

THE



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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd April 1868, and was referred to a Select Committee with instructions to make their report thereon in a week:—

Bill No. 12 of 1868.

A Bill for the Prevention of certain Contagious Diseases.

WHEREAS it is expedient to provide for the better prevention of certain Contagious Diseases; It is hereby enacted as follows:—

Preliminary.

1. This Act may be cited as "The Indian Contagious Diseases' Act, 1868."

2. In this Act—

"Magistrate" includes a Police Magistrate.

"Chief Medical Officer" means the principal medical officer for the time being attached to or doing duty at a hospital.

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"Contagious Disease" means any venereal disease.

3. The places to which this Act applies shall be the sea-ports which the Local Government shall from time to time, with the previous sanction of the Governor General of India in Council, specify by notification in the official Gazette. The limits of such sea-ports shall, for the purposes of this Act, be such as are defined in the said notification.

Unregistered Prostitutes.

4. In any place to which this Act applies, no woman shall carry on the business of a common prostitute without having personally attended and been registered at the office established under this Act at such place, and without having in her possession such evidences of registration as hereinafter provided.

Any woman carrying on such business without having attended and been registered as aforesaid, or without having in her possession such evidence as aforesaid, shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Registration of Prostitutes.

5. The Local Government shall establish, at the places to which this Act applies, officers for the registration of common prostitutes, and shall appoint officers to the charge of such offices, and may, with the previous sanction of the Governor General of India in Council, assign such salaries and establishment to the said officers as the Local Government shall from time to time deem proper. The Local Government shall also provide for every such office such books and forms as may be necessary for the purposes of this Act.

6. On the appearance of any such woman at such office, the officer in charge shall enter in a book to be kept for the purpose, her name, age, caste (if any) and residence.

Such woman shall thereupon be deemed to be registered under this Act, and the registering officer shall furnish her with such evidence of registration as the Local Government shall by notification in the local official *Gazette* from time to time direct.

Examination of Prostitutes.

7. The Local Government shall have power to appoint persons to make periodical examination of registered women in order to ascertain whether at the time of each such examination they are affected with contagious disease.

8. For each of the places to which this Act applies, the Local Government may from time to time make regulations respecting the times and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations; and a printed copy of regulations purporting to be regulations under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

The Local Government may also require the persons making such examination to send in reports to such persons at such times and in such form as the Local Government shall from time to time prescribe.

Any such person not a medical officer wilfully disobeying any regulation made under this section shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Any registered woman wilfully disobeying any such regulation shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Refusal to show evidence of Registration.

9. Any registered woman who, without reasonable excuse, neglects or refuses to produce and show the evidence of her registration with which

she shall have been furnished as aforesaid when required so to do by an officer of police, shall be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Brothel-keepers.

10. If any person, being the owner or occupier of any house, room or place within the limits of any seaport to which this Act applies, or being a manager or assistant in the management thereof, having reasonable cause to believe any woman to be a prostitute and not to be registered under this Act, induces or suffers her to resort to or be in that house, room or place for the purpose of prostitution, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Provided that a conviction under this section shall not exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

*Proviso.**Certified Hospitals.*

11. The Local Government may from time to time provide any buildings or parts of buildings as Hospitals for the purposes of this Act.

Any building or part of a building so provided and certified in writing by a Secretary to the Local Government to be so provided, shall be deemed a certified Hospital under this Act.

Every certified Hospital so provided shall be placed under the control and management of such persons as to the Local Government shall from time to time seem fit.

12. The Local Government shall make regulations for the inspection, management, and government of the Hospitals as far as regards women authorized by this Act to be detained therein for medical treatment or being therein under medical treatment for a contagious disease, and may from time to time alter any such regulations.

A printed copy of regulations purporting to be regulations made under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

13. Any woman registered under this Act shall, on being served with notice from such officer as the Local Government shall from time to time appoint in this behalf, proceed to the certified Hospital named in such notice and place herself there for medical treatment.

If after the notice is served on her, she neglects or refuses to do so, an officer of Police shall apprehend her and convey her with all practicable speed to that Hospital, and place her there for medical treatment.

Penalty for neglect or refusal.

14. Where any such woman affected with contagious disease places herself or is placed as aforesaid in a certified Hospital for medical treatment, she shall be detained there for that purpose by the chief medical officer of the Hospital until discharged by him by writing under his hand.

15. If any woman authorized by the said chief medical officer to be detained in a certified Hospital for medical treatment, quits the Hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused), or

If any woman authorized by this Act to be detained in a certified Hospital for medical treatment, or any woman being in a certified Hospital under medical treatment for a contagious disease, refuses or wilfully neglects while in the Hospital to conform to the regulations thereof approved under this Act,

then and in every such case such woman shall be punished with imprisonment, in the case of a first offence for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the Hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of police.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified Hospital, and shall be detained there unless the medical officer of the prison at the time of her discharge from imprisonment certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

Out-door Treatment of Prostitutes.

16. It shall be lawful for the Local Government to make rules for the periodical examination and medical treatment of any woman registered under this Act and not required to proceed to a certified Hospital, and to empower such Surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on such woman, the times and places at which she shall attend for examination, and to subject her to examination accordingly and, if necessary, to medical treatment.

Every such woman wilfully disobeying or failing to comply with any such rule or order, shall be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Segregation of Prostitutes.

17. It shall be lawful for such officer as the Local Government shall from time to time appoint in this behalf, to cause a notice to be served on any common prostitute, requiring her after an interval of not less than seven days to be mentioned in the notice to reside or not to reside in any street or place therein specified.

Any common prostitute on whom such notice shall have been served disobeying the requisition therein contained shall be liable to imprisonment, in the case of a first offence for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months.

Removal from Registry.

18. It shall be lawful for the Local Government to lay down rules consistent with this Act, prescribing a procedure in accordance with which any woman registered under this Act, and ceasing to be a common prostitute may have her name cancelled in the book mentioned in section 5.

Miscellaneous.

19. In any proceeding under this Act, any notice, order, certificate, copy of regulations, or other instrument purporting to be signed by any person in the service of Government, or by any person whom the Local Government shall have, in exercise of the powers conferred on it by this Act, appointed to sign such instrument, shall on production be received in evidence and shall be presumed to have been duly signed by the person and in the character by whom and in which it purports to be signed, until the contrary is shown.

20. Every notice and order required by this Act to be served on a woman shall be served by delivery thereof either to her personally or to some person for her at her usual place of abode.

21. Any suit against any person for any thing done in pursuance of this Act shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the suit.

The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought by or on behalf of the defendant.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to diminish, and if possible to extirpate, venereal disease in Indian seaports.

The proposed Act will be introduced by the Local Governments with the previous sanction of the Governor General in Council.

The occupation of a common prostitute will be punishable unless followed by women registered under the Act. The Local Government is empowered to establish the necessary registry offices, and to furnish registered women with evidence of their registration.

Power is also given to make rules as to the examination of registered women and as to reports by persons appointed to inspect them, and a penalty is provided for breach of such rules by a female inspector.

Any keeper of a brothel allowing it to be frequented by unregistered prostitutes will also be punished.

Any registered woman on receiving notice from the proper officer, will be compellable to betake herself to a hospital set apart for the reception of prostitutes. The Local Government is empowered to make and enforce rules as to the discipline to be observed in such hospitals, and as to the mode of cure to be followed by any registered woman not compelled to resort thither.

Provision is also made for confining prostitutes

to particular parts of the town in which they practise their calling; and the Local Government may prescribe formalities on compliance with which any woman ceasing to be a prostitute may have her name removed from the register.

(Signed) H. S. MAINE.

The 1st April 1868.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

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The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 20th March 1868, and was referred to a Select Committee with instructions to make their report thereon in a week.

Bill No. 8 of 1868.

A Bill to empower the Governor General of India in Council to suspend the operation of section 17 of Act No. XI. of 1841.

1. IT shall be lawful for the Governor General of India in Council, by notification in the *Gazette of India*, to suspend in any military cantonment beyond the limits of British India the operation of section seventeen of Act No. XI. of 1841 (*for consolidating and amending the Regulations concerning Military Courts of Requests for Native officers and soldiers in the service of the East India Company*) from such day as shall be specified in the said notification until further notice, or to such other day as shall be specified in such notification.

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STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to improve the administration of civil justice in military cantonments

beyond the frontier of British India. In such cantonments, demands exceeding the jurisdiction of Courts of Small Causes are, under Act No. XI. of 1841, section 17, cognizable only by Military Courts of Requests. These Courts are not well fitted to try cases involving very large amounts, such as are often litigated in cantonments like Secundrabad; and though the section last-mentioned gives an appeal to the nearest High Court, there are obvious difficulties in the prosecution of an appeal to such Court from a Court not in British India, and not exclusively resorted to by British subjects. Under these circumstances, the Resident or Representative of the Government of India in more than one Native State has, with the consent of the Native Chief, established a system of justice analogous to that prevailing in British India. The legality of this procedure has, however, been doubted, as it conflicts with the provisions of Act No. XI. of 1841, which a servant of Government is bound to observe. The present Bill, therefore, proposes to enable the Governor General in Council to suspend that section.

(Signed) H. S. MAINE.

The 28th February 1868.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).