



Abstract

Disaster Management – Corona Virus Disease (COVID-19) – Infection prevention and control – The Disaster Management Act,2005 – Notification – Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

Disaster Management Wing, DM II Section

G.O.(Ms)No.172

Dated. 25.03.2020

விகாரி, பங்குனி 12

திருவள்ளூர் ஆண்டு 2051

- Read:
1. G.O.(Ms)No.97 , Health and Family Welfare (P1) Department, dated 15.03.2020.
 2. G.O.(Ms)No.150 , Health and Family Welfare (P1) Department, dated 22.03.2020.
 3. G.O.(Ms)No.152 , Health and Family Welfare (P1) Department, dated 23.03.2020.
 4. National Disaster Management Authority, Government of India Order No.1-29/2020-PP(P1-II), dated 24.03.2020 Guidelines annexed to the Ministry of Home Affairs Order No.40-3/2020-DM-I(A)dated 24.03.2020.
 5. Ministry of Home Affairs Order No,40-3/2020-DM-I(A)dated 25.03.2020 -Addendum to the Guidelines annexed to the Ministry of Home Affairs Order No.40-3/2020-DM-I(A)dated 24.03.2020.

NOTIFICATION

WHEREAS, in exercise of the powers under Section 6(2)(i) of the Disaster Management Act,2005, the National Disaster Management authority (NDMA) has issued an ORDER No.1-29/2020-PP (Pt-II) dated 24th March,2020 directing the Ministries / Departments of Government Of India, State / Union Territory Governments and State/Union Territory Authorities to take effective measures so

as to prevent the spread of COVID-19 in the country which has already been declared as pandemic by the World Health Organization;

AND WHEREAS under directions of the aforesaid ORDER OF NDMA, and in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act,2005, the Union Home Secretary, in his capacity as Chairperson, National Executive Committee, has issued Order No.40-3/2020-DM-1(A)dated 24th March,2020 and also issued an addendum to the Guidelines in the said order;

AND WHEREAS, the State Disaster Management Authority (SDMA) has so far conducted five meetings on preparedness measures and prevention of COVID-19 and has issued directions from time to time.

AND WHEREAS,the State Government of Tamil Nadu has issued orders under G.O.(Ms) No.152, Health And Family Welfare Department, Dated.23.03.2020 for regulations under the Epidemic Act, 1897(Central Act No.3 of 1897) imposing restrictions in the territorial jurisdictions of the State of Tamil Nadu from 18.00 hours of 24.03.2020 to 06.00 hours of 01.04.2020.

AND WHEREAS, the Government of Tamil Nadu is satisfied that effective and immediate measures need to be continued to prevent and contain the spread COVID-19;

NOW THEREFORE, the State Government of Tamil Nadu in supersession of the orders issued in G.O.Ms.No.152,Health And Family Welfare Department, Dated.23.03.2020, issues the following orders applicable throughout the State with immediate effect. The order shall remain in force, for a period of 21 days with effect from 25.03.2020.

1. Offices of the Government of India, its Autonomous/Subordinate Offices and Public Corporations shall remain closed.

Exceptions:

Defence, Central Armed Police Forces, Treasury Public, utilities

(including petroleum,CNG,LPG,PNG), disaster management, power generation and transmission units, Post offices, National Informatics centre, Early Warning Agencies.

- Term Treasury includes Pay & Accounts Offices, Financial Advisers and field offices of the Controller General of Accounts, **with bare minimum staff**,
- Customs clearance at ports/airports/land border; GSTN; and MCA 21 Registry, **with bare minimum staff**.
- Reserve Bank of India and RBI regulated financial markets and entities like NPCI, CCIL, payment system operators and standalone primary dealers, **with bare minimum staff**.

2. Offices of the State Government, its Autonomous Bodies, the Corporations, etc., shall remain closed.

Exceptions:

- a) Police, Home Guards & Civil Defence, Fire and Emergency services, Disaster Management, and prisons.
- b) District Administration and Treasury including field offices of the Accountant General, **with bare minimum staff**.
- c) Electricity, water, sanitation
- d) Municipal bodies – only staff required for essential services like sanitation, personnel related to water supply etc.
- e) Resident Commissioner of the State in New Delhi **with bare minimum staff**, for coordinating Covid-19 related activities and internal kitchens operations.
- f) Forest offices: Staff/workers required to operate and maintain zoo, nurseries, wildlife, firefighting in forests, watering plantations, patrolling and their necessary transport movement.
- g) Social Welfare Department, **with bare minimum staff**, for operations of Homes for children/disabled/senior citizens/

destitute/women/ widows; Observation homes; pensions.

The above offices (Sl.No.1 & 2) should work with minimum number of employees. All other offices may continue to work-from-home only.

3. Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemists and medical equipment shops, laboratories, clinics, nursing homes, ambulance etc., will continue to remain functional. The transportation for all medical personnel, nurses, Para-medical staff, and other hospital support services be permitted. Hospitals include Veterinary hospitals, pharmacies (including Jan Aushadhi Kendra) and Pharmaceutical research labs.
4. Commercial and private establishments shall be closed down.

Exceptions:

- a) Shops, including ration shops (under PDS and FCI operations) dealing with food, groceries, fruits and vegetables, diary and milk booths, meat and fish, animal fodder and includes shops for seeds and pesticides. However district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
- b) Banks, insurance offices, ATMs and includes IT Vendor for banking operations, Banking Correspondent and ATM operation and cash management agencies.
- c) Print and electronic media.
- d) Telecommunications, Internet services, broadcasting and cable services. IT and IT enabled services only (for essential services) and as far as possible to work from home.

- e) Delivery of all essential goods including food, pharmaceuticals, medical equipment through e-commerce. However home delivery of food items through aggregators like Swiggy, Zomato, Uber eats are prohibited.
- f) Petrol pumps, LPG, Petroleum and gas retails and storage outlets.
- g) Power generation, transmission and distribution units and services.
- h) Capital and debt market services as notified by the Securities and Exchange Board of India. Data and call Centre **for Government activities only**.
- i) Cold storage and warehousing services.
- j) Private security services.

All other establishments may work – from- home only.

5. Industrial establishments will remain closed.

Exceptions:

- a) Manufacturing units of essential goods including drugs, pharmaceutical, Medical devices, their raw material & intermediates.
- b) Production units, which require continuous process, after obtaining required permission from the State Government.
- c) Coal and mineral production, transportation, supply of explosives and activities incidental to mining operations.
- d) Manufacturing units of packaging material for food items, drugs, pharmaceutical and medical devices.

6. All transport services -air,rail,roadways – will remain suspended.

Exceptions:

- a) Transportation for essential goods,including water tankers.
- b) Fire, law and order and emergency services.
- c) Operations of Railways, Airports and Seaports for cargo

movement, relief and evacuation and their related operational organizations.

- d) Inter-state movement of goods/cargo for inland and exports.
- e) Cross land border movement of essential goods including petroleum products and LPG, food products, medical Supplies.

7. Hospitality Services to remain suspended;

Exceptions:

- a) Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
 - b) Establishments used/earmarked for quarantine facilities.
8. All educational, training, research, coaching institutions etc., shall remain closed.
9. All places for worship shall be closed for public. No religious congregations will be permitted, without any exception.
10. All social/ political/ sports/ entertainment / academic/ cultural/ religious functions/gathering shall be barred.
11. In case of funerals, congregation of not more than twenty (20) persons will be permitted.
12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Section 188 of the IPC.
13. Within the overall guidelines of NDMA orders, the following state specific exemptions are also allowed as essential services.
- i. Aavin and Milk Union
 - ii. Amma Canteens with adequate social distancing.

- iii. All essential construction activities subject to diseases prevention measures as per protocol and continuous monitoring and health status of workers.
 - iv. Manufacture, transport and delivery of drinking water cans, bottles and packaged water.
 - v. Services to working women hostels, services to old age persons and old age homes, differently abled persons and orphanages is exempted.
14. Wherever exceptions to above containment measures have been allowed, the organizations/employers must ensure necessary precautions against COVID-19 virus, as well as social distance measures, as advised by the Health Department from time to time.
15. In order to implement these containment measures, the District Collectors will deploy Deputy Collectors and Tahsildars as Executive Magistrates, who will serve as Incident Commanders in respect of their allotted local jurisdiction and will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such Executive Magistrates. The District Collectors will authorize a specific Officer to issue passes for enabling essential movements as explained. In case of Chennai the Corporation Commissioner will be the competent authority.
16. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.
17. The District Collectors and the Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without hindrance.

18. Any person violating these containment 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 Indian Penal Code (as per appendix) and other relevant sections of Indian Penal Code(45 of 1860).
19. In case of any doubt, the State Government will issue necessary directions/clarifications.
20. The above containment measures will remain in force, in all parts of the State, for a period of 21 days with effect from 25.03.2020.

All actions initiated in pursuance of earlier notifications under the Tamil Nadu Public Health act, 1939 (Tamil Nadu Act III of 1939) and under the Epidemic Act, 1897 (Central Act No.3 of 1897) will continue.

(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 25.03.2020 (50 copies)
The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-9.
The Secretary, Health and Family Welfare Department,
Secretariat Chennai.
All Additional Chief Secretaries, Principal Secretaries and Secretaries to the
Government, Secretariat, Chennai.
Commissioner Revenue Administration, Ezhilagam, Chepauk, Chennai.
All the District Collectors.
Stock file/Spare Copy

//Forwarded//By Order//

Dr. G. Srinivasan
25/3/2020
Under Secretary to Govt.

Appendix

1. Section 51 to 60 of Disaster Management Act, 2005

OFFENCES AND PENALTIES

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.

2. Section 188 in The Indian Penal Code

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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Under Secretary to Government

