

THE LEPERS (AMENDMENT) ACT, 1950.

[ACT No. XXXIX OF 1950.]

It is hereby enacted as follows :—

1. (1) This Act may be called the Lepers (Amendment) Act, 1950.

(2) It shall come into force on such date as the President may, by notification, appoint in this behalf.

2. (1) The following shall be inserted as sub-section (1) of section 1 of the Lepers Act hereinafter called the said Act, namely :—

“ 1. (1) This Act may be called the Leprosy Act ”

(2) The existing section 1 of the said Act shall be re-numbered as sub-section (2) of section 1.

3. In section 2 of the said Act,

(i) for clause (1) thereof the following shall be substituted, namely :—

“(1) ‘leprosy patient’ means any person suffering from leprosy ;”

(ii) for the words “ ‘pauper leper’ means a leper ” in clause (2) thereof the words “ ‘pauper affected with leprosy’ means a person suffering from leprosy ” shall be substituted ;

(iii) for clause (3) thereof the following shall be substituted, namely :—

“(3) ‘leprosy home’ means a leprosy home appointed under section 3 ;” ;

(iv) for the period (.) after the word and figure “under section 5” in clause (4) thereof a semicolon (;) shall be substituted and thereafter the following shall be inserted as clause (5), namely :—

“(5) ‘Leprosy’ means open leprosy, that is to say, that form of the disease in which leprosy bacilli can be demonstrated from the mucous membrane of the patient’s nose or from his skin, by any recognized standard method of examination, approved by the Director of Medical and Health Services, Burma.”

4. For section 5 of the said Act, the following shall be substituted, namely :—

“3. The President may, by notification in the *Gazette*, appoint any place to be a leprosy home if he is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of leprosy patients therein, and may, by a like notification, specify the local areas from which leprosy patients may be sent to such home.”

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5. In section 4 of the said Act,

- (i) for the words "Inspector of Lepers" and the word "Inspector" the words "Authorized Medical Officer" shall be substituted;
- (ii) for the words "Leper Asylum" the words "Leprosy Home" shall be substituted.

6. In section 5 of the said Act, for the words "leper asylum" the words "leprosy home" shall be substituted.

7. In sub-section (1) of section 6 of the said Act, for the words "pauper leper" the words "pauper affected with leprosy" shall be substituted.

8. In section 7 of the said Act,

- (i) for the words "Inspector of Lepers" the words "Authorized Medical Officer" shall be substituted;
- (ii) for the words and figure "a leper within the meaning of section 2" in clause (a) thereof the words "a leprosy patient within the meaning of section 2" shall be substituted;
- (iii) for the words and figure "a leper within the meaning of section 2" in clause (b) thereof the words "a leprosy patient within the meaning of section 2" shall be substituted and for the words "the leper" wherever they occur the words "the leprosy patient" shall be substituted.

9. For section 8 of the said Act, the following shall be substituted, namely :—

“ 8. (1) If it appears to any Magistrate of the first class, or to any other Magistrate authorized in this behalf by the President, upon the certificate in Form B set forth in the Schedule, that any person is a leprosy patient, and if it further appears to the Magistrate that the person is a pauper affected with leprosy, he may, after recording the evidence on the above-mentioned points and his order thereon, send the pauper affected with leprosy in charge of a police officer, together with an order in Form C set forth in the Schedule, to a leprosy home, where such leprosy patient shall be detained until discharged by order of the Board or the District Magistrate :

Procedure with regard to paupers affected with leprosy.

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Authorized Medical Officer, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leprosy patient, 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 affected with leprosy shall undertake in writing to the satisfaction of the Magistrate that such

pauper affected with leprosy 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 leprosy patient to a leprosy home, may make the leprosy patient 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 the Code of Criminal Procedure shall be applicable.

(2) If the Magistrate finds that such person is not a leprosy patient, or that, if a leprosy patient, he is not a pauper affected with leprosy, he shall forthwith discharge him."

10. In section 9 of the said Act,

- (i) for the words "no leper" in sub-section (1) thereof the words "no leprosy patient" shall be substituted and for the word "lepers" in clauses (b) and (d) thereof the words "leprosy patients" shall be substituted;
- (ii) for the word "twenty" in sub-section (3) thereof the words "one hundred" shall be substituted and for the words "Inspector of Leper" and the word "Inspector" in the proviso thereunder the words "Authorized Medical Officer" shall be substituted.

11. In section 10 of the said Act,

- (i) for the word "Leper" wherever it occurs in sub-section (1) thereof the words "leprosy patient" shall be substituted and for the words "Inspector of Lepers" therein the words "Authorized Medical Officer" shall be substituted;
- (ii) for the words "such leper" wherever they occur in sub-section (2) thereof the words "such leprosy patient" shall be substituted and for the words "leper asylum" therein the words "leprosy home" shall be substituted.

12. For section 11 of the said Act, the following shall be substituted, namely :-

" 11. Any person who, within any area specified under section 3, knowingly employs a leprosy patient in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to five hundred rupees :

Penalty on person employing leprosy patients in prohibited trade.

Provided that the alleged leprosy patient shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Authorized Medical Officer, and shall not proceed with the case unless such Authorized Medical Officer furnishes a certificate in Form B set forth in the Schedule in respect of such alleged leprosy patient."

13. In section 12 of the said Act, for the words "leper asylum" wherever they occur the words "leprosy home" shall be substituted and for the words "the asylum" the words "the home" shall be substituted.

14. For section 13 of the said Act, the following *shall be substituted*, namely :—

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

15. In section 14 of the said Act, for the words “ leper asylum of any leper ” the words “ leprosy home of any leprosy patient ” *shall be substituted.*

16. In section 15 of the said Act, for the words “ pauper leper, in respect of whom an Inspector of Lepers ” the words “ pauper affected with leprosy, in respect of whom an Authorized Medical Officer ” *shall be substituted* and for the words “ a leper ” the words “ a leprosy patient ” *shall be substituted.*

17. In sections 16 and 17 of the said Act, for the words “ leper asylum ” wherever they occur the words “ leprosy home ” *shall be substituted.*

18. After section 18 of the said Act, the following *shall be inserted* at sections 19 and 20, namely :—

“ 19. The President may, on the recommendation of the Director of Medical and Health Services, by notification *Segregation.* declare any area in the Union of Burma to be a ‘segregation area’ if he is satisfied that in such area adequate accommodation for leprosy patients has been provided either by the Government or by the local authority, or has been placed at its disposal and set apart by it for the purpose ; and thereupon, the following provisions shall apply to such area :

- (i) The Health Officer may, by notice, require any leprosy patient who is residing within the segregation area to remove himself to such segregation accommodation as may be specified in the notice and remain there until such time as he is certified by an Authorized Medical Officer to be no longer infectious.
- (ii) The notice shall allow a reasonable period for compliance therewith.
- (iii) If the leprosy patient does not comply with the notice within the period allowed therein, the Health Officer may have him compulsorily removed to the segregation accommodation specified therein, using such force as may be reasonably necessary for the purpose.

- (iv) The Health Officer may permit any person detained in the segregation accommodation to perform any act other than such acts as are prohibited under section 9.
- (v) The notice referred to in clause (i) may be given to the person who has the care of a leprosy patient, and thereupon it shall be the duty of the former to remove the leprosy patient to the segregation accommodation specified in the notice.
- (vi) If any leprosy patient escapes from, or leaves, the segregation accommodation provided for him without the written permission of the Health Officer or any other officer authorized by him in this behalf, such person may be arrested without a warrant by any police officer or by any one specially empowered by the President and removed forthwith to such segregation accommodation.
- (vii) The local authority shall arrange for the food, clothing and other necessaries of every leprosy patient who is detained in the segregation accommodation but any such person shall be at liberty to make his own arrangements for his food, clothing or other necessities.
- (viii) If any person is arrested under clause (vi) after having been arrested and dealt with under that clause on at least three previous occasions, he shall, if the Health Officer so directs in writing, be produced before a Magistrate who shall have power to order his detention in a leprosy annexure attached to a prison until such time as he is certified by an Authorized Medical Officer to be no longer infectious; and thereupon all the provisions of the law for the time being in force shall, so far as may be and with such modifications, it any, as may be prescribed, apply to such person as if he had been sentenced to simple imprisonment for the period for which such detention was ordered.

If the Magistrate does not order such detention or if the order of detention passed by him is subsequently cancelled, whether by himself or by any other Magistrate, the person arrested or detained, as the case may be, shall forthwith be removed to the segregation accommodation aforesaid.

20. Where any authority prescribed in this behalf has reason to believe that a certificate, issued in respect of a leprosy patient, has ceased to be correct by reason of his having subsequently become infectious, such authority may require such person to surrender the certificate and may thereupon cancel it.

19. In the Schedule to the said Act,

- (i) for the words "a leper as defined by the Lepers Act" and for the words "Inspector of Lepers" in Forms A and B thereof the words "a leprosy patient as defined by the Leprosy Act" and the words "Authorized Medical Officer" shall be respectively substituted;

- (ii) for the words "LEPER ASYLUM", "a pauper leper as defined by the Lepers Act" and "said asylum" in Form C thereof the words "LEPROSY HOME", "a pauper affected with leprosy as defined by the Leprosy Act" and "said home" *shall be respectively substituted* ;
- (iii) for the words "LEPER ASYLUM", "the Lepers Act" and "said asylum" in Form D thereof the words "LEPROSY HOME", "the Leprosy Act" and "said home" *shall be respectively substituted* ;
- (iv) for the words 'LEPER ASYLUM' and for the words "Asylum Board" in Form E thereof the words "LEPROSY HOME" and the words "Home Board" *shall be respectively substituted.*