

(Authorised English Translation)

THE RAJASTHAN EPIDEMIC DISEASES BILL, 2020

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

to provide for law relating to regulation and prevention of epidemic disease and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Epidemic Diseases Act, 2020.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall be deemed to have come into force on and from 1st May, 2020 except the provisions of section 11 which shall be deemed to have come into force on and from 22nd May, 2020.

2. Definitions.- (1) In this Act unless the context otherwise requires,-

- (a) "epidemic disease" means any disease declared as epidemic disease by notification published in the Official Gazette, by the Government;
- (b) "Government" means the Government of Rajasthan;
- (c) "regulations" means the regulations made under this Act ;
- (d) "rules" means the rules made under this Act;
- (e) "State" means the State of Rajasthan.

(2) Words and expressions used herein and not defined but defined in the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955) have the same meanings as assigned to them in that Act.

3. Power of Government to notify epidemic disease.- The Government may by notification in the Official Gazette notify any disease as epidemic disease, for the purposes of this Act, either throughout the State or in such part or parts thereof as may be specified in the notification.

4. Power to take special measures and specify regulations as to epidemic disease.- (1) When at any time the Government is satisfied that the State or any part thereof is visited by or threatened with an outbreak of any epidemic disease, the Government may take such measures, as it deems necessary for the purpose, by notification in the Official Gazette, specify such temporary regulations or orders to be observed by the public or by any person or class of persons so as to prevent the outbreak of such epidemic disease or the spread thereof and require or empower District Collectors to exercise such powers and duties as may be specified in the said regulations or orders.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and specify regulations,-

- (a) to prohibit any usage or act which the Government considers sufficient to spread or transmit epidemic diseases from person to person in any gathering, celebration, worship or other such activities within the State;
- (b) to inspect the persons arriving in the State by air, rail, road or any other means or in quarantine or in isolation, as the case may be, in hospital, temporary accommodation, home or otherwise of persons suspected of being infected with any such disease by the officer authorized in the regulation or orders;

- (c) to seal State Borders for such period as may be deemed necessary;
- (d) to impose restrictions on the operation of public and private transport;
- (e) to prescribe social distancing norms or any other instructions for the public to observe that are considered necessary for public health and safety on account of the epidemic;
- (f) to restrict or prohibit congregation of persons in public places and religious institutions or places of worship;
- (g) to regulate or restrict the functioning of offices, Government and private, and educational institutions in the State;
- (h) to impose prohibition or restrictions on the functioning of shops and commercial and other offices, establishments, factories, workshops and godowns;
- (i) to restrict duration of services in essential or emergency services such as banks, media, health care, food supply, electricity, water, fuel etc.; and
- (j) such other measures as may be necessary for the regulation and prevention of epidemic diseases as decided by the Government.

5. Punishment for offences.- Any person/ institution/ company who is bound by regulations or orders contravenes or disobeys any such regulation or order made under this Act, or obstructs any officer empowered under this Act, shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

6. Punishment for abetment of offences.- Whoever abets an offence under this Act shall be punished in the same manner as if he had himself committed the offence.

7. Offence by a company.- (1) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

8. Offences to be cognizable and bailable.- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) all offences under this Act shall be cognizable and bailable.

9. Authorized Officer.- Notwithstanding anything contained in any other law for the time being in force, the State Government may, by notification in the Official Gazette, authorize one or more persons who shall be competent to act under this Act.

10. Power to delegate.- The State Government may by notification in the Official Gazette direct that any power exercisable by it under this Act may also be exercised by such officer as may be mentioned therein, subject to such conditions, if any, as may be specified therein.

11. Compounding of Offences.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the offences punishable under this Act may either before or after the institution of the prosecution, be compounded by such authorities or officers and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded under subsection (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence and also no proceedings shall be instituted in any Criminal Court.

12. Act not in derogation of any other law.- The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

13. Protection of action taken in good faith.- 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 by or under this Act.

14. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in Official Gazette, make provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

15. Power to make rules.- (1) The Government may, by notification in the Official Gazette, make rules either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Act.

(2) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and, if before the expiry of the sessions in which it is so laid or of the sessions immediately following the House of the State Legislature makes any modification in the rule or regulation or resolves that the rule or regulation should not be made, the rule or regulation 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 thereunder.

16. Repeal and savings.- (1) The Rajasthan Epidemic Diseases Ordinance, 2020 (Ordinance No.1 of 2020) and the Rajasthan Epidemic Diseases (Amendment) Ordinance, 2020 (Ordinance No. 5 of 2020) are hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinances shall be deemed to have been done, taken or made under this Act.

STATEMENT OF OBJECTS AND REASONS

It has come to the notice of the State Government that a global disease COVID-19 is spreading all over the world. World Health Organisation and Member States of United Nations have also declared COVID-19 as a pandemic disease.

The Rajasthan Epidemic Diseases Act, 1957 (Act No. 31 of 1957) provides for prevention of the spread of epidemic diseases. But preventive and remedial measures for prevention of this epidemic disease were needed to take more penitentiary steps.

Therefore, the State Government promulgated the Rajasthan Epidemic Diseases Ordinance, 2020 with more effective and stringent measures for regulation and prevention of epidemic disease and to repeal the existing the Rajasthan Epidemic Diseases Act, 1957 (Act No. 31 of 1957). Later on, in order to give relief to the public at large section 11 of the said Ordinance was amended vide the Rajasthan Epidemic Diseases (Amendment) Ordinance, 2020. Therefore, after consolidating both the said Ordinances, the Rajasthan Epidemic Diseases Bill, 2020 is being proposed.

Since the Rajasthan State Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, he, therefore promulgated the Rajasthan Epidemic Diseases Ordinance, 2020 (Ordinance No. 1 of 2020), on 1st May, 2020, which was published in Rajasthan Gazette, Extraordinary, Part IV(B), dated 1st May, 2020 and the Rajasthan Epidemic Diseases (Amendment) Ordinance, 2020 (Ordinance No. 5 of 2020) on 22nd May, 2020, which was published in Rajasthan Gazette, Extraordinary, Part IV(B), dated 22nd May, 2020.

The Bill seeks to replace the aforesaid Ordinances.

Hence the Bill.

v'kksd xgyksr]
Minister Incharge.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Clause 4 of the Bill, if enacted, shall empower the State Government to specify,-

(i) temporary regulations or orders, to be observed by the public or by any person or class of persons so as to prevent the outbreak of epidemic disease or the spread thereof and, to require or empower District Collectors to exercise powers and duties; and

(ii) other regulations.

Clause 15 of the Bill, if enacted, shall empower the State Government to make rules for carrying out the provisions of the Act.

The proposed delegation is of normal character and mainly relates to the matters of details.

v'kksd xgyksr]
Minister Incharge.

राजस्थान महामारी विधेयक, 2020

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

महामारी के विनियमन और रोकथाम से संबंधित विधि और उससे संसक्त या आनुषंगिक विषयों के लिए उपबंध करने हेतु विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

प्रमिल कुमार माथुर,
सचिव।

(अशोक गहलोत, प्रभारी मंत्री)

Bill No. 22 of 2020

THE RAJASTHAN EPIDEMIC DISEASES BILL, 2020

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

to provide for law relating to regulation and prevention of epidemic disease and for matters connected therewith or incidental thereto.

(To be introduced in the Rajasthan Legislative Assembly)

23

**Pramil Kumar Mathur,
Secretary.**

(Ashok Gehlot, **Minister-Incharge**)