



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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25th August 2021
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9th Chingam 1197
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3rd Bhadra 1943

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No. 2484

GOVERNMENT OF KERALA Law (Legislation-A) Department NOTIFICATION

No. 6936/Leg.A1/2020/Law.

*Dated, Thiruvananthapuram, 24th August, 2021
8th Chingam, 1197
2nd Bhadra, 1943.*

The following Ordinance promulgated by the Governor of Kerala on the 23rd day of August, 2021 is hereby published for general information.

By order of the Governor,

V. HARI NAIR,
Law Secretary.



ORDINANCE No. 104 OF 2021**THE KERALA DISASTER AND PUBLIC HEALTH EMERGENCY
(SPECIAL PROVISIONS) ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to make special provision for the deferment of any payment in part, due and payable to any person, institution and any pay, in part, to any employee in the event of disaster and public health emergency in the State and for the matters connected therewith or incidental thereto.

Preamble.—WHEREAS, the Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2020 (30 of 2020) was promulgated by the Governor of Kerala on the 30th day of April, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala during its session which convened on the 24th day of August, 2020;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2020 (47 of 2020) was promulgated by the Governor of Kerala on the 26th day of September, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, during its session which convened on the 31st day of December, 2020 and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance the Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2021 (20 of 2021) was promulgated by the Governor of Kerala on the 9th day of February, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021;



AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2021 (71 of 2021) was promulgated by the Governor of Kerala on the 1st day of July, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 2nd day of September, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2021.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 30th day of April, 2020.

2. *Definitions.*—In this Ordinance, 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 which 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 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 Ordinance;

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



(d) “Notification” means any notification issued under this Ordinance, published in the Official Gazette;

(e) “Pay” means pay as defined under clause (23) of rule 12 of the Kerala Service Rules, 1959 and includes all salaries, allowances, remunerations, benefits and other emoluments payable or due to any person mentioned in sections 4 and 5;

(f) “Public Health Emergency” means any health situation or emergency in the State of Kerala arising out of threat or outbreak of any contagious disease or epidemic, which has hit the whole or any part of the State, as declared by the Government.

3. *Power of the Government to defer the payment in part due and payable to any person or institution.*—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 lawful for the Government to defer, by notification, any payment due and payable to any person or institution in part, to the extent not exceeding one-fourth 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.

4. *Power of the Government to defer the pay in part due to an employee employed by the Government.*—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, by notification, the pay in part, to the extent not exceeding one-fourth of the total monthly pay, due to an employee employed by the Government for such period, for the management of the situation arising out of such disaster or public health emergency or otherwise.

5. *Power of the Government to defer the pay, in part, due to an employee of certain institutions including local self government institutions, statutory bodies etc.*—Notwithstanding anything contained in any other law, rule or order or code or judgment 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, by notification, the pay in part, to the extent not exceeding one-fourth of the total monthly pay, due to an employee 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, as may be notified, for such period for the management of the situation arising out of such disaster or public health emergency or otherwise.

6. *Remittance of deferred amount.*—The amount deferred as per section 5 shall be remitted by the institution concerned to the Government Treasury, as directed by the Government.

7. *Payment of deferred amount.*— The deferred payment, under sections 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 first notification issued under sections 3, 4 and 5 above.

8. *Power to make rules.*—(1) The Government may, by notification in the official Gazette, make rules either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Ordinance.

(2) Every rule made and notification issued under this Ordinance 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 session in which it is so laid or the session immediately following, if the Legislative Assembly makes any modification in the rule or decides that rules 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.

9. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, do anything which appear to them necessary for the purpose of removing such difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under sub-section (1) shall be laid before the Legislative Assembly.

10. *Repeal and saving.*—(1) The Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2021 (71 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

