

KARNATAKA ACT NO. 26 OF 2020
THE KARNATAKA EPIDEMIC DISEASES ACT, 2020.

Arrangement of Sections

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I

STATEMENT OF OBJECTS AND REASONS

ACT 26 OF 2020.- It is considered necessary to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases, prohibition of obstruction of public servant and causing act of violence against them and prohibition of causing damage to public and private property recovery of loss thereof in the State of Karnataka and for matters connected therewith or incidental thereto;

As the matter was urgent and both Houses of the State Legislature were not in session, the Karnataka Epidemic Diseases Ordinance, 2020 (Karnataka Ordinance No. 07 of 2020) was promulgated to achieve the above object.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

[L.A. Bill No. 44 of 2020, File No. Samvyashae 58 Shasana 2020]

[Entry 6 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT 26 OF 2020

(First Published in the Karnataka Gazette Extra-ordinary on the 19th day of October, 2020)

THE KARNATAKA EPIDEMIC DISEASES ACT, 2020.

(Received the assent of the Governor on the 16th day of October, 2020)

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

Whereas, it is expedient in the public interest to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and for matters connected therewith or incidental thereto;

Be it enacted by the Karnataka State Legislature 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 Karnataka Epidemic Diseases Act, 2020.

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

(3) Clause (a) of section 2, sub-section (3), (4), and (5) of section 5, section 9 and section 10 shall come into force at once and the remaining provisions shall be deemed to have come into force with effect from the 22nd day of April, 2020.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) “act of violence” includes any of the following acts committed by any person against a public servant serving during an epidemic, which causes or may cause,-

- (i) harassment impacting the living or working conditions of such public servant and preventing him from discharging his duties;
- (ii) harm, injury, hurt, intimidation or danger to the life of such public servant, either within the premises of a clinical establishment or otherwise;
- (iii) obstruction or hindrance to such public servant in the discharge of his duties, either within the premises of a clinical establishment or otherwise; or
- (iv) loss or damage to any property or documents in the custody of, or in relation to, such public servant;

(b) “epidemic disease” means any disease declared as epidemic disease by notification published in the official Gazette, by the Government;

(c) “Government” means the Government of Karnataka;

(d) “prescribed” means prescribed by rules or regulations made under this Act;

(e) “regulations” means the regulations made under this Act; and

(f) “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 Act, 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 entering the State by air, rail, road, sea or any other means or in quarantine or in isolation, 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 Act.

(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 Act, rules, regulations or orders made there under.

(3) No person shall indulge in any act of violence against a public servant or cause any damage or loss to any public or private property during an epidemic.

(4) Whoever contravenes any of the provisions of sub-section (1), (2) or (3) shall on conviction be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.

(5) Whoever, while committing an act of violence against a public servant, causes grievous hurt as defined in section 320 of Indian Penal Code, 1860 (Central Act 45 of 1860) to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh 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 three months, but which may extend to five years and with a fine which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.

7. Recovery of loss for damage caused to the public or private property.-(1) In addition to the punishment specified in section 5 or section 6, the offender shall also be liable to pay, by way of compensation, such amount, as may be determined by the court for causing hurt or grievous hurt to any public servant.

(2) Notwithstanding the composition of an offence under section 10, in case of damage to any public or private property and loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property and the loss caused, to be determined by the Court.

(3) Upon failure to pay the compensation awarded under sub-sections (1) and (2), such amount shall be recovered as an arrear of the land revenue under the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964).

(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 Act and if the act abetted is committed in consequence of the abetment, shall be punished as of the offence committed.

9. Cognizance, investigation and trial of offences.- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),-

(i) an offence punishable under section 5 or section 6 shall be cognizable and non-bailable;

(ii) any case registered under section 5 or section 6 shall be investigated by a police officer not below the rank of Inspector;

(iii) investigation of a case under section 5 or section 6 shall be completed within a period of thirty days from the date of registration of the First Information Report;

(iv) in every inquiry or trial of a case under section 5 or section 6, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded, and an endeavour shall be made to ensure that the inquiry or trial is concluded within a period of one year:

Provided that, where the trial is not concluded within the said period, the Judge shall record the reasons for not having done so:

Provided further that, the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding six months at a time.

10. Composition of certain offences.- Where a person is prosecuted for committing an offence punishable under sub-section (3) of section 5, such offence may, with the permission of the Court, be compounded by the person against whom such act of violence is committed.

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

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

13. 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 Act.

14. Offences by Companies.- (1) Where an offence under this Act 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 Act 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 anybody corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm, means a partner in the firm.

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

16. 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 Act.

(2) Every rule and regulation made under this Act 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.

17. 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) and the Karnataka Epidemic Diseases Ordinance, 2020 (Karnataka Ordinance No.07 of 2020) are hereby repealed.

(2) From the date of commencement of this Act, 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) and the Karnataka Epidemic Diseases Ordinance, 2020 (Karnataka Ordinance No. 07 of 2020) shall be deemed to have been done under this Act.

18. Transitory Provisions.- Notwithstanding such repeal any rule, regulation, notification or order made under the repealed Acts and Ordinance shall be deemed to have done under this Act and they shall continue till new rules are made, amended or altered under this Act for the purpose of carrying out the provisions of this Act.

The above translation of Karnataka Sankramika Rogagalu Adhiniyama, 2020 (Karnataka Act 26 of 2020) shall be authoritative text in the English language under by clause (3) of Article 348 of the Constitution of India.

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