

# Ordinance Summary

## The Kerala Epidemic Diseases Ordinance, 2021

- The Kerala Epidemic Diseases Ordinance, 2021 was promulgated by the Governor on February 9, 2021. The Ordinance repeals the Kerala Epidemic Diseases Ordinance, 2020, the Cochin Epidemic Diseases Act, 1072 (Malayalam calendar), and the Travancore Epidemic Diseases Act, 1073 (Malayalam calendar). The 2020 Ordinance expired on February 11, 2021 and its provisions are now extended by the 2021 Ordinance. The 2021 Ordinance provides for the regulation and prevention of epidemic diseases in the state of Kerala. Key features include:
- **Powers of the state government:** Under the 2021 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 2021 Ordinance, or (ii) obstructs any officer empowered under this 2021 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.
- **Composition of offences:** The 2021 Ordinance permits offences to be compounded either: (i) on the application of the accused before the prosecuting institution, or (ii) with the permission of the concerned court, upon payment of a fee. The fee for compounding offences will be notified by the state government. Further, when an offence has been compounded, the offender and vehicles seized (if any), shall be released.
- Compounding of an offence is a process (under the Criminal Procedure Code, 1973) where a matter is settled by a monetary payment, in lieu of other liability. The compounding authority may condone the offence and ask the defaulting party to deposit a compounding fee.

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