

Ordinance Summary

The Kerala Epidemic Diseases Ordinance, 2020

- The Kerala Epidemic Diseases Ordinance, 2020 was promulgated by the Governor on March 26, 2020. The Ordinance replaces the Epidemic Diseases Act, 1897, and repeals the Cochin Epidemic Diseases Act, 1072 (Malayalam calendar), and the Travancore Epidemic Diseases Act, 1073 (Malayalam calendar). The Ordinance provides for the regulation and prevention of epidemic diseases in the state of Kerala. 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, factories, workshops, and godowns.
 - **Penalty:** Any person, institution, or company who: (i) disobeys regulations or orders made under this Ordinance, or (ii) obstructs any officer empowered under this Ordinance, may be punished with imprisonment of up to two years or a fine of up to Rs 10,000, or both. Abetting an offence will be also 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.
 - **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 14 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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