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PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

August 11, 2020

No. PAP /Legis-2(50)/2020/2296. The Punjab Infectious Diseases (Prevention and Control) Bill 2020, having been passed by the Provincial Assembly of the Punjab on July 15, 2020, and assented to by the Governor of the Punjab on July 28, 2020, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB INFECTIOUS DISEASES (PREVENTION AND CONTROL) ACT 2020

ACT XIII OF 2020

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated August 11, 2020.]

An
Act

to provide for prevention and control of infectious diseases in the Punjab.

It is expedient to make provisions for prevention and control of infectious diseases in the Punjab and matters ancillary and connected thereto.

Be it enacted by Provincial Assembly of the Punjab as follows:

PART I PRELIMINARY

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Infectious Diseases (Prevention and Control) Act 2020.
 - (2) It extends to whole of the Punjab.
 - (3) It shall come into force at once.
2. **Definitions.**— In this Act:
 - (a) "Act" means the Punjab Infectious Diseases (Prevention and Control) Act 2020;
 - (b) "declaration" means the declaration of a serious and imminent infection threat, made under section 3 of the Act;
 - (c) "Director General Health" means the Director General Health Services, Punjab;

- (d) "Government" means Government of the Punjab;
- (e) "minor" means a person with an age of less than eighteen years;
- (f) "notified medical officer" means a medical officer notified for the purpose of the Act by the Secretary;
- (g) "potentially infectious person" means a person who:
 - (1) is suspected to be infected or contaminated with an infectious disease;
 - (2) is a risk that such person might spread, infect or contaminate other persons with an infectious disease; or
 - (3) has arrived from or through an area affected by an infectious disease within fourteen days or such other period as may be specified by the Secretary immediately preceding the date of his arrival;
- (h) "Relief Commissioner" means the Relief Commissioner as defined in the Punjab National Calamities (Prevention and Relief) Act, 1958 (XXXIII of 1958);
- (i) "rules" means the rules made under the Act; and
- (j) "Secretary" means Secretary to the Government, Primary and Secondary Healthcare Department.

3. **Serious and imminent infection threat declaration.**— (1) The Secretary may, with the approval of the Chief Minister, by notification in the official Gazette, declare that the incidence or transmission of an infectious diseases poses a serious and imminent threat to public health in the whole or any part of the Punjab.

(2) The Secretary may, with the approval of the Chief Minister, by notification in the official Gazette, revoke a declaration made under subsection (1).

(3) Before seeking approvals under subsections (1) and (2), the Secretary shall have due regard to any advice from:

- (a) the Director General Health; and
- (b) not less than two eminent epidemiologists appointed by the Chief Minister for rendering such advice.

PART II

GENERAL HEALTH PROTECTION MEASURES

4. **Power to impose duties, confer functions etc.**— Subject to the declaration, the Secretary may, with the approval of Chief Minister:

- (a) impose duty upon all registered medical practitioners and health facilities in any area of the Punjab, to record, communicate and treat cases of infection or contamination; or
- (b) confer functions upon one or more officers and servants or a description of officers and servants of the Government, and if so required one or more local governments in the Punjab in relation to monitoring and control of public health risk; or
- (c) impose one or more restrictions or requirements on or in relation to persons, things or premises as mentioned in section 5.

Explanation: For the purpose of this section:

- (a) a registered medical practitioner shall include a registered medical practitioner not in employment of the Government; and
- (b) the term health facility shall be deemed to include a clinic, hospital, diagnostic laboratory and any other facility engaged in the provision of health services and not owned, financed, managed or run by the Government.

5. **General restrictions and requirements.**— (1) For purpose of section 4, a person or a class or description of persons may be required to:

- (a) undergo a specified medical examination and submit results as indicated in the requirement;
- (b) be disinfected or decontaminated;
- (c) wear specified protective clothing;
- (d) attend training or advisory sessions on how to reduce the risk of infecting or contaminating others;

- (e) be subject to one or more restrictions as to where he may go or with whom he may maintains contact; and
- (f) abstain from working or trading.
- (2) For purposes of section 4, a thing or a class or description of things shall:
 - (a) be seized or retained;
 - (b) be kept in isolation or a specified quarantine;
 - (c) be disinfected or decontaminated; and
 - (d) if so required, be destroyed or disposed of.
- (3) For purpose of section 4, the premises or class or description of premises shall:
 - (a) be kept in a sanitary condition; and
 - (b) be disinfected or decontaminated.

6. **Directions and restrictions relating to attendance of schools and burials etc.**— Subject to a declaration, the Director General Health may, for a specified period:
- (a) impose a specific or general duty upon persons who have responsibility for a minor to ensure that the minor does not attend his school; and
 - (b) impose a specific or general restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains.

**PART III
CONTROL OF EVENTS, GATHERINGS AND
PREMISES**

7. **Prohibition or restriction of events and gatherings.**— (1) Subject to a declaration, the Director General Health may issue directions prohibiting or imposing one or more requirements or restrictions in relation to the holding of an event or gathering for a specified period.

- (2) A direction under subsection (1), may be issued in relation to:
 - (a) a specified event or gathering; or
 - (b) events or gatherings of a specified description including description with reference to the number of people attending the event or gathering.
- (3) A direction under subsection (1) may only have the effect of imposing prohibitions, requirements or restrictions on:
 - (a) the owner or occupier of premises for an event or gathering to which the direction relates;
 - (b) the organizer of such an event or gathering;
 - (c) any other person involved in holding such an event or gathering.

8. **Closing or restricting entry into and exit from a premises.**— (1) Subject to a declaration, the Director General Health may issue directions prohibiting or imposing one or more requirements or restrictions in relation to the entry into, exit from, or location of persons in a premises for a specified period.

- (2) A direction under subsection (1) may be issued in relation to:
 - (a) a specified premises; or
 - (b) premises of a specified description.
- (3) A direction under subsection (1) may only have the effect of imposing prohibitions, requirements or restrictions on:
 - (a) the owner or occupier of premises to which the direction relates; and
 - (b) any other person involved in entry into, or exit from such premises or the location of persons in them.
- (4) A direction under subsection (1) may impose requirements for the purpose of:
 - (a) closing or sealing the premises;
 - (b) restricting entry into the premises; and
 - (c) securing restrictions in relation to the location of persons.
- (5) A direction under subsection (1) may, impose prohibitions, requirements or restrictions on:
 - (a) the facilities in the premises;

- (b) number of persons in the premises;
- (c) the size of the premises; and
- (d) the purpose for which a person is in the premises.

9. **Restricting entry into and exit from a general area.**— Subject to a declaration, the Deputy Commissioner of the concerned area may, on the advice of the Secretary, issue directions prohibiting, or imposing requirements or restrictions in relation to the entry into, exit from, or location of persons, goods, vehicles, vessels and other means of transportation in any area for a specified period.

PART IV CONTROL OF POTENTIALLY INFECTIOUS PERSONS

10. **Movement and retention of potentially infectious person to a suitable place.**— (1) In an area, subject to a declaration, a notified medical officer may, after having informed a potentially infectious person of the reasons for doing so, direct such person to proceed to a specified place which is suitable for screening and assessment and remain there for a period mentioned under subsection (3).

(2) Where a potentially infectious person fails to follow a direction under subsection (1), the notified medical officer may:

- (a) move him to the specified place; or
- (b) direct a police officer, through the concerned head of the district police, to move him to the specified place.

(3) A notified medical officer may require a potentially infectious person to remain at a place suitable for screening and assessment for a period which shall not exceed forty eight hours unless:

- (a) in the opinion of the notified medical officer, the person is required to be retained for a longer duration for valid satisfactory screening and assessment requirements; or
- (b) a longer maximum retention period is otherwise ordered by the Secretary with the approval of the Chief Minister in general or for one or more circumstances related to an infectious disease.

(4) The provisions of subsection (3) shall also apply to a person who voluntarily reports to a place specified for screening and assessment.

(5) After each subsequent interval of twenty four hours during which a person is retained at a place specified for screening and assessment, the notified medical officer shall review the need for continuing his retention.

(6) After making a review under subsection (5), the notified medical officer may:

- (a) discontinue retention if he considers that the retained person is no longer potentially infectious or contaminated; or
- (b) extend the period of retention if he considers that the person is potentially infectious at the end of that period.

11. **Duty to undergo screening and assessment.**— (1) In an area, subject to a declaration, a notified medical officer may impose upon a potentially infectious person one or more screening requirements to assess the level of risk of infection or contaminating to others, and carry out such an assessment.

(2) For the purpose of this section, a potentially infectious person shall:

- (a) answer every question on his health or other relevant circumstances including travel history and information regarding other persons who might have contacted him;
- (b) provide sufficient information to allow making a contact with him for the purpose of the Act during such period as the notified medical officer considers appropriate;
- (c) produce any document which may be required in assessing his health;
- (d) allow personal examination including measurement of body temperature and other physical conditions by an appropriate mean;
- (e) allow taking of a biological sample by an appropriate mean or provide such a sample; and

(f) forthwith move to and remain at another place which is, in view of the notified medical officer, suitable for the purpose of this section.

(3) The provisions of this section shall also apply to a potentially infectious person who has not been moved or retained for screening and assessment under section 10.

(4) A notified medical officer may impose one or more requirements under subsection (2) through a police officer.

12. Additional requirements and restrictions for persons presenting significant risk.—

(1) After screening and assessment under section 11, where:

- (a) a person is found to be infected or contaminated, or
- (b) the results of his screening and assessment are inconclusive, the notified medical officer may, after having informed him of the reasons for doing so, require such person to:
 - (i) provide any relevant information in addition to the information mentioned at subsection (2) of section 11;
 - (ii) undertake further screening and assessment;
 - (iii) remain at a specified place which may include a place suitable for screening and assessment for a specified period;
 - (iv) forthwith proceed to a specified place suitable for such purpose and to remain at such place for a specified period; or
 - (v) remain at a specified place in isolation from others for a specified period.

(2) A notified medical officer may, after having informed him of the reasons for doing so, impose one or more restrictions upon a person referred to in subsection (1) for a specified period which may include restrictions relating to:

- (a) his movement or travel including travels within and outside the Punjab;
- (b) his activities including work or business activities; and
- (c) his contact with other persons or with other specified persons.

(3) The period specified for requirements referred to in subsection (1) and the restrictions referred to in subsection (2) shall not exceed fourteen days unless:

- (a) in view of the notified medical officer, the requirement or restriction is required for a longer duration; or
- (b) a longer maximum period is otherwise ordered by the Secretary with the approval of the Chief Minister in general or for one or more circumstances related to an infectious disease.

(4) Where a person is required to remain at a place under subsection (1), the notified medical officer may direct a police officer, through the concerned head of the district police, to enforce such requirement.

(5) After each subsequent interval of forty-eight hours during which a person is subjected to a restriction or is retained under this section, the notified medical officer shall review the need for continuing the restriction or retention.

(6) After making a review under subsection (5), the notified medical officer may:

- (a) withdraw a requirement or restriction if he considers that the person subjected to a restriction or retention under this section is no longer potentially infectious or contaminated;
- (b) substitute a different requirement or restriction; or
- (c) extend the period of a requirement or restriction if he considers that the person is potentially infectious or contaminated at the end of that period.

13. Applicability of provisions to minors and wards.— (1) A person or a Guardian who has responsibility for a minor or a ward shall, secure that the minor or the ward complies with any direction, instruction, requirement or restriction imposed upon him under the Act.

(2) A person, or a Guardian who has responsibility for a minor or a ward shall provide to the person exercising a power under the Act such information and assistance in relation to the minor or the ward as is reasonably necessary and practicable.

(3) Where a power under the Act is exercisable in relation to a minor or a ward and he is unaccompanied, the person by whom that power is to be exercised shall, wherever practicable:

- (a) contact the person or the Guardian responsible for the minor or the ward before the exercise of the power; or
- (b) take reasonable steps after the exercise of that power to contact and inform the person or the Guardian responsible for the minor or the ward.

14. Duty to inform.— It shall be duty of every person, including

- (a) head of a family;
- (b) a health care provider including every physician, dentist, nurse, health aide, in-charge of a hospital or a diagnostic laboratory;
- (c) in-charge of a school, college, university, seminary or other education facility;
- (d) in-charge of a public transport, hotel, restaurant, work place or other public facility including a hostel; and
- (e) in-charge of a place of worship;

who knows or believes, or has reason to know or believe, that a person under his care, supervision or control is suffering from an infectious disease or is contaminated, to report such case to a notified medical officer immediately.

15. Pre-conditions and manner of exercise of powers.— (1) No power conferred under sections 10, 11, 12 and 13 the Act shall be exercised by a notified medical officer unless he considers it necessary and proportionate to do so:

- (a) in the interest of potentially infectious person;
- (b) for the protection risk of infection or contamination of other persons; or
- (c) in the interest of public health in general.

(2) A direction, instruction, requirement or restriction under the Act may give or impose orally or in writing.

(3) Without any prejudice to the generality of the provisions of subsection (2), where any requirement or restriction is given or imposed upon a person by a notified medical officer orally, he shall, as soon as reasonably practicable thereafter, give the person a notice setting it out in writing.

(4) A person exercising a power conferred under the Act shall have regards to:

- (a) any relevant guidance issued by the Secretary; and
- (b) any advice given by a notified medical officer in relation to any particular case.

16. Ancillary powers.— (1) A notified medical officer or a police officer may give reasonable instructions to a person in connection with:

- (a) a direction given to that person under a power conferred under the Act; or
- (b) moving that person or retaining him at a place under a power conferred under the Act.

(2) A power conferred under the Act to move a person to a place includes a power to keep the person for a reasonable period pending his movement.

(3) A police officer may use reasonable force, if necessary, in exercise of powers conferred under the Act.

(4) A police officer shall have the power to apprehend a person running away from a place where he is retained or isolated under the Act and return him to that place or another place which a notified medical officer may specify, and may use reasonable force, if necessary, for this purpose.

(5) A police officer, not below the rank of an Assistant Sub-Inspector, may enter any place for the exercise of a power conferred under the Act.

PART V
OFFENCES AND PENALTIES

17. Offences and penalties in respect of directions and restrictions imposed under Part II and III.— (1) A person commits an offence if he fails without reasonable excuse to comply with any direction, reasonable instruction, duty, requirement or restriction imposed upon him under the Act.

(2) A person guilty of a first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding two months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand rupees, or both.

(4) Where an offence under this section is committed by a body corporate:

- (a) the fine for a first offence shall not be less than fifty thousand rupees and not exceeding two hundred thousand rupees; and
- (b) the fine for a repeat offence shall not be less than one hundred thousand rupees and shall not exceed three hundred thousand rupees.

(5) Where an offence under this section by a body corporate is proved:

- (a) to have been committed with the consent or connivance of an officer of the body; or
 - (b) to be attributable to any neglect on the part of such an officer,
- the officer shall be guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

18. Offences and penalties in respect of certain directions, restrictions and duties imposed under Part IV.— (1) A person commits an offence if he:

- (a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed upon him under Part IV of the Act; or
- (b) fails without reasonable excuse to comply with a duty imposed upon him in relation to a minor or ward under section 13 of the Act; or
- (c) knowingly provides false or misleading information in response to a requirement to provide information under sections 11 and 12 of the Act; or
- (d) obstructs a person who is exercising or attempting to exercise a power conferred under Part IV of the Act.

(2) A person guilty of a first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding three months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding one year or a fine not exceeding one hundred thousand rupees, or both.

19. Offence and penalty for running away from a place of retention.— (1) A person commits an offence if he runs away or attempts to run away while being moved to or kept at a place under Part IV of the Act.

(2) A person guilty of first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding six months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding eighteen months or a fine not exceeding one hundred thousand rupees, or both.

20. Cognizance and trial of offences.— (1) No court other than that of a Magistrate of first class shall take cognizance of or try an offence under the Act.

(2) All offences under the Act shall be tried in accordance with the procedure prescribed for summary trials of offences under the Code of Criminal Procedure, 1898 (V of 1898).

**PART VI
COMMON PROVISIONS**

21. General powers for prevention and control of infection.— (1) Without prejudice to other provisions of the Act as well as the powers conferred under the Punjab National Calamities (Prevention and Relief) Act, 1958 (XXXIII of 1958):

- (a) the Relief Commissioner may take all such steps and measures which he deems necessary to provide relief to persons affected by an infectious disease in any area subject to a declaration; and
- (b) The Deputy Commissioner of the district subject to a declaration, shall take all such steps and measures which he deems necessary to maintain order and provide immediate relief to persons affected by an infectious disease.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Relief Commissioner or, as the case may be, the Deputy Commissioner of the district subject to a declaration, shall have the powers to:

- (a) evacuate or segregate population;
- (b) requisition means of transport including motor vehicles, carriages, boats and earth moving machinery;
- (c) require declaration of surplus stocks of food, medicines and other stores and commodities considered essential by him and to requisition them;
- (d) requisition of buildings, facilities including facilities relating to provision of health services;
- (e) conscript labour; and
- (f) direct any person to abstain from certain act or to take certain orders, requirements and restrictions.

(3) A person owning transport, articles, stocks, medicines, building and facilities which are requisitioned or the labour who are conscripted for work or the person who is directed to abstain from certain act or to take certain orders, requirements and restrictions under this section, shall be entitled to a reasonable compensation as determined by the Relief Commissioner.

(4) Subject to the right of an owner to a claim under subsection (3), the transport, articles, stocks, medicines, building and facilities shall forthwith rest with the Relief Commissioner who may himself, or through the Deputy Commissioner, deal with them in such manner as he deems proper in order to discharge his duties under this section.

22. Enforcement.— (1) The Deputy Commissioners shall, in the respective districts, ensure compliance of an order, direction, restriction, requirement or any other measure under the Act.

(2) For purposes of subsection (1), a Deputy Commissioner may take such steps or pass such orders as he considers necessary including an order to an officer sub-ordinate to him or a police officer, through the concerned head of the district police.

(3) For purposes of enforcement of an order, direction, restriction or requirement issued under sections 4, 5 and 6 of the Act, a Deputy Commissioner, an officer sub-ordinate to him, a police officer or any other person referred to in subsection (2), may:

- (a) enter upon any premises;
- (b) detain persons for a maximum period of twenty four hours; and
- (c) if necessary, use reasonable force to ensure compliance.

23. Requisition of services of Government officials.— The Relief Commissioner or, as the case may be, the Deputy Commissioner of the area, subject to a declaration, may after having consulted the Secretary of the respective Administrative Department of the Government, requisition the services of officers and officials of that Department for the purpose of the Act.

24. Delegation and concurrent exercise of certain powers.— (1) The Secretary may delegate all or any of the powers conferred upon him under the Act, except the powers conferred under section 3, to a Commissioner, Deputy Commissioner or any other officer sub-ordinate to him.

(2) The Relief Commissioner may delegate all or any of the powers conferred upon him under the Act to a Commissioner, Deputy Commissioner or any other officer sub-ordinate to him.

(3) The powers of a notified medical officer under the Act shall be concurrently exercisable by the respective Assistant Commissioners.

25. Revision against an order etc. of notified medical officer and others.— (1) A person against whom an order, direction, instruction, requirement or restriction has been imposed by a notified medical officer or a police officer under the Act may file a revision petition before a board comprising the Commissioner of the respective division and a medical officer notified by the Secretary.

(2) A revision petition under subsection (1) may be filed by the person responsible for a child or a ward in relation to whom an order, direction, instruction, requirement or restriction has been imposed by a notified medical officer or a police officer under the Act.

(3) All revision petitions shall be decided by the board through a written order within fifteen days from its presentation.

26. Bar to action.— No order made under the Act shall be called in question in any court and no civil or criminal proceedings shall be instituted against any person for anything done in good faith against any person for any loss or damage caused to, or in respect of any property whereof possession has been taken under the Act.

27. Confidentiality.— (1) Any information, collected or held by a public servant or by any other person, that identifies a person with an infectious disease, or have been positively tested for an infectious disease, his address or contacts, shall not be released or made public except under this section.

(2) The information under subsection (1) may be released or made public:

(a) with the consent of the identified person;

(b) to a physician retained by the identified person;

(c) to enforce the provisions of the Act and the rules;

(d) to a medical practitioner for purposes of treatment of the person with an infectious disease;

(e) to blood banks, schools and prisons; and

(f) to the person responsible for a minor or a ward.

28. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

29. Removal of difficulties.— The Government may, by an order, provide for the removal of any difficulty which may arise in giving effect to the provisions of the Act.

30. Overriding effect.— The provisions of the Act shall have effect notwithstanding anything contained in any other law for the time being in force.

31. Repeal and savings.— (1) The Punjab Epidemic Diseases Act, 1958 (XXXVI of 1958) is hereby repealed.

(2) Save as otherwise provided in the Act, repeal of the Punjab Epidemic Diseases Act, 1958 (XXXVI of 1958) shall not affect:

(a) the previous operation of the Punjab Epidemic Diseases Act, 1958 (XXXVI of 1958) or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Punjab Epidemic Diseases Act, 1958 (XXXVI of 1958);

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Punjab Epidemic Diseases Act, 1958 (XXXVI of 1958); and

(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal

proceedings or remedy instituted, continued or enforced and any such penalty, forfeiture and punishment imposed under the Punjab Epidemic Diseases Act, 1958 (XXXVI of 1958).

32. Repeal.— The Punjab Infectious Diseases (Prevention and Control) Ordinance 2020 (II of 2020) is hereby repealed.

Muhammad Khan Bhatti
Secretary