

## SUMMARY OF REPORT 256

### Report no.256 of the Law Commission of India (Eliminating Discrimination against Persons Affected by Leprosy)

The Law Commission of India, under the Chairmanship of Justice A.P. Shah, drafted a special report on leprosy (Report No. 256) titled 'Eliminating Discrimination against Persons Affected by Leprosy, in April 2015, and submitted it to the Ministry of Law and Justice, Government of India, for further action.

The report has two distinct parts:

1. The main body of the report includes a situational analysis on leprosy and its related issues, the legal situation in other countries, and recommendations on what actions the government can take to address the concerns related to leprosy and the various discriminatory provisions that exist in both civil and criminal laws of the country.
2. The annexure to the report contains a proposed draft model bill with the same title as the report, which is based on the recommendations in the body of the report.

To address the need for change in the discriminatory provisions in the existing laws, the report recommends action by the central government under its power to realise its international obligations under the UNCRPD and UN Resolution on the Elimination of Discrimination against Persons affected by Leprosy and their Family Members (Articles 51 and 253 of the Indian Constitution) so that such provisions can be changed in one stroke by one Act.

The recommendations in the report cover both persons affected by leprosy and their family members, with a special focus on the children of persons affected by leprosy.

#### Main Features

<b>Report No. 256 (Recommendations)</b>			<b>Eliminating Discrimination against Persons Affected by Leprosy (EDPAL) Bill, 2015</b>
Identifies the following laws as containing discriminatory provisions, and recommends:			Provides for repeal and/or amendment of provisions which are discriminatory in nature.
Four marriage laws	ground for divorce	removal	

Hindu Adoption and Maintenance Act, 1956	ground for denial of maintenance to separated spouse	removal	<p>Schedule I provides for the repeal of discriminatory provisions from marriage and divorce laws and the Hindu Adoption and Maintenance Act, 1956.</p> <p>Schedule II provides for amendments in Legal Services Act, 1987 for free legal aid and Motor Vehicles Act, 1988 for provision of learner's license.</p> <p>Also provides for invalidation of any provision that is discriminatory in nature, and not specified in either of the lists.</p>
State Beggary Laws	incarceration, segregation and use of the term 'leper'	removal	
Life Insurance Corporation Act, 1956	higher premium charge	amendment	
Municipal and Panchayati Raj Acts	disqualification to contest election	removal	
Railways Act, 1989	segregation and removal	amendment	
The Motor Vehicles Act, 1988	denial of driving license	amendment	
The Industrial Disputes Act, 1947	continued ill-health ground for termination	amendment	
Acts such as the Bombay Municipal Corporation Act, 1888	disclosure of information on disease	amendment	
<p>Recommends the change of the term leprosy-cured under the disability laws (Person with Disabilities Act, 1995; RCI Act, 1999; and RPwD Act, 2016), and widening its scope to include persons affected by leprosy who are either undiagnosed or under treatment, and have any of the conditions mentioned in the definition of leprosy-cured without the 40% criteria.</p>			<p>Introduces new definitions, including:</p> <ol style="list-style-type: none"> <li>1. 'disability due to leprosy' on the basis of grade I and II classification of disability as recognised by WHO.</li> <li>2. 'leprosy cured person' - anyone who is certified by a medical practitioner to have been administered the first dose of MDT and continues, or has completed his/her treatment,</li> </ol>

	<p>regardless of disability percentage.</p> <p>3. 'persons affected by leprosy' includes persons yet undetected, along with those cured of leprosy.</p> <p>4. 'members of their family' includes parents, spouse, children and siblings.</p>
Removal of the term 'leper' and its synonyms in other regional languages from all official and private documents.	Substitute term 'leper' with 'person affected by leprosy' in all documents of governments, laws and private establishments.
Enactment of a law for social inclusion of persons affected by leprosy and their family members through affirmative action.	
Provides for non-discrimination of persons affected by leprosy and their family members, and right to equality.	<p>Provides for a non-discrimination clause for persons affected by leprosy and their family members by persons, government and private establishments.</p> <p>Reaffirms the right to equality as guaranteed by the Constitution.</p>
Right to access healthcare, adequate housing, education, employment and other such basic amenities.	<p>Access to healthcare for leprosy, its consequences, and other medical needs.</p> <p>Counselling for persons affected by leprosy and their family members.</p> <p>Protection from unethical or involuntary procedures and research.</p> <p>Training of healthcare professionals and ensuring humane treatment of persons affected by leprosy by healthcare providers.</p>
Provides ownership and title to land in leprosy colonies where possible, or else ensure proper rehabilitation with the consent and participation of	Title to lands in colonies where possible, and protection from eviction without due process of law, rehabilitation

persons affected by leprosy in the decision-making process.	arrangements and compensation.  Also provides right to own, rent, use or occupy any property.
Provides quota for employment and alternate employment opportunities.	Right to employment in both government and private establishments.
Ensures admission in educational institutions at all levels.	Right to education at all levels, including the right to resume education.  Educational programmes to develop talent, personalities and abilities.
Concessions in travel, and if possible lodging for those persons affected by leprosy who are under treatment.	
Awareness generation on leprosy, its symptoms, cure and treatment.	Awareness generation on leprosy, with a special focus on early detection to reduce the burden of disability due to leprosy.  Social awareness programmes to dispel fears about leprosy and address stigma and discrimination.  Training and awareness programmes on leprosy in all establishments.
Welfare measures, such as unemployment benefits, parental leave, health insurance, or other such social insurance on account of leprosy, or otherwise.	Provision of social welfare measures, including, but not limited to: <ol style="list-style-type: none"> <li>1. Financial assistance for adequate standard of living and housing</li> <li>2. Community-based rehabilitation</li> <li>3. Neighbourhood support and security</li> <li>4. Access to social security, including employment benefits, parental leave, unemployment benefits, health insurance or other social insurance, family benefits, funeral benefits, pensions and benefits with regard</li> </ol>

	<p>to the loss of support for spouses or partners as the result of illness or death on account of leprosy, and poverty reduction strategies and programmes</p> <p>5. Special programmes to address isolation, homelessness and mental trauma</p>
Free legal aid by amending the Legal Services Act, 1987.	Free legal aid to persons affected by leprosy and their family members filing a case for non-compliance of any provision of the Act.
Commissions at national and state levels.	Formulation of central- and state-level commissions within a stipulated timeframe.
	Protection from disclosure of records related to leprosy without informed consent or on authority by law.
	Access to goods and services available to the general public and access to public transport and free movement.
	Right to marry, adopt, and artificial means of procreation.
	Right to participate in decision-making processes regarding formulation of welfare provisions.