

**GOVERNMENT OF NAGALAND
OFFICE OF THE CHIEF SECRETARY
NAGALAND: KOHIMA**

NO.CSO/GAB-I/COM/GEN-I/2020(B)

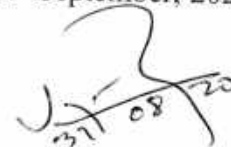
Dated Kohima, the 31st August, 2020

ORDER

WHEREAS, in exercise of the powers, conferred under Section 22 (2) (b) and Section 22 (2) (h) of the Disaster Management Act, 2005, the undersigned, in the capacity as Chairperson, State Executive Committee, for preventing and containing the spread of COVID-19, issued guidelines on lockdown measures vide Order of even Number dated 31st of July, 2020 for strict implementation in the State of Nagaland up till the 31st of August, 2020;

AND WHEREAS in exercise of the powers, conferred under section 10 (2) (l) of the Disaster Management Act, 2005, the Union Home Secretary and Chairperson, NEC, has vide Order No 40-3/2020-DM-I (A) dated 29th August, 2020, Ministry of Home Affairs, Government of India issued directions for adherence by all the State Governments to the guidelines on **Unlock 4** as annexed to the aforesaid Order, which is in force up to 30th of September, 2020;

NOW THEREFORE, in pursuance of the aforesaid Order of MHA, GOI and after making an assessment of the conditions as they exist in the State of Nagaland, and for preventing and containing the spread of COVID-19, the undersigned in exercise of the powers, conferred under Section 22 (2) (b) and Section 22 (2) (h) of the Disaster Management Act 2005, in the capacity as Chairperson, State Executive Committee, hereby issues new consolidated guidelines on lockdown measures as annexed, for strict implementation with effect from 1st of September, 2020 throughout the State of Nagaland up till the 30th of September, 2020.



(TEMJEN TOY) IAS
Chief Secretary, Nagaland

NO.CSO/GAB-I/COM/GEN-I/2020(B)

Dated Kohima, the 31st August, 2020

Copy to:

1. The Commissioner Secretary to Governor, Nagaland for kind information.
2. The ACS to Chief Minister, Nagaland for kind information.
3. The Sr. PS to Deputy Chief Minister, Nagaland for kind information.
4. The Sr. PS to all Ministers/Advisors for kind information.
5. The Secretary to the Govt. of India, Ministry of Home Affairs, Govt. of India, New Delhi for kind information.
6. The ACS & PRC, Nagaland House, New Delhi for information.
7. The ACS & Commissioner, Nagaland for information.
8. The Home Commissioner, Nagaland for information.
9. The Director General of Police, Nagaland for information.
10. The JD, SIB for information.



11. The Pr. Accountant General, Nagaland for information.
12. All AHOs/HODs for information.
13. The Staff Officer, 3 Corps/IGAR (N) for information.
14. The Station Commander, Military Station, Jakhama/ Chief Engineer, Project Sewak, Dimapur/ DIG, CRPF, Kohima for information.
15. The Comdt. 93 Bn. BSF, Chedema/ Comdt. 111 Bn. BSF, Satakha for information.
16. The DRC/ARC Nagaland House, Delhi, Kolkata, Guwahati, Shillong.
17. The Station Director, AIR and Doordarshan, Kohima for information.
18. The Director, IPR for wide publicity.
19. The Convenor, Lead Bank, SLBC for information of all banks.
20. All DCs/CP/SPs for information and necessary action.



(TEMJEN TOY) IAS
Chief Secretary, Nagaland



CONSOLIDATED GUIDELINES

A. The following activities will continue to remain PROHIBITED/CLOSED across the State of Nagaland up till 30th September, 2020

- i. Schools, colleges, educational and coaching institutions for students, and for regular class activity.

However, following will be permitted:

- a) Online/ distance learning shall continue to be permitted and shall be encouraged.
- b) Up to 50% of teaching and non-teaching staff may be permitted 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), Government of India
- 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, Government of India.
- 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, Government of India.

- 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), Ministry of Education, Government of India in consultation with MHA, based on the assessment of the situation, and keeping in view incidence of COVID-19 in the States/ UTs.
- ii. Social/ academic/ sports/ entertainment/ cultural/ religious/ political functions and other congregations.

However, with effect from 21st September, 2020, such functions and congregations will be permitted with a ceiling of 100 persons, and with mandatory wearing of face masks, social distancing, provision for thermal scanning and hand wash or sanitizer.



Further, 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 up to 20th September, 2020, after which the ceiling of 100 persons will apply.

- iii. International air travel of passengers, except as permitted by MHA.
- iv. Cinema halls, swimming pools, entertainment parks, theatres, auditoriums and similar places.
However, open air theatres will be permitted to open with effect from 21st September, 2020.
- v. All the public places in the State like parks, museums, libraries, re-creation centres, etc.
- vi. Use of public toilets

B. Entry and exit points/routes

1. Any inbound traveller/returnee will be permitted to enter the State, subject to the normal Inner Line Permit (ILP) restrictions, wherever applicable, and the health safety protocols; through Dimapur by Train, Air or by Road through the New Field Check Gate and the Dillai Gate; and by road through Khuzama, Kohima district, Tsutapela and Watiyongpang, Mokokchung district, Naginimora and Tizit, Mon district and Bhandari, Wokha district. Entry into the State through any other route, or by any other mode of travel will not be allowed, except under special circumstances with the approval of the Home Department.
2. The movement of goods vehicles entering or transiting through the State shall be allowed through the above mentioned points of entry, after proper medical screening of the drivers and attendants of those vehicles. All other roads/routes will remain closed.
3. All the Guidelines for Safe Practices in High Risk Settings to prevent transmission of COVID-19, for Trucks/Goods Transport vehicles as specified in Annexure-I 'A' shall be strictly adhered to by all concerned.
4. The International Border of the State with Myanmar shall continue to remain sealed as before.

C. Movement of persons and vehicles in the State

1. There shall be no restriction on the intra and inter district movement of people across the State.
2. The intra and inter district movement of private and passenger vehicles of every category is permitted across the State with the following conditions for ensuring social distancing:
 - (a) In case of private Car/SUV/MUV there should not be more than two persons sitting on the middle and rear row seats. In case of rear seats being along the length of the vehicle, not more than one person should sit on each of the rear seat. In the front row seat, including the driver there should not be more than two persons sitting.



- (b) In case of Car/SUV/MUV being used as commercial passenger vehicles, similar seating arrangements as mentioned above will be followed.
 - (c) In case of auto rickshaw, the number of passengers should not be more than one in case of three seater, and not more than two passengers in a six seater.
 - (d) In case of buses, including city buses, the passengers should sit on alternate seats and there should always be a vacant seat between two adjacent passengers sitting. Further no standing passengers will be allowed to travel.
 - (e) In all the passenger vehicles both the driver, attendant and the passengers should wear masks. Further, the driver/attendant should make mandatory provision for hand sanitizers for use by the passengers. Only passengers wearing masks must be allowed to travel. The commercial vehicles moving for long distances should be mandatorily cleaned and disinfected before the start of every fresh journey with new passengers. Those moving for short distances will also be disinfected regularly by the drivers/attendants. The above provisions for all commercial passenger vehicles shall be monitored and enforced by a joint team comprising of District Administration, Police and RTO/DTO.
 - (f) In addition, all the Guidelines for Safe Practices in High Risk Settings to prevent transmission of COVID-19, for Commercial Passenger Vehicles/ Taxis/ Auto Rickshaws as specified in Annexure-I 'B' shall be strictly adhered to by all concerned.
3. The fares to be charged by all categories of passenger vehicles will be at the rate as prescribed by the RTAs/DTAs which may consider revising/re-fixing within reasonable limits, keeping in view the restrictions on the number of passengers that any vehicle may carry as well as other requirements that will have to be adhered to by the vehicles.

D. Shops/Markets/Other activities

- a. Shops and outlets of all categories and Departmental Stores will be allowed to open as per normal hours.
- b. Shops and hawker stalls of all categories located in marketing complexes and crowded areas like Hongkong Market, New Market in Dimapur Town, BOC Market in Kohima etc. are allowed to open and operate with the condition that a certain percentage of the shops of the market, but limited to 50% of the total, as decided by the respective Deputy Commissioner after making detailed assessment of the location and layout; may open alternately/or in turns, on any particular day, with other necessary measures in place in the markets to ensure that crowding is avoided, and all the social distancing norms and health safety protocols are strictly followed.
- c. In addition, all the Guidelines for Safe Practices in High Risk Settings for Shops/ Commercial establishments including Takeaway Outlets, as specified in Annexure-I 'C' shall be strictly adhered to by all concerned



- d. Malls will be permitted to open and operate as per normal hours subject to the conditions/provisions of this Office Order no CSO/GAB-I/COM/GEN-I/2020 (A) dated 31st August, 2020.
- e. Restaurants are allowed to open and operate subject to the conditions/provisions of this Office Order No CSO/GAB-I/COM/GEN-I/2020 (A) dated 31st August, 2020.
- f. Hotels/Lodges are permitted to open and operate subject to adherence to conditions/provisions of this Office Order No CSO/GAB-I/COM/GEN-I/2020 (A) dated 31st August, 2020.
- g. The Gymnasiums are permitted to open and operate subject to adherence to conditions/provisions of this Office Order no CSO/GAB-I/COM/GEN-I/2020 (A) dated 31st August, 2020.
- h. Barber shops, salons and beauty parlours are permitted to open and function subject to adherence to conditions/provisions of this Office Order No CSO/GAB-I/COM/GEN-I/2020 (A) dated 31st August, 2020.
The rates for providing the various services at Salons/Barber shops/beauty parlours will be revised within reasonable limits by the Urban Local Bodies giving due consideration to the additional requirements as mentioned above, which every barber shop/salon/beauty parlour will have to mandatorily adhere to.
- i. The sports complexes and stadia are allowed to open, without the presence of spectators.
- j. All agriculture and allied activities, forest activities, plantation activities and animal husbandry activities will continue to be permitted with social distancing measures.
- k. All construction activities, including roads, irrigation projects, buildings and all kinds of industrial projects will continue to be permitted with social distancing measures.
- l. Religious places/ places of worship in the State will continue to be open to public subject to adherence to conditions/ provisions of the Office Order of even number dated 10th June, 2020.
- m. All other activities not explicitly barred or prohibited in this order or any other order issued by the Government will continue to be permitted subject to social distancing norms.

E. Offices/Work Places/Industries

- a. The Civil Secretariat and Directorates in Kohima and Dimapur and all the Government offices in the Districts shall continue to function with attendance of officers of Deputy Secretary and above in the Secretariat, and Deputy Director and above in the Directorate and the Head of Office and immediate junior in the District offices being mandatory. For other categories of officers and staff, as being done presently, a roster system shall be



worked out whereby 50% staff attends office every alternate week. Concerned AHoD, HoD and Heads of Offices will work out such arrangements in detail. Those not attending office on a particular day will have to be available on telephone and electronic means of communication at all times.

- b. District Administration, Police, Security Forces/Agencies and Medical and essential Service Providers like Treasury, Fire & Emergency Services, Home Guards & Civil Defence, Prisons, PHED, Power, NIC, DIPR, Postal Services, Food & Civil Supplies, Social Welfare, IT&C, Veterinary & Animal Husbandry, Municipalities/Councils, AIR, Doordarshan, BSNL, Public Sector Banks , ATMs shall continue to operate as per the current arrangements.
- c. Private Banks, ATMs, Pharmacies, Medical Clinics, Nursing Homes, Private Telecom Services, Internet Service Providers, Media Houses, LPG, Petroleum outlets will continue to open/function as per the existing arrangements. All other kind of private offices/establishments are permitted to open/function with social distancing norms.
- d. All categories of industries will be permitted to operate subject to social distancing norms.
- e. All the Guidelines for Safe Practices in High Risk Settings to prevent transmission of COVID-19, for Offices and Workplaces including Banks and Post Offices as specified in Annexure-I 'D' shall be strictly adhered to by all concerned.

F. 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.

G. 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.

H. 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.



I. National Directives for COVID-19 Management

All the activities will also be subject to strict adherence to the National Directives for COVID-19 Management as specified in Annexure-II, which inter-alia, require, compulsory wearing of face mask in all public places, in work places, and during transport and maintenance of social distancing.

J. 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 Directorate of Health & Family Welfare, Government of Nagaland issued vide no. DHFW/COVID-19/2019-20/5008-12, dated 15th July, 2020 'CONTAINMENT PLAN FOR COVID-19, NAGALAND', and of MoHFW, Government of India 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 Directorate of Health & Family Welfare, Government of Nagaland and MoHFW, Government of India shall be effectively implemented for the above purpose.
- iii. These Containment Zones will be notified on the websites by the respective Deputy Commissioner and information will be shared with Department of Health & Family Welfare, Government of Nagaland and MoHFW, Government of India.

K. Instructions for enforcement of above lock down measures:

- i. All the Deputy Commissioners shall strictly enforce the above lockdown measures including the Guidelines as specified in Annexure-I and the National Directives for COVID 19 Management, as specified in Annexure-II.
- ii. In order to implement the lockdown measures, the Deputy Commissioners will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such Incident Commander. The Incident Commander will issue passes for enabling essential movements as explained.
- iii. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
- iv. The Deputy Commissioners shall not issue any order diluting the above guidelines. Further, outside the containment zones, no order shall be issued imposing any additional or stricter lock down measures at District/Sub Division/ Circle or any other level; except with the previous approval of the Government.



L. Penal provisions

Any person violating these lockdown measures and the National Directives for COVID-19 Management 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 Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at Annexure-III.




(TEMJEN TOY) IAS
Chief Secretary, Nagaland

GUIDELINES ON SAFE PRACTICES IN HIGH RISK SETTINGS

A. Trucks/Goods Transport vehicles:

All Trucks/Goods Transport vehicle Drivers/Attendants shall observe the following:

1. All crew members shall be screened for fever by thermal scan at the point of entry.
2. No passengers shall be allowed to travel in any of the goods trucks.
3. Crew member(s) with symptoms- fever, cough and breathlessness will be subjected to further medical examination.
4. All crew members shall mandatorily wear face mask at all times and wash hands frequently with soap and water or with hand sanitizers.
5. Dhabs and amenity providers at designated places identified by the District administration for truckers/travelers shall provide adequate dining space to ensure minimal contact, social distancing, foot-operated hand washing facilities as well as clean & hygienic toilets/washrooms.
6. All crew members shall remain inside the vehicle and shall not mingle with anyone during loading and unloading of consignment.
7. On completion of the loading and unloading of the consignment, the truck shall be required to proceed towards its destination immediately. Local transporters requiring to stay back must remain in home isolation and observe safety measures.

NB: District Task Force will facilitate availability of adequate hand washing facilities at all check points.

B. Commercial Passenger Vehicles/Taxis/ Auto Rickshaws

All Commercial Passenger Vehicles, Taxis and Auto rickshaw operators/drivers shall observe the following:

1. All passenger vehicles should mandatorily maintain a daily log book of all travelers with the following details: Name, Phone, date of travel.
2. The drivers, attendants and the passengers should mandatorily wear mask at all times. No passengers will be allowed to travel without mask worn correctly.
3. Hand sanitizer should be carried at all times and all passengers must sanitize their hands before boarding.
4. The driver/attendant should mandatorily carry appropriate disinfectants and periodically disinfect frequently touched surfaces of the vehicle such as doors and window handles, seats, overhead hand grips, etc.
5. The vehicles should be washed daily and disinfected periodically.
6. Drivers/attendants will not assemble or gather in groups at bus/taxi/auto rickshaw stands.
7. Limitation on the number of passengers will be as per the existing State guideline for lockdown measures.

NB:

- a) The Municipal/Town Council will ensure installation of adequate hand washing facilities- soap and running water or foot-operated alcohol-based Hand Sanitizer at the bus/taxi/auto rickshaw stand and display adequate IEC materials (posters/ pamphlets/ flex banners).

- b) The Municipal/Town Council in collaboration with concerned Union/Association of passenger vehicles will conduct orientation programme on standard preventive measure for drivers and travelers. Necessary technical support will be provided by District Task Force.

C. Shops/Commercial establishments including Takeaway Outlets:

All shopkeepers and customers shall observe the following:

1. All shopkeepers shall provide hand washing facilities- soap and running water or alcohol-based Hand Sanitizer.
2. Customers and shopkeepers are to wear face mask compulsorily at all times. The policy of "No Mask, No Entry" must be imposed.
3. Frequently touched surfaces such as railings, door knobs, handles, floors, billing tables/counters etc. are to be cleaned everyday with 1% sodium hypochlorite or any other effective commercially available disinfectant.
4. Any staff with symptoms of fever, cold, difficulty in breathing and other COVID-19 symptoms should not be allowed to come to work and must be reported to the District Surveillance Unit immediately.
5. Shopkeepers shall discourage customers from touching commodities indiscriminately. Assistants may be put in place for the same.
6. Strict physical distancing must be imposed at all times by limiting the entry of customers. The number of customers (maximum of 50% of the capacity) to be allowed at any given point of time should be mandatorily displayed by all shop owners. Smaller/medium establishments should whenever possible provide service without letting customers come inside the shop. Markings for ensuring physical distancing should be indicated wherever applicable.
7. There should be no crowding at the billing counters.
8. A rope/ribbon barricade/queue manager will be placed at the entrance of the shop to regulate entry of customers.
9. The salesperson handling items/commodities must frequently wash hands /use hand sanitizer before and after dealing with every customer.
10. In case of cash payment, customer should be encouraged to pay the exact amount to reduce physical contact.
11. Management should introduce electronic transactions such as POS Card Swiping machine, mobile payment, etc to facilitate cashless transaction and minimize physical contact.
12. All shops and establishments with HOME DELIVERY SERVICES must ensure the following:
 - a. The delivery personnel shall wear face mask and hand gloves at all times.
 - b. The delivery personnel will not enter the house compound or the house during delivery and shall maintain adequate physical distance.
 - c. The delivery personnel will carry hand sanitizer for use before and after each delivery.
 - d. Online payment/cashless transaction is recommended.
 - e. Log book of all customers with phone numbers must be maintained daily.

NB:

- a. DTF may consider opening of shops on rotation (fixed days) in market places where physical distancing cannot be maintained.

- b. The Municipal/Town Council in collaboration with concerned Trade Union/Association, will conduct awareness drive on standard preventive measure for the traders and their staff. Necessary technical support will be provided by the District Task Force.

D. Offices and Workplace including Banks and Post Offices:

Closed spaces are high risk settings for COVID-19 transmission and concerned authorities of all offices/work places must take maximum precautions and observe the following strictly:

1. Workstations will be arranged with adequate physical distance between employees/workers and there should be no crowding / socializing.
2. There should be adequate natural ventilation (windows, doors open for cross ventilation, exhaust fans working) in all rooms.
3. Arrangements may be made for thermal screening at all points for entry.
4. All persons within the office shall wear face mask at all times.
5. Adequate hand washing points with soap & water/Foot Operated Sanitizer Dispensers should be available at points of entry as well as in other strategic points.
6. A logbook for all visitors with NAME and PHONE number clearly mentioned should be maintained every day in all offices. Visitors should be restricted on all days.
7. The office canteens will open and operate subject to the provisions of SOP for restaurants in general.
8. Any staff with symptoms of fever, cold, difficulty in breathing and other COVID-19 symptoms should not be allowed to come to work and must be reported to the District Surveillance Unit/State Helpline 1800 345 0019.
9. Surface disinfection of frequently touched surfaces should be done at least twice a day with appropriate disinfectants.
10. All staff should be frequently oriented on standard preventive measures with display of adequate IEC materials (posters/pamphlets/flex banners) in strategic points.
11. Staff travelling by Departmental bus should be regulated to ensure physical distancing, use of masks and other safety measures. Drivers should not assemble or gather in groups.
12. All offices to the extent possible should opt for webinars and video/audio conferencing using various software tools/platforms like Google Meet, Webex, Microsoft Teams, Demio etc. for online meetings and appointments. Every office shall designate a nodal officer for infection control to oversee proper maintenance and implementation of preventive measures.
13. In addition, all Banks and Post Offices must ensure the following:
 - i. Customers are to wear face mask compulsorily at all times. The policy of "No Mask, No Entry" must be imposed.
 - ii. Staff to use hand gloves while handling bank notes/ postal letter & parcels. However, hand washing / use of sanitizer should be followed strictly after every activity.
 - iii. Strict physical distancing must be imposed at all times by limiting the entry of customers. The number of customers (maximum of 50% of the capacity) allowed at any given point of time should be mandatorily displayed at strategic points and should be regulated by the security. All counters, queue line (inside and outside) should have markings on the floor for physical distancing.
 - iv. All ATMs shall be provided with hand sanitizers by the concerned banks.

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.



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.