



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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10th Vaisakha 1942

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No. 1105

GOVERNMENT OF KERALA
Law (Legislation-A) Department

NOTIFICATION

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

*Dated, Thiruvananthapuram, 30th April, 2020
17th Medam, 1195
10th Vaisakha, 1942.*

The following Ordinance promulgated by the Governor of Kerala on the 30th day of April, 2020 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



ORDINANCE NO. 30 OF 2020
**THE KERALA DISASTER AND PUBLIC HEALTH EMERGENCY (SPECIAL
PROVISIONS) ORDINANCE, 2020**

Promulgated by the Governor of Kerala in the Seventy-first 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, 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, 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;

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 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, 2020.

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

(3) It shall come into force at once.



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, 1950.
- (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 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 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 maybe, 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.

ARIF MOHAMMED KHAN,
GOVERNOR.

