

AS INTRODUCED IN THE RAJYA SABHA
ON THE 13TH MARCH, 2020

Bill No. XVIII of 2020

THE PUBLIC HEALTH (PREVENTION, CONTROL AND
MANAGEMENT OF EPIDEMICS) BILL, 2020

A

BILL

*to provide for Public Health and for prevention, control and management of epidemics
and for matters connected therewith or incidental thereto.*

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Public Health (Prevention, Control and Management
of Epidemics) Act, 2020.

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.

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

Definitions.

(a) "bio-hazardous material" means any infectious agent or hazardous biological
material that presents a risk of potential risk to the health of humans, animals, plants or
environment;

(b) "Central Government" means the Ministry or Department of the Government of India having administrative control of public health management;

(c) "clinical establishment" includes,—

(i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution by whatever name called that offers services, facilities with beds requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine; 5

(ii) a place established as an independent entity or part of an establishment as defined in c (i) above in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, bio-chemical, biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipments, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not, and shall include a clinical establishment owned, controlled or managed by— 15

(a) the Government or a department of the Government;

(b) a trust, whether public or private;

(c) a corporation (including a society) registered under a Central, or State Act, whether or not owned by the Government;

(d) a local authority; and 20

(e) a single doctor,

but does not include the clinical establishments owned, controlled or managed by the Armed Forces;

(d) "decontamination" means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk; 25

(e) "deratting" means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry; 30

(f) "disaster" means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area; 35

(g) "disinfection" means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;

(h) "district" means administrative area as recognized by the revenue department of a State or Union Territory Government for the purpose of revenue administration and law and order purposes which is headed by a District Collector or a Deputy Commissioner; 40

(i) "district authority" means and 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: 45

(j) "drug" includes—

(i) preparations for mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes;

5 (ii) such substances, other than food, intended to affect the structure or any function of human body or intended to be used for the destruction of insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette;

10 (iii) all substances intended for use as components of a drug including empty gelatin capsules;

(iv) such devices intended for internal or external use in the diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette; and

15 (v) any new drug for which permission has been granted by the Central Licence Approving Authority under the Drugs and Cosmetics Rules, 1945.

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

20 (l) "epidemic prone disease" means a disease as listed in the Schedule of this Act as may be notified by the Central Government from time to time;

(m) "ground crossing" means a point of land entry into India including one utilized by road vehicles and trains as per Land Port Authority of India;

25 (n) "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;

(o) "local area" means the area, within which a local authority exercises its jurisdiction;

30 (p) "local authority" includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or body of port commissioner or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specific local area;

(q) "notification" means a notification published in the Official Gazette;

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

(s) "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;

40 (t) "premises" means buildings, non-constructed area and any land;

(u) "prescribed" means prescribed by rules made under this Act;

45 (v) "public health emergency" means any sudden state of danger to public health including extension or spread of any infectious or contagious disease or pests affecting humans, animals or plants, occurrence of or threat of dangerous epidemic disease, epidemic prone disease, or potential public health emergency requiring immediate action for its prevention, control and management which cannot be dealt with by any law other than this Act;

(w) "public health emergency of international concern" means an extraordinary event which is determined, as provided in International Health Regulations (IHR) of World Health Organization (WHO);

(x) "public health emergency of national concern" means a public health emergency as declared or notified by the Central Government from time to time; 5

(y) "public health service" means services for the prevention and treatment of diseases and promotion of health and includes environmental sanitation, immunization and any other services provided under this act and establishment and maintenance of any institution for the purpose of any such a services;

(z) "public health establishment" means an establishment maintained for the 10 purpose of public health services, including any such establishment as notified by the Central or the State Government from time to time for any purpose of this Act;

(aa) "quarantine" means the restriction of activities or separation from others of suspect persons 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; 15

(bb) "regulation" means regulations as specified under this Act;

(cc) "reservoir" means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;

(dd) "Schedule" means a schedule included in this Act;

(ee) "social distancing" is a public health practice designed to limit the spread of 20 infection by ensuring sufficient physical distance between individuals;

(ff) "State Government" means the department of the State Government having administrative control of public health management and includes administrator of Union Territory appointed by the President under article 239 of the Constitution;

(gg) "Union Territory" shall mean any Union Territory specified in the First 25 Schedule to the Constitution and shall include any other territory comprised within the territory of India but not specified in that schedule;

(hh) "vector" means an insect or any living carrier that transports an infectious agent from an infected individual or its wastes to a susceptible individual or its food or immediate surroundings. 30

CHAPTER II

PUBLIC HEALTH MEASURES

Powers of the State Govt. or the Union Territory or District or Local Authority.

3. If any State Government or administration of Union Territory or any district or local authority is of the opinion that a public health emergency has arisen or is likely to arise, it may, by order— 35

(a) require or empower any official of the district or local authority as the case may be, to take such measures and for such duration of time, to prevent, control and manage the public health emergency, as may be stated in such order;

(b) require any person or class of persons to observe such measures, for such duration of time, as may be stated in such order; 40

(c) prohibit any such activity as stated in the order, which is or is likely to be inimical to public health in any area under its jurisdiction;

(d) quarantine or restrict the movement of any person or class of persons or any object or class of objects suspected to be exposed to any such disease or exposed to any substance as may be stated in the order;

5 (e) isolate any person or class of persons infected or suffering from any such disease as may be stated in the order;

(f) conduct medical examination including laboratory examination of, and provide treatment, vaccination or other prophylaxis to any person or class of persons exposed to or suffering from or suspected to be suffering from any such disease as may be stated in the order;

10 (g) undertake deratting, disinfection, disinsection, decontamination, treatment, destruction or disposal of baggage, cargo, containers, conveyances, goods, postal parcels, human remains, animals, birds or biological substances to remove infection or contamination including vectors and reservoirs of infection;

15 (h) notwithstanding any other provisions in any other Act or statute, ban or regulate the purchase, transport, distribution, sale, supply, storage, as may be appropriate, of any drug or of any other material which contains hazardous or toxic substance;

20 (i) provide for the inspection and, if required, detention of any shipment, cargo or objects being transported, as also of any vehicle, vessel, ship, aircraft, train, or any other form of transport, leaving, arriving at or passing through any place including any port, airport, bus station or railway station, ground crossing as the case may be, in any area;

4. When at any time the Central Government is satisfied that a public health emergency has arisen or is likely to arise in the country or any part thereof, it may—

Powers of the Central Govt.

(a) give such directions as it may deem necessary to,—

25 (i) the State Government or administration of Union Territory to implement the provisions of this Act and the State Government or administration of Union Territory shall comply with such directions;

30 (ii) the district or local authority to implement the provisions of this Act and the rule or order made thereunder and the district or local authority shall comply with such directions:

Provided that where it appears to the Central Government that it would be expedient and in public interest so to do, it may assume to itself any of the powers specified under section 3.

35 (b) order such measures as it may consider necessary to be observed by the general public or by any person or class of persons to prevent, control and manage the public health emergency or threat thereof;

(c) require or empower any person to take such measures as it may deem necessary to prevent, control and manage the public health emergency or threat thereof.

CHAPTER III

40 PENALTIES

5. (1) Any contravention due to negligence of any provisions of this Act or any rule or order made or issued thereunder shall be punishable with a fine not exceeding ten thousand rupees for the first contravention and not exceeding twenty five thousand for contravention on subsequent occasions.

Penalties.

45 (2) Any willful or intentional contravention of any provisions of this Act or any rule or order made or issued thereunder shall be a cognizable offence punishable with imprisonment which may extend upto a period of two years and with a fine which shall not exceed fifty thousand rupees for first contravention and not exceeding one lakh rupees for contravention on subsequent occasions.

CHAPTER IV

APPEAL

Appeal.

6. (1) Any person aggrieved by the order of the Central Government, the State Government or administration of Union Territory or district or local authority passed under section 3 or section 4 may appeal against the said order before such Appellate Authority as may be notified under this Act. 5

(2) Unless the Appellate Authority holds in abeyance the order being appealed against, the pendency of such appeal, by itself shall not be a sufficient cause for non-implementation of the order issued by the Central Government or the State Government or administration of Union Territory or district or local authority appealed against. 10

CHAPTER V

MISCELLANEOUS

Certain persons
deemed to be
public servants.

7. Any person authorized to take any action 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. 15 45 of 1860.

Power to
supersede.

8. For any decision taken or to be taken to implement the provisions of this Act any order or rule made thereunder, the decision of the State Government or administration of UT shall prevail over the decision of the district or local authority under its jurisdiction and the decision of Central Government shall prevail over the decision taken by the State or UT Govt. or distt. or local authority. 20

Cognizance of
offence.

9. (1) No court shall take cognizance of any offence under section 5 except with the previous sanction of such officer as may be prescribed.

(2) Any offence under the Act either before or after the institution of prosecution may be compounded by such officer and on payment of such compounding amount as may be prescribed. 25

Protection of
action taken
in good faith.

10. No suit, prosecution or other legal proceeding 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 to have
overriding
effect.

11. The provisions of this Act shall have overriding effect over any provision in any other law for the time being in force. 30

Power to
amend
Schedule.

12. (1) The Central Government may, by notification, amend the Schedule to this Act and the said Schedule shall, as from the date of such notification, be deemed to have been amended accordingly.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament. 35

Power to
make rules.

13. (1) The Central Government shall by notification in the official Gazette make rules for carrying out the purposes of this Act:

Provided that the State Governments may, with prior approval of the Central Government, make amendments thereto appropriate to circumstances of each State.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following namely:— 40

(a) the form and manner in which any report or return may be required to be furnished under such section (1) of section 3;

(b) the officer who shall grant the previous sanction under sub-section (1) of section 9; 45

(c) the officer who shall compound the offence and the compounding amount under sub-section (2) of section 9.

(3) Every rule made under this section be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session for a total period of thirty days which may

be comprised in one session or in two or more successive session, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making a modification in the rule or both Houses agree that the rule should not be made, the rule shall have effect only in such modified form or be of no effect, as the
 5 case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be under that rule.

3 of 1897.

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

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the aforesaid Act, shall, in so far as such thing or action is not inconsistent with the
 10 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 action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

THE SCHEDULE

[See Section 2 (*m*)]

EPIDEMIC PRONE DISEASES

1. Anthrax.
2. Bird Flu (Avian Influenza).
3. Chickenpox.
4. Chikungunya fever.
5. Cholera.
6. Dengue fever/Dengue haemorrhagic fever (DHF).
7. Diphtheria.
8. Enteric fevers.
9. Epidemic dropsy.
10. Extensively drug resistant tuberculosis (SDR-TB)/Multidrug resistant TB (MDR-TB).
11. Food poisoning.
12. HIV/AIDS.
13. Influenza.
14. Japanese encephalitis.
15. Kala-azar.
16. Kyasanur forest disease.
17. Leptospirosis.
18. Creutzfeldt-Jakob disease (Mad Cow disease).
19. Malaria.
20. Measles.
21. Meningococcal Meningitis.
22. Nipah viral disease.
23. Plague.
24. Poliomyelitis.
25. Rabies.
26. Relapsing fever.
27. Severe Acute Respiratory Syndrome (SARS).
28. Smallpox.
29. Typhus.
30. Viral haemorrhagic fevers including Ebola.
31. Viral hepatitis.
32. Whooping cough.
33. Yellow fever.
34. Any public health emergency of international concern.
35. Any other epidemic disease of public health importance as may be notified.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to ensure preparedness for any epidemic diseases and to provide prevention and management in case of a public health emergency.

Even if medical counter measures are available, epidemic diseases remain a threat for majority of our population, either because of their rapidly evolving nature (e.g. influenza) or because equitable access to effective public health measures is difficult. There are many reasons for limited access to vaccines: production capacity does not meet the demand (e.g. yellow fever, pandemic influenza), explosive outbreaks exhaust the available vaccines (e.g. meningitis), or the absence of markets prevent access to the intervention in case of emergencies (e.g. oral cholera vaccine). In addition, in many affected countries, the weakness of the existing health care system prevents effective access to medical interventions (diagnostics and treatment).

This Bill provides for better preparedness for epidemic diseases.

Hence this Bill.

SANJAY SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules by notification in the Official Gazette, to carry out the provisions of the Bill. The rules to be made by the Government pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

RAJYA SABHA

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BILL

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for matters connected therewith or incidental thereto.

(Shri Sanjay Singh, M.P.)