

CHAPTER 560

LEPERS

Ordinances AN ORDINANCE TO PROVIDE FOR THE SEGREGATION AND TREATMENT OF LEPERS
Nos. 4 of 1901,
17 of 1902,
15 of 1912,
35 of 1939.
9 of 1941.

Act
No. 12 of 1952.

[1st January, 1902.]

Short title. 1. This Ordinance may be cited as the Lepers Ordinance.

Minister may appoint leprosy hospitals. 2. It shall be lawful for the Minister, from time to time, to appoint any such place as he shall think fit to be a leprosy hospital for the segregation and treatment of lepers; and every such leprosy hospital shall comprise such area as the Minister shall, from time to time, define by Order published in the Gazette.

Provision as to existing leper hospital or asylum at Hendala. 3. The place now and heretofore known as the leper hospital or asylum, situate at Hendala, shall be deemed to be a leprosy hospital established under the provisions of this Ordinance, and all acts heretofore done and suffered with regard to lepers and the segregation, support, and treatment of lepers in the said hospital or asylum shall be deemed to have been done and suffered in accordance with law.

Lepers may build separate dwellings for their own use within the limits of the leprosy hospital. 4. Any person detained as a leper in a leprosy hospital may by the special permission of the Minister erect or cause to be erected for himself a dwelling house at his own proper expense within the limits of the leprosy hospital in which he is detained subject to such conditions as to plan, site, drainage, and otherwise as to the Minister shall seem fit.

Duty of persons to give information of existence of lepers. 5. It shall be the duty of every person having knowledge of the existence of a leper or a person reasonably suspected of being a leper in any place outside the limits of any leprosy hospital to give information thereof to the Government medical officer residing nearest to the village or place in which such

leper or suspected leper resides or is found, and such medical officer shall forthwith report the same to the Director of Health Services.

6. Every person wilfully neglecting to give such information as aforesaid, and every medical officer wilfully neglecting to report the same as aforesaid, shall be guilty of an offence, and shall be liable on conviction for each such offence to a fine not exceeding fifty rupees. Penalty.

7. On the receipt of such report as aforesaid the Director of Health Services shall forthwith forward such report to the Minister, and such inspection and examination of the alleged leper shall be held and such report made thereon as the Minister shall order, or as shall be, from time to time, prescribed by such general regulations in that behalf as shall, from time to time, be made under section 13 of this Ordinance. Inquiry into cases of leprosy.

8. After such inspection, examination, and report as aforesaid, it shall be lawful for the Minister, if he shall think fit, to order the leper or alleged leper to be removed to and detained in a leprosy hospital: Power to order lepers to be removed to and detained in hospital.

Provided always that no person shall be removed to or detained in a leprosy hospital unless he has first been certified to be suffering from the disease of leprosy by two qualified medical practitioners, one of whom shall be either the Director of Health Services or a medical practitioner appointed by the Minister, to inquire into cases of suspected leprosy for the purposes of this Ordinance.

Lepers able to provide effective isolation and medical treatment not removable to hospital. Minister may prescribe rules for observance by them.

9. (1) No such order for removal or detention as in section 8 mentioned shall be made if the leper or alleged leper shall in the opinion of the Minister be able to provide for himself at his own place of abode effective isolation and medical treatment, and shall within the time prescribed by the Minister carry out such directions as the Minister may give for securing such isolation, but in every such case it shall be lawful for the Minister, from time to time, to prescribe rules for observance by such leper or alleged leper in order to secure such isolation.

Minister may order removal on breach of rules.

(2) In the event of the disregard or breach of any such rules the Minister may under section 8 order such leper or alleged leper to be removed to and detained in a leprosy hospital.

Lepers not to leave hospital without permission.

10. No person detained as a leper in a leprosy hospital shall leave the hospital without the permission in writing of the Director of Health Services, or in his absence an officer of the Department of Health authorized in that behalf by the Director, and every person acting in contravention of this section shall be guilty of an offence, and shall be liable on conviction for each such offence to simple imprisonment for a term which may extend to three months.

Penalty.

No person to enter leprosy hospital without permission, Penalty.

11. Every person found within the limits of a leprosy hospital without the written permission of the Director of Health Services or without lawful authority shall be guilty of an offence, and shall be liable on conviction for each such offence to a fine not exceeding fifty rupees.

Director of Health Services and medical officer in charge of any leprosy hospital to exercise powers of Magistrate in hospital.

12. The Director of Health Services shall have and exercise all the powers of a Magistrate with respect to all offences committed by persons detained as lepers in a leprosy hospital, and shall also have power to hear and determine all complaints of offences punishable under section 10 of this Ordinance. And it shall be lawful for the Minister, from time to time, to appoint any medical officer having charge of any leprosy hospital to have and exercise all the powers of a Magistrate* therein. Every

decision given under the provisions of this section shall be subject to the same rights of appeal as the decisions of a Magistrate.

13. (1) It shall be lawful for the Minister, from time to time, to make such regulations as he may deem necessary—

Regulations to be made by Minister.

- (a) for inspection, examination, and removal of lepers to a leprosy hospital;
- (b) for the proper management and sanitation of the leprosy hospital or hospitals;
- (c) for the discipline and good order of the inmates of such hospital or hospitals;
- (d) for the custody and imprisonment within such hospital or hospitals of lepers accused of and found guilty of offences ;
- *(e) for regulating the sittings and procedure of courts to be held under the provisions of this Ordinance;
- (f) generally for the better carrying out of the provisions of this Ordinance and for the well-being of such hospital or hospitals and the inmates thereof,

and from time to time to revoke, amend, and vary such regulations.

(2) All regulations made under the provisions of this section shall be published in the Gazette, and from the date of such publication shall have the same force and effect as if they were enacted in and formed part of this Ordinance; and every person acting in contravention of any regulation made under the provisions of this section shall be guilty of an offence, and shall be liable on conviction for each such offence to a fine not exceeding fifty rupees, or to imprisonment for any term not exceeding one month.

Penalty for breach of regulation.

* See also Articles 105 and 136 of the Constitution.

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Right of leper to administration of property or proceeds thereof under supervision of court.

14. Any leper detained in a leprosy hospital under the provisions of this Ordinance may apply to the District Court of the district in which he resided before his detention—

- (a) for the administration of his property under the supervision of the court by a manager nominated by such leper; or
- (b) for the sale of his property or any part of his property and the administration of the proceeds thereof under the supervision of the court.

Mode of application.

15. Every such application shall be made through the Superintendent of the said hospital in accordance with the form prescribed by the Schedule to this Ordinance.

Procedure upon receipt of application.

16. If the application is for the administration of the property, it shall be the duty of the court on the receipt of the application to cause a notice to be served upon the person nominated as manager by the leper to appear before him on a day fixed in the notice with a view to the consideration of the said application, and to cause to be served a copy of the said notice upon such of the relatives or dependants of the leper as it may consider necessary.

Appointment of manager.

17. If the person nominated by the leper consents to act as manager, and such person appears to the court to be a fit and suitable person so to act, the court shall appoint such person to act as the manager of the property of the leper.

Court may require further nomination.

18. (1) If the person so nominated decline to act as manager of the property of the leper, or, if the court shall be of opinion that such person is not a suitable person so to act, it may require the leper to nominate a suitable person who is willing to act, or alternatively to consent to the sale of the property, and the administration of the proceeds under the supervision of the court.

(2) If the leper fail to nominate a suitable person who is willing to act, or alternatively to notify his consent as aforesaid, the court shall proceed no further with the application.

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19. (1), If it shall appear to the court, having regard to the situation and condition in life of the leper and his family, and the amount and description of his property, that it is not expedient to appoint a manager of his property, the court may so inform the leper, and require him to state whether he consents to the sale of his property and to the administration of the proceeds thereof under the supervision of the court.

Power of court to decline to appoint manager and to suggest sale of property.

(2) If the leper so consents, the court may make order accordingly. If he fails so to consent, the court shall proceed no further with the application.

20. (1) Upon the appointment of the manager, the property of the leper shall vest in the manager, and shall be administered by him in trust for the leper under the direction of the court.

Power of manager.

(2) Such manager may sue or he sued in respect of any claim by or against the leper affecting his property, and may exercise all the powers that might have been exercised by the leper in respect of his property :

Provided that no manager shall have power to sell or mortgage the property entrusted to him or any part thereof, or to grant a lease of any immovable property for any period exceeding five years without an order of the court.

21. (1) Every person appointed as a manager under this Ordinance shall, within a time to be fixed by the court, deliver in court in duplicate an inventory of the immovable property belonging to the leper, and of all such movable property, sums of money, goods, and effects as he may receive on behalf of the leper, together with a statement of all debts due by or to him.

Manager to deliver inventory and valuation.

(2) One copy of such inventory shall be filed of record in the court, and the other shall be served by the court upon the leper.

22. (1) Every such manager shall furnish to the court annually, within three months of the close of the year, an account in duplicate of the property in his charge, exhibiting the sums received and disbursed on account of the property and the balance remaining in his hands.

Manager to furnish annual account.

(2) One copy of such account shall be filed of record in the court, and the other shall be served by the court upon the leper.

23. The leper, or any relative or dependant of the leper, may by petition to the court impugn the accuracy of any inventory or account rendered by a manager, and upon the receipt of any such petition the court may summon the manager and inquire summarily into the matter, and make such order thereon as it shall think proper.

24. It shall be lawful for a leper so declared under this Ordinance, or any relative of such leper, to sue for an account from any manager appointed under this Ordinance, or from his personal representative in case of his death.

25. The court on the application of the leper, or of any relative of the leper, or of its own motion, may impose a fine not exceeding five hundred rupees on any manager who wilfully neglects or refuses to deliver his accounts, or to obey any order of the court made with reference to the administration of the property of the leper, and may realize such fine by attachment and sale of his property under the rules in force for the execution of decrees of court, and may commit him to custody until he shall have furnished such account or complied with such order.

26. The court may for any sufficient cause on the application of the leper, or, with the consent of the leper, of its own motion, remove any manager appointed under this Ordinance, and with the consent of the leper appoint any other suitable person in his place, and may order the person so removed to make over the property in his hands to his successor, and to account to such successor for all moneys received or disbursed by him.

27. A manager may, subject to the consent of the leper and with the approval of the court, expend such portion of the income of the property in his charge as may be reasonable and necessary for the purpose of the support of any relative or dependant of the leper who has no other adequate means of support, and with the like

approval, and subject to such conditions as the court may direct, allow any relative or dependant of the leper to remain in the enjoyment of the property of the leper or any part thereof for the purpose aforesaid.

28. If the person appointed as manager of the property of a leper shall be unwilling to discharge the trust gratuitously, the court may fix such allowance to be paid out of the property of the leper as, under the circumstances of the case, may be thought suitable.

29. The court shall have the like power to order a manager of a leper's estate to give security for the due administration of the estate as a District Court has in the case of administration of a deceased person's estate.

30. A leper, or the manager of the property of a leper, or any person interested in the administration of the property, may apply at any time to the court by petition for the determination of any question arising in the course of the administration of the said property, and the court may thereupon, on hearing all persons interested, and after trying any issues that may be necessary to be tried for the purpose of the determination of such question, make such order as may seem just.

31. In any case in which a leper detained under this Ordinance applies to the court for the sale of the property or any part of his property, and for the administration of the proceeds thereof under the supervision of the court, the court, upon notice to all relatives of the leper which it may consider necessary to notify, and upon hearing all such persons interested who may desire to be heard upon such application, may make such order accordingly.

32. In any such case, or in any case in which under section 19 of this Ordinance the court otherwise orders a sale of the leper's property, the proceeds of the sale shall be paid into court, and such proceeds and the income thereof shall be applied for the benefit of the leper or his relatives or dependants in accordance with the orders of the court.

Leper or relative may impugn inventory or account.

Manager may be sued for an account.

Court may punish disobedient manager.

Court may remove manager.

Manager may apply property for support of relatives or dependants of leper.

Payment of manager.

Court may require security.

Determination of questions arising in the administration.

Sale of leper's property by order of court.

Application of proceeds of sale.

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Power of leper to apply to court.

33. In any case in which a court shall have ordered the property, or the proceeds of the sale of the property, of a leper to be administered under the supervision of the court, it shall be lawful for the leper at any time to petition the court—

- (a) for the application of any part of his property or the proceeds thereof for the benefit of the leper or any other person;
- (b) for the furnishing to such leper of any information as to the condition of his property which the leper may reasonably require,
- (c) for the issue of directions by the court for the administration of the property in accordance with the desires of the leper;
- (d) in respect of any other matters which the leper may consider for the advantage of himself or his relatives and dependants with reference to his property or the proceeds thereof,

and the court upon the consideration of any such petition may make such order as seems just.

Communi-
cation from
leper to court

34. (1) All applications, petitions, or communications presented to a court by a leper detained under this Ordinance may be made in writing signed by the leper, and forwarded through the Superintendent of the hospital in which he is detained, and a certificate purporting to be given by such Superintendent to the effect that any such

writing was signed by the leper shall be accepted by the court as prima facie evidence of such signature.

(2) All notices or other documents which may be required to be served upon a leper in the course of the administration of his property under this Ordinance may be served upon him by post through the Superintendent of the hospital in which he is detained, and a certificate purporting to be given by such Superintendent to the effect that any such notice or document was served upon the leper shall be accepted by the court as prima facie evidence of such service.

Service of notices. &c., upon lepers.

35. In making any order under this Ordinance the court shall have regard to the interests of the leper and his family and dependants, and may grant other relief than that asked for, and do all things necessary to adapt its order to the requirements of the case.

General powers of court.

36. Any order made by the District Court under this Ordinance shall be subject to an appeal to the Court of Appeal.

Appeals.

37. The court may direct in the case of the property or the proceeds of the property of any leper being administered under its supervision that, having regard to the amount of such property and the condition of life of such leper or his relatives or dependants, no stamp duty shall attach or be payable in respect of any application, petition, notice, affidavit, or other document, filed in court in the course of such administration by the leper, or his manager, or any relative or dependant.

Exemption from stamp duty.

SCHEDULE

[Section 15.]

FORM OF APPLICATION FOR THE ADMINISTRATION OF THE PROPERTY OF A LEPER

To the District Judge of

[..... a leper, detained at the Leprosy Hospital at make application that my properly may be administered under the supervision of the court, and I hereby nominate of as my manager.

2. My relatives and dependants are as follows :—

- (1)
- (2)
- (3)
- (4)

3. The list on the back hereof to the best of my belief is a full statement of my property and the value thereof.

Signature of Leper.

Signed and dated in the presence of the Superintendent of the said hospital.

Signature of Superintendent.

This day of 19

(Over.)

Description of Property	Value
	Rs. c.
Immovable property:—	
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	

Movable property :-

- Household property
- Jewellery
- Cattle
- Debts
- Cash, &c.

Total

FORM OF APPLICATION FOR THE SALE OF PROPERTY OF A LEPER

To the District Judge of

1. a leper, detained at the Leprosy Hospital at make application that my property* may be sold, and the proceeds thereof may be administered under the supervision of the court.

2. My relatives and dependants are as follows :—

- (1)
- (2)
- (3)
- (4)

* If a sale of only part of the leper's property is desired, the words " part of " should be inserted.

3. The list on the back hereof to the best of my belief is a full statement of my property and the value thereof.

4.*

Signature of Leper.

Signed and dated in the presence of the Superintendent of the said hospital.

Signature of Superintendent.

This day of 19

(Over.)

Description of Property	Value
	Rs. c.
Immovable property :—	
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
Movable property :—	
Household property	
Jewellery	
Cattle	
Debts	
Cash, &c.	
Total . . .	

* If a sale of only part of the leper's property is desired, he should here indicate what he desires to have sold, either by specific enumeration or exception from the schedule of property endorsed on the back hereof.