

THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

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THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

(First published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated 24/07/2020)

AN
ACT

to provide for prevention and control of infectious diseases
in the Province of the Khyber Pakhtunkhwa and to provide
relief to the people in emergency situation.

WHEREAS it is expedient to provide for prevention and control of infectious diseases in
the Province of the Khyber Pakhtunkhwa, to implement and enforce mechanism to control the
spread of such diseases and to provide relief to the people in an emergency situation arising due
to spreading of such infectious diseases and for matters connected therewith and ancillary

thereto;

AND WHEREAS it is necessary to amend certain laws relating to public health and
disaster management in order to bring them at par in combating the epidemic and other
infectious diseases;

It is hereby enacted as follows:-

PART-I
PRELIMINARY

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber
Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020.

(2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires,-

(a) "declaration" means the declaration of a serious and imminent infection
threat, made under section 3 of this Act and may also include declaration
of any emergency relating to outbreak of any disease under any law
relating to public health and disaster management;

(b)

(d)

(e)

(f)

(g)

(h)

G)

“designated officer” means the Officer or Officers mentioned in Schedule-I to this Act to exercise any or all such powers and functions that are assigned under this Act;

“educational institution” means any pre-school, elementary or secondary school, college, university, higher educational institute, madaris or any vocational, professional or technical training institute whether in public or private sector providing formal or non-formal education;

“emergency period” means the period for taking measures for prevention, protection and control of infectious disease, as notified by Health Department of Government under this Act, from time to time and may also include period of such other emergency, declared under any other law relating to public health and disaster management concerning outbreak of any disease;

“employee” means a person not falling within the definition of employer who is employed in an establishment for hire or reward either directly or through a contractor whether the terms of employment are express or implied and includes a worker for wages;

“employer” means the owner of an establishment and also includes any person or body of persons, whether incorporated or not, who or which hires employees in the establishment under a contract of employment and includes-

(i) an heir, successor or assign, as the case may be, of such person or body as aforesaid;

(ii) any person responsible for the management and control of the establishment; and

(iii) in relation to an establishment run by or on behalf of a local authority, the officer appointed in this behalf, or where no officer is so appointed, the chief executive officer of that authority;

“establishment” means any office, firm, factory, society, undertaking, industry, company of all types, educational institution, shop, restaurant, corporation or any other enterprise, which hire employees directly or through a contractor for the purpose of carrying on any business or industry and includes all its departments and branches in the Province of

the Khyber Pakhtunkhwa;

“Government” means the Government of the Khyber Pakhtunkhwa;

“landlord” means the owner of the premises and includes a person who is for the time being authorized or entitled to receive rent of the premises;

“minor” means a person with an age of less than eighteen years;

(k) "notified medical officer" means a medical officer or a health professional, notified by the Secretary, for the purpose of this Act;

(l) "potentially infectious person" means a person who-
(i) is suspected to be infected or contaminated with an infectious disease;

(ii) is a risk that such person might spread, infect or contaminate other persons with an infectious disease; or

(iii) has arrived from or through an area affected by an infectious disease within fourteen days or such other period as may be specified by the Secretary immediately preceding the date of his

arrival;

(m) "regulations" mean the regulations made under this Act;

(n) "rules" mean the rules made under this Act;

(o) "Schedule" means the any of the Schedules, appended to this Act;

(p) "Secretary" means Secretary to Government Health Department;

(q) "tax" means any tax, cess, charge, rate or fee, as the case may be, imposed or chargeable under any law for the time being in force; and

(r) "tenant" means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of any premises by him or by any other.

3. Serious and imminent infection threat declaration.--- (1) The Secretary may, with the

approval of the Chief Minister, by notification in the official Gazette, declare that the incidence or transmission of an infectious diseases poses a serious and imminent threat to public health in the whole or any part of the Khyber Pakhtunkhwa.

(2) The Secretary may also, with the approval of Chief Minister, specify the period which shall be deemed as emergency period made under this section.

(3) The Secretary may, with the approval of the Chief Minister, by notification in the official Gazette, revoke a declaration made under this section.

(4) Before seeking approvals under sub-sections (1) and (3), the Secretary shall have due regard to any advice from-

(a) the Director General, Health Services Khyber Pakhtunkhwa; and

(b) not less than two eminent epidemiologists, appointed by the Chief Minister, for rendering such advice.

(5) Any declaration of an incidence or transmission of an infectious disease already made before the commencement of this Act, under any law relating to public health and disaster

management shall be deemed to be a declaration made under this Act and unless provided otherwise in the declaration itself, it shall continue to remain effective, until specifically withdrawn by the Secretary after approval of the Chief Minister.

PART-II
GENERAL HEALTH
PROTECTION MEASURES

4. Power to impose duties, confer functions etc.--- Subject to the declaration, the Director General, Health Services, Khyber Pakhtunkhwa may-

(a)

(b)

(c)

impose duty upon all registered medical practitioners and health facilities in any area of the Khyber Pakhtunkhwa, to record, communicate and treat cases of infection or contamination; or

confer functions, with the approval Chief Minister, upon one or more officers and servants or a description of officers and servants of the Government, and if so required one or more local governments in the Khyber Pakhtunkhwa in relation to monitoring and control of public health risk; or

impose one or more restrictions or requirements on or in relation to persons, things or premises as mentioned in section 5.

Explanation: For the purpose of this section,-

(i) a registered medical practitioner shall include a registered medical practitioner not in employment of the Government; and

(ii) the term health facility shall be deemed to include a clinic, hospital, medical teaching institute, diagnostic laboratory and any other facility engaged in the provision of health services and not owned, financed, managed or run by Government.

5. General restrictions and requirements.--- (1) For the purposes of clause (c) of section 4 of this Act, a person or a class or description of persons may be required to-

(a)

undergo a specified medical examination and submit results as indicated in the requirement;

be disinfected or decontaminated;
wear specified protective clothing;

attend training or advisory sessions on how to reduce the risk of infecting or contaminating others;

be subject to one or more restrictions as to where he may go or with whom

he may maintains contact; and

(f)

abstain from working or trading.

(2) For the purposes of clause (c) of section 4 of this Act, a thing or a class or description of things shall-

(a)

(b)

(c)

(d)

be seized or retained;

be kept in isolation or a specified quarantine;

be disinfected or decontaminated; and

if so required, be destroyed or disposed of.

(3) For the purposes of clause (c) of section 4 of this Act, the premises or class or description of premises shall-

(a) be kept in a sanitary condition; and

(b) be disinfected or decontaminated.

6. Directions and restrictions relating to attendance of public places, schools and

burials etc.--- Subject to a declaration, the designated officer may, for a specified period:

(a)

(b)

(c)

(d)

impose a specific or general duty upon persons who have responsibility for a minor to ensure that the minor does not attend his school or where so required, shall conform to certain direction for such attendance;

order closure of any establishment, by a general or special order, bar its employees from attending their place of work or to follow guidelines to be issued in this behalf;

impose a specific or general restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains; and

impose general or special conditions for attending public places, including but not limited to conditions for use of facial or other masks, use of other protective gears, maintaining order and safe distances to avoid crowding, undergoing sanitization, sterilization, immunization and cleanliness measures etc.

PART-II

CONTROL OF EVENTS, GATHERINGS AND

PREMISES

7. Prohibition or restriction of events and gatherings.--- (1) Subject to a declaration, the designated officer may issue directions prohibiting or imposing one or more requirements or restrictions in relation to the holding of an event or gathering for a specified period.

(2) A direction under sub-section (1), may be issued in relation to-

(a) a specified event or gathering; or

(b) events or gatherings of a specified description including description with reference to the number of people attending the event or gathering.

(3) A direction under sub-section (1) may only have the effect of imposing prohibitions, requirements or restrictions on-

(a) the owner or occupier of premises for an event or gathering to which the direction relates;

(b) the organizer of such an event or gathering; and

(c) any other person involved in holding of such an event or gathering.

8. Closing or restricting entry into and exit from a premises.--- (1) Subject to a declaration, the designated officer may issue directions prohibiting or imposing one or more requirements or restrictions in relation to the entry into, exit from or location of persons in a premises for a specified period.

(2) A direction under sub-section (1) may be issued in relation to-

(a) a specified premises; or

(b) premises of a specified description.

(3) A direction under sub-section (1) may only have the effect of imposing prohibitions, requirements or restrictions on-

(a) the owner or occupier of premises to which the direction relates; and

(b) any other person involved in entry into or exit from such premises or the location of persons in them.

(4) A direction under sub-section (1) may impose requirements for the purpose of-

(a) closing or sealing the premises;

(b) restricting entry into the premises; and

(c) securing restrictions in relation to the location of persons.

(5) A direction under sub-section (1) may impose prohibitions, requirements or restrictions on-

(a) the facilities in the premises;

(b) number of persons in the premises;

(c) the size of the premises;

(d) the purpose for which a person is in the premises; and

(e) the manner in which such premises is attended or utilized.

9. Restricting entry into and exit from a general area.--- Subject to a declaration, the Deputy Commissioner of the concerned area may, on the advice of the designated officer concerned, issue directions prohibiting, or imposing requirements or restrictions in relation to the entry into, exit from, or location of persons, goods, vehicles, vessels and other means of transportation in any area for a specified period.

PART-IV CONTROL OF POTENTIALLY INFECTIOUS PERSONS

10. Movement and retention of potentially infectious person to a suitable place.--- (1) In an area, subject to a declaration, a notified medical officer may, after having informed a potentially infectious person of the reasons for doing so, direct such person to proceed to a specified place which is suitable for screening and assessment and remain there for a period mentioned under sub-section (3).

(2) Where a potentially infectious person fails to follow a direction issued under sub-section (1), the notified medical officer may himself or through the designated officer concerned-

(a) move him to the specified place; or

(b) direct a police officer, through the concerned head of the district police, to move him to the specified place.

(3) A notified medical officer may require a potentially infectious person to remain at a place suitable for screening and assessment for a period which shall not exceed forty-eight hours unless-

(a) in the opinion of the notified medical officer, the person is required to be retained for a longer duration for valid satisfactory screening and assessment requirements; or

(b) a longer maximum retention period is otherwise ordered by the Secretary with the approval of the Chief Minister in general or for one or more circumstances related to an infectious disease.

(4) The provisions of sub-section (3) shall also apply to a person who voluntarily reports to a place specified for screening and assessment.

(5) After each subsequent interval of twenty-four hours during which a person is retained at a place specified for screening and assessment, the notified medical officer shall review the need for continuing his retention.

(6) After making a review under sub-section (5), the notified medical officer may-

(a) discontinue retention if he considers that the retained person is no longer potentially infectious or contaminated; or

(b) extend the period of retention if he considers that the person is potentially infectious at the end of that period.

11. Duty to undergo screening and assessment.--- (1) In an area, subject to a declaration, a notified medical officer may impose upon a potentially infectious person one or more screening requirements to assess the level of risk of infection or contaminating to others and carry out such an assessment.

(2) For the purpose of this section, a potentially infectious person shall-

(a) answer every question on his health or other relevant circumstances including travel history and information regarding other persons who might have contacted him;

(b) provide sufficient information to allow making a contact with him for the purpose of this Act during such period as the notified medical officer considers appropriate;

(c) produce any document which may be required in assessing his health;

(d) allow personal examination including measurement of body temperature and other physical conditions by an appropriate mean;

(e) allow taking of a biological sample by an appropriate mean or provide such a sample; and

(f) forthwith move to and remain at another place which is, in view of the notified medical officer, suitable for the purpose of this section.

(2) The provisions of this section shall also apply to a potentially infectious person who has not been moved or retained for screening and assessment under section 10.

(3) A notified medical officer may impose one or more requirements under sub-section (2) through a police officer.

12. Additional requirements and restrictions for persons presenting significant risk.---

(1) After screening and assessment under section 11, where-

(a) a person is found to be infected or contaminated; or

(b) the results of his screening and assessment are inconclusive, the notified medical officer may, after having informed him of the reasons for doing so, require such person to-

(i) provide any relevant information in addition to the information mentioned in sub-section (2) of section 11;

(ii) undertake further screening and assessment;

(iii) | remain at a specified place which may include a place suitable for screening and assessment for a specified period;

(iv) forthwith proceed to a specified place suitable for such purpose and to remain at such place for a specified period; or

(v) remain at a specified place in isolation from others for a specified period.

(2) A notified medical officer may, after having informed him of the reasons for doing so, through the designated officer concerned, impose one or more restrictions upon a person, referred to in sub-section (1), for a specified period which may include restrictions relating to-

(a) his movement or travel including travels within and outside the Khyber Pakhtunkhwa;

(b) his activities including work or business activities; and

(c) his contact with other persons or with other specified persons.

(3) The period, specified for requirements referred to in sub-section (1), and the restrictions referred to in sub-section (2), shall not exceed fourteen days, unless,-

(a) in view of the notified medical officer, the requirement or restriction is required for a longer duration; or

(b) a longer maximum period is otherwise ordered by the Secretary with the approval of the Chief Minister in general or for one or more circumstances related to an infectious disease.

(4) Where a person is required to remain at a place under sub-section (1), the notified medical officer, through the designated officer, may direct a police officer, after consulting the concerned head of the district police, to enforce such requirement.

(5) After each subsequent interval of forty-eight hours during which a person is subjected to a restriction or is retained under this section, the notified medical officer shall review the need for continuing the restriction or retention.

(6) After making a review under sub-section (5), the notified medical officer may-

(a) withdraw a requirement or restriction if he considers that the person subjected to a restriction or retention under this section is no longer potentially infectious or contaminated;

(b) substitute a different requirement or restriction; or

(c) extend the period of a requirement or restriction if he considers that the

person is potentially infectious or contaminated at the end of that period.

13. Applicability of provisions to minors and wards.--- (1) A person or a Guardian, who has responsibility for a minor or a ward, shall ensure that the minor or the ward complies with any direction, instruction, requirement or restriction imposed upon him under this Act.

(2) A person or a Guardian, who has responsibility for a minor or a ward, shall provide to the person exercising a power under this Act, such information and assistance in relation to the minor or the ward as is reasonably necessary and practicable.

(3) Where a power under this Act is exercisable in relation to a minor or a ward and he is unaccompanied, the person, by whom that power is to be exercised, shall, wherever practicable,-

(a) contact the person or the Guardian responsible for the minor or the ward before the exercise of the power; or

(b) take reasonable steps after the exercise of that power to contact and inform the person or the Guardian responsible for the minor or the ward.

14, Duty to inform.--- It shall be duty of every person, including-

(a) head of a family;

(b) a health care provider including every physician, dentist, nurse, health aide, in-charge of a hospital or a diagnostic laboratory;

(c) in-charge of a school, college, university, seminary or other educational facility;

(d) in-charge of a public transport, hotel, restaurant, work place or other public or private facility including a hostel; and

(e) in-charge of a place of worship,

who knows or believes, or has reason to know or believe, that a person under his care, supervision or control is suffering from an infectious disease or is contaminated, to report such case to a notified medical officer immediately.

15. Pre-conditions and manner of exercise of powers.---(1) No power, conferred under sections 10, 11, 12 and 13 of this Act, shall be exercised by a notified medical officer or a designated officer, as the case may be, unless he considers it necessary and appropriate to do so-

(a) in the interest of potentially infectious person;

(b) for the protection of other persons from the risk of infection or contamination; or

(c) in the interest of public health in general.

(2) A direction, instruction, requirement or restriction, under this Act, may be given or imposed orally or in writing.

(3) A person, exercising a power conferred under this Act, shall have regards to-

(a) any relevant guidance issued by the Secretary; and

(b) any advice, given by a notified medical officer, in relation to any particular case.

16. Ancillary powers.--- (1) A designated officer, a notified medical officer or a police officer may give reasonable instructions to a person in connection with-

- (a) a direction given to that person under this Act; or
- (b) moving that person or retaining him at a place under this Act.

(2) A power, conferred under this Act, to move a person to a place includes a power to keep the person for a reasonable period pending his movement.

(3) A police officer may use reasonable force, if necessary, in exercise of powers conferred under this Act.

(4) A police officer shall have the power to apprehend a person running away from a place where he is retained or isolated under this Act and return him to that place or another place which a notified medical officer may specify, and may use reasonable force, if necessary, for this purpose.

(5) A police officer, not below the rank of an Assistant Sub-Inspector, may enter any place for the exercise of a power conferred under this Act.

PART-V OFFENCES AND PENALTIES

17. Offences and penalties in respect of directions and restrictions imposed under Part-II and III.--- (1) A person commits an offence if he fails without reasonable excuse to comply with any direction, reasonable instruction, duty, requirement or restriction imposed upon him under this Act.

(2) A person guilty of a first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding two months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand rupees, or both.

(4) Where an offence under this section is committed by a body corporate-

(a) the fine for a first offence shall not be less than fifty thousand rupees and not exceeding two hundred thousand rupees; and

(b) the fine for a repeat offence shall not be less than one hundred thousand rupees and shall not exceed three hundred thousand rupees.

(5) Where an offence under this section by a body corporate is proved-

(a) to have been committed with the consent or connivance of an officer of the body; or

(b) to be attributable to any neglect on the part of such an officer,

the officer shall be guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(6) Where non-compliance of a direction, instruction or restriction is that of excluding such person from general public, it shall be lawful upon conviction for the offence during the term of imprisonment so awarded, to confine such person separately for such period and at such facility or premises, as deemed appropriate by a notified medical officer.

18. Offences and penalties in respect of certain directions, restrictions and duties imposed under Part-IV.--- (1) A person commits an offence, if he-

(a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed upon him under Part-IV of this Act; or

(b) fails without reasonable excuse to comply with a duty imposed upon him in relation to a minor or ward under section 13 of this Act; or

(c) knowingly provides false or misleading information in response to a requirement to provide information under section 11 and 12 of this Act; or

(d) obstructs a person who is exercising or attempting to exercise a power conferred under Part-IV of this Act.

(2) A person guilty of a first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding three months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding one year or a fine not exceeding one hundred thousand rupees, or both.

19. Offence and penalty for running away from a place of retention.--- (1) A person shall be deemed to commit an offence, if he runs away or attempts to run away, while being moved to or kept at a place under Part-IV of this Act.

(2) A person guilty of an offence under this section shall be arrested and kept in forced quarantine, for such term as may be determined by the notified medical officer and may also be liable to a fine which may extend to rupees fifty thousand.

20. Cognizance and trial of offences.---(1)No court other than that of a Magistrate of First Class or Special Magistrate appointed under section 14A of the Code of Criminal Procedure, 1898, shall take cognizance of or try an offence under this Act.

(2) All offences under this Act shall be tried in accordance with the procedure prescribed for summary trials of offences under the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) A person, including a designated officer, aggrieved by any order of conviction and sentence or otherwise by a Special Magistrate, may file an appeal before a District and Sessions Judge of the concerned District within thirty (30) days of the said order.

(4) An appeal under sub-section (3) shall be disposed of within thirty (30) days.

PART-VI COMMON PROVISIONS

21. General powers for prevention and control of infection.— (1) Without prejudice to other provisions of this Act as well as the powers conferred under any other law for the time being in force-

(a) the designated officer concerned may take all such steps and measures which he deems necessary to provide relief to persons affected by an infectious disease in any area subject to a declaration; and

(b) the Deputy Commissioner of the district subject to a declaration, shall take all such steps and measures which he deems necessary to maintain order and provide immediate relief to persons affected by an infectious disease.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the designated officer concerned or, as the case may be, the Deputy Commissioner of the district subject to a declaration shall have the powers to-

(a) evacuate or segregate population;

(b) requisition means of transport including motor vehicles, carriages, boats and earth moving machinery;

(c) require declaration of surplus stocks of food, medicines and other stores and commodities considered essential by him and to requisition them;

(d) requisition of buildings, facilities including facilities relating to provision of health services;

(e) conscript labour; and

(f) direct any person to abstain from certain act or to take certain orders, requirements and restrictions.

(3) A person owning transport, articles, stocks, medicines, building and facilities which are requisitioned or the labour who are conscripted for work or the person who is directed to abstain from certain act or to take certain orders, requirements and restrictions under this section shall be entitled to a reasonable compensation as determined by the designated officer concerned.

(4) Subject to the right of an owner to a claim under sub-section (3), the transport, articles, stocks, medicines, building and facilities shall forthwith rest with the designated officer concerned who may himself, or through the Deputy Commissioner, deal with them in such manner as he deems proper in order to discharge his duties under this section.

22. Enforcement.--- (1) The Deputy Commissioners shall, in the respective districts, ensure compliance of an order, direction, restriction, requirement or any other measure under this Act.

(2) For purposes of sub-section (1), a Deputy Commissioner may take such steps or pass such orders as he considers necessary including an order to an officer sub-ordinate to him or a police officer, through the concerned head of the district police.

(3) For purposes of enforcement of an order, direction, restriction or requirement issued under sections 4, 5, 6, 7 and 8 of this Act, a Deputy Commissioner, an officer sub-ordinate to him, a police officer or any other person referred to in sub-section (2), may-

- (a) enter upon any premises;
- (b) detain persons for a maximum period of twenty-four hours; and
- (c) if necessary, use reasonable force to ensure compliance.

23. Requisition of services of Government officials.--- The designated officer concerned or, as the case may be, the Deputy Commissioner of the area, subject to a declaration, may after having consulted the secretary of the respective Administrative Department of the Government, requisition the services of officers and officials of that Department for the purpose of this Act.

24. Delegation and concurrent exercise of certain powers.--- (1) The Secretary may delegate all or any of the powers conferred upon him under this Act, except the powers conferred under section 3, to a Commissioner, Deputy Commissioner or any other officer sub-ordinate to him.

(2) The powers of a notified medical officer, under this Act, shall be concurrently exercisable by the Officers of the District Administration.

(3) The designated officer, upon informing the Chief Secretary in writing, may also delegate all or any of the powers conferred upon him under this Act to any other officer sub-ordinate to him.

25. Revision against an order etc. of designated officer and others.--- (1) A person against whom an order, direction, instruction, requirement or restriction has been imposed by a designated officer, a notified medical officer, or a police officer, as the case may be, under this

Act may file a revision petition before a Board comprising the Commissioner of the respective division, if he is not the designated officer himself, and a medical officer notified by the Secretary:

Provided, in case the Commissioner happens to be the designated officer, Secretary to Government Home and Tribal Affairs Department shall be the member of such Board instead.

(2) A revision petition under sub-section (1) may be filed by the person responsible for a child or award in relation to whom an order, direction, instruction, requirement or restriction has been imposed by a notified medical officer or a police officer under this Act.

(3) All revision petitions shall be decided by the board through a written order within fifteen days from their presentation.

PART-VII

RELIEF

26. General Relief.--- Notwithstanding anything contained in any other law, for the time being in force, for carrying out the purposes of this Act, pursuant to a declaration under section 3, the following reliefs shall be provided for a period of three (03) months from the date of promulgation of this Act and for such subsequent period or periods that the Government may determine from time to time:

(a) all educational institutions, charging monthly fee including tuition and other charges,-

(i) exceeding rupees six (06) thousand shall not charge from its students more than eighty percent (80%) of the total monthly fees; and

(ii) | upto rupees six (06) thousand shall not charge more than ninety percent (90%) of the total monthly fees:

(b) the amount of relief provided in respect of monthly fee, under this Act, shall not be recovered as arrears under any circumstances or under any existing or new head of account:

Provided that in addition, no student shall be placed at any disadvantageous position in terms of fee which he was paying or any concession that he may be enjoying before the promulgation of this Act;

Provided further that no educational institutions shall give effect to any annual increase in monthly fees, even if otherwise permissible, during the aforesaid period or periods of relief.

(c) during the period of relief, no employee or worker shall be laid off, terminated or removed from service on account of his absence, furlough or

(d)

(e)

(f)

(g)

non-performance of duties owing to closure of any establishment, shut-down or other measures relating to epidemic control:

Provided that the employer, during the currency of a declaration under section 3, may require any employee or worker to work from home, if nature of his job so permits;

the concession for the water charges during the period of relief, for all domestic, residential and commercial consumer shall be such as provided in the Schedule-II;

no tenant shall be evicted under the rent restriction laws by the landlord on account of default in payment of monthly rent:

Provided that the same shall not apply in cases where the landlord is a widow, minor orphan, disabled person or a senior citizen as defined in the Khyber Pakhtunkhwa Senior Citizens Act, 2014 (Khyber Pakhtunkhwa Act No. XXXV of 2014); and

the Non-governmental organization registered with the departments of Government, shall collaborate and share the data in connection with relief activities being done or performed for mitigating COVID-19 pandemic across the Khyber Pakhtunkhwa.

the designated officer may organize, control or regulate any volunteering campaigns, where volunteers may be involved in voluntary provision of personal services, physical assistance, knowledge and skills or performing of other activities for the benefit and relief of other citizens, bodies, government organizations and other institutions without any monetary compensation or reward, for combating the epidemic or otherwise:

Provided that the Home and Tribal Affairs Department may, by notification in the official Gazette, frame regulations for the conduct of volunteers and any such volunteering campaigns.

27. Penalty.--- (1) Whoever contravenes the provisions of section 26, without prejudice to any punishment to which he may be liable under any other law for the time being in force, shall be punishable with on spot fine which may extend up to rupees one million or attachment of movable, immovable, perishable property or both, on a complaint made by an aggrieved person in writing to an officer authorized under section 35:

Provided that the order of imposing the penalty shall be in writing containing reasons for the issuance of the order thereof.

(2) In case of non-payment of fine, the same shall be recovered as arrears of land revenue under the West Pakistan Land Revenue Act, 1967 (Act No. XVII of 1967).

28. Relief by Government.--- (1) Notwithstanding anything contained in any other law, for the time being in force, Government may,-

(a) provide total or partial exemption, suspension or deferral of the payment of the provincial taxes, duties, fees, cess, levies and charges in the manner as may be notified; and

(b) appoint the health staff on short term contracts under locum tenens or otherwise, with such package and on such terms and conditions as the Government may specify:

Provided that the health staff, hired for short-term services under clause (b) of this sub-section, shall not be entitled to any permanent status, regularization or absorption into Government service in any manner.

(2) No penalty or surcharge shall be imposed for late submission of sales tax or other returns under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013) by the relevant authorities for the months of March 2020 to June 2020.

29. Courts proceedings to be through video link.--- (1) Notwithstanding anything contained in any law, for the time being in force, all the Courts and Tribunals, wherever possible, may direct any litigant, accused, witness, legal representative or any other person or officer of the Court to participate in any proceeding of the Court, through video link:

Provided that while giving such directions the Courts or Tribunals, as the case may be, must consider all the circumstances of the case and may rescind such directions where it appears to the Court or the Tribunal that it is not in the interest of justice to do so.

Provided further that any proceedings so undertaken through video link shall be considered judicial proceedings and shall form part of the record. Upon pronouncement of a decision upon such proceedings, it shall not be called in question on the ground that presence of persons concerned was not procured physically.

(2) The powers of the Court or Tribunal under this section are in addition to and not in derogation of any other powers already available to such Courts or Tribunals, in this respect.

(3) High Court, if so deems appropriate, may issue guidelines for regulating the proceedings before Courts or Tribunals through video-link, which guidelines, if so issued, shall be notified in the official Gazette and shall be binding on all concerned.

30. Period of limitation under various laws.--- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1 March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period.

31. Extension of transition period of local governments elections.--- The transition period of six months for establishment of new local government system provided under section 120A of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013) shall be read as two years:

Provided the election or any proceeding incidental thereto or ancillary therewith of any local governments or a vacancy arising therein shall not be conducted during the currency of declaration under section 3 of this Act.

32. Extension of period to perform duties, etc.--- Where, by any law, rule, regulation, order, contract or otherwise, any act or proceeding is directed or required to be done or undertaken in any court or office or any legal, regulatory, contractual or other obligation, by any person in the Province, that act, proceeding or obligation shall be considered as done or undertaken in due time if it is done or undertaken within thirty working days after the prescribed period, and the period to do or undertake such act, proceeding or obligation shall be deemed to be extended by such period.

33. Exemption from procurement laws.--- During the emergency period, where Government considers necessary, the procurement of certain goods, works or services, the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012) and the rules made thereunder shall not be applicable to any such procurements made by the procuring entities.

34. | Amendment of Schedule.--- Chief Minister may, by notification in the official Gazette, amend any of the Schedules by amending or modifying any entry therein or omitting any entry therefrom.

35. | Authorization.--- Government may, by notification in the official Gazette, authorize any of the Departments, attached departments, or any officer or authority to perform such functions and exercise such powers under this Act, as it deems necessary.

36. Bar to action.--- No order made under this Act shall be called in question in any court and no civil or criminal proceedings shall be instituted against any person for anything done in good faith against any person for any loss or damage caused to, or in respect of any property whereof possession has been taken under this Act.

37. Confidentiality.--- (1) Any information, collected or held by a public servant or by any other person, that identifies a person with an infectious disease, or have been positively tested for an infectious disease, his address or contacts, shall not be released or made public except under this section.

(2) The information under sub-section (1) may be released or made public:

(a) with the consent of the identified person;

(b) to a physician retained by the identified person;

(c) to enforce the provisions of this Act and the rules;

(d) to a medical practitioner for purposes of treatment of the person with an infectious disease;

(e) to blood banks, schools and prisons; and

(f) to the person responsible for a minor or a ward.

38. Power to make rules.--- Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

39. Removal of difficulties.--- Government may, by an order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

40. Over-riding effect.--- The provisions of this Act shall be in addition to and not in derogation of any existing law for the time being in force and in case of any conflict the provisions of this Act shall have an overriding effect.

41. Savings.--- Notwithstanding anything contained in this Act, or any law for the time being in force, or any judgment, decree or order of any court, the notifications, orders or circulars issued, powers conferred, assumed or exercised by any person or authority or forum between the 1st March 2020 and the date this Act comes into force (both days inclusive) in connection with Covid-19 Pandemic, shall be deemed to have been validly initiated, conducted, done, taken, passed, made, issued, conferred, assumed or exercised under this Act and shall have effect accordingly and shall be deemed to have been validly issued or passed under this Act.

42. Substitution of section 18 of the Khyber Pakhtunkhwa Act No. XXX of 2017.--- In the Khyber Pakhtunkhwa Public Health (Surveillance and Response) Act, 2017 (Khyber Pakhtunkhwa Act No. XXX of 2017), for section 18, the following shall be substituted, namely:

“18. Jurisdiction of the Court.--- An offence punishable under this Act shall be tried by Special Magistrate, appointed under section 14A of the Code of Criminal Procedure, 1898 (Act No. V of 1898).”.

43. Repeal of the Khyber Pakhtunkhwa Ord. No. XI of 2020.--- The Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Ordinance, 2020 (Khyber Pakhtunkhwa Ord. No. XI of 2020), is hereby repealed.

Schedule-I

[see section 2(b)]

Designated Officer(s)

Serial Nomenclature of the Office Authorized under
No. Description of Officer Sections

1. Secretary to the Government, Home and 6(b),6(d),7,21(1)(a),23,
Tribal Affairs Department. 24(3),26(g)
2. Secretary to the Government, Health 6(c),10, 21(1)(a),23,24(3)
Department.
3. Secretary to the Government, Elementary 6(a),21(1)(a),23,24(3)
and Secondary Education Department.
4. Director General, Health Services, Khyber 6(c),8, 21(1)(a),23,24(3)
Pakhtunkhwa.
5. Commissioner of a Division. 9, 21(1)(a),23,24(3)
6. Deputy Commissioner of the District. 7,8, 21(1)(a),24(3)
7. Officers of District Administration. 12, 21(1)(a),23,24(3)

Schedule-II

[see section 26(d)]

Monthly Consumption of Water for Houses:

Serial Area per Sq. yds. Suspension for
No. prescribed period.

1. House upto 80 sq.yds. No amount of Bill to be paid
2. 81-160 sq. yds. 25% amount of the Bill to be paid
3. 161-240 sq.yds. 50% amount of the Bill to be paid
4. Above 240 sq.yds. 100% amount of the Bill to be paid

Monthly Consumption of Water for Flats:
Serial Area per Sq. yds. Suspension for
No. prescribed period.

1. Flats up to 800 Sq. ft. No amount of Bill to be paid
2. 800 to 1000 Sq. ft. 25% amount of the Bill to be paid
3. 1000 — 1200 Sq. ft. 50% amount of the Bill to be paid
4. Above 1200 Sq. ft. 100% amount of the Bill to be paid