



CENTRE FOR STUDY AND RESEARCH ON
LEGISLATIVE
DRAFTING (CSRLD)

**REVAMPMENT OF THE EPIDEMIC
DISEASES ACT 1897 –
ISSUES & CHALLENGES**



ABOUT KIIT

KIIT was established in 1992 as an Industrial Training Institute with only 12 students and two faculty and in the present time it has achieved to be one of the prestigious universities in India. In 2004 it was conferred the status of deemed university under Section 3 of UGC Act, 1956 by the Ministry of Human Resources Development, Govt. of India in 2004 and 2017 respectively, within only seven years of its institution. This institution is a brainchild of a wonderful leader and patronage of Prof. (Dr.) Achyuta Samanta, Member of Parliament, Lok Sabha.

KIIT deemed to be university has a very good reputation internationally as well and it welcome students from all corners of the globe. It's student body currently has representation from over 45 countries and with this growing trends of globalization of higher education, it has established collaboration with over 140 globally reputed universities abroad. KIIT have a curriculum paying attention to the global perspective and maintaining high global standards.

KIIT university is unique in integrating professional education with social concern. It's protege, Kalinga Institute of Social Sciences (KISS), provides holistic education from KG to PG, food accommodation, health care and all basic necessities absolutely free to 25,000 poorest of the poor tribal children and 5% of the revenue of KIIT is donated in KISS for social development.

Some of the great achievements which KIIT university earned in a very short span of time are:-

- Institute of Eminence (IoE)
- 8th among reputed private universities in India, as per World University Ranking; and
- 42nd among all Universities in India , as per NIRF ranking; and
- 2nd ranked among self-financing institutions in India, as ranked by Ministry of Human Resource Development

Students and guardians have become exhilarated following this remarkable achievement by KIIT.

ABOUT KISS

KISS Deemed to be University: Kalinga Institute of Social Sciences (KISS) was founded by Prof. Achyuta Samanta in 1992-93 with a view to imparting quality education to the poor tribal children from standard I level to post graduation as well as doctoral level research absolutely at free of cost in residential set up. Its higher education wing was given Deemed University status by the Ministry of Human Resource Development (HRD), Govt. of India in August, 2017. This University is the first tribal university in the entire world and is dedicated to work exclusively for educating and empowering tribal students. The University has introduced seven new innovative courses in the first phase to provide impetus to research in the areas of tribal economy, polity, culture, religion, heritage, languages and literature. Besides implementing the United Nation's Sustainable Development Goals in its true sense, KISS has been able to bring about much needed social changes in the tribal areas of Odisha and its neighbouring states.

ABOUT SCHOOL OF LAW

KIIT law school was established under the affiliation of KIIT deemed to be university in the year 2007 with the purpose to meet the growing demand for legal professionals in the wake of globalization and rapid expansion of India's economy. Academic Programs of the School are recognized and approved by the Bar Council of India (BCI), the apex body regulating the legal education in India, and UGC. The school in a very short span of time has achieved to be one of the leading Law Institution in the world as The KIIT Law School was ranked 13 in India by Outlook India's "Top 30 collages in 2019". The National Institutional Ranking Framework (NIRF) ranked it 12 among law colleges in 2020 and it was ranked in the 291-300 band in the QS University Rankings BRICS Rankings of 2019. Apart from offering an elaborate, contemporary framework of the academic syllabus patterns, it also has extensive encouragement for the students for all sorts of engagements for an overall development of the students out the scope of regular syllabuses.

KIIT also has had the honour to host two of the most prestigious moot court competitions held by the country which is The 52nd Phillip C. Jessup Moot Court Competition and the First Bar Council of India (BCI) International Moot Court Competition. It has also been successfully organized the 3rd International and 7th Biennial Conference of Indian Society of Victimology.

Students have created history by winning the 33rd Bar Council of India all India Inter-University Moot court Competition in 2013 as this was time any team from a private university won this prestigious BCI Moot Court Competition and also won prestigious moots of 6th B.R Sawhney Memorial Moot, Best Memorial Winner at 4th N.R. Madhav Menon SAARC Moot Competition, Semi Finalists at 6th NUJS Parliamentary Debate Competition, and the list of such success goes on. With yearly grooming of students in Trials, Moots and Debates competitions, KIIT School of Law is ardently aimed at preparing the best advocates and the lawyers of Today and tomorrow.

ABOUT CSRLD

The Centre for Study and Research on Legislative Drafting (CSRLD), a first of its kind was established in 2016 under the patronage of the former Hon'ble Chairman Prof. (Dr.) N.K. Chakrabarti. The centre engages in extensive study and research on the manner, impact and outcomes of legislating through the lens of traditional best practices and the emerging trends during the 21st century. The Centre conducted its first Certificate Course on Legislative Drafting (CCLD) in February, 2016. The centre aims to achieve progressive outcomes in the field of drafting of laws. It is committed towards imparting latent essential skills that a draftsman is obliged to be equipped with to yield expertise and specialised professional etiquette in the pitch of drafting statutes. Since 2015, a couple of successful programmes on legislative drafting have been organised by School of Law, KIIT effectively under the tutelage of internationally and nationally acclaimed resource persons. Interestingly, participants from around the country have witnessed the wide array of the legislative study. At present looking at the dire need to prepare skilled professionals in the very field, CSRLD is looking forward to volunteer many more workshops, certificate courses and competitions. The centre thus envisages to nurture the law makers with adequate knowledge of law making and to become a rich source of preparing the finest draftsmen of law.

REVAMPMENT OF THE EPIDEMIC DISEASES ACT

1897 – ISSUES & CHALLENGES

A. Concept Note:

In 2020, news of the Covid-19 pandemic ushered in an unprecedented crisis which questioned the very foundation of public health in India. Soon after the initial declaration of the pandemic, governments swung into action, and resorted to invoking disaster management and public health legislation to tackle the rise in the number of Covid-19 cases and the governance problems that accompanied it. One of the earliest and most popular pieces of legislation invoked was the Epidemic Diseases Act, 1897. The Act of 1897 is 123 years old, and through it the governments have been found to tackle the unprecedented health crisis in the 21st century. It was originally drafted in response to the rapidly spreading Bubonic Plague in Mumbai during 1896. The Act hasn't been immune from defects, time and again, the overarching flaws of the Act have been highlighted by experts. The Act contains four sections which nowhere defines the term 'epidemic' also it does not provide for any criterion for when it can be invoked. There is lack of any standard operating procedure and merely gives the state governments the authority to assume extraordinary powers and in the event the governments deems its own ordinary powers insufficient. Regulations regarding air travel, coherent enforcement measures are other much needed factors which remains unaddressed in the Act. Earlier an attempt was taken to replace the Act with the Public Health (Prevention, Control, and Management of Epidemics, Bio-terrorism and Disasters) Bill 2017. However, the Bill has been tabled indefinitely. It was only in 2020, following widespread attacks on health workers, an amendment was brought in the Act to penalise the same.

Despite being largely insufficient to deal with present day health crises, the Act has been invoked in recent years to tackle recurring public health crises (outbreak of cholera in Gujarat in 2015, spread of swine flu in Pune in 2009 etc.). Considering the widespread structural issues that have been exposed by the pandemic there needs to be a complete overhaul of the Act to deal with the modern day public health crises. Following proper legal overhauls, the Act poses great potential to deal with modern day public health related issues.

Considering the potential significance of the Epidemic Diseases Act, 1897, the Centre for Study & Research in Legislative Drafting, KIIT School of Law seeks to hold a webinar to discuss important aspects and issues related to the Act.

B. Objectives

1. To instil the importance and understanding of legislative drafting among the students of law.
2. To identify the areas in public health where legislative intervention is needed
3. To conceptualize the method and skills of incorporating proposed legislative reforms in the Epidemic Diseases Act, 1897.
4. To come out with a legal framework so that the Act can sustain the modern day public health challenges.

C. Target Audience

This webinar is open for students, faculty members, policy makers, legal professionals.

In the above context, the faculty coordinators propose to hold the webinar, titled, REVAMPMENT THE EPIDEMIC DISEASES ACT 1897: ISSUES AND CHALLENGES under the Centre for Study & Research in Legislative Drafting.

REGISTRATION FORM : <https://forms.gle/826tPZotFsGZyuXk7>

D. THEMES

In order to conduct a structured deliberation, the Webinar shall be dealing with the following themes:

1. Extraordinary Measures and Epidemic Diseases Law: Unlike the Disaster Management Act, the Epidemic Diseases Act barely provides for any extraordinary measures to deal with public health emergencies. Measures such as lockdowns, mandatory quarantine policies, employment of digital tools for contact tracing without user consent have been undertaken by governments around the world to deal with Covid-19. This theme envisages the extent to which such extraordinary measures can be incorporated within the legal framework by maintaining proportionality with public interest and citizen's privacy.

2. Public Health Emergency Response Mechanism & Vaccination: One of the most prominent criticisms of the Epidemic Diseases Act is that it fails to provide little to no framework for dealing with a public health emergency. Due to such inefficacy of the Act, the central government has resorted to the Disaster Management Act to deal with the Covid-19 crisis. However, public health emergencies being a class of its own kind requires the establishment of special emergency declaration and assessment mechanism, strengthening diseases surveillance, prevention and control measures.

Another critical area which was made vulnerable during Covid-19 was the little to non-existent vaccination measures which could be taken for individuals. The drive for vaccination raises necessary questions such as the extent of the State's power to impose mandatory vaccination policies, administration of dosage, transparency regarding vaccine preparation process, fixation of vaccine prices etc.

This theme engages with the question on whether emergency response measures and vaccination policies could be incorporated within epidemic diseases paradigm alongside legislative solutions to outline the nature and extent of their incorporation.

Programme Schedule

Date: 29th August 2021

Schedule of Webinar [9.30 am- 11.30 am]

Sl. No.	SESSION DETAILS	TIME
i.	Inaugural Session [Welcome Address: Prof. Bhavani Prasad Panda, Director, School of Law Inaugural Address on Centre of Study & Research in Legislative Drafting by Dr. Kyvalya Garikapati, Head of Department of Constitutional Law]	09:30 to 10:00
ii.	Technical Session I [Discussion of theme I] : Mr. PK Malhotra, Retired Secretary, Ministry of Law & Justice, Government of India	10:00 to 10.40
iii.	Technical Session II [Discussion of theme II]: Mr. Anup Kumar Varshney, Joint Secretary & Legislative Counsel, Ministry of Law & Justice, Government of India	10:50 to 11:30

Each session would be succeeded by a 10 minute Q&A session.

Contact Persons

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