



## ABSTRACT

Disaster Management Act, 2005 – COVID-19 – Lockdown extended in the territorial jurisdictions of the State of Tamil Nadu until further orders with existing guidelines and relaxations –Notification – Issued.

### REVENUE AND DISASTER MANAGEMENT (DM-IV) DEPARTMENT

G.O. (Ms) No.361

Dated :29.04.2021

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திருவள்ளூர் ஆண்டு 2052

Read:

1. G.O.Ms.No.152, Health and Family Welfare (P1) Department, dated 23.03.2020
2. Ministry of Home Affairs, Government of India Order No. 40-3/2020-DM-1(A), dated 25.03.2020.
3. G.O.(Ms)No.172, Revenue and Disaster Management (D.M.II) Department, dated:25.03.2020 and addendums issued thereon.
4. G.O.(Ms) No.193, Revenue and Disaster Management (D.M.II) Department, dated 15.04.2020
5. G.O.(Ms)No.198, Revenue and Disaster Management (D.M.II) Department, dated 20.04.2020.
6. G.O.(Ms)No.217 Revenue and Disaster Management (DM II) Department, dated:03.5.2020 and amendments issued thereon.
7. G.O.(Ms)No.245 Revenue and Disaster Management (DMII) Department, dated:18.05.2020 and amendments issued thereon.
8. G.O.(Ms)No.262 Revenue and Disaster Management (DM- II) Department, dated:31.05.2020.
9. GO.Ms.No.299 Revenue and Disaster Management (DM II) Department, Dated: 16.6.2020.
10. GO.Ms.No.305, Revenue and Disaster Management (DM II) Department, Dated: 17.6.2020.
11. GO.Ms.No.314, Revenue and Disaster Management (DM II) Department, Dated : 22.6.2020
12. GO.Ms.No.324, Revenue and Disaster Management (DM II) Department, Dated: 30.06.2020 and amendments issued thereon.

13. GO.Ms.No.396, Revenue and Disaster Management (DM II) Department, Dated: 31.07.2020 and amendments issued thereon.
14. GO.Ms.No.447, Revenue and Disaster Management (DM-IV) Department, Dated: 31.08.2020 and amendments issued thereon.
15. G.O. Ms.No.541, Revenue and Disaster Management (DM IV) Department, Dated: 30.09.2020 and amendments issued thereon.
16. G.O. Ms.No.613, Revenue and Disaster Management (DM IV) Department, Dated: 31.10.2020 and amendments issued thereon.
17. G.O. Ms.No.673, Revenue and Disaster Management (DM IV) Department, Dated: 30.11.2020 and amendments issued thereon.
18. G.O. Ms.No.820, Revenue and Disaster Management (DM IV) Department, Dated: 31.12.2020 and amendments issued thereon
19. G.O. Ms.No.84, Revenue and Disaster Management (DM IV), Department, Dated: 31.01.2021 and amendments issued thereon.
20. G.O. Ms.No.318, Revenue and Disaster Management (DM IV) Department, Dated: 28.02.2021 and amendments issued thereon.
21. G.O. Ms.No.339, Revenue and Disaster Management (DM IV) Department, Dated: 31.03.2021 and amendments issued thereon.
22. G.O. Ms.No.342, Revenue and Disaster Management (DM IV) Department, Dated: 08.04.2021.
23. G.O. Ms.No.343, Revenue and Disaster Management (DM IV) Department, Dated: 10.04.2021.
24. G.O. Ms.No.346, Revenue and Disaster Management (DM IV) Department, Dated: 18.04.2021.
25. G.O. Ms.No.348, Revenue and Disaster Management (DM IV) Department, Dated: 20.04.2021.
26. Government, Revenue and Disaster Management Department Letter No.13378/D.M.IV/2021-1, dated 21.4.2021.
27. Government, Revenue and Disaster Management Department Letter No.13261/D.M.IV/2021-1, dated 23.4.2021.
28. G.O. Ms.No.351, Revenue and Disaster Management (DM IV), Department, Dated: 24.04.2021.

29. Government, Revenue and Disaster Management Department Letter No.13636/D.M.IV/2021-1, dated 24.4.2021.
30. G.O. Ms.No.354, Revenue and Disaster Management (DM IV), Department, Dated: 26.04.2021.
31. Home Secretary, Ministry of Home Affairs, New Delhi Lr. No. 40-3/2020-DM-I(A), dated 26.4.2021.
32. Orders of the Hon'ble High Court of Madras in W.P.Nos.10486 of 2021 and 12184 of 2020 dated 26.4.2021.
33. Additional Chief Secretary / Commissioner of Revenue Administration Lr.No.OC-I/563/2020, dated 28.04.2021.

### NOTIFICATION

WHEREAS on considering the recommendations of the expert team of Doctors and Public Health Specialists and based on the directives of Government of India, Ministry of Home Affairs, State-wide lockdown was extended from time to time and lastly extended till 24:00 hrs of 30.4.2021 under the Disaster Management Act, 2005 in GO.Ms.No.339, Revenue and Disaster Management (DM-IV) Department, dated 31.3.2021 with various relaxations and certain restrictions.

2. Subsequently, many restrictions have also been imposed in respect of the activities already permitted taking into account the increasing trend of Covid-19 cases across the State vide G.O. Ms.No.342, Revenue and Disaster Management (DM IV), Department, Dated : 08.04.2021, G.O. Ms.No.343, Revenue and Disaster Management (DM IV), Department, Dated : 10.04.2021, G.O. Ms.No.346, Revenue and Disaster Management (DM IV), Department, Dated : 18.04.2021, G.O. Ms.No.348, Revenue and Disaster Management (DM IV), Department, Dated : 20.04.2021, G.O. Ms.No.351, Revenue and Disaster Management (DM IV), Department, Dated : 24.04.2021 and G.O. Ms.No.354, Revenue and Disaster Management (DM IV), Department, Dated : 26.04.2021.

3. The Hon'ble High Court of Madras in its order dated 26.4.2021 in W.P.No.10486/2021 and 12184/2020 has made certain observations. Further, the Additional Chief Secretary / Commissioner of Revenue Administration has sent a proposal recommending for issue of Government Order for enforcing night curfew and complete lock down on Sundays and for prohibiting certain activities and imposing certain restrictions on the permitted activities for the effective containment of Covid-19 as already ordered in Government Orders 21<sup>st</sup> to 30<sup>th</sup> cited.

4. Now therefore the Government hereby accept the proposal of the Additional Chief Secretary / Commissioner of Revenue Administration and to issue the following order under Disaster Management Act, 2005 **for enforcing Night Curfew and complete lock down on Sundays and prohibiting certain activities and imposing certain restrictions on**

**the permitted activities** for the effective containment of Covid-19 as already ordered in Government Orders / Letters 21<sup>st</sup> to 30<sup>th</sup> cited, **until further orders in addition to the various relaxations and restrictions ordered earlier:-**

**I. Night curfew:**

- a. **Night curfew shall continue to be enforced throughout the State from 10.00 P.M. to 4.00 A.M.** During the night curfew, private / public bus transport, auto, taxi and private vehicles will not be permitted.
- b. Intra State and Inter State Private / Public Bus Transport shall not be permitted from 10.00 P.M. to 4.00 A.M.
- c. The Private / Public Bus Transport Organizations shall ensure that the Covid-19 appropriate behaviour, viz., wearing of face masks, thermal screening, avoiding over-crowding is strictly followed.
- d. However, auto, taxi and private vehicles will be allowed to ply for medical emergencies and to ferry passengers from/to Railway Stations and Airports. Further, essential services such as supply of milk, distribution of newspapers, hospitals, medical labs, pharmaceutical shops, ambulance and hearse vehicle Services and allied medical related activities, goods vehicles, Fuel Vehicles (Petrol, Diesel and LPG) will be permitted during the night curfew.
- e. Both Electronic and Print Media shall continue to operate during the night curfew.
- f. Petrol and Diesel Bunks shall be permitted to function during the night curfew.
- g. Continuous Process Industries and Industries manufacturing essential commodities as listed G.O. Ms.No.348, Revenue and Disaster Management (DM-IV), Department, Dated: 20.04.2021 are permitted to function during the night curfew with safety measures in place. Staff / Workers of the above industries and personnel of private security agencies working in night shift shall be permitted to travel by carrying their ID Cards/ permission letters issued by the respective organizations. Further, staff/workers of all other industries who have completed their shift in the late evening or night will be permitted to travel back to their homes by carrying their ID cards/permission letters issued by the respective industries.
- h. Telecommunication and its related activities.
- i. Night Shift Operations of IT/ITES Companies' workforce to operate from the office.

- j. Maintenance and operations of data centres and other critical IT infrastructure needed to support backend operations of medical, financial, transport and other critical services.
- k. Warehousing activities including loading, unloading and storage of goods.
- l. Movement of Goods and workers to / from all sea ports during Night Curfew and lockdown on Sundays shall be permitted.

## **II. Complete Lockdown on Sundays:-**

- a. **Complete lockdown shall be enforced throughout the State on all Sundays without any relaxations.**
- b. **However, there shall be no restrictions for the movement/transport of officials/party functionaries viz., Candidates, Chief agent, Counting agents, food suppliers in connection with counting of votes for the General Elections to the Tamil Nadu Legislative Assembly, 2021 and Bye Election of Kanniyakumari Parliamentary Constituency on 02.05.2021 being the day of Counting of Votes.**
- c. Chicken and other meat stalls, Fish Market, Vegetable Shops, Cinema Theatres and Shopping Malls and all other shops shall be closed. In case of any violation, action will be taken against the violators as per law in force.
- d. Further, essential services such as supply of milk, distribution of newspapers, hospitals, medical labs, pharmaceutical shops, ambulance and hearse vehicle Services and allied medical related activities, goods vehicles, vehicles carrying agricultural produce of farmers, Fuel Vehicles (Petrol, Diesel and LPG), will be permitted during the complete lockdown.
- e. **Chennai Metro Rail shall be permitted to operate skeletal services during complete lockdown on Sundays.**
- f. **During complete lockdown, Parcel food only shall be permitted in the restaurants from 6.00 A.M. to 10.00 A.M., 12.00 Noon to 3.00 P.M. and 6.00 P.M. to 9.00 P.M.** E-commerce food delivery entities like Swiggy, Zomato shall be permitted to operate only during this time schedule. Other E-commerce activities shall not be permitted during the complete lock down enforced on Sundays.
- g. Both Electronic and Print Media shall continue to operate.
- h. Continuous Process Industries and Industries manufacturing essential commodities as listed G.O. Ms.No.348, Revenue and Disaster Management (DM-IV) Department, Dated:

20.04.2021 are permitted to function during this complete lockdown.

- i. Telecommunication and its related activities.
- j. Night Shift Operations of IT/ITES Companies' workforce to operate from the office.
- k. Maintenance and operations of data centres and other critical IT infrastructure needed to support backend operations of medical, financial, transport and other critical services.
- l. Warehousing activities including loading, unloading and storage of goods.
- m. In the case of other industries that are not exempted, essential maintenance needed for the purposes of fire safety, machine safety and worker safety shall be permitted during Sundays.
- n. On all days including complete lockdown days, marriages and marriage related gathering shall be permitted with guests not exceeding 50 and in respect of funeral / last rites, the number of persons shall not exceed 25 with the restrictions imposed already.
- o. Movement of Goods and workers to / from all sea ports during Night Curfew and lockdown on Sundays shall be permitted.

### **III. Prohibited Activities:-**

- i. **All international air travel passengers**, except for purposes as permitted by MHA **remain prohibited**.
- ii. **Fish Markets, Fish Stalls, Chicken Stalls and other meat stalls shall remain closed on Saturdays and action would be initiated against the violators.**
- iii. Considering the increase in the spread of Covid-19, Religious congregations and 'Tiruvizhakkal' have already been prohibited from 10.4.2021. However, "Kudamuzhukku / Tiruvizha" were permitted by following the Standard Operating Procedures with the participation of 50 persons, in case if the permission has already been obtained from the District Collector/Commissioner, Hindu Religious and Charitable Endowments Board in this regard or the date for the conduct of "Kudamuzhukku / Tiruvizha" has been finalized earlier and prior arrangements have already been made for the conduct of "Kudamuzhukku / Tiruvizha". This protocol is now modified and **"Kudamuzhukku" shall be permitted without participation of the General Public and with the participation of employees of the temple only** by following the Standard Operating Procedure. Permission shall not be granted for the new/ proposed "Kudamuzhukku / Tiruvizha".

- iv. **Fruits and Vegetable retail outlets in Koyambedu Market Complex shall be prohibited. Similarly, fruits and vegetable retail outlets in Wholesale Markets in all the districts shall also remain prohibited.**
- v. **All Cinemas/Multiplex/Theatres, Gymnasiums, Recreation Clubs, all Bars, Auditoriums, Meeting Halls and other similar places shall remain closed.**
- vi. **Big format shops (showrooms with a size of 3000 sq. ft. and above), Shopping Complex and Malls, shall not be permitted to operate.** In view of closure of supermarkets in the malls, perishable commodities and other commodities can be shifted out. Routine maintenance of the malls and other closed establishments is permitted. Provision Stores, Vegetable Shops and other shops shall be permitted to function as usual by following the Standard Operating Procedure. However, Provision Stores and Vegetable Shops functioning in Shopping Complex and Malls are not permitted. Stand alone Departmental Stores selling provisions and vegetables shall be permitted to function without air conditioning facility. Further, maximum 50% customers, at a time shall be allowed in these shops.
- vii. **Beauty Parlour, Spas, Saloons, Barber Shops in all the Corporations including Greater Chennai Corporation limits and all Municipalities shall not be permitted to operate.**
- viii. **All religious places / places of worship shall be closed for public worship.** However, essential Poojas / Prarthanas / Rituals are permitted to be conducted only by the employees of the respective religious place.
- ix. **Both local and outstation tourists shall not be permitted in all the Tourist places like Nilgiris District, Kodaikanal and Yercaud.**
- x. **All Beaches across the State shall be closed for public on all days.**
- xi. **Parks/Gardens, Zoological Parks, Museums, Archaeological Monuments and Excavation sites across the State shall be closed for public on all days.**
- xii. **Summer Camps shall not be permitted.**

#### **IV. Activities permitted with restrictions:-**

- i. **Industries shall be permitted to function by strictly following the Standard Operating Procedures already issued by Government. Industrial establishments shall arrange for the vaccination of all their employees based on guidelines issued by Government of India from time and time and stern**

action would be initiated against the industries and organizations in case of violation of the Standard Operating Procedures.

- ii. By following the Standard Operating Procedures, **both public and private intra-state bus transport and Metropolitan Buses operated in Greater Chennai limits shall be permitted.** However, the **passengers** should be restricted to the seating capacity available in the buses and **passengers shall not be permitted to travel standing.**
- iii. All persons who are coming to Tamil Nadu from other States, including Andhra Pradesh, Karnataka and Kerala (**other than Puducherry**), shall be permitted to enter Tamil Nadu border only after showing the e-registration details entered in the website <http://eregister.tnega.org>. However, the **passengers** should be restricted to the seating capacity available in the buses and **passengers shall not be permitted to travel standing.**
- iv. All passengers coming from foreign countries to Tamil Nadu by Air and Ship shall be permitted to enter Tamil Nadu only after showing the e-registration details entered in the website <http://eregister.tnega.org>
- v. **Parcel food (Take away service) alone** shall be permitted in all Restaurants, Hotels, Mess and Tea shops and Dine-in facility shall not be permitted. Food shall be served to the Guests in Hotels and Lodges in their rooms only and the Guests shall not be permitted to dine in the restaurants attached to Hotels and Lodges.
- vi. **Entertainment / Amusement parks** shall be **permitted** to function **with 50% of the capacity** by following the Standard Operating Procedure.
- vii. **All social/ political / academic / entertainment/ sports/ cultural and other functions shall be permitted in closed spaces with a maximum of 50% of the hall capacity with a ceiling of 200 persons** after duly following the Standard Operating Procedure.
- viii. Marriage related gathering shall be permitted with **guests not exceeding 50.**
- ix. In respect of Funeral/last rites, the number of persons **shall not exceed 25.**
- x. **Professors of Colleges / Universities** shall be permitted to **conduct online classes from home.**
- xi. **Exams in respect of Government, Private Colleges / Universities** shall be **conducted online only.**



- xii. **All Educational training institutions, Government/Private Coaching/training centres shall conduct online training classes only.**
- xiii. **All Sports Training Academies including Golf and Tennis Clubs shall not be permitted to function. However, training for the international and national games / sports shall be permitted.**
- xiv. **Stadia and Play Grounds shall be permitted to function for conducting sports competitions. However, spectators shall not be permitted.**
- xv. **Following the Standard Operating Procedures, Swimming Pools shall be permitted only for sports training.**
- xvi. **Following the Standard Operating Procedures, Exhibition Halls shall be permitted only for Business to Business purposes.**
- xvii. **Shooting of Films relating to Cinema Industry including T.V. serial shooting shall continue to be permitted.** However, the respective production establishment shall ensure that the artists and workers involved in the shooting undergo RTPCR Tests / Vaccination.
- xviii. **E-Commerce food delivery entities shall be permitted during complete lock down on Sundays from 6.00 A.M. to 10.00 A.M., 12.00 Noon to 3.00 P.M. and 6.00 P.M. to 9.00 P.M.** Other E-commerce activities shall be permitted on all days except during the complete lock down enforced on Sundays.
- xix. **Minimum 50% of the employees of IT/ITEs organizations shall compulsorily work from home.**
- xx. **Rental vehicles and Taxis including Cab aggregation have already been permitted to ply with three passengers excluding driver and Autos have already been permitted to ply with two passengers excluding driver.** Action will be taken against the violators as per the law in force.

## **V. General**

- i. **Candidates / students appearing for the SSC / UPSC/RRB/TNPSC examinations shall be permitted on production of valid admit card.** Further, the Staff deployed for the exam duties shall be permitted on production of valid identity card/documents.
- ii. **Hotels which are willing to function as Covid Care Centres shall in co-ordination with the Private Hospitals having adequate infrastructure and health facilities be permitted to function as Covid Care Centres.** The officials of the Health Department shall inspect and accord necessary permission in this regard. Guests

shall not be permitted in the Hotels functioning as Covid Care Centres.

#### **VI. COVID appropriate behaviour**

1. The District Administrations shall take all necessary measures to promote COVID-19 appropriate behavior. 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, the District Administrations 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. SOP issued by Ministry of Health and Family Welfare (MoHFW) to regulate crowds in market places, shall be strictly enforced by the District Administrations.
4. SOPs for regulating travel in aircrafts, trains and metro rails are already in place, which shall be strictly enforced. Necessary guidelines for regulating travel in other modes of public transport, e.g., buses, boats etc., have already been issued and the District Administrations shall ensure that SOPs are strictly complied with.
5. The National Directives for COVID-19 Management, as specified **in Annexure I**, shall be strictly followed throughout the State.

#### **VII. Strict adherence to the prescribed SOPs**

1. All activities have been permitted outside Containment Zones and 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; exhibitions, assemblies and congregations, etc.
2. The SOPs, as updated from time to time, shall be strictly enforced by the authorities concerned, who shall be responsible for their strict observance.

#### **VIII. Vaccination**

1. Government of India has launched the world's largest vaccination drive against COVID- 19. The National Expert Group on Vaccine Administration for COVID-19 (NEGVAC) provides guidance on prioritization of population groups, procurement & inventory management, and vaccine selection

delivery and tracking. The recommendations of NEGVAC are considered and finalized by the Central Government.

2. Vaccination against COVID-19, in the present scenario, is critical to break the chain of transmission. Therefore, the District Administrations shall rapidly step up the pace of vaccination, to cover all priority groups, as recommended by NEGVAC and approved by the Central Government, urgently and in an expeditious manner.

#### **IX. Local restrictions**

Based on their assessment of the situation, local restrictions at district/ sub-district and city/ ward level, with a view to contain the spread of COVID- 19 shall be imposed.

#### **X. 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 take necessary precautions.

#### **XI. Use of Aarogya Setu**

Use of Aarogya Setu may continue on best effort basis on compatible mobile phones. This will facilitate timely provision of medical attention to those individuals who are at risk.

#### **XII. Strict enforcement of the guidelines**

1. All the District Magistrates shall strictly enforce the above measures. For the enforcement of social distancing, the District Administrations, as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973.
2. 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**.

5. The Government also orders that no activities shall be permitted in the **Containment Zones** and that the restrictions in the Containment Zones would be further intensified.

6. The Commissioner, Greater Chennai Corporation/District Collectors 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. The Commissioner, Greater Chennai Corporation/ District Collectors may initiate appropriate action for imposing fines on persons not wearing face masks in public and work places. Further, the **Standard Operating Procedures issued for**

**various activities** shall be strictly enforced by the authorities concerned, who shall be responsible for their short observance.

7. The Commissioner, Greater Chennai Corporation / District Collectors are instructed to ensure the strict enforcement of the guidelines, adherence of the Standard Operating Procedures issued for various activities and the National Directives for Covid-19 Management.

**(BY ORDER OF THE GOVERNOR)**

**RAJEEV RANJAN  
CHIEF SECRETARY TO GOVERNMENT**

**To**

The Works Manager, Government Central Press, Chennai- 600 001.  
(for publication in the Tamil Nadu Government Extraordinary Gazette dated 29.4.2021) (50 copies)  
All Additional Chief Secretaries, Principal Secretaries and Secretaries to Government, Secretariat, Chennai - 9.  
The Additional Chief Secretary/Commissioner of Revenue Administration, Disaster Management, Chepauk, Chennai-05.  
The Commissioner, Greater Chennai Corporation, Chennai -600003  
All District Collector / District Judges/ District Magistrates.  
The Registrar General, High Court of Madras, Chennai-104.  
The Registrar, Madurai Bench of Madras High Court, Madurai.  
All Constitutional / Statutory Bodies including  
All State Corporation, Local Bodies, Boards, Universities, Commissions, Companies, Institutions, Societies, etc.  
The Accountant General, Chennai-18.  
The Commissioner of Treasuries and Accounts, Chennai-35.  
All Pay and Accounts Officers /District Treasury Officers.

**Copy to:**

The Chief Electoral Officer and Principal Secretary,  
Public (Elections) Department, Secretariat, Chennai-9.  
The Hon'ble Chief Minister Office, Chennai-09.  
The Special PA to Hon'ble Minister for Revenue and Disaster Management and Information Technology, Chennai-09.  
The Private Secretary to Chief Secretary to Government, Chennai-9.

**//Forwarded By Order//**

*Devi*  
29/4/2021  
**SECTION OFFICER**

**Annexure-I****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 gazkidoori) 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 and other staff.

**Annexure-II****Section 51 to 60 of the Disaster Management Act, 2005****Offences and Penalties for Violation**

**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.

## **2. Section 188 in the Indian Penal Code, 1860**

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.

**RAJEEV RANJAN**  
**CHIEF SECRETARY TO GOVERNMENT.**

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*Rajeev Ranjan*  
*22/11/2022*  
**SECTION OFFICER**