ABSTRACT

Disaster Management Act, 2005 – COVID-19 – Extending restrictions in the territorial jurisdictions of the State of Tamil Nadu till 24:00 hrs of 31.08.2020 with guidelines and relaxations – Notification – Issued

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REVENUE AND DISASTER MANAGEMENT (D.M.II) DEPARTMENT

G.O. (Ms) No.396 **Dated:31.07.2020**

சார்வரி–ஆடி **16**,
திருவள்ளுவர் ஆண்டு, 2051

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.190, Revenue and Disaster Management (D.M.II) Department, dated 13.04.2020.
5. G.O.(Ms)No.193, Revenue and Disaster Management (D.M.II) Department, dated 15.04.2020
6. G.O.(Ms)No.198, Revenue Disaster Management (D.M.II) Department,, dated 20.04.2020.
7. G.O.(Ms)No.202, Revenue Disaster Management (DM II), Department, dated:22.04.2020.
8. G.O.(Ms)No.203, Revenue Disaster Management (DM II), Department, dated:22.04.2020.
9. G.O.(Ms)No.204, Revenue Disaster Management (DM II), Department, dated:23.04.2020.
10. G.O.(Ms)No.217 Revenue Disaster Management (DM II), Department, dated:03.5.2020 and amendments issued thereon.
11. G.O.(Ms)No.244 Revenue Disaster Management (DM II), Department, dated:17.05.2020
12. G.O.(Ms)No.245 Revenue Disaster Management (DM II), Department, dated:18.05.2020 and amendments issued thereon.

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13. G.O.(Ms)No.262 Revenue and Disaster Management (DM- II), Department, dated:31.05.2020.
14. GO.Ms.No.299 Revenue and Disaster Management (DM II), Department, Dated : 16.6.2020.
15. GO.Ms.No.305, Revenue and Disaster Management (DM II), Department, Dated : 17.6.2020.
16. GO.Ms.No.314, Revenue and Disaster Management (DM II), Department, Dated : 22.6.2020
17. GO.Ms.No.324, Revenue and Disaster Management (DM II), Department, Dated: 30.06.2020 and amendments issued thereon.
18. From the Ministry of Home Affairs, Government of India, Order No. 40-3/2020-DM-I(A), dated 29.07.2020
19. Hon'ble Chief Minister's Press Release, dated 30.7.2020
20. From the Principal Secretary/Commissioner of Revenue Administration, letter No.OCI/563/2020 dated:30.07.2020

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 31.07.2020 under the Disaster Management Act, 2005 in GO.Ms.No.324, Revenue and Disaster Management (DM-II) Department, dated 30.06.2020 with various relaxations and certain restrictions.

2. Now, therefore the Government of Tamil Nadu based on the review meetings held on various dates, particularly views expressed by the District Collectors in the meeting held on 29.07.2020 through Video Conference, based on the recommendations of the Expert Committee constituted under the Chairmanship of Additional Chief Secretary, Finance Department on Exit Strategy and views expressed by the Medical Experts and Public Health Committee during the discussion with the Hon'ble Chief Minister on 30.7.2020 and in consultation with the Senior Ministers **hereby order to extend the State-wide lockdown till 24:00 hrs of 31.08.2020** under the Disaster Management Act, 2005 with various relaxations ordered in G.O. Ms.No.217, Revenue and Disaster Management (DM II), Department, dated 3.5.2020, G.O.Ms.No.245, Revenue and Disaster Management (DM II), Department, dated 18.5.2020 and G.O.Ms.No.324, Revenue and Disaster Management (DM II), Department, dated 30.6.2020 and amendments issued

thereon with the existing restrictions and following further guidelines and relaxations.

I. The following activities will continue to remain prohibited until further orders, during the lockdown period throughout the State till 24:*00* hrs of 31.08.2020.

i. **All religious places/places of worship in All Corporation areas and big religious places/ places of worship throughout the State will be closed for public worship.**

ii. Religious congregations are strictly prohibited.

iii. Tourists travel to tourist places like Nilgiris District, Kodaikanal and Yercaud will be prohibited.

iv. Hotels and other hospitality services, except those meant for housing all Government officials including Health, Police and persons from other States for quarantine facilities;

v. Shopping malls.

vi. Schools, colleges, educational / training / coaching institutions etc. will remain closed. Online / distance learning shall continue to be permitted and shall be encouraged.

vii. All international air travel of passengers, except for purposes as permitted by MHA.

viii. Metro rail services and suburban train services.

ix. All Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars, auditoriums, assembly halls, Beaches, Tourist places, Zoos, Museums and similar places. **Sports complex and stadia will be permitted to open without spectators.**

x. All social / political / sports / entertainment / academic / cultural / religious functions / other gatherings and large congregations.

xi. Inter-State Public and Private bus Transport and intra State Private and public bus transport.

Complete lockdown will be enforced without any relaxations throughout the State on all the Sundays falling in the month of August 2020 i.e. on **2.8.2020** (from midnight 12.00 hrs on 1.8.2020 to 6.00 A.M. on

3.8.2020), **9.8.2020** (from midnight 12.00 hrs on 8.8.2020 to 6.00 A.M. on 10.8.2020), **16.8.2020** (from midnight 12.00 hrs on 15.8.2020 to 6.00 A.M. on 17.8.2020), **23.08.2020** (from midnight 12.00 hrs on 22.8.2020 to 6.00 A.M. on 24.8.2020) and **30.08.2020** (from midnight 12.00 hrs on 29.8.2020 to 6.00 A.M. on 31.8.2020). No other activity except Milk distribution, Hospitals, Pharmaceutical Shops, Hospital Vehicles, Ambulance and Hearse Vehicle Services may be permitted during the above Sundays and that the private vehicles will be allowed to ply only for medical emergencies.

Further, the following restrictions will remain in force in respect of marriages, funerals and Public Bus Transport:-

Restrictions for Marriages and Funerals:-

i. Marriage related gathering: Number of guests not to exceed **50**.

ii. Funeral/last rites related gathering: Number of persons not to exceed **20**.

Operation of Buses:-

Operation of both private and Government buses within the districts will remain suspended from 01.08.2020 to 31.08.2020 throughout the State.

E-pass system

E-Pass system will continue to be in force for both inter state and inter-district travel.

II. The following activities will be allowed in addition to the existing permitted activities from 00 hrs of 01.08.2020 in all the areas falling under the jurisdiction of Greater Chennai Police (Except in containment zones):

i. All Private offices, industrial establishments and Export oriented units which were allowed to function with 50% of strength, now allowed to function with 75% of strength. However, work from home shall be encouraged to the extent possible.

ii. Restaurants and Tea shops shall be permitted to function with dine-in facilities with 50% of seating capacity by following the Standard Operating Procedures issued already, from 6.00 am to 7.00 pm. However, air conditioning shall not be used. Take away (Parcel food) will be permitted in the Hotels/Restaurants from 6.00 am to 9.00 pm as allowed prior to 31.7.2020.

iii. Following the Standard Operating Procedures issued already, only in Small Temples with annual income of less than Rs.10000/-, Small mosques, darghas, churches and other religious places in Village Panchayats, Town Panchayats and in Municipality will be allowed for public worship with prior permission of concerned District Collectors. Big places of Worship and Religious Places in Corporation areas would remain closed for public worship.

iv. Vegetable shops and Provision shops which were permitted to function from 6:00 am to 6:00 pm, are now permitted to function from 6.00 am to 7.00 pm.

v. Other shops which were permitted to function from 10.00 am. to 6.00 pm, are now permitted to function from 10.00 am to 7.00 pm.

vi. E-Commerce including delivery of essential and non-essential goods shall be permitted.

III. The following activity will be allowed in addition to the existing permitted activities from 00 hrs of 01.08.2020 in <u>all the areas throughout the State except</u> **Greater Chennai Police Commissionarate areas** (Except in containment zones)

i. Following the Standard Operating Procedures issued already, only in Small Temples with annual income of less than Rs.10000/-, Small mosques, darghas, churches and other religious places in Village Panchayats, Town Panchayats and in Municipality will be allowed for public worship with prior permission of concerned District Collectors. Big places of Worship and Religious Places in Corporation areas would remain closed for public worship.

IV. Independence day functions

As per Government of India Guidelines, Independence day functions will be celebrated throughout the State with social distancing and by following other health protocols such as wearing of masks.

V. 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.

VI. 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.

VII. 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 in public places.

   Shops will ensure physical distancing among customers.

3. **Gatherings:** Large public gatherings/congregations continue to remain prohibited.

   Marriage related gathering: Number of guests not to exceed **50**.
   Funeral/last rites related gathering:Number of persons not to exceed **20**

4. **Spitting in public places** will be punishable with fine, as may be prescribed by the State, local authority in accordance with its laws, rules or regulations.

5. **Consumption of liquor, paan, gutka, tobacco etc.** in public places is prohibited.

Additional Directives for work places

6. **Work from home (WfH):** As far as possible, the practice of WfH should be followed.

7. **Staggering of work/ business hours** shall be followed in offices, work places, shops, markets and industrial & commercial establishments.

8. **Screening & hygiene:** Provision for thermal scanning, hand wash and sanitizer will be made at all entry points and of handwash or sanitizer at exit points and common areas.

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9. **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.

10. **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.

VIII. General

i. Gathering of more than 5 persons at a time in the public places will remain prohibited under Section 144 of Criminal Procedure Code.

ii. No activity will be permitted in the Containment Zones across the State, during the lockdown period.

iii. All Industries and Commercial Establishments should encourage their staff to work from home and they shall also strictly adhere to the Standard Operating Procedures.

iv. Present status will continue with regard to Rail /Air Transport.

v. Wearing of Mask is compulsory and it would be strictly enforced. Repeated washing hands with soap-sanitizers and social distancing norms should be strictly enforced for the permitted activities.

IX. 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 I.**

(By order of the Governor)

K.SHANMUGAM
CHIEF SECRETARY TO GOVERNMENT.

To
The Works Manager, Government Central Press, Chennai 600 079.
(for publication in the Tamil Nadu Government Extraordinary Gazette dated 31.07.2020 (50 copies)
All Additional Chief Secretaries, Principal Secretaries and Secretaries to Government, Secretariat, Chennai – 9.

The Principal Secretary/ Commissioner of Revenue Administration,
Disaster Management, Chepauk, Chennai-05.
The Commissioner, Greater Chennai Corporation, Chennai - 03.
All Heads of Departments including 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 Principal Secretary-I to Hon'ble Chief Minister, 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.
SF/SC.

/Forwarded By Order/

Jeyams 31/7/202

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Annexure I
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 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 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.

K.SHANMUGAM
CHIEF SECRETARY TO GOVERNMENT.

/True copy/

31/7/2020

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