

**GOVERNMENT OF NAGALAND
OFFICE OF THE CHIEF SECRETARY
NAGALAND : KOHIMA**

NO.CSO/GAB-I/COM/GEN-I/2020

Dated Kohima, the 31st July, 2020

ORDER

WHEREAS, in exercise of the powers, conferred under Section 22 (2) (b) and Section 22 (2) (h) of the Disaster Management Act. 2005, the undersigned, in the capacity as Chairperson, State Executive Committee, issued guidelines on lockdown measures vide Order of even Number dated 4th May 2020 extended from time to time with modification as considered necessary for strict implementation in the State of Nagaland up till the 31st of July 2020;

AND WHEREAS in exercise of the powers, conferred under section 10 (2) (1) of the Disaster Management Act, 2005, the Union Home Secretary and Chairperson, NEC, has vide Order NO. 40-3/2020-DM-I(A), dated 29th July 2020, Ministry of Home Affairs, Government of India issued directions for adherence by all the State Governments to the guidelines on **Unlock 3** as annexed to the aforesaid Order up to 31st of August 2020;

NOW THEREFORE, in pursuance of the aforesaid Order of MHA, GOI and after making an assessment of the conditions as they exist in the State of Nagaland and for preventing and containing the spread of COVID-19, the undersigned in exercise of the powers, conferred under Section 22 (2) (b) and Section 22 (2) (h) of the Disaster Management Act. 2005, in the capacity as Chairperson, State Executive Committee, hereby issues new consolidated guidelines on lockdown measures, as annexed, for strict implementation with effect from 1st of August 2020 throughout the State of Nagaland up till 31st of August 2020.


(TEMJEN TOY)
Chief Secretary

NO.CSO/GAB-I/COM/GEN-I/2020

Dated Kohima, the 31st July, 2020

Copy to:

1. The Commissioner Secretary to Governor, Nagaland for information.
2. The ACS to Chief Minister, Nagaland for information.
3. The Sr. PS to Deputy Chief Minister, Nagaland for information.
4. The Sr. PS to all Ministers/Advisors for information.
5. The Secretary to the Govt. of India, Ministry of Home Affairs, Govt. of India, New Delhi for information.
6. The ACS & PRC, Nagaland House, New Delhi for information.
7. The ACS & Commissioner, Nagaland for information.
8. The Home Commissioner, Nagaland for information.
9. The Director General of Police for information.
10. The JD, SIB for information.
11. The Pr. Accountant General, Nagaland for information.
12. All AHoDs/HoDs for information.
13. The Staff Officer, 3 Corps/IGAR (N) for information.



14. The Station Commander, Military Station, Jakhama/ Chief Engineer, Project Sewak, Dimapur/ DIG, CRPF, Kohima for information.
15. The Comdt. 93 Bn. BSF, Chedema/ Comdt. 111 Bn. BSF, Sataka for information.
16. The DRC, ARC Nagaland House, Delhi, Kolkata, Guwahati, Shillong.
17. The Station Director, AIR and Doordarshan, Kohima for information.
18. The Director, IPR for wide publicity.
19. The Convenor, Lead Bank, SLBC for information of all banks.
20. All DCs/CP/SPs for information and necessary action.




(TEMJEN TOY)
Chief Secretary

CONSOLIDATED GUIDELINES

A. The following activities will continue to remain PROHIBITED/CLOSED across the State of Nagaland up till 31st of August 2020:

- a. All schools, colleges, educational/ training/ coaching/vocational institutions etc. However, online/ distance learning shall continue to be permitted and shall be encouraged.
- b. All cinema halls, shopping malls, swimming pools, gymnasiums, entertainment parks, auditoriums, theatres, auditoriums, assembly halls and similar places.
- c. International air travel of passengers, except as permitted by MHA.
- d. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.
- e. Salons, parlors and barber shops.
- f. Sports complexes and stadia.
- g. All the public places in the State like parks, museums, libraries, re-creation centres, etc.
- h. Use of public toilets

B. Entry exit points/routes

1. The inter-state borders will continue to remain sealed and any inbound traveller/returnee will be permitted to enter the State only through **Dimapur** by Train, Air or by Road through the New Field Check Gate and the Dillai Gate; and by road through Khuzama, **Kohima** district, Tsutapela and Watiyongpang, **Mokokchung** district, Naginimora and Tizit, **Mon** district and Bhandari, **Wokha** district. Entry into the State through any other route, or by any other mode of travel will not be allowed, except under special circumstances with the approval of the Home Department.
2. The movement of goods vehicles entering or transiting through the State shall be allowed through the above mentioned points of entry, after proper medical screening of the drivers and attendants of those vehicles.

All other roads/routes will remain closed.

3. The International Border of the State with Myanmar shall continue to remain sealed as before.

C. Movement of vehicles

1. Inter district movement of commercial passenger vehicles shall remain barred except vehicles carrying goods.
2. Taxis and auto rickshaws shall be permitted to ply with the condition that they carry not more than two and one passenger(s) respectively. Both the driver and passengers should wear masks. Further, the driver should make mandatory provision for hand sanitizer failing which the Permit shall be cancelled. The fares to be charged shall be at the rate prescribed



before the announcement of lockdown measures. Movement of passenger buses, like City Buses will continue to be prohibited.

D. Shops/Markets/Other activities

- a. Shops and outlets of all categories and Departmental Stores will be allowed to open as per normal hours.
- b. Hawker stalls located in crowded areas and Market Complexes which offer no scope for enforcing satisfactory social distancing like the Hongkong Market, New Market in Dimapur Town, BOC Market in Kohima etc. shall remain closed except those shops/outlets dealing with food grains, vegetables, food items, medicines and other essential items and goods. Respective Deputy Commissioners shall identify such areas/Market Complexes and issue suitable orders in this regard.
- c. The proprietors of the shops and establishments which are allowed to open will make arrangements for keeping hand sanitizers or provide facilities for hand washing with soap and water for the public as well as for their own staff/workers. The proprietors of the shops and establishments should also get the door handles, surfaces and other objects which are frequently touched by people cleaned and disinfected. Social distancing measures will also be adhered to at all the shops and outlets.
- d. Dine-in restaurants and eateries, shall also continue to remain closed. However, home deliveries from dine-in restaurants, food outlets and delivery of online orders of essential commodities shall be permitted. Such establishments are to ensure social distancing for staff as well as customers within their premises. Dhabas at strategic locations along the highway will be permitted to function to cater to the needs of persons involved in transportation of goods. The respective Deputy Commissioners will identify such establishments.
- e. All agriculture and allied activities, forest activities, plantation activities and animal husbandry activities will continue to be permitted with social distancing measures.
- f. All construction activities, including roads, irrigation projects, buildings and all kinds of industrial projects will continue to be permitted with social distancing measures.
- g. All categories of industries will be permitted to operate subject to social distancing norms.
- h. Private Banks, ATMs, Pharmacies, Medical Clinics, Nursing Homes, Private Telecom Services, Internet Service Providers, Media Houses, LPG, Petroleum outlets will continue to open/function as per the existing arrangements. All other kind of private offices/establishments are permitted to open/function with social distancing norms
- i. Religious places/ places of worship in the State will continue to be open to public subject to adherence to conditions/ provisions of the Office Order of even number dated 10th June 2020.
- j. All other activities not explicitly barred or prohibited in this order or any other order issued by the Government will continue to be permitted subject to social distancing norms
- k. All activities are subject to adherence to **National Directives for COVID-19 Management as specified in Annexure I.**



E. Offices

- a. The Civil Secretariat and Directorates in Kohima and Dimapur and all the Government offices in the Districts shall function with attendance of officers of Deputy Secretary and above in the Secretariat, and Deputy Director and above in the Directorate and the Head of Office and immediate junior in the District offices being mandatory. For other categories of officers and staff, a roster system shall be worked out whereby 50% staff attends office every alternate week. Concerned AHOd, HoD and Heads of Offices will work out such arrangements in detail. Those not attending office on a particular day will have to be available on telephone and electronic means of communication at all times.
- b. District Administration, Police, Security Forces/Agencies and Medical and essential Service Providers like Treasury, Fire & Emergency Services, Home Guards & Civil Defence, Prisons, PHED, Power, NIC, DIPR, Postal Services, Food & Civil Supplies, Social Welfare, IT&C, Veterinary & Animal Husbandry, Municipalities/Councils, AIR, Doordarshan, BSNL, Public Sector Banks , ATMs shall continue to operate as per the current arrangements.

F. Protection of vulnerable persons:

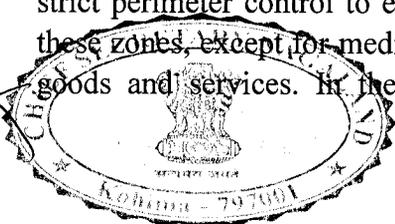
All persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, are advised to stay at home, except for meeting essential requirements and for health purposes, as per the National Directives.

G. 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.

H. Containment Zones

- (i) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW with the objective of effectively breaking the chain of transmission. These Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs and information will be shared with MOHFW.
- (ii) In the Containment Zones, only essential activities will 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. In the Containment Zones, there shall be intensive contact



tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be effectively implemented for the above purpose.

- (iii) Activities in the Containment Zones shall be monitored strictly by the District Administration, and the guidelines relating to containment measures in these zones shall be strictly implemented.
- (iv) District Administration may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.

I. Instructions for enforcement of above lock down measures:

- i. All the Deputy Commissioners shall strictly enforce the above lockdown measures and the **National Directives for COVID 19 Management**, as specified in **Annexure-I**.
- ii. In order to implement these containment measures, the Deputy Commissioners 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. 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.
- iii. 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 any hindrance.

J. Enforcement of stricter and additional lock down measures

Notwithstanding the above provisions, the respective Deputy Commissioner on assessment of the actual ground position may issue necessary orders regulating the provisions of this Order. The Deputy Commissioners shall, however, not dilute the provisions, but in the event of being satisfied after taking into account the local conditions that it is essential and expedient to do so, are at liberty to impose stricter and additional lock down measures for such periods and in areas, as deemed appropriate.

K. Penal provisions

Any person violating these lockdown measures and the National Directives for COVID-19 Management 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-II**.



National Directives for COVID-19 Management

1. **Face Coverings:** Wearing of face cover is compulsory in all public places; in work places; and during transport.
2. **Social Distancing:** Individuals must maintain a minimum distance of 6 feet in public places. Shops will ensure physical distancing among customers.
3. **Gatherings:** Large public gatherings/ congregations continue to remain prohibited.
Marriages related gatherings: Number of guests not to exceed 50.
Funeral/ last rites related gatherings: Number of persons not to exceed 20.
4. **Spitting in public places** shall be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.
5. **Consumption of paan, gutka, tobacco** etc. in public places is prohibited.

Additional directives for Work Places

1. **Work from Home (WfH):** As far as possible the practice of WfH should be followed.
2. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
3. **Screening and Hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry and exit points and common areas.
4. **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.
5. All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch break of staff, etc.



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 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—

- i. “company” means any body corporate and includes a firm or other association of individuals; and
- ii. “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.

