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Part IV—Section 1

Tamil Nadu Bills

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Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 15th September, 2020 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 26 of 2020

A Bill further to Amend the Tamil Nadu Public Health Act, 1939.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventh-first year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Public Health (Second Amendment) Act, 2020.

Short title and commencement.

(2) It shall be deemed to have come into force on the 4th day of September 2020.

Tamil Nadu Act III of 1939.

2. In section 3 of the Tamil Nadu Public Health Act, 1939 (hereinafter referred to as the principal Act),—

Amendment of section 3.

(1) clause (1) shall be renumbered as clause (1-A), and before clause (1-A) as so renumbered, the following clause shall be inserted, namely:—

“(1) “act of violence” includes any of the following acts committed by any person against any personnel, including police personnel, involved in the prevention, treatment and control of infectious diseases, which causes or may cause-

(a) harassment impacting the living or working conditions of such personnel and preventing them from discharging their duties;

(b) harm, injury, hurt, intimidation or danger to the life of such personnel;

(c) obstruction or hindrance to such personnel in the discharge of their duties;

(d) loss or damage to any property or documents in the custody of, or in relation to, such personnel;”;

(2) after clause (17), the following clause shall be inserted, namely:—

“(17-A) “isolation” means complete separation of a person suffering from an infectious disease from others and detention in a place designated therefor, for a period not exceeding the maximum known period of communicability of that disease or until the person is cured of that disease, so as to prevent or limit the direct or indirect transmission of the infectious disease;”;

(3) after clause (30), the following clause shall be inserted, namely:—

“(30-A) “Police Officer” means an officer not below the rank of Sub-Inspector of Police;”;

(4) after clause (32), the following clause shall be inserted, namely:—

“(32-A) “quarantine” means the limitation or restriction of freedom of movement of a person reasonably believed to have been exposed to an infectious disease, though asymptomatic, for a period not exceeding the maximum known incubation period of that disease, so as to prevent the possibility of spread of that disease to others;”;

(5) after clause (33), the following clause shall be inserted, namely:—

“(33-A) “social-distancing” means and includes any measure taken to increase the physical space or distance between people outside their home, in order to slow down the rate of transmission of the disease in the community;”.

Amendment of section 65.

3. In section 65 of the principal Act, in sub-section (1), for the expression "The Health Officer or any person authorized by him in this behalf", the expression "The Health Officer or any person authorized by him in this behalf or a Police Officer" shall be substituted.

Amendment of section 76.

4. In section 76 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) When a declaration under clause (a) or clause (b) of sub-section (1) comes into operation and until it is withdrawn, the Collector of the district or any person duly authorized by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the local authority concerned or any Police Officer or any officer of the Government other than the Collector of the district may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed, either generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely:—

(a) to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(b) to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(c) to direct—

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by a medical officer;

(ii) that persons in isolation or in quarantine shall be examined or required to undergo necessary tests by a medical officer;

(iii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection;

(iv) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding fourteen days;

(d) to take such measures as may be necessary—

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease; and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease, including in the case of (i), the placing of restrictions on the movement of such persons, isolation or quarantine of such persons, as the case may be, and in the case of (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area;

(e) to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner;

(f) to close all or any existing market, and to appoint special places, where markets may be held;

(g) to impose restrictions on the operation of public and private transport;

(h) to ensure prohibition of spitting in public places, observance of social distancing norms, wearing of masks and such other instructions that may be issued, from time to time, by the Government, in the interest of public health and safety;

(i) to issue standard operating procedures to be followed in salon and spa, gymnasium and such other public places;

(j) to ensure adherence of the guidelines issued by the Government to be followed in containment zones.

Explanation.— For the purpose of this clause, “containment zone” means the area demarcated as such, based on the cluster of infected cases reported therein, by the Collector of the district or the Commissioner of the City Municipal Corporation, as the case may be;

(k) to restrict or prohibit congregation of persons in public places, religious institutions and places of worship;

(l) to ensure the functioning of offices, both the Government and private, and educational institutions as per the directions of the Government or the Collector of the district;

(m) to ensure prohibition or restriction on the functioning of shops, commercial establishments, factories, workshops, godown, etc., as per the directions of the Government or the Collector of the district;

(n) to ensure duration of services in essential or emergency services such as banks, media, healthcare, food supply, electricity, water supply, fuel, etc., as per the directions of the Government or the Collector of the district;

(o) to provide for inspection and, if required, detention of any vehicle, vessel, or any other form of transport, departing, arriving at or passing-through the local area;

(p) to direct any clinical establishment to admit, isolate and manage cases arising out of public health emergencies and to furnish report or return in such form and in such manner as may be prescribed and to provide such services as directed.

Explanation.— For the purpose of this clause, “clinical establishment” means a clinical establishment as defined in clause (a) of section 2 of the Tamil Nadu Clinical Establishments (Regulation) Act, 1997 (Tamil Nadu Act 4 of 1997);

(q) to prohibit any such activity that may be inimical to the public health;

(r) to ensure dissemination of information pertaining to the notified diseases, disease control and preventive measures, etc., to the public and to check dissemination of false information on the subject in the mass media; and

(s) to carry out such other activity or measures for the regulation, control and prevention of the notified diseases, as may be directed by the Government or the Collector of the district.”.

Insertion of new section 77-A

After section 77 of the principal Act, the following section shall be inserted, namely:—

5. **“77-A.Prohibition of act of violence.—** (1) No person shall indulge in any act of violence against a personnel involved in the prevention, treatment and control of infectious diseases.

(2) Whoever commits or abets the commission of any offence under this section shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to two years and shall be liable to fine which shall not be less than ten thousand rupees, but which may extend to fifty thousand rupees”.

Amendment of section 128.

6. In section 128 of the principal Act, the following sub-sections shall be added, namely:-

“(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular date, shall come into force on the date on which they are so published;

(b) All notifications issued under this Act, shall, unless they are expressed to come into force on a particular date, come into force on the date on which they are so published.

(4) Every rule made or notification or order issued under this Act, shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session, in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or notification or order or the Legislative Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order 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 or notification or order.”.

Omission of section 130.

7. Section 130 of the principal Act shall be omitted.

Amendment of section 135.

8. In section 135 of the principal Act, for the expression “or the Health Officer”, in two places where it occurs, the expression “or the Health Officer or a Police Officer” shall be substituted.

9 After section 135 of the principal Act, the following section shall be inserted, namely:-

Insertion of new section 135-A.

“135-A. Offences by companies.— (1) Where an offence under this Act has been committed by a company, every person who, at the time of 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 them and punished accordingly:

Provided that nothing 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 an 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 proceeded against and punished accordingly.

Explanation.— For the purposes of this section—

(a) “company” means any 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.”.

10 In section 138 of the principal Act,—

Amendment of section 138.

(1) for the expression “by the police”, the expression “by a Police Officer” shall be substituted;

(2) in the proviso, for the expression “Code of Criminal Procedure, 1898 (Central Act V of 1898)”, the expression “Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be substituted.

11 In section 138-A of the principal Act, for the expression “The executive authority or the Health Officer”, the expression “The executive authority or the Health Officer or a Police Officer” shall be substituted.

Amendment of section 138-A.

12 In section 142 of the principal Act,—

Amendment of section 142.

(1) in sub-section (1), for the expression “or of the Government”, the expression “or of the Government or Police Officer” shall be substituted;

(2) in sub-section (2), for the expression “or of the Government”, the expression “or of the Government or no Police Officer” shall be substituted.

13 In section 143 of the principal Act, for the expression “or of the Government”, the expression “or of the Government or Police Officer” shall be substituted.

Amendment of section 143.

14 In Schedule I to the principal Act, for the words “One thousand rupees” in column (4) relating to section 76 in column (1), the words, “Five thousand rupees” shall be substituted.

Amendment of Schedule I.

15 1) The Tamil Nadu Public Health (Second Amendment) Ordinance, 2020 is hereby repealed.

Repeal and saving.

2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

To contain the spread of COVID-19, lockdown and social distancing measures are taken by the Government. Violences against the persons implementing these measures were brought to the notice of the Government. Such acts of violence hinder the measures taken to control the spread of COVID-19 in the community and deter the advancement of Public health. It was, therefore, considered necessary to make the violations against lockdown and social distancing measures taken to contain the spread of COVID-19 as offences and also to prohibit the acts of violence against the persons implementing those measures.

2. The Government therefore decided to amend the Tamil Nadu Public Health Act, 1939 (Tamil Nadu Act III of 1939) for the aforesaid purposes. Accordingly, the Tamil Nadu Public Health (Second Amendment) Ordinance, 2020 (Tamil Nadu Ordinance 10 of 2020) was promulgated by the Governor on the 4th September 2020 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 4th September 2020.

3. The Bill seeks to replace the above said Ordinance.

DR. C. VIJAYABASKAR,
Minister for Health and Family Welfare.

Chennai,
15th September 2020.

K. SRINIVASAN,
Secretary.

Ex-IV-1-378-1

Ex-IV-1-378-2

Ex-IV-1-378-3

Ex-IV-1-378-1a

Ex-IV-1-378-2a

Ex-IV-1-378-3a