



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA Law (Legislation-H) Department NOTIFICATION

No. 9723/Leg.H1/2020/Law.

*Dated, Thiruvananthapuram, 10th February, 2021
28th Makaram, 1196
21st Magha, 1942.*

The following Ordinance promulgated by the Governor of Kerala on the 9th day of February, 2021 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



ORDINANCE No. 22 OF 2021**THE KERALA EPIDEMIC DISEASES ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second year of the Republic of India.

AN

ORDINANCE

to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, for the unification and consolidation of the laws relating to the regulation and prevention of epidemic diseases in the State, the Kerala Epidemic Diseases Ordinance, 2020 (18 of 2020) was promulgated by the Governor of Kerala on the 26th day of March, 2020;

AND WHEREAS, in order to include certain provisions in the Kerala Epidemic Diseases Ordinance, 2020 (18 of 2020), the Kerala Epidemic Diseases (Amendment) Ordinance, 2020 (38 of 2020) was promulgated by the Governor of Kerala on the 3rd day of July, 2020;

AND WHEREAS, Bills to replace Ordinance No. 18 of 2020 and Ordinance No. 38 of 2020 by Acts of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 24th day of August, 2020 and ended on the same day;

AND WHEREAS, in order to keep alive the provisions of the said Ordinances, the Kerala Epidemic Diseases Ordinance, 2020 (57 of 2020) conjoining the provisions of above two Ordinances, was promulgated by the Governor of Kerala on the 26th day of September, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on 31st December, 2020 and ended on the same day and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;



AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the Kerala Epidemic Diseases Ordinance, 2020 (57 of 2020) will cease to operate on the 11th day of February, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Epidemic Diseases Ordinance, 2021.

(2) Section 7A shall be deemed to have come into force on the 4th day of July, 2020 and remaining sections shall be deemed to have come into force on 27th day of March, 2020.

2. *Definitions.*—In this Ordinance unless the context otherwise requires,—

(a) “Epidemic Disease” means any disease declared as epidemic disease by notification published in the official gazette, by the Government;

(b) “Government” means the Government of Kerala;

(c) “prescribed” means prescribed by rules or regulations made under this Ordinance;

(d) “regulation” means the regulations made under this Ordinance;

(e) “State” means the State of Kerala.

3. *Power of Government to notify epidemic disease.*—Government may by notification in the official gazette notify any disease as epidemic disease, for the purposes of this Ordinance, either throughout the State or in such part or parts thereof as may be specified in the notification.

4. *Power to take special measures and specify Regulations as to epidemic disease.*—(1) When at any time the Government is satisfied that the State or any part thereof is visited by or threatened with an outbreak of any epidemic disease, the Government may take such measures, as it deems necessary for the purpose, by notification in the official gazette specify such temporary



regulations or orders to be observed by the public or by any person or class of persons so as to prevent the outbreak of such disease or the spread thereof and require or empower District Collectors to exercise such powers and duties as may be specified in the said regulations or orders.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and specify regulations,—

(a) to prohibit any usage or act which the Government considers sufficient to spread or transmit epidemic diseases from person to person in any gathering, celebration, worship or other such activities within the State;

(b) to inspect the persons arriving in the State by air, rail, road, sea or any other means or in quarantine or in isolation, as the case may be, in hospital, temporary accommodation, home or otherwise of persons suspected of being infected with any such disease by the officers authorized in the regulation or orders;

(c) to seal State borders for such period as may be deemed necessary;

(d) to impose restrictions on the operation of public and private transport;

(e) to prescribe social distancing norms;

(f) to restrict or prohibit congregation of persons in public places and religious institutions;

(g) to regulate or restrict the functioning of offices, Government and private and educational institutions in the State;

(h) to impose prohibition or restrictions on the functioning of shops and commercial establishments, factories, workshops and godowns;

(i) to restrict duration of services in essential or emergency services such as banks, media, health care, food supply, electricity, water, fuel etc.;

(j) such other measures as may be necessary for the regulation and prevention of epidemic diseases as decided by the Government.

5. *Penalty.*—Any person/institution/company who is bound by regulations or order contravenes or disobey any such regulation or order made under this Ordinance or obstruct any officer empowered under this Ordinance shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.



6. *Abetment of offences.*—Whoever, abets any offence under this Ordinance and if the act abetted is committed in consequence of the abetment, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

7. *Offence under this Ordinance to be cognizable and bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) all offences under this Ordinance shall be cognizable and bailable.

7A. *Composition of offences.*—(1) Offences punishable under this Ordinance may be compounded on the application of the accused either before the institution of prosecution or with permission of the court concerned after the institution of prosecution, by such officers and for such amount, as the Government may by notification published in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded, no further proceedings shall be continued against the offender in respect of the offence compounded and the offender if in custody and the vehicles if any seized shall be released.

8. *Ordinance not in derogation of any other law.*—The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

9. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done by or under this Ordinance.

10. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Ordinance which appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.



11. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Ordinance.

(2) Every rules and regulations made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or the session immediately following; if the Legislative Assembly makes any modification in the rule or regulations or decides that the rule and/or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

12. *Repeal and saving.*—(1) The Cochin Epidemic Disease Act, 1072 (1 of 1072 M.E.), the Travancore Epidemic Disease Act, 1073 (2 of 1073 M.E.) and the Kerala Epidemic Diseases Ordinance, 2020 (Ordinance No. 57 of 2020) are hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Cochin Epidemic Disease Act, 1072 (1 of 1072 M.E.), the Travancore Epidemic Disease Act, 1073 (2 of 1073 M.E.) and the Kerala Epidemic Diseases Ordinance, 2020 (Ordinance No. 57 of 2020) shall be deemed to have been done or taken under this Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

