

**GOVERNMENT OF MEGHALAYA  
HEALTH & FAMILY WELFARE DEPARTMENT**

No.Health.103/2020/17,

Dated Shillong, the 23<sup>rd</sup> April,2020.

From : Shri D.D.Sangma, MCS  
Joint Secretary to the Government of Meghalaya,  
Health & Family Welfare Department.

To : **The Deputy Commissioner,**  
East Khasi Hills, Shillong/ West Garo Hills, Tura/ West Khasi Hills,  
Nongstoin/ Ri-Bhoi, Nongpoh/ West Jaintia Hills, Jowai/ East Jaintia Hills,  
Khlieriat/ South-West Khasi Hills, Mawkyrwat/ East Garo Hills,  
Williamnagar/ South Garo Hills, Baghmara/ North Garo Hills, Resubelpara/  
South-West Garo Hills,Ampati.

**Subj.:- Enforcement of The Epidemic Diseases (Amendment) Ordinance, 2020-  
Reg.**

Sir/ Madam,

With reference to the above cited subject I am directed to say that Doctors and Health Professionals are at the forefront in the fight against COVID-19. Their efforts and spirit is being widely acclaimed at all levels. The skills and spirit of service amongst these professionals places them in a unique position to save people from this disease. But in spite of their noble services for the humanity, while risking their own lives, there are reports of acts of violence, criminal intimidation, harassment or bodily injury to the life of such health care professionals while discharging their duties; or sometimes loss or damage to any property in relation to such medical care personnel is also caused by some persons. Currently, various provisions of law such as the Disaster Management Act, 2005, the Epidemic Disease Act, 1897 and the Regulations framed thereunder, the Indian Penal Code and the Code of Criminal Procedure (as amended) are in place to deal with offenders. However, these laws seemed to be inadequate to ensure protection of health care professionals.

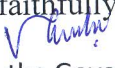
Therefore, the Government of India brought out "**the Epidemic Diseases (Amendment) Ordinance, 2020**"(Copy Enclosed) , amending certain provisions of the Epidemic Disease Act, 1897 so as to ensure adequate protection to healthcare professionals and frontline workers, and to prevent any incident of violence against them.

*V. Anshu*

You are to ensure that the provisions of this Ordinance are enforced in letter and spirit, in case any incident of violence takes place in the District. Copy of this may also be brought to the knowledge of all concerned in your District.

This has the order of the **Competent Authority**.

Encl: As stated above.

Yours faithfully,  


Joint Secretary to the Government of Meghalaya,  
Health & Family Welfare Department.

Memo.No.Health.103/2020/17-A,

Dated Shillong, the 23<sup>rd</sup> April,2020.

Copy to:-

1. The Secretary to the Governor of Meghalaya for kind information of Hon'ble Governor.
2. PS to the Chief Minister, Meghalaya for kind information of Hon'ble Chief Minister.
3. PS to the Minister, i/c Health & Family Welfare for kind information of Hon'ble Minister.
4. PS to the Chief Secretary, Meghalaya for kind information of Chief Secretary.
5. PS to the Additional Chief Secretary, Meghalaya i/c Political Department.
6. The Director General of Police, Meghalaya.
7. The Commissioner & Secretary, Health & Family Welfare Department.
8. Secretary, Health & Family Welfare Department.
9. Secretary, Home(Police) Department.
10. Joint Secretary(I&II), Health & Family Welfare Department.
11. The Mission Director, National Health Mission, Meghalaya.
12. Director of Health Services(MI)/ MCH&FW/ Research, Meghalaya.
13. Superintendent of Police,  
East Khasi Hills, Shillong/ West Garo Hills, Tura/ West Khasi Hills, Nongstoin/ Ri-Bhoi, Nongpoh/ West Jaintia Hills, Jowai/ East Jaintia Hills, Khlieriat/ South-West Khasi Hills, Mawkyrwat/ East Garo Hills, Williamnagar/ South Garo Hills, Baghmara/ North Garo Hills, Resubelpara/ South-West Garo Hills,Ampati.
14. The District Medical & Health Officer,  
East Khasi Hills, Shillong/ West Garo Hills, Tura/ West Khasi Hills, Nongstoin/ Ri-Bhoi, Nongpoh/ West Jaintia Hills, Jowai/ East Jaintia Hills, Khlieriat/ South-West Khasi Hills, Mawkyrwat/ East Garo Hills, Williamnagar/ South Garo Hills, Baghmara/ North Garo Hills, Resubelpara/ South-West Garo Hills,Ampati.

By order, etc.,

  
Joint Secretary to the Government of Meghalaya,  
Health & Family Welfare Department.



# भारत का राजपत्र The Gazette of India

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असाधारण  
EXTRAORDINARY  
भाग II — खण्ड 1  
PART II — Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 25] नई दिल्ली, बुधवार, अप्रैल 22, 2020/वैशाख 2, 1942 (शक)  
No. 25] NEW DELHI, WEDNESDAY, APRIL 22, 2020/VAISAKHA 2, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
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:—

- 3 of 1897.
1. (1) This Ordinance may be called the Epidemic Diseases (Amendment) Ordinance, 2020. Short title and commencement.
- (2) It shall come into force at once.
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. Amendment of section 1.
3. After section 1 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 1A.
- '1A. In this Act, unless the context otherwise requires,— Definitions.
- (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—
- (i) harassment impacting the living or working conditions of such healthcare service personnel and preventing him from discharging his duties;
- (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;
- (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
- (iv) loss or damage to any property or documents in the custody of, or in relation to, such healthcare service personnel;
- (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—
- (i) any public and clinical healthcare provider such as doctor, nurse, paramedical worker and community health worker;
- (ii) any other person empowered under the Act to take measures to prevent the outbreak of the

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;

23 of 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;

15 of 1908.

22 of 1934.

31 of 2010.

(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.'.

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:—

Amendment of section 2A.

"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".

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

Insertion of new section 2B.

"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."

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.

RAM NATH KOVIND,  
*President.*

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