

MYSORE LEPERS ACT, 1925

4 of 1925

[7th July, 1925]

CONTENTS

1. Title, extent and commencement
2. Definitions
3. Appointment of leper asylums by Government
4. Appointment of Inspectors of Lepers and Superintendents of Asylums
5. Constitution of Board
6. Registration of lepers
7. Person arrested how to be dealt with
8. Procedure with regard to pauper lepers and lepers not properly taken care of
9. Power to prohibit lepers from following certain trades and doing certain acts
10. Conviction after previous conviction
11. Penalty on person employing lepers in prohibited trade
12. Appeal from orders of Magistrates
13. Re-arrest of escaped lepers
14. Inspection by Board
15. Order of discharge by Board or District Magistrate
16. Appeals
17. Power of Government to make rules
18. Power to local authorities to expend funds and appropriate properties to asylums
19. Protection to persons acting bona fide under Act

SCHEDULE 1 :-

MYSORE LEPERS ACT, 1925

4 of 1925

[7th July, 1925]

An Act to provide for the Registration Segregation and Medical treatment of certain classes of lepers and the control of lepers following certain callings. Whereas it is expedient to provide for the registration, segregation and medical treatment of certain classes of lepers and the control of lepers following certain callings, His

Highness the Maharaja is pleased to enact as follows.-

1. Title, extent and commencement :-

(1) This Act may be called the Mysore Lepers Act, 1925.

(2) It extends to the ¹ [whole of the State of Mysore except Bellary District].

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

(4) The Government may by notification in the Official Gazette, apply this Act or any part thereof to the whole or any portion of the State.

1. See the Mysore Adaptation of Laws Order, 1953

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;

(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; and

(4) "Board" means a Board constituted under Section 5.

3. Appointment of leper asylums by Government :-

Government may, by notification 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 17, the

Government may appoint any medical officer of the State or other qualified medical man 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 Inspector or Superintendent so appointed shall be deemed to be a public servant.

5. Constitution of Board :-

The 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 State.

6. Registration of lepers :-

(1) Whenever an officer in charge of a Police Station has reason to believe that a leper is residing within the limits of such station whether temporarily or permanently, he shall forthwith send a report of the same to the Inspector of Lepers who, after making such enquiry as may be necessary, shall, if he finds that such person is a leper within the meaning of Section 2, cause his name to be entered in a register in the form prescribed by the rules. Any person deeming himself aggrieved by an entry made in such register, may complain to the District Magistrate against such entry, and the District Magistrate may after such enquiry as he deems fit, retain such person's name on the register or remove it therefrom as he may think fit.

(2) Arrest of pauper lepers.-

(a) Within the area specified in Section 3, any Police Officer may without a warrant arrest any person who appears to him to be a pauper leper;

(b) Such Police Officer shall forthwith take or send the person so arrested to the nearest convenient Police Station.

7. Person arrested how to be dealt with :-

(1) 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 ¹[an Executive Magistrate] having jurisdiction under this Act.

(2) Lepers other than pauper lepers how to be dealt with.- Whenever, within any local area which has been specified under Section 3, it is brought to the notice of a Police Sanitary Officer not below the rank of an Inspector that a leper other than a pauper leper residing therein, is unable to take proper care of himself and is not properly taken care of by any ²[Executive Magistrate] having jurisdiction under the Act accompanied by a certificate in form B. Such ³ [Executive Magistrate] shall issue a warrant in Form C set forth in the Schedule for the arrest and production of the leper before him on a date to be specified in the warrant.

1. Substituted for the words "a Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

2. Substituted for the words "Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

3. Substituted for the words "Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

8. Procedure with regard to pauper lepers and lepers not properly taken care of :-

(1) If it appears to any District Magistrate or ¹ [any other Executive Magistrate] authorised in this behalf by the 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, or that he is unable to take proper care of himself and is not properly taken care of by any friend or relative, he may, after recording the evidence on the abovementioned points, and his order thereon, send the leper in charge of a Police Officer together 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:

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 leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of, and shall be prevented from publicly begging in any area specified under Section 3, or from spreading the infection to others, 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 Procedure shall be applicable.

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

1. Substituted for the words "Magistrate of the First Class or to any other Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

9. Power to prohibit lepers from following certain trades and doing certain acts :-

(1) The Government may, by notification in the Official Gazette, order that no leper shall, within the 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 E 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 District Magistrate or Magistrate of the First Class.

11. Penalty on person employing lepers in prohibited trade :-

Any person who, within any area specified under Section 3, knowingly employs a leper in any trade or calling prohibited by order under Section 9 shall be punishable with fine which may extend to fifty rupees:

Provided that the alleged leper shall be produced before the Magistrate and the Magistrate 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 alleged leper.

12. Appeal from orders of Magistrates :-

Orders passed by a Magistrate under Sections 9, 10 and 11, shall be appealable to the Courts to which appeals ordinarily lie under the code of Criminal Procedure, 1904.

13. Re-arrest of escaped lepers :-

Whoever, having been sent to a leper asylum under an order of a Magistrate in Form D or Form E set forth in the Schedule escapes

from, or leaves the asylum without the permission in writing of the Superintendent thereof may be arrested without a warrant, by any Police Officer or by any other person specially empowered by the Government by order in writing in this behalf, and upon arrest shall be forthwith taken back to the leper asylum.

14. Inspection by Board :-

Two or more members of the Board, one of whom shall be the medical officer, shall, once at least in every three months, together, inspect the leper asylum for which they are constituted, and see and examine (a) every leper therein admitted since the last inspection, together with the order for his admission, and (b) as far as circumstances will permit, every other leper therein 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 therein.

15. Order of discharge by Board or District Magistrate :-

Any two members of the Board, one of whom shall be the medical officer, or the District Magistrate, may at any time by an order in writing in Form F 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.

16. Appeals :-

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 against the issue or refusal of any such certificate to such officer as may be appointed by the Government in this behalf, and the decision of such officer shall be final.

17. Power of Government to make rules :-

The Government may, by notification in the Official Gazette, make rules generally for carrying out the purposes of this Act and in particular.-

(a) for the guidance of all or any of the officers discharging any duty under this Act; and

(b) for the management of, and the maintenance of discipline in a leper asylum.

18. Power to local authorities to expend funds and

appropriate properties to asylums :-

Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may.-

(a) establish or maintain, or establish and maintain, or contribute towards the cost of the establishment or maintenance or the establishment and maintenance of, a leper asylum either within or without the local limits of such local authority;

(b) with the previous sanction of the Government and subject to such conditions as Government may prescribe, appropriate any immovable property vested in or under the control of such body, as a site, for, or for use as, a leper asylum.

19. Protection to persons acting bona fide under Act :-

No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of the provisions of this Act.

SCHEDULE 1

.

SCHEDULE**A-Certificate**

[See 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, 1925.

Given under my hand this day of 192.

(Signature)

Inspector of Lepers.

B-Certificate

[See Section 7]

I the undersigned (here enter name and official designation), here by certify that I on the.. day of at personally examined (here enter name of leper), and that the said leper as defined by the Lepers Act, 1925 and that I have formed this opinion on the following grounds, namely.-

(Here state the grounds)

Given under my hand this. day of .. 192.

(Signature)

Tnspector of Lepers.

C-Warrant Cases

[See Section 7(2)]

To

(Name and designation of the person or persons who is or are to execute the warrant)

Whereas, the Inspector of Lepers (designation in full) makes a report under Section 7(2) of the Lepers Act, 1925 that .. is a leper, you are hereby directed to arrest the said .. and to produce him before me on.

Herein fail not.

Dated this.. day of 192

Seal (Signature)

D-Warrant of Detention

[See 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, 1925 or a leper as defined in the Act who cannot take proper care of himself/herself or be properly taken care of by his/her friend or relative.

This is to authorise you the said Superintendent, to receive the said in to 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 or the District Magistrate.

Given under my hand and the seal of the Court this day of 192.

(Signature)

Magistrate.

E-Warrant of Detention

[See Section 10]

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, 1925 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 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 or the District Magistrate.

Given under my hand and the seal of the Court this day of ..192.

(Signature)

F-Order of Discharge by Board or the District Magistrate

[See Section 15]

To

The Superintendent of the Leper Asylum at

Where as . (name and description) was committed to your custody under an order dated the day of 192 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 hand/my hand thisday of192

(Signature)

Members of the Asylum Board or the District Magistrate.