



GOVERNMENT OF SIKKIM
HOME DEPARTMENT
TASHILING SECRETARIAT
GANGTOK

No. 08/Home/2021

Dated: 31/03 /2021

ORDER

SUB: MEASURES FOR CONTAINMENT OF COVID-19

Whereas, the Union Home Secretary, Government of India has, in exercise of powers conferred under section 6 (2)(i) of the Disaster Management Act, 2005, issued Order No. 40-3/2020-DM-I (A) dated 23rd March, 2021 with Guidelines for effective control of COVID-19 which shall remain in force up to 30.04.2021.

Therefore, in exercise of powers conferred under section 22 (2) (h) of the Disaster Management Act, 2005, the undersigned in the capacity of Chairperson, State Executive Committee, hereby issues the guidelines as specified and compiled in the attached "**Annexure-I**", and notifies the same for strict implementation, with further direction that the same may be read in conjunction with the aforesaid guidelines of GOI.

The National directives issued by the GOI (**enclosed as Annexure -II & III**) and the guidelines issued with this Order is hereby notified for strict implementation and compliance within the State of Sikkim with immediate effect..


(S.C. Gupta, IAS)

Chief Secretary

Government of Sikkim

File No. Home/Confdl/119/2020

Encl: As above.



Guidelines for Surveillance, Containment and Caution
(Issued with Order No. 08 /Home/2021 dated: 31/03/2021)

These Guidelines shall be effective from 01/04/2021.

1. Functioning of Government Offices:

- i. State Government Offices shall continue to remain closed on weekend i.e. Saturdays and Sundays till further orders. Concerned HoDs shall make arrangement for sanitisation of offices during this period.

2. Restriction on Movement of vehicles at night:

- i. There shall be no movement of vehicles after 10:30 pm till 6:00 am except for emergency purposes. The District police shall ensure strict compliance.
- ii. This restriction shall not apply to commercial goods vehicles including LCVs and vehicles on emergency duty.

3. Market, Shops, Institutions, Commercial, Industrial establishments, Hotels/ Homestays and Travel Agencies.

- i. All Commercial establishments including Restaurants, Bars, Night Clubs, Discos, Pubs, Gyms etc shall close by 10:00 pm every day. However, this shall not apply to the in-house guests staying in the hotels.
- ii. All commercial establishments shall strictly follow COVID-19 protocol viz. Social distancing norms, wearing of masks, sanitizations, installation of Aarogya Setu App, etc.
- iii. The hotel owners, travel agents, home stay owners shall ensure that tourists staying in their establishments carry a negative RT PCR test report conducted 72 hours prior to their arrival. In case tourists arrive without such report, the travel agents/hotel owners/home stay owners shall get the RT PCR/True NAT test conducted at specified testing locations in the State. This condition shall be applicable w.e.f. 7th April, 2021.
- iv. District Collectors shall identify paid quarantine location(s) for primary contacts of tourist who tests positive.

4. Social/Academic/Sports/Entertainment/Cultural/religious/political functions and other congregations:

- i. All activities have been permitted outside Containment Zones and SOPs have been prescribed for various activities. These include: movement by passenger trains; air travel; metro trains; schools; higher educational institutions; hotels and restaurants; shopping malls, multiplexes and entertainment parks; yoga centres and gymnasiums; exhibitions; assemblies and congregations, etc.
- ii. The SOPs, as updated from time to time, shall be strictly enforced by the authorities concerned, who shall be responsible for their strict observance.



5. Surveillance and Containment Zones:

- i. Containment Zones shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare (MoHFW) in this on the websites regard. The list of Containment Zones will be notified by the respective District Collectors. This list will also be shared with MoHFW on a regular basis.
- ii. Within the demarcated Containment Zones, containment measures, as prescribed by MoHFW, shall be scrupulously followed, as under:
 - a. Only essential activities shall be allowed in the Containment Zones.
 - b. 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.
 - c. There shall be intensive house-to-house surveillance by surveillance teams formed for the purpose.
 - d. Testing shall be carried out as per prescribed protocol Listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80% of contacts to be traced in 72 hours).
 - e. Surveillance for ILI/ SARI cases shall be carried out in health facilities or outreach mobile units or through fever clinics in buffer Zones.
 - f. It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed Containment measures are strictly followed.

6. Vaccination:

- i. The Health & Family Welfare department shall undertake massive vaccination drive for all eligible population above 45 years of age from 1st April, 2021. From 1st May, 2021 it shall be mandatory to produce preliminary certificate of vaccination for all those who are 45 years and above for visiting any Government offices.
- ii. All Government employees including teachers above 45 years of age shall be vaccinated on or before 1st May 2021.
- iii. Preliminary vaccination certificate shall also be mandatory for persons above 45 years of age to use or operate any public transport w.e.f. 1st May, 2021.
- iv. Preliminary vaccination certificate will be mandatory for all the hotel/homestay owners, taxi drivers, employees in commercial establishments etc. who are above 45 years of age as per eligibility w.e.f. 1st May, 2021.

7. Protection of vulnerable persons:

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, are advised to take necessary precautions.

8. Use of Aarogya Setu

- i. Use of Aarogya Setu may continue on best effort basis on compatible mobile phones. This will facilitate timely provision of medical attention to those individuals who are at risk.



9. COVID-19 Appropriate Behaviour:

- i. District Authorities shall take all necessary measures to promote COVID-19 appropriate behaviour and ensure wearing of face masks, hand hygiene and social distancing.
- ii. The National Directives for COVID-19 Management, as specified in **Annexure-I**, shall be strictly followed throughout the State.
- iii. All schools, institutions and establishments shall carry out special drive to ensure that students, employees and customers continue to follow the norms of the social distancing and wearing of masks at all times.
- iv. The police shall also increase vigil in this regard, create awareness and strictly enforce the norms in public places.

10. Penal Provisions:-

Any person violating these containment 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 Sikkim Public Health and Safety (COVID-19) Regulations, 2020.



National Directives for COVID-19 Management

1. **Face Coverings:** Wearing of face cover is compulsory in all public places, 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. **Spitting in public spaces** will be punishable with fine as per Sikkim Public Health and Safety (COVID-19) Regulations, 2020.

Additional directives for Work Places

5. **Staggering of work/business hours** will be followed in offices, work places, shops, markets and industrial and commercial establishments. .
6. **Screening and hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry points and of hand wash or sanitizer at exit points and common areas.
7. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc will be ensured including between shifts.
8. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks 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 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 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 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 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.

