

# The Epidemic Diseases Act, 1897

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**Source:** *PIB & LiveMint*

Due to the outbreak of COVID-19 West Bengal has invoked the Epidemic Diseases Act, 1897 and extended the closure of the educational institutions from March 31 to April 15. The Union government has advised States and Union Territories to invoke **provisions of Section 2 of the Epidemic Diseases Act, 1897** so that all advisories being issued from time to time are enforceable.

## About the Epidemic Diseases Act:

- **This Act was passed in 1897 with the aim of better preventing the spread of dangerous epidemic diseases.**
- The 123-year-old Epidemic Diseases Act has been historically used to contain the spread of various diseases such as swine flu, cholera, malaria and dengue
- **Powers of Central Government: When the Central Government is satisfied that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, the Central Government may take measures and prescribe regulations for the inspection of any ship or vessel leaving or arriving at any port in 2**

**[the territories to which this Act extends] and for such detention thereof, or of any person intending to sail therein, or arriving thereby, as may be necessary.]**

- Section 2 of the Endemic Disease Act empowers state governments/UTs to take special measures and formulate regulations to contain any outbreak. The Section says:
  - When at any time the state government is satisfied that the state or any part thereof is visited by, or threatened with, an outbreak of **any dangerous epidemic disease**, the state government, if 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 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.
  - In particular and **without prejudice to the generality of the foregoing provisions, the state government may take measures and prescribe regulations for 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.
- **Section 3 states about penalty: 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)

- **Section 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 (legal protection to implement the Act).

#### **Other instances during which the act has been enforced**

- In 2018 the Act was invoked as cholera began to spread in a village in Gujarat.
- In 2015, the Act was brought into force to deal with dengue and malaria in Chandigarh; and
- In 2009, it was enforced in Pune to combat the outbreak of swine flu.