

**U.T. ADMINISTRATION OF  
DADRA & NAGAR HAVELI AND DAMAN & DIU  
STATE DISASTER MANAGEMENT AUTHORITY  
SECRETARIAT, DAMAN**

No. DMHS/DNH&DD/COVID-19/2020/19

Date: 05.01.2022

**Read: Order No. DMHS/ DNH&DD/COVID-19/2020/1353 Dated 29<sup>th</sup> December, 2021.**

**ORDER**

In lieu of the emergence of highly mutant COVID-19 variant B.1.1529 cases across the country, even in Vaccinated Individuals, it is imperative that Covid Containment and Restrictive measures are strengthened across the Territory. Strict Enforcement of COVID Appropriate protocol and intense surveillance measures by the District Administration in the UT is very important to prevent the spread of the virus in the Community.

Hence, in partial modification to the Order No. DMHS/COVID-19/2020/1353 Dated 29<sup>th</sup> December, 2021, the following measures shall be implemented and enforced in the UT with immediate effect:

❖ **COVID Appropriate Behaviour:**

- Wearing of face cover is compulsory at all places. It is hereby reiterated that Wearing of face masks is an essential preventive measure. Intensive drives for enforcement of Masks shall be conducted. The Authorities of District Administration/Local Bodies shall levy a fine of Rs.100/- to any person found without wearing a Mask in Public/Workplaces instantly.

❖ **Strict adherence to the prescribed SOPs and issued protocols:**

- All the Primary Schools (Std. I to VIII) and Anganwadi Centres of the UT shall remain closed.
- All the Heads of Educational Institutions shall ensure enforcement of COVID-19 Appropriate Behaviour as laid down by the UT Administration at all the Schools and Colleges. Regular Inspections shall be conducted at the Institutions to enforce wearing of masks and other COVID Appropriate Behaviour and monitor the same.

*Y. K. Sharma* • The Management/Owners of Industries, Hôtels, Restaurants, Shops and other such Commercial and Private Establishments shall strictly ensure wearing of face masks, social distancing and Covid appropriate behaviour of all their employees/workers. The Officials of District Panchayats/Municipal

Councils/Labour Department/Food Safety Department shall monitor and enforce the same through regular inspections. The same shall be enforced in Public Transport Vehicles including Buses and Autorickshaws.

- All the tourist places in the Territory shall be regularly monitored by the District Administration for following of all Covid protocols stringently.

❖ **Covid-19 Vaccination:**

- The District Administration along with Officers of the District Panchayats and Municipal Councils shall continue to mobilize people and achieve full vaccination coverage of the eligible population.
- It shall be reiterated that full Covid-19 Vaccination shall be compulsory for all the Employers and Employees of all the Commercial and Government Establishments and Offices such as Shops, Industries, Hotels, Restaurants etc. The Management shall strictly ensure the same at their respective Establishments and Offices. The District Panchayat and Municipal Council Officials shall enforce the same, through routine inspections.
- It shall be ensured that the travelers with complete COVID 19 Vaccination certificates shall only be allowed entry at the Check-posts of the UT. The District Administration & Police Department shall enforce the same strictly through monitoring at all the check-posts.

*J. A. Thakore*  
The District Collectors shall constitute teams and ensure that all the above measures are enforced scrupulously with strict levying of fines as per the penal provisions annexed at **Annexure-A**.

By order and in the name of the  
Hon'ble Administrator,  
U.T. of Dadra & Nagar Haveli and Daman & Diu

*J. A. Thakore*  
Secretary 5/1/2022 -  
Health & Family Welfare

**Encl.: Annexure-A.**

Copy for information and necessary action to:

1. PS to Hon'ble Administrator, Secretariat, Daman.
2. PS to Advisor to the Administrator, Secretariat, Daman.
3. The Secretary (I&P), Secretariat, Daman for wide publicity.
4. All the Administrative Secretaries, DNH&DD for information and necessary action please.

5. The Deputy Inspector General of Police, DNH&DD.
6. All the Collectors of the U.T of Dadra and Nagar Haveli and Daman and Diu.
7. All the Superintendents of Police, DNH&DD
8. The Director of Medical and Health Services, DNH&DD
9. The State Informatics Officer, NIC, Secretariat, Daman for uploading the same on official website of this Administration.
10. All the Head of Offices for information and necessary action please.
11. Office file

➤ **Offences and Penalties for Violation of Lockdown Measures:**

The District/Local Administration shall levy fines/take penal action as prescribed below in case of violation of the above directives by virtue of the powers conferred under Disaster Management Act, 2005:

Sr. No.	Offence Particulars	Penalty/Compounding fee		
		Offence at the first instance	Offence at second instance	Offence at third instance
a.	Violation of Social Distancing Norms.	Rs.500/-	Rs.1,000/-	Penal provisions shall be invoked.
b.	Spitting including spitting of Tobacco, Gutka, etc., in Public Places.	Rs.100/-	Rs.200/-	
c.	Person found without wearing Mask in public places and work places.	Rs.100/- instantly		

➤ **Penal Provision in case of Non-Compliance of the Directives:**

**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 authorized 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 of 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 authorized 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 authorized 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 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.

\*\*\*\*\*