

GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
PUDUCHERRY

No. 1703/DRDM/DM/D2/2020/90

Dated: 31.08.2020

ORDER

Sub: DRDM – COVID – 19 – Unlock 4 – Guidelines / Instructions – Reg.

Ref: i. The Epidemic Diseases Act, 1897
ii. The Disaster Management Act, 2005
iii. Order No. 40-3/2020-DM-I(A) dated 29.08.2020 of Ministry of Home Affairs, Government of India.

WHEREAS, in the wake of Novel Corona Virus (COVID-19) outbreak which has been declared as a Notified Disaster under the provision of Disaster Management Act, 2005, has prompted this UT Administration to take several preventive measures.

AND WHEREAS, the Ministry of Home Affairs, Government of India, vide Order No. 40-3/2020-DM-I (A) dated 29-08-2020 issued Unlock 4 guidelines to re-open more activities in a calibrated manner, in areas outside the Containment Zones and to extend lockdown in Containment Zones upto 30.09.2020 based on the directions of National Disaster Management Authority.

NOW THEREFORE, in exercise of the powers, conferred under the Disaster Management Act, 2005, the undersigned, in the capacity of Member Secretary, State Executive Committee, hereby issues Unlock 4 guideline, as annexed which shall come into effect from 01.09.2020 and be in force until 30.09.2020.

Any violation of the above instructions is punishable under the provisions of Disaster Management Act, 2005 and Epidemic Act, 1897.

The authorities concerned shall comply with the above instruction.


(Dr. ARUN.T, IAS)

SECRETARY TO GOVERNMENT
(REVENUE / RELIEF & REHABILITATION)

To
All concerned.

Copy to:

1. The Chief Secretary , Puducherry
2. The Development Commissioner, Puducherry
3. All Secretaries to Government, Puducherry
4. The District Collector, Pondicherry / Karaikal.
5. The Senior Superintendent of Police (L&O), Puducherry / Karaikal
6. All Head of Departments, Puducherry.
7. The Sub Divisional Magistrate, North / South / Karaikal / Mahe / Yanam
8. The Deputy Commissioner (Excise), Puducherry / Karaikal / Mahe / Yanam
9. The Superintendent of Police, East/West/North/South/Karaikal/Mahe/ Yanam
10. The Commissioner, Puducherry / Oulgaret Municipality
11. The Tahsildar, Taluk Office, Puducherry / Oulgaret / Villianur / Bahour
12. The Commissioner, All Commune Panchayat

Copy submitted to:

1. The Hon'ble Lt. Governor, Puducherry
2. The Hon'ble Chief Minister, Puducherry
3. All Hon'ble Ministers, Puducherry

Guidelines for Phased Re-opening (Unlock 4)

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

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

(i) **Puducherry and Karaikal region:**

All shops, establishments, hotels (including dining in) and private offices shall function from 6.00 am to 8.00 pm only. However, medicals shops, pharmacy and milk booth would remain without any restriction. Liquor shops shall open as per licensing conditions and close by 08.00 p.m.

There shall be no movement of individual in vehicles, bus, taxi, auto between 9.00 pm to 5.00 am except on emergency / permitted purpose.

Beach road shall remain open from 5am to 12 pm.

Mahe and Yanam region:

The Regional Administrator will issue separate orders for timing restrictions on par with the adjoining States.

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

a. Online/ distance learning shall continue to be permitted and shall be encouraged.

b. Teaching and non-teaching staff upto 50% may be called to the schools at a time for online teaching/ tele-counselling and related work, in areas outside the Containment Zones only, with effect from 21st September 2020 for which, Standard Operating Procedure (SOP) will be issued by the Ministry of Health & Family Welfare (MoHFW).

c. 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 Government of Puducherry.

National Institute for Entrepreneurship and Small Business Development (NIESBUD), Indian Institute of Entrepreneurship (ITE) 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.

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

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

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

- (iv) Cinema halls, swimming pools, entertainment parks, theatres and similar places will remain closed.
- (v) International air travel of passengers, except as permitted by MHA.

2. National Directives for COVID-19 Management

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

3. Lockdown limited to Containment Zones

- (i) Lockdown shall remain in force in the Containment Zones till 30th September, 2020.
- (ii) Containment Zones shall be demarcated by the District authorities at micro level after taking into consideration the guidelines of MoHFW with the objective of effectively breaking the chain of transmission. Strict containment measures will be enforced in these containment zones and only essential activities will be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be effectively implemented for the above purpose.
- (iii) These Containment Zones will be notified on the websites by the respective District Collectors.

4. 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.

5. 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.

6. Penal provisions

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

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.

Additional directives for workplaces

3. Work from home (WfH): As far as possible the practice of WfH should be followed.
4. Staggering of work/ business hours will be followed in offices, work places, shops, markets and industrial & commercial establishments.
5. 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.
6. 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.
7. 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 willfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

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

55. Offences by Departments of the Government.— (1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

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

58. Offence by companies—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section —

(a) “company” means anybody corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

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

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

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

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

B. Section 188 in the Indian Penal Code, 1860

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

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

Illustration

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