

## Indian Epidemic Law: What needs to be amended?

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### **Abstract**

*During any epidemic situation when a person who are in doubt to be infected or have complete knowledge of their infection, without informing government or medical center and they led their life normally. That means the person who, not only harm themselves, even they became a threat for the state's security, peace and tranquility. That offender should be treated as 'Terrorist' of the State and shall be punished according to Terrorism Laws of State read with State's Epidemic law in force.*

**Keywords:** epidemic Law, Amendment, Disaster management Act, Covid-19, Corona Virus, Terrorist Means, Penalties under Epidemic Law, government, medical centre, threat.

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### **INTRODUCTION**

'Epidemic' means any dangerous disease which outbreak in a particular period of time. In India, epidemic shown its dangerous face in the year 1817 with the epidemic disease Cholera followed by Smallpox epidemic in the year 1974, Plague 1994, Odisha jaundice (2014), Indian Swine Flu (2015), Kerala Nipah Virus (2018), and now in 2020 Corona Virus and this Corona-Virus epidemic is not limited to any single geographical area, it affect complete globe as a whole. In the period of British India (1897), Government first time took legislative steps to combat the misconduct of the citizen during the period of epidemic situation of Plague in Bombay (Mumbai), hence Government frame The Epidemic Diseases Act 1897.

#### **The Epidemic Diseases Act 1897- A glance**

The Act came into position with an objective for the better Prevention of the Spread of Dangerous Epidemic Diseases [1] having Four (4) Sections. Section 2A of the said Act, provides power to the Government to take any measures for controlling the spreading of the disease for any single province, or for whole nation. Act criminalized the act of any individual who disobeying any regulation made by the government for that said period and hence he will be held liable with punishment in accordance with Sec.188 of

Indian penal Code [2]. According to IPC [3] the offender will be punishment for knowingly disobeying the emergency rule made by the State, with simple imprisonment for the term extent to 1month or fine extent to 2 hundred rupees or both and if his act amount to danger of one's life, than he will be held liable to imprisonment of either description for a term which may extend to Six month or fine up to 1 thousand or both.

*"Disobedience to order duly promulgated by public servant .....with fine which may extend to one thousand rupees, or with both" [4].*

#### **The Disaster Management Act, 2005- A Glance**

In the 2005, a legislative step was taken by the enforcing a new Act having 79 sections, named the Disaster Management Act, 2005 with an objective 'to provide for the effective management of disasters and for matters connected therewith or incidental thereto' [5]. The act established National Disaster Management Authority [6] during the period of disaster of the State, by comprising of Chairman and other members not exceeding 9 in number, where Chairman should be Prime minister of the State. The main function of that authority is to take reasonable steps or measures to control the Disaster happening within any single province of the State or State

as a whole [7] with the help of advisory committee of National Authority, which was constitute by a member having expert knowledge regarding the disaster happening [8]. If situation needs, under the act State will constitution other committee such as National Executive Committee or different authorities under different provinces of the State for distribution of responsibility for quick management of the Disaster situation. Chapter X of the Act [9] explains penal provisions for the offender who contravene any provisions of the Act or obstruct government to take any emergency rules for the state according to the provisions of the Act. Penal provisions of the act include imprisonment which may extent to 2 years or with fine or both.

## DISCUSSION

The punishments are so minimal or less according to present economic status of the State or according to the effect of act, for example, in case of Covid-19 or Corona Virus. Covid-19 germs or virus are carried outside from the India originally and it spread Person-to-person only by single close contact within about 6 feet. The people who are in doubt to be infected or have complete knowledge of their infection, without informing government or medical center, they stay free and led their normal life. That means the offender who not only harm themselves even they became a threat for the state's security, peace and tranquility. That offender should be treated as Terrorist of the State and shall be punished according to Terrorism Laws of State. Epidemic Law or Disaster Management Laws shouldn't only read with the punishment prescribe under IPC [10] rather comply with the penal provisions prescribe for the terrorist under Terrorism Law [11].

According to Sec 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, because of any person, state or citizen of the state was in danger of loss of life or property, he shall be held liable for imprisonment not

less than 5 years which may be extent to life or fine or both.

*“Punishment for terrorist acts ..... not be less than five years but which may extend to imprisonment for life and shall also be liable to fine” [12].*

## CONCLUSION & SUGGESTION

State should amend the existing Epidemic or Disaster Management Law of the State by criminalizing the act of the person for whom, disaster or epidemic cause to spread or outbreak and treat that offender as an terrorist of the State, because of him only the state's security, peace and tranquility are in threat and hence punishment should be imprisonment of not less than 5 years and with fine in reasonable amount in according to the present economic status of the state, economic status of the offender, and social status of the offender.

## REFERENCES

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3. Sec 188
4. Sec 188 of IPC 1860
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7. Sec 6 of The Disaster Management Act, 2005
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### Cite this Article

Debashree Chakraborty. Indian Epidemic Law: What needs to be amended? *Indian Journal of Health & Medical Law*. 2020; 3(1): 14–15p.