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**NEED TO REFORM UNDER NATIONAL LAWS ON  
EPIDEMIC/PANDEMIC: LEGAL ANALYSIS OF SITUATION OF  
COVID-19**

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**Abstract:-**

Whole World is facing deadly COVID 19 pandemics/Corona virus. India has high rate of death due to this community connected /communicable disease among all developed/developing countries. Whatever medical officer/workers/worriers are doing for medical welfare of nation is really appreciated but we need strong/protective legal protection from legislature. This is need of hour to give legal protection to nation/ society/medical field. But we have only some laws on epidemic/pandemic for example Epidemic Act of India,1897,National Disaster Management guidelines, 2007,Disaster Management Act, 2005, The Public Health (Prevention, Control and Management of Epidemics, Bio-Terrorism and Disasters) Bill of 2017, Epidemic Disease Amendment Act,2020. These laws are not sufficient to meet to problems of COVID 19 Pandemic. Researcher will discuss that How far the post pandemic medical /epidemic laws have helped in corona viruse/COVID-19?

**Introduction:**

Whole World is facing deadly COVID 19 pandemics/Corona virus. India has high rate of death due to this community connected /communicable disease among all developed/developing countries. Whatever medical officer/workers/worriers are doing for medical welfare of nation is really appreciated but we need strong/protective legal protection from legislature. This is need of hour to give legal protection to nation/ society/medical field. But we have only some laws on epidemic/pandemic for example Epidemic Act of India,1897,National Disaster Management guidelines, 2007,Disaster Management Act, 2005, The Public Health (Prevention, Control and Management of Epidemics, Bio-Terrorism and Disasters) Bill of 2017, Epidemic Disease Amendment Act,2020. These laws are not sufficient to meet to problems of COVID 19

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Pandemic.

In this project researcher wants to give some views about epidemic disease act of India,1987 this is irony of India, is having 122 years old<sup>2</sup>statute,stillfollowing.which was enacted by parliament of Britain for the purpose of curbing a situation which was arose in one particular part of India, not for whole india.Motive behind the aforementioned act only to stop gethering of freedom fighters those who were raising voice against inhuman treatment during Epidemic or in real they were just depopulated/finishing freedom fighters from india. Even they didn't define the term ' epidemic'. Also epidemic disease act didn't have specific or particular directions or guidance for the government that what to do during the epidermic.this act particularly empowers to British government to do what they want to do for their interest.

The Epidemic Act does not give any guidelines for formation of a special committee or a disaster management team which can act upon the emergency in a prescribed and precautionary manner without waiting for the state government to act after considering other factors of the state.The Act does not provide measures for isolation of the suspected patients and isolation centres. There should be provisions directing the state governments to build isolation centres in all hospitals and housing societies to be used as isolation centres at the time of epidemic.The Act is silent on the part of how the vaccines and drugs can be distributed by the government. As the Act is silent on all these aspects it leaves no ground for the public at large to hold the government responsible for any kind of negligence on the part of the government in the court of law as there is no proper mechanism on which the government can act on. The provisions give the liberty to the State Government to prescribe temporary regulations which can be more of trial and error rather than being rigorous measures to control the epidemic<sup>3</sup>

### **Statement of problem:-**

- How far the post pandemic medical /epidemic laws have helped in corona viruse/COVID-19?

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<sup>2</sup>PushkarDeshpanday, India: The Epidemic Act Of India 1897: An Analysis Vis-À-Vis The Covid-19 Pandemic<https://www.mondaq.com/india/government-measures/928706/the-epidemic-act-of-india-1897-an-analysis-vis-vis-the-covid-19-pandemic>( last visited 9 September,2021 )

<sup>3</sup>PushkarDeshpanday, India: The Epidemic Act Of India 1897: An Analysis Vis-À-Vis The Covid-19 Pandemic<https://www.mondaq.com/india/government-measures/928706/the-epidemic-act-of-india-1897-an-analysis-vis-vis-the-covid-19-pandemic>( last visited 9 September,2021 )

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- these pre pandemic laws being encouraged and celebrated being the utmost method for dealing with these deadly pandemic/epidemic?

In response to the abovementioned problems, this study proposes majorly the analysis of post COVID 19 Pandemic laws on specifically medical and national welfare issues.

So that clear picture can be attained as to how the epidemic laws has expanded and developed during these years with the help of the medical field survey ,MCI etc.

### **Conceptualization & Reverence:**

India's reaction to the Covid sickness (Covid-19) pandemic has so far been affected prevalently by three unique laws – the Epidemic Diseases Act, 1897 (EDA); the Disaster Management Act, 2005 (DMA); and the Indian Penal Code, 1860 (IPC). After the assertion of the pandemic as a “notified disaster”, the National Executive Committee of the National Disaster Management Authority (NDMA), set up under the DMA, has been forcing the evaluated lockdowns<sup>4</sup> and giving intermittent rules to states for implementing the lockdowns. At the same time, both the focal and state governments have sworn by EDA to address the wellbeing part of this fiasco. Nonetheless, individuals disregarding lockdown orders are being charged under sections 188, 269 and 270 of IPC. The utilization of an ad hoc legitimate design with a variety of sculptures has brought about an interwoven reaction against the plague in a few regions. The old three-page-and-four-area EDA doesn't characterize what comprises a “hazardous scourge sickness”. It gives unbridled capacity to the leader to react to the illness by the method of proclaiming statutes or guidelines, however without due care to the social and reputational remaining individuals influenced because of the pandemic.

Essentially, DMA, passed as a quick reaction to the 2004 tidal wave, is generally outlined for compelling readiness, alleviation and dealing with a characteristic or man-made cataclysm, setback or a calamity like waves, seismic tremors and twisters. These occasions are typically topographically confined cataclysmic occasions, upsetting ordinary life for a couple of hours or days, however in contrast to a general wellbeing plague, don't keep going throughout an extensive stretch of time. As opposed to

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<sup>4</sup>[https://www.google.com/amp/s/www.hindustantimes.com/analysis/india-needs-a-new-epidemic-control-and-management-law/story-cglkPZb9OCLWObjFqk2uO\\_amp.html\(last](https://www.google.com/amp/s/www.hindustantimes.com/analysis/india-needs-a-new-epidemic-control-and-management-law/story-cglkPZb9OCLWObjFqk2uO_amp.html(last) (accessed 9 September, 2021)

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cataclysmic events, actual clearing of individuals from an influenced region to a generally protected zone isn't an alternative during a pandemic because of the probability of the spread of the contamination.

Cognisant of the absence of suitable scourge control and the executives law, in 2017, the Union service of wellbeing and family government assistance arranged a far reaching Public Health (Prevention, Control and Management of plagues, bio-psychological oppression, and calamities) Bill to address the escape clauses in the current laws including EDA. Nonetheless, the Bill didn't get postponed in Parliament. An Approach Paper on another Public Health Act proposed by a 2012 team is likewise assembling dust.<sup>5</sup>

### **Scope of the Study:-**

The extent of the study is limited to the pre and post COVID-19 Pandemic laws as it provides medical security in a democratic country like India. The present study will majorly include the analysis of the great epidemic laws like epidemic disease act of India, 1987, Disaster management act, 2005 etc. that have helped developing the medical health of Indian under Indian. The limitation of the study is that it will be limited to the laws involving pandemic/Epidemic issues.

### **Aim and objectives:-**

The major objectives of this study are:

- To study the origin of Pandemic/ Epidemic laws national and international level.
- To study the concept of Pandemic /Epidemic laws as an essential aspect of National/Medical protection
- To critically examine the role of Pandemic/Epidemic laws in the medical health protection of citizens, medical officers, labourers, women, and also deals with the

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<sup>5</sup> Ibid,

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essential commodities laws

- To study the impact of Epidemic Disease (Amendment) Act, 2020
- To study the jurisprudential base of these post pandemic laws in development of the nation.
- To address the need to analyze the pre pandemic laws in the light of national health issues to find a progressive solution to the present day problems.
- To study recent judgements with Pandemic/ Epidemic and analyse them vis-à-vis past Experience.

### Methodology:-

This work will primarily be based on Doctrinal research wherein descriptive and analytical Methods will be used. Doctrinal research literally means methodology which deals with matter how we will conduct the research or what thing we will use in research. Doctrinal research generally takes into account recent case laws( which also includes precedents), provisions (constitutio, statutory), adjudication (judgements, tribunal adjudications), legal general (national, international, other social disciplinary), other legal sources. It is distinct from empirical research which generally deals with survey/field study based research. In other words doctrinal research called as library oriented research. In this type of research, Researcher have to examine all legal documents available on that particular point of research.

While doing the research the researcher will consider primary as well as Secondary resources including commentaries, articles in law journals, books, judgments, websites, Research papers.

Doctrinal research can be done through primary and secondary sources. But what is primary and secondary sources for Doctrinal research.

Primary resources:- this source will provide the direct link or direct evidence or first hand information about reachable matter. In easy word this primary source will provide finished or finalised evidence about research for which researcher is getting information. Now we will understand what things are included in primary legal documents, historical documents, statistical data, audio and video recordings, virtual conferences during COVID 19 Pandemic, examinations by magistrates, eye witnesses, first hand information, creative writing, forensic reports, confessions and admissions of

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criminal speeches ,art objects, governmental reports, legislations,uno reports.

Secondary resources:- this source will provide the indirect evidence or information, secondary research will provide you restatement of primary sources, interpretation,analysis,has no authoritative value but has persuasive value . Secondary sources generally explain and describe the primary sources.secondry sources generally includes biographies, newspapers, dissertation, political commentary,textbooks, article, generals,comments on or analyseprivious research, criticism of literature,artworks,music, law, legal webseries.

### **Research Hypothesis :-**

Keeping in view the above objectives, an attempt has to be made to test the following hypothesis:

- How this pre pandemic/Epademic laws helped in health,economic, society of India.
- whether we need to reform / enact more laws to meet the present day Pandemic/Epademic problem.

### **Scheme of tentative chapterization:-**

Chapter I:Introduction – deals with the general introduction,meaning and utility of the Pandemic/Epademic laws The chapter will also describes the scope and purpose of the research.

Chapter II:Historical Background of Pandemic/Epademic:- Evolution & Development –

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will deal with the Origin and historical background as to the development of these laws realized as one of The most important part of national health, economic, society.

Chapter III:International Scenario as to the Role of Pandemic /Epademic laws – will study the position and relevance given to the Epademic/Pandemic laws on an international level as, not all theCountries appreciate and allow the Epademic/Pandemic laws in their national health .

Chapter IV: Role of Epademic/Pandemic laws by parliament of India in dealing with problems in general-

A brief Discussion about the role of these laws in the field of health, economic, society welfare

Chapter V:Role of Pandemic/Epademic laws in development of nation's law and order and quar – will study and analyze these laws and judgements of the Supreme Court with respect to law and order and quarantine .

Chapter VI: Conclusion & Suggestive Measures:

researcher will share the suggestive/corrective measures, which can encourage and protect health of Medical officer and general, and economy of India which preserves the nation during these deadly pandemic/Epademic situations.

### **Bibliography:-**

- Epademic Disease act of India,1897
- Disaster management act,2005
- Indian Penal code,1860
- Epademic Disease act,2020

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**Budget Estimates:-**

<b>Research Staff :</b>	
Full time/Part-time/Hired Services	6,35,000
Fieldwork: Travel/Logistics/Boarding, Survey Preparation or Consultancy etc.	5,35,000
Equipment and Study material: Computer, Printer, Source Material, Books, Journals, Software, Data Sets etc.	1,80,000
Contingency:	75000
Publication of Report	75000
<b>TOTAL</b>	<b>1500000</b>
Institutional Overheads (over and above the total cost of the project)	80000

**Time Line:-**

Test Research	5 Months
Study/Survey	3 months
Questionnaire	2 months
Data collections	4months

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Compilation of Data	2 Months
Analysis of Data	3 Months
Finding/Reporting	3 Months



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