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తెలంగాణ రాజపత్రము
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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 10th September, 2020.

L. A. BILL No. 12 OF 2020.

A BILL 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.

[1]

B. 41 (NG)

Be it enacted by the Legislature of the State of Telangana in the Seventy-first Year of the Republic of India, as follows:

Short title, extent and commencement.

1. (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.

Definitions.

2. 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 **with** 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;

Central Act No. 53 of 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. 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 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.

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

4. 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 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.

Power of the Government to defer the Pay in part due to an employee employed by the Government and also pensioners and to any other person.

* and lawful for the Government to defer, any payment due

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

5. 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 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.

Payment of deferred amount.

6. 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.

Power to make rules.

7. (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. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything which appears to them necessary for the purpose of removing such difficulty:

Power to remove difficulties.

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 The Telangana Disaster and Public Health Emergency (Special Provisions) Ordinance, 2020 is hereby repealed.

Repeal of Ordinance No. 2 of 2020.

STATEMENT OF OBJECTS AND REASONS

Whereas, it is expedient 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 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;

As the Legislature of the State was not then in session having been prorogued, and to achieve the above objectives with immediate effect the Governor have promulgate the Telangana Disaster and Public Health Emergency (Special Provisions) Ordinance, 2020 on the 16th June, 2020. (Telangana Ordinance No. 2 of 2020).

This Bill seeks to replace the above Ordinance.

T. HARISH RAO,
Minister for Finance.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 6, 7 and 8 of the Bill authorises the Government to issue notification or to make rules in respect of matters specified therein and generally to carry out the proposes of the Act and such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by the Legislature.

The above provisions of the Bill regarding delegated legislation are thus of normal type and are mainly intended to cover matters of procedure.

T. HARISH RAO,
Minister for Finance.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND THE CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY.**

The Telangana Disaster and Public Health Emergency (Special Provisions) Bill, 2020 after it is passed by the Legislature of the State may be submitted to the Governor for her assent under article 200 of the Constitution of India.

T. HARISH RAO,
Minister for Finance.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.