

Ordinance Summary

The Uttar Pradesh Public Health and Epidemic Diseases Control Ordinance, 2020

- The Uttar Pradesh Public Health and Epidemic Diseases Control Ordinance, 2020 was promulgated on May 11, 2020. The Ordinance provides for the improvement of public health, and the prevention and control of epidemic diseases in the state. Key features of the Ordinance include:
- **Definitions:** The Ordinance defines epidemic disease as a contagious or infectious disease prevalent in the whole or any part of the state. It defines lockdown to include: (i) suspension of all modes of transport on roads and inland water completely or with certain restrictions, (ii) restriction on movement or gathering of persons in both public and private places, and (iii) restriction on the working of factories, offices, educational institutions and market places.
- **Powers of the state government:** The state government may notify a disease as an epidemic disease if it is satisfied that the normal provisions of law and medical practice are not sufficient in mitigating the spread of the disease. Proclamation of an epidemic disease will be in force for three months, which may be extended by the government. The state government may make regulations for prevention of the spread of the epidemic disease. Such regulations will be in force till the disease is considered as an epidemic disease. The state government may also impose restrictions such as quarantine, isolation, sealing of locality, or lockdown to prevent the spread of the disease. Further, it may take measures for: (i) inspection of individuals traveling through railways and airways, and (ii) segregation in hospitals and temporary accommodation of such persons who are suspected of being infected with the disease. The government may also issue guidelines for publishing of information regarding the epidemic to control rumours, misinformation or panic amongst public.
- **Epidemic Control Authorities:** The Ordinance provides for the constitution of Epidemic Control Authorities at the state and district level. The State Authority will consist of the Chief Minister (as Chairman), the Medical and Health Minister, and the Chief Secretary, among others. The State Authority will be responsible for: (i) advising the government and ordering uniform measures for

mitigating the spread of the epidemic, (ii) coordinating with central government and other state authorities, among others. The District Authority will comprise of the District Magistrate (as Chairman), the District Superintendent of Police, and the Chief Medical Officer. The functions of District Authority include: (i) ensuring adequate supply of essential commodities, (ii) maintaining public order, and (iii) coordinating various departments at district level. The District Authority may requisition any property, motor vehicles, or private medical and health facilities, among others, for controlling the spread of epidemic. The state government or the State Epidemic Control Authority may issue a lockdown order. The District Authority may issue such an order for a district.

- **Offences:** The Ordinance specifies various offences and prescribes an imprisonment term and a fine for committing such offences (see table below). All offences are cognisable (person may be arrested without warrant) and non-bailable.

Table 1: Offences under the Ordinance

Offence	Imprisonment	Fine (in Rs)
Violating quarantine or isolation	1 - 3 years	10,000 - 1 lakh
Escaping from hospital during treatment		
Publishing false or misleading information	6 months - 3 years	50,000 - 1 lakh
Concealing infection or evading detection	1 - 3 years	50,000 - 1 lakh
Obscene act during treatment or isolation		
Use of common transport by infected persons	2 - 5 years	50,000 - 2 lakh
Intentionally spreading disease to others		
Violence against health service personnel or district administration	3 months - 5 years	1 lakh - 5 lakh
Violence against health service personnel leading to serious harm	6 months - 7 years	
Mass infection caused (to five or more persons) intentionally	3 - 10 years	

- **Recovery of loss or damages:** The state government may recover losses incurred by them from individuals or organisations who have caused such losses by their deliberate or negligent conduct. The District Magistrate will, after conducting an enquiry as may be necessary, declare the persons to whom injury, loss or damage has been caused, and fix the compensation to be paid to such persons.

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