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In-Depth: Epidemic Diseases Act

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Coronavirus infection in India is continuously rising. The states are in a battle mode to control the spread of the virus. There has been a lockdown across the country and all the events postponed.

- All states and Union Territories have been directed to invoke provisions of Section 2 of the **Epidemic Diseases Act, 1897**, so that Health Ministry advisories are enforceable.
- The Epidemic Diseases Act consists of four sections and aims to provide for better prevention of the spread of Dangerous Epidemic Diseases.
- It is routinely enforced across the country for dealing with the outbreak of diseases such as swine flu, dengue, and cholera.

- The colonial-era Act empowers the state governments to take special measures and prescribe regulations in an epidemic.
- It is a state act and not a central act.

Epidemic Diseases Act, 1897

- The **Epidemic Diseases Act** aims to provide for the better prevention of the spread of dangerous epidemic diseases.
- Under the Act, temporary provisions or regulations can be made to be observed by the public to tackle or prevent the outbreak of a disease.
- The Act contains four sections.
 - **Section 1:** Describes the title and extent of the Act
It extends to the whole of India.
 - **Section 2:** Powers to take special measures
 - It empowers the state governments to tackle special measures and formulate regulations to contain the outbreak.
 - the State may prescribe regulations for the inspection of persons traveling by railway or otherwise, and the segregation, in hospital, temporary accommodation of persons suspected by the inspecting officers to be infected.
 - **Section 2A** of the Act empowers the central government to take steps to prevent the spread of an epidemic.
 - Health is a State subject, but by invoking Section 2 of the Epidemic Diseases Act, advisories and directions of the Ministry of Health & Family Welfare will be enforceable.
 - It allows the government to inspect any ship arriving or leaving any port and the power to detain any person intending to sail or arriving in the country.
 - **Section 3:** Penalty for Disobedience
The penalties for disobeying any regulation or order made under the Act are according to **section 188 of the Indian Penal Code** (disobedience to order duly promulgated by a public servant).
 - **Section 4:** Legal Protection to Implementing Officers:
It gives legal protection to the implementing officers acting under the Act.

Section 188 of the Indian Penal Code

- Whoever knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed,
be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both;
- And if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall
be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Background

- The Epidemic Diseases Bill was tabled on January 28, 1897, during an outbreak of **bubonic plague** in Mumbai (then Bombay).
- The existing laws were deemed insufficient to deal with various matters such as “overcrowded houses, neglected latrines and huts, accumulations of filth, insanitary cowsheds and stables, and the disposal of house refuse.
- The Bill called for special powers for governments of Indian provinces and local bodies, including to check passengers off trains and sea routes.

Amendment to the Act

- Recently, the **Cabinet amended the Act through an ordinance** stating that commission or abetment of acts of violence against healthcare service personnel shall be punished with imprisonment for a term of three months to five years, and with fine of Rs 50,000 to Rs 2 lakh.
- In case of causing grievous hurt, imprisonment shall be for a term of six months to seven years and a fine of Rs1 lakh to Rs 5 lakh.

Enforcement of the Act in the Recent Past

- It is not the first time that this Act has been invoked in India.
- In 2009, to tackle the swine flu outbreak in Pune, Section 2 powers were used to open screening centers in civic hospitals across the city, and swine flu was declared a notifiable disease.
- In 2015 to deal with Malaria and Dengue in Chandigarh the Act was implemented and collecting officers were instructed to issue challans of Rs 500 to offenders.
- In 2018 the District Collector of Vadodara issued a notification under the Act, declaring Khedkarmsiya village as Cholera affected after 31 persons complained of the disease.

Epidemics Worldwide

- An epidemic is the rapid spread of disease to a large number of people in a given population within a short period of time. Throughout history, there have been a number of epidemics having a lasting impact on societies.
- These are highly communicable diseases that spread through the population in a very short time.
- These diseases can be viral, bacterial or other health events like obesity.

Plague of Justinian

- It is one of the oldest recorded incidents of plague in history.
- It afflicted the Byzantine Empire, and especially its capital, Constantinople, between 541-542 A.D.
- It recorded the highest number of lives lost in an epidemic in human history with over 100 million people dying, nearly half of the world's population then.

Black Plague

- The Black Death, also known as the Pestilence and the Plague, was one of the most fatal pandemics.
- It mostly affected Europe in 1346-1350 A.D.
- Up to 50 million people died in Eurasia and North Africa from the plague that began in Asia and was carried across the world by rats covered with infected fleas.
- It killed 60% of Europe's population

HIV AIDS

- The longest-lasting epidemic to date is HIV AIDS which began in 1960 and is still prevalent.
- The world became aware of this epidemic only in the 1980s.
- Medicine for the treatment of HIV AIDS was not available until 1987.
- The Virus is particularly aggressive in Sub-Saharan Africa with 69% of the global infections. Major reasons for the spread being poor economic conditions and little or no sex education.

Other Major Epidemics

- Spanish Flu of 1918 claimed 20 million lives.
- Modern Plague (1894-1903) claimed 10 million lives.
- Asian Flu (1957-1958) resulted in the death of 2 million people.
- The 6th Cholera pandemic (1899-1923) resulted in the deaths of 1.5 million people.
- The Russian flu (1889-1890) killed 1 million people.
- The Hong Kong Flu (1968-1969) killed 1 million people.

Steps Taken

Indian Response

- Twenty-one Italian tourists and three Indian tour operators were sent to an ITBP quarantine facility in Delhi after being air-lifted from Wuhan, China for suspected coronavirus exposure.

The batch of 112 evacuees, who were quarantined at the Indo-Tibetan Border Police's Chhawla Quarantine Facility in New Delhi, tested negative in a coronavirus test.

- **Video Conference of SAARC Leaders:** Prime Minister Narendra Modi had called for a **virtual leadership summit** through the video meeting of the South Asian Association for Regional Cooperation (SAARC)
 - The video conference led to the creation of the SAARC COVID-19 Emergency Fund based on a voluntary contribution from all SAARC members.
 - Further, \$10 million has been extended by India as a contribution to the fund.

Global Response

- The COVID-19 outbreak was declared a Public Health Emergency of International Concern by the WHO on 30th January 2020.
- According to recommendations by the World Health Organization, the diagnosis of COVID-19 must be confirmed by the Real Time- Polymerase Chain Reaction (PCRT-PCR) or gene sequencing for respiratory or blood specimens, as the key indicator for hospitalisation.
- \$15 million dollars has been released from the UN's Central Emergency Fund to help fund global efforts to contain the spread of the COVID-19 coronavirus, particularly vulnerable countries with weak health care systems.
- Vaccines are being developed.