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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th July 1896 :—

No. 17 of 1896.

A Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings.

WHEREAS it is expedient to provide for the segregation of pauper lepers and the control of lepers following certain callings; It is hereby enacted as follows :

Title, extent and commencement. 1. (1) This Act may be called the Lepers Act, 1896.

(2) It extends to the whole of British India; but

(3) It shall not come into force in any part thereof until the Local Government, with the previous sanction of the Governor General in Council, has, by notification in the local Gazette, declared it applicable thereto.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "leper" means any person suffering from any variety of leprosy in whom the process of ulceration has commenced; and

(2) "pauper leper" means a leper—

(a) who has in a public place solicited alms or exposed or exhibited any sores, wounds,

bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(b) who is at large without any ostensible means of subsistence.

3. The Local Government may, by notification in the local Gazette, appoint any place to be a leper asylum for the purposes of this Act and define the local areas from which lepers may be sent to such asylum, and may, in like manner, alter or cancel any such notification.

4. The Local Government may appoint, either by name or by virtue of his office, any Medical Officer of the Government to be an Inspector of Lepers and any person to be a Superintendent of a Leper Asylum with such establishment as may, in its opinion, be necessary, and every officer or person so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

5. The Local Government shall constitute for every leper asylum appointed under section 3 a Board consisting of not less than three members, one of whom at least shall be a Medical Officer of the Government.

6. Within any local area which has been notified under section 3 any police-officer may arrest without a warrant any person who appears to him to be a pauper leper.

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7. Every person arrested under the last foregoing section shall forthwith be taken before an Inspector of Lepers, who,—

- (a) if he finds that such person is not a leper within the meaning of section 2, shall give him a certificate in Form A set forth in the schedule, whereupon such person shall be immediately released from arrest;
- (b) if he finds that such person is a leper within the meaning of section 2, shall give to the police-officer in whose custody the leper is, a certificate in Form B set forth in the schedule, whereupon the leper shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Act.

8. When it appears to any Magistrate authorized in this behalf by the Local Government, upon the certificate in writing, in Form B set forth in the schedule, of an Inspector of Lepers, that any person is a leper, and if it further appears to the Magistrate that the person is a pauper leper, he shall, after recording such further evidence (if any) as he may think fit to require and his order thereon, send the pauper leper in charge of a police officer, together with an order in Form C set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board constituted for the asylum under section 5.

9. Whoever, being a leper, pursues within any local area which has been notified under section 3, any of the following callings or does any of the following acts, namely,—

- (a) practises as a medical practitioner, or works as a barber, washerman, water-carrier, baker, confectioner, tailor, draper, haberdasher or domestic servant;
- (b) sells any food, drink or drug intended for human consumption;
- (c) bathes at a public well or bathing-place or takes water from any public drinking fountain, well, hydrant, tank or reservoir; or
- (d) rides in any public conveyance;
- shall be punishable with fine not exceeding fifty rupees:

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused, shall cause him to be examined by an Inspector of Lepers and shall not proceed with the case unless such Inspector furnishes a certificate, in Form B set forth in the schedule, in respect of such person.

10. Whenever any leper who has been convicted of an offence punishable under the last foregoing section, is again convicted of any offence punishable under that section, the Magistrate may, in addition to, or in lieu of, any punishment to which such leper may be liable,—

- (a) require him to enter into a bond, with one or more sureties, binding him to

depart forthwith from the local area notified under section 3 in which he is, and not to enter that or any other local area so notified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule; or

- (b) may send him in charge of a police-officer, with an order in Form D set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board appointed for the asylum under section 5.

11. Whoever, having been sent to a leper asylum under an order of a Magistrate in Form C or Form D set forth in the schedule, escapes from, or leaves, the asylum without the permission in writing of the Superintendent thereof, may be arrested by any police-officer without a warrant, and upon arrest shall be forthwith taken back to the leper asylum.

12. The Medical Officer and one or more other members of the Board constituted for any leper asylum under section 5 shall, once at least in every quarter, inspect the leper asylum for which such Board is constituted, and shall see and examine, as far as circumstances will permit, every leper detained therein under the provisions of this Act and the order for admission of every leper so detained since the last visit of the Board, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the lepers so detained.

13. The Medical Officer and not less than two other members of the Board constituted for any leper asylum under section 5 may at any time, by an order in writing in Form E set forth in the schedule and signed by them, direct the discharge from the leper asylum of any leper detained therein under the provisions of this Act.

14. Any person other than a pauper leper in respect of whom an Inspector of Lepers has issued a certificate, in Form B set forth in the schedule, declaring him to be a leper, or has refused to issue a certificate in Form A set forth in the schedule, may appeal to such officer as may be appointed by the Local Government in this behalf, and the decision of such officer shall be final.

15. The Local Government may, by notification in the local Gazette, make rules—

- (a) for the guidance of all or any of the officers discharging any duty under this Act;
- (b) for the management of, and the maintenance of discipline in, a leper asylum; and
- (c) generally for carrying out the purposes of this Act;
- and may, in like manner, alter or cancel any rules so made.

SCHEDULE.

A.—CERTIFICATE.

(Section 7.)

I, THE undersigned (*here enter name and official designation*), hereby certify that I on the _____ day of _____ at _____ personally examined (*here enter name of person examined*) and that the said _____ is not a leper as defined by the Lepers Act, 1896.

Given under my hand this _____ day of 189 .

(Signature)
Inspector of Lepers.

B.—CERTIFICATE.

(Sections 7, 8, 9 and 14.)

I, THE undersigned (*here enter name and official designation*), hereby certify that I on the _____ day of _____ at _____ personally examined (*here enter name of leper*) and that the said _____ is a leper as defined by the Lepers Act, 1896, and that I have formed this opinion on the following grounds, namely,—

(Here state the grounds.)

Given under my hand this _____ day of 189 .

(Signature)
Inspector of Lepers.

C.—WARRANT OF DETENTION.

(Section 8.)

To

THE SUPERINTENDENT OF THE
LEPER ASYLUM AT

WHEREAS it has been made to appear to me that (*name and description*) is a pauper leper as defined in the Lepers Act, 1896 :

This is to authorise you, the said Superintendent, to receive the said

_____ into your custody together with this order and ^{him}/_{her} safely to keep in the said asylum until ^{he}/_{she} shall be discharged by order of the Board constituted therefor under section 5 of the said Act.

Given under my hand and the seal of the Court this _____ day of 189 .

(Signature)

Magistrate.

D.—WARRANT OF DETENTION.

(Section 11.)

To

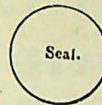
THE SUPERINTENDENT OF THE
LEPER ASYLUM AT

WHEREAS (*name and description*) has this day been convicted by me of an offence punishable under section 9 of the Lepers Act, 1896, and whereas it has been proved before me that the said (*name and description*) was previously convicted of an offence punishable under the same section :

This is to authorise you, the said Superintendent, to receive the said

_____ into your custody together with this order and ^{him}/_{her} safely to keep in the said asylum until ^{he}/_{she} shall be discharged by order of the Board constituted therefor under section 5 of the said Act.

Given under my hand and the seal of the Court this _____ day of 189 .



Seal.

(Signature)

Magistrate.

E.—ORDER OF DISCHARGE.

(Section 11.)

To

THE SUPERINTENDENT OF THE
LEPER ASYLUM AT

WHEREAS (*name and description*) was committed to your custody under an order dated the _____ day of

189 and there have appeared to us sufficient grounds for the opinion that ^{he}/_{she} can be released without hazard or inconvenience to the community :

This is to authorise and require you forthwith to discharge the said (*name*) from your custody.

Given under our hands this _____ day of 189 .

1 (Signature)

2 (do.)

3 (do.)

Members of the
Asylum Board.



Seal.

STATEMENT OF OBJECTS AND REASONS.

THE expediency of segregating pauper lepers under suitable safeguards and of forbidding lepers generally from following certain trades and callings connected with the bodily requirements of human beings was urged by the Leprosy Commission which visited India six years ago, and since then steps have been taken in some provinces, to give effect to the recommendations of the Commission. Last year an Act was passed by the Bengal Council to provide for the arrest, examination and segregation in properly appointed asylums of lepers having no ostensible means of subsistence beyond begging for charity; for enabling local bodies to assist in furnishing funds for the maintenance and medical treatment of pauper lepers so secluded; and for restraining lepers from engaging in certain occupations of the kind already referred to. The present Bill has been prepared on the lines of the Bengal Act, but so as to extend to the whole of India and to apply to any part thereof on, and not before, the issue of a notification by the Local Government, with the previous sanction of the Governor General in Council, declaring it to be applicable thereto. Where, as in Bengal, adequate provision on the subject has already been made, the proposed Act will not be so applied and the local law will be allowed to continue in force.

The 30th July 1896.

(Signed) J. WOODBURN.

S. HARVEY JAMES,
Secretary to the Government of India,