

Government of Haryana
Haryana State Disaster Management Authority

No. DMC-SPO-2020/ 2474

Dated: 13.04.2021

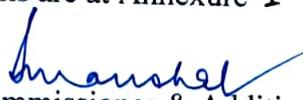
It is in reference to Order no.DMC-PO-I-2021/332 dated 12.04.2021, following consolidated guidelines are hereby issued for enforcement of 'Corona Curfew' for containment of COVID-19 Epidemic in the State with immediate effect:-

1. There shall be prohibition on movement of individuals for all non essential activities between 10:00 PM to 5:00 AM in the State of Haryana. No person shall leave their homes or shall move on foot or by vehicle or travel or stand or roam around on any road or public places during the above said hours.
2. The movement of following persons and services shall be exempted:-
 - a. Those tasked with law and order/emergencies and municipal services/duties including Executive Magistrates, Police personnel, Military/ C.A.P.F. personnel in uniform, health, electricity, fire, media persons with accreditation and Government machinery tasked with Covid-19 related duties (all on production of Identity Card).
 - b. There shall be no curbs on manufacture of essential goods. (Essential goods shall be as defined by MHA guidelines from March 2020 onwards).
 - c. There shall be no curbs on movement (inter-State and intra-State) of essential and non-essential goods. All Vehicles/persons in bonafide transit (inter- State/intra-State) shall be allowed to pass, but only after verification of point of origin and destination.
 - d. Hospitals, Veterinary Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist, Pharmacies (including Jan Aushadhi Kendra) and medical equipment shops, laboratories, Pharmaceutical research labs, clinics, nursing homes, ambulance etc. will continue to remain functional. Transportation of all medical personnel, nurses, para-medical staff, other hospital support services be permitted.
 - e. Commercial and private establishments
 - i. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services.
 - ii. Delivery of all essential goods including food, pharmaceuticals, medical equipment etc. through E-commerce.
 - iii. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
 - iv. Power generation, transmission and distribution units and services.

- v. Cold storage and warehousing services.
 - vi. Private security services.
 - vii. Data and call centers for Government activities only.
 - viii. Farming operations by farmers and farm workers in the field.
 - ix. A.T.M.
- f. Intra and inter-state movement of harvesting and sowing related machines like combined harvester etc. and other agriculture/horticulture implements.
 - g. Passengers going to or returning from airport or railway station or I.S.B.T shall be exempted.

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.

3. All the Industrial Units/entrepreneurs/concerns shall mandatorily apply on Saralharyana portal (<https://saralhararyana.gov.in>) by providing necessary details in order to generate requisite passes for the employees/staff.
4. All enforcing authorities to note that these restrictions fundamentally relate to movement of people, but not to that of essential goods.
5. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in their respective local jurisdictions. The Incident Commander 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 Incident Commander. The Incident Commander will issue passes for enabling essential movements as explained.
6. **Penal provisions-** 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 Sec. 188 of the IPC and other legal provisions as applicable. Extracts of these penal provisions are at Annexure-I


Financial Commissioner & Additional Chief Secretary to Government
of Haryana, Revenue & Disaster Management Department- cum
Member for Haryana State Disaster Management Authority

To

1. All Administrative Secretaries in the State of Haryana;
2. All Deputy Commissioners in the State of Haryana.

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 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.
