

**Bill No. I of 2021**

THE EPIDEMIC DISEASES (PREVENTION, PREPAREDNESS AND  
MANAGEMENT) BILL, 2021

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AS INTRODUCED IN THE RAJYA SABHA  
ON 5TH AUGUST, 2022

**Bill No. I of 2021**

THE EPIDEMIC DISEASES (PREVENTION, PREPAREDNESS AND  
MANAGEMENT) BILL, 2021

A

BILL

*to provide for the effective prevention, preparedness and management of epidemics and  
for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as  
follows:—

CHAPTER I

PRELIMINARY

5           **1.** (1) This Act may be called the Epidemic Diseases (Prevention, Preparedness and  
Management) Act, 2021.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference in any provision to the commencement of this Act in relation to any State shall be construed as a reference to the coming into force of that provision in that State. 5

Definitions.

2. In this Act, unless the context otherwise requires:— .

(a) "appropriate authority" means the Ministry or Department of the Government of India having administrative control of public health management, or the Ministry or Department of the State Government having administrative control of public health management in the State; 10

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) "district" means an administrative area as recognized by the Revenue Department of a State or Union Territory Government for the purposes of revenue administration and law and order purposes which is headed by a District Collector or a Deputy Commissioner; 15

(d) "district authority" includes the Deputy Commissioner or the District Collector or the District Magistrate or any other Revenue Officer or Executive Magistrate so empowered under the prevailing Revenue Law or the Code of Criminal Procedure, 1973 or as the case may be; 20 2 of 1974

(e) "epidemic" means the occurrence, in a community or region, of cases of an illness, specific health related behaviour, or other health related events in excess of normal expectancy;

(f) "infectious waste" means waste suspected to contain pathogens, such as laboratory cultures; waste from isolation wards; tissues (swabs), materials, or equipments that have been in contact with infected patients; excreta, etc; 25

(g) "isolation" means separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination; 30

(h) "National Epidemic Plan" means the National Epidemic Plan prepared under sub-section (1) of section 9;

(i) "outbreak" means epidemic limited to a localized increase in the incidence of a disease;

(j) "point of entry" means a passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit; 35

(k) "quarantine" means the restriction of activities or separation of suspect persons from others who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination; 40

(l) "State Epidemic Plan" means the State Epidemic Plan prepared under sub-section (1) of section 10;

(m) "State Government" means the Ministry or Department of the State Government having administrative control of public health management in the State;

(n) "National Commission" means the National Epidemic Commission constituted under sub-section (1) of section 3; 45

(o) "State Commission" means the State Epidemic Commission constituted under sub-section (1) of section 6.

## CHAPTER II

### NATIONAL AND STATE EPIDEMIC COMMISSIONS

5           **3.** (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the National Epidemic Commission. Establishment of National Epidemic Commission.

(2) The National Commission shall consist of a Chairperson and other members representing each State, as follows:—

- 10           (a) the Union Health Minister who shall be the *ex-officio* Chairperson;  
(b) an elected member from each State Commission.

(3) The Chairperson of the National Commission may designate one of the members to be the Vice-Chairperson of the National Commission.

15           (4) The term of office for each member shall be five years or till the attainment of sixty-five years of age, whichever is earlier.

(5) A member may choose to resign at any time by submitting the resignation letter to the Chairperson.

(6) the conditions of service and remuneration of members of the National Commission shall be such as may be prescribed by the Central Government.

20           (7) The vacancies among members of the National Commission and manner of filling such vacancies shall be such as may be prescribed.

**4.** (1) The National Commission shall perform and discharge the following functions and duties, namely:— Functions and duties of National Epidemic Commission.

25           (a) prepare a National Epidemic Plan for containing epidemics and execute it in case an epidemic is declared;

(b) advise the Central Government on preventive measures for an epidemic;

(c) monitor the implementation of the provisions of this Act;

(d) advise the Central Government on all matters concerning the implementation of this Act;

30           (e) review and monitor the outbreak or potential outbreak of epidemics in the country;

(f) commission research studies and surveys to suggest effective strategies to contain epidemics;

35           (g) prepare annual reports to be laid before both Houses of the Parliament on the status of the implementation of the Act in such manner as may be prescribed;

(h) advise the Prime Minister on the need to declare any health condition or disease as an epidemic;

(i) recommend necessary measures to the Prime Minister to deal with any epidemic including lockdown, barriers to point of entry, etc;

40           (j) such other duty or function as may be assigned to it by the Central Government.

(2) The National Epidemic Commission shall have the power to regulate its own procedures.

Meetings of National Epidemic Commission.	<p>5. (1) The National Commission shall meet as and when necessary but atleast twice in a year and at such time and place as the Chairperson may think fit.</p> <p>(2) The Chairperson of the National Commission shall preside over its meetings and in his absence, the Vice-Chairperson shall preside over the meetings.</p>	
Establishment of State Epidemic Commission.	<p>6. (1) With effect from such date as the State Governments may, by notification in the Official Gazette, appoint in this regard, there shall be established for the purposes of this Act, an authority to be known as the State Epidemic Commission.</p> <p>(2) A State Commission shall consist of the Chairperson and other members, as follows:—</p> <p>(a) the Minister of Health of the State, who shall be the <i>ex-officio</i> Chairperson;</p> <p>(b) the Secretary in charge of the Ministry of Health of the State;</p> <p>(c) two epidemiologists that the State Government shall appoint, with not less than fifteen years of experience in the field;</p> <p>(d) four members representing village institutions, worker organizations and disadvantaged groups;</p> <p>(e) at least one representative each from the National Human Rights Commission, the National Commission for Women, National Commission for Scheduled Castes, National Commission for Scheduled Tribes and the National Commission for Protection of Child Rights;</p> <p>(f) three eminent social workers from civil society with no less than fifteen years' of experience, working in fields including but not limited to disability policy, mental health policy, labour welfare;</p> <p>(3) The Chairperson of the State Commission may designate one of the members to be the Vice-Chairperson;</p> <p>(4) The term of office, the conditions of service and remuneration of members of the State Commission shall be such as may be prescribed by the State Government.</p> <p>(5) The vacancies among members of the State Commission and manner of filling such vacancies shall be such as may be prescribed.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
Functions and Duties of State Epidemic Commission.	<p>7. (1) The State Commission shall perform and discharge the following functions and duties, namely:—</p> <p>(a) prepare a State Epidemic plan for containing epidemics and execute it in case of declaration of an epidemic;</p> <p>(b) provide advice to the Central and/or the State Government regarding preventive measures in case of an epidemic;</p> <p>(c) monitor the implementation of this Act in the respective State;</p> <p>(d) advise the State Government on all matters concerning the implementation of this Bill;</p> <p>(e) review and monitor the outbreak or potential outbreak of epidemics in the State;</p> <p>(f) commission research studies and surveys to suggest effective strategies to contain epidemics;</p> <p>(g) prepare annual reports to be laid before the State Legislature on the status of the implementation of the Act in such manner as may be prescribed;</p>	<p>30</p> <p>35</p> <p>40</p>

(i) advise the Chief Minister of the State on the need to declare any health condition or disease as an epidemic;

(j) recommend necessary measures to the Chief Minister to deal with any epidemic including lockdown, barriers to point of entry, etc;

5 (k) such other duty or function as may be assigned to it by the State Government.

(2) The State Epidemic Commission shall have the power to regulate its own procedures.

8. (1) The State Commission shall meet as and when necessary but atleast twice in a year and at such time and place as the Chairperson may think fit. Meeting of State Epidemic Commission.

10 (2) The Chairperson of the State Commission shall preside over its meetings and in his absence, the Vice-Chairperson shall preside over the meetings.

### CHAPTER III

#### NATIONAL AND STATE EPIDEMIC PLAN

15 9.(1) A National Epidemic Plan shall be prepared by the National Commission in consultation with the State Commissions and expert bodies or organisations in the field of epidemiology or public health policy within six months of the constitution of the National Commission and shall be reviewed, for modification or improvement every year. National Epidemic Plan.

(2) The National Plan shall include but not limited to the following:—

20 (a) detailed provisions for measures concerning, safe disposal of infectious waste, safe disposal of human remains, control of health care supplies, compensation, destruction of property, protection of persons, medical examination and testing, vaccination and treatment, procedure for isolation and quarantine, and disclosure of protected health information, licensing and appointment of health personnel, dissemination of information, access to mental health support.

(b) provisions for strict compliance with the standards set under this Act.

25 (c) provisions to protect the vulnerable population during an epidemic, including but not limited to women, children, persons with disability, persons of scheduled castes and tribes, other backward castes, and the persons falling below poverty line;

(d) provisions for protecting the providers of essential services including healthcare personnel, police force, sanitation workers;

30 (e) provisions to ensure equitable access to resources including healthcare, education, food, water, safe living spaces.

35 10. (1) A State Epidemic Plan shall be prepared by each State Commission in consultation with the local self Governments and expert bodies or organisations in the field of epidemiology or public health policy within six months of the constitution of the State Commission and shall be reviewed for modification or improvement every year. State Epidemic Plan.

(2) The State Epidemic Plan shall include but not limited to the following:—

40 (a) detailed provisions for measures concerning, safe disposal of infectious waste, safe disposal of human remains control of health care supplies, compensation, destruction of property, protection of persons, medical examination and testing, vaccination and treatment, procedure for isolation and quarantine, access to and disclosure of protected health information, licensing and appointment of health personnel, dissemination of information, access to mental health support and such other provisions as deemed fit.

(b) provisions for strict compliance with the standards set under this Act.

(c) provisions to protect the vulnerable population during an epidemic, including but not limited to women, children, persons with disability, persons of scheduled castes and tribes, other backward castes, and the persons falling below poverty line;

(d) provisions for protecting the providers of essential services including healthcare personnel, police force, sanitation workers; and 5

(e) provisions to ensure equitable access to resources including healthcare, education, food, water, safe living spaces.

## CHAPTER IV

### DECLARING AN EPIDEMIC

**11.** (1) The Prime Minister shall declare a disease as a national epidemic on the request of the Union Minister of Health and Family Welfare, in consultation with the National Commission. 10

Declaration of Epidemic at National or State level.

(2) The Chief Minister shall declare a disease as a state epidemic on the request of Minister of Health of the respective State, in consultation with the State Commission.

(3) The declaration shall be done within twenty four hours after receipt of such a request by the Prime Minister or the Chief Minister, respectively as the case may be. 15

Content of Declaration.

**12.** (1) The declaration of the epidemic shall contain the name of the epidemic; timeline, location and scope of occurrence of the epidemic; causes, ways of transmission, nature and danger of the epidemic; measures for preventing and controlling the epidemic and health establishments that shall admit and treat persons suffering from an epidemic disease. 20

(2) The content of declaration may vary according to the information available on the epidemic at the time of declaration.

Declaration of termination.

**13.** (1) The Prime Minister at National level and the Chief Minister in States shall be responsible for declaration of the termination of an epidemic, in consultation with the respective Health Ministers. 25

(2) The termination of an epidemic shall be declared when:

(a) no new cases of infection are detected after a certain period of time and such other conditions are met for each epidemic as stipulated by the National Commission in case of declaration of a national epidemic or the State Commission in case declaration of a state epidemic, as the case may be; and 30

(b) anti-epidemic measures to the satisfaction of the National Commission or the State Commission as the case may be, have been taken.

Effect of Declaration.

**14.** (1) In case of declaration of national epidemic, the National Commission shall execute the National Epidemic Plan with immediate effect.

(2) In case of declaration of state epidemic, the State Epidemic Commission shall execute the State Epidemic Plan with immediate effect. 35

(3) Mass media agencies shall carry accurate, prompt and truthful information after the declaration of an epidemic and declaration of the termination of an epidemic with proper details provided by competent agencies.

## CHAPTER V

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### SPECIAL POWERS DURING DECLARATION OF AN EPIDEMIC

Powers regarding facilities and materials.

**15.** The appropriate Government, in consultation with National or State Commissions may exercise, for such period as the epidemic exists, the following powers over facilities and materials:—



(i) to close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated any facility of which there is reasonable cause to believe that it may endanger public health; and

5 (ii) to decontaminate or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe that it may endanger the health of the public.

**16.** The appropriate Government, in consultation with National or State Commissions may exercise, for such period as the epidemic exists, the following powers concerning facilities, materials, roads, or public areas —

Powers regarding access to and control of facilities and property.

10 (i) to procure, by eminent domain or otherwise, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to contain the epidemic, with the right to take immediate possession thereof.

15 *Explanation,—for the purpose of this clause, materials and facilities include, but not limited to, communication devices, transport, real estate, fuels, food, and clothing.*

20 (ii) to require a health care facility to provide services or the use of its facility if such services or use are reasonable and necessary to contain the epidemic as a condition of licensure, authorization or the ability to continue doing business in the state as a health care facility including transferring the management and supervision of the health care facility to appropriate authority for a limited or unlimited period of time, but shall in no circumstance exceed the termination of the declaration of a state of public health emergency;

25 (iii) to inspect, control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or any other means, the use, sale, dispensing, distribution, or transportation of food, fuel, clothing and other commodities, as may be reasonable and necessary to contain the epidemic; and

(iv) control of roads and public areas:—

30 (a) to prescribe routes, modes of transportation, and destinations in connection with the evacuation of persons or the provision of essential services; and

(b) to control or limit ingress and egress to and from any stricken or threatened public area, the movement of persons within the area, and the occupancy of premises therein, if such measure is reasonable and necessary to contain the epidemic.

35 **17.** The appropriate Government, in consultation with National or State Commissions may exercise, for such period as the epidemic exists, the following powers regarding the safe disposal of infectious waste—

Safe Disposal of infectious waste.

40 (i) to lay down, adopt and enforce measures to provide for the safe disposal of infectious waste as may be reasonable and necessary to contain the epidemic including the collection, storage, handling, destruction, treatment, transportation, and disposal of infectious waste;

45 (ii) To require any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste under the laws of the State, and any landfill business or other such property, to accept infectious waste, or provide services or the use of the business, facility, or property if such measure is reasonable and necessary to contain the epidemic by condition of licensure, authorization, or the ability to continue doing business in the State as such a business or facility and the use of the business, facility, or property may include transferring the management and

supervision of such business, facility, or property to the appropriate authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a national or state epidemic.

(iii) to procure, by eminent domain or otherwise, any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste under the appropriate laws and any landfill business or other such property as may be reasonable and necessary to contain the epidemic, with the right to take immediate possession thereof; and 5

(iv) to direct that all bags, boxes, or other containers for infectious waste shall be clearly identified as containing infectious waste, and if known, the type of infectious waste. 10

Safe dispose of  
human  
remains.

**18.** The appropriate Government, in consultation with National or State Commissions may exercise, for such period as the epidemic exists, the following powers regarding the safe disposal of human remains—

(i) to lay down adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary to contain the epidemic including the embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains; 15

(ii) to take possession or control of any human remains;

(iii) to order the disposal of any human remains of a person who has died of a contagious disease through burial or cremation within twenty-four hours after death: 20

Provided that the religious, cultural, family, and individual beliefs of the deceased person or his or her family shall be considered when disposing of any human remains;

(iv) to require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of the State to accept any human remains or provide the use of its business or facility if such steps are reasonable and necessary to contain the epidemic as a condition of licensure, authorization, or the ability to continue doing business in the State as such a business or facility including transferring the management and supervision of such business or facility to the appropriate authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency. 25 30

(v) to procure, by eminent domain or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of the State as may be reasonable and necessary to contain the epidemic, with the right to take immediate possession thereof. 35

(vi) to direct that each human remains prior to disposal shall be clearly labelled with all available information to identify the deceased and the circumstances of death and to require that any human remains of a deceased person with a contagious disease shall have an external, clearly visible tag indicating that the human remains is infected and, if known, the contagious disease. 40

(vii) to require every person in charge of disposing of any human remains to maintain a written or electronic record of each human remains and all such available information to identify the deceased and the circumstances of death and disposal:

Provided that human remains cannot be identified prior to disposal, a qualified person shall, to the extent possible, take fingerprints and photographs of the human remains, obtain identifying dental information, and collect a DNA specimen which shall be promptly forwarded to the appropriate authority, in such manner as may be prescribed. 45

- 19.** (1) The appropriate Government, in consultation with National or State Commission, may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it deems advisable in the interest of preparing for or controlling an epidemic. Control of health care supplies.
- 5 (2) If the epidemic results in a State-wide or regional shortage or threatened shortage of any product or, whether or not such product has been purchased by the appropriate authority, the appropriate Government, in consultation with National or State Commission, may control, restrict and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the  
10 relevant product necessary to protect the public health, safety and welfare of the people.
- (3) The appropriate Government may, during an epidemic, procure, store, or distribute any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the State as may be reasonable and necessary to contain the epidemic, with the right to take immediate possession thereof.
- 15 **20.** The appropriate Government shall pay fair compensation to the owner of any facilities or materials that are lawfully taken or appropriated by it for its temporary or permanent use under this Act, in such manner as may be prescribed. Compensation.
- 21.** (1) To the extent consistent with the protection of public health, prior to the destruction of any property under this Act, the appropriate Government, in Consultation  
20 with National or State Commission, shall institute appropriate Civil proceedings against the property to be destroyed in accordance with the existing laws. Destruction of property.
- (2) Any property acquired by the appropriate Government through such proceedings shall, after entry of the decree, be disposed of by destruction as court may direct.
- 22.** The appropriate Government may use every available means during an epidemic to  
25 prevent the transmission of infectious disease and to ensure that all cases of contagious disease are subject to proper control and treatment. Protection of persons.
- 23.** (1) The appropriate Government may perform physical examinations and tests during an epidemic as is necessary for the diagnosis or treatment of individuals. Medical examination and testing.
- (2) The appropriate Government shall ensure that, —
- 30 (i) Medical examinations or tests shall be performed by such qualified person authorized by the appropriate Government.
- (ii) Medical examinations or tests are not such as are reasonably likely to lead to serious harm to the affected individual.
- (3) The appropriate Government may isolate or quarantine, any person whose refusal  
35 of medical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a contagious or possibly contagious disease or otherwise poses a danger to public health.
- 24.** The appropriate Government may exercise the following emergency powers during an epidemic over persons as necessary to address the public health emergency— Vaccination and treatment.
- 40 (1) to administer vaccination:—
- (a) vaccination shall be performed by any qualified person authorized to do so by the appropriate Government;
- (b) a vaccine to be administered shall not be such as is reasonably likely to lead to serious harm to the affected individual; and
- 45 (c) to prevent the spread of contagious or possibly contagious disease, the appropriate Government may isolate or quarantine, persons who are unable or unwilling

for reasons of health, choice or conscience to undergo vaccination pursuant to this Act.

(2) to treat persons exposed to or infected with disease,—

(a) treatment may be administered by any qualified person authorized to do so by the appropriate Government; 5

(b) treatment shall not be such as is reasonably likely to lead to serious harm to the affected individual; and

(c) to prevent the spread of contagious or possibly contagious disease, the appropriate Government may isolate or quarantine persons who are unable or unwilling for reasons of health, religion, or conscience to undergo treatment pursuant to this Act. 10

Procedure for  
isolation and  
quarantine.

**25.** (1) During an epidemic, the isolation and quarantine of individuals or groups shall be done by procedure established under this Act.

(2) The designated agencies may quarantine or isolate an individual or a group of individuals after obtaining a written directive from the concerned District Magistrate in such manner as may be prescribed. 15

(3) A notice, physically or electronically, shall be served to the individual or group of individuals identified to be isolated atleast twenty four hours before the isolation or quarantine is set to begin.

(4) The individual shall have the right to be heard by the District Magistrate. 20

(5) The hearing shall take place in such manner as may be prescribed.

(6) Notwithstanding anything in this section, the appropriate Government may temporarily quarantine or isolate a person without notice, if it has reasonable grounds to believe that such quarantine or isolation is in larger public interest:

Provided that a written record of such grounds shall be maintained with the appropriate Government and shall be made available to the person being subjected to quarantine or isolation. 25

Testing.

**26.** The appropriate Government may collect specimens and perform tests on living persons, deceased person, animal (living or deceased), and acquire any previously collected specimen that are reasonable and necessary to respond to the epidemic. 30

Access to and  
disclosure of  
protected  
health  
information.

**27.** (1) The appropriate Government shall ensure privacy of persons at all stages including medical testing, treatment, vaccination, isolation, or quarantine.

(2) The access to non-identifiable protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine shall be provided to persons having a legitimate need to acquire or use the information: 35

Provided that legitimate need may include the treatment of the person who is the subject of health information; epidemiologic research; investigation into the causes of transmission or any other case as may be specified.

(3) Disclosure of protected information shall not be done to anyone without individual, written, specific and informed consent. 40

(4) Notwithstanding anything mentioned in this cause, disclosures may be made without consent:

(a) directly to the individual;

(b) to the individual's immediate family members or personal representative;

(c) in pursuance of any procedure established by law; 45

(d) in pursuance of a court order or decree; and

(e) to identify a deceased individual or to determine the manner or cause of death.

## CHAPTER VI

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### DISSEMINATION OF INFORMATION

**28.** The appropriate Government shall inform the people when an epidemic has been declared or terminated, the measures to protect themselves during an epidemic, and the measures being taken to control the epidemic in such manner as may be prescribed.

Dissemination  
of  
Information.

(1) The appropriate Government shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public including dissemination of information through more than two daily newspapers in English as well as local languages of the State, official websites of the appropriate Government updated at-least twice a day.

(2) The provision of information shall be made in a manner accessible to individuals with disabilities.

*Explanation,—* for the purpose of the section, information shall include but not limited to, number of cases recovered, total number of cases, number of casualties, number of people tested district wise, patient demographics, details of fatal cases, details on imported cases, or any such information as laid down by the National or State Commission and all the information shall be available in the archives digital as well as physically and shall be updated regularly on the digital medium.

## CHAPTER VII

### OFFENCES AND PENALTY

**29. (1)** Whoever knowingly obstructs the implementation of the provisions of this Act or aids and abets or incites said obstruction or restricts the scope of the provisions or performs any activity deemed to be an offence against elder persons under this Act or any other law shall be liable to be punished with imprisonment of not less than six months extendable upto two years or a fine of not less than rupees twenty thousand extendable upto rupees two lakh or both.

Offences and  
penalty.

(2) Where any offence as described in sub-section (1) has been committed by an establishment, every person who, at the time the offence was committed, was the appointed head or was directly in charge of, and was responsible to the establishment for the conduct of its business, as well as the establishment, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in sub-sections (1) and (2) shall render any such person liable to any punishment if they prove that the offence was committed without their knowledge or that all due diligence was exercised to prevent the commission of such offence.

## CHAPTER VIII

### MISCELLANEOUS

**30.** Any person authorized to take any measures under this Act or any order or rule made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Public  
Servant.

**31.** No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.

Act done in  
good faith.

Act to have  
overriding  
effect.

**32.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent there with contained in any other law for the time being in force.

Power to  
make rules.

**33.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act:

5

Provided that the State Government may notify suitable amendments in the rules, in consultation with Central Government, as considered appropriate to the circumstances of each State.

Central  
Government  
to provide  
funds.

**34.** The Central Government shall, after due appropriation made by Parliament by law made in this behalf, provide funds for carrying out the purposes of this Act.

10

**35. (1)** The Epidemic Diseases Act, 1897 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any measure taken under the provisions of the aforesaid Act, shall, in so far as such thing or measure is not inconsistent with the provisions of this Act, be deemed to have been taken under the provisions of this Act as if the said provisions were in force when such thing was done or such measure was taken and shall continue in force accordingly until superseded by anything done or any measure taken under this Act.

15

## STATEMENT OF OBJECTS AND REASONS

India has seen outbreaks of multiple epidemics since independence. Each time a makeshift system is used to tackle the disease by invoking various legislations. The current administration of health policy in India is scattered between multiple laws and bodies, at the Central and the State level. In times of an epidemic, the Government often has to invoke different Acts to cope with the mounting pressure on the already insufficient health infrastructure of the country.

The Epidemic Diseases Act of 1897 is a British era law which has several lacunae. The Act uses ambiguous language to give unqualified powers to the Government. It fails to establish a definition of the "dangerous epidemic diseases" it is meant to contain.

In case a person is isolated or quarantined, the Act fails to lay down any criteria for regulating the conditions of such isolation. It fails to take cognizance of a patient's rights during a pandemic. The Act has not accommodated changing factors such as frequent overseas travel through air, interstate or international migration for work, increase in population, especially in cities and the current state of medical knowledge and health infrastructure.

The Act has been identified as an obsolete piece of legislation by various commissions, including Law Commission of India vide 248th Interim Report in September 2014, and the Report of the P.C. Jain Commission on Review of Administrative Laws in September, 1998. There is a need to repeal the Act in its current form and re-enactment in view of today's socio-economic context.

The Disaster Management Act, 2005 which is the next best legislation that can be invoked, empowers the Ministry of Home Affairs to take actions whereas in case of a pandemic, only the Ministry of Health & Family Welfare has the expertise and should be given the mandate to coordinate the nationwide response.

Thus, there is a pressing need for a single legislation to deal with epidemics, which is the objective of this Bill.

The Bill lays down a comprehensive plan to provide a coordinated and appropriate response in the event of an epidemic. It facilitates the early detection of an epidemic by creating a robust reporting system and by alerting the authorities during the early outbreak of a disease. It allows for investigation by granting access to individual's health information under specific circumstances.

The Bill equips Central, State and local Government with powers over properties, materials and other facilities which can be exercised reasonably when necessary for the care, treatment, and housing of patients and prevention of spread of the disease. They are also empowered to provide care, testing and treatment, and vaccination to persons who are ill or who have been exposed to the disease, and to separate affected individuals from the population at large to reduce disease transmission.

The Bill recognizes the importance of respecting the rights, dignity and privacy of patients during an epidemic and places sufficient restraint on the power given to authorities. The Bill encourages scientific understanding of public health threats and disease transmission and makes provision for information dissemination in accessible forms. The Bill also provides for an epidemic plan that would be made to protect the vulnerable groups during an epidemic.

The Bill provides Central, State and Local officials with the ability to prevent, detect manage, and contain emergency health threats without unreasonably interfering with civil rights and liberties.

Hence, this Bill.

DEREK O' BRIEN

## FINANCIAL MEMORANDUM

Clauses 3 and 6 of the Bill, *inter-alia* provide for establishment of a National Epidemic Commission and State Epidemic Commission respectively.

Chapter V empowers the appropriate Governments, in the consultation with the National and State Epidemic Commission, to take special measures for decontamination of facilities and materials, safe disposal of infectious waste and human remains and purchase and distribution of healthcare supplies.

Clause 20 provides that appropriate Government shall pay just compensation to the owner of any facilities or materials that are lawfully taken or appropriated by it for its temporary or permanent use under this Bill.

Clause 34 provides that the Central Government shall provide funds for carrying out the purposes of the Bill.

The Bill, if enacted will involve additional expenditure from the Consolidated Fund of India, either recurring or non-recurring. At this stage, it is difficult to make any estimate of the expenditure.



#### MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Clause 33 of the Bill gives power to the Central Government to make rules for carrying out the provisions of the Bill. The State Government may make amendments in such rules in consultation with Central Government, as deemed appropriate to the circumstances of the State.

2. The matters in respect of which the rules may be made are matters of procedure and administrative detail only. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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**BILL**

to provide for the effective prevention, preparedness and management of epidemics and  
for matters connected therewith or incidental thereto.

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*(Shri Derek O'Brien, M.P.)*