

---

## **EPIDEMIC DISEASES ACT, 1897**

### **3 of 1897**

[ ]

#### CONTENTS

1. Short title and extent
2. Power to take special measures and prescribe regulations as to dangerous epidemic diseases
  - 2A. Powers of Central Government
  - 2B. Power of State Government to requisition vehicles
  - 2C. Principles and Method of determining compensation
  - 2D. Release from requisition
  - 2E. Payment of compensation
  - 2F. Power to make rules
3. Penalty
4. protection to persons acting under Act

## **EPIDEMIC DISEASES ACT, 1897**

### **3 of 1897**

[ ]

STATEMENT OF OBJECTS AND REASONS "The object of the Bill is sufficiently explained by the title thereof. and the spread of the bubonic plague from Bombay unfortunately renders it unnecessary to dwell on the reasons for its introduction in Council. It may, however, be stated that its main provisions are based upon those contained in Sections 434 and S.47(1) of the City of Bombay Municipal Act, 1888". Gazette of India 1897. Part V. pages 21. An Act to provide for the better prevention of the spread of Dangerous Epidemic Diseases. ' WHEREAS it is expedient, to provide for the better prevention of the spread of dangerous epidemic disease; It is hereby enacted as follows:- The Act has been extended to the new provinces and Merged States by Merged States (Laws) Act, 1949; S. 3 (1-1-1950) and to the Union Territories of Manipur and Tripura by Union Territories (Laws) Act, 1950. S. 1 (16-4-1950). Manipur and Tripura are now States. Jharkhand Pradesh now forms part of M.P. state Sec Act 37 of 1956. S. 9(1)(e). The Act has now been extended to Sikkim

See G.S.R.208(E), 75 Gaz of Ind..16-5-75. Pt. II. S. 3(1). Ext.. p. 1213. The Act has been extended to the States merged in the State of Bombay by Bom). Act 4 of 1950. Madhya Pradesh by M. P. Acts 12 of 1950 and 23 of 1958. Punjab by Pun). Act 5 of 1950. 8 of 1961. Rajasthan by Raj: Ordinance 3 of 1957. Tamil Nadu by T.N.Acts 35 of 1949 and 22 of 1957. It was partially extended to Berar by Act 4 of 1941. It was declared in force in the Santhal Parganas by Regn. 5 of 1872 as amended by Regn. 3 of 1899, S. 3; Santhal Parganas are now in Bihar:, in the district of Khondmals by Regn. 4 of 1936 and in Angul district by Regn. 5 of 1936; Both these districts are in Orissa now: Regn. 5 of 1936 has been repealed by Orissa Act 19 of 1967; Angul district now forms a subdivision of the District of Dhenkanal in Orissa. The Act has now been extended to the Union Territories of- (i) Dadra and Nagar Haveli by Regn. 6 of 1963 (1-7-1965); (ii) Laccadive, Minicoy and Amindivi Islands (Now Lakshadweep) by Regulation 8 of 1965; (iii) Pondicherry by Act 26 of 1968 (18-12-1968).

### **1. Short title and extent :-**

(1) This Act may be called the Epidemic Diseases Act, 1897.

<sup>1</sup>[(2) It extends to the whole of India except <sup>2</sup>[the territories which, immediately before the 1st November, 1956, were comprised in Part B States.]] <sup>3</sup>[\*]

<sup>3</sup> [(3) \* \* \* \* \* ]

1. Substituted by A. L. O., 1950.

2. Substituted for "Part B States" by 2 A. L. O., 1956.

3. Word "and" at the end of sub-section (2), and sub-section (3) repealed by the Repealing and Amending Act, 1914 (10 of 1914), S. 3 and Sch. II.

### **2. Power to take special measures and prescribe regulations as to dangerous epidemic diseases :-**

(1) When at any time the <sup>1</sup>[State Government] is satisfied that <sup>2</sup>[the State] or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the <sup>1</sup>[State Government], if <sup>4</sup>[it] thinks fit that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as <sup>3</sup>[it]

shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

(2) In particular and without prejudice to the generality of the foregoing provisions, the <sup>1</sup> [State Government] may take measures and prescribe regulations for -

[ \* ' \* \* \* \* - ]

(b) the inspection of persons travelling by railway or otherwise and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

OBJECTS AND REASONS "We have amended Clause 2 by providing that the Governor-General in Council [Now, the Provincial Government] must be satisfied that India is visited or threatened with epidemic disease before taking action under the Act. We have also made it clear that the power to take measures conferred by the clause includes the power of compelling or authorising other persons to take measures. As regards the use of the term 'person' in the Bill it must be read by the light of S.2(3) of the General Clauses Act, 1868 [now see S.3(39) of the General Clauses Act, 1897, which provides that 'person' shall include any company or association or body of individuals whether incorporated or not. It is, therefore, clear that the term. covers a local authority, whether, incorporated or not. In some cases measures might be required which would cause injury to private property and where it might be right that compensation should be given. We have, therefore, inserted words in the same clause to provide that the Government may determine in what cases and by whom compensation shall be given." - S. O. R.

1. Substituted for the words "Provincial Government" by A. L. O., 1950.

2. Substituted for the words "the Province", by A. L. O., 1950.

4. Substituted for the word "he", by A. L. O., 1950.

## **2A. Powers of Central Government :-**

When the Central Government is satisfied that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, the Central Government may take measures and prescribe regulations for the inspection of any ship or vessel leaving or arriving at any port in [the territories to which this Act extends) and for such detention

thereof, or of any person intending to sail therein, or arriving thereby, as may be necessary.]

**2B. Power of State Government to requisition vehicles :-**

( 1 ) Whenever it appears to the State Government that for the purpose of facilitating preventive or remedial measures, any vehicle is needed or is likely to be needed, for carrying men and equipments to and from any part of the State which is visited by, or threatened with an outbreak of any dangerous epidemic disease, or for carrying any person suffering from any infectious disease it may authorize the District Magistrate or any other officer not below the rank of Deputy Magistrate by a notification in Official Gazette ( hereinafter referred to as the "requisitioning authority"), to requisition any such vehicle ordinarily kept in the district by serving an order in writing on the owner of such vehicle, or in his absence, on any other person who has the vehicle under his control. The person on whom such order is served shall deliver possession of the vehicle, so requisitioned to the requisitioning authority or to such other person as may be specified in the order.

(2) If any person in possession of the vehicle on whom an order or requisition is served refuses or fails to deliver possession of the vehicle to the requisitioning authority or to the person specified in the order, such authority or any police officer, not below the rank of an Assistant Sub-inspector, or the Mukhiya of the Gram Panchayat established under the Bihar Panchayat Raj Act, 1947 ( Bih. Act VII of 1948). for the area in which the vehicle is kept. authorised by him. may use such force as is necessary to take possession of the vehicle.

(3) Whenever any vehicle is requisitioned under sub-section (1) the period of such requisition shall not ordinarily extend beyond the period for which the vehicle is required for the purpose mentioned in the sub-section.

**2C. Principles and Method of determining compensation :-**

'.-

(1) Where any vehicle is requisitioned under this Act. there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out. that is to say..

(a) where the amount of compensation can be fixed by agreement

it shall be paid in accordance with such agreement

(b) where no such agreement can be reached, the State Government shall appoint an officer not below the rank of an Additional District Judge as arbitrator:

(c) the State Government may in any particular case, nominate a person having expert knowledge as to the nature of the vehicle requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose: ..

(d) at the commencement of the proceeding before the arbitrator the State Government and the person to be compensated shall state what in their respective opinion is a fair amount of compensation.

(e) the arbitrator in making his award shall take into consideration the loss of earning, if any, sustained by the owner of reason of the requisition, the prevalent market rate of hire for the class of vehicle requisitioned and the condition of the vehicle requisitioned: and

(f) nothing in Arbitration Act, 1940, shall apply to arbitrators under this section.

(2) The State Government may by rules prescribe the procedure to be followed in such arbitrations, the principles to be followed in apportioning the costs of the proceedings before the arbitrator and the fees to be paid to experts and assessors appointed under clause (c) sub-section(1).

## **2D. Release from requisition :-**

( 1 ) the State Government or the Requisitioning authority may, at any time, release any vehicle requisitioned under this Act and shall as far as possible, restore the vehicle after proper disinfection, if necessary, in as good a condition as it was when possession thereof was taken, subject only to the changes caused by normal wear and tear and irresistible force: ..

provided that where the purpose for which any requisitioned vehicle was being used ceases to exist, the State Government or the requisitioning authority shall release the vehicle, as soon as may be, from requisition.

(2) .When any vehicle is to be released from requisition, a notice in writing shall be served on the owner or his authorised agent to take

delivery of the vehicle on or within such date and from such place and person as may be specified in the notice and with effect from such date, the State Government or the requisitioning authority shall not in any way be liable for any compensation or other claim in respect of the requisitioned vehicle.

(3) The delivery of possession of the vehicle to the owner or his duly authorised agent shall be a full discharge of all liability of State Government or the requisitioning authority to deliver possession to such person as may have a rightful claim to possession thereof, but shall not prejudice any rights in respect of the vehicle which any other person may be entitled in accordance with law to enforce against the person to whom possession of the vehicle is given.

(4) Where the owner to whom possession of any requisitioned vehicle is to be given is not found and has no agent, authorised to take delivery on his behalf, the State Government shall cause a notice declaring that the vehicle is released from requisition to be published in the Official Gazette and on such publication, the requisitioned vehicle shall cease to be subject to requisition and from the date of such publication and the State Government shall not be liable for compensation or other claim in respect thereof for any period after the said date.

(5) If the owner or his duly authorised agent fails to take delivery of the vehicle on or within the date specified in the notice issued under sub-section (2), the State Government may dispose of the vehicle in the manner laid down in sub-section (6)

Provided that the State Government may, if it thinks fit, extend the time under the said notice, but it shall not be liable for any compensation in respect of the vehicle for the extended period.

(6) The disposal of the vehicle under sub-section (5) shall be by public auction and at the risk of the owner and sale proceeds shall be made over to the owner after deducting the expenses incurred by the State Government on account of the owner's failure to take delivery of the vehicle within the time allowed.

(7) Where any vehicle requisitioned under this Act or any material part thereof is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was requisitioned by reason of fire, earthquake, tempest, flood or other irresistible force, the State Government or the requisitioning authority shall not be liable for the loss occasioned thereby:

Provided that the benefit of this sub-section shall not be available to the State Government' Where the injury to such vehicle is caused by any wrongful act or default of the State Government or any of its officers

**2E. Payment of compensation :-**

The amount of compensation payable under an award made under S. 2C shall, subject to any rules made under this Act, be paid to persons entitled thereto in such manner and within such time as may be specified in the award.

**2F. Power to make rules :-**

(1) The State Government may, subject to previous publication, make rules not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter 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 under that rule." -Bih, Act 5 of 1961, S. 2 (14-3-1961).

**3. Penalty :-**

Any person disobeying any regulation or order made under this act shall be deemed to have committed an offence punishable under S.188 of the India Penal Code, 1860.

**4. protection to persons acting under Act :-**

No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.