

THE RAJASTHAN EPIDEMIC DISEASES ACT, 1957

(Raj. Act No. 30 of 1957)

[Published in Rajasthan Gazette (Raj.-Patra), Extra-ordinary, Part IV-A dated the 22nd November, 1957.]

CONTENTS

Section

1. Short title, extent and commencement
2. Power to take special measures and prescribe regulations as to dangerous epidemic diseases
3. Penalty
4. Protection to persons acting under Act.
5. Repeal
6. Rajasthan General Clauses Act to apply

THE RAJASTHAN EPIDEMIC DISEASES ACT, 1957

(Act No. 31 of 1957)

(Received the assent of the Governor on the 17th day of November, 1957)

An Act to provide for the prevention of the spread of epidemic diseases

Whereas it is expedient to make provision for the prevention of the outbreak or spread of dangerous epidemic diseases in the State of Rajasthan :—

Be it enacted by the Rajasthan State Legislature in the Eighth 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, 1957.

(2) It extends to the whole of State of Rajasthan.

(3) It shall come into force at once.

2. Power to take special measures and prescribe regulations as to dangerous epidemic diseases—(1) When, at any time, the State Government is satisfied the State or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the State Government, if it thinks 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 it shall deem necessary, to prevent to outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensations, if any) shall be defrayed.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may take measures and prescribe regulations for 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.

(3) The State Government may, by general or special order, empower a Collector to exercise in relation to his district all the powers

under this section exercisable by the State Government in relation to the State other than the power to determine in what manner and by whom any expenses incurred (including compensation, if any) shall be defrayed.

(4) The exercise of powers delegated by the State Government to a Collector under sub-section (3) shall be subject to such restrictions, limitation and conditions, if any, as may be specified by the State Government and to the control of and to revision by, the State Government.

NOTIFICATION

[Notification No. F. 3(8) MPH/65/Gr-II, dated 4-12-1965, published in Rajasthan Gazette, Part IV-C, Ordinary, dated 17-2-1966]

In exercise of the powers conferred by sub-section (3) read with sub-section (4) of section 2 of the Rajasthan Epidemic Disease Act, 1957 (Rajasthan Act 31 of 1957), the State Government hereby empowers all the Collectors of the Districts to exercise in relation to their respective Districts all the power exercisable by the State Government under section 2 of the said Act, other than the power to determine in what manner and by whom any expenses incurred (including compensation if any), shall be defrayed :

Provided that the powers to prescribe regulations under sub-sections (1) and (2) of the said section shall be exercised by the said Collector in consultation with the Director of Medical and Health Services, Rajasthan, Jaipur, and other Medical and Health authorities of the District concerned.

3. **Penalty**—Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code (Central Act XLV of 1860).

COMMENTARY

General.—[A case under Orissa Regulations]—Where a person did not get himself inoculated against Cholera, nor did he have in his possession a Certificate from a Medical practitioner showing that he had been inoculated against cholera within a period of 6 months, he was guilty of contravening Regulations 7 and 8 of the Regulations made in exercise of the powers conferred on the State Government by section 2(1) of the Epidemic Disease Act for the purpose of preventing the spread of cholera.

In such person felt that the Homeopathic method of providing immunity against attack of cholera should be put on a par with the allopathic method of inoculation, it was open to him to move the appropriate authorities and get a suitable exemption clause inserted in the Regulations. But in the absence of such an exemption clause he must be held to have contravened the provisions of the said Regulations. By reason of paragraph 15 of the Regulations the person was guilty under S. 188 Penal Code.—J. Choudhury vs. The State, AIR 1963 Orissa 216.

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.

5. **Repeal**—The Rajasthan Epidemic Diseases Ordinance, 1957 (Rajasthan Ordinance 3 of 1957) is hereby repealed.

6. **Rajasthan General Clauses Act to apply**—The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) shall, as far as may be, apply mutatis mutandis to this Act.

GOVERNMENT OF RAJASTHAN
MEDICAL, HEALTH & FAMILY WELFARE DEPARTMENT

No. F9(58)M&H/2/09

date: 10-12-2009

NOTIFICATION

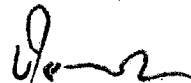
Whereas it is expedient to make provision for the prevention of the outbreak or spread of dangerous epidemic diseases in the State of Rajasthan.

And whereas, the State Government of Rajasthan has ascertained that the Influenza A (H1N1) constitutes a dangerous communicable disease which has the potential of assuming epidemic proportions unless special measures are taken in the State of Rajasthan.

Now, therefore in supersession of this Department Notification No. F. 3(8)MPH/65/Gr-II, dated 4-12-65, published in Rajasthan Gazette, Part IV-C, Ordinary, dated 17-2-1966 and, in exercise of the powers conferred by sub-section (3) read with sub-section (4) of section 2 of the Rajasthan Epidemic Diseases Act, 1957 (Rajasthan Act 31 of 1957), the State Government hereby empowers all the Collectors of the districts to exercise in relation to their respective districts all the powers exercisable by the State Government under section 2 of the said Act , other than the powers to determine in what manner and by whom any expenses incurred (including compensation if any), shall be defrayed :

Provided that the powers to prescribe regulation under sub-section (1) and (2) of the said section shall be exercised by the collectors of the said Districts in consultation with Director of Medical and Health Services, (Public Health) Rajasthan, Jaipur .

By order



(G.S. Sandhu)

Principal Secretary to Government

Government of Rajasthan
Medical, Health & Family Welfare Department

No. F9(58)M&H/2/09

Date: 12/12/2009

All Divisional Commissioners
All Collectors

Subject:- Issue of Notification under 'The Rajasthan Epidemic Diseases Act, 1957' – Action to be taken thereunder:

As you are aware that the State Government has been taking all such steps which are necessary for the treatment of Swine Flu patients and to contain spread of the said disease such as screening of passengers at the airports, screening of patients in all Government & Private institutions, issue of guidelines for schools, isolation of patients in hospitals, authorizing and binding the private hospitals for reserving isolation beds, providing Government & Private testing facilities etc.

Nevertheless, the State Government have issued a notification under 'The Rajasthan Epidemic Diseases Act, 1957' where in all the Collectors of the State have been empowered to exercise in relation to their respective districts, all the powers exercisable by the State Government under section 2 of the said Act. Relevant portion of the said Act (copy Enclosed) states as under:

Section 2: "Power to take special measures and prescribe regulations as to dangerous epidemic diseases:- (1) When, at any time, the State Government is satisfied the State or any part thereof is visited by, or threatened with an outbreak of any dangerous epidemic disease, the State Government, if it thinks 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 it shall deem necessary, to prevent to outbreak of such disease or the spread there of, and may determine in what manner and by whom any expenses incurred (including compensations, if any) shall be defrayed.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may take measures and prescribe regulations for 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."

In the light of said notification, you please assess the situation under your area and take further all such steps which are necessary for the treatment of patients of Swine Flu and to stop further spread of Swine Flu in consultation with the Director, Medical & Health Services(Public Health) Rajasthan, Jaipur.

State Government may please be intimated of the action taken.

Enclosure: 1


(G.S.Sandhu)

Principal Secretary to Government
Medical, Health & Family Welfare Department

No. F9(58)M&H/2/09

Date:

Copy for information and necessary action to:-

1. PS to Hon'ble Chief Minister, Government of Rajasthan, Jaipur
2. PS to Hon'ble Health Minister, Government of Rajasthan, Jaipur
3. PS to Chief Secretary, Government of Rajasthan, Jaipur
4. PS to Principal Secretary Medical Education Secretary, GOR
5. PS to PDRHSDP/ P.S. to M.D. NRHM.
6. Director(P.H.) Medical & Health Services, Rajasthan, Jaipur
7. DS Medical Education Gr-1
8. Control Room/Server Room/Office copy/ PRO

(G.S.Sandhu)

Principal Secretary to Government