

The Lepers (Punjab Amendment) Act, 1977

PUNJAB

India

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Act 7 of 1977

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The Lepers (Punjab Amendment) Act, 1977 Punjab Act No. 7 of 1977 Statement of Objects and Reasons. - The Lepers Act, 1898 (Central Act No. 3 of 1898) does not provide for measures to give treatment for leprosy to the non-pauper lepers who do not receive any treatment at home. It has, therefore, been decided to amend the Act (i) to provide for a systematic survey, by authorised officers of lepers in the State and (ii) to assume powers to require them to undergo treatment for leprosy, failing which, to detain and isolate them in Leprosy Asylums or Homes. Hence this Bill. Published vide Punjab Government Gazette Extraordinary dated 8.3.1977. An Act to amend the Lepers Act, 1898, in its application to the State of Punjab. Be it enacted by the Legislature of the State of Punjab in the Twenty-eighth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Lepers (Punjab Amendment) Act, 1977.

2. Amendment of long title and preamble of Central Act 3 of 1898.

- In the long title and the preamble of the Lepers Act, 1898 in its application to the State of Punjab (hereinafter referred to as the principal Act, the words "of pauper lepers" and "following certain callings", wherever occurring, shall be omitted.

3. Insertion of new sections 8-A, 8-B and 8-C in Central Act 3 of 1898.

-After sections 8 of the principal Act, the following sections shall be inserted, namely :-

8A. Survey of local area.

(1) The State Government may, for the purpose of ascertaining whether any lepers are residing in any area and whether they are undergoing medical treatment of leprosy, cause a survey of such local

area to be made through an Inspector of Lepers.(2)The survey under sub-section (1) shall be made in such manner and the Inspector of Lepers shall, for discharging his functions, exercise such powers as may be prescribed.(3)If as a result of survey made under sub-section (1), the Inspector of Lepers is of opinion that any leper is not undergoing medical treatment of leprosy he may arrest him without warrant and send the person so arrested to the nearest police station along with a certificate in Form BB set forth in the Schedule, whereupon the leper shall without unnecessary delay, be taken before a Judicial Magistrate of the First Class having jurisdiction or before any other Judicial Magistrate authorised in this behalf by the State Government.

8B. Lepers how to be dealt with.

- If upon the certificate in Form BB and after giving the arrested person an opportunity of being heard it appears to the Magistrate that such person is a leper and he is not undergoing medical treatment of leprosy he shall send such person to a leper asylum together with an order in Form CC set forth in the Schedule where such leper shall be detained for the purpose of medical treatment of leprosy until discharged by the order of the Board or the District Magistrate:Provided that if the leper undertakes in writing to the satisfaction of the Magistrate that he shall undergo medical treatment of leprosy, the Magistrate may instead of sending him to a leper asylum, discharge him after obtaining a bond with one or more sureties from the leper, and the provisions of section 446 of the Code of Criminal Procedure, 1973, shall apply to such a bond.

8C. Re-arrest of lepers not complying undertaking given under section 8-B.

- Whoever, having been discharged under an order of the Magistrate on furnishing a bond under the proviso to section 8-B does not undergo medical treatment may be arrested without a warrant by any Police Officer or by any other person specially empowered by the State Government by an order in writing in this behalf and upon arrest shall, without unnecessary delay, be taken before a Judicial Magistrate of the First Class having jurisdiction or before any other Judicial Magistrate authorised in this behalf by the State Government for the purpose of taking action under section 8-B.

4. Amendment of section 16 of Central Act 3 of 1898.

- In section 16 of the principal Act, -(i)in clause (a), the word 'and' occurring at the end shall be omitted;(ii)in clause (b), the word 'and' shall be inserted at the end; and(iii)after clause (b) as amended, the following clause shall be inserted namely :-(c) the manner in which survey shall be made under sub-section (1) of section 8-A and the powers that shall be exercised by the Inspector of Lepers for discharging the functions under that section."

5. Amendment of Schedule of Central Act 3 of 1898.

- In the Schedule to the principal Act, -(i)after Form B, the following Form shall be inserted, namely :-"BB - Certificate(Section 8-A)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), residing at _____
and that the said _____ is a leper as defined by the Lepers Act, 1898, and
that I have formed this opinion on the following grounds, and I am satisfied that the aforesaid leper
is not undergoing medical treatment of leprosy. (Here state the grounds) Given under my hand this
_____ day of _____ 19____ (Signature) Inspector of
Lepers." (ii) after Form C, the following Form shall be inserted, namely : "CC. - Warrant Of
Detention (Section 8-B) To The Superintendent of leper asylum at
_____ Whereas it has been made to appear to me that
_____ (name and description) resident of _____ is
a leper as defined in the Lepers Act, 1898; and whereas I am satisfied that he is not undergoing
medical treatment of leprosy. This is to authorise you, the said Superintendent, to receive the said
_____ into your custody together with this order safely to keep him/her in the said
asylum for the purpose of giving him/her medical treatment of leprosy 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 _____ 19____. (Signature) (Seal), Judicial Magistrate." -----