# Deficiencies in Epidemic Diseases Act, 1897

## Why in news?

Recently 286th Law Commission Report recommended creation of an epidemic plan and Standard Operation Procedure (SOP) to address future epidemics.

| Epidemic |
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| • It is the rapid spread of an *infectious disease* to a large number of people within a specific population, community, or region.<br>• It refers to the occurrence of cases of a particular disease in a population or geographic area that is greater than what is normally expected.<br>• Epidemics can be caused by viruses, bacteria, or other pathogens and may result in a significant increase in *illness* and *mortality*.<br>• An epidemic can affect a specific region or spread across countries and continents, becoming a *pandemic*. |

## What are the key provisions of Epidemic Diseases Act (EDA), 1897?

- **History**- The colonial government introduced the Act to tackle the epidemic of *bubonic plague* that had spread in the erstwhile *Bombay Presidency* in the 1890s.
- The colonial authorities would search suspected plague cases in homes and among passengers, with forcible segregations, evacuations, and demolitions of infected places.

| Key provisions | About |
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| **Aim** | To provide measures for the better prevention of the spread of dangerous epidemic diseases. |
| **Empower State Government and UTs** | They are empowered to take special measures and formulate regulations to prevent or control the spread of any dangerous epidemic disease in their jurisdiction. |
| **Measures and regulations** | It may include quarantine, isolation, lockdown, travel restrictions, testing, vaccination, and other public health interventions. |
| **Authority to take measure** | The State Government may also delegate their powers to any person or authority as they deem fit. |
| **Temporary regulations** | The State Government can prescribe temporary regulations to be observed by the public or any person or class of persons to prevent the outbreak or spread of the disease. |
| **Determination of expenses** | The State Government has the authority to determine how the expenses incurred, including compensation if any, shall be defrayed |

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| **Specific measures** | The State Government, without prejudice to the generality of the provisions, may take measures and prescribe regulations for various aspects, including the inspection of persons traveling, segregation of persons suspected to be infected, and other preventive measures. |
| **Penalty** | The penalties are in accordance with Section 188 of the Indian Penal Code, which deals with disobedience to orders duly promulgated by a public servant. |
| **Legal protection** | Persons acting in good faith under the authority of the Act are protected from legal consequences. |
| **Epidemic Disease (Amendment) Act 2020** | |
| **Healthcare service personnel** | They are persons who are at risk of contracting the epidemic disease while carrying out duties related to the epidemic. |
| **Act of violence** | It includes any of the following acts committed against a healthcare service personnel<br>• Harassment impacting living or working conditions,<br>• Harm, injury, hurt, or danger to life,<br>• Obstruction in discharge of duties, and<br>• Loss or damage to the property or documents of the healthcare service personnel. |
| **Protection for healthcare personnel and damage to property** | It specifies that no person can<br>• Commit or abet the commission of an act of violence against a healthcare service personnel, or<br>• Abet or cause damage or loss to any property during an epidemic.<br>**Penalty**<br>• It is punishable with imprisonment between 3 months and 5 years, and<br>• Fine between Rs 50,000 and 2 lakh rupees. |
| **Compensation** | Persons convicted of offences under the Bill will also be liable to pay compensation to the healthcare service personnel whom they have hurt |
| **Investigation** | The cases registered under the Act will be investigated by a police officer, not below the rank of Inspector and the investigation must be completed within 30 days from the date of registration of the First Information Report. |
| **Power of Central government** | The Act expands the powers of the central government to regulate the inspection of any bus, train, goods vehicle, ship, vessel, or aircraft leaving or arriving at any land port, port, or aerodrome |

## What are the issues of EDA highlighted by the Law Commission Report?

- **Lack of coordination**- There is no clear demarcation between the powers of the Centre, state, and local authorities during an epidemic, which leads to uncoordinated responses.
- **Outdated law-** The management, control and prevention of epidemic diseases cannot be restricted to a century-old law.
- **Inadequate law-** The Act was not designed to combat modern issues with the spread of infectious diseases.

*Globalisation and increased connectivity can result in infectious diseases rapidly*

*turning into epidemics or pandemics.*

- **Post Covid-19**- The Law Commission suo motto decided to *extensively examine* the existing legal framework to tackle what it calls "significant deficiencies in addressing the containment and management of future epidemics in the country.

## What are the key recommendations proposed by Law Commission?

- **Recommends amendments-** The report points out limitations of the EDA and recommends amendments or introduction of a new law to address modern challenges in managing infectious diseases.
- **Creation of epidemic plan**- It aims to clearly demarcate the powers and obligations of different levels of government to ensure a coordinated response during public health emergencies.
- **Authority to create epidemic plan-**The Central government is recommended to take the lead in creating the Epidemic Plan in collaboration with state governments, relevant ministries, private health institutions, expert bodies, and other stakeholders.
- **Preventive measures**- The Standard Operating Procedure defines 3 stages of the spread of infectious diseases and corresponding responses.

| Stage | About |
|---|---|
| Outbreaks in the State | States are empowered to take preventive measures in line with the Epidemic Plan at a local level |
| Inter-State spread | The Central government can frame regulations based on the Epidemic Plan, and states should follow these regulations |
| Extreme threat | If states are unable to contain the infection and conflicting guidelines exist, the Central government can impose uniform measures, potentially involving a central agency. |

- **Coverage of epidemic plan-** It should cover various aspects, including quarantine, isolation, lockdowns, privacy-friendly disease surveillance, regulation of medical supplies, information dissemination, medical testing, research for vaccinations and medicines, and safe disposal of infectious waste.
- **Regular updates**-The report suggests provisions in the EDA to ensure the Epidemic Plan is prepared, enforced, and regularly revised.

## References


1. Indian Express- Deficiencies in epidemic disease Act
2. PIB- Comprehensive Review of the Epidemic Diseases Act, 1897



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