

# THE TELANGANA DISASTER AND PUBLIC HEALTH EMERGENCY (SPECIAL PROVISIONS) ACT, 2020

TELENGANA

India

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### Act 14 of 2020

- Published on 19 September 2020
- Not commenced
- [This is the version of this document from 19 September 2020.]
- [Note: The original publication document is not available and this content could not be verified.]

AN ACT TO MAKE SPECIAL PROVISION FOR THE DEFERMENT OF ANY PAYMENT IN PART, DUE AND PAYABLE TO ANY PERSON, INSTITUTION AND ANY PAY, PENSION AND REMUNERATION IN PART, TO ANY EMPLOYEE, ANY PENSIONER AND ANY OTHER PERSON, IN THE EVENT OF DISASTER AND PUBLIC HEALTH EMERGENCY IN THE STATE AND FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO. Be it enacted by the Legislature of the State of Telangana in the Seventy-first Year of the Republic of India as follows:-

### 1. Short title, extent and commencement.

(1) This Act may be called the Telangana Disaster and Public Health Emergency (Special Provisions) Act, 2020. (2) It extends to the whole of the State of Telangana. (3) It shall be deemed to have come into force with effect from 24th of March, 2020.

### 2. Definitions.

In this Act, unless the context otherwise requires, - (a) "Disaster" means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or manmade causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area and includes National or State notified Disasters under the Disaster Management Act, 2005 ; (b) "Employee" means and includes any person or teacher employed by the Government or other employees or teachers of institutions covered under section 5 of this Act and includes for the purpose of this Act Contract and Outsourcing personnel; (c) "Government" means the Government of Telangana; (d) "Notification" means any notification issued under this Act, published in the official Gazette; (e) "Pay" means pay as

defined under the Fundamental Rules, 1922, and includes all salaries, allowances, remunerations, benefits, and other emoluments payable or due to any person mentioned in sections 4 and 5; (f) “pension” means pension as defined under Telangana Revised Pension Rules, 1980 and any other rules governing payment of pensions to Government Servants and includes family pension and pension received by those who are included under section 5 of this Act; (g) “Pensioner” means a Government Servant who is receiving pension under the Telangana Revised pension Rules, 1980 and any other rules governing payment of pensions to Government Servants and includes family pensioner and those who are covered by section 5 of this Act; (h) “Public Health Emergency” means any health situation or emergency in the State of Telangana arising out of threat or outbreak of any contagious disease or epidemic or pandemic which has hit the whole or any part of the State, as declared by the Government.

### **3. Power of the Government to defer the Payment, in part, due and payable to any person or institution.**

Notwithstanding anything contained in any other law, rule or order or code, in the event of any disaster or public health emergency, it shall be competent and lawful for the Government to defer any payment due and payable to any person or institution in part, to the extent not exceeding half of the amount due or payable, for such period for the management of the situation arising out of such disaster or public health emergency or otherwise.

### **4. Power of the Government to defer the pay in part due and payable to an employee employed by the Government and also pensioners and to any other person.**

Notwithstanding anything contained in any other law, rule or order or code or judgement or order of any Court or Tribunal, in the event of any disaster or public health emergency, it shall be competent and lawful for the Government to defer the pay, pension or remuneration, in part, to the extent not exceeding half of the total monthly pay, pension or remuneration due and payable to an employee, pensioner or any other persons for such period, for the management of the situation arising out of such disaster or public health emergency or otherwise.

### **5. Power of the Government to defer the pay, in part, due and payable to an employee and pensioner of certain institutions including local self government institutions, statutory bodies etc.,**

Notwithstanding anything contained in any other law, rule or order or code or judgement or order of any Court or Tribunal, in the event of any disaster or public health emergency, it shall be competent and lawful for the Government to defer, the pay, pension or remuneration, in part, to the extent not exceeding one half of the total monthly pay, pension or remuneration due and payable to an employee, pensioner or any other person, in any institution, owned or controlled or aided by the Government, including aided school and college teachers, local self government institutions as well as statutory bodies, universities, corporations, aided educational institutions and such other

institutions, for such period for the management of the situation arising out of such disaster or public health emergency or otherwise.

## **6. Payment of deferred amount.**

The deferred payment, under section 3, 4 and 5 above has to be given back to such person or institution or employee, as the case may be, in such manner as may be mentioned in the notification issued by the Government to that effect, which shall be issued within six months from the date of the deferment.

## **7. Power to make rules.**

(1)The Government may, by notification without prejudice to the generality of the foregoing power, make rules for carrying out any or all of the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before the Legislature of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under the rule.

## **8. Power to remove difficulties.**

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything which appear to them necessary for the purpose of removing such difficulty:Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.(2)Every order made under sub-section (1) shall be laid before the Legislature of the State.

## **9. Repeal of Ordinance No.2 of 2020.**

The Telangana Disaster and Public Health Emergency (Special Provisions) Ordinance, 2020 is hereby repealed.