

Rev (DMC) (C) 20-2/2020 – COVID 19
Government of Himachal Pradesh
Revenue Department – Disaster Management Cell

Shimla – 171002

Dated: 28th November 2020

ORDER

Whereas an Order of even number dated 30.10.2020 was issued for extension of lock down in Containment Zones to arrest the spread of COVID-19 in the State for a period up to 30.11.2020 with guidelines for re-opening of activities in a calibrated manner in areas outside the Containment Zones followed by the amendments and additional directions issued dated 18.11.2020 and 24.11.2020.

Whereas, on the directions of National Disaster Management Authority (NDMA) under section 6(2)(i) of the Disaster Management Act, 2005 and in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act, 2005, the Chairperson National Executive Committee (NEC) has issued an Order No. 40-3/2020-DM-I(A) dated 25.11.2020 directing that guidelines for surveillance, containment and caution will remain in force upto 31.12.2020.

And whereas, after a careful review of the current situation wherein COVID-19 epidemic is still a public health risk, and caution is required for the containment thereof.

Now, therefore after considering the prevalent status of the COVID-19 pandemic and the overall circumstances, which necessitates continuation of certain restrictions, in exercise of the powers conferred under the Section 24 (e) of the DM Act 2005, the undersigned in the capacity of the Chairman, State Executive Committee (SEC), hereby in accordance with the directions and guidelines for Surveillance, Containment and Caution included in Order of NEC dated 25.11.2020 (**Annexure A**) and with further restrictions specifically required taking note of rise in COVID-19 positive cases in Himachal Pradesh, in supersession of earlier orders of State Executive Committee issued on 18.11.2020 & 24.11.2020 directs all the Departments and Organisations of the Government, District Magistrates, Police Officers/Officials and Local Authorities of the State to ensure strict compliance with the directions of the NEC *ibid*.

The guidelines for Surveillance, Containment and Caution issued by the Ministry of Home Affairs, Government of India as per **Annexure – A** will be implemented till 15.12.2020, with the following directions :-

1. No Restriction on Inter-State and Intra-State Movement:

There shall be no restriction on inter-State and intra-State movement of persons and goods. No separate permission/approval/e-permit/registration will be required for such movements. However, inter-State movement of public transport buses, as already ordered, shall be operated only as per the SOPs to be issued by the Department of Transport, Himachal Pradesh after ensuring full readiness to comply with the SOPs.



2. Quarantine Requirements:

Quarantine requirements will be as prescribed by the Department of Health and Family Welfare from time to time.

3. Social/ entertainment/ cultural/ religious/ political/ marriages/ funeral and other congregations: -

- a. In gathering either indoor or outdoor, a maximum of 50 persons will be allowed. Wearing of face masks, maintaining social distancing, provision of thermal scanning and use of hand wash or sanitizer will be mandatory in all such venues.
- b. In gatherings where community kitchen or Dhaam, or professional catering is to be arranged, it is to be ensured that bio-degradable disposable plates, glasses and cutlery is used only. The managers and catering staff as far as possible, will be required to undergo tests through Rapid Antigen/RT-PCR test kits for COVID-19 with the help of local health officials not earlier than 96 hours before the event. They will also ensure adherence to highest level of personal and environmental hygiene all the times, especially at the time of preparing, serving /eating meals and disposal of the waste etc.
- c. Prior intimation of such gathering shall be given to District Administration – Deputy Commissioner/ SDM/ Tehsildar of the area, who if need be, can order the event to be video graphed by the organisers themselves.
- d. Maximum efforts shall be made for inauguration and foundation stone ceremonies through virtual platforms.
- e. Organizers shall be responsible to ensure compliance of these conditions & other SOPs issued, failing which they will be liable to be prosecuted or fine shall be imposed upon them.
- f. The respective District Magistrates/Superintendents of Police will take adequate measures to implement these orders with the support of all the PRIs and ULBs in letter and spirit. While granting permissions to the organizers, the local administration may impose additional conditions, as deemed fit, to contain the spread of COVID-19.

4. Night Curfew & other restrictions

- There will be Night Curfew in district Mandi, Shimla, Kullu and Kangra from 9.00 PM to 6.00 AM. There shall be no movement of persons and vehicles except those involved in the maintenance/delivery of essential/emergency goods &/or services or in case of medical emergency during these hours for the period mentioned above. Public buses however will be allowed to transit through or originate or terminate their journey in these districts even during curfew hours. Respective District Magistrate will issue orders in this regard.
- Inter-State as well as Intra State buses will operate at 50% of capacity. Transport Department will issue necessary Orders in this regard.

- Weekly 'Closing Day' for all the markets/shops shall be Sunday throughout the State irrespective of any provisions/orders issued under any other law for the time being. Shops dealing with fruits, vegetables, milk & milk products and other daily essential goods/Pharmacies etc. will be exempted from this requirement.

5. Directives for COVID-19 Management:

In addition to the National Directives on COVID-19 Management as contained in **Annexure I** of MHA order, the following directives shall be strictly adhered to and enforced by all concerned authorities:

- (i) All the Heads of Offices/Institutions (Health, etc.), especially those with large public dealings, shall take steps to reduce overcrowding in their establishments, maintain social distancing, and reduce public footprint in offices. Use of online platforms and token/permits system will be encouraged to provide services and reduce queues in offices/institutions. Preference will be given to hold review meetings through web-based systems.
- (ii) District Administration shall keep a close watch on crowding in urban settings and take proactive measures to implement social distancing and face cover/wearing of masks.
- (iii) All the office bearers of Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) shall ensure implementation of directives with respect to number of persons allowed to participate in marriage functions and funerals and restrictions imposed on social/ political/ entertainment/ cultural/ religious/ marriages/ funerals and other large congregations in their respective jurisdictions. Violations of directives in this regard shall be brought to the notice of the District Administration forthwith.
- (iv) All the project proponents, industrialists, contractors, orchardists, agriculturists, etc. will ensure that their workers maintain social distancing and take preventive measure to reduce spread COVID-19 in workplace and residential settings.
- (v) People without face cover/mask will not be allowed to board public transport such as buses and taxis and provided any services/goods in public offices or private establishments/shops.
- (vi) All non-essential travels, physical interactions and visits to public places/establishments shall be discouraged.

6. Community Awareness:

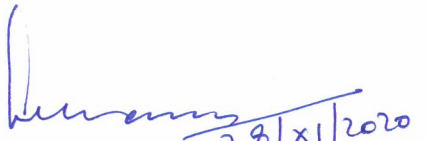
Responsible behavior on the part of all people through adoption of the prescribed safety precautions and self-regulation is critical to the containment measures being adopted for combating COVID-19. Negligence or non-adoption of prescribed safety measures can be harmful not only to the person concerned or his family and his colleague but also to the society as a whole. Therefore, there is continuous need to keep the awareness campaign alive and ensuring institutionalization of social distancing measure taken so far which have helped in containing the spread of COVID-19 in the State. In order to ensure this, the following measures may be taken:-

- a) The NGOs, CBOs and other voluntary organisations may also be encouraged to associate in HIM-SURAKSHA campaign in all earnestness for disseminating this message.
- b) The District Administration should also involve IAG Network and DRR volunteers and those who have volunteered their services to fight COVID-19 in HIM-SURAKSHA in educating the public at vantage places and in ensuring social distancing as well as wearing face marks/cover.

7. Penal Provisions:

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51-60 of the Disaster Management Act, 2005, besides legal action under Section 111, 114 & 115 of HP Police Act, 2007 and Section 188 of the IPC, and other legal provisions as applicable. Extract of these penal provisions under the Disaster Management Act, 2005 is at **Annexure III** of MHA order.

This Order shall remain in force, in all parts of the State with immediate effect and till 15.12.2020 or further orders, whichever is earlier.



28/11/2020
Chief Secretary cum Chairperson, SEC
Himachal Pradesh.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Head of Departments, Himachal Pradesh.
3. All the Divisional Commissioners, Himachal Pradesh.
4. All the Deputy Commissioners, Himachal Pradesh.
5. The Director I & PR for wider dissemination.

Copy for information to:

1. The Home Secretary, Ministry of Home Affairs, Government of India.
2. All the Members of SDMA.
3. All the members of the State Executive Committee.
4. Principal PS cum Special Secretary to Hon'ble Chief Minister-cum-Chairperson, SDMA.


28/11/2020
Special Secretary (Revenue) to the
Government of Himachal Pradesh.

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

55197249

28/11/2020

North Block, New Delhi-110001

Dated 25th November, 2020

ORDER

Whereas, an Order of even number dated 30.09.2020 was issued for containment of COVID-19 in the country, for a period upto 31.10.2020, which was further extended for a period upto 30.11.2020 vide an Order of even number dated 27.10.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order with guidelines for containment of COVID-19 in the country;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines for surveillance, containment and caution, as annexed, will be in force upto 31.12.2020.


Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All Members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

Guidelines for Surveillance, Containment and Caution

**[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A)
dated 25th November, 2020]**

The country is at a critical juncture in its fight against COVID-19. The number of active cases has declined steadily over the last two months, from over 10 lakhs, on September 18, 2020, to less than 4.5 lakhs now. However, over the last few weeks, the number of new cases has been rising in some States and UTs. The confluence of certain factors, viz., the recent festival season and the onset of winter, and the laxity in observance of the COVID-19 guidelines issued by Ministry of Home Affairs (MHA) in certain parts of the country pose the risk of the situation becoming aggravated, thus putting a strain on the health infrastructure. In some States and UTs, the spike observed in the number of new cases has already led to re-imposition of restrictions such as Night Curfew, limitations on number of persons in gatherings, restricted timings of markets etc. In the above context, with a view to consolidating the substantial gains that have been achieved against the spread of COVID-19, and to fully overcome the pandemic, the need of the hour is to maintain caution and strictly follow the prescribed containment strategy, focussed on surveillance, containment and strict observance of the guidelines.

Over the last few months, economic and other activities have been opened up in a phased manner, with the stipulation that the prescribed Standard Operating Procedures (SOPs) be scrupulously followed. The essence behind graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. Every citizen must adopt COVID-19 appropriate behaviour, so as to ensure that the resumption of activities is successful and gains made in the management of the pandemic are not negated. The following guidelines are issued to be effective from 1st December 2020.

COVID appropriate behavior

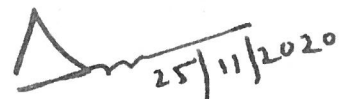
1. State/ UT Governments shall take all necessary measures to promote COVID-19 appropriate behaviour. Strict enforcement of wearing of face masks, hand hygiene and social distancing must be ensured.
2. Wearing of face masks is an essential preventive measure. In order to enforce this core requirement, States and UTs may consider administrative actions, including imposition of appropriate fines, on persons not wearing face masks in public and work spaces.
3. Observance of social distancing in crowded places, especially in markets, weekly bazaars and public transport, is also critical for containing the spread of the infection. Ministry of Health and Family Welfare (MoHFW) will issue a SOP to regulate crowds in market places, which shall be strictly enforced by States and UTs.


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4. SOPs for regulating travel in aircrafts, trains and metro rails are already in place, which shall be strictly enforced. States and UTs shall issue necessary guidelines for regulating travel in other modes of public transport, e.g., buses, boats etc., and ensure that these are strictly complied with.
5. The National Directives for COVID-19 Management, as specified in **Annexure I**, shall be strictly followed throughout the country.

Surveillance and Containment

6. Effective demarcation of Containment Zones, in vulnerable and high incidence areas, is key to breaking the chain of transmission and controlling the spread of the virus. Containment Zones shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare (MoHFW) in this regard. The list of Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs. This list will also be shared with MoHFW.
7. Within the demarcated Containment Zones, containment measures, as prescribed by MoHFW, shall be scrupulously followed, as under:
 - i. Only essential activities shall be allowed in the Containment Zones.
 - ii. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services.
 - iii. There shall be intensive house-to-house surveillance by surveillance teams formed for the purpose.
 - iv. Testing shall be carried out as per prescribed protocol.
 - v. Listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80% of contacts to be traced in 72 hours).
 - vi. Quick isolation of COVID-19 patients shall be ensured in treatment facilities/ home (subject to fulfilling the home isolation guidelines).
 - vii. Clinical interventions, as prescribed, shall be administered.
 - viii. Surveillance for ILI/ SARI cases shall be carried out in health facilities or outreach mobile units or through fever clinics in buffer zones.
 - ix. Awareness shall be created in communities on COVID-19 appropriate behaviour.
8. **It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed Containment measures are**

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strictly followed. State/ UT Governments shall ensure accountability of the officers concerned in this regard.

Strict adherence to the prescribed SOPs

9. All activities have been permitted outside Containment Zones, except for the following, which have been permitted with certain restrictions:
 - i. International air travel of passengers, as permitted by MHA.
 - ii. Cinema halls and theatres, with upto 50% capacity.
 - iii. Swimming pools, only for training of sports persons.
 - iv. Exhibition halls, only for business to business (B2B) purposes.
 - v. Social/ religious/ sports/ entertainment/ educational/ cultural/ religious gatherings, with upto a maximum of 50% of the hall capacity, with a ceiling of 200 persons in closed spaces; and keeping of the size of the ground/ space in view, in open spaces.However, based on their assessment of the situation, State/ UT Governments may reduce the ceiling to 100 persons or less, in closed spaces.
10. SOPs have been prescribed for various activities. These include: movement by passenger trains; air travel; metro trains; schools; higher educational institutions; hotels and restaurants; shopping malls, multiplexes and entertainment parks; yoga centres and gymnasiums; assemblies and congregations, etc.
11. For ease of reference, the list of activity wise SOPs with their web-links is given at **Annexure II**.
12. The SOPs shall be strictly enforced by the authorities concerned, who shall be responsible for their strict observance.

Local restrictions

13. States and UTs, based on their assessment of the situation, may impose local restrictions, with a view to contain the spread of COVID-19 such as night curfew. However, State/ UT Governments shall not impose any local lockdown (State/ District/ sub-division/City level), outside the containment zones, without prior consultation with the Central Government.
14. States and UTs also need to enforce social distancing in offices. In cities, where the weekly Case Positivity Rate is in more than 10%, States and UTs concerned shall consider implementing staggered office timings and other suitable measures, with a view to reduce the number of employees attending office at the same time, thereby ensuring social distancing.
15. There shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under


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Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

Protection of vulnerable persons

16. Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

Use of Aarogya Setu

17. Aarogya Setu enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
18. With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that Aarogya Setu is installed by all employees having compatible mobile phones.
19. Organizations and Business entities with 50 or more employees are encouraged to avail the Aarogya Setu OpenAPI Service (<https://openapi.aarogyasetu.gov.in>). OpenAPI feature will facilitate Organisations and employees to return to work in a COVID 19 risk free environment.
20. District authorities may advise individuals to install the Aarogya Setu application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

Strict enforcement of the guidelines

21. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
22. For the enforcement of social distancing, State/ UT Governments may, as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973.
23. All the District Magistrates shall strictly enforce the above measures.

Penal provisions

24. Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at Annexure III.


25/11/2020
Union Home Secretary


and, Chairman, National Executive Committee

NATIONAL DIRECTIVES FOR COVID-19 MANAGEMENT

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet (2 gaz ki doori) in public places.
Shops will ensure physical distancing among customers.
3. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.

Additional directives for Work Places

4. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
5. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
6. **Screening & hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry points and of hand wash or sanitizer at exit points and common areas.
7. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.
8. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.


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Annexure II

LIST OF SOPS PRESCRIBED FOR VARIOUS ACTIVITIES

S No	Name of Activity	SOP issue date	Weblink
1	Sign-on and sign-off of Indian Seafarers at Indian Ports and their movement	21.04.20	https://www.mha.gov.in/sites/default/files/MHAOrder_21042020_0.pdf
2	Movement of Indian Nationals stranded outside the country and of specified persons to travel abroad	Revised on 22.08.20	https://www.civilaviation.gov.in/sites/default/files/MHA_SOP_dtd_22_08_2020_on_international_travel_under_Vande_Bharat_and_Bubble_flights.pdf
3	Movement of persons by train	19.05.20	https://www.mha.gov.in/sites/default/files/MHA%20Order%20Dt.%2019.5.2020%20reg.%20revised%20SoPs%20on%20movement%20of%20stranded%20workers%20by%20trains.pdf
4	Domestic air travel of passengers	25.05.20	https://www.civilaviation.gov.in/sites/default/files/Order_dated_25th_May_2020_on_recommencement_of_domestic_air_services.pdf
5	Religious places/ places of worship	04.06.20	https://www.mohfw.gov.in/pdf/2SoPstobefollowedinReligiousPlaces.pdf
6	Hotels, restaurants and other hospitality services	04.06.20	https://www.mohfw.gov.in/pdf/3SoPstobefollowedinRestaurants.pdf
7	Shopping Malls	04.06.20	https://www.mohfw.gov.in/pdf/4SoPstobefollowedinShoppingMalls.pdf
8	Offices	04.06.20	https://www.mohfw.gov.in/pdf/1SoPstobefollowedinOffices.pdf#_blank
9	Training Institutions of the Central and State Governments	05.07.20	https://dopt.gov.in/sites/default/files/Scan101.pdf
10	Yoga Institutes and gymnasiums	03.08.20	https://www.mohfw.gov.in/pdf/Guidelinesonyogainstitutesandgymnasiums03082020.pdf

S No	Name of Activity	SOP issue date	Weblink
11	Metro Rail	03.09.20	http://mohua.gov.in/cms/covid19metrosop.php
12	Skill or entrepreneurship training institutions, higher educational institutions conducting doctoral courses and post graduate studies in technical & professional programs requiring laboratory /experimental work.	08.09.20	https://www.mohfw.gov.in/pdf/FinalSOPonSkillinstitutions&PGinstitutes08092020.pdf
13	Schools	05.10.20	https://www.education.gov.in/sites/upload_files/mhrd/files/SOP_Guidelines_for_reopening_schools.pdf
14	Cinema hall/ theatres/ multiplex	06.10.20	https://mib.gov.in/sites/default/files/SOP%20for%20exhibition%20of%20films.pdf
15	Festivals	06.10.20	https://www.mohfw.gov.in/pdf/StandardOperatingProceduresonpreventivemeasurestocontainspreadofCOVID19duringfestivities.pdf#_blank
16	Colleges/ Higher Education Institution	07.11.20	https://www.ugc.ac.in/pdfnews/1360511_UC-C-Guidelines-for-Re-opening-of-Universities-and-Colleges.pdf
17	Entertainment parks and similar places	08.10.20	https://www.mohfw.gov.in/pdf/SOPonpreventivemeasurestobefollowedinEntertainmentParksandsimilarplacestocontainspreadofCOVID19.pdf
18	Anganwadi Kendra	11.11.20	https://wcd.nic.in/sites/default/files/AWC%20services%20continuation_0.pdf
19	Various congregations	-	Issued by the respective States/ UTs

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc.—Whoever, without reasonable cause —

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless 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 Department of the Government 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 officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, 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 contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised 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 was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer 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.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

AJAY BHALLA, IAS



गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O. No. 40-3/2020-DM-I(A)

25th November, 2020

Dear *Chief Secretary,*

Kindly refer to Ministry of Home Affairs (MHA) Order of even number issued today by which guidelines for surveillance, containment and caution have been issued, which will be effective till 31st December, 2020.

2. As you are aware, the country is at a critical juncture in its fight against COVID-19. While the number of active cases is declining steadily for the last 2-3 months, however, some States/ UTs are witnessing a spike in the number of new cases. Further, the situation might aggravate in view of the ongoing festival season and the onset of winter which are favourable for the spread of the virus.

3. It has been observed that there is a general laxity in following the guidelines issued by MHA as well as SOPs on various activities. The provisions of the guidelines issued by MHA and that of SOPs governing various activities, shall be strictly enforced by the authorities concerned, who shall be responsible for their strict adherence.

4. It has further been observed that the guidelines issued by Ministry of Health and Family Welfare (MoHFW) on containment measures and surveillance are not being strictly followed. It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed containment measures are strictly followed. State/ UT Governments shall ensure accountability of the officers concerned in this regard.

5. Covid-19 appropriate behavior is also not being fully adhered to by the people. States/ UTs should take all necessary measures to promote Covid-19 appropriate behavior. For implementing the basic requirement of wearing face mask, States/ UTs should take appropriate administrative measures, including imposition of suitable penalties. It is also necessary to regulate crowds in markets, public transport and various gatherings. MoHFW will be issuing SOPs to regulate crowds in market places and public transport, which shall be strictly enforced by States and UTs.

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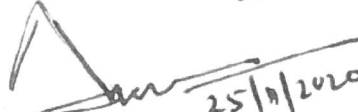
6. Further, various gatherings are allowed upto maximum 50% of the hall capacity subject to a ceiling of 200 persons. Based on the assessment of the situation, State/UT Governments may reduce this ceiling to 100 persons or less in closed places. Moreover, in States/ UTs where the weekly case positivity rate is more than 10%, States/ UTs may consider implementing staggered office timings and other suitable measures in order to reduce the number of employees attending offices.

7. I would like to emphasize that the essence behind the graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. States/ UTs, based on their assessment of the situation, may impose local restrictions with a view to contain the spread of COVID-19, such as night curfew. However, States/ UTs shall not impose local lockdowns outside the containment zones without prior consultation with the Central Government. Further, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries.

8. I would urge you to ensure compliance of the aforesaid guidelines and direct all authorities concerned for its strict implementation. Further, guidelines issued by MHA and consequent Orders issued by the respective State Governments/ UT Administration should be widely disseminated to the public and to the field functionaries for implementation.

With regards,

Yours sincerely,


25/9/2020
(Ajay Bhalla)

Chief Secretaries of All States
(As per Standard List attached)