

Question no. 2 (Slide no. 3)

What penal provisions can be invoked in case of breach:-

Ans: Epidemic Act, 1897

Section 3 of Epidemic diseases act 1897, prescribes penalty for disobeying any regulation or order made under the Act in accordance with section 188 of the Indian Penal Code.

Disaster Management Act, 2005

Chapter X, Section 51 to 60, of the Disaster to Management Act deals with the offences and penalties under the Act.

Section 51 :

Firstly, it is attracted by the persons who leave their homes to pursue non-essential work. Punishment: Imprisonment of a term upto **1 year** or **fine** (not prescribed under the provision) or **both**.

Secondly, the latter part of Section 51, in present conditions, is attracted by persons who are tested positive for the Coronavirus but run away from quarantine. Punishment: Imprisonment of a term upto **2 years**.

Section 54

Section 54 of the Disaster Management Act can be used to punish those who spread false information. Section 54 says that sharing any update or forward whether on WhatsApp or any other social media platform, which is "false", is a criminal offence.

Indian Penal Code:

- **Section 188:** Section 188 of IPC prescribes two different punishments based on the gravity of the disobedience. Firstly, if the disobedience causes or tends to cause obstruction, annoyance or injury to any person lawfully employed, then the quantum of punishment shall be simple imprisonment with a term extendable up to 1 month or a fine of an amount up to 200 rupees, or both.

The latter part of Section 188 deals with the kind of disobedience that is most likely to take place during these times i.e., disobedience which causes danger to human life, health or safety or causes or tends to cause riot or affray will be punished with an imprisonment term up to **6 months** or a fine up to 1,000 rupees or both.

The essential ingredients of the offence under section 188 IPC are

- (1) That an order promulgated by a public servant
- (2) That the order was legal

- (3) That the public servant was lawfully empowered to promulgate it
- (4) That the order was brought to the knowledge of the accused
- (5) That there was disobedience of the order, and
- (6) That such disobedience caused or intended to cause obstruction, annoyance or injury to any person danger to human life, health or safety or causes or tends to cause riot or affray

- **Section 269** of the Indian Penal Code can be invoked to ensure that nobody spreads infection of a dangerous disease. The object of the section is to prevent people from doing acts which may spread infectious diseases. The infection so caused by the offender must be likely to cause such infectious diseases which are dangerous to life. Punishment under this section may extend to six months or with fine or with both.
- **Section 270** of the Indian Penal Code can be invoked if people malignantly fail to act during an epidemic. For conviction under this section an act which is attributed to the accused must be shown as likely to spread disease which is both infectious and dangerous to life. Punishment under this section may extend to two years or with fine or with both
- **Section 271 IPC:** The offence under this section requires, (1) that there was rule of quarantine in force by the government (ii) that the offender had notice and knowledge of such rule, (iii) the rule was for regulating the intercourse of vessels in a State of quarantine or for regulating the intercourse between places where infectious disease prevails (iv) the accused disobeys the rule and (v) the accused had done it knowingly. Punishment under this section may extend to six months or with fine or with both.