ABSTRACT

Disaster Management Act, 2005 – COVID-19 – Extending restrictions in the territorial jurisdictions of the State of Tamil Nadu till 24:00 hrs of 30.11.2020 with guidelines and relaxations – Notification – Issued

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

G.O. (Ms) No.613 **Dated: 31.10.2020**

சார்வரி ஐப்பசி 15
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.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. From Government of India, Ministry of Home Affairs, Order No.40-3/2020/DM/1(A), dated 27.10.2020.
17. G.O. Ms.No.609, Revenue and Disaster Management (DM IV), Department, Dated : 31.10.2020.
18. Hon'ble Chief Minister's Press Release, dated 31.10.2020.
19. From the Additional Chief Secretary/Commissioner of Revenue Administration, letter No.OCI/563/2020 dated: 31.10.2020

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 31.10.2020 under the Disaster Management Act, 2005 in GO.Ms.No.541, Revenue and Disaster Management (DM-IV) Department, dated 30.09.2020 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 28.10.2020 through Video Conference and views expressed by the Medical Experts and Public Health Committee during the discussion with the Hon'ble Chief Minister on 28.10.2020 and in consultation with the Senior Ministers **hereby order to extend the State-wide lockdown till 24:00 hrs of 30.11.2020** 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, G.O.Ms.No.324, Revenue and Disaster Management (DM II), Department, dated 30.6.2020, G.O.Ms.No.396, Revenue and Disaster Management (DM II), Department, dated 31.7.2020, GO.Ms.No.447, Revenue and Disaster Management (DM-IV) Department, dated 31.08.2020 and GO.Ms.No.541, Revenue and Disaster Management (DM-IV) Department, dated 30.09.2020 and amendments issued thereon with the existing restrictions and following further guidelines and relaxations.

I. The following activities shall continue to remain prohibited until further orders, during the lockdown period throughout the State till 24:*00* hrs of 30.11.2020.

i. Swimming Pools, Beach, Tourist places and similar places remain prohibited.

ii. All international air travel of passengers, except for purposes as permitted by MHA remain prohibited.

iii. The E-registration system shall continue to be in force for the persons coming to Tamil Nadu from other States(other than State of Puducherry) and for the travel of persons to the tourists places like Ooty, Kodaikanal and Yercaud.

iv. Operation of both Public and Private Bus Transport to other States remains prohibited except between Tamil Nadu and State of Puducherry.

II. The following activities shall be allowed in addition to the existing permitted activities throughout the State including the areas falling under the jurisdiction of Greater Chennai Police (Except in containment zones):

i. Following the Standard Operating Procedures, **Schools (for the students studying in 9th, 10th, 11th and 12th Standards only), all Colleges, research institutions and other educational / coaching institutions shall be permitted to function from 16.11.2020.**

ii. Hostels including School / College / PG Hostels and Working Men / Women Hostels shall be permitted to function from 16.11.2020.

iii. Koyambedu Market Complex:

Following the Standard Operating Procedures, the **wholesale fruit shops** presently functioning in temporary location shall be permitted to function in the **Koyambedu Market Complex from 2.11.2020** and that the **fruit and vegetable retail outlets shall be permitted to commence its operations in Koyambedu Market Complex in three phases from 16.11.2020.**

iv. Sub-urban train services shall be permitted subject to the orders of Government of India and after duly following the Standard Operating Procedure.

v. Shooting of films relating to Cinema Industry including T.V. Serial Shooting is permitted following the Standard Operating Procedure (SOP) with a condition that only **150 persons should be allowed** to work at a single point of time. However, spectators shall not be allowed while shooting of films.

vi. Following the Standard Operating Procedures, **Cinemas/theatres/Multiplexes shall be permitted to open from 10.11.2020 with 50% of their seating capacity**. Further, in order to create awareness among the spectators, the precautionary measures for Covid-19 shall also be screened during the show time.

vii. **Religious congregations, all social / political / cultural/ academic and other functions** shall be permitted **from 16.11.2020 with a maximum ceiling of 100 persons** after duly following the Standard Operating Procedure.

viii. **Entertainment / Amusement parks, auditoriums, assembly halls, Zoological Parks, Museums and other similar places shall be permitted to operate from 10.11.2020** by following the Standard Operating Procedure.

ix. Following the Standard Operating Procedures, **Marriage related gathering shall be permitted with guests not exceeding 100 and in respect of Funeral/last rites, the number of persons shall not exceed 100.**

x. Earlier, customers aged 50 and below were permitted to visit **Gymnasiums.** Following the Standard Operating Procedures already issued, now, **persons aged 60 and below** shall be permitted in Gymnasiums from 01.11.2020.

III. Lockdown limited to Containment Zones

a. Lockdown shall continue to remain in force in the Containment Zones till 30th November, 2020.

b. 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 MoHWF shall be effectively implemented for the above purpose.

c. These Containment Zones will be notified on the websites by the respective District Collectors and by the States and information will be shared with MoHFW.

IV. 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.

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

a. Aarogya Setu enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.

b. 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.

c. 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:**
   Marriage related gathering: Number of guests not to exceed 100.
   Funeral/last rites related gatherings: Number of persons not to exceed 100.

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 hand wash or sanitizer at exit points and common areas.

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

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: 31.10.2020) (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 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/

31/12/2020

SECTION OFFICER

Annexure 1
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.

K.SHANMUGAM
CHIEF SECRETARY TO GOVERNMENT.

/True copy/

31/12/2020

SECTION OFFICER