

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 83/2010

FEDERATON OF LEPY. ORGAN.(FOLO) & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

WITH

W.P.(C) No. 1151/2017 (PIL-W)
(IA No. 38224/2020 - INTERVENTION APPLICATION)

Date : 07-05-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Ms. Rashmi Nandakumar, AOR
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For Respondent(s) : Ms. Aishwarya Bhati, ASG
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Mr. Vaibhav Srivastava, AAG

Ms. Sugandha Anand, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. These matters filed in public interest highlight the continuation of discriminatory, derogatory and demeaning provisions in various statutes against leprosy affected/cured persons. These provisions are of wide range illustratively from prohibition against holding elected offices to leprosy being a ground of divorce before the Family Laws came to be amended by the Parliament, during pendency of these proceedings, through the Personal Laws (Amendment) Act, 2019, which came into force w.e.f. 21.02.2019. We are informed that there might be more than 145 state legislations, besides some Regulations/Rules/Bye-Laws/Executive instructions operating in different fields, where the offending provisions are still subsisting.

2. In the second case filed in the year 2017, notice was issued to all the States with a direction to look into their legislations and carry out the necessary exercises, leaving no scope of discrimination.

3. We are not sure as to how many States have taken it seriously and earnestly and have taken any effective step to remove the offending and discriminatory expressions from their State laws so as to bring them in conformity with the Constitutionalism. A list of State Laws has been appended with an application but the same

will be of little use to us on account of being vague as the information is either cryptic or incomplete.

4. We, therefore, deem it appropriate to direct the Chief Secretaries and the Law Secretaries of all the States to immediately constitute a Committee of 3 officers from the Law and Justice Department of each State, preferably to be headed by an officer in the rank of Principal District Judge. The State Government may request Hon'ble the Chief Justice of the High Court to provide an officer in the rank of District Judge for a short duration (on deputation). A request to this effect shall be sent within one week. The Chief Justices of the High Courts are requested to depute an officer (that may include even the Law Secretary, who is already on deputation with the State Government) within one week from the date of receipt of a request from the State Government. The Committee shall be formally constituted within four weeks from today. The said Committee shall identify:

(i) All the State Laws, pre or post Constitution where the discriminatory expressions in respect of leprosy affected or cured persons are still part of the statute book.

(ii) Such Regulations, Statutory Rules or Bye-Laws where similar provisions have been incorporated, shall also be identified. This exercise shall further include the Regulations formulated under different Statutes, Service Rules enacted under proviso to Article 309 of the Constitution as well as Bye-Laws framed under different Statutes like Cooperative Societies Act.

5. The Committee shall thereafter make recommendations to the State Government for suitable amendment in all the Statutes,

Regulations, Rules, Bye-Laws or Instructions.

6. There shall be a direction to all the State Governments to take necessary initiatives and bring their State laws strictly in conformity with the constitutional commitments and principles.

7. The Committee will also forward the report to the Secretary General of this Court.

8. The Standing Counsel for all the States are directed to remain present and file their respective status reports highlighting the steps taken by them in the meanwhile.

9. Post the matters for hearing on 30.07.2025.

10. The Registry is directed to communicate this order to all the Chief Secretaries and Advocate Generals of the State Governments for information and necessary compliance.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR