
KARNATAKA ORDINANCE NO. 07 OF 2020**THE KARNATAKA EPIDEMIC DISEASES ORDINANCE, 2020**

(Promulgated by the Governor of Karnataka in the Seventy first year of the Republic of India and First published in the Karnataka Gazette Extra-ordinary on the 22nd day of April,2020)

An Ordinance to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases in the State of Karnataka.

Whereas both the Houses of the state legislature are not in session and Honourable Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action, to make the Karnataka Epidemic Diseases Ordinance, 2020 for the purposes hereinafter appearing;

Now, therefore in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, Honourable Governor of Karnataka is pleased to promulgate the following Ordinance, namely:-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Karnataka Epidemic Diseases Ordinance, 2020.

(2) It shall extend to the whole of State of Karnataka.

(3) It shall come into force at once.

2. Definitions.- In this Ordinance, 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 Karnataka;

(c) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(d) "regulations" means the regulations made under this Ordinance; and

(e) "State" means the State of Karnataka.

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 Ordinance, 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 Deputy Commissioner and/or Municipal Commissioners 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 regulation or orders;

(c) to seal State or district 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 offices, Government and Private 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, health care, food supply, electricity, water, fuel, etc.;

(j) to restrict social, political, sports, entertainment, academic, cultural or religious functions or gatherings; and

(k) such other measures as may be necessary for the regulation and prevention of epidemic diseases as decided by the Government.

5. Prohibition of Contravention or obstruction of Public Servant.- (1) No person, institution or company shall contravene or disobey any of the provisions of Section 4, rules, regulation or order made under this ordinance.

(2) No person shall obstruct any officer or any Public Servant while acting or purporting to act or discharging any duty in pursuance to any provisions of this ordinance, rules, regulations or orders made there under.

(3) Whoever contravenes any of the provisions of sub-section (1) or (2) shall on conviction be punished with imprisonment for a term which may extend to three years and with a fine which may extend to fifty thousand rupees.

6. Prohibition for causing damage to public or private property. -(1) No person shall commit or attempt to commit or instigate, incite or otherwise abet the commission of offence to cause loss or damage to any public or private property in any area when restrictions and regulations are in force to contain any epidemic disease.

(2) Whoever contravenes the provision of sub-section (1) shall be punished with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which may extend to fifty thousand rupees.

7. Recovery of loss for damage caused to the public or private property.-(1) In addition to the punishment specified in section 6 the offender shall also be liable for a penalty of twice the value of public or private property damaged and loss caused to the public or private property as determined by the Deputy Commissioner after such enquiry as he deems fit:

Provided that no such order shall be made without giving an opportunity being heard to the offender.

(2) Any person aggrieved by such order may appeal to the Regional Commissioner within thirty days from the date of receipt of the order.

(3) In case the offender has not paid the penal amount under sub section (1), the said amount shall be recovered under the provisions of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) as if it were to be an arrears of land revenue.

(4) In furtherance of such recovery the Deputy Commissioner may by notification make provisional attachment of his property available and direct seizure and forfeiture of property towards such dues subject to making it absolute by the competent court

8. Abetment of offences.- Whoever, abets any offence under this Ordinance 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.

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

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

11. Certain persons to be public servants.- All officers, servants and other persons shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this

Ordinance, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

12. 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 Ordinance.

13. Offences by Companies.- (1) Where an offence under this Ordinance has been committed by a Company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the Company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, or other officer to the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section.-

(a) "company" means any body corporate and includes a firm or other association of individuals and

(b) "director" in relation to a firm, means a partner in the firm

14. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Ordinance 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 Ordinance.

15. Power to make rules and regulations.- (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 Ordinance.

(2) Every rules and regulations made under this Ordinance shall be laid, as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or two more successive sessions and if before expiry of the session in which it is laid or the session immediately following; both houses agree in making 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.

16. Repeal and saving.- (1) The Epidemic Diseases Act, 1897 (Mysore Act II of 1897) and the Hyderabad Infectious Diseases Act, 1950 (Hyderabad Act XII of 1950) are hereby repealed.

(2) From the date of commencement of this Ordinance, the provisions of Epidemic Diseases Act, 1897 (Central Act 3 of 1897) shall have no application to the State of Karnataka.

(3) 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, 1897 (Mysore Act II of 1897) and the Hyderabad Infectious Diseases Act, 1950 (Hyderabad Act XII of 1950) and the Epidemic Diseases Act, 1897 (Central Act 3 of 1897) shall be deemed to have been done under this Ordinance.

17. Transitory Provisions.- Notwithstanding such repeal any rule, regulation, notification or order made under the repealed Acts shall continue till new rules are made, amended or altered under this Ordinance for the purpose of carrying out the provisions of this Ordinance.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

By order and in the name of the
Governor of Karnataka,

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation.