

No. T-18014/3/2004/PH
Government of India
Ministry of Health & Family Welfare
PH Division

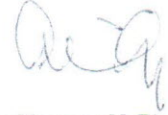
Nirman Bhawan, New Delhi
Dated: 13th February, 2017

NOTICE

This Ministry has prepared a draft Public Health (Prevention, Control and Management of epidemics, bio-terrorism and disasters) bill, 2017

Comments of all Stakeholders are invited on the draft Public Health Bill. The comments may be furnished by 25th March, 2017 to the Under Secretary (PH), Department of Health & family Welfare, Room No. 521 'A' Nirman Bhawan, New Delhi – 110108 and the soft form may be sent to ajava.59@gov.in.

Encl: As above.



(Ajaya Kumar K.P)
Under Secretary to the Govt. of India
Tel. 2306 1342

**THE PUBLIC HEALTH (PREVENTION,
CONTROL AND MANAGEMENT OF
EPIDEMICS, BIO-TERRORISM AND DISASTERS)
BILL, 2017**

A

BILL

To provide for the prevention, control and management of epidemics, public health consequences of disasters, acts of bio terrorism or threats thereof and for matters connected therewith or incidental thereto.

BE enacted by Parliament in the Sixty Eight Year of the Republic of India as follows:

Chapter I

PRELIMINARY

- (1) This Act may be called the Public Health (Prevention, Control and Management of Epidemics, Bio-terrorism and Disasters) Act, 2017.
 (2) It extends to the whole of India.
 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title, extent and commencement.

2. In this Act, unless the context otherwise requires, -

- (a) “bio-hazardous material” means any infectious agent or hazardous biological material that presents a risk or potential risk to the health of humans, animals, plants or environment;
- (b) “bio-terrorism” includes intentional use of biological agents to cause disease or death of human beings or any animal or plant through dissemination of micro-organisms or toxins in and by any medium or any means;
- (c) “Central Government” means the ministry or department of the government of India having administrative control of public health management;
- (d) “clinical establishment ” includes,-
- (i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution by whatever name called that offers services, facilities with beds requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine;
- (ii) a place established as an independent entity or part of an establishment as defined in d (i) above in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, bio-chemical, biological investigations or other diagnostic or investigative services with the aid

of laboratory or other medical equipments, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not,
and shall include a clinical establishment owned, controlled or managed by-

- a) the Government or a department of the Government
- b) a trust, whether public or private;
- c) a corporation(including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government;
- d) a local authority; and
- e) a single doctor,

but does not include the clinical establishments owned, controlled or managed by the Armed Forces;

- (e) “decontamination” means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;
- (f) “deratting” means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry;
- (g) “disaster” means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;
- (h) “disinfection” means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers ,conveyances, goods and postal parcels by direct exposure to chemical or physical agents;
- (i) “disinsection” means the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels;
- (j) “district” means administrative area as recognized by the Revenue department of a State/ Union territory government for the purpose of revenue administration and/ or law and order purposes which is headed by a District Collector or a Deputy Commissioner;
- (k) “district authority” means and includes the Deputy Commissioner or the District Collector or the District Magistrate or any other Revenue Officer or Executive Magistrate so empowered under the prevailing Revenue Law or the Code of Criminal Procedure or as the case may be;
- (l) “drug” includes (i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment,

mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes: (ii) such substances (other than food) intended to affect the structure or any function of human body or intended to be used for the destruction of insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette; (iii) all substances intended for use as components of a drug including empty gelatin capsules: and (iv) such devices intended for internal or external use in the diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette; (v) any new drug for which permission has been granted by the Central Licensing Authority under the first proviso to clause (c) of sub-section (1) of section 18 of The Drugs And Cosmetics (Amendment) Bill, 2013

- (m) “epidemic” means the occurrence in a community or region of cases of an illness, specific health related behavior, or other health related events clearly in excess of normal expectancy;
- (n) “epidemic prone disease” means a disease as listed in the First Schedule of this Act as may be notified by Central government from time to time;
- (o) “ground crossing” means a point of land entry into India including one utilized by road vehicles and trains as per Land Port Authority of India;
- (p) “isolation” means separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;
- (q) “local area” means the area, within which a local authority exercises its jurisdiction;
- (r) “local authority” includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or body of port commissioners or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specific local area;
- (s) “notification” means a notification published in the Official Gazette;
- (t) “outbreak” means epidemic limited to a localized increase in the incidence of a disease;
- (u) “point of entry” means a passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit
- (v) “potential bio-terrorism agent” means an agent listed in the Second Schedule of this Act;

- (w) “premises” means buildings, non- constructed area and any land;
- (x) “prescribed” means prescribed by rules made under this Act;
- (y) “public health emergency” means any sudden state of danger to public health including extension or spread of any infectious or contagious disease or pests affecting humans, animals or plants, occurrence of or threat of dangerous epidemic disease, epidemic prone disease, disaster or bio-terrorism or potential public health emergency requiring immediate action for its prevention, control and management which cannot be dealt with by any law other than this Act;
- (z) “public health emergency of international concern” means an extraordinary event which is determined, as provided in International Health Regulations(IHR) of World Health Organization(WHO);
- (aa) “public health emergency of national concern” means a public health emergency as declared or notified by Central government from time to time;
- (bb) “public health service” means services for the prevention and treatment of diseases and promotion of health and includes environmental sanitation, immunization and any other services provided under this act and establishment and maintenance of any institution for the purpose of any such a services;
- (cc) “public health establishment” means an establishment maintained for the purpose of public health services, including any such establishment as notified by Central/ State Government from time to time for any purpose of this Act;
- (dd) “quarantine” means the restriction of activities and/or separation from others of suspect persons who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;
- (ee) “regulation” means regulations as specified under this Act;
- (ff) “reservoir” means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;
- (gg) “Schedule” means a schedule included in this Act;
- (hh) “social distancing” is a public health practice designed to limit the spread of infection by ensuring sufficient physical distance between individuals;
- (ii) “State Government” means the department of Government of the state having administrative control of Public health management and includes administrator of union territory appointed by the president under article 239 of the constitution;
- (jj) “Union territory” shall mean any union territory specified in the first schedule to the constitution and shall include any other territory comprised within the territory of India but not specified in that schedule;

	<p>(kk) “vector” means an insect or any living carrier that transports an infectious agent from an infected individual or its wastes to a susceptible individual or its food or immediate surroundings.</p>	
	<p>Chapter II PUBLIC HEALTH MEASURES</p>	
	<p>3. If any State Government or administration of Union Territory or any district or local authority is of the opinion that a public health emergency has arisen or is likely to arise, it may, by order-</p> <ul style="list-style-type: none"> a) require or empower any official of the district or local authority as the case may be, to take such measures and for such duration of time, to prevent, control and manage the public health emergency, as may be stated in such order; b) require any person or class of persons to observe such measures, for such duration of time, as may be stated in such order; c) prohibit any such activity as stated which is or is likely to be inimical to public health in any area under its jurisdiction; d) quarantine or restrict the movement of any person or class of persons or any object or class of objects suspected to be exposed to any such disease or exposed to any substance as may be stated in the order; e) isolate any person or class of persons infected or suffering from any such disease as may be stated in the order; f) conduct medical examination including laboratory examination of, and provide treatment, vaccination or other prophylaxis to any person or class of persons exposed to or suffering from or suspected to be suffering from any such disease as may be stated in the order; g) undertake deratting, disinfection, disinsection, decontamination, treatment, destruction or disposal of baggage, cargo, containers, conveyances, goods, postal parcels, human remains, animals, birds or biological substances to remove infection or contamination including vectors and reservoirs of infection; h) Notwithstanding any other provisions in any other Act or Statute, ban or regulate the purchase, transport, distribution, sale, supply, storage, as appropriate, of any drug or of any other material which contains hazardous or toxic substance; i) provide for the inspection and, if required, detention of any shipment, cargo or objects being transported, as also of any vehicle, vessel, ship, aircraft, train, or any other form of transport, leaving, arriving at or passing through any place including any port, airport, bus station or railway station, ground crossing as the case may be, in any area; j) order detention of any person traveling or intending to travel or carrying or intending to carry any animal or plant or bio-hazardous material by any mode of transport as may be considered necessary; k) authorize any official or person to enter and inspect, without prior notice, any premises where public health emergency has either occurred or is likely to occur. l) direct any clinical establishment to admit, isolate and manage cases arising out of public health emergencies and to furnish any report or return in such form and in such manner as may be prescribed and to provide such services as directed m) disseminate such information as deemed appropriate and take such other appropriate measures in such circumstances including closure of markets, 	<p>Power of State Government or Union territories Territories or District/ or Local authority</p>

	educational and other institutions and social distancing.	
	<p>4. When at any time the Central Government is satisfied that a public health emergency has arisen or is likely to arise in the country or any part thereof, it may-</p> <p>a) give such directions as it may deem necessary to</p> <p>i) the State Government or administration of Union Territory to implement the provisions of this Act and the State Government or administration of Union Territory shall comply with such directions;</p> <p>ii) the district or local authority to implement the provisions of this Act and the Rule or Order made thereunder and the district or local authority shall comply with such directions:</p> <p>Provided that where it appears to the Central Government that it would be expedient and in public interest so to do, it may assume to itself any of the powers specified under section 3.</p> <p>b) order such measures as it may consider necessary to be observed by the general public or by any person or class of persons to prevent, control and manage the public health emergency or threat thereof;</p> <p>c) require or empower any person to take such measures as it may deem necessary to prevent, control and manage the public health emergency or threat thereof.</p>	Powers of Central Government
	<p>Chapter III PENALTIES</p>	
	<p>5. (1) Any contravention due to negligence of any provisions of this Act or any Rule or Order made or issued thereunder shall be punishable with a fine not exceeding ten thousand rupees for the first contravention and not exceeding twenty five thousand for repeat contravention.</p> <p>(2) Any willful or intentional contravention of any provisions of this Act or any Rule or Order made or issued thereunder will be a cognizable offence punishable with a fine which shall not exceed fifty thousand rupees for first contravention and not exceed one lakh rupees for repeat contravention and may also lead to punishment by imprisonment which may extend upto a period of two years.</p>	
	<p>CHAPTER IV APPEAL</p>	
	<p>6. (1) Any person or body aggrieved by the order of State government or administration of Union Territory or district or local authority passed under section 3, section 4 and section 5 can appeal against the said order before such Authority as notified under this Act.</p> <p>(2) Unless the appellate authority holds in abeyance the order being appealed against, the pendency of such appeal, by itself will not be a sufficient cause for non implementation of the order issued by the State government or administration of Union Territory or district or local authority under challenge.</p>	

	CHAPTER V MISCELLANEOUS	
	7. Any person authorized to take any action under this Act or any Order or Rule made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.	Certain persons deemed to be public servants.
	8. For any decision taken or to be taken to implement the provisions of this Act any Order or Rule made thereunder, the decision of the State government or administration of UT will prevail over the decision of the district or local authority under its jurisdiction and the decision of Central Government will prevail over the decision taken by the state or UT or district or local authority.	Power to supersede
	9. (1) No court shall take cognizance of any offence under section 3, section 4 and section 5 of this Act except with the previous sanction of such officer as may be prescribed. (2) Any offence under section 3, section 4 or section 5 may, either before or after the institution of prosecution be compounded by such officer and on payment of such compounding amount as may be prescribed.	Cognizance of offences
	10. No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Act or any Rule or Order made thereunder.	Protection of action taken in good faith
	11. The provisions of this Act shall have overriding effect over any provision in any other Law for the time being in force.	Act to have overriding Effect.
	12. (1) The Central Government may, by notification, amend any Schedule to this Act and the said Schedule shall, as from the date of such notification, be deemed to have been amended accordingly. (2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament.	Power to amend Schedules.
	13. (1) The first Rules for carrying out the provisions of this Act will be prescribed by the Central Government. The State Governments may, however, amend the said Rules as appropriate to the circumstances of each State. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, namely:- (a) the form and manner in which any report or return is to be furnished under clause (1) of section 3; (b) the officer who will grant the previous sanction under sub-section (1) of section 9; (c) the officer who shall compound the offence and compounding amount under sub-section (2) of section 9. (3) Every rule made under this section be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive session, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making a modification in the	Power to make Rules.

	<p>rule or both Houses agree that the rule should not be made, the rule shall have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be under that rule.</p>	
3 of 1897	<p>14. (1) The Epidemic Diseases Act, 1897 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the aforesaid Act, shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.</p>	<p>Repeal and savings.</p>

THE FIRST SCHEDULE

[See section 2 (n)]

EPIDEMIC PRONE DISEASES

1. Anthrax.
2. Bird Flu (Avian Influenza).
3. Chickenpox.
4. Chikungunya fever.
5. Cholera.
6. Dengue fever / Dengue haemorrhagic fever (DHF).
7. Diphtheria.
8. Enteric fevers.
9. Epidemic dropsy.
10. Extensively drug resistant tuberculosis (XDR-TB)/ Multidrug resistant TB (MDR-TB)
11. Food poisoning.
12. HIV / AIDS
13. Influenza.
14. Japanese encephalitis.
15. Kala-azar.
16. Kyasanur forest disease.
17. Leptospirosis.
18. Creutzfeldt-Jakob disease (Mad Cow disease).
19. Malaria.
20. Measles.
21. Meningococcal Meningitis
22. Nipah viral disease
23. Plague.
24. Poliomyelitis.
25. Rabies.
26. Relapsing fever.
27. Severe Acute Respiratory Syndrome (SARS).
28. Smallpox
29. Typhus.
30. Viral haemorrhagic fevers including Ebola
31. Viral hepatitis
32. Whooping cough.
33. Yellow fever.
34. Any public health emergency of international concern
35. Any other epidemic disease of public health importance as may be notified.

THE SECOND SCHEDULE

[See section 2(b)]

POTENTIAL BIO-TERRORISM AGENTS

A. – BACTERIA (INCLUDING RICKETTSIA AND CHLAMYDIA)

1. *Bacillus anthracis* (anthrax).
2. *Bartonella quintana* (trench fever).
3. *Brucella* species (brucellosis).
4. *Burkholderia mallei* (glanders).
5. *Burkholderia pseudomallei* (melioidosis).
6. *Chlamydia psittaci* (psittacosis).
7. *Coxiella burnetti* (Q fever).
8. *Francisella tularensis* (tularemia).
9. *Orientia tsutsugamushi* (scrub typhus).
10. *Rickettsia prowazekii* (typhus fever).
11. *Rickettsia rickettsii* (Rocky Mountain Spotted Fever).
12. *Salmonella typhi* (typhoid fever).
13. *Shigella* species (shigellosis).
14. *Vibrio cholerae* (cholera).
15. *Yersinia pestis* (plague).

B. – FUNGI

16. *Coccidio desimmitis* (coccidioidomycosis).
17. *Histoplasma capsulatum* (histoplasmosis).

C. – VIRUSES

18. Crimean – Congo haemorrhagic fever.
19. Dengue.
20. Ebola virus disease.
21. Hantann; Korean haemorrhagic fever.
22. Japanese Encephalitis.
23. Junin (Argentine haemorrhagic fever).
24. Lassa fever.
25. Lymphocytic choriomeningitis.
26. Machupo (Bolivian haemorrhagic fever).
27. Marburg virus disease.
28. Omsk haemorrhagic fever.
29. Rift Valley fever.
30. Sin nombre.
31. Smallpox.
32. Tick-borne encephalitis; Russian spring-summer encephalitis.
33. Yellow fever.

D. – Toxins

34. *Clostridium botulinum* (Botulinum toxin).

E. – Others

35. Any genetically engineered organism
36. Any other potential bio-terrorism agent having public health consequences may be added, as may be notified.