

# **The Uttar Pradesh Public Health And Epidemic Diseases Control Act, 2020**

UTTAR PRADESH

India

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### **Act 17 of 2020**

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AN ACT to consolidate and amend the law regarding improvement of public health, prevention and control of epidemic diseases or other contagion in the State of Uttar Pradesh. WHEREAS protection of public health in situations like present COVID-19 epidemic and other such disease pose a serious challenge before the Government and public health authorities; and WHEREAS the legal and administrative frame work are inadequate to fully and effectively cope with any situation of national and international proportions; and WHEREAS it is necessary to provide for effective detection, segregation and treatment of afflicted persons; and WHEREAS it is imperative to provide for effective and deterrent penalties for various acts of commission and omissions and obstructions to the epidemic and other such disease control measures taken by the State; and WHEREAS to provide for creating and effective machinery and other frame work for the purpose above mentioned; IT IS HEREBY enacted in the seventy first year of the Republic of India as follows:-

### **1. Short title, extent and commencement**

(1) This Act may be called the Uttar Pradesh Public Health and Epidemic Diseases Control Act, 2020 (2) It shall extend to the whole of the State of Uttar Pradesh. (3) It shall be deemed to have come into force on May 11, 2020.

### **2. Definitions**

In this Act, unless a contrary appears from the context,- (1) (a) 'Act' means the Uttar Pradesh Public Health and Epidemic Diseases Control Act, 2020; (b) 'Afflicted person' means a person afflicted by the epidemic or such other disease; (c) 'Conditional discharge' means discharge of a person after compulsory treatment in respect of movement, meeting people, keeping social distance, taking certain medication or such other conditions as the authority or treating doctor may think proper

to impose; (d) 'Compulsory treatment' as defined by the treating physician and as per protocols issued by the Government from time to time; (e) 'District Authority' means the District Epidemic Control Authority constituted under section 5(2); (f) 'Epidemic disease' means a disease which is contagious or infectious and is afflicting or is prevalent in whole of the State or part of it; (g) 'Government' means State Government of Uttar Pradesh; (h) 'Health service personnel' means a person who while carrying out his duties in relation to epidemic related responsibilities, may come in direct contact with affected patients and suspected persons and thereby is at the risk of being impacted by such disease, and includes, any public and clinical healthcare provider such as doctor, nurse, paramedical worker, community health worker, any other person empowered under this Act to take measures to prevent the outbreak of the disease or spread thereof, and any person declared as such by the State Government by notification in the Gazette; (i) 'Isolation' means separation of a person affected with the epidemic or such disease so as to prevent the disease or contagion from spreading; (j) 'lock-down' includes- (1) Restriction with certain conditions or complete prohibition of running any form of transport on roads or inland water. (2) Restrictions on the movement or gathering of persons in any place whether public or private. (3) Prohibiting or restricting the working of factories, plants, mining or construction or offices or Educational Institutions or market places with such conditions as may be considered necessary; (k) 'Quarantine' means segregating a suspected or sick person or group of persons so as to prevent any transmission of infection to others; (l) 'Regulations' means the epidemic control regulations made under section 4; (m) 'Sealing of locality' means isolating an area believed to be home to active infected persons with a view to prevent infection from spreading to other localities and to detect afflicted persons for treatment and further necessary action; (n) 'Social distancing' means keeping such physical distance from other persons as the State Authority or as the case may be, the District Authority may by order direct or as may be prescribed under epidemic control regulations made under section 4; (o) 'State Authority' means the State Epidemic Control Authority constituted under section 5(1); (2) words and expressions used herein and not defined but defined in the Indian Penal Code (Act no. 45 of 1960), the Epidemic Diseases Act, 1897 (Act no. 3 of 1897), Code of Criminal Procedure, 1973 (Act no. 2 of 1974) and the Disaster Management Act, 2005 (Act no. 53 of 2005) and shall have the meaning respectively assigned to them in such Acts;

### **3. Proclamation of out-break of Epidemic**

(1) If the Government is satisfied that an epidemic has broken out and that normal provisions of law and medical practice are not sufficient to prevent the spread or control the disease, it may issue a proclamation to be published in Gazette, declaring that the State or a part of it is epidemic affected. (2) Such a proclamation shall remain in force initially for a period of three months but may be further extended for such other period as the Government may deem fit in the public interest.

### **4. Powers of Government during proclamation**

(1) The Government may make epidemic control regulations for effective prevention of spread or control or treatment of epidemic. (2) The regulations framed under sub-section (1) shall remain in force during subsistence of the proclamation under section 3. (3) The regulations may provide for all contingencies that may arise in the course of prevention and control of epidemic or treatment of afflicted persons. (4) The Government may by order prescribe restrictions in the nature of isolation,

quarantine, sealing of locality, lock-down or any restrictions in the like nature as it may deem appropriate to the situation in order to prevent and control the spread of the epidemic disease or to provide for effective treatment.(5)In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and prescribe regulations for the inspection of persons travelling by railway or otherwise or arriving at airports, and the segregation in hospital, temporary accommodation or otherwise, of such persons suspected by the inspecting officer of being infected with any such disease.

## **5. State and District Epidemic Control Authorities**

(1)There shall be a State Epidemic Control Authority with the following composition-1. Chief Minister — Chairman2. Minister, Medical and Health—Vice -Chairman3. Chief Secretary —Convener4. Director General of Police - Member5. Principal Secretary (Home) — Member6. Principal Secretary (Health) - Member Secretary7. Principal Secretary (Finance) - Member8. Relief Commissioner - Member9. Director General Medical and Health - Member(2)There shall be a District Epidemic Control Authority with following composition-1. District Magistrate - Chairman2. District Superintendent of Police or an officer not below the rank of a deputy Commissioner of Police nominated by the Commissioner of Police - Member3. Chief medical Officer - Member Secretary

## **6. Powers and functions of State Authority and District Authority**

(1)The powers and functions of State Authority shall be as follows-(a)it shall advise the Government on matters connected with prevention and control of epidemic;(b)it may order uniform measures to be taken in the State or any part thereof for prevention and control of epidemic;(c)it shall co-ordinate with Central Government or its authorities and other State Government and their authorities;(d)it may issue such orders or protocol to be followed by the District Authority or Hospitals or other persons employed in connection with the prevention and control of epidemic or treatment of afflicted persons.(e)if the State Authority has passed any order on the aforesaid subject then the adverse order passed by the District Authority shall be ineffective to the extent of inconsistency.(2)The powers and functions of a District Authority shall be as follows-(a)to co-ordinate activities of various department in the District in prevention and control of epidemic;(b)to ensure adequate supply of essential commodities during the period when restrictions are in force;(c)to ensure that services essential to community function smoothly and adequately;(d)to ensure that public order is maintained in the District;(e)to smoothly implement all orders of the Government or the State Authority;(f)the District Authority shall have powers to make arrangement with home delivery services, provision stores, or other dealers in essential commodities, vegetable wholesalers or local vegetable distributors to maintain supplies;(g)the District Authority may issue directions to keep social distancing or take other precautions in public places or during quarantine;(h)the District Authority may requisition any land or building for the purpose of prevention, control of epidemic or treatment of afflicted persons;(i)the District Authority may require any person or organisation dealing in tentage or temporary structures to erect so much of tentage or temporary structures as may be specified in such requisition;(j)the District Authority may requisition motor vehicles or other movable property or resources from any person or

organisation as may be specified and the person so required shall comply promptly;(k)the District Authority may requisition services of private sector health workers;(l)the District Authority may requisition private medical and health facilities for the purpose of prevention, control of epidemic or treatment of afflicted persons;(m)the District Authority may take and organise the service of voluntary social workers for the purpose.

## **7. Power to issue Lock-down order**

(1)The Government or the State Authority may issue a proclamation directing a lock-down on such conditions as may be specified in the proclamation.(2)A District Authority may also issue a lock-down order as mentioned in subsection (1) to be effective in whole or in any part of the District .(3)An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.(4)No order under this section shall remain in force for more than the period a proclamation of epidemic under section 3 remains in force.

## **8. Power of Government respecting rumours etc**

The Government may issue guidelines for publishing of information regarding the epidemic in order to prevent rumour mongering or mis-information or panic.

## **9. Power to take steps to trace an afflicted person**

(1)The Government, the State Authority or the District Authority may declare reward for tracing an afflicted person or a person likely to be afflicted due to contact with an afflicted person, who is evading detection or otherwise concealing his presence.(2)The Authority may require the District Magistrate or as the case may be, the Commissioner of Police or any other person so authorized to trace and bring an afflicted person to the treatment centre.(3)The District Magistrate or the Commissioner of Police or any other person so authorized may take such steps to trace the afflicted person as he may deem appropriate including announcement in possible localities and posting photographs and other particulars as may be considered necessary at prominent places in or about the place where he may be suspected to be or at railway station, bus stands or airports to prevent escape.(4)The District Magistrate or, as the case may be, the Commissioner of Police may issue a proclamation in respect of an afflicted person to airport authorities or other State Governments to take appropriate steps in respect of such person.

## **10. Taking afflicted person for treatment etc**

Any person traced in compliance of requisition by the authority or proclamation notice may be brought to a treatment centre and such tracing or retention in treatment centre shall not be treated as an arrest for the purpose of the Code of Criminal Procedure 1973 (Act no. 2 of 1974).

## **11. Power to enter a place and search**

(1)The District Magistrate or any other person so authorised or the Commissioner of Police, as the case may be, may himself enter or authorise any officer subordinate to him to enter, any place to search and trace any person in compliance of a requisition.(2)Such officer, may ask any person who is found in the company or close proximity of an afflicted person, to keep himself quarantined at his home or any quarantine station for such period as may be specified.

## **12. Disposal of dead bodies**

To carry out the objectives of the Act, the Government may specify the mode of disposal of dead bodies of afflicted persons.

## **13. Recovery of loss or damages**

(1)In addition to the penalties provided under this Act, the Government may order that expenditure incurred by the Government or loss or damage caused by the deliberate or negligent conduct or behaviour of any individual or an organisation be recovered from such individual or organisation.(2)It shall, there upon be lawful for the District Magistrate after such enquiry as he may deem necessary to:-(a)declare the persons to whom injury, loss of, or damage has been caused by or has ensued from such misconduct;(b)fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and(c)assess the proportion in which the same shall be paid by the persons or organisation responsible for the loss or damage.(3)Every declaration or assessment made or order passed by the District Magistrate under sub-section (2) shall be subject to revision by the Commissioner of the Division but save as aforesaid, shall be final.(4)When any death has occurred as a consequence of such Act as is mentioned in sub-section (1), the loss shall be equal to the amount of any exgratia payment made by the Government to the next of kin of the deceased.(5)Upon failure to pay the compensation or damages awarded under this section such amount shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890 (Act no. 1 of 1890).

## **14. Voluntary help by persons**

Any person or organisation desiring to give any material assistance or personal service to afflicted persons or other persons suffering on account of control restrictions, shall do so through the agency and in accordance with the arrangements made by the District Authority and shall not do it independently or directly.

## **15. Punishment for concealment etc**

Whoever being afflicted conceals himself or evades detection shall be punished with imprisonment for a term which shall not be less than one year but may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.

## **16. Punishment for travel by public mode of transport**

Whoever knowing himself to be afflicted or knowing himself to have been in proximity of an afflicted or suspected person, intentionally travels by air, railways or public road transport or any other common transport, shall be punished with imprisonment for a term which shall not be less than one year but may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

## **17. Punishment of violation of isolation/quarantine order etc**

Whoever violates any order regarding quarantine, isolation or treatment in a hospital, shall be punished with rigorous imprisonment for a term which shall not be less than one year but may extend to three years and shall also be liable to be punished with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

## **18. Punishment for running away from hospital**

Whoever being under epidemic diseases treatment in a hospital runs away from hospital, shall be punished with rigorous imprisonment for a term which shall not be less than one year but may extend to three years and shall also be liable to be punished with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

## **19. Obscene or vulgar conduct**

Whoever being under treatment or isolation or quarantine intentionally indulges in any other obscene or vulgar or act or indecent act or gesture shall be punished with imprisonment for a term which shall not be less than one year but may extend to three years and shall also be liable to be punished with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.

## **20. Punishment for incitement**

Any organisation or body or person which preaches or otherwise incites any person or group of person to violate any provision of the Act or regulation or any order issued by the Authority or the District Magistrate or as the case may be the Commissioner of Police or any other person so authorised or a treating doctor shall be punished with rigorous imprisonment for a term which shall not be less than two year but may extend to five years and shall also be liable to be punished with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

## **21. Punishment for malicious propaganda**

Whoever falsely publishes or spreads false information with the intention to mislead or otherwise harm any community or group of persons or person shall be punished with rigorous imprisonment

for a term which shall not be less than six months but may extend to three years and shall also be liable to be punished with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

## **22. Attack on or obstruction to authorities or officers**

(1)Whoever commits an act of violence against a health care service personnel, officers or employees of district administration, police, persons engaged in cleaning, sweeping or sanitizing or any other person empowered under Act to take measures to prevent the outbreak of the disease or spread thereof or such person engaged in preventing, detection and taking or engaged for treatment or otherwise shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years and with a fine, which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.(2)Whoever while committing an act of Violence causes grievous hurt as defined in section 320 of I.P.C. to health care service personnel, officers or employees of district administration, police, persons engaged in cleaning sweeping or sanitizing or any other person empowered under the Act to take measures to prevent the outbreak of the disease or spread thereof, and all such persons engaged in tracing, detection and taking or engaged for treatment or quarantine or otherwise shall be punished with rigorous imprisonment for a term which shall not be less than six months but may extend to seven years and shall also be liable to be punished with fine, which shall not be less than one lakh rupees but which may extend to five lakh rupees.(3)Whoever causes damage or loss to any property shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years and with a fine, which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

## **23. Malignant conduct**

Whoever with the intention or with the knowledge that it may spread contagion or disease to others does any act or illegal omission, shall be punished with rigorous imprisonment for a term which shall not be less than one year but may extend to three years and shall also be liable to be punished with fine.Explanation- Whoever spits or throws any dirt, urine, excreta on a doctor or other person engaged in tracing, detection, taking for treatment, quarantine, isolation or otherwise, shall be deemed to have committed an offence under this section.

## **24. Punishment for intentional affliction**

Whoever intentionally afflicts any person with a contagious disease shall be punished with rigorous imprisonment for a term which shall not be less than two years but may extend to five years and shall also be liable to be punished with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

## **25. Mass affliction**

Whoever intentionally causes affliction to five or more persons, shall be punished with rigorous

imprisonment for a term which shall not be less than three years but may extend to ten years and shall also be liable to be punished with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.

## **26. If death be caused by intentional affliction**

Whoever causes death by affliction under section 24 or section 25, shall be punished with rigorous imprisonment for a term which shall not be less than seven years but may extend to imprisonment for life and shall also be liable to be punished with fine which shall not be less than three lakh rupees but which may extend to five lakh rupees.

## **27. Punishment for acts not specifically provided**

Whoever violates any provision of the Act or Regulations or Orders passed in furtherance of objectives of this Act for which no specific punishment is provided in the Act shall be punished with imprisonment for a term which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees or both.

## **28. Abetment**

Whoever-(a)Abets a commission of an act of violence against the health care personnel officers or employees of district administration, police persons engaged in cleaning, sweeping or sanitizing or any other person empowers under Act to take measures to prevent the outbreak of the disease or spread thereof or such person engaged in preventing detection and taking of treatment or otherwise;(b)abets damage or loss to any property, shall be punished with imprisonment for a term which shall not be less than three months, which may extend to five years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees;(c)abets any other offence under this Act shall be punished with the punishment provided for the offence abetted.

## **29. Attempt to commit offence**

Whoever attempts to commit an offence under this Act shall be punished with imprisonment for a minimum term of not less than half of minimum provided for the offence but may extend to three years or half of the maximum provided whichever is more.

## **30. Offences to be cognizable and Non Bailable**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act no. 2 of 1974) all offences under this Act shall be cognizable and Non Bailable.



### **31. Protection of action taken in good faith**

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith in pursuance of this Act or regulation or rules or order made thereunder. (2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is done or intended to be done in good faith in pursuance of this Act or of any order made thereunder.

### **32. Power in respect of other disease or pestilence**

The provisions of this Act shall apply mutatis mutandis in respect of any epidemic disease or pestilence or such other diseases affecting animals, plant life or crops or aquatic creatures.

### **33. Power to make rules**

(1) The State Government may by notification in the Gazette make rules for carrying out the purposes of this Act. (2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature.

### **34. Repeal and saving**

(1) The Uttar Pradesh Public Health and Epidemic Diseases Control Ordinance, 2020 (U.P. Ordinance no. 8 of 2020) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.