

Epidemic Diseases Act, 1897

UNION OF INDIA

India

Epidemic Diseases Act, 1897

Act 3 of 1897

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1. [Amended by THE EPIDEMIC DISEASES (AMENDMENT) ACT, 2020 (Act 34 of 2020) on 28 September 2020]

Epidemic Diseases Act, 1897 Act No. 3 of 1897 Object and Reason.- The object of the Bill is sufficiently explained by the title thereof, and the spread of the bubonic plague from Bombay unfortunately renders it unnecessary to dwell on the reasons for its introduction in Council. It may, however, be stated that its main provisions are based upon those contained in Sections 434 and 473 of the City of Bombay Municipal Act, 1888. - Gazette of India, 1897, Part V, page 21. [4th February, 1897.] An Act to provide for the better prevention of the spread of Dangerous Epidemic Diseases. WHEREAS it is expedient to provide for the better prevention of the spread of dangerous epidemic disease; It is hereby enacted as follows :- The Hindu discussed the parliament proceedings in Lok Sabha which passes The Epidemic Diseases (Amendment) Act, 2020.

1. Short title and extent.-

(1) This Act may be called the Epidemic Diseases Act, 1897. (2) [It extends to the whole of India, were comprised in Part B States] [Substituted by the A.L.O., 1950]. [* * *] [The word "and" is repealed by Act 10 of 1914] (3) [* * * * *] [Repealed by Act 10 of 1914, section 3 and Schedule II]

1A. Definitions.-

In this Act, unless the context otherwise requires,--(a) "act of violence" includes any of the following acts committed by any person against a healthcare service personnel serving during an epidemic, which causes or may cause--(i) harassment impacting the living or working conditions of such healthcare service personnel and preventing him from discharging his duties; (ii) harm, injury, hurt, intimidation or danger to the life of such healthcare service personnel, either within the premises of a clinical establishment or otherwise; (iii) obstruction or hindrance to such healthcare service personnel in the discharge of his duties, either within the premises of a clinical establishment

otherwise; or (iv) loss or damage to any property or documents in the custody of, or in relation to, such healthcare service personnel; (b) “healthcare 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 thereby is at the risk of being impacted by such disease, and includes—(i) any public and clinical healthcare provider such as doctor, nurse, paramedical worker and community health worker; (ii) any other person empowered under the Act to take measures to prevent the outbreak of the disease or spread thereof; and (iii) any person declared as such by the State Government, by notification in the Official Gazette; (c) “property” includes—(i) a clinical establishment as defined in the Clinical Establishments (Registration and Regulation) Act, 2010; (ii) any facility identified for quarantine and isolation of patients during an epidemic; (iii) a mobile medical unit; and (iv) any other property in which a healthcare service personnel has direct interest in relation to the epidemic; (d) the words and expressions used herein and not defined, but defined in the Indian Ports Act, 1908, the Aircraft Act, 1934 or the Land Ports Authority of India Act, 2010, as the case may be, shall have the same meaning as assigned to them in that Act.

2. Power to take special measures and prescribe regulations as to dangerous epidemic diseases.-

(1) When at any time the 7[State Government] is satisfied that 7[the State] or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the 8[State Government], if 9[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 9[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 7[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.

2A. [Power of Central Government.- [Substituted for former Section 2A by A.O., 1937]

When the Central Government may take such measures, as it deems fit and prescribe regulations for the inspection of any bus or train or goods vehicle or ship or vessel or aircraft leaving or arriving at any land port or port or aerodrome, as the case may be, in the territories to which this Act extends and for such detention thereof, or of any person intending to travel therein, or arriving thereby, as may be necessary.]

2B. Prohibition of violence against health-care service personnel and damage to property.

No person shall indulge in any act of violence against a healthcare service personnel or cause any damage or loss to any property during an epidemic.

3. Penalty.—

(1) Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code (45 of 1860). (2) Whoever,—(i) commits or abets the commission of an act of violence against a healthcare service personnel; or (ii) abets or 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 fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees. (3) Whoever, while committing an act of violence against a healthcare service personnel, causes grievous hurt as defined in section 320 of the Indian Penal Code to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees.”

3A. Cognizance, investigation and trial of offences.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—(i) an offence punishable under sub-section (2) or sub-section (3) of section 3 shall be cognizable and non-bailable; (ii) any case registered under sub-section (2) or sub-section (3) of section 3 shall be investigated by a police officer not below the rank of Inspector; (iii) investigation of a case under sub-section (2) or sub-section (3) of section 3 shall be completed within a period of thirty days from the date of registration of the First Information Report; (iv) in every inquiry or trial of a case under sub-section (2) or sub-section (3) of section 3, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded, and an endeavour shall be made to ensure that the inquiry or trial is concluded within a period of one year: Provided that where the trial is not concluded within the said period, the Judge shall record the reasons for not having done so: Provided further that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding six months at a time.

3B. Composition of certain offences.

Where a person is prosecuted for committing an offence punishable under sub-section (2) of section 3, such offence may, with the permission of the Court, be compounded by the person against whom such act of violence is committed.

3C. Presumption as to certain offences.

Where a person is prosecuted for committing an offence punishable under sub-section (3) of section 3, the Court shall presume that such person has committed such offence, unless the contrary is proved.

3D. Presumption of culpable mental state.

(1) In any prosecution for an offence under sub-section (3) of section 3 which requires a culpable mental state on the part of the accused, the Court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. (2) For the purposes of this section, a fact is said to be proved only when the Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability. Explanation.—In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

3E.

Compensation for acts of violence. (1) In addition to the punishment provided for an offence under sub-section (2) or sub-section (3) of section 3, the person so convicted shall also be liable to pay, by way of compensation, such amount, as may be determined by the Court for causing hurt or grievous hurt to any healthcare service personnel. (2) Notwithstanding the commission of an offence under section 3B, in case of damage to any property or loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property or the loss caused, as may be determined by the Court. (3) Upon failure to pay the compensation awarded under sub-sections (1) and (2), such amount shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890.

4. Protection to persons acting under Act.-

No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.