

Ordinance Summary

The Karnataka Epidemic Diseases Ordinance, 2020

- The Karnataka Epidemic Diseases Ordinance, 2020 was promulgated by the Governor on April 22, 2020. The Ordinance replaces the Epidemic Diseases Act, 1897, and the Hyderabad Infectious Diseases Act, 1950. The Ordinance provides for the regulation and prevention of epidemic diseases in the state of Karnataka. Key features of the Ordinance include:
 - **Powers of the state government:** Under the Ordinance the state government may notify any disease as an epidemic disease. If the state government is satisfied that the state or any part of the state is threatened with the outbreak of an epidemic disease, it may notify temporary regulations to curb the spread of the disease. These regulations may be on matters such as: (i) sealing state borders, (ii) restricting public and private transport, (iii) inspecting or quarantining persons arriving into the state by air, rail, road, or sea, (iv) restricting congregation of persons in public or religious spaces, and (v) prohibiting and restricting the functioning of shops and commercial establishments, offices, factories, workshops, and godowns.
 - **Penalty:** Any person who: (i) disobeys regulations or orders made under the Ordinance, or (ii) obstructs public servants following provisions of the Ordinance, may be punished with imprisonment of up to three years or a fine of up to Rs 50,000, or both. Abetting an offence will also be punishable with imprisonment of up to two years, or a fine of up to Rs 10,000, or both. All offences will be cognisable (person may be arrested without warrant) and bailable.
 - **Recovery of loss of damage to property:** Persons causing or instigating damage to public or private property in any area where restrictions
- are in place, may be imprisoned for a term between six months and three years, and a fine of up to Rs 50,000. Any person who causes damage to public or private property will also be punished with a penalty of twice the value of the property damaged, as determined by the deputy commissioner. Non-payment of penalty may lead to provisional attachment and forfeiture of the offender's property towards dues, subject to approval of the court.
 - **Offences by companies:** For an offence committed by a company, the company and every person who was in charge of, and responsible to, the company for conduct of business, shall be liable to be punished. Further, any other company person, whose consent or attributable neglect is proved in the commission of the offence will also be liable to be punished. A company person includes (i) a Director, (ii) Manager, (iii) Secretary, or (iv) any other officer to the company. However, a person will not be liable for punishment, if they prove that the offence was committed without their knowledge or that they exercised due diligence to prevent the commission of the offence.
 - **Power to make rules and regulations:** The state government may notify prospective or retrospective rules to carry out provisions under the Ordinance. Such rules must be laid before the Legislative Assembly while it is in session for 30 days. The Legislature can modify or nullify the rules. However, the modification or nullification of the rules will not impact the validity of previous actions taken under the rules.

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