No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 17th May, 2020

ORDER

Whereas, the National Disaster Management Authority (NDMA) in exercise of their powers under section 6(2)(i) of the Disaster Management Act, 2005, vide their Orders dated 24.03.2020, 14.04.2020 and 01.05.2020 had directed the National Executive Committee (NEC) to take lockdown measures so as to contain the spread of COVID-19 in the country;

Whereas, Chairperson NEC, in exercise of the powers conferred under Section 10(2)(l) of the Disaster Management Act, 2005, has issued Orders of even number on lockdown measures dated 24.03.2020, 29.03.2020, 14.04.2020, 15.04.2020 and 01.05.2020;

Whereas, save as otherwise provided in the guidelines annexed to this Order, all Orders issued by NEC under Section 10(2)(l) of the Disaster Management Act, 2005, shall cease to have effect from 18.05.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020 - PP dated 17.05.2020 directing the Chairperson, NEC that lockdown measures to contain the spread of COVID-19 be continued to be implemented in all parts of the Country, for a further period upto 31.05.2020;

Now therefore, under directions of the aforesaid Order of NDMA dated 17.05.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions for strict implementation, to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities that lockdown measures to contain the spread of COVID-19 will continue for a period of upto 31.05.2020, as per the guidelines annexed to this Order, which will come into effect from 18.05.2020.

17/05/2020
Union Home Secretary

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
   (As per list attached)

Copy to:

i. All members of the National Executive Committee.
ii. Member Secretary, National Disaster Management Authority.

Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT Authorities for containment of COVID-19 in the country upto 31st May, 2020.

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 17th May, 2020]

1. Lockdown shall continue to remain in force upto 31st May, 2020.

2. **The following activities shall continue to remain prohibited throughout the country:**

   i. All domestic and international air travel of passengers, except for domestic medical services, domestic air ambulance and for security purposes or purposes as permitted by MHA.

   ii. Metro rail services.

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

   iv. Hotels, restaurants and other hospitality services, except those meant for housing health/ police/ Government officials/ healthcare workers/ stranded persons including tourists and for quarantine facilities; and running of canteens at bus depots, railway stations and airports. Restaurants shall be permitted to operate kitchens for home delivery of food items.

   v. All cinema halls, shopping malls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places. Sports complexes and stadia will be permitted to open; however, spectators will not be allowed.

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

   vii. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.

3. **The following activities shall be permitted with restrictions, except in the Containment Zones:**

   i. Inter-State movement of passenger vehicles and buses, with mutual consent of the State(s)/ UT(s) involved.

   ii. Intra-State movement of passenger vehicles and buses, as decided by the States and UTs.

   iii. Standard Operating Procedures (SOPs) for movement of persons, as mentioned in **Annexure I,** shall continue to operate.

4. **National Directives for COVID-19 Management**

   National Directives for COVID 19 Management, as specified in **Annexure II**, shall be followed throughout the country.

5. **Containment, Buffer, Red, Green and Orange Zones**

   i. The delineation of Red, Green and Orange Zones will be decided by the respective State and UT Governments, after taking into consideration the parameters shared by Ministry of Health & Family Welfare (MoHFW), Government of India (GoI).

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ii. Within the Red and Orange Zones, Containment Zones and Buffer Zones will be demarcated by the District authorities, after taking into consideration the guidelines of MoHFW.

iii. In the Containment Zones, only essential activities shall 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. Guidelines of MoHFW shall be taken into consideration for the above purpose.

iv. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required.

6. Night curfew

The movement of individuals shall remain strictly prohibited between 7.00 pm to 7.00 am, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as prohibitory orders [Curfew] under Section 144 of CrPC, and ensure strict compliance.

7. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for essential and health purposes.

8. All other activities will be permitted, except those which are specifically prohibited.

However, in Containment Zones, only essential activities shall be allowed, as mentioned in para 5(iii) above.

Further, States/ UTs, based on their assessment of the situation, may prohibit certain other activities in the various zones, or impose such restrictions as deemed necessary.

9. 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.

10. Special directions to ensure movement of persons and goods in certain cases

i. All States/ UTs shall allow inter-State and intra-State movement of medical professionals, nurses and para medical staff, sanitation personnel and ambulances, without any restriction.

ii. All States/ UTs shall allow inter-State movement of all types of goods/ cargo, including empty trucks.

iii. No State/ UT shall stop the movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries.

11. Strict enforcement of the guidelines

i. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.

ii. All the District Magistrates shall strictly enforce the above measures.

iii. In order to implement these measures, the District Magistrates will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions.

12. 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 Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III**.

17/05/2020

Union Home Secretary

Annexure I

Standard Operating Procedures (SOPs) issued by MHA

i. SOP on transit arrangement for foreign national(s) in India issued vide Order dated April 02, 2020.

ii. SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.

iii. SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.

iv. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020 and Order dated May 01, 2020.

v. SOP on movement of Indian Nationals stranded outside the country and of specified persons to travel abroad, issued vide Order dated May 5, 2020.

vi. SOP on movement of persons by train, issued vide Order dated May 11, 2020.

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Annexure II

National Directives for COVID 19 Management

i. Wearing of face cover is compulsory in all public and work places.

ii. Spitting in public & work places shall be punishable with fine, as may be prescribed in accordance with its laws, rules or regulations by the State/ UT local authority.

iii. Social distancing shall be followed by all persons in public places and in transport.

iv. Marriage related gathering shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.

v. Funeral/ last rites related gathering shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.

vi. Consumption of liquor, *paan, gutka*, tobacco etc. in public places is not allowed.

vii. Shops will ensure minimum six feet distance (*2 gaz ki doori*) among customers and shall not allow more than 5 persons at the shop.

Additional directives for Work Places

viii. As far as possible, the practice of work from home should be followed.

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

x. Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.

xi. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., shall be ensured, including between shifts.

xii. All persons in charge of work places shall ensure social distancing through adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

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13/5/2020

Annexure III

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc.—Whoever, without reasonable cause —

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

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

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

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

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

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

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

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

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

Explanation.—For the purpose of this section—

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

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

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

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

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

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

B. Section 188 in the Indian Penal Code, 1860

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

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

Illustration

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

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