

Lepers Act, 1898

Section 8 - PROCEDURE WITH REGARD TO PAUPER LEPERS

1) If it appears to any Presidency Magistrate or Magistrate of the first class or to any other Magistrate authorised in this behalf by the 16[State Government], upon the certificate in Form B set forth in the Sch., 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 maybe 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 Procedure 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. "In consonance with several opinions we have modified clause 8 in the direction of greater distinctness and elasticity. The class of Magistrate who should ordinarily deal with these cases has been specified, and the right of every alleged leper to examine the Inspector of Lepers upon his certificate in Form B, and to require that the allegation of leprosy shall, if not admitted, be fully proved, has been made clear. We have, on the analogy of section 4 of the Lunatic Asylums Act, 1858, given power to the Magistrate to make over a pauper leper to friends, on proper conditions, in lieu of sending him to an asylum; and we have authorised a District or Chief Presidency Magistrate to order the release of any pauper leper from an asylum upon due cause, as for instance, the cessation of his pauper status or the coming forward of friends. These modifications provide a safeguard against the improper or unnecessary confinement of persons in asylums."-S.C.R.State Amendments