

**THE KERALA REGULATION AND PREVENTION OF EPIDEMIC
DISEASES AND INFECTIOUS ORGANISMS
BILL, 2020**

**A
BILL**

to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and infectious organisms and for matters connected therewith and incidental thereto.

Preamble .- WHEREAS it is expedient to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and infectious organisms and for matters connected therewith and incidental thereto.

BE it enacted 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 Kerala Regulation and Prevention of Epidemic Diseases and Infectious Organisms Act, 2020”.
 - (2) It extends to the whole of the State of Kerala.
 - (3) It shall come in to force at once.

2. **Definitions.**- In this Act, unless the context otherwise requires,-
 - (a) “Epidemic Disease” means any disease declared as epidemic by notification published in the official gazette, by the Government.
 - (b) “Gathering” means an assembly of persons for activities relating to social, cultural, religious or any other purpose.
 - (c) “Government” means the Government of Kerala
 - (d) “Prescribed” means prescribed by rules made under this Act;

- 3. Power of take special measures and specify Regulations as to epidemic disease.-** (1) When at any time the State Government is satisfied that the State or any part thereof is visited by or threatened with an outbreak of any epidemic disease, the State Government may, if it thinks that the ordinary provisions of the law for the time being in force or insufficient for the purpose, take such measures, as it deems necessary for the purpose, by notification in the official gazette specify such temporary regulations 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 any person to exercise such powers and duties as may be specified in the said regulations.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the State Government may take measures and specify regulations for,-
- (a) prohibiting any usage or act which the Government considers sufficient to spread or transmit epidemic diseases and infectious organisms from person to person in any gathering, celebration, worship or other such activities within the State of Kerala;
 - (b) the inspection of persons arriving in the State by Air, Rail, Road or any other means and quarantine or isolation, as the case may be, in hospital, temporary accommodation, home or otherwise of persons suspected by the officers authorized in this behalf of being infected with any such disease.
- 4. Offence.-** Any person disobeying any regulation specified or order issued under this Act shall be deemed to have committed an offence punishable under section 5 of this Act.
- 5. Punishment.-** Whoever commits an offence as provided under section 4 shall on conviction be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees twenty five thousand or with both.
- 6. Offence to be cognizable and bailable .-** An offence punishable under this Act shall be cognizable and bailable.

- 7. Duty of Government to impart awareness.-** The Government shall take necessary measures as may be prescribed for imparting awareness to the general public regarding prevention of spread of epidemic diseases and transmission of infectious organisms.
- 8. Act to have overriding effect.-** .- The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force except to the extent the provisions of other laws are inconsistent with the provisions of this Act.
- 9. Power to remove difficulties .-** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove 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.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly.
- 10. Protection of action taken in good faith.-** No suit or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act.
- 11. Power to make rules.-** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Every rule 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 sessions in which it is so laid or the session immediately following, the Legislative assembly makes any modification in the rule or decides that the rule should not be made, the rule 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.

12. *Repeal and savings.*- (1) The Cochin Epidemic Disease Act, 1072 (1 of 1072 M.E) and The Travancore Epidemic Disease Act, 1073 (2 of 1073 M.E) are hereby repealed.

(2) From the date of commencement of this Act, the provisions of Epidemic Diseases Act, 1897 (Act No. 3 of 1897) shall have no application to the territories comprised in Malabar area as defined in the State Reorganisation Act, 1956.

(3) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Cochin Epidemic Disease Act, 1072 (1 of 1072 M.E) , the Travancore Epidemic Disease Act, 1073 (2 of 1073 M.E) and the Epidemic Disease Act 1897 (Act 3 of 1897) shall be deemed to have been done under this Act.