

# *The Epidemic Diseases Act.*



## The Epidemic Diseases Act.

The **Epidemic Diseases Act** is routinely enforced across the country for dealing with outbreaks of diseases such as swine flu, dengue, and cholera.

### History of the 1897 Epidemic Diseases Act

1. The colonial government introduced the Act to tackle the epidemic of **bubonic plague** that had spread in the erstwhile Bombay Presidency in the 1890s.
2. Using powers conferred by the Act, colonies authorities would search suspected plague cases in homes and among passengers, with forcible segregations, evacuations, and demolitions of infected places.
3. Historians have criticized the Act for its potential for abuse.

### Provisions of the 1897 Epidemic Diseases Act

The Act, which consists of four sections, aims to provide “for the better prevention of the spread of Dangerous Epidemic Diseases.”

1. Section 2 empowers state governments/UTs to take special measures and formulate regulations for containing the outbreak. It reads:
  - “Power to take special measures and prescribe regulations as to dangerous epidemic disease.
1. When at any time the State Government is satisfied that the State or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the State Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.
2. In particular and without prejudice to the generality of the foregoing provisions, the State Government may take measures and prescribe regulations for—
  - (b) *The inspection of persons travelling by railway or otherwise, and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.*”
3. Section 3 provides penalties for disobeying any regulation or order made under the Act. These are according to **section 188** of the Indian Penal Code (**Disobedience to order duly promulgated by public servant**).
4. Section 4 gives legal protection to the implementing officers acting under the Act.

### The Epidemic Diseases (Amendment) Ordinance, 2020

The Epidemic Diseases (Amendment) Ordinance, 2020 was promulgated on April 22, 2020. The Ordinance amends the Epidemic Diseases Act, 1897. The Act provides for the prevention of the spread of dangerous epidemic diseases. The Ordinance amends the Act to include protections for healthcare personnel combating epidemic diseases and expands the powers of the central government to prevent the spread of such diseases. The Ordinance defines healthcare service personnel as a person who is at risk of contracting the epidemic disease while carrying out duties related to the epidemic. They include: (i) public and clinical healthcare providers such as doctors and nurses, (ii) any person empowered under the Act to take measures to prevent the outbreak of the disease, and (iii) other persons designated as such by the state government.

#### Key Features of the Epidemic Diseases (Amendment) Ordinance

- It makes any attack upon them a cognizable and a non-bailable offence.
- It solidifies the definition of what constitutes as violence i.e., harassment, physical injury and damage to property, as well as who is covered under the ambit of healthcare personnel.
- Further, commission or abetment of any acts of violence against said healthcare professionals shall be punished with imprisonment for a term of three months to five years, followed with a fine of Rs.50,000/- to Rs.2,00,000/-. In aggravated cases concerning grievous hurt, the ordinance directs imprisonment for a term of six months, and up to seven years, and with a fine of Rs.1,00,000/- to Rs.5,00,000/.
- The law also envisions time bound investigations, in addition to compensation for injury or damage to property, to almost twice the fair market value.

The COVID-19 pandemic poses a unique challenge, and several states have enacted special laws, such as the present ordinance, to offer protection to doctors and other medical professionals. It is contemplated that the Ordinance will positively impact the morale and reinstate trust and confidence back into our healthcare community, such that they can continue to contribute during these difficult times, and to also highlight and uphold the nobility and integrity of their profession and its influence.

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