

RESTORING DIGNITY: ON STIGMA ATTACHED TO LEPROSY

Relevant for: Government Policies & Welfare Schemes | Topic: Welfare of Persons with Disability - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

It has long been a blot on Indian society that while leprosy is completely curable, there lingers a [social stigma attached to it](#). Even more shocking is that colonial laws that predate leprosy eradication programmes and medical advancements remain on the statute book. These were unconscionably discriminatory from the beginning, but even in independent India, where the law has been an instrument for social change, the process of removing them has been bafflingly slow. The Lepers Act of 1898 was repealed only two years ago. It is time for concerted action to end the entrenched discrimination in law and society against those afflicted by it. Two recent developments hold out hope. One was the introduction of a Bill in Parliament to remove leprosy as a ground for seeking divorce or legal separation from one's spouse, and the other was the Supreme Court asking the Centre whether it would bring in a positive law conferring rights and benefits on persons with leprosy and deeming as repealed all Acts and rules that perpetuated the stigma associated with it. The Personal Laws (Amendment) Bill, 2018, is only a small step. An affirmative action law that recognises the rights of those affected and promotes their social inclusion will serve a larger purpose. It may mark the beginning of the end to the culture of ostracisation that most of them face and help remove misconceptions about the disease and dispel the belief that physical segregation of patients is necessary. It is sad that it took so long to get such proposals on the legislative agenda.

Since last year, the Supreme Court has been hearing a writ petition by the Vidhi Centre for Legal Policy seeking to uphold the fundamental rights of people with leprosy and the repeal of discriminatory laws against them. The court has been approaching the issue with sensitivity and is seeking to find legal means to ensure a life of dignity for them. The 256th Report of the Law Commission came up with a number of suggestions, including the repeal of discriminatory legal provisions. It listed for abolition personal laws and Acts on beggary. The report cited the UN General Assembly resolution of 2010 on the elimination of discrimination against persons with leprosy. The resolution sought the abolition of laws, rules, regulations, customs and practices that amounted to discrimination, and wanted countries to promote the understanding that leprosy is not easily communicable and is curable. The campaign to end discrimination against those afflicted, and combating the stigma associated with it, is decades old. While governments may have to handle the legislative part, society has an even larger role to play. It is possible to end discrimination by law, but stigma tends to survive reform and may require more than legal efforts to eliminate.

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