

THE KERALA EPIDEMIC DISEASES ACT, 2021

KERALA

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Act 4 of 2021

- Published in Kerala Gazette 1800 on 17 June 2021
- Commenced on 17 June 2021
- [This is the version of this document from 17 June 2021.]

[Translation in English of “2021-□” published under the authority of the Governor.] ACT 4 OF 2021 THE KERALA EPIDEMIC DISEASES ACT, 2021 AN ACT to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and for matters connected therewith or incidental thereto. WHEREAS, it is expedient to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and for matters connected therewith or incidental thereto; BE it enacted in the Seventy-second year of the Republic of India as follows:—

1. Short title and commencement.—

(1) This Act may be called the Kerala Epidemic Diseases Act, 2021. (2) Section 8 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 Act 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 Act; (d) “regulation” means the regulations made under this Act; (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 Act, 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 regulations, 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 Government and private offices 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, healthcare, food supply, electricity, water, fuel etc.; and(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 orders contravenes or disobey any such regulation or order made under this Act or obstruct any officer empowered under this Act, 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 Act 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 Act to be cognizable and bailable.—

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

8. Composition of offences.—

(1) Offences punishable under this Act 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.

9. Act not in derogation of any other law.—

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

10. 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 Act.

11. Power to remove difficulties.—

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Act 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 Act.

12. 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 Act. (2) Every rules and regulations made under this Act 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 in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, 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.

13. Repeal and saving.—

(1) The Epidemic Diseases Act, (I of 1072 M.E., Cochin Act), the Epidemic Diseases Act, 1073 (II of 1073 M.E., Travancore Act) and the Kerala Epidemic Diseases Ordinance, 2021 (Ordinance No.22 of

2021) 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 Epidemic Diseases Act, (I of 1072 M.E., Cochin Act), the Epidemic Diseases Act, 1073 (II of 1073 M.E., Travancore Act) and the Kerala Epidemic Diseases Ordinance, 2021 (Ordinance No. 22 of 2021) shall be deemed to have been done or taken under this

Act.

BY THE SUPERINTENDENT OF GOVERNMENT PRESSESAT THE GOVERNMENT CENTRAL
PRESS, THIRUVANANTHAPURAM, 2021