

As
[TO BE INTRODUCED IN THE SENATE]

A
Bill

to provide for the prevention and control of infectious diseases

Whereas it is expedient to control transmission of the infectious diseases and provide for a legal framework for regulating the issues of public health policy and related matters during epidemics;

PART I
INTRODUCTION

1. Short title, extent and commencement.— (1) This Act may be called the Prevention and Control of Infectious Diseases Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) This Act shall come into force at once.

2. Definitions.— (1) In this Act, unless the context otherwise requires:

(i) **"Aircraft"** includes every description of craft used in aerial navigation;

(ii) **"Airport"** means any area of land, water or space designed, equipped, set apart or commonly used for affording facilities for the take-off and landing of aircraft and includes the roof of a building which is designed, equipped or set apart for affording facilities for the take-off and landing of aircraft;

(iii) **"Article"** means any non-living movable thing including food and drugs and also includes fittings and fixtures;

(iv) **"Authorized Officer"** means any medical officer of health department, any health inspector, or any officer appointed by the Federal Government under Section 3;

(v) **"Boarding-House"** includes:

(a) a hotel;

(b) a hostel; or

(c) any institution of refuge or rest for persons needing healthcare;

(vi) **"Commander"** means the person for the time being in command of an aircraft or a ship;

- (vii) **"Contact"** means any person who has been or is likely to have been exposed to the risk of contracting an infectious disease, including any person arriving from an infected area;
- (viii) **"Contamination"** means the presence of agents of an infectious disease on the surface of or in non-living things or on the body surface of living things;
- (ix) **"Deratize"** means to render free from rodents;
- (x) **"Director General"** means the Director General of Health appointed by Federal Government;
- (xi) **"Disinfect"** means to destroy or remove the agents of disease;
- (xii) **"Dis-insecting"** means the operation in which measures are taken to kill noxious insects;
- (xiii) **"Epidemic"** means an extension of a disease by a multiplication of cases in an area;
- (xiv) **"Food"** includes any substance consumed by human beings or animals or any substance used in the composition or preparation of any such substance and also includes flavoring materials and condiments, but does not include drugs;
- (xv) **"Government"** means the Federal Government;
- (xvi) **"Health Inspector"** means any health inspector in the service of the Federal Government or of any local authority;
- (xvii) **"Immunization"** means the introduction of specific antigens or antibodies into the human body with the object of conferring immunity against the disease in question, and includes vaccination;
- (xviii) **"Infection"** means the entry of agents of an infectious disease into living things and the multiplication of such agents in living things;
- (xix) **"Infectious Disease"** means any disease specified in the Schedule;
- (xx) **"Infested"** means infested with rodents or noxious insects;
- (xxi) **"International Health Regulations"** means the International Health Regulations as adopted by the World Health Assembly in 1969 and as amended from time to time;

- (xxii) **"Isolation"** when applied to a person or a group of persons means the separation of that person or group of persons from other persons, except the personnel in-charge of the care and isolation of such persons, in such a manner as to prevent the spread of infection, and includes the treatment of that person or group of persons;
- (xxiii) **"Local Authority"** includes the Chief Commissioner Islamabad Capital Territory, Capital Development Authority and Islamabad Metropolitan Corporation or any other authority functioning in the Islamabad Capital Territory.
- (xxiv) **"Medical Officer of Health Department"** means any medical practitioner in the service of the Government or any local authority who is for the time being carrying out the duties of a Medical Officer of Health Department in any area, district, or local authority area, including the airport and port limits thereof, and includes the Director General, the Deputy Director General of Health and the Director of Health Services;
- (xxv) **"Medical Practitioner"** means a medical practitioner registered under the relevant law;
- (xxvi) **"Noxious Insect"** means any arthropod carrying or causing or capable of carrying or causing any infectious disease, and includes the eggs, larvae and pupae of such arthropod;
- (xxvii) **"Observation"** means the segregation of any contact or person suspected of suffering from any infectious disease for the purpose of ascertaining whether or not he is suffering from any infectious disease, and includes the treatment of that person;
- (xxviii) **"Pathogenic Organism or Substance"** includes:
- (a) any animal;
 - (b) any noxious insect;
 - (c) any living germ, microbe, bacteria or virus;
 - (d) the culture of any germ, microbe, bacteria or virus; or
 - (e) the product of any germ, microbe, bacteria or virus, capable of causing any infectious disease;
- (xxix) **"Port"** means a seaport or an inland navigation port which is normally frequented by ships;

- (xxx) **"Premises"** includes any structure, permanent or otherwise, the land on which the structure is situated, and any adjoining land used in connection therewith, and also includes any street, open space or vehicle;
- (xxxii) **"Quarantine Station"** means any place where isolation or observation is carried out and includes an infectious disease hospital and any place declared by the Federal Government in the Gazette to be a quarantine station;
- (xxxiii) **"Ship"** includes any vessel used in navigation by water;
- (xxxiv) **"Surveillance"** means the subjection of any person, who is not isolated, to periodical examination or enquiry for the purpose of ascertaining his state of health and to conditions imposed by an authorized officer for such purpose;
- (xxxv) **"Treatment"** includes all such acts and procedures as may be necessary for the purpose of determining whether a person is infected with an infectious disease and the proper treatment of such person;
- (xxxvi) **"Vehicle"** includes a ship, an aircraft, a train, a road vehicle and any other machinery used as means of transport.

(2) Any reference to "airport" or "port" includes a reference to any structure, permanent or otherwise, within the limits thereof.

PART II ADMINISTRATION

3. Appointment of Authorized Officers.— (1) The Federal Government shall appoint any suitable person to be an authorized officer for the purposes of this Act.

(2) An authorized officer shall, when acting within the scope of his powers and duties under this Act, be deemed to be a public servant.

(3) An authorized officer shall maintain the confidentiality of all matters which come to his knowledge in the performance of his official duties under this Act and shall not communicate any such matter to any person except for the purpose of carrying into effect the provisions of this Act.

(4) An authorized officer who contravenes the provisions of subsection (3) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years or a fine or both.

4. Limitation of Liability.— (1) Nothing done by any authorized officer for the purpose of executing this Act and the regulations made thereunder shall subject the authorized officer personally to any action, liability, claim or demand whatsoever.

(2) Sub-section (1) shall apply to any officer acting under section 5.

5. Police Assistance, etc.— Police, customs and immigration officers and officers from other government departments and agencies shall render such assistance as any authorized officer may request for the purpose of enabling him to exercise the powers vested in him by this Act or the regulations made under this Act.

PART III PREVENTION OF IMPORTATION OF INFECTIOUS DISEASE

6. Declaration of Infected Area.— (1) Whenever a notification is issued under the International Health Regulations that an infected area exists outside Pakistan, the Federal Government may, by order in the official Gazette, declare such area to be an infected area for the purposes of this Act.

(2) Notwithstanding the provisions of sub-section (1), the Federal Government may, by order in the official Gazette, declare any other area outside Pakistan to be an infected area.

(3) The Federal Government may, by regulations made under this Act, prescribe the measures to be taken to prevent the introduction of any infectious disease into Pakistan from an infected area.

7. Entry into and examination of vehicles and the measures thereafter.— (1) For the purposes of this Act an authorized officer may —

- (a) enter into and medically examine any vehicle at any time upon its arrival in Pakistan;
- (b) medically examine any person, animal or article onboard such vehicle; and
- (c) take such samples as may be necessary for the purpose of determining the sanitary condition of such vehicle or article or the state of health of such person or animal.

(2) An authorized officer may order any part of any vehicle, which he has reason to believe to be contaminated or infested, to be disinfected, disinfected or deratized to that officer's satisfaction.

(3) If in the course of a medical examination under sub-section (1) an authorized officer finds or has reason to believe that any person is infected or is a contact, he may order such person—

- (a) to be removed to a quarantine station and detained therein for isolation or observation; or
- (b) to be put under surveillance until such time as the disease is no longer communicable to others.

8. Time for Examination.— (1) Examinations under section 7 shall be conducted at such reasonable time as may be determined by an authorized officer; and the owner of any vehicle, or his agent or servant, shall make such arrangements as may be required by the authorized officer for the examinations to take place.

(2) The owner of any vehicle, or his agent or servant, who contravenes sub-section (1) commits an offence.

9. Importation or exportation of human remains and pathogenic organism or substance.— (1) No person shall knowingly import into or export out of Pakistan—

- (a) any human remains, human tissues or part thereof; or
- (b) any pathogenic organism or substance or part thereof, except in accordance with regulations made under this Act.

(2) Any person who contravenes sub-section (1) commits an offence.

(3) When any person is charged under this section, he shall be presumed to have knowingly imported or exported such human remains, human tissues or part thereof or such pathogenic organism or substance or part thereof until the contrary is proved.

PART IV
CONTROL OF THE SPREAD OF INFECTIOUS DISEASE

10. Requirement to notify Infectious Disease.— (1) Every adult occupant of any house in which any infectious disease appears, and every person in charge of, or in the company of, and every person, not being a medical practitioner, attending on any person suffering from or who has died of an infectious disease shall, upon becoming aware of the existence of such disease, with the least practicable delay notify the officer in charge of the nearest district health office or government health facility or police station or notify the nearest village head of the existence of such disease.

(2) Every medical practitioner who treats or becomes aware of the existence of any infectious disease in any premises shall, with the least practicable delay, give notice of the existence of the infectious disease to the nearest Medical Officer of Health in the form prescribed by regulations made under this Act.

(3) The person in-charge of any boarding-house shall, with the least practicable delay, notify the officer in-charge of the nearest district health office or government health facility or police station if he knows or has reason to believe that any person in the boarding-house is suffering from or has died of an infectious disease.

(4) Any police officer or village head receiving notification under this section shall, with the least practicable delay, notify the officer in-charge of the nearest district health office or government health facility.

(5) Any person who contravenes this section commits an offence.

(6) When any person is charged under this section, he shall be presumed to have known of the existence of the infectious disease or to have had reason to believe that an infectious disease existed, unless he shows to the satisfaction of the Court before which he is charged that he did not know and could not with reasonable diligence have obtained knowledge of the infectious disease or that he did not have reason to believe that an infectious disease existed.

11. Declaration of an Infected Local Area.— (1) If the Federal Government is satisfied that there is an outbreak of an infectious disease in any area in Pakistan, or that any area is threatened with an epidemic or pandemic of any infectious disease, it may, by order in the official Gazette, declare such area to be an infected local area.

(2) The Federal Government may, by regulations made under this Act, prescribe the measures to be taken to control or prevent the spread of any infectious disease within or from an infected local area.

(3) During the continuance in force of an order made under sub-section (1), it shall be lawful for any authorized officer to direct any person or class or category of persons living in an infected local area or in any part thereof to subject himself or themselves—

- (a) to treatment or immunization;
- (b) to isolation, observation or surveillance, the period of which being specified according to circumstances; or
- (c) to any other measures as the authorized officer considers necessary to control the disease.

(4) It shall be lawful for an authorized officer to use such force, with or without assistance, as may be necessary and to employ such methods as may be sufficient to ensure compliance with any direction issued under sub-section (3)

(5) Any person who refuses to comply with any direction issued under sub-section (3) commits an offence.

12. Infected Persons not to act in a manner likely to spread Infectious Disease.— (1) No person who knows or has reason to believe that he is suffering from an infectious disease shall expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by persons other than the members of his own family or household.

(2) No person who knows or has reason to believe that he is suffering from any infectious disease specified in the Schedule shall do any act which he knows or has reason to believe is likely to lead to the spread of such infectious disease.

(3) Any person who contravenes this section commits an offence.

(4) This section shall not apply to any person whose presence or conduct in such place as mentioned in sub-section (1) is necessary for the purpose of obtaining medical treatment.

13. Control of contaminated articles and infected animals.— (1) No person who knows or has reason to believe that any article is contaminated or that any animal is infected or contaminated shall give, lend, sell, transmit, use or expose such article or animal without prior disinfection.

(2) Any person who contravenes sub-section (1) commits an offence.

(3) This section shall not apply to any person who transmits, with proper precautions, any article or animal for the purpose of having it disinfected.

14. Isolation of Infected Persons and suspects.— An authorized officer may cause any person who is infected or whom he has reason to believe to be infected to be removed to quarantine station for treatment and may detain the person at the station until he can be discharged without danger to the public.

15. Observation or surveillance of Contacts.— (1) An authorized officer may order any contact to undergo observation in such place and for such period as he may think fit, or to undergo surveillance until he may be discharged without danger to the public.

(2) For the purposes of sub-section (1), an authorized officer may use such force as may be necessary to ensure compliance with his order.

16. Order for examination of corpse.— Whenever an authorized officer suspects that a person has died of an infectious disease, he may order the corpse to be conveyed to such place as he may appoint for such examination as he may consider necessary.

17. Disposal of the dead.— (1) Where—

- (a) a person has died or is suspected to have died of an infectious disease; and
- (b) an authorized officer has given directions as to the manner in which the corpse of such person is to be buried or cremated in accordance with the known religious association of the deceased, no person shall bury or cremate such corpse otherwise than in accordance with the directions of the authorized officer.

(2) Any person who contravenes sub-section (1) commits an offence.

18. Disinfection and closure of premises.— (1) If an authorized officer has reason to believe that there has been a person with an infectious disease on any premises, or that there exist on any premises conditions likely to lead to the outbreak or spread of any infectious disease, he may do any or all of the following:

- (a) examine or cause to be examined any person found on the premises with a view to ascertaining if the person is suffering or has been suffering from an infectious disease;
- (b) examine the premises and any article or animal on the premises with a view to ascertaining if they are contaminated or infected, as the case may be;
- (c) order the premises or any part thereof to be disinfected, dis-insected and deratized;
- (d) order the premises or any part thereof to be closed until the premises have been thoroughly disinfected, dis-insected and deratized;
- (e) order the disinfection of all contaminated articles and infected or contaminated animals on the premises or, if such article or animal is incapable of being thoroughly disinfected, order its destruction;
- (f) do any other act to prevent the outbreak or the spread of any infectious disease.

(2) An authorized officer may at any time enter any premises after giving notice for the purpose of exercising the powers conferred upon him by sub-section (1).

19. Destruction of structures.— (1) A Medical Officer of Health Department may order the destruction of any structure where a case of infectious disease has occurred if the structure is incapable of being thoroughly disinfected.

(2) The Medical Officer of Health shall report to the Director General every order made under sub-section (1).

20. Selling or letting contaminated buildings.— (1) Where an authorized officer is satisfied that there is or has been a case of infectious disease in any building and that it is necessary to do so, he may issue an order prohibiting any person from selling or letting such building or any part thereof without the certificate in writing of an authorized officer certifying that such building, or part thereof, and articles therein—

- (a) have been disinfected to the authorized officer's satisfaction; or
- (b) need not be disinfected, as the case may be.

(2) Any person who contravenes any order issued under sub-section (1) commits an offence.

(3) For the purpose of this section, "letting" includes the admission of any person into a boarding-house as a paying lodger.

21. Power to order Disinfection of certain vehicles.— Where an authorized officer is satisfied that any vehicle has been used to convey any person suffering from an infectious disease, the authorized officer may cause such vehicle to be disinfected.

PART V OFFENCES AND PENALTIES

22. Offence Generally.— Any person who—

- (a) obstructs or impedes, or assists in obstructing or impeding, any authorized officer in the execution of his duty;
- (b) disobeys any lawful order issued by any authorized officer;
- (c) refuses to furnish any information required for the purposes of this Act or any regulations made under this Act; or
- (d) upon being required to furnish any information under this Act or any regulations made under this Act, gives false information, commits an offence.

23. Prosecution.— Any authorized officer may appear in any court and conduct any prosecution with respect to any offence under this Act or any regulations made thereunder.

24. General Penalty.— Any person guilty of an offence under this Act for which no specific penalty is provided shall be liable on conviction—

- (a) in respect of a first offence, to imprisonment for a term not exceeding two years or fine or both;
- (b) in respect of a second or subsequent offence, to imprisonment not exceeding five years or fine or both;
- (c) in respect of a continuing offence, to a further fine not exceeding one hundred thousand rupees for every day such offence continues.

25. Compounding of Offences.— The Director General or any public officer authorized for this purpose by him in writing may compound any offence mentioned in this Act.

**PART VI
MISCELLANEOUS**

26. Requisition of Premises.— (1) Whenever it appears to the Director General necessary for carrying out of any of the provisions of this Act and the regulations made under this Act, he may in writing authorize any authorized officer to requisition temporarily any premises for such period as in the opinion of the Director General is necessary.

(2) Where any premises are requisitioned under sub-section (1), the premises shall be cleansed and disinfected before being returned to the owner.

(3) Where any premises are requisitioned under sub-section (1), the owner thereof shall be paid such compensation on market rate, as may be agreed between the owner and the Director General or, in default of agreement, be determined by arbitration in accordance with the provisions of the Arbitration Act, 1940.

27. Seizure and disposal of contaminated articles, etc.— (1) Without prejudice to any other authority conferred under this Act, an authorized officer may seize any article which is or is likely to have been contaminated, or which contains or appears to contain any pathogenic organism or substance, and may seize any animal which is or is likely to have been infected or contaminated.

(2) Where any article or animal seized under sub-section (1) is incapable of being thoroughly disinfected and the owner or the person in whose possession the article or animal was at the time of the seizure consents in writing to the destruction of the article or animal, the article or animal may be destroyed or otherwise disposed of as the authorized officer may direct.

(3) Where any article or animal seized under sub-section (1) is incapable of being thoroughly disinfected and the owner or person in whose possession the article or animal was at the time of the seizure does not consent to the destruction of the article or animal, the authorized officer shall apply to a Magistrate for an order for the disposal of the article or animal and the Magistrate may make such order as he may deem fit, including an order for the destruction of such article or animal, notwithstanding that no one has been charged with or convicted of any offence in connection with the article or animal:

28. Recovery of costs and expenses.— (1) The Government may recover from the owner of any vehicle, or his agent or servant, any cost and expenses charged or incurred by the Government under this Act or the regulations made under this Act for all or any of the following:

- (a) the removal, medical attendance and maintenance of any person who is or is suspected to be suffering from an infectious disease and who is removed to any hospital or place from such vehicle for medical treatment or for isolation or observation;
- (b) the burial or cremation of any person who dies of an infectious disease on such vehicle, or who dies of an infectious disease after removal to hospital from such vehicle;
- (c) the cleansing, disinsecting, disinfection and deratizing of such vehicle or of any part thereof;
- (d) the disposal of contaminated articles or infected or contaminated animals on such vehicle.

(2) Any cost or expenses charged or incurred by the Government under this Act or any regulations made under this Act may, without prejudice to any other remedy, be recovered by civil proceedings as a debt due to the Government.

29. Exemption.— (1) The Federal Government may, by order published in the official Gazette, exempt—

- (a) any person or class of persons;
- (b) any article;
- (c) any vehicle;
- (d) any human remains, human tissues or part thereof;
- (e) any animal; or
- (f) any pathogenic organism or substance, from the operation of any of the provisions of this Act or any regulations made under this Act.

(2) The Federal Government may, in making the order under subsection (1), impose such conditions as it deems fit.

30. Power to amend Schedule.— The Federal Government may, from time to time, by order in the official Gazette delete any provision from or add to, alter or amend the provisions of the Schedule.

31. Power to Make Regulations.— (1) The Federal Government may make regulations, in respect of the whole or any part of Pakistan, including airports, ports, coastal waters and land frontiers thereof, for carrying the provisions of this Act into effect.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under this section may provide for all or any of the following matters:

- (a) The establishment and maintenance of facilities on land or sea or at the common frontier of contiguous territories for health measures to be applied to local and international traffic;
- (b) Regulating the entry and movement of any vehicle and prescribing the measures to which the vehicle shall be subject to prevent the outbreak of infectious diseases;
- (c) Regulating—
 - (i) the entry of persons into, their movements within, and their departure from, Pakistan;
 - (ii) the importation and exportation of articles;
 - (iii) the importation and exportation of human remains, human tissues or part thereof;
 - (iv) the importation and exportation of pathogenic organisms and substances;
- (d) Regulating the sanitary standards required for ships and aircrafts registered in Pakistan;
- (e) Regulating the sanitary standards required for ships and aircraft coming into Pakistan;
- (f) The duties to be performed by commanders and other persons who are or have been on board any vehicle, or who are desirous of boarding the vehicle, to prevent the spread of infectious diseases;
- (g) Regulating the sanitary standards required for ports, airports and their surroundings and the health standards of persons employed thereat;
- (h) Regulating quarantine procedures and the management of quarantine stations;

- (i) The detention, isolation and observation in quarantine station of persons suffering from or suspected to be suffering from an infectious disease;
- (j) Regulating the cleansing and disinfection of premises—
 - (i) where there has been a case or suspected case of infectious disease; or
 - (ii) which are suspected of being contaminated with the agents of infectious disease;
- (k) Regulating the removal and disinfection or destruction of articles which have been or are suspected to have been contaminated with the agents of infectious disease;
- (L) The prevention and control of the spread of infection by insects, rodents or other animals;
- (m) Prescribing sanitary standards and sanitary facilities for premises;
- (n) The inspection of premises and articles therein;
- (o) The collection and transmission of epidemiological and health information and the compulsory reporting of infectious diseases;
- (p) Prescribing the fees to be paid under this Act and the regulations made under this Act;
- (q) The payment to the Government of any costs and expenses charged or incurred for the medical attendance and maintenance of persons removed to hospitals or quarantine stations;
- (r) Prescribing offences which may be compounded and the procedure for compounding;
- (s) Prescribing the forms to be used under this Act and the regulations made under this Act;
- (t) Such other matters as may appear to the Minister in-charge of concerned department advisable for the prevention or mitigation of infectious diseases.

32. Compensation.— The Federal Government may provide compensation to the owner the compensation on market rate for the destruction or disposal of building, vehicle, article or animal, as the case may be.

33. Repeal and Savings.— This Act shall repeal The West Pakistan Epidemic Diseases Act, 1958 (W.P. Act XXXVI of 1958), however, actions taken under the repealed Act shall have the effect till the publication of this Act in the official Gazette.

SCHEDULE
[Section 2]
INFECTIOUS DISEASES

1. COVID-19	16. Rabies.
2. Cholera.	17. Plague.
3. Dengue Fever and Dengue, Hemorrhagic Fever.	18. Relapsing Fever.
4. Diphtheria.	19. Syphilis (All forms).
5. Dysenteries (All Forms).	20. Tetanus (All forms)
6. Ebola.	21. Tuberculosis (All forms)
7. Crimean-Congo Hemorrhagic Fever.	22. Typhoid and Paratyphoid Fevers.
8. Chikungunya Fever.	23. Typhus and other Rickettsioses.
9. Food poisoning.	24. Viral Encephalitis.
10. Gonococcal Infections (All forms)	25. Viral Hepatitis.
11. Hand, Foot and Mouth Disease.	26. Whooping Cough.
12. Leprosy.	27. Yellow Fever.
13. Malaria.	28. Any other life-threatening microbial infection.
14. Measles.	29. Human Immunodeficiency Virus Infection (All forms)
15. Poliomyelitis (Acute)	

STATEMENT OF OBJECTS AND REASONS

Minimizing the transmission of infectious diseases is a core function of public health law. The appropriate exercise of legal powers will vary according to the seriousness of the disease, the means of transmission, and how easily the disease is transmitted. A law can contribute to the prevention of infectious diseases by improving access to vaccination and by facilitating screening, counseling and education of those at risk of infection. The law also has a reactive role: supporting access to treatment and authorizing public health authorities to limit contact with infectious individuals and to exercise emergency powers in response to disease outbreaks.

Where public health laws authorize interferences with freedom of movement, the right to control one's health and body, privacy, and property rights, these laws should balance such private rights with the public health interest in an ethical and transparent way. Public health powers should be based on the principles of public health necessity, reasonable and effective means, proportionality, distributive justice, and transparency.

This Bill aims to achieve these objectives and to prevent, control and contain the infectious, epidemic and pandemic diseases in Pakistan.

SENATOR MUHAMMAD JAVED ABBASI
Member in charge