, my well had the honour of a visit from

another sub-committee, headed by the then esteemed Chairman of the Standing Committee, Dr. Dadachanji. Several misrepresentations were made at the time to the Standing Committee by Municipal Inspectors, regarding the well, and I would read the resolution of the then Standing Committee, from which you will see that I was justified in asking for the presence of a male member at every inspection.

### Copy of the Resolution.

Considered—Report of the Sub-Committee of the Standing Committee regarding the filling in of the well at Premises No. 11, Hormusji Street, Lower Colaba.

BOMBAY, 19th October 1905

The Sub-Committee appointed by Standing Committee Resolution No 2581, dated the 30th August 1905, to consider and report on the question of the filling in of the well at premises No 11, Hormusji Street, Lower Colaba, beg to report that after personal inspection of the premises and actual measurement they find that *the well in question is beyond 20 feet of the nearest privies.* Further the Sub-Committee are convinced from the reports of the Chemical Analyser to Government and Dr. Sorab C. Nariman, concurred in by the Divisional Health Officer, *that the water of the well is not at all, nor is likely to be, contaminated. It is constructed of masonry work, well cemented throughout its interior and its surroundings are kept scrupulously sweet and clean.* In this opinion the Divisional Health Officer, No 1 Division, *is in agreement with the Sub-Committee.* They therefore beg to recommend that the Standing Committee Resolution No. 1730, dated the 19th July 1905, sanctioning the filling in of the well, *be rescinded.*

2 This sanction was given by the Standing Committee on the strength of the statements made in the Commissioner's letter No. 11363, dated the 13th July 1905, as to the well being within 20 feet of the privies and as to the filthy condition of the water in the well. *The Sub-Committee understand that these statements were based on wrong information supplied by an Inspector, and on examination of a sample of water obtained by the Inspector before the well was cleaned after building.* The Divisional Health Officer informed the Sub-Committee that the measurement was taken when the well was under construction and before the walls were put up when necessarily a larger area had to be dug up *and that the sample was taken at a time when the water must necessarily have been dirty.* *The Sub-Committee think that the Inspector ought to have known that that was not the proper time to take either the measurement or the sample of water for analysis.* Owing to such action, the Sub-Committee regret the Standing Committee were placed in a false position and they beg to suggest that the Commissioner's



*attention may be drawn to this fact with a view to prevent the recurrence of such incidents in future.*

(Sd.) K. E. DADACHANJI.

(Sd.) J. BAPTISTA.

(Sd.) FAZULBHOY CURRIMBHOY EBRAHIM.

(Sd.) JAFFER RAHIMTOOLA.

(Sd.) N. N. KATRAK.

Proposed by Mr. N. N. Katrak, seconded by Mr. Jaffer Rahimtoola—

“That the report, dated the 19th October 1905, of the Sub-Committee appointed by Standing Committee Resolution No. 3571. Committee Resolution No. 2581, dated the 30th August 1905, regarding the filling in of the well at premises No. 11, Hornusji Street, Lower Colaba, be approved and adopted and, in the circumstances stated therein, Standing Committee Resolution No. 1730, dated the 19th July 1905, be rescinded.

“2. That a copy of the Sub-Committee’s Report, together with paragraph 1 of this Resolution, be forwarded to the Commissioner for information and guidance, with reference to Standing Committee Resolution No. 2581, dated the 30th August 1905.

“3. That in reply to their letters, dated the 8th, 12th and 15th August 1905, Messrs. Edgelow, Gulabchand, Wadia & Co, Solicitors, and in reply to his letter, dated the 21st August 1905, Mr. Shapurji Hormusji Mistry be informed of the orders passed by the Standing Committee.”

*Carried.*

(Sd.) M. N. WADIA,  
Municipal Secretary.

Am I wrong in demanding previous intimation? Why should they give stealthy visits? At the time when the notice was served on me on the 29th July, the Sub-Inspector who served it, took an appointment from me for the 31st. The well was inspected by him that day, when my brother who lives there was present, and no Malaria larvæ were found, according to the Sub-Inspector’s own admission. How is it then that Inspector Gimi, in his report to his superior on the 16th August, refers to the well as “the breeding place for Anopheles”

Between 31st July 1912 and 21st February 1913 five inspections were taken by previous appointments, and no mosquito larvæ were found during any of them.

The complaint from many of the witnesses in this inquiry is that anopheles larvæ were said to have been found when the wells were inspected by the officials of the Malaria Department by themselves, but when the same wells were inspected in the presence of the owners, the larvæ were non-existent. I know of other instances of similar nature of wells belonging to owners, who are not witnesses in the present inquiry.

Now, gentlemen, does not all this tend to show that the one aim of the present Malaria Department is to find fault on the slightest pretext with any and every well, with the ulterior motive of closing or hermetically sealing them ?

Subsequent to the meeting of the Sub-Committee at my place on 11th June 1913, up to the present day, I offered 75 inspections, and over 5 dozen inspections were actually taken and no mosquito larvæ were found.

Dr. Shroff in one of his letters, dated 17th December 1912, states that although the larvæ have temporarily disappeared it does not mean that the well could be considered free from larvæ.

If after so many inspections have been taken, covering a period of over two and a half years, and no mosquito larvæ of any kind found, is not the well to be considered free from malaria larvæ, and if not when is it to be considered free from Malaria larvæ ?

I would also ask you, gentlemen, could my well be described as a breeding place for Anopheles, as is done by Inspector Gimi in one of his reports to his superior, and could there be the slightest reason for filling it in, or hermetically sealing it, as was demanded in Dr Shroff's notice. Do not these facts prove that the Malaria Department had only one aim, with regard to my well, and that was to fill it in, or hermetically seal it, by hook or by crook.

I would also ask you, gentlemen, was this not a fit case of a well, where, admitting for argument's sake, that mosquito larvæ were in some instances found, the constructive remedies should have been applied to it ? I would, of course, leave you to draw your own inferences, whether my first indictment that the Malaria Department works with one eye, and that is to fill in the wells of Bombay, either good, bad or indifferent is or is not established.

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I would now take up the second indictment against the Malaria Department that it is overbearing, insolent, harassing and annoying to a degree. Their conduct has been so provoking that at times it might have led to a breach of the peace.

At the time when the Sub-Committee met at my place, I had repeated these indictments before the gentlemen of the Sub-Committee and the Commissioner, and I was told that I should submit in writing my grievances to the Commissioner, who would look into them. I accordingly wrote a letter to the Commissioner giving cover to an exhaustive statement of my grievances, and I would ask your permission, gentlemen, to read that letter and the statement.

373, Colaba Road,

Bombay, 16th June 1913.

P. R. CADELL, Esq., I.C.S., C.I.E.,

Municipal Commissioner

for the City of Bombay,

Bombay.

*Re Well in premises No. 373, Colaba Road.*

SIR,

As arranged at the meeting of the Sub-Committee held at the above premises on Wednesday the 11th instant, I have the honour to forward herewith a list of a few of the salient points in connection with my case for favour of your perusal and taking any action in the matter as you may deem fit.

I may, however, add that as a layman I have not been able to do full justice to my case, but had I been allowed to be represented by a Counsel as requested by me at the above meeting, I am sure I would have been able to place my case in a more clear and better light.

In concluding I have the honour to mention for your information that the well is used exclusively by Parsis living in the locality and the water thereof utilized for their religious requirements

I have the honor to be,

Sir,

Your most obedient servant,

SHAPURJI HORMUSJI MISTRY.

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**ENCLOSURE.**

*Re Well in premises No 373, Colaba Road.*

**Enclosure to the letter to the Commissioner,  
dated 16th June 1913.**

(1) Along with the copy of correspondence forwarded to the Chairman and Members of the Standing Committee, a *resumé* of the official inspections held by the Malaria staff is also forwarded. This *resumé* covers the period of 31st July 1912 to 21st February 1913.

I would ask the Malaria Officer to give *specific instances* of his official demand for an inspection and my refusal to give the same except the inspection demanded on the 21st of October 1912 which day was the third day ceremony day of my deceased mother who died on the 19th October 1912.

(2) *The back door near the well.*

The question of the back door to which the Malaria Officer has made reference in almost all of his correspondence has been settled at the last meeting to the satisfaction of the gentlemen of the Sub-Committee and the Municipal Commissioner that it was impossible to keep that door open on account of the position of the Agiary, and the reference to the back door was simply made to mislead the Commissioner. Also the plan submitted to the Commissioner by the Malaria Officer was presumably a false one and prepared to put the Commissioner on a wrong scent. It was also proved to the entire satisfaction of the gentlemen present that this door had remained shut for a considerable long time. The Commissioner ordered the coolies present to open the door, but the bolts had gone so rusty, that even with the use of hammer it could not be opened, much as the coolies tried to open it. The Malaria Officer in alluding to this door has often alleged that people are allowed to use that door. This was another false statement of the Malaria Officer made with the view to mislead the Commissioner.

With reference to the plan referred to, I say that it was a false plan, made for the purpose of misleading the Commissioner, and before the meeting of the Sub-Committee at my place was held, I had given to the Municipal Secretary a notice to produce that plan, but the same was not forthcoming when called upon during the meeting.

(3) *Malaria Officer's letter, dated 9th November 1912.*

The Malaria Officer in this letter complains that inspection was not allowed on the 24th October 1912 and 7th November 1912, although he admits in the letter that there was a death in the family. The Malaria Officer who, I suppose, is a Zoroastrian Parsee ought to have known what ceremonies are performed in the case of a death in a Parsee Family and for how many days such ceremonies last. Besides the Inspecting Officer had been there on the 24th October 1912 and 7th November 1912 without any previous appointment, which he had no business to do after the intimation of the Malaria Officer, in his letter, dated 22nd August 1912, to my Solicitors that 24 hours previous notice under Section 488 will be given for every inspection.

(4) *My Solicitors' letter to the Malaria Officer, dated 28th November 1912, and Malaria Officer's reply, dated 17th December 1912.*

It is necessary to give certain "quotations" from these letters to show the attitude of the Malaria staff, who seem to have too exalted a notion of their authority; because the Malaria Officer means to say that *he does not care for the convenience of the inmates of the house or their social and religious usages.* What he wants is that *inspection should be given nolens volens.*

**Quotation from our Solicitors' letter, dated 28th November 1912.**

- “ With reference to your Memo. No. 16897 of 14th November 1912, and the copy of the report of Dr. Gimi of the 9th instant therein disclosed, we are instructed by our Client in the first instance to protest most strongly against the unjustifiable and unwarranted remarks made by you. It seems that the Municipal Officers are labouring under an impression that they can *call on any day and at any hour, regardless of the convenience of our Client and the other inmates of his house and of their social and religious usages and observances, and require inspection of the well*. Our Client's mother very recently died, and when your Inspector called on the 24th ultimo ceremonies were actually being performed in memory of the deceased, and for that reason inspection could not be allowed. For similar reasons inspection could not be given also on the 7th instant. The Inspector was told on the latter occasion that if he called at the hour he did in the morning inspection could not be given as ceremonies were performed during those hours which could not be on any account interfered with. *It is quite untrue that the Inspector was told that no inspection could be allowed for 15 days.*
- “ *We very much regret to find that you should impute motives to our Client without there being any grounds for doing so and take up an unnecessary offensive attitude towards our Client.*
- “ Already in the course of the last 6 months your officers have inspected the well of our client no less than four times and every time *no Malaria larvæ* have been found.
- “ Our client has not placed any obstructions or obstacles in the way of the Municipal Officers and does not wish to do so. But he certainly *has the right to expect that he should not be molested in his home and subjected to unnecessary frequent demands and that too at times when actually religious ceremonies are being performed in the house and the water of the well is used in connection therewith.*
- “ *Our Client complains that he is being unnecessarily harassed. His conduct has not been reprehensible or improper at all, and he has always allowed inspection whenever demanded.* On the contrary he has reason to complain about the conduct of the Inspector. On the last occasion (21st November 1912), Inspector Gimi had the hardihood to say that *inspection cannot be refused and that the religious ceremonies should be shut up.* This offensive remark was absolutely uncalled for and our Client hopes that in future it will not be repeated.

"Since writing this letter we have received your memo of the 27th instant, bearing No. 17626. Our Client has gone to Mahableshwar for the benefit of his health and on his return therefrom we will be able to reply to the matters therein stated. In the meantime we would suggest that if you desire to inspect the water of the well again an appointment for the purpose may be taken from our Client, so that our Client may not be put to any unnecessary trouble and annoyance and that the early hours of the morning (when religious ceremonies are being performed) should be altogether avoided."

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**Malaria Officer's letter, dated 17th December 1912.**

"With reference to your letter dated 29th November, I have the honour to state as under :—

"With reference to para. 3 *my staff cannot be expected to come at any time you may suggest.* Of course my department is always desirous of giving every facility to the public in cases where religious ceremonies are performed *But in your case the circumstances are quite different.* It is for this very reason that I stated in my former letter that entrance may be given by the back door. *This department only wants entrance to examine the well, and it is immaterial to me by which door entrance is given. 24 hours previous notice is always given to your Client and he is bound to give us entrance at the time specified.*

"As regards para. 5 my Sub-Inspector has no motive to tell a deliberate lie. *Your Client did tell him that he won't allow inspection for 15 days.*

"As regards paras. 9 and 10 Dr. Gumi absolutely declines having used the words your Client has attributed to him. On the contrary he has complained to me that your Client is making very unpleasant observations so much so that he had to keep his temper with great difficulty. Your Client must understand that he is not dealing with an ordinary Inspector but with a graduate of good respectability. *He expects your Client to behave well. Nobody wants to harass your Client who on the contrary is placing obstacles in our way.* The very fact of the enormous correspondence carried on in this case proves the truth of my statement. *Not a single complaint has ever been made about my staff of A Ward who have orders to be courteous and obliging with every body.*

"I hope now there won't be any more correspondence on the subject. If morning time does not suit your Client, I have directed my staff to visit at any other time convenient to your Client, *but the time must be a fixed time for all future inspections.*"

The remark of the Malaria Officer in this letter that "My department is always desirous of giving every facility to the public in cases where religious ceremonies are performed. But in your case the circumstances are quite different." Why the circumstances in my case are different is easily explained. The Malaria Officer was piqued at being thwarted by me in his attempt against my well.

The statement that 24 hours' previous notice is always given is also untrue, because as I have pointed out before, in spite of their protestations, they had visited the place on the 24th October and 9th November without previous notice.

With regard to the words in the Malaria Officer's above letter that "Your Client did tell that he won't allow inspection for 15 days." I can only characterise this as an untruth, because on the day in question I and my sister were lying ill in bed hovering between life and death under the treatment of Dr. Choksey and our family doctor, Dr. Satarawalla and European nurses, and were not able to move out of our beds and all the inmates of the house were in constant attendance upon us both. If the Inspector chose to come as he did without previous appointment no responsible person in the house could have answered him. He may have applied to some servant in the house and got his reply from such servant.

(5). *Letter from Malaria Officer to my Solicitors, dated 29th January 1913. My Solicitors' letter to the Malaria Officer, dated 4th February 1913.*

It is also necessary to quote from these letters:—

"With reference to the correspondence ending with Municipal Commissioner's No 28702 of 9th January 1913 regarding well in premises of Mr. S. H. Mistry, Colaba, I have the honor to state that a Post Card was sent to your client on the 21st intimating to him that the Malaria staff would visit your Client's premises on the 24th idem between 3 and 4 (S. T.)

"A letter was received from your client *after 3 p.m.* on the 23rd instant intimating that the hour being *inconvenient*, Saturday between 8 and 9 a.m. would suit him best. This letter came into my hands on the afternoon of the day appointed and the contents could not be communicated to Dr. Gimi, who had been to the place at the appointed time Entrance was refused, although there was no ceremony going on and the door of the room locked."

"On previous occasion when we made morning appointments they were found inconvenient. When afternoon appointments were made they are also found inconvenient."

"The well was however inspected by myself and the staff on Saturday between 8 and 9 a.m.

*I now give this last warning to your client that we will call again whenever necessary at the hour convenient to us; Previous intimation being given in all cases and if admission is refused we will take the assistance of the Police and take such steps as we have been legally advised. I do not now intend to enter into any more correspondence on the subject."*

**Our Solicitors' letter, dated 4th February 1913.**

- "Your post card of the 21st January fixing the afternoon of the 24th idem for inspection of the well reached our client on the 22nd and on the same day our client wrote and posted his letter to your address (for which he holds a post office certificate) which should have reached you on the evening of the same day or at the latest in the morning of the 23rd idem. *It is no fault of our client that the letter, though admittedly received in the Municipal office 24 hours before the hour appointed for inspection and in sufficient time to enable you to communicate the appointment therein made to the Inspector, did not come to your hands until after that hour.* It must be quite evident to you therefore that rather than obstruct you or the Municipal Inspector our client at once wrote giving an appointment when the inspection could be made.
- "In consequence of the appointment made in the letter of the 22nd January no male member of our client's family was present between 3 and 4 p.m. on the 24th ultimo and the ladies of the household naturally declined to give inspection.
- "We have more than once informed you that it would not be possible for our client to give inspection *except when any male member of the family can be present at the time, and yet you ignore that circumstance in your letter under reply and write as if the only objection urged by our client was the performance of religious ceremonies.*
- "You did not communicate the result of your last inspection on the spot, although in our correspondence we have requested that this should be done, in order that no question might arise as regards same in future and our client might not be put to the expense of recording it in correspondence. You have not recorded the result even in your letter under reply. *Our client is thus forced to the conclusion that he is unnecessarily put to expense and trouble in the matter.*
- "The well has been inspected several times already by the Malaria staff during the past eight months without any mosquito larvæ having been found therein, and our client does not mind your inspecting it over and over again if you desire to do so; but he is forced to say that *he cannot subscribe to your opinion that you can inspect at any time*



convenient to you or the Malaria Inspector regardless of his own convenience and religious and other usages.

“The warning contained in your letter might well have been omitted. To say the least our Client thinks it comes with ill-grace, having regard to the fact that he has never refused admission to his premises except for good reasons.

“The penultimate para. of your letter shows a determined offensive attitude against our Client on the part of the Malaria staff. Should you carry out your threat our client will be compelled to adopt such measures in protection of his rights and interests as he may be advised. It seems to our client that you are under the impression that he does not know what his rights and remedies are.

“Our client does not wish to prolong this correspondence.”

With regard to the 1st para. of the Malaria Officer's above letter, I challenge the Malaria Officer to prove the truth of his assertion. He has tried to explain away his harassing conduct, but in doing so he has made certain false statements thinking that they will go unchallenged. His post card of the 21st January came to my hands on the morning of the 22nd. I wrote to him on the same day and posted the letter obtaining a postal certificate for the posting thereof. This letter in any case *must have reached* the Malaria Office on the morning of the 23rd. The Malaria Officer says that it came to his hands on the evening of the day of inspection (24) and he consequently could not communicate with Inspector Gimi. Now this inspection was fixed for the evening of the 24th January, and it is very strange that nearly 36 hours should have elapsed before the delivery of then letter in his office and the time it reached his hands. This reveals that either there must be gross laxity in his department or it is a clear case of “*Suppressio Veri.*”

I am inclined to think it is the latter and made for the purpose of glossing over his wrong doings.

The allusion to the Police in the Malaria Officer's letter is perfectly scurrilous and an unprovoked insult from a Municipal servant to a tax-payer.

(6) *Malaria Officer's letter, dated 22nd August 1912.*

The Malaria Officer complains in this letter that when he called on the morning of the 4th June 1912 he was made to wait for 20 minutes before the inspection was given, because the male member of the house was taking his bath.

What capital the Malaria Officer wants to make by alluding to this circumstance is not quite clear. Does this Officer mean to say--

- (1) That the Bather should have left his bath immediately and given the Malaria Officer the inspection or

- (2) Whether the male inmates of the house should stand at the threshold of their door every morning awaiting the arrival of their Lordships of the Malaria staff or
- (3) Whether the Bather after his bath should have gone down on his knees before His Lordship and with his arms folded begged for his Lordship's forgiveness.

If he had to wait for 20 minutes (?) he has himself to thank for that, because he was not there under any previous appointment.

From what transpired at the last meeting it seems to me that the Malaria Officer has impressed upon the members of the Sub-Committee and the Commissioner that the water of the wells is medicated before inspection and consequently no Malaria larvæ are found at the inspection. If it is so, it is a base allegation; and I would challenge the Malaria Officer to prove his allegation. This can, I think, easily be done by submitting the water to an analytical test.

I must say that throughout the interval Inspector Gimi's conduct has been very reprehensible. The incident of the 21st November 1912 was particularly such as to give provocation to any man and cause a breach of the peace. Although the Malaria Officer's instructions had been to give previous notice he had frequently called at the place without giving such notice, not only with the object of trumping up a case that inspections were refused but also to annoy and harass us. He has been instrumental in giving rise to the enormous correspondence that has been entailed in this case with what purpose he himself knows.

He has not been straight in his actions and we had to complain to the Commissioner about his refusing to give report of his inspections and his defiance that *he was not bound to give such a report* is, I presume, unwarranted.

The above will prove to you, gentlemen, the truth of my second indictment that "The Malaria Department is overbearing, insolent, harassing, and annoying to a degree. Their conduct has been so provoking that at times it might have led to a breach of the peace."

As to what was the result of the Commissioner's investigation of my case, I have been left upto now in ignorance. I am not even aware whether the Commissioner has done me the honour of casting his eyes on my case, or whether the same has been shelved in one of the pigeon-holes of his Office.

I would now proceed to read the correspondence with the higher Municipal Officials, which would show how by gross misrepresentation of the Malaria Department, the Commissioner and the Standing Committee were led away, in according their sanction for the covering up of my well.

Gentlemen, I must assure you that I do not read this correspondence with any carping spirit, but I read it with a view to show to you, to what pitch the Commissioner's anger was raised, by the false and unjustified statements of the Malaria Officials. The correspondence proves to the hilt, that so led away by the misstatement of the Malaria Officers, the Commissioner was pleased to stamp us as liars and obstructionists.

Bombay, 28th Nov. 1912.

No. 19493 of 1912-1913.

Bombay, 17-12-1912.

Dr. K. B. SHROFF,

Special Assistant to the  
Health Officer,  
Malaria Ward,  
Bombay Municipality.

Municipality of Bombay,  
Public Health Department,  
No. 57 Hornby Road.

Sir,

Referring to your Memo No. M/17233 of 1912-13, dated the 19th instant, we are informed by Mr. Shapurji Hormasji Mistry, that your Malaria Inspector Dr. Gimi attended at our client's premises between the hours of 8 and 9 A. M. on the 21st instant and inspected the well and the result of the inspection as declared by him to our client's brother was that *absolutely no Malaria larva was found*. Please furnish to us a copy of this report Dr. Gimi must have submitted to you.

We beg to point out that your notice of 18th instant was not at all sufficient as it did not specify the purpose namely the inspection of the well.

With reference to your Memo. No. 16897 of 14-11-12 and the copy of the report of Dr. Gimi of the 9th instant therein disclosed, we are instructed by our client in the first instance to protest most strongly against *the unjustifiable and unwarranted remarks made by you*. It seems that the Municipal Officers are labouring under an impression that *they can call on any day and at any*

From

THE SPECIAL ASSISTANT TO  
THE HEALTH OFFICER,  
MALARIA.

To

Messrs. Edgelow, Gulabchand  
and Wadia,  
Solicitors, 57, Esplanade Road.  
Gentlemen,

With reference to your letter, dated the 28th ultimo on behalf of your client Mr. Shapurji Hormasji Mistry, I have the honour to state as under:—

With reference to para. 3, my staff cannot be expected to come at any time you may suggest. Of course my department is always desirous of giving every facility to the public in cases where religious ceremonies are performed. But in your client's case the circumstances are quite different. It is for this very reason that I stated in my former letter that entrance may be

hour regardless of the convenience of our client and the other inmates of his house and of their social and religious usages and observances and require inspection of the well.

Our client's mother very recently died and when your inspector called on the 24th ultimo, ceremonies were actually being performed in memory of the deceased and for that reason inspection could not be allowed. For similar reasons inspections could not be given also on the 7th instant. The Inspector was told on the latter occasion that if he called at the hour he did in the morning inspection could not be given as ceremonies were performed during those hours which could not on any account be interfered with.

It is quite untrue that the Inspector was told that no inspection could be allowed for 15 days. It is quite true that there is a backdoor for entrance but that is for our client's convenience and not for the convenience of the Municipal officers.

We very much regret to find that you should impute motives to our client without there being any grounds for doing so and take up an unnecessarily offensive attitude towards our client.

Already in the course of the last 6 months your Officers have inspected the well of our client no less than *four times* and every time *no Malarial larvæ have been found.*

It seems to be quite unreasonable to say the least that our client should be harassed like this with demands of inspection especially when the water of the well has stood the test so many times and there is no reason to think that there are any malaria larvæ in it.

Our client has not placed any obstructions or obstacles in the way of the Municipal Officers and does

given by the back door. This Department only wants entrance to examine the well and it is immaterial to me by which door entrance is given. 24 hours' previous notice is always given to your client and he is bound to give us entrance at the time specified.

As regards para 5, my Sub-Inspector has no motive to tell a deliberate lie. Your client did tell him that he won't allow inspection for 15 days.

With reference to para. 8, you seem to be under an impression that only your client's house is frequently inspected. We have nearly 38 Sub-Inspectors distributed in different parts of the City with instructions to inspect each and every well. In some places the inspection is made every 8 days and in some after 15 days, according to the importance of the locality.

Larvæ of anopheles mosquitoes were detected by me personally on 30-7-1912 in your client's well and the same were shown to your client (*vide* my No 10169 of 22-8-1912). Although the larvæ have *temporarily disappeared it does not mean that the well could be considered free from larvæ.*

As regards paras 9 and 10, Dr. Gimi absolutely declines having used the words your client has attributed to him. On the contrary he has complained to me that your client is making very unpleasant observations so much so that he has to keep his temper with great difficulty. Your client must understand that he is not dealing with an ordinary Inspector, but with a Graduate of good respectability. He expects your client to behave well. Nobody wants to "harass" your client, who, on the contrary, is placing obstacles in our way. The very fact of the enormous correspondence carried on in this case proves the truth of my statement.

not wish to do so. But he certainly has the right to expect that he should not be molested in his home and subjected to unnecessary frequent demands and that, too, at times when actually religious ceremonies are being performed in the house and the water of the well is used in connection therewith

Our client complains that he is being unnecessarily harassed. His conduct has not been reprehensible or improper at all, and he has always allowed inspection whenever demanded. On the contrary he has reason to complain about the conduct of the Inspector. On the last occasion Dr Ginn had the hardihood to say that inspection cannot be refused and that "*the religious ceremonies should be shut up*" This offensive remark was absolutely uncalled for and our client hopes that in future it will not be repeated.

Since writing this letter we have received your Memo of the 27th instant bearing No. 17826. Our client has gone to Mahableshwar for the benefit of his health and on his return therefrom we will be able to reply to the matters therein stated. In the meantime we would suggest that if you desire to inspect the water of the well again, an appointment for the purpose may be taken from our client so that our client may not be put to any unnecessary trouble and annoyance and that the early hours of the morning (when religious ceremonies are being performed) should be altogether avoided. As you are aware there is actually a room set apart as an Agiary in our client's house where all religious ceremonies are performed

We have the honour to be,

Sir,

Your most obedient servants,  
(Sd) EDGELOW, GULABCHAND  
and WADIA,  
Solicitors, High Court.

Not a single complaint has ever been made about my staff of A Ward who have orders to be courteous and obliging with everybody.

I hope now there won't be any more correspondence on the subject. If morning time does not suit your client, I have directed my staff to visit at any other time convenient to your client, but the time must be a fixed time for all future inspections

I have the honour to be,  
Gentlemen,  
Your most obedient servant,  
(Sd) K. B. SHROFF,  
Special Assistant to the  
Health Officer, Malania

Bombay, 14th Dec. 1912.

No. 28702 of 1912-13.

To  
**THE MUNICIPAL COMMISSIONER**  
**FOR THE CITY OF BOMBAY,**  
 Bombay.

From

**P. R. CADELL, Esq, I C S,**  
**Municipal Commissioner**  
**for the City of Bombay.**

Sir,

We have the honour to address this communication to you on behalf of our client Mr. Shapurji Hormasji Mistry.

Our client is the owner of a house situate at Colaba and bearing No 373

There is an out-building in the premises which is set apart and used as an Agiary for the performance of religious rites and ceremonies and attached to this Agiary and immediately in front of it is a well expressly sunk for the purpose thereof and of the religious rites and ceremonies and which has been always and is being used for such purposes

Since the month of May 1912, the Malaria Staff of the Bombay Municipality has been attending at the premises to inspect the water of the well.

Our client was by a notice dated the 17th June 1912 but served upon him on the 29th of the following month (*i e*, a month and twelve days later) issued by Dr. K. B. Shroff, Special Assistant to the Health Officer, Malaria, required to fill in the well or to hermetically cover it on the ground that mosquito larvæ which were alleged to have been found in the well constituted a nuisance and danger to health.

Thereupon correspondence took place between ourselves on behalf of our client and Dr K. B Shroff in which we pointed out that the report as to the finding of the mosquito larvæ was not correct and requested him to withdraw the notice. Subsequently the notice was not acted upon but was dropped. But our client has since been very often troubled with frequent demands for inspection of the water of the well and as a matter of fact the well has since been examined several times with the

To

**MESSRS. EDGELOW, GULABCHAND,**  
**WADIA & Co.,**  
 Solicitors.

Municipal Commissioner's Office,  
 Bombay, 9th January 1913.

Gentlemen,

With reference to your letter No 7938/12 of the 14th ultimo on behalf of Mr. Shapurji Hormasji Mistry, I have the honour to refer you to letter No 19493 of the 17th idem from the Special Assistant Health Officer, Malaria

*From a plan of the premises which I have seen* it does not appear that a visit to the well need disturb any ceremonies which may be going on at the time in your client's private Agiary. If, however, your client objects to the Municipal Staff passing near the Agiary at all, he can request and permit them to enter by the back door near the well, which is close to the Agiary. I find that in several cases members of the Municipal Staff have not entered the house, because religious ceremonies were going on. Had the Municipal Staff been allowed to enter by the back door, there could have been no reason for refusing entry to the Municipal Staff

On two occasions larvæ were found and on one of these Dr. Shroff showed them to your client's brother. It is clear that the well, if it is allowed to continue, must be subject to regular inspection. There is no wish to interfere with your client's religious ceremonies but it is obvious that he is taking

result that no mosquito larvae have been found and the water has been found to be quite clear and pure as is admitted by the Municipal Analyst and Dr. Shroff himself and the reports made by the Malaria Inspectors, copies whereof have been supplied to us.

Our client keeps the well in a very clean condition and the water of the said well is very clear and there seems to be absolutely no reason for repeated and frequent inspections of the well when the Municipal Analyst and the Municipal Inspectors, as also Dr K B. Shroff are satisfied and have reported that *there are no mosquito larvae in the well.*

It may not be out of place here to inform you that previous to May 1912 Dr Bentley had with Inspector Mama examined the well and pronounced the water of the well to be *absolutely pure and free from any mosquito larvae and expressed his entire satisfaction at the state in which the well was kept by our client.*

The Malaria Staff used to attend for inspection of the water of the well at hours when actually religious ceremonies were being performed in the Agiary and the water of the well was being used for the purposes of such ceremonies and on the 21st November 1912 Dr H D Gini, the Malaria Inspector of the A Ward, who attended for inspection made a remark to our client's brother that inspection should not be refused to him and that "*the religious ceremonies should be shut up*" Our client's brother exercised great forbearance on that occasion

Even under Section 488 of the Municipal Act due regard must always be had to the social and religious usages of the occupants of the premises but our client very much regrets to say that every attempt has been made in his case to *disregard these usages in spite of the fact that the premises in connection with which the well is used, is an Agiary expressly set apart for religious purposes and that the water of*

up an attitude of obstruction to the Municipal Staff I trust you will point out to him the unwisdom of his doing so.

I have the honour to be,  
Gentlemen,  
Your most obedient servant,

P R CADELL,  
Municipal Commissioner  
for the City of Bombay.

*the well is used in connection with such purposes*

The Malaria Inspector also knows that recently our client's mother died and on two occasions when he attended, religious ceremonies were actually being performed in memory of the deceased

Our client has no desire to prevent any inspection of the water of the well, if it is made for the purpose of ascertaining its sanitary condition but what he objects to, and has more than once protested against in correspondence with the Special Assistant to the Health Officer, is *the manner in which he is treated and the way he is troubled and harassed by frequent and repeated inspections by the Inspectors when no necessity exists therefor*

In any event, our client says, regard must be had to the *performance of the religious rites and ceremonies* in the Agrary and inspection should not be demanded at hours and on occasions when *ceremonies are actually being performed*

The last inspection was on *the 7th instant* when Dr. Gimi was asked by our client's brother, after he had examined the water to communicate the result thereof to him, but Dr Gimi contrary to the usual previous practice declined to do so, and referred him to Dr Shroff saying he was not bound to give the result of the inspection as requested Our client's brother was present during the whole of the inspection and at once asked Dr Gimi to note that the water was clear and no mosquito larvæ were found in the well

Our client understands that it is usual for Municipal Inspectors examining well water to note the result of their examinations on inspection cards on the spot and to show them to the parties concerned. He does not understand why this practice is departed from in this case It would save misunderstanding and unnecessary conflict if the result of the inspection is



declared on the spot to the parties concerned.

Under these circumstances we have the honour to request you that you will kindly have the necessary enquiries made in the matter, and issue instructions to the Malaria Staff to refrain from harassing or troubling our client with frequent demands of inspection of the water of the well, and also at hours and times when religious rites and ceremonies are performed and also to note the result of their examination on inspection cards and produce same to our client.

We have the honour to be,

Sir,

Your most obedient servants,

EDGELOW, GULABCHAND AND

WADIA,

Solicitors, High Court.

I specially invite your attention, gentlemen, to the dates of this correspondence.

My Solicitor's letter to the Malaria Department is dated the 28th November. My Solicitor's letter to the Commissioner complaining about the Malaria Department is dated the 14th December. The Malaria Department's reply to my Solicitor's letter of the 28th November, is dated the 17th December, *i.e.*, 20 days after the receipt of that letter, and 3 days after my Solicitor's letter to the Commissioner, complaining about that Department of which evidently the Department had got wind. The Commissioner's reply is dated the 9th January 1913, and is based on the letter of the Malaria Department of the 17th December, which is full of false and unjustifiable statements, made with the view to put the Commissioner on the wrong scent. This is a very significant fact that charges preferred against the Malaria Department, instead of being investigated by the Commissioner, are left to be replied to by the Department itself. The Commissioner simply refers to that letter, and comes to the conclusion that it is obvious to him that I have taken up an attitude of obstruction to the Municipal staff.

Bombay, 20th January 1913.

5 Enclosures

THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,

Bombay.

Sir,

We have the honour to acknowledge receipt of your letter

No 28702 of the 9th instant in reply to ours of the 14th ultimo on the subject of the well in the premises at Lower Colaba belonging to our client Mr Shapurji Hormasji Mistry.

Our client regrets to see that your letter is based upon the fallacious statements made in the letter No 19493 of the 17th ultimo from the Special Officer, Malaria, to ourselves which is referred to by you and which we may inform you, remained unanswered owing to our client's absence from Bombay and the intervening Christmas Holidays.

In the first place a variety of motives are imputed to our client, although our client, who has taken up his residence in the suburbs for the past two years, was not present at the time of the different visits of the Malaria Inspector except one

How misleading the statements of the Malaria Officer are, will be evident from the fact that the back door to which reference is made in your letter cannot, as our client is prepared to prove if necessary to your entire satisfaction, be opened under any circumstance when ceremonies are going on in the Agiary which is in proximity to the well in question.

Our client is very anxious to remove the misconception created on your mind by the misstatement of the Malaria Officer in this connection, and we are asked by our client to request you to be good enough to give the place a visit so that you may find out very clearly how far the Malaria Officer has tried to pervert the facts in spite of frequent explanations given to him by our client.

With regard to the other statements made in the Special Officer's letter in question, our client has requested us to forward herewith (which we do for your perusal) copies of the letters noted at foot hereof, the first addressed by our client and the others written by us

to the Special Officer, Malaria, which can only lead to one conclusion that the attitude taken up by that Officer has been one of annoying and harassing our client. Our client specially requests us to draw your attention to the reprehensible conduct of the Malaria Inspector, Dr. Gini, who has left no stone unturned to annoy our client in consequence of what our client wrote to the Special Officer on the 18th July last.

Our client has not the slightest hesitation or objection to the well being inspected as often as may be desired, but what he asks us to request you is, that you will be good enough to instruct the Malaria Department to pay their visits of inspection after obtaining a previous appointment from our client and to supply our client or his representative on the spot with the report of the result of the inspection then held. Such arrangement will as we think tend to remove all cause of the alleged complaint from the Malaria staff of detention, &c, because it is quite natural that our client cannot allow the inspection, if the Malaria Inspector calls when ceremonies are actually being conducted in the Agiary.

We trust that you will be good enough to accede to our client's above very reasonable request and issue the necessary instructions to the Malaria Department.

Yours truly,  
EDGELOW, GULABCHAND,  
WADIA & Co.

*Letters.*

18th July 1912 from Shapurji Hormasji to the Malaria Officer

30th July 1912 from Messrs. Edgelow, Gulabchand, Wadia & Co, to the Malaria Officer

31st July 1912 from Messrs E G W. & Co. to the Malaria Officer

30th September 1912 from Messrs. E G W. & Co. to the Malaria Officer.

28th November 1912 from Messrs.  
E. G. W. & Co., to the Malaria  
Officer

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26th January 1913.

To

THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY.

Sir,

We are informed by our client Mr Shapurji Hormasji Mistry that on the next day after our letter to you of the 20th instant regarding the well in his premises at Colaba Road, he received the enclosed post card demanding inspection of the well and that in reply thereto he wrote to the Malaria Officer requesting him to defer such inspection to the following morning. In spite of such intimation the Malaria Staff called at our client's premises on the afternoon of the 24th as mentioned in the post card, demanding inspection which however could not be given as no male member of the family was present at the time. A visit was again paid this morning by the Malaria Officer personally attended by Dr. Gimi, the Malaria Inspector, and another Mahomedan Inspector on the Malaria staff.

The water from the well was drawn three or four times in succession and was very minutely examined and subjected to microscopic test, but no mosquito larvæ were found therein.

Our client regrets that no report of the examination was furnished to his representative as requested in our previous letter to you. This omission compels our client to cause this letter to be addressed to you in order that the result of the inspection may be noted.

Our client again requests us to state that he does not in the least object to inspections being held as often as the Malaria officer likes on getting previous appointment from him, but at the same time he would request you to be good enough to instruct the Malaria Staff to furnish him or his representative on the

spot with the result of such inspection as otherwise our client would be put to the necessity of incurring costs of causing letters to be written recording the result of the inspection

Yours truly,

Solicitors, High Court

From  
P. R. CADELL, Esq, I C S,  
Municipal Commissioner  
for the City of Bombay.

To  
Messrs E. & WADIA & Co,  
Solicitors,  
Bombay.

Municipal Commissioner's Office,  
Bombay, 29th January 1913.

Gentlemen,

With reference to your letter of the 20th January I have the honor to state that if your client continues to give as much trouble to the Malaria Staff as he can, *he is bound, though he may succeed in being obstructive, to be troubled in turn by frequent visits*. It is clear that your client could be saved any disturbance if he *allowed the back door beside the well to be used*. I observe that in your letter of the 28th November you state that it is quite true that there is a back door for entrance but that is for your client's convenience and *not for the convenience of Municipal Officers*. This seems to me a *very foolish as well as a discourteous reply*. I am unable to correspond with you further but must warn you against the un wisdom of obstructing Municipal Officers in their duty.

I have the honour to be  
Gentlemen,  
Your most obedient servant,  
(Sd) P. R. Cadell.

12th February 1913.

To  
THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,  
Bombay

Sir,  
Re *Well in premises at Lower  
Colaba bearing No 373*

Your letter of the 29th ultimo bearing No. 30948/1913 was duly to hand

Our client regrets to find that he is still unjustly charged with being troublesome and obstructive to the Malaria Staff when as a matter of fact he is not, and that he is threatened with frequent visits to trouble him in future

With regard to the remarks made by you in connection with the back door in our client's premises, we must say that we are *not accustomed to receive letters couched in such offensive terms*, and we can *only regret that you have in your letter under acknowledgment departed from the politeness and dignity we have always found in the letters of your predecessors and of all other high Officials with whom we have to correspond in our professional duties*

We have the honour to be,  
Sir,  
Your most obedient servants,

Referring to the Commissioner's letter to my Solicitors of 29th January 1913, I would here beg to explain the particular incident about the back door. This letter by Messrs Edgelow, Goolabchand,

Wadia & Co. was written at the time when I was not in Bombay and there had been some misunderstanding in the instructions given to them. This back door was originally intended for the convenience of the Parsee Residents of the locality requiring the water of the well for religious purposes. Since the advent of the Malaria Department this door was permanently closed and has never been opened upto now. The idea about the back door instilled in the mind of the Commissioner by false statement of the Malaria Department, had raised the Commissioner's anger to such a high pitch that the matter was brought to a climax by the expression used in the Commissioner's letter to my Solicitors. That expression took a very serious turn, and the question was one, whether my Solicitors should get a proper redress from the Commissioner through a Court of Law. A consultation for the purpose was held in the chamber of one of the leading European Counsel in Bombay with the result that the reply to the Commissioner from my Solicitors, dated 12th February 1913, was penned by that eminent Counsel. It was a great relief to me, although the penning of that letter cost me nearly a hundred rupees, and I had to lose the advice and services of my Solicitors in this case.

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Bombay, 6th March 1913.

To

THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,  
Bombay.

Sir,

Re *Well in premises No. 373,  
Colaba Road.*

I have the honour to inform you that a visit was paid on the 3rd instant by the Deputy Health Officer, Sanitary Department, at my premises No 373, Colaba Road, to inspect the well. I was also informed by the Special Assistant to the Health Officer, Malaria, that he proposed to report the case of this well to the Standing Committee for their sanction to hermetically seal the well in question.

Before you accord your assent to the Malaria Officer's application, I would, in this connection, request your kind attention to the voluminous correspondence passed between my Solicitors, Messrs Edgelow, Gulabchand, Wadia & Co, and the

Malaria Officer and my said Solicitors and your honour on the same subject.

I further have the honour to forward herewith for your consideration the 2 letters addressed to your honour one by the Head Priest of the Parsees and the other by my Family Priest which will prove to your satisfaction that the well is used in connection with the Agiary on the premises for the purpose of performing high religious ceremonies as Yajesne, Vandidad, &c., and by covering up the well these ceremonies cannot be performed.

I need hardly mention that the well is free from any mosquito larvæ and in face of the Malaria Officer's own frequent admission that it is so, it cannot under any circumstance be classed as nuisance.

On perusal of the correspondence referred to above and the 2 enclosures hereto, I feel confident that your honour will be fully convinced that no action of any nature is called for by the present state of the well which is in first class order.

I am forwarding a copy of this letter with its 2 enclosures to the Standing Committee for favour of consideration by that body.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) SHAPURJI HORMASJI MISTRY,

Owner premises No 373,

Colaba Road.

I have said in my statement that when approaching the higher officials with your grievances, you are stamped as being liars and obstructionists.

I would leave you, gentlemen, to judge whether the Commissioner was led away by the misstatements of the Malaria Department, or whether the Commissioner, in writing his replies to my Solicitors, had sufficient evidence to come to that conclusion, after going into both sides of the case.

My further grievance is that in spite of repeated requests to the Malaria Department and the Commissioner to notify the results of inspections on the spot, this was studiously avoided. Why was that so? If the Malaria Department does its work above board where is the necessity of not disclosing the results of the inspections on the spot. I have been put to unnecessary trouble and much expense of having these results put on record through my Solicitors and my object in doing so even at some expense, will be evident to you. This is a procedure unheard of, and with what object the report is withheld, it is for you to judge and determine. This point and the notice of 24 hours, prescribed under section 488 of the Municipal Act, are the two points of fundamental importance, which the Malaria Department have tried to shirk, for reasons best known to themselves.

It is such treatment of the representation about the grievances of the tax-payer, that makes one feel, that he is not living under the benign British Rule, but under some Turkish yoke.

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### The pin-pricking policy.

The pin-pricking policy is still going on, in spite of the fact that there is nothing to complain about the well, and at times it becomes so annoying, that it amounts to sheer persecution.

373, Colaba Road,  
Bombay, 23rd July 1913.

To  
THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,  
Bombay.

Sir,

Re *Well in premises No. 373,  
Colaba Road.*

I have the honour to inform you that since writing my letter to you of the 26th ultimo, this well was inspected by the Malaria Department in the mornings of the following days without any mosquito larvæ having been found therein.—

Tuesday, 8th July.

Saturday, 12th July.

Monday, 14th July.

Tuesday, 17th July.

Monday, 21st July.

Tuesday, 22nd July.

I write this in order to place the results of these inspections on your record, as I am not supplied



with reports each time the inspection is held, and especially as at the inspection held on Monday, the 14th July, I was met with a cheeky reply from Inspector Gimi that he was not supposed to tell me anything in answer to my inquiry if there was anything wrong with the water.

I am sending a copy of this letter to the Malaria Department, so that it may remain on their record also.

I have the honour to be,  
Sir,  
Your obedient servant,

—————  
No. 373, Colaba Road,  
Bombay, 23rd August 1913.

To  
THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,  
Bombay.

Sir,

Re: *Well in premises No. 373,  
Colaba Road.*

Since writing my last letter of the 23rd ultimo in this connection, the above well was inspected by the Malaria staff on the following days without finding any mosquito larvæ in the water.—

Wednesday,	30th July
Friday,	1st August.
Tuesday,	5th August.
Thursday,	7th August.
Saturday,	16th August
Wednesday,	20th August.
Saturday,	23rd August.

I write this with a view to place on record the results of these inspections, and I am also sending a copy hereof to the Malaria Officer for his record.

I have honour to be,  
Sir,  
Your obedient servant,  
(Sd.) SHAPURJI HORMASJI  
MISTRY.

No. 16750 of 1913-14.

From  
J CREER, Esq, I C. S.,  
Municipal Commissioner  
for the City of Bombay

To  
Mr SHAPURJI HORMASJI  
MISTRY.

Municipal Commissioner's Office,  
Bombay, 18th September 1913.

*Memo.*

With reference to the previous correspondence regarding the well at premises No 373, Colaba Road, the Commissioner is informed that Mr Shapurji Hormasji Mistry has been raising obstacles to the inspection being carried out by the staff of four persons which is the usual number employed in the work of inspecting wells. He is requested to refrain in future from raising such obstacles. The inspection is indispensable, and it is to the interest of both parties concerned that it should be carried out smoothly and expeditiously.

For the present only one inspection will be made weekly on any day out of the two fixed by Mr. Shapurji Hormasji Mistry.

(Sd) J CREER,  
Municipal Commissioner.

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This letter comes from the Acting Municipal Commissioner, evidently written at the instance of the Malaria Department after Mr. Cadell's departure from Bombay, and three months after the arrangement arrived at by Mr. Cadell and the Sub-Committee, which is already recorded, and after 14 inspections had been actually taken by one Inspector and a Sub-Inspector. This question of how many men were necessary to inspect the well was fully gone into at the meeting of the Sub-Committee at my place. This well is a small well with a diameter of only 6 feet, and it was considered that one man was quite sufficient to inspect the well. I had pointed out to the Sub-Committee that if the Malaria Department brought four men, it would be necessary for me to keep as many men on the spot to watch their proceedings.

The Acting Municipal Commissioner seems to have a very poor notion about the time and liberty of the tax-payers. He

states that "only one inspection will be made weekly on any day out of the two fixed by Mr. Shapurji Hormasji Mistry." I do not understand in what way it helps me, because my representative had always to wait for the pleasure of the Malaria Department at both appointments.

No. 17477 of 1913-14  
Bombay, 23rd October 1913.

Municipality of Bombay,  
Public Health Department.

From

JOHN A. TURNER, M D, D P H,  
Executive Health Officer

To

SHAPURJI HORMASJI MISTRY, Esq.

Sir,

I have the honour to inform you that the Municipal Commissioner under his No 16750 of 18th September 1913 had informed you that no obstacles be put in the way of inspection of your well by the staff of four persons of the Malaria Department.

In spite of this you did not allow the coolies to enter along with the Malaria Inspector on subsequent visits, although you fixed the time yourself. As intimated by you in your letter, dated the 6th instant, the Malaria Inspector and his staff called at your place on Saturday the 11th October last, at 8-35 a.m. (B T) when admission was refused on the pretext that no male member was at home

I regret to observe that you are putting obstructions in the way of their inspection, and I hereby warn you under instructions from the Municipal Commissioner that if hereafter any such obstacles are put in the way, I shall be compelled to take legal steps in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) JOHN A. TURNER,

Executive Health Officer.

373, Lower Colaba,  
Bombay, 24th October 1913

To

Dr JOHN A. TURNER, M D, D P H,  
Executive Health Officer,  
Municipality of Bombay,  
Bombay

Sir,

I am in receipt of your letter No 17477 of 1913-14 of yesterday's date.

The two inspections a week of the well in question, held by the Malaria Department since 11th June 1913 are so held under a special arrangement arrived at between me, the gentlemen of the Sub-Committee appointed by the Standing Committee under their resolution of May last and the then Municipal Commissioner, Mr Cadell, who were present on the premises on the above mentioned date, when it was arranged, *inter alia* that I should give two inspections a week to a Parsee Inspector who was to be deputed for the purpose. Notwithstanding such arrangements, I avoided raising any objection and allowed, formerly a Parsee Inspector and a Mahomedan Sub-Inspector and latterly a Hindoo Inspector and the said Mahomedan Sub-Inspector of the Malaria Department to inspect the well, and such inspections, though critical, have been held without any difficulty or hitch. You will thus see that the letter of the Acting Municipal Commissioner to which you refer was apparently written on misinformation. As regards the incident of the 11th instant, to which mention is made in your letter under reply, it so happened that by my letter of the 6th instant to the Malaria Officer, two inspections were as

usual offered, the first on Wednesday 8th October and the second on Saturday the 11th idem but the Malaria Dept avoided taking any inspection on the 1st day, and on the second day, my brother who attends to the inspection was that morning unavoidably called away by social obligation, and no inspection could therefore be allowed. The Malaria Dept. knows fully well, that I am too averse to leave my well entirely to their tender mercies, and this is the only occasion since 11th June, 1913 that an admission was refused by the ladies of the household. I must here mention that I take strong exception to the expression "pretext" used in your letter, and add that your threat of legal steps was absolutely uncalled for.

I beg to remain,

Sir,

Yours truly,

(Sd) SHAPURJI HORMASJI MISTRY.

Seeing that nothing came out of the matter from the Acting Municipal Commissioner's letter to me, the Malaria Department puts up the Executive Health Officer to take up cudgels against me. I had resolved not to enter into the arena with the Municipal officials, and give them every opportunity of inspecting the well without a hitch, but I have found that I was mistaken, and in justice to myself I was obliged to send my reply of 24th October 1913 to Dr Turner, the Executive Health Officer. This reply of mine had the satisfactory effect on the Executive Health Officer, and left me in peace for some time.

No. 373, Colaba Road,

Bombay, 15th November 1913.

THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,  
BOMBAY.

Re *Well in premises No. 373,  
Colaba Road.*

Sir,

I have the honour to state that during the interval since my last letter to you of the 23rd August the inspections of the above well were offered and held on the fol-

Following days when no mosquito larvae were found in the well :—

Inspections. <i>Offered.</i>	Inspections. <i>Held.</i>
August 25th	
August 28th	August 28th
September 24th	September 24th
September 25th	September 25th
September 29th	
October 4th	October 4th
October 8th	
October 11th	October 11th Inspection could not be given on account, of so- cial obligations.
October 16th	October 16th
October 25th	October 25th
October 28th	
October 29th	
November 3rd	
November 6th	November 6th
November 10th	
November 13th	November 13th

I beg to state that I have forwarded a copy of this letter to the Special Assistant to the Health Officer, Malaria, for his record.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) SHAPURJI HORMASJI MISTRY.

373, Lower Colaba,  
Bombay, 21st November 1913.

To  
THE SPECIAL ASSISTANT TO THE  
HEALTH OFFICER, MALARIA,  
Bombay

Sir,

Re *Well in premises No. 373,  
Colaba Road.*

I beg to bring to your notice the incident that took place at this morning's inspection of the above well by Inspector Ginn.

No 20527 of 1913-1914.  
Bombay, 25th November 1913.

Municipality of Bombay,  
Public Health Department.

From

JOHN A. TURNER, M D, D P H.  
Executive Health Officer,

To

SHAPURJI HORMASJI MISTRY, Esq.,  
373, Colaba Road

Sir,

With reference to your letter dated the 21st instant, I have the

Whilst the inspection by Inspector Guni and the Mahomedan Sub-Inspector was proceeding, a cooly belonging to the Department entered the premises and approached the well unobserved in spite of repeated protests that no more than an Inspector and the Sub-Inspector will be allowed admittance.

You will therefore please issue the necessary instructions and see that such an incident will not recur

Yours faithfully,  
(Sd) SHAPURJI HORMASJI MISTRY.

honour to state that as explained by Dr Guni on the spot, the Bigar was a new hand and was not conversant with the routine of work in your house.

With reference to this subject, I may draw your attention to Municipal Commissioner's No 16750 of 18th September 1913, in which you were informed that 4 persons are absolutely necessary for manipulation. This order of the Municipal Commissioner is still being disregarded and I would like to know what you have to say on the subject.

I have the honour to be,  
Sir,  
Your most obedient servant,  
(Sd) JOHN A. TURNER,  
Executive Health Officer.

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373, Colaba Road.

Bombay, 28th November 1913.

To  
THE EXECUTIVE HEALTH OFFICER,  
Bombay Municipality,  
Bombay.

Sir,

I have to acknowledge the receipt of your letter of the 25th instant and although the explanation given by Inspector Guni does not appear to me to be plausible it would serve my purpose if my putting the incident on record will put a stop to any recurrence of the same

As regards the enquiry at the end of your letter I would refer you to the enclosed copy of my letter of the 24th ultimo to Dr. John A. Turner, Executive Health Officer.

I have the honour to be,  
Sir,  
Your most obedient servant,  
(Sd.) SHAPURJI HORMASJI MISTRY.

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This correspondence speaks for itself and requires no great comment from me. When I complain about the misdeeds of the department, the old question of 4 persons is raised again, although it was disposed of by my letter of 24th October 1913.

No. 744 of 25-5-1914  
 To  
 THE SPECIAL ASSISTANT TO THE  
 HEALTH OFFICER, MALARIA.  
 Sir,

Re. *Well in premises No. 373,  
 Colaba Road.*

The well could not be examined as the younger Mr Mistry refused to let in my Sub-Inspector Mr. Respicio, who was sent alone. I was going round with you that morning, and you will remember that I asked Mr. Respicio to go by himself and he went there at 9-20 A M, S T. The time fixed was between 8 and 8-30 A.M., B T. Mr. Respicio has examined the well by himself before, and he was also present within the appointed time, and there was no excuse for the party to refuse inspection.

(Sd.) A. S. BELLIMAL,  
 Malaria Inspector, A Ward.

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No. 4861 of 1-6-14.

Copy forwarded to S. H. Mistry for favour of remarks as to the circumstances under which the examination was refused, in view of his letter of 21st May 1914.

(Sd) B. K. GOLDSMITH,  
 Ag. Executive Health Officer.

No. 373, Colaba Road,  
 Bombay, 4th June 1914.  
 From  
 Mr. SHAPURJI HORMASJI MISTRY,  
 To  
 THE ACTING EXECUTIVE HEALTH  
 OFFICER,  
 Bombay Municipality, Bombay.  
 Re. *Well in premises No. 373,  
 Colaba Road*

With reference to the Acting Executive Health Officer's endorsement No M 4861 of 1-6-14 on the report of the Malaria Inspector No. 744 of 25-5-1914 Mr. Shapurji Hormisji Mistry begs to inform that the report in question is devoid of any truth. The persons attending and giving the inspections were waiting at the house till 10 o'clock S T ; but no person on behalf of the Malaria Department appeared on the scene till that hour. Inspection was subsequently taken on the 27th ultimo but no complaint was made at the time about the refusal now put forward in the report Mr. Shapurji Hormasjee Mistry begs to draw the Ag. Executive Health Officer's attention to the glaring inconsistency in the report in question. It is stated therein that the Sub-Inspector had called at the premises at 9-20 S.T. while the appointment given was 8 to 8-30 B T. It is also stated in the report that the Sub-Inspector had attended within the appointed time, but this is evidently not so as 8-30 B T. is equivalent to 9-9 S T. whilst the Inspector states that he attended at 9-20 S T

Furthermore it is not correct to state that the Sub-Inspector Respicio was allowed inspection by himself when he attended alone

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When Dr Turner is away from the scene, the Malaria Department tries its hand with the Acting Executive Health Officer, Dr. Goldsmith, and puts that officer in a false position, by a report based on misstatements.

It is scandalous that such conduct should be tolerated in the Municipality of the first city in India. It is enough to make a

tax-payer feel that he is not living under the benign British Rule, but he is living under some despotic yoke.

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## XXVI.

*Letter dated the 29th May 1915, from Mr. K. A. Enti:—*

“ I have the honour to acknowledge receipt of your letter\* No. 1349, dated the 28th current, but I regret to have to state that I shall not be able to attend the Meeting which is to be held on Monday as I am going out of Bombay this evening. However, I shall take extremely kind of you if you will be good enough to put the accompanying suggestions before the members of the Committee of the Corporation on that day.”

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### Constructive Measures.

1 Those wells, waters of which are used for religious purposes, must be kept open for reasons mentioned below:—

(a) In order that water may be properly used for religious purposes, it must receive direct rays from the sun.

(b) Before water becomes fit for religious purposes, the utensil requires to be thrice cleaned with it, that is to say, three times water is drawn from the well and poured out. While continuing such a process the utensil or the rope to which it is tied should not touch anything whatever.

(c) There should not be any partial or complete shadow over the surface of such water.

If however the Health Department is still bent upon sticking to its own policy, I should like to suggest the following procedure to remove grounds of serious complaints:—

(a) When examining water of any well, the owner of the well should be given previous intimation, so that he may if he likes be present on the spot.

(b) The inspection should take place in his presence, and if he is prepared to furnish his own materials for inspection, he should be allowed to do so.

(c) If malaria breeding larvæ are really found on various inspections, the work of cleaning the well, and destroying such larvæ, by stocking in fish or putting in certain chemicals, should be at once taken up by the Health Department, if the owner is prepared to pay for the same.

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\* This was an intimation to the effect that the adjourned Meeting of the Malaria Committee would be held on Monday the 31st May 1915.



(d) If after repeated and *bona fide* experimental trials, no satisfactory result is arrived at, the owner should be requested to cover his well with wire gauze and be allowed to put in a trap-door of a larger dimension and in case the well is a large one he can be allowed to have more than one trap door. But in no way, in the very first notice he should be threatened to close his well with concrete, or any such material.

If this procedure is followed I am sure all sorts of molestation and ill feelings will be put an end to. It should be distinctly understood that I do not mean to say anything in favour of wells, water of which is entirely polluted and which stand no chance of improvement. The sooner they are closed the better."

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## XXVII.

*Extract from the Minutes of the sixth Meeting of the Committee, held on the 31st May 1915 :—*

"The following representatives of the signatories to the petition to the Corporation, regarding the closing of wells and tanks in the City were present by invitation:—

Mr. Shapurji H. Mistry.

Mr. Naranji Dayal.

Mr. Sunderrao D. Navalkar.

Mr. Haridas P. Kapadia.

Mr. Lakhmidas Raoji Tarsee.

Mr. Ranchordas Thackersi, who was given to understand that he would be heard by the Committee if he attended a meeting, was also present.

The following papers had been circulated to the Committee:—

(1) Memorandum from Mr. Dinanath Jagannathji.\*

(2) A printed compilation of papers received from Mr. Shapurji Hormusji Mistry.†

(3) Letter, dated the 30th April 1915, from Mr W. T. Halai.

A letter, dated the 29th May 1915, from Mr. K. A. Enti, offering his suggestions for constructive measures in connection with wells, was placed before the Committee ‡

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\* *Vide* Paper marked XXIV.

† *Vide* Paper marked XXV.

‡ *Vide* Paper marked XXVI.

With reference to his papers questions were put to Mr. Shapurji Hormusji Mistry which are noted below together with the answers given by him:—

*Mr. R. S. Navalkar:*

*Q* Do you think that previous intimation should be given to the party concerned when an inspection of a well is proposed to be made?

*A* Yes. It is natural to expect that previous intimation should be given.

*Q* You say you were justified in refusing admission under clause\* (d) of Section 488 of the Municipal Act.

*A* Yes. Whenever an appointment was made I never raised any objection except under special circumstances when religious ceremonies were actually being performed.

*Q* Were the religious ceremonies, on account of which you would object to the place being entered into, being performed near the well?

*A* There is an Agiari close by and no one can enter the place when religious ceremonies are being performed.

*Q* For how long death ceremonies are performed after the death of a person?

*A* For a month.

*Q* What is your objection to the back door being used for inspection purposes?

*A* I have fully dealt with that question in my papers.

*Q* But from the papers I cannot find out your reasons for refusing admission by the back door. Is no one allowed to enter by that door?

*A* No one is allowed to enter by the back door except a Parsee and when certain ceremonies are performed not even a Parsee can enter.

*Q* Why do you desire that the number of persons who should accompany the Malaria Officer for inspection purposes should be limited?

*A* I have explained that in my papers. When my well was visited by the Commissioner I pointed out to him that if the Municipality brought more men he (Mr. Mistry) would have to keep more men to watch their work.

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\* This clause runs as follows:—

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Q. Do you take a search of the men when they come to inspect your well? Have you any reason for suspicion?

A. I have my reasons for doubt. Every day we used to inspect the water of the well and nothing wrong was found. On the day on which the Malaria Inspector found a larva the water of the well had been examined previously as usual and nothing had been found by us. How the larva came to be there I do not know. It was just over the rim of the net. This roused my suspicions.

Q. A post-card was addressed to you by the Malaria Department intimating that the afternoon of the 24th January 1913 had been fixed for the inspection of your well. May I know to whom and to what address your reply to that card was addressed?

A. It was addressed to the Special Assistant to the Health Officer, Malaria, No. 5 A, Hornby Road, Fort, Bombay.

Q. What have you to say about Dr. Gimi?

A. Nothing beyond what I have stated in my papers.

Q. Does he bear any malice to you?

A. I cannot say that.

Q. Was he in the Malaria Department when your well was visited in 1905?

A. No; he was not.

The Chairman pointed out that the Malaria campaign did not exist in the year 1905. Action was proposed to be taken with regard to the well in 1905 as it was alleged that the well was situated within 20 feet of privies. That had nothing to do with the present Malaria campaign.

Q. Do you approve of Mr. Halar's suggestion that if malaria larvæ are found in a well preventive measures should be taken at first and that if the larvæ continued to breed notwithstanding, the well should be closed?

A. Yes.

*Dr. Jehangir J. Cursetji:*

Q. You say that your well was first inspected in 1905?

A. My well was constructed in 1905. It was then contended by the Municipality that as the well was situated within 20 feet of privies and as its water was also filthy it should be filled in. The Standing Committee appointed a Sub-Committee to consider the question and the Sub-Committee found that the Standing Committee had been misled by an inspector and by another gentleman. In the present case the Malaria Officer misled the Commissioner and the Standing Committee and I had to undergo all this trouble.

*Q* You say that numerous inspections have been made during the last two years. In how many cases were Malaria larvæ found?

*A* Subsequent to the visit of the Sub-Committee in June 1913, nearly 100 inspections have been made and in none of them was any larva found.

*Q* In the course of how many years these inspections were made?

*A* The Sub-Committee met on the 11th June 1913, and so it is now two years during which nearly 100 inspections have been made and no larvæ have been found.

*Q* What do you think of these inspections?

*A* I consider these frequent inspections to be a great hardship.

*Q* Were Malaria larvæ ever found in your well?

*A* Yes, on one occasion only and then too only one larva was found at the rim of the net.

*Q* Was the inspection made in your presence when the larva was found?

*A* No. My brother was present at the time.

*Q* Were any larvæ found during the course of other inspections?

*A* No. Not to my knowledge.

*Q* At page 10\* of your compilation you state that "the complaint from many of the witnesses in this enquiry is that anopheles larvæ were said to have been found when their wells were inspected by the Officials of the Malaria Department by themselves, but when the same wells were inspected in the presence of the owners, the larvæ were non-existent." Is that so?

*A* Yes.

*Mr. Cowasji Jehangir:*

*Q* I think you mean to say that such a small well need not be inspected by more than one man and that it should be visited by a Parsee Inspector.

*A* Yes, that was the arrangement settled with the Sub-Committee. However I did not object to inspections being taken by a Parsee Inspector and a Mahomedan Sub-Inspector and later on by the Mahomedan Sub-Inspector and a Hindu Inspector. But as soon as Mr. Cadell left Bombay the Acting Commissioner appointed four men to inspect the well. 15 inspections were made by two men only. Subsequently I received a threatening letter from the Health Officer intimating that if any obstacles were put in the way of inspecting the well he would be compelled to take legal steps. To this letter I have sent a reply.

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\* This corresponds to page 102 of this Compilation.

*Mr. D. E. Wacha :*

*Q.* Do you mean to suggest that the larva which was found in your well was put in there by some one ?

*A.* As I have told you the water of the well was examined every morning. On the day on which the larva was found, it was examined by us as usual and we did not find anything. The Malaria Inspector then examined the water and he found the larva. The implements which were used by the Inspector belonged to the Malaria Department. I then made my own implements and examined the water every day and did not find any larva.

*Q.* As regards the hundred inspections of your well made by the Malaria Department, do you know whether there are also other wells near your house which have undergone as frequent inspections week after week as your own well ?

*A.* Mine was a special case. An arrangement was made with the Commissioner that I should allow two inspections a week for some time and I agreed to it

*Q.* Then you have nothing to complain of so far as these inspections are concerned ?

*A.* No, but the previous arrangement was discontinued by the Acting Commissioner, who wrote to me that out of the two inspections one would be made on any day the Malaria Department liked.

*Dr. E. Moses :*

*Q.* At pages 33\* and 34\* of the compilation of your papers you have mentioned the dates of certain inspections. Do you know whether these inspections were conducted by Dr Shroff or Dr. Gimi ?

*A.* Some by Dr. Shroff, some by Dr. Gimi and some by other Inspectors. I used to write after every inspection requesting that I may be furnished with the result of each examination.

*Mr. R. S. Navalkar :*

*Q.* Do you think the Municipality is bound to communicate the result of the examination to you ?

*A.* Yes. I think they should communicate the result on the spot.

*Q.* Are you in a position to give us an idea as to the amount of money you have spent in connection with the correspondence, &c., with regard to this well ?

*A.* I cannot say exactly but it goes to four figures

- *Mr. Cowasji Jehangir :*

*Q.* When was the first arrangement disturbed ?

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\* These correspond to pages 125 and 126 of this Compilation.

A. After Mr Cadell had left Bombay.

Q. What are your present grievances ?

A. What I want to say is that when after carrying on inspections for two years no malaria larvæ have been found there is no necessity for the inspection being continued. At present although the well is free from larvæ if I fail to fix a day for the bi-monthly inspection, I receive a letter intimating that the inspection will take place on such and such a day.

Q. Your grievance is that these two inspections a month are too many ?

A. Yes, the inspections, although now reduced to two per month, are yet too many. One inspection in three months should be sufficient.

Q. How many Inspectors now visit your well for inspection ?

A. Two.

Q. Have you any other grievance ?

A. Yes. I require that the report should be furnished to me on the spot, and if anything is found wrong I may be informed at once.

Q. Then your chief grievances are that the result of the inspections is not given to you and that two inspections a month are too many and that your opinion is that one inspection should be made in three months.

A. Yes.

*The Commissioner :*

Q. Malaria larvæ are said to have been found three times in your well ?

A. No. Only on one occasion a larva was found; at that time my brother was present.

Q. Do you think that the larva which was found was brought from outside ?

A. Yes, that is the natural conclusion one would arrive at under the circumstances.

Q. Do you not think that to avoid such dispute more than one Inspector should be present at the time of examining the well water ?

A. No. I object to more than one Inspector examining the water of the well.

Q. It was arranged with you that inspections should be carried out twice a week ?

A. Yes.

Q. Now the inspection is made twice a month ?

A. Yes, but now when after so many inspections no larva has been found is it fair to continue two inspections per month?

Q. Did you say that the Health Officer wrote his letter of 23rd October 1913 when I was away?

A. Yes.

The Commissioner then informed the Committee that on 23rd October 1913 he was in Bombay and was in charge of the office of Municipal Commissioner.

*Mr. Wacha :*

Q. Why did you buy the implements for inspection purposes?

A. To avoid dispute as already explained.

*Dr. Sukhia :*

Q. We want to know your suggestions as to the future policy of the Corporation with regard to the closing of wells. Have you anything to say further than what has been suggested by Mr. Halai?

A. If you like I shall write out my suggestions and send to you.

Mr. Ranchordas Thackersey then addressed the meeting in Gujarati. He submitted that he was the greatest sufferer on account of this policy of closing wells. His whole family as well as all the tenants, except one, of the property at Kalbadevi, opposite Popatwadi, of which he was a trustee, used well water. He had actually to employ at a monthly expenditure of about Rs. 100 a carriage and horse for bringing water for drinking purposes from a well near the High Court. Water from his own well drawn out from a trap-door was now only fit for washing and bathing purposes as it had deteriorated and become impotable since the well had been covered at the instance of the Municipality. Owing to the difficulty of getting potable well water, the Marjadi Members of his family who used well water only had to go out of Bombay. The Malaria Department complained of trap-doors being left open. Sometimes trap-doors had to be kept open to enable the tenants of upper floors to draw water from, but if the Malaria staff but once saw a trap-door open they sent a notice the next day to have the well filled in. He had cisterns at the top of the house and whenever pipe water did not reach the cisterns before, he employed Bhistis to fill them, but now their covers having been sealed it was not possible to have them filled with water by Bhistis when pipe water ran short in them. He had a property in New Hanuman Lane; there were 100 rooms in the house and 500 to 600 people lived there. On receiving a notice to close the well he instructed his men to cover the well leaving a trap-door; 2 months later he received another notice in which he was asked why the trap-door had been provided. He was prosecuted and had to close the trap-door. He knew of cases of wells having been filled up, although they were more than 25 feet further away from drains and privies.

In his opinion those who used well water should be allowed some latitude. On an occasion of failure of pipe water he saw people wandering about in search of owners of wells having the key of the trap-doors which were kept locked. The Hindus had to bathe after returning from funerals. Supposing they returned at about 10 A.M. and there was no water in the taps, they would have to remain without bathing and without food. They wanted that their religious feelings should be respected.

*Mr. Cowasji Jehangir :*

Q. Although there is a trap-door on your well still you can't take out water for drinking purposes ?

A. When the well remains closed the water gets deteriorated and becomes unfit for drinking purposes. We used to clean the water of the well three times a year ; now that cannot be done and we cannot drink the water.

Q. How big is your trap-door ?

A. About 15" in diameter.

Q. Why was the well not covered with wire-gauze ?

A. It was first covered with wire gauze but sometimes the Malaria people brought knives with them and having cut the wire-gauze showed us holes. It had therefore to be covered with concrete.

Q. How many families are living in the house ?

A. Four, my family has to spend about Rs. 100 for getting water from the well near the High Court. Others get their water from elsewhere.

Q. Do all the tenants use well water ?

A. With the exception of the tenants of one room all use well water.

Q. Were mosquito larvæ found in your wells ?

A. Never.

Q. How do your wells compare with the wells outside Bombay ?

A. Some of the wells I had to close were better than the best wells in Kathiawad.

Q. How many times a week is your well inspected ?

A. Almost every day. Hardly an interval of two or three days is allowed to pass.

*Mr. D. E. Wacha :*

Q. Do you suffer in your business by this policy of closing wells ?



A. Some of our servants who use only well water do not come down to Bombay because wells have been closed.

*Mr. Cowasji Jehangir :*

Q. How many persons of your community use pipe water ?

A. Among the Bhattias out of 15,000 there are about 2,000 who use other than well water. Our women never use any but well water and therefore suffer much.

Mr. Haridas P. Kapadia then addressed the meeting. He stated that he had a well at premises No. 135, Khetwadi Main Road. Although it was 25 feet from privies the Municipality maintained that it was only 7 feet. It was first covered with wooden planks then a summons was issued and it had to be filled up.

*The Commissioner :*

Q. Was it not pointed out to you that the wooden cover was not in a good condition ?

A. Yes, but we told the authorities that we would repair it in the way the Municipality would suggest.

Q. Was the water fit for drinking purposes ?

A. No. It was used for washing.

Mr. Haridas P. Kapadia then referred to a well at No. 37, Warden Road, and said that the well was covered at first with planks then with concrete. No trap-door was allowed at first but about 2 months ago a trap-door was allowed.

*Mr. Cowasji Jehangir :*

Q. Have you got any letter from the Municipality giving sanction to the trap-door ?

A. No. The sanction was given by the Malaria Officer verbally.

*The Commissioner :*

Q. The reason for not allowing a trap-door on the well was that there was a hand-pump provided at the well. Was it so ?

A. Yes. There is a pump but it is difficult to draw out water by its means as the level of water goes down during hot weather.

This concluded the evidence of witnesses, and they were requested to withdraw.

It was then proposed by Mr. D. E. Wacha, seconded by Dr. Nadirshaw H. E. Sukhia—

That all the papers placed before the Committee and the minutes of all the meetings of the Committee be printed and circulated to the members of the Committee.

*Amendment*—Proposed by Mr. Cowasji Jehangir—

That the members of the Committee be requested by a circular to state whether all the papers placed before the Committee and the minutes of all the meetings of the Committee should be printed for circulation to members of the Committee.

The *Amendment* on being put to the vote was *lost*, there being 2 votes *for* and 3 *against* it.

The original proposition was *carried* by 3 votes *against* 2.

The meeting then adjourned.