

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.

Government of India
Ministry of Health and Family Welfare

SOP on preventive measures in Hotels and Other Hospitality Units
to contain spread of COVID-19

1. Background

All hotels and other hospitality units must take suitable measures to restrict any further transmission of COVID-19 while providing accommodation and other tourist services. The SOP aims to minimize all possible physical contacts between Staff and Guests and maintain social distancing and other preventive and safety measures against COVID-19.

2. Scope

This document outlines various generic precautionary measures to be adopted in addition to specific measures to be ensured in hotels and other hospitality units (*henceforth, 'hotels'*) to prevent spread of COVID-19.

Hotels in containment zones shall remain closed. Only those outside containment zones will be allowed to open up.

3. Generic preventive measures

(A) Persons above 65 years of age, persons with comorbidities, pregnant women and children below the age of 10 years are advised to stay at home, except for essential and health purposes. Hotel management to advise accordingly.

(B) The generic measures include simple public health measures that are to be followed to reduce the risk of COVID-19. These measures need to be observed by all (staff and guests) in these places at all times.

These include:

- i. Physical distancing of at least 6 feet to be followed as far as feasible.
- ii. Use of face covers/masks to be made mandatory.
- iii. Practice frequent hand washing with soap (for at least 40-60 seconds) even when hands are not visibly dirty. Use of alcohol-based hand sanitizers (for at least 20 seconds) can be made wherever feasible.
- iv. Respiratory etiquettes to be strictly followed. This involves strict practice of covering one's mouth and nose while coughing/sneezing with a tissue/handkerchief/flexed elbow and disposing off used tissues properly.
- v. Self-monitoring of health by all and reporting any illness at the earliest to state and district helpline.
- vi. Spitting shall be strictly prohibited.
- vii. Installation and use of Aarogya Setu app shall be advised to all.

4. All Hotels shall ensure the following arrangements:

- i. Entrance to have mandatory hand hygiene (sanitizer dispenser) and thermal screening provisions.
- ii. Only asymptomatic staff and guests shall be allowed.
- iii. All staff and guests to be allowed entry only if using face cover/masks. The face cover/masks has to be worn at all times inside the hotel.
- iv. Adequate manpower shall be deployed by hotel management for ensuring social distancing norms.
- v. Staff should additionally wear gloves and take other required precautionary measures.
- vi. All employees who are at higher risk i.e. older employees, pregnant employees and employees who have underlying medical conditions, to take extra precautions. They should preferably not be exposed to any front-line work requiring direct contact with the public. Hotel management to facilitate work from home wherever feasible.
- vii. Proper crowd management in the hotel as well as in outside premises like parking lots—duly following social distancing norms shall be ensured. Large gatherings/congregations continue to remain prohibited.
- viii. Valet parking, if available, shall be operational with operating staff wearing face covers/ masks and gloves as appropriate. A proper disinfection of steering, door handles, keys, etc. of the vehicles should be taken up.
- ix. Preferably separate entry and exits for guests, staff and goods/supplies shall be organized. Maintaining physical distancing of a minimum of 6 feet, when queuing up for entry and inside the hotel as far as feasible. Specific markings may be made with sufficient distance to manage the queue and ensure social distancing in the premises.
- x. Number of people in the elevators shall be restricted, duly maintaining social distancing norms. Use of escalators with one person on alternate steps may be encouraged.
- xi. Details of the guest (travel history, medical condition etc.) along with ID and self-declaration form must be provided by the guest at the reception.
- xii. Posters/standees/AV media on preventive measures about COVID-19 to be displayed prominently.
- xiii. Hand sanitizers must be kept at the reception for guests to use. Guests to sanitize hands before and after filling relevant forms including A&D register.
- xiv. Hotels must adopt contactless processes like QR code, online forms, digital payments like e-wallet etc. for both check-in and check-out.
- xv. Luggage should be disinfected before sending the luggage to rooms.
- xvi. Guests who are at higher risk i.e. those who are older, pregnant or those who have underlying medical conditions are advised to take extra precautions.
- xvii. Guests should be advised not to visit areas falling within containment zone
- xviii. Required precautions while handling supplies, inventories and goods in the hotel shall be ensured. Proper queue management and disinfection shall be organized.
- xix. Appropriate personal protection gears like face covers/masks, gloves and hand sanitizers etc. shall be made available by hotel to the staff as well as the guests.
- xx. Detailed guidelines issued for restaurants shall be followed.

- a. Seating arrangement in the restaurant also to be made in such a way that adequate social distancing is maintained.
 - b. Disposable menus are advised to be used.
 - c. Instead of cloth napkins, use of good quality disposable paper napkins to be encouraged.
 - d. Contactless mode of ordering and digital mode of payment (using e-wallets) to be encouraged.
 - e. Buffet service should also follow social distancing norms among guests.
- xxi. Room service or takeaways to be encouraged, instead of dine-in. Food delivery personnel should leave the packet at guest or customer's door and not handed directly to the receiver. The staff for home deliveries shall be screened thermally by the hotel authorities prior to allowing home deliveries.
 - xxii. For room service, communication between guests and in-house staff should be through intercom/ mobile phone and room service (if any) should be provided while maintaining adequate social distance.
 - xxiii. Gaming Arcades/Children play areas (wherever applicable) shall remain closed.
 - xxiv. For air-conditioning/ventilation, the guidelines of CPWD shall be followed which inter alia emphasises that the temperature setting of all air conditioning devices should be in the range of 24-30°C, relative humidity should be in the range of 40-70%, intake of fresh air should be as much as possible and cross ventilation should be adequate.
 - xxv. Effective and frequent sanitation within the premises shall be maintained with particular focus on lavatories, drinking and hand washing stations/areas.
 - xxvi. Cleaning and regular disinfection (using 1% sodium hypochlorite) of frequently touched surfaces (door knobs, elevator buttons, hand rails, benches, washroom fixtures, etc.) to be made mandatory in all guest service area and common areas.
 - xxvii. Proper disposal of face covers / masks / gloves left over by guests and/or staff should be ensured.
 - xxviii. Deep cleaning of all washrooms shall be ensured at regular intervals.
 - xxix. Rooms and other service areas shall be sanitized each time a guest leaves.
 - xxx. In the kitchen, the staff should follow social distancing norms at work place. Kitchens area must be sanitized at regular intervals.
 - xxxi. In case of a suspect or confirmed case in the premises:
 - a. Place the ill person in a room or area where they are isolated from others.
 - b. Provide a mask/face cover till such time he/she is examined by a doctor.
 - c. Immediately inform the nearest medical facility (hospital/clinic) or call the state or district helpline.
 - d. A risk assessment will be undertaken by the designated public health authority (district RRT/treating physician) and accordingly further action be initiated regarding management of case, his/her contacts and need for disinfection.
 - e. Disinfection of the premises to be taken up if the person is found positive.