



# Leprosy and the law - Burning issue for a burning out disease

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Rights of people suffering from Hansen's disease have evoked renewed interest. One of the major causes could be the media attention to the claims for compensation filed by some of the Japanese people released from treatment of Hansen's disease.

### SEGREGATION

Japan had enacted the Leprosy Prevention Law in 1953, which prescribed segregation and isolation of leprosy patients as part of their treatment. This Act was repealed in 1996. But the damage had been done. Those who had been suffering from leprosy were ostracized by the society and they found it extremely difficult to integrate into the society again. These patients after being released from treatment and being discharged from leprosy homes have filed for compensation with the government for being dislocated from the society.

These painful yet therapeutic options for leprosy have changed considerably in the recent past. A single dose of rifampicin is known to be adequate to render an infectious patient to a non-infectious state. Therefore, isolation of leprosy patients on grounds of potential for spread seems unnecessary today.

There are certain apprehensions among health care providers regarding a few provisions of law as related

to leprosy. Let us examine some of them.

### ACCESS TO PUBLIC PLACES

At a recently held national congregation on legal aspects of leprosy held at Mumbai, one of the speakers had pointed out an instance of discrimination against leprosy patients. A photograph of a notice board placed outside a religious shrine in Tamil Nadu was shown during the course of his talk. The board speaks about denial of entry to those who are improperly dressed, beggars and those suffering from leprosy.

However bona fide the intention of the authorities may be to prevent the spread of leprosy among the large number of devotees frequenting the shrine, it is not understood why leprosy has been singled out among all other infectious diseases. Since leprosy can be rendered non-infectious with a single oral dose, this fear of spread of leprosy among devotees appears misplaced. However, if an obstinate infectious devotee does not want to treat himself (for whatever reason) and wishes to enter the shrine a restriction in such a case may not be discriminatory in nature.

Article 21 of the Constitution of India guarantees the right to life. The Supreme Court has held in a number of judgments that right to life includes the right to live

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with dignity. Discrimination is violation of right to live with dignity and therefore discrimination is a violation of a fundamental right. I am sure that if the authorities who have displayed the notice board restricting entry of leprosy patients are informed about the current therapeutic options in management of leprosy and that the restriction is of discriminatory nature, the authorities are more likely to pull down the restriction on leprosy patients.

### LEPROSY AS A GROUND FOR DIVORCE

One of the grounds for divorce in the Hindu Marriage Act is also much talked about. It is pertinent to mention before we advert to the particular section in the Act that there is always a strict interpretation of law by the Courts. How this is important will be seen in the following paragraph.

The relevant provision has been reproduced below: -

#### 13. Divorce.

1. Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party
6. Has been suffering from a virulent and incurable form of leprosy; or .....

If one has to strictly interpret the law laid in this section then with the drugs available currently for leprosy one cannot really say that there exists an incurable form of leprosy. Therefore if an incurable form of leprosy does not exist, the question of obtaining divorce on the ground that one of the spouses has been suffering from virulent and incurable form of leprosy cannot arise. Even if one were to file a divorce petition, the evidence in the form of extracts from standard leprosy textbooks and journals and that of experts in the field of leprosy would establish that this provision is not even a paper tiger. Once proved that leprosy is not incurable then the divorce will not be granted on this ground alone.

### TRAIN TRAVEL FOR LEPROSY PATIENTS

Very often leprosy patients complain that the railway authorities insist on a medical certificate that their

condition is not infectious (which can pose risk of infection to co-passengers). This is due to the section 56 of the Indian Railways Act that relates to all infectious diseases including leprosy.

Section 56 of the Indian Railways Act also prescribes restriction with respect to carriage of passengers with infectious diseases. The said section is as follows:

56. Power to refuse to carry persons suffering from infectious or contagious diseases. -

- (1) A person suffering from such infectious or contagious diseases, as may be prescribed, shall not enter or remain in any carriage on a railway or travel in a train without the permission of a railway servant authorized in this behalf.
- (2) The railway servant giving permission under subsection (1), shall arrange for the separation of the person suffering from such disease from other persons in the train and such person shall be carried in the train subject to such other conditions as may be prescribed.
- (3) Any person who enters or remains in any carriage or travels in a train without permission as required under sub-section (1) or in contravention of any condition prescribed under sub-section (2), such person and a person accompanying him shall be liable to the forfeiture of their passes or tickets and removal from railway by any railway servant.

If one reads the above section the emphasis is on infectious or contagious disease. If a leprosy patient has been started on anti-leprotics and is non-infectious (as noted earlier the ease with which infectious patients can be rendered non-infectious) this section would not operate against the interests of leprosy patients who are non-infectious. A doctor treating such a patient would issue a certificate to that effect, which may be carried by the passenger in case of any doubt raised by the railway authorities regarding the infectious state of the leprosy in that particular passenger.

Rights of leprosy or HIV patients continue to be violated. A greater awareness regarding the availability of effective treatment and the right against discrimination for leprosy patients is very important to prevent these violations. It would be not out of



place to recall an incident narrated by a fellow dermatologist. It seems that the parents of a girl of marriageable age approached the parents of this dermatologist with a marriage proposal. At that time they were not aware that the said doctor was a dermatologist (and also a venereologist and a leprologist). When the girl and the parents were enlightened about this, the proposal was not pursued further. The reason being their false perception that the doctor would bring back home lepra bacilli after attending to leprosy patients and would subsequently infect their innocent daughter! It was also later learnt

that this girl was a medical student! Can you beat this discrimination? This incident further illustrates that laws alone are insufficient to counter discrimination and improving awareness in the society is equally important. It is upon us doctors to dispel the misconceptions regarding leprosy.

This article is an extract from the book *Dermatology and the law* by the same author. This article is meant to create awareness regarding law pertaining to medicine and is not in the nature of legal advice. Legal advice should be taken in specific cases.

