



THE LEPERS ACT, 1898



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THE LEPERS ACT, 1898

¹ACT NO. III OF 1898

[4th February, 1898]

An Act to provide for the segregation and medical treatment of pauper lepers and the control of lepers following certain callings.

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

1. Title, extent and commencement.—(1) This Act may be called the Lepers Act, 1898.

²[(2) It extends to the whole of Pakistan.]

(3) It shall not come into force in any part thereof until the ³[Provincial Government], as hereinafter provided, has declared it applicable thereto.

(4) The ³[Provincial Government] may, by notification⁴ in the official Gazette, apply this Act or any part thereof to the whole or any portion of the territories for the time being under its administration ⁵* * *.

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

(1) “leper” means any person suffering from any variety of leprosy ⁶* * *;

¹For Statement of Objects and Reasons, see Gazette of India, 1896, Pt. V, p. 231; for Report of the Select Committee, see *ibid.*, 1898, Pt. V, p., 7; and for Proceedings in Council, see *ibid.*, 1896, Pt. VI, p. 227; *ibid.*, 1897, Pt. VI, p. 248; and *ibid.*, 1898, Pt. VI., pp. 10 and 18.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications—see N.W.F.P., (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has been extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and also applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

It has been applied to city and cantonment limits of Karachi from 10th November, 1936, see the Lepers (Retrospective Commencement Provision) Act, 1939 (Sind Act 18 of 1939), s. 2. It has been amended in its application to the Province of Sind, see Sind Act No. 18 of 1939.

This Act has been amended to the extent of Islamabad Capital Territory, see, Ordinance No. XXVII of 1981, s. 5 and 4th Sch.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for sub-section (2) as amended by the Burma Laws Act, 1898 (13 of 1898), A.O., 1949, Sch., and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951).

³Subs. by A.O., 1937, for “L. G.”.

⁴For notifications under this sub-section, see different local Rules and Orders.

⁵The words “and may in like manner amend or cancel any such notification” rep. by the Lepers (Amendment) Act, 1920 (22 of 1920), s. 2.

⁶The words “in whom the process of ulceration has commenced” rep. *ibid.*, s.3.

(2) “pauper leper” means a leper—

(a) who publicly solicits alms or exposes or exhibits 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) “leper asylum” means a leper asylum appointed under section 3 ;

(4) “Board” means a Board constituted under section 5 ; and

1* * * * * *

²[3. **Appointment of leper asylums by Provincial Government.** The ³[Provincial Government] may, by notification⁴ in the official Gazette, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of lepers therein, and may, by a like notification, specify the local areas from which lepers may be sent to such asylum.]

4. Appointment of Inspectors of Lepers and Superintendents of Asylums. Subject to any rules which may be made under section 16, the ³[Provincial Government] may appoint any Medical Officer of the Government or other qualified medical man to be an Inspector⁵ of Lepers and any person to be a Superintendent⁵ of a Leper Asylum, with such establishment as may, in its opinion, be necessary, and every Inspector or Superintendent so appointed shall be deemed to be a public servant.

5. Constitution of Board. The ³[Provincial Government] shall constitute for every leper asylum appointed under section 3 a Board⁶ consisting of not less than three members, one of whom at least shall be a Medical Officer of the Government.

6. Arrest of pauper lepers.—(1) Within any local area which has been specified under section 3 any police-officer ⁷[or any other person specially empowered by the ³[Provincial Government] by order in writing in this behalf] may arrest without a warrant any person who appears to him to be a pauper leper.

(2) Such police-officer ⁷[or other person] shall forthwith take or send the person so arrested to the nearest convenient police station.

¹ Clause (5) omitted by A.O., 1949, Sch.

² Subs. by the Lepers (Amendment) Act, 1920 (22 of 1920), s. 4, for the original section.

³ Subs. by A.O., 1937, for “L. G.”.

⁴ For notifications under this section, see different local Rules and Orders.

⁵ For appointment of such Inspectors and Superintendents, see different local Rules and Orders.

⁶ For notifications constituting such Boards, see different local Rules and Orders.

⁷ Ins. by Act 22 of 1920, s.5.

7. Person arrested how to be dealt with. Every person brought to a police-station under the last foregoing section shall, without unnecessary delay, 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 forthwith 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. Procedure with regard to pauper lepers.— (1) If it appears to any ¹* * * Magistrate of the first class or to any other Magistrate authorised in this behalf by the ²[Provincial Government], upon the certificate in Form B set forth in the schedule, that any person is a leper, and if it further appears to the Magistrate that the person is a pauper leper, he may, after recording the evidence on the above-mentioned points, 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 or the District Magistrate :

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Inspector of lepers, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leper, and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail:

Provided also that if any friend or relative of any person found to be a pauper leper shall undertake in writing to the satisfaction of the Magistrate that such pauper leper shall be properly taken care of and shall be prevented from publicly begging in any area specified under section 3, the Magistrate, instead of sending the leper to an asylum, may make the leper over to the care of such friend or relative, requiring him, if he thinks fit, to enter into a bond with one or more sureties, to which the provisions of section 514 of the Code of Criminal Procedure³ (X of 1898) shall be applicable.

(2) If the Magistrate finds that such person is not a leper, or that, if a leper, he is not a pauper leper, he shall forthwith discharge him.

¹ The words "Presidency Magistrate or" omitted by A.O., 1949, Sch.

² Subs. by A.O., 1937, for "L. G."

³ See now the Code of Criminal Procedure, 1898 (5 of 1898).

9. Power to prohibit lepers from following certain trades and doing certain acts.—(1) The ¹[Provincial Government] may, by notification² in the official Gazette, order that no leper shall, within any area specified under section 3,—

- (a) personally prepare for sale or sell any article of food or drink or any drugs or clothing intended for human use ; or
- (b) bathe, wash clothes or take water from any public well or tank debarred by any municipal or local bye-law from use by lepers ; or
- (c) drive, conduct or ride in any public carriage plying for hire other than a railway carriage; or
- (d) exercise any trade or calling which may by such notification be prohibited to lepers.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with fine which may extend to twenty 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. Conviction after previous conviction.—(1) 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, require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area specified under section 3 in which he is, and not to enter that or any other local area so specified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(2) If any such leper fails to furnish any security required under sub-section (1), the Magistrate 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 or the District Magistrate.

(3) The powers conferred by this section shall only be exercised by a ³* * * Magistrate of the first class.

¹ Subs. by A.O., 1937, for “L. G”.

² For such notifications, see different local Rules and Orders.

³ The words “Presidency Magistrate or” omitted by A.O., 1949, Sch.