
5. The Epidemic Diseases (Amendment) Ordinance, 2020

Prelims Syllabus: Policies

Mains Syllabus: GS-II Issues relating to development and management of Social Sector or Services relating to Health, Education, Human Resources.

Why in News?

- The Central government has promulgated an Ordinance to amend the Epidemic Diseases Act, 1897 to make attacks on doctors and healthcare workers a cognizable and non-bailable offence.

What is the Issue?

- Members of the Medical community, even as they continue to perform relentlessly round the clock and save human lives, have unfortunately become the most vulnerable victims as they have been perceived by some as carriers of the virus.
- This has led to cases of their stigmatization and sometimes worse, acts of unwarranted violence and harassment.
- Such a situation tends to hamper the medical community from performing their duties to their optimum best and maintaining their morale, which is a critical need in this hour of national health crisis.
- While healthcare service personnel are duty bound to serve without discrimination, the cooperation and support from society is a fundamental need for them to perform their duties with confidence.
- But few violent incidents against the medical community have triggered the Indian Medical Association to step back from treating the patients affected by the pandemic.
- In a response the Cabinet has intervened and brought the 'The Epidemic Diseases (Amendment) Ordinance, 2020' to protect the medical community.

About the Epidemic Diseases Act, 1897:

- The Epidemic Diseases Act was introduced by the British to tackle the epidemic of bubonic plague that broke out in the then state of Bombay.
- This law 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.

- **Section 2A** of the Act empowers the central government to take steps to prevent the spread of an epidemic. 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.
 - ✓ Since health is a State subject, by invoking Section 2 of the Epidemic Diseases Act, advisories and directions of the Ministry of Health & Family Welfare will be enforceable.
- **Section 3** provides penalties for disobeying any regulation or order made under the Act. These are according to section 188 of the Indian Penal Code (Disobedience to order duly promulgated by public servant).
- **Section 4** gives legal protection to the implementing officers acting under the Act.
- The Epidemics Diseases Act is routinely enforced across the country for dealing with outbreaks of diseases such as Swine Flu, Dengue.
- For Example in 2009, to tackle the swine flu outbreak in Pune, Section 2 powers were used to open screening centres in civic hospitals across the city, and swine flu was declared a notifiable disease.

What are the Changes Made?

- Whoever commits or abets the commission of violence against health care worker, shall be punished with imprisonment ranging from 3 months to 5 years, and penalty ranging from Rs 50,000 to 2 lakh.
- In case of a very serious attack, the imprisonment may be for a minimum period of 6 months and maximum of 7 years, with penalty ranging from Rs 1 lakh to 5 lakh.
- As per the Ordinance, investigation into the incidents of attacks on doctors and healthcare workers has to be conducted by a senior inspector and be completed within 30 days.
- Court proceedings related to these cases shall also be conducted in a time-bound manner, and have to be decided within a year.
- The Ordinance also provides that the court shall presume that such person has committed such offence, unless the contrary is proved.
- The Ordinance states that in case of damage to vehicles or clinics of doctors or healthcare workers, the perpetrators would have to pay double the market cost of the damaged asset as compensation.
- Upon failure to pay the compensation awarded, such amount shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890.

What are the Possible Impacts?

- The current Ordinance is intended to ensure that during any situation akin to the current pandemic, there is zero tolerance to any form of violence against healthcare service personnel and damage to property.
- Some incidents of violence have taken place which has demoralized the medical fraternity. It is felt that separate and most stringent provisions for emergent times are needed to act as effective deterrents to any such incidents of violence.

