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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd April, 2020/Vaisakha 2, 1942 (Saka)

THE EPIDEMIC DISEASES (AMENDMENT) ORDINANCE, 2020

No. 5 OF 2020

Promulgated by the President in the Seventy-first Year of the Republic of India.

An ordinance further to amend the Epidemic Diseases Act, 1897.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

	<p>1. (1) This Ordinance may be called the Epidemic Diseases (Amendment) Ordinance, 2020.</p> <p>(2) It shall come into force at once.</p>	Short title and commencement.
3 of 1897.	<p>2. In section 1 of the Epidemic Diseases Act, 1897 (hereinafter referred to as the principal Act), in sub-section (2), the words “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States” shall be omitted.</p> <p>3. After section 1 of the principal Act, the following section shall be inserted, namely:-</p> <p>‘1A. In this Act, unless the context otherwise requires,—</p> <p>(a) “act of violence” includes any of the following acts committed by any person against a health care service personnel serving during an epidemic, which causes or may cause—</p> <p>(i) harassment impacting the living or working conditions of such healthcare service personnel and preventing him from discharging his duties;</p> <p>(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;</p> <p>(iii) obstruction or hindrance to such healthcare service personnel in the discharge of his duties, either within the premises of a clinical establishment or otherwise; or</p> <p>(iv) loss or damage to any property or documents in the custody of, or in relation to, such healthcare service personnel;</p> <p>(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—</p> <p>(i) any public and clinical healthcare provider such as doctor, nurse, paramedical worker and community health worker;</p> <p>(ii) any other person empowered under the Act to take measures to prevent the outbreak of the</p>	Amendment of section 1.
		Insertion of new section 1A.
		Definitions.

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.'

23 of 2010.

15 of 1908.
22 of 1934.
31 of 2010.

4. In section 2A of the principal Act, for the portion beginning with the words "the Central Government may take measures" and ending with the words "as may be necessary", the following shall be substituted, namely:—

"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".

Amendment of section 2A.

5. After section 2A of the principal Act, the following section shall be inserted, namely:—

"2B. 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."

Insertion of new section 2B.

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

6. Section 3 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so

Amendment of section 3.

renumbered, the following sub-sections shall be inserted, namely:—

“(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.”.

45 of 1860.

7. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 3A, 3B 3C, 3D and 3E.

2 of 1974.

‘3A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,-

Cognizance, investigation and trial of offences.

(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. 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.

Composition of certain offences.

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

Presumption as to certain offences.

3D. (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.

Presumption of culpable mental state.

(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.(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.

Compensation for acts of violence.

(2) Notwithstanding the composition 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.’

1 of 1890.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.