

જાહેરનામું

ગુજરાત સરકાર
ગૃહ વિભાગ, સચિવાલય,
ગાંધીનગર

તા.૦૧.૦૬.૨૦૨૦

ક્રમાંક : ૭૭/૫૩/૨૦૨૦/વિ-૧/કઅવ/૧૦૨૦૨૦/૪૮૨

સમગ્ર દેશમાં COVID-19ની અસરોને નિયંત્રિત કરવાના હેતુથી, The Disaster Management Act, 2005થી મળેલ સત્તા અન્વયે કેન્દ્રીય ગૃહ મંત્રાલયના તા. ૨૪.૦૩.૨૦૨૦ના હુકમ ક્ર. 40-3/2020-DM-I(A)થી સમગ્ર દેશમાં તા.૨૫.૦૩.૨૦૨૦ થી ૨૧ દિવસ સુધી આવશ્યક સેવાઓ સિવાયની તમામ સેવાઓ મોકુફ રાખવામાં આવેલ. ત્યાર બાદ કેન્દ્રીય ગૃહ મંત્રાલયના વખતોવખતના હુકમથી આ અવધિ તા.૩૧.૦૮.૨૦૨૦ સુધી લંબાવવામાં આવેલ તથા કેટલીક પ્રવૃત્તિઓ તબક્કાવાર શરૂ કરવામાં આવેલ.

૨. સમગ્ર દેશમાં COVID-19ની અસરો ધ્યાને લેતાં National Disaster Management Authorityના નિર્દેશો મુજબ કેન્દ્રીય ગૃહ મંત્રાલયના તા.૨૯.૦૮.૨૦૨૦ના હુકમ ક્રમાંક. 40-3/ 2020-DM-I(A) થી કન્ટેનમેન્ટ ઝોનમાં તા.૩૦.૦૯.૨૦૨૦ સુધી lock downની અવધિ લંબાવવામાં આવી છે, તથા કન્ટેનમેન્ટ ઝોન સિવાયના વિસ્તારોમાં માર્ગદર્શક સુચનાઓ અનુસાર નિયત પ્રવૃત્તિઓ ચાલુ રાખવા હુકમ કરવામાં આવેલ છે.

૩. આથી કેન્દ્રીય ગૃહ મંત્રાલયના તા.૨૯.૦૮.૨૦૨૦ના હુકમ અનુસાર સમગ્ર રાજ્યમાં જાહેર કરવામાં આવેલ કન્ટેનમેન્ટ ઝોનમાં તા.૦૧.૦૯.૨૦૨૦ ના ૦૦.૦૦ કલાકથી તા.૩૦.૦૯.૨૦૨૦ના ૨૪.૦૦ કલાક સુધી Lockdown ની અવધિ લંબાવવામાં આવે છે તથા કન્ટેનમેન્ટ ઝોન સિવાયના વિસ્તારોમાં કેન્દ્ર સરકારની માર્ગદર્શક સુચનાઓ અનુસાર નિયત પ્રવૃત્તિ ચાલુ રાખવા નિર્ણય લેવામાં આવે છે.

૪. કેન્દ્ર સરકારના પૂર્વ પરામર્શ સિવાય કોઈપણ રાજ્ય સ્થાનિક સ્તરે (જિલ્લા/સબડીવીઝન/શહેર) સ્તરે કન્ટેનમેન્ટ ઝોન સિવાયના વિસ્તારોમાં સ્થાનિક સ્તરે Lockdown જાહેર કરી શકશે નહીં. જેથી જો સ્થાનિક સ્તરે Lockdown કરવાની જરૂરીયાત જણાય તો તે અંગે કેન્દ્ર સરકારની પૂર્વ મંજૂરી માટે વિગતવાર દરખાસ્ત રાજ્ય સરકારના ગૃહ વિભાગને મોકલવાની રહેશે. જે અંગે કેન્દ્ર સરકારની મંજૂરી મળ્યા બાદ જ સ્થાનિક સ્તરે Lockdown જાહેર કરી શકાશે.

૫. રાજ્યમાં શાળા, કોલેજો, શૈક્ષણિક અને coaching સંસ્થાઓ તા.૩૦.૦૯.૨૦૨૦ સુધી બંધ રહેશે. પરંતુ નીચે જણાવેલ પ્રવૃત્તિઓ ચાલુ કરી શકાશે.

(૧) ઓનલાઈન તથા ડિસ્ટન્સ લર્નિંગ ચાલુ રાખી શકાશે.

(૨) ૨૧.૦૯.૨૦૨૦થી રાજ્યમાં શૈક્ષણિક સંસ્થાઓમાં ૫૦% શૈક્ષણિક તથા બિનશૈક્ષણિક સ્ટાફને ઓનલાઈન શિક્ષણ/Tele Counselling માટે બોલાવી શકાશે. આ બાબતે આરોગ્ય અને પરીવાર કલ્યાણ મંત્રાલય દ્વારા બહાર પાડવામાં આવનાર SOPનું ચુસ્તપણે પાલન કરવાનું રહેશે.

(૩) તા.૨૧.૦૯.૨૦૨૦થી આરોગ્ય અને પરીવાર કલ્યાણ મંત્રાલય દ્વારા બહાર પાડવામાં આવનાર SOP અનુસાર કન્ટેનમેન્ટ ઝોન સિવાયના વિસ્તારોમાં ધોરણ ૯ થી ૧૨માં અભ્યાસ કરતાં વિદ્યાર્થીઓ સ્વૈચ્છિક ધોરણે શિક્ષકોના માર્ગદર્શન અર્થે વાલીની લેખિત પૂર્વમંજૂરી મેળવી શાળાએ જઈ શકશે.

(૪) Skill Development Training Institutes તા.૨૧.૦૯.૨૦૨૦થી આરોગ્ય અને પરીવાર કલ્યાણ મંત્રાલય દ્વારા બહાર પાડવામાં આવનાર SOP અનુસાર શરૂ કરી શકાશે.

(૫) Technical & Professional programmes for Ph.D. & Other Post Graduates કે જેમાં Lab or Experimental works જરૂરી હોય તે અંગે Department of Higher Education દ્વારા ગૃહ મંત્રાલયના પરામર્શમાં નિર્ણય લેવામાં આવશે.

૬. સામાજિક, શૈક્ષણિક, રમતગમત, મનોરંજન, સાંસ્કૃતિક પ્રવૃત્તિઓ, ધાર્મિક/ રાજકીય સમારોહ તથા other congregationમાં તા.૨૧.૦૯.૨૦૨૦થી ૧૦૦ વ્યક્તિઓની મર્યાદામાં એકઠા થવાની છૂટ

face cover, social distancing, thermal scanning અને sanitizerની સુવિધા સાથે આપવામાં આવે છે. પરંતુ લગ્ન સમારોહમાં ૫૦ વ્યક્તિ જયારે અંતિમક્રિયા/અંતિમવિધી માટે ૨૦ વ્યક્તિઓની મર્યાદા તા.૨૦.૦૯.૨૦૨૦ સુધી યથાવત રહેશે.

૭. તદુપરાંત નીચેની પ્રવૃત્તિઓને સોશીયલ ડિસ્ટન્સીંગ અને ફેસ કવર બાબતે આરોગ્ય અને પરિવાર કલ્યાણ મંત્રાલય, ભારત સરકારના નિર્દેશો/ગાઈડલાઈનને અનુસરવાની શરતે મંજૂરી આપવામાં આવે છે.

S No.	Activity	For all areas outside containment zones.
1.	Cinema Halls, swimming pools, entertainment parks, theatres, and similar places	No Open Air Theaters will be permitted from 21.09.2020.
2.	Parks and Public Gardens.	Yes.
3.	Hotels and Restaurants.	Yes. Will remain open till 23:00 Hours. As per SOP made effective from 8th June No time limit will be applicable for take-away facility.
4.	Shopping Malls.	As per SOP made effective from 8th June
5.	Shops	Yes, Without time limit.
6.	All religious places	Yes. with social distancing No functions / large gatherings are allowed as per SOP made effective from 8th June
7.	Street vendors	Yes as per SOPs prepared by ULB in designated area.
8.	Libraries	Function at 60% capacity
9.	GSRTC Bus Services	Yes.
10.	City Bus Services	(a) Ahmedabad/Surat: Yes, at 50% capacity outside containment zone) (b) For all other areas: Yes, at 60% capacity (outside containment zone)
11.	Private bus services	(a) Ahmedabad/Surat: Allowed to operate with SOP similar to GSRTC (50% seating capacity and no standing) (b) For all other areas: Allowed to operate with SOP similar to GSRTC (60% seating capacity and no standing)
12.	Metro Rail Services	Will be permitted from 7th September, 2020 in a graded manner. SOP in this regard will be issued by Ministry of Housing and Urban Affairs, Government of India.
13.	Auto Rickshaws	Yes. (1 Driver + 2 Passengers)

14.	Cabs, Taxis, Cab aggregators, Private vehicles	Yes. (1 Driver + 2 Persons; If seating capacity is 6 or more, 1 driver + 3 persons will be allowed)
15.	Two wheelers	Yes (1+1)
16.	Private offices	Permitted with social distancing, however work from home to be encouraged


૮. કેન્દ્રીય ગૃહ મંત્રાલયના વખતો-વખતના હુકમથી આપવામાં આવેલ આદેશો તથા માર્ગદર્શક સુચનાઓ આખરી રહેશે અને તેનો તમામે ચુસ્ત રીતે અમલ કરવાનો રહેશે.

૯. આ જાહેરનામાનું અસરકારક અમલીકરણ તમામે કરવાનું રહેશે.

૧૦. જાહેરમાં થૂંકવા તથા જાહેરમાં યોગ્ય રીતે ચહેરો ન ઢાંકવા બદલ રાજ્ય સરકાર દ્વારા વખતો વખતના હુકમથી નિયત કરવામાં આવેલ દંડને પાત્ર રહેશે.

૧૧. આ જાહેરનામાની જોગવાઈઓ/કેન્દ્ર સરકારની માર્ગદર્શિકાઓના ઉલ્લંઘન કરનાર વ્યક્તિ The Disaster Management Act, 2005 તેમજ The Indian Penal Code, 1860ની જોગવાઈઓ હેઠળ કાર્યવાહીને પાત્ર થશે.

ગુજરાતના રાજ્યપાલશ્રીના હુકમથી અને તેમના નામે,


(ચર્મેશ પરમાર)
સેક્શન અધિકારી
ગૃહ વિભાગ

પ્રતિ,

- પ.સ. રાજ્યપાલશ્રીના અગ્ર સચિવશ્રી, રાજભવન, ગાંધીનગર. (પત્ર દ્વારા)
- રજીસ્ટ્રારશ્રી ગુજરાત હાઈકોર્ટ, સોલા, અમદાવાદ. (પત્ર દ્વારા)
- માન. મુખ્ય મંત્રીશ્રીના મુખ્ય અગ્ર સચિવશ્રી, સચિવાલય, ગાંધીનગર.
- માન. નાયબ મુખ્ય મંત્રીશ્રીના અંગત સચિવશ્રી, સચિવાલય, ગાંધીનગર.
- તમામ મંત્રીશ્રીઓના અંગત સચિવશ્રી, સચિવાલય, ગાંધીનગર.
- મુખ્ય સચિવશ્રીના અંગત સચિવશ્રી, સચિવાલય, ગાંધીનગર.
- સચિવાલયના સર્વે વિભાગો.
- પોલીસ મહાનિદેશક અને મુખ્ય પોલીસ અધિકારીશ્રી, ગુજરાત રાજ્ય, પોલીસ ભવન, ગાંધીનગર.
- ગૃહ વિભાગ હેઠળના સર્વે ખાતાના વડાઓ.
- તમામ પોલીસ કમિશ્નરશ્રીઓ
- તમામ રેન્જના વડાશ્રીઓ
- તમામ જિલ્લા મેજિસ્ટ્રેટશ્રીઓ
- તમામ મ્યુનિસિપલ કમિશ્નરશ્રીઓ
- તમામ પોલીસ અધિક્ષકશ્રીઓ
- માહિતી નિયામકશ્રી - ગુજરાત રાજ્ય, બ્લોક નં. ૧૯, ડૉ. જીવરાજ મહેતા ભવન, ગાંધીનગર
૨/- આ બાબતને બહોળી પ્રસિદ્ધિ મળે તે મુજબની જરૂરી કાર્યવાહી કરવાની વિનંતી સહ.
- મેનેજરશ્રી - સરકારી મુદ્રણાલય, સેક્ટર - ૩૦, ગાંધીનગર
આ જાહેરનામાની સરકારી ગેઝેટમાં પ્રસિદ્ધિ કરી તેની રૂપ નકલો ગૃહ વિભાગ તથા આરોગ્ય અને પરીવાર કલ્યાણ વિભાગને મોકલી આપવાની વિનંતી સહ.
- સિલેક્ટ ફાઈલ - ૨૦૨૦.

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)

29th August, 2020

Dear Chief Secretary,

Kindly refer to Ministry of Home Affairs (MHA)'s Order of even number issued today whereby guidelines on Unlock 4, for opening up of more activities in areas outside the Containment Zones have been issued.

2. In Unlock 4, which will come into effect from 1st September, 2020, the process of phased re-opening of activities has been extended further. Lockdown, however, shall continue to be implemented strictly in the containment zones till 30th September, 2020. Containment Zones shall be demarcated by the District authorities at micro level with strict perimeter control and strict enforcement of containment measures as per guidelines of the Ministry of Health & Family Welfare (MOHFW).

3. As per the practice, the guidelines on Unlock 4 are based on feedback received from States and UTs, and consultations held with the related Central Ministries and Departments. Under the process of phased re-opening, following activities, in areas outside the Containment Zones only, have been permitted:

- Metro rail with effect from 7th September 2020 in a graded manner, to be allowed by the Ministry of Housing and Urban Affairs (MOHUA)/ Ministry of Railways (MOR), in consultation with MHA. SOP will be issued by MOHUA.
- Social /academic /sports/ entertainment /cultural/ religious/ political functions and other congregations with a ceiling of 100 persons and by following health protocol, with effect from 21st September 2020.
- Open air theatres with effect from 21st September 2020.
- Schools, colleges, educational and coaching institutions will continue to remain closed for students and regular class activity up to 30th September 2020. However, following will be permitted, with effect from 21st September 2020 and SOP will be issued by the Ministry of Health & Family Welfare (MoHFW):

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- a. States/ UTs may permit upto 50% of teaching and non-teaching staff to be called to the schools at a time for online teaching/ tele- counselling and related work.
- b. Students of classes 9 to 12 may be permitted to visit their schools voluntary and withwritten consent of their parents/ guardians, for taking guidance from their teachers.
- c. Skill or Entrepreneurship training will be permitted in National Skill Training Institutes, Industrial Training Institutes (ITIs), Short term training centres registered with National Skill Development Corporation or State Skill Development Missions or other Ministries of Government of India or State Governments.

National Institute for Entrepreneurship and Small Business Development (NIESBUD), Indian Institute of Entrepreneurship (IIE) and their training providers will also be permitted.

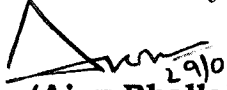
- Higher Education Institutions only for research scholars (Ph.D.) and post-graduate students of technical and professional programmes requiring laboratory/ experimental works. These will be permitted by the Department of Higher Education (DHE) in consultation with MHA, based on the assessment of the situation, and keeping in view incidence of COVID-19 in the States/ UTs.

4. As emphasized in my earlier D.O. letters, I would like to reiterate again that States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines issued by MHA. State/ UT Governments shall not impose any local lockdown, 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. No separate permission/ approval/ e-permit will be required for such movements.

5. I would urge you to ensure compliance of the guidelines on Unlock 4, and direct all concerned authorities for their 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,


(Ajay Bhalla)
29/08/2020

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

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

North Block, New Delhi-110001

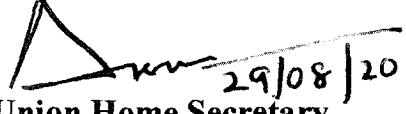
Dated 29th August, 2020

ORDER

Whereas, an Order of even number dated 29.07.2020 was issued for containment of COVID-19 in the country, for a period upto 31.08.2020;

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 to re-open more activities in areas outside the Containment Zones and to extend the lockdown in Containment Zones upto 30.09.2020;

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 on **Unlock 4**, as **annexed**, will be in force upto 30.09.2020.


29/08/2020
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 Phased Re-opening (Unlock 4)

**[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A)
dated 29th August, 2020]**

1. Activities permitted during Unlock 4 period outside the Containment Zones

In areas outside the Containment Zones, all activities will be permitted, except the following:

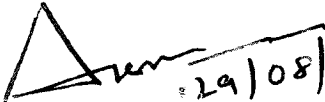
(i) Schools, colleges, educational and coaching institutions will continue to remain closed for students and regular class activity up to 30th September 2020. However, following will be permitted:

- a. Online/ distance learning shall continue to be permitted and shall be encouraged.
- b. States/ UTs may permit upto 50% of teaching and non-teaching staff to be called to the schools at a time for online teaching/ tele-counselling and related work, in areas outside the Containment Zones only, with effect from 21st September 2020 for which, Standard Operating Procedure (SOP) will be issued by the Ministry of Health & Family Welfare (MoHFW).
- c. Students of classes 9 to 12 may be permitted to visit their schools, in areas outside the Containment Zones only, on voluntary basis, for taking guidance from their teachers. This will be subject to written consent of their parents/ guardians and will be permitted with effect from 21st September 2020 for which, SOP will be issued by MoHFW.
- d. Skill or Entrepreneurship training will be permitted in National Skill Training Institutes, Industrial Training Institutes (ITIs), Short term training centres registered with National Skill Development Corporation or State Skill Development Missions or other Ministries of Government of India or State Governments.

National Institute for Entrepreneurship and Small Business Development (NIESBUD), Indian Institute of Entrepreneurship (IIE) and their training providers will also be permitted.

These will be permitted with effect from 21st September 2020 for which, SOP will be issued by MoHFW.

- e. Higher Education Institutions only for research scholars (Ph.D.) and post-graduate students of technical and professional programmes requiring laboratory/ experimental works. These will be permitted by the Department of Higher Education (DHE) in consultation with MHA, based on the assessment of the situation, and keeping in view incidence of COVID-19 in the States/ UTs.


29/08/2020
7

(ii) Metro rail will be allowed to operate with effect from 7th September 2020 in a graded manner, by the Ministry of Housing and Urban Affairs (MOHUA)/ Ministry of Railways (MOR), in consultation with MHA. In this regard, SOP will be issued by MOHUA.

(iii) Social/ academic/ sports/ entertainment/ cultural/ religious/ political functions and other congregations with a ceiling of 100 persons, will be permitted with effect from 21st September 2020, with mandatory wearing of face masks, social distancing, provision for thermal scanning and hand wash or sanitizer.

However, marriage related gatherings with number of guests not exceeding 50 and funeral/ last rites related gatherings with number of persons not exceeding 20 will continue to be allowed upto 20th September 2020, after which the ceiling of 100 persons will apply.

(iv) Cinema halls, swimming pools, entertainment parks, theatres and similar places will remain closed. However, open air theatres will be permitted to open with effect from 21st September 2020.

(v) International air travel of passengers, except as permitted by MHA.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in **Annexure I**, shall continue to be followed throughout the country.

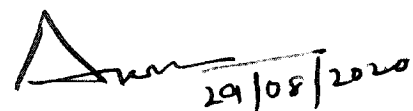
3. Lockdown limited to Containment Zones

(i) Lockdown shall remain in force in the Containment Zones till 30th September, 2020.

(ii) Containment Zones shall be demarcated by the District authorities at micro level after taking into consideration the guidelines of MoHFW with the objective of effectively breaking the chain of transmission. Strict containment measures will be enforced in these containment zones and only essential activities will be allowed. 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. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be effectively implemented for the above purpose.

(iii) These Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs and information will be shared with MOHFW.

4. 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.


29/08/2020

5. 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 including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

6. Movement of persons with SOPs

Movement by passenger trains; domestic passenger air travel; movement of persons on Vande Bharat and Air Transport Bubble flights; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.

7. Protection of vulnerable persons

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.

8. Use of *Aarogya Setu*

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) 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.
- (iii) 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.

9. Strict enforcement of the guidelines

- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- (ii) 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.
- (iii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

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 II**.


29/08/2020
Union Home Secretary

and, Chairman, National Executive Committee

National Directives for COVID-19 Management

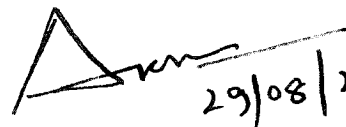
1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet (2 gaz ki doori) in public places.

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.


29/08/2020

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 tends 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.
