COVID-19:
MASTER CIRCULAR ON ACTS AND REGULATIONS

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THE EPIDEMIC DISEASES ACT, 1897

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Power to take special measures and prescribe regulations as to dangerous epidemic disease.
2A. Powers of Central Government.
3. Penalty.
4. Protection to persons acting under Act.
THE EPIDEMIC DISEASES ACT, 1897

ACT NO. 3 OF 1897

[4th February, 1897.]

An Act to provide for the better prevention of the spread of Dangerous Epidemic Diseases.

WHEREAS it is expedient to provide for the better prevention of the spread of dangerous epidemic disease; it is hereby enacted as follows:—

1. Short title and extent.—(1) This Act may be called the Epidemic Diseases Act, 1897.

2. Power to take special measures and prescribe regulations as to dangerous epidemic disease.—(1) When at any time the [State Government] is satisfied that [the State] or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the [State Government], if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

3. The Act has been amended in its application to—
   (1) the Punjab by the Epidemic Diseases (Punjab Amendment) Act, 1944 (Punjab Act 3 of 1944); in East Punjab by East Punjab Act 1 of 1947.
   The Act has been extended to—
   (1) the whole of Madhya Pradesh by M.P. Act 23 of 1958 (when notified).
   (2) the transferred territories of Punjab by Punjab Act 8 of 1966.
   (3) Doda and Udaipur divisions (w.e.f. 1-1-1966) by Reg. 8 of 1966, s. 2 and Sch.
   (4) Lakshmipur (w.e.f. 1-10-1967): vide Reg. 8 of 1966, s. 2 and Sch.
   (5) Union territory of Pondicherry by Act 26 of 1968, s. 3 and Sch.
   The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955.

2. Subs. by the Adaptation of Laws (No. 2) Order, 1956 for “Part R States”.
3. The word “and” rep. by Act 10 of 1914, s. 3 and the Second Schedule.
4. Sub-section (3) rep. by s. 3 and the Second Schedule, sub.
5. Sub-section (4) rep. by s. 3 and the Second Schedule, abd.
6. For notifications issued under this section, see different local Rules and Orders.
7. Subs. by the A.O. 1957, for “C.G. in C.”
8. Subs., abd., for “India”.
9. Subs., abd., for “he”.
10. Paragraph (e) omitted, ibid.
11. Sub-section (3) omitted by Act 38 of 1920, s. 2 and the First Schedule.

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2A. Powers of Central Government.—When the Central Government is satisfied that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, the Central Government may take measures and prescribe regulations for the inspection of any ship or vessel leaving or arriving at any port in [the territories to which this Act extends] and for such detention thereof, or of any person intending to sail therein, or arriving thereby, as may be necessary.]  

3. Penalty.—Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code (45 of 1860).

4. Protection to persons acting under Act.—No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.

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1. Ins. by Act 38 of 1920, s. 2 and the First Schedule. Earlier substituted by the A.O. 1937.  
2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “a Part A State or a Part C State”.

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2. The Disaster Management Act, 2005

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THE DISASTER MANAGEMENT ACT, 2005

ACT NO. 53 OF 2005

[23rd December, 2005.]

An Act to provide for the effective management of disasters and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Disaster Management Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “affected area” means an area or part of the country affected by a disaster;

(b) “capacity-building” includes—

(i) identification of existing resources and resources to be acquired or created;

(ii) acquiring or creating resources identified under sub-clause (i);

(iii) organisation and training of personnel and coordination of such training for effective management of disasters;

(c) “Central Government” means the Ministry or Department of the Government of India having administrative control of disaster management;

(d) “disaster” means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;

(e) “disaster management” means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for—

(i) prevention of danger or threat of any disaster;

(ii) mitigation or reduction of risk of any disaster or its severity or consequences;

(iii) capacity-building;

(iv) preparedness to deal with any disaster;

(v) prompt response to any threatening disaster situation or disaster;

(vi) assessing the severity or magnitude of effects of any disaster;

1. 28th July, 2006 (ss. 2, 3, 4, 5, 6, 8, 10, 75, 77, 79), vide notification No. S.O. 1216(E), dated 28th July, 2006;

2. 1st August, 2007 (ss. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, sub-clauses (2) of s. 70, 71, 72, 73, 74, 78, 79), vide notification No. S.O. 721(E), dated 7th May, 2007;

3. 17th March, 2008 (ss. 44, 45), vide notification No. S.O. 372(E), dated 17th March, 2008;

4. 18th October, 2011 (s. 46), vide notification No. S.O. 2397(E), dated 18th October, 2011, see Gazette of India, Extraordinary, Part II, sec. 3(iii).
(vii) evacuation, rescue and relief;

(viii) rehabilitation and reconstruction;

(i) “District Authority” means the District Disaster Management Authority constituted under sub-section (1) of section 25;

(ii) “District Plan” means the plan for disaster management for the district prepared under section 31;

(iii) “local authority” includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specified local area;

(iv) “mitigation” means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;

(v) “National Authority” means the National Disaster Management Authority established under sub-section (1) of section 5;

(vi) “National Executive Committee” means the Executive Committee of the National Authority constituted under sub-section (1) of section 8;

(vii) “National Plan” means the plan for disaster management for the whole of the country prepared under section 11;

(viii) “preparation” means the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof;

(ix) “prescribed” means prescribed by rules made under this Act;

(x) “reconstruction” means construction or restoration of any property after a disaster;

(xi) “resources” includes manpower, services, materials and provisions;

(xii) “State Authority” means the State Disaster Management Authority established under sub-section (1) of section 14 and includes the Disaster Management Authority for the Union territory constituted under that section;

(xiii) “State Executive Committee” means the Executive Committee of a State Authority constituted under sub-section (1) of section 20;

(xiv) “State Government” means the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(xv) “State Plan” means the plan for disaster management for the whole of the State prepared under section 23.

CHAPTER II
THE NATIONAL DISASTER MANAGEMENT AUTHORITY
3. Establishment of National Disaster Management Authority.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the National Disaster Management Authority.

(2) The National Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the Central Government and, unless the rules otherwise provide, the National Authority shall consist of the following:—

(a) the Prime Minister of India, who shall be the Chairperson of the National Authority,

ex officio:
(b) other members, not exceeding nine, to be nominated by the Chairperson of the National Authority.

(3) The Chairperson of the National Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the National Authority.

(4) The term of office and conditions of service of members of the National Authority shall be such as may be prescribed.

4. Meetings of National Authority.—(1) The National Authority shall meet as and when necessary and at such time and place as the Chairperson of the National Authority may think fit.

(2) The Chairperson of the National Authority shall preside over the meetings of the National Authority.

(3) If for any reason the Chairperson of the National Authority is unable to attend any meeting of the National Authority, the Vice-Chairperson of the National Authority shall preside over the meeting.

5. Appointment of officers and other employees of the National Authority.—The Central Government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority.

6. Powers and functions of National Authority.—(1) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.

(2) Without prejudice to generality of the provisions contained in sub-section (1), the National Authority may—

(a) lay down policies on disaster management;

(b) approve the National Plan;

(c) approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan;

(d) lay down guidelines to be followed by the State Authorities in drawing up the State Plan;

(e) lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects;

(f) coordinate the enforcement and implementation of the policy and plan for disaster management;

(g) recommend provision of funds for the purpose of mitigation;

(h) provide such support to other countries affected by major disasters as may be determined by the Central Government;

(i) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;

(j) lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

(3) The Chairperson of the National Authority shall, in the case of emergency, have power to exercise all or any of the powers of the National Authority but exercise of such powers shall be subject to ex post facto ratification by the National Authority.

7. Constitution of advisory committee by National Authority.—(1) The National Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level to make recommendations on different aspects of disaster management.
(2) The members of the advisory committee shall be paid such allowances as may be prescribed by the Central Government in consultation with the National Authority.

8. Constitution of National Executive Committee.—(1) The Central Government shall, immediately after issue of notification under sub-section (1) of section 3, constitute a National Executive Committee to assist the National Authority in the performance of its functions under this Act.

(2) The National Executive Committee shall consist of the following members, namely:

(a) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the disaster management, who shall be Chairperson, ex officio;

(b) the Secretaries to the Government of India in the Ministries or Departments having administrative control of the agriculture, atomic energy, defence, drinking water supply, environment and forests, finance (expenditure), health, power, rural development, science and technology, space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, ex officio.

(3) The Chairperson of the National Executive Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of the National Executive Committee and shall exercise such powers and perform such functions as may be prescribed by the Central Government in consultation with the National Authority.

(4) The procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the Central Government.

9. Constitution of sub-committees.—(1) The National Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions.

(2) The National Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).

(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the Central Government.

10. Powers and functions of National Executive Committee.—(1) The National Executive Committee shall assist the National Authority in the discharge of its functions and have the responsibility for implementing the policies and plans of the National Authority and ensure the compliance of directions issued by the Central Government for the purpose of disaster management in the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may—

(a) act as the coordinating and monitoring body for disaster management;

(b) prepare the National Plan to be approved by the National Authority;

(c) coordinate and monitor the implementation of the National Policy;

(d) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities;

(e) provide necessary technical assistance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Authority;

(f) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects;
(h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government;

(i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(j) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers;

(k) coordinate response in the event of any threatening disaster situation or disaster;

(l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(m) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(n) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Authorities, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

(p) promote general education and awareness in relation to disaster management; and

(q) perform such other functions as the National Authority may require it to perform.

11. National Plan.—(1) There shall be drawn up a plan for disaster management for the whole of the country to be called the National Plan.

(2) The National Plan shall be prepared by the National Executive Committee having regard to the National Policy and in consultation with the State Governments and expert bodies or organisations in the field of disaster management to be approved by the National Authority.

(3) The National Plan shall include—

(a) measures to be taken for the prevention of disasters, or the mitigation of their effects;

(b) measures to be taken for the integration of mitigation measures in the development plans;

(c) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster;

(d) roles and responsibilities of different Ministries or Departments of the Government of India in respect of measures specified in clauses (a), (b) and (c).

(4) The National Plan shall be reviewed and updated annually.

(5) Appropriate provisions shall be made by the Central Government for financing the measures to be carried out under the National Plan.

(6) Copies of the National Plan referred to in sub-sections (2) and (4) shall be made available to the Ministries or Departments of the Government of India and such Ministries or Departments shall draw up their own plans in accordance with the National Plan.

12. Guidelines for minimum standards of relief.—The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,—

(i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;

(ii) the special provisions to be made for widows and orphans;
(iii) ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood;

(iv) such other relief as may be necessary.

13. Relief in loan repayment, etc.—The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

CHAPTER III
STATE DISASTER MANAGEMENT AUTHORITIES

14. Establishment of State Disaster Management Authority.—(1) Every State Government shall, as soon as may be after the issue of the notification under sub-section (1) of section 3, by notification in the Official Gazette, establish a State Disaster Management Authority for the State with such name as may be specified in the notification of the State Government.

(2) A State Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the State Government and, unless the rules otherwise provide, the State Authority shall consist of the following members, namely:

(a) the Chief Minister of the State, who shall be Chairperson, ex officio;

(b) other members, not exceeding eight, to be nominated by the Chairperson of the State Authority;

(c) the Chairperson of the State Executive Committee, ex officio.

(3) The Chairperson of the State Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the State Authority.

(4) The Chairperson of the State Executive Committee shall be the Chief Executive Officer of the State Authority, ex officio.

Provided that in the case of a Union territory having Legislative Assembly, except the Union territory of Delhi, the Chief Minister shall be the Chairperson of the Authority established under this section and in case of other Union territories, the Lieutenant Governor or the Administrator shall be the Chairperson of that Authority:

Provided further that the Lieutenant Governor of the Union territory of Delhi shall be the Chairperson and the Chief Minister thereof shall be the Vice-Chairperson of the State Authority.

(5) The term of office and conditions of service of members of the State Authority shall be such as may be prescribed.

15. Meetings of the State Authority.—(1) The State Authority shall meet as and when necessary and at such time and place as the Chairperson of the State Authority may think fit.

(2) The Chairperson of the State Authority shall preside over the meetings of the State Authority.

(3) If for any reason, the Chairperson of the State Authority is unable to attend the meeting of the State Authority, the Vice-Chairperson of the State Authority shall preside at the meeting.

16. Appointment of officers and other employees of State Authority.—The State Government shall provide the State Authority with such officers, consultants and employees, as it considers necessary, for carrying out the functions of the State Authority.

17. Constitution of advisory committee by the State Authority.—(1) A State Authority may, as and when it considers necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management.

(2) The members of the advisory committee shall be paid such allowances as may be prescribed by the State Government.
18. Powers and functions of State Authority.—(1) Subject to the provisions of this Act, a State Authority shall have the responsibility for laying down policies and plans for disaster management in the State.

(2) Without prejudice to the generality of provisions contained in sub-section (1), the State Authority may—

(a) lay down the State disaster management policy;

(b) approve the State Plan in accordance with the guidelines laid down by the National Authority;

(c) approve the disaster management plans prepared by the departments of the Government of the State;

(d) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;

(e) coordinate the implementation of the State Plan;

(f) recommend provision of funds for mitigation and preparedness measures;

(g) review the development plans of the different departments of the State and ensure that prevention and mitigation measures are integrated therein;

(h) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary.

(3) The Chairperson of the State Authority shall, in the case of emergency, have power to exercise all or any of the powers of the State Authority but the exercise of such powers shall be subject to **ex post facto** ratification of the State Authority.

19. Guidelines for minimum standard of relief by State Authority.—The State Authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard.

20. Constitution of State Executive Committee.—(1) The State Government shall, immediately after issue of notification under sub-section (1) of section 14, constitute a State Executive Committee to assist the State Authority in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by the State Government under this Act.

(2) The State Executive Committee shall consist of the following members, namely:

(a) the Chief Secretary to the State Government, who shall be Chairperson, **ex officio**;

(b) four Secretaries to the Government of the State of such departments as the State Government may think fit, **ex officio**.

(3) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the State Authority.

(4) The procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the State Government.

21. Constitution of sub-committees by State Executive Committee.—(1) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions.

(2) The State Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).
(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the State Government.

22. Functions of the State Executive Committee.—(1) The State Executive Committee shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disaster in the State.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Executive Committee may—

(a) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

(b) examine the vulnerability of different parts of the State to different forms of disasters and specify measures to be taken for their prevention or mitigation;

(c) lay down guidelines for preparation of disaster management plans by the departments of the Government of the State and the District Authorities;

(d) monitor the implementation of disaster management plans prepared by the departments of the Government of the State and District Authorities;

(e) monitor the implementation of the guidelines laid down by the State Authority for integrating of measures for prevention of disasters and mitigation by the departments in their development plans and projects;

(f) evaluate preparedness at all governmental or non-governmental levels to respond to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(g) coordinate response in the event of any threatening disaster situation or disaster;

(h) give directions to any Department of the Government of the State or any other authority or body in the State regarding actions to be taken in response to any threatening disaster situation or disaster;

(i) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(j) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organisations engaged in disaster management;

(k) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;

(l) advise the State Government regarding all financial matters in relation to disaster management;

(m) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of disaster is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;

(n) provide information to the National Authority relating to different aspects of disaster management;

(o) lay down, review and update State level response plans and guidelines and ensure that the district level plans are prepared, reviewed and updated;

(p) ensure that communication systems are in order and the disaster management drills are carried out periodically;

(q) perform such other functions as may be assigned to it by the State Authority or as it may consider necessary.
23. **State Plan.**—(1) There shall be a plan for disaster management for every State to be called the State Disaster Management Plan.

(2) The State Plan shall be prepared by the State Executive Committee having regard to the guidelines laid down by the National Authority and after such consultation with local authorities, district authorities and the people's representatives as the State Executive Committee may deem fit.

(3) The State Plan prepared by the State Executive Committee under sub-section (2) shall be approved by the State Authority.

(4) The State Plan shall include,—

(a) the vulnerability of different parts of the State to different forms of disasters;

(b) the measures to be adopted for prevention and mitigation of disasters;

(c) the manner in which the mitigation measures shall be integrated with the development plans and projects;

(d) the capacity-building and preparedness measures to be taken;

(e) the roles and responsibilities of each Department of the Government of the State in relation to the measures specified in clauses (b), (c) and (d) above;

(f) the roles and responsibilities of different Departments of the Government of the State in responding to any threatening disaster situation or disaster.

(5) The State Plan shall be reviewed and updated annually.

(6) Appropriate provisions shall be made by the State Government for financing for the measures to be carried out under the State Plan.

(7) Copies of the State Plan referred to in sub-sections (2) and (3) shall be made available to the Departments of the Government of the State and such Departments shall draw up their own plans in accordance with the State Plan.

24. **Powers and functions of State Executive Committee in the event of threatening disaster situation.**—For the purpose of assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation, the State Executive Committee may—

(a) control and restrict, vehicular traffic to, from or within, the vulnerable or affected area;

(b) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;

(c) remove debris, conduct search and carry out rescue operations;

(d) provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the National Authority and State Authority;

(e) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;

(f) require any department of the Government of the State or any other body or authority or person in charge of any relevant resources to make available the resources for the purposes of emergency response, rescue and relief;

(g) require experts and consultants in the field of disasters to provide advice and assistance for rescue and relief;

(h) procure exclusive or preferential use of amenities from any authority or person as and when required;
(i) construct temporary bridges or other necessary structures and demolish unsafe structures which may be hazardous to public;

(j) ensure that non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;

(k) disseminate information to public to deal with any threatening disaster situation or disaster;

(l) take such steps as the Central Government or the State Government may direct in this regard or take such other steps as are required or warranted by the form of any threatening disaster situation or disaster.

CHAPTER IV

DISTRICT DISASTER MANAGEMENT AUTHORITY

25. Constitution of District Disaster Management Authority.—(1) Every State Government shall, as soon as may be, after issue of notification under sub-section (1) of section 14, by notification in the Official Gazette, establish a District Disaster Management Authority for every district in the State with such name as may be specified in that notification.

(2) The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:—

(a) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, ex officio;

(b) the elected representative of the local authority who shall be the co-Chairperson, ex officio;

Provided that in the Tribal Areas, as referred to in the Sixth Schedule to the Constitution, the Chief Executive Member of the district council of autonomous district, shall be the co-Chairperson, ex officio;

(c) the Chief Executive Officer of the District Authority, ex officio;

(d) the Superintendent of Police, ex officio;

(e) the Chief Medical Officer of the district, ex officio;

(f) not exceeding two other district level officers, to be appointed by the State Government.

(3) In any district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority.

(4) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the District Authority.

26. Powers of Chairperson of District Authority.—(1) The Chairperson of the District Authority shall, in addition to presiding over the meetings of the District Authority, exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him.

(2) The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such powers shall be subject to ex post facto ratification of the District Authority.

(3) The District Authority or the Chairperson of the District Authority may, by general or special order, in writing, delegate such of his or his powers and functions, under sub-section (1) or (2), as the case may be, to the Chief Executive Officer of the District Authority, subject to such conditions and limitations, if any, as it or he deems fit.

27. Meetings.—The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.
28. Constitution of advisory committees and other committees.—(1) The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functions.

(2) The District Authority shall, from amongst its members, appoint the Chairperson of the Committee referred to in sub-section (1).

(3) Any person associated as an expert with any committee or sub-committee constituted under sub-section (1) may be paid such allowances as may be prescribed by the State Government.

29. Appointment of officers and other employees of District Authority.—The State Government shall provide the District Authority with such officers, consultants and other employees as it considers necessary for carrying out the functions of District Authority.

30. Powers and functions of District Authority.—(1) The District Authority shall act as the district planning, coordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the District Authority may—

(i) prepare a disaster management plan including district response plan for the district;

(ii) coordinate and monitor the implementation of the National Policy, State Policy, National Plan, State Plan and District Plan;

(iii) ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the Government at the district level as well as by the local authorities;

(iv) ensure that the guidelines for prevention of disasters, mitigation of its effects, preparedness and response measures as laid down by the National Authority and the State Authority are followed by all departments of the Government at the district level and the local authorities in the district;

(v) give directions to different authorities at the district level and local authorities to take such other measures for the prevention or mitigation of disasters as may be necessary;

(vi) lay down guidelines for prevention of disaster management plans by the department of the Government at the district level and local authorities in the district;

(vii) monitor the implementation of disaster management plans prepared by the Departments of the Government at the district level;

(viii) lay down guidelines to be followed by the Departments of the Government at the district level for purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;

(ix) monitor the implementation of measures referred to in clause (viii);

(x) review the state of capabilities for responding to any disaster or threatening disaster situation in the district and give directions to the relevant departments or authorities at the district level for their up gradation as may be necessary;

(xi) review the preparedness measures and give directions to the concerned departments at the district level or other concerned authorities where necessary for bringing the preparedness measures to the levels required for responding effectively to any disaster or threatening disaster situation;

(xii) organise and coordinate specialised training programmes for different levels of officers, employees and voluntary rescue workers in the district;

(xiii) facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations;
(xvi) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public;

(xvii) prepare, review and update district level response plan and guidelines;

(xviii) coordinate response to any threatening disaster situation or disaster;

(xix) ensure that the Departments of the Government at the district level and the local authorities prepare their response plans in accordance with the district response plan;

(xx) lay down guidelines for, or give direction to, the concerned Department of the Government at the district level or any other authorities within the local limits of the district to take measures to respond effectively to any threatening disaster situation or disaster;

(xxi) advise, assist and coordinate the activities of the Departments of the Government at the district level, statutory bodies and other governmental and non-governmental organisations in the district engaged in the disaster management;

(xxii) coordinate with, and give guidelines to, local authorities in the district to ensure that measures for the prevention or mitigation of threatening disaster situation or disaster in the district are carried out promptly and effectively;

(xxiii) provide necessary technical assistance or give advise to the local authorities in the district for carrying out their functions;

(xxiv) review development plans prepared by the Departments of the Government at the district level, statutory authorities or local authorities with a view to make necessary provisions therein for prevention of disaster or mitigation;

(xxv) examine the construction in any area in the district and, if it is of the opinion that the standards for the prevention of disaster or mitigation laid down for such construction is not being or has not been followed, may direct the concerned authority to take such action as may be necessary to secure compliance of such standards;

(xxvi) identify buildings and places which could, in the event of any threatening disaster situation or disaster, be used as relief centers or camps and make arrangements for water supply and sanitation in such buildings or places;

(xxvii) establish stockpiles of relief and rescue materials or ensure preparedness to make such materials available at a short notice;

(xxviii) provide information to the State Authority relating to different aspects of disaster management;

(xxix) encourage the involvement of non-governmental organisations and voluntary social-welfare institutions working at the grassroots level in the district for disaster management;

(xxx) ensure communication systems are in order, and disaster management drills are carried out periodically;

(xxxi) perform such other functions as the State Government or State Authority may assign to it or as it deems necessary for disaster management in the District.

31. District Plan.—(1) There shall be a plan for disaster management for every district of the State.

(2) The District Plan shall be prepared by the District Authority, after consultation with the local authorities and having regard to the National Plan and the State Plan, to be approved by the State Authority.

(3) The District Plan shall include—

(a) the areas in the district vulnerable to different forms of disasters;

(b) the measures to be taken, for prevention and mitigation of disaster, by the Departments of the Government at the district level and local authorities in the district;
(e) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the district level and the local authorities in the district to respond to any threatening disaster situation or disaster;

(d) the response plans and procedures, in the event of a disaster, providing for—

(i) allocation of responsibilities to the Departments of the Government at the district level and the local authorities in the district;

(ii) prompt response to disaster and relief thereof;

(iii) procurement of essential resources;

(iv) establishment of communication links; and

(v) the dissemination of information to the public;

(e) such other matters as may be required by the State Authority.

(4) The District Plan shall be reviewed and updated annually.

(5) The copies of the District Plan referred to in sub-sections (2) and (4) shall be made available to the Departments of the Government in the district.

(6) The District Authority shall send a copy of the District Plan to the State Authority which shall forward it to the State Government.

(7) The District Authority shall, from time to time, the implementation of the Plan and issue such instructions to different departments of the Government in the district as it may deem necessary for the implementation thereof.

32. Plans by different authorities at district level and their implementation.— Every office of the Government of India and of the State Government at the district level and the local authorities shall, subject to the supervision of the District Authority,—

(a) prepare a disaster management plan setting out the following, namely:—

(i) provisions for prevention and mitigation measures as provided for in the District Plan and as is assigned to the department or agency concerned;

(ii) provisions for taking measures relating to capacity-building and preparedness as laid down in the District Plan;

(iii) the response plans and procedures, in the event of, any threatening disaster situation or disaster;

(b) coordinate the preparation and the implementation of its plan with those of the other organisations at the district level including local authority, communities and other stakeholders;

(c) regularly review and update the plan; and

(d) submit a copy of its disaster management plan, and of any amendment thereto, to the District Authority.

33. Requisition by the District Authority.— The District Authority may by order require any officer or any Department at the district level or any local authority to take such measures for the prevention or mitigation of disaster, or to effectively respond to it, as may be necessary, and such officer or department shall be bound to carry out such order.

34. Powers and functions of District Authority in the event of any threatening disaster situation or disaster.— For the purpose of assisting, protecting or providing relief to the community, in response to any threatening disaster situation or disaster, the District Authority may—

(a) give directions for the release and use of resources available with any Department of the Government and the local authority in the district;

(b) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;
(c) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
(d) remove debris, conduct search and carry out rescue operations;
(e) provide shelter, food, drinking water and essential provisions, healthcare and services;
(f) establish emergency communication systems in the affected area;
(g) make arrangements for the disposal of the unclaimed dead bodies;
(h) recommend to any Department of the Government of the State or any authority or body under that Government at the district level to take such measures as are necessary in its opinion;
(i) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;
(j) procure exclusive or preferential use of amenities from any authority or person;
(k) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;
(l) ensure that the non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
(m) take such other steps as may be required or warranted to be taken in such a situation.

CHAPTER V

MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

35. Central Government to take measures.—(1) Subject to the provisions of this Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:

(a) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authorities, governmental and non-governmental organisations in relation to disaster management;
(b) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects;
(c) ensure appropriate allocation of funds for prevention of disaster, mitigation, capacity-building and preparedness by the Ministries or Departments of the Government of India;
(d) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;
(e) cooperation and assistance to State Governments, as requested by them or otherwise deemed appropriate by it;
(f) deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act;
(g) coordination with the United Nations agencies, international organisations and governments of foreign countries for the purposes of this Act;
(h) establish institutions for research, training, and developmental programmes in the field of disaster management;
(i) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.
(5) The Central Government may extend such support to other countries affected by major disaster as it may deem appropriate.

36. Responsibilities of Ministries or Departments of Government of India.—It shall be the responsibility of every Ministry or Department of the Government of India to—

(a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority;

(b) integrate into its development plans and projects, the measures for prevention or mitigation of disasters in accordance with the guidelines laid down by the National Authority;

(c) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines of the National Authority or the directions of the National Executive Committee in this behalf;

(d) review the enactments administered by it, its policies, rules and regulations, with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;

(e) allocate funds for measures for prevention of disaster, mitigation, capacity-building and preparedness;

(f) provide assistance to the National Authority and State Governments for—

(i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;

(ii) carrying out rescue and relief operations in the affected area;

(iii) assessing the damage from any disaster;

(iv) carrying out rehabilitation and reconstruction;

(g) make available its resources to the National Executive Committee or a State Executive Committee for the purposes of responding promptly and effectively to any threatening disaster situation or disaster, including measures for—

(i) providing emergency communication in a vulnerable or affected area;

(ii) transporting personnel and relief goods to and from the affected area;

(iii) providing evacuation, rescue, temporary shelter or other immediate relief;

(iv) setting up temporary bridges, jetties and landing places;

(v) providing, drinking water, essential provisions, healthcare, and services in an affected area;

(h) take such other actions as it may consider necessary for disaster management.

37. Disaster management plans of Ministries or Departments of Government of India.—(i) Every Ministry or Department of the Government of India shall—

(a) prepare a disaster management plan specifying the following particulars, namely:—

(i) the measures to be taken by it for prevention and mitigation of disasters in accordance with the National Plan;

(ii) the specifications regarding integration of mitigation measures in its development plans in accordance with the guidelines of the National Authority and the National Executive Committee;

(iii) its roles and responsibilities in relation to preparedness and capacity-building to deal with any threatening disaster situation or disaster;

(iv) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster;
(v) the present status of its preparedness to perform the roles and responsibilities specified in sub-clauses (iii) and (vi);

(vi) the measures required to be taken in order to enable it to perform its responsibilities specified in sub-clauses (iii) and (iv);

(b) review and update annually the plan referred to in clause (a);

(c) forward a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the Central Government which Government shall forward a copy thereof to the National Authority for its approval.

(2) Every Ministry or Department of the Government of India shall—

(a) make, while preparing disaster management plan under clause (a) of sub-section (1), provisions for financing the activities specified therein;

(b) furnish a status report regarding the implementation of the plan referred to in clause (a) of sub-section (1) to the National Authority, as and when required by it.

38. State Government to take measures.—(1) Subject to the provisions of this Act, each State Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient, for the purpose of disaster management.

(2) The measures which the State Government may take under sub-section (1) include measures with respect to all or any of the following matters, namely:

(a) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations;

(b) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities;

(c) cooperation with, and assistance to, the Ministries or Departments of the Government of India in disaster management, as requested by them or otherwise deemed appropriate by it;

(d) allocation of funds for measures for prevention of disaster, mitigation, capacity-building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans;

(e) ensure that the integration of measures for prevention of disaster or mitigation by the departments of the Government of the State in their development plans and projects;

(f) integrate in the State development plan, measures to reduce or mitigate the vulnerability of different parts of the State to different disasters;

(g) ensure the preparation of disaster management plans by different departments of the State in accordance with the guidelines laid down by the National Authority and the State Authority;

(h) establishment of adequate warning systems up to the level of vulnerable communities;

(i) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;

(j) ensure that in a threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of effective response, rescue and relief in any threatening disaster situation or disaster;

(k) provide rehabilitation and reconstruction assistance to the victims of any disaster; and

(l) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of provisions of this Act.
39. Responsibilities of departments of the State Government.—It shall be the responsibility of every department of the Government of a State to—

(a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority;

(b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;

(c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness;

(d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee;

(e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;

(f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—

(i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;

(ii) assessing the damage from any disaster;

(iii) carrying out rehabilitation and reconstruction;

(g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;

(h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—

(i) providing emergency communication with a vulnerable or affected area;

(ii) transporting personnel and relief goods to and from the affected area;

(iii) providing evacuation, rescue, temporary shelter or other immediate relief;

(iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;

(v) setting up temporary bridges, jetties and landing places;

(vi) providing drinking water, essential provisions, healthcare and services in an affected area;

(i) such other actions as may be necessary for disaster management.

40. Disaster management plan of departments of State.—(1) Every department of the State Government, in conformity with the guidelines laid down by the State Authority, shall—

(a) prepare a disaster management plan which shall lay down the following;—

(i) the types of disasters to which different parts of the State are vulnerable;

(ii) integration of strategies for the prevention of disaster or the mitigation of its effects or both with the development plans and programmes by the department;

(iii) the roles and responsibilities of the department of the State in the event of any threatening disaster situation or disaster and emergency support function it is required to perform;

(iv) present status of its preparedness to perform such roles or responsibilities or emergency support function under sub-clause (iii);
(v) the capacity-building and preparedness measures proposed to be put into effect in order to enable the Ministries or Departments of the Government of India to discharge their responsibilities under section 37;

(b) annually review and update the plan referred to in clause (a) and

(c) furnish a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the State Authority.

(2) Every department of the State Government, while preparing the plan under sub-section (1), shall make provisions for financing the activities specified therein.

(3) Every department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-section (1).

CHAPTER VI
LOCAL AUTHORITIES

41. Functions of the local authority.—(1) Subject to the directions of the District Authority, a local authority shall—

(a) ensure that its officers and employees are trained for disaster management;

(b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;

(c) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;

(d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.

(2) The local authority may take such other measures as may be necessary for the disaster management.

CHAPTER VII
NATIONAL INSTITUTE OF DISASTER MANAGEMENT

42. National Institute of Disaster Management.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted an institute to be called the National Institute of Disaster Management.

(2) The National Institute of Disaster Management shall consist of such number of members as may be prescribed by the Central Government.

(3) The term of office of, and vacancies among, members of the National Institute of Disaster Management and manner of filling such vacancies shall be such as may be prescribed.

(4) There shall be a governing body of the National Institute of Disaster Management which shall be constituted by the Central Government from amongst the members of the National Institute of Disaster Management in such manner as may be prescribed.

(5) The governing body of the National Institute of Disaster Management shall exercise such powers and discharge such functions as may be prescribed by regulations.

(6) The procedure to be followed in exercise of its powers and discharge of its functions by the governing body, and the term of office of, and the manner of filling vacancies among the members of the governing body, shall be such as may be prescribed by regulations.

(7) Until the regulations are made under this section, the Central Government may make such regulations; and any regulation so made may be altered or rescinded by the National Institute of Disaster Management in exercise of its powers.
(8) Subject to the provisions of this Act, the National Institute of Disaster Management shall function within the broad policies and guidelines laid down by the National Authority and be responsible for planning and promoting training and research in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

(9) Without prejudice to the generality of the provisions contained in sub-section (8), the National Institute, for the discharge of its functions, may—

(a) develop training modules, undertake research and documentation in disaster management and organise training programmes;

(b) formulate and implement a comprehensive human resource development plan covering all aspects of disaster management;

(c) provide assistance in national level policy formulation;

(d) provide required assistance to the training and research institutes for development of training and research programmes for stakeholders including Government functionaries and undertake training of faculty members of the State level training institutes;

(e) provide assistance to the State Governments and State training institutes in the formulation of State level policies, strategies, disaster management framework and any other assistance as may be required by the State Governments or State training institutes for capacity-building of stakeholders, Government including its functionaries, civil society members, corporate sector and people's elected representatives;

(f) develop educational materials for disaster management including academic and professional courses;

(g) promote awareness among stakeholders including college or school teachers and students, technical personnel and others associated with multi-hazard mitigation, preparedness and response measures;

(h) undertake, organise and facilitate study courses, conferences, lectures, seminars within and outside the country to promote the aforesaid objects;

(i) undertake and provide for publication of journals, research papers and books and establish and maintain libraries in furtherance of the aforesaid objects;

(j) do all such other lawful things as are conducive or incidental to the attainment of the above objects; and

(k) undertake any other function as may be assigned to it by the Central Government.

43. Officers and other employees of the National Institute.—The Central Government shall provide the National Institute of Disaster Management with such officers, consultants and other employees, as it considers necessary, for carrying out its functions.

CHAPTER VIII
NATIONAL DISASTER RESPONSE FORCE

44. National Disaster Response Force.—(1) There shall be constituted a National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the Force shall be constituted in such manner and, the conditions of service of the members of the Force, including disciplinary provisions therefore, be such as may be prescribed.

45. Control, direction, etc.—The general superintendence, direction and control of the Force shall be vested and exercised by the National Authority and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of the National Disaster Response Force.
CHAPTER IX
FINANCE, ACCOUNTS AND AUDIT

46. National Disaster Response Fund.—(1) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster and there shall be credited thereto—

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;

(b) any grants that may be made by any person or institution for the purpose of disaster management.

(2) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

47. National Disaster Mitigation Fund.—(1) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide.

(2) The National Disaster Mitigation Fund shall be applied by the National Authority.

48. Establishment of funds by State Government.—(1) The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:—

(a) the fund to be called the State Disaster Response Fund;

(b) the fund to be called the District Disaster Response Fund;

(c) the fund to be called the State Disaster Mitigation Fund;

(d) the fund to be called the District Disaster Mitigation Fund.

(2) The State Government shall ensure that the funds established—

(i) under clause (a) of sub-section (1) is available to the State Executive Committee;

(ii) under sub-clause (c) of sub-section (1) is available to the State Authority;

(iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.

49. Allocation of funds by Ministries and Departments.—(1) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan.

(2) The provisions of sub-section (1) shall, mutatis mutandis, apply to departments of the Government of the State.

50. Emergency procurement and accounting.—Where by reason of any threatening disaster situation or disaster, the National Authority or the State Authority or the District Authority is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief,—

(a) it may authorise the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived;

(b) a certificate about utilisation of provisions or materials by the controlling officer authorised by the National Authority, State Authority or District Authority, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency procurement of such provisions or materials.
CHAPTER X
OFFENCES AND PENALTIES

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 causes or refuses to perform or withholds himself from the duties of his office, unless he has obtained the express 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 any body 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.

CHAPTER XI
MISCELLANEOUS

61. Prohibition against discrimination.—While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

62. Power to issue direction by Central Government.—Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to the Ministries or Departments of the Government of India, or the National Executive Committee or the State Government, State Authority, State Executive Committee, statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the disaster management and such Ministry or Department or Government or Authority, Executive Committee, statutory body, officer or employee shall be bound to comply with such direction.

63. Powers to be made available for rescue operations.—Any officer or authority of the Union or a State, when requested by the National Executive Committee, any State Executive Committee or District Authority or any person authorised by such Committee or Authority in this behalf, shall make available to that Committee or authority or person, such officers and employees as requested for, to perform any of the functions in connection with the prevention of disaster or mitigation or rescue or relief work.

64. Making or amending rules, etc., in certain circumstances.—Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of disasters or the mitigation thereof, it may require the amendment of such rules, regulation,
notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose, and the appropriate department or authority shall take necessary action to comply with the requirements.

65. Power of requisition of resources, provisions, vehicles, etc., for rescue operations, etc.—(1) If it appears to the National Executive Committee, State Executive Committee or District Authority or any officer as may be authorised by it in this behalf that—

(a) any resources with any authority or person are needed for the purpose of prompt response;
(b) any premises are needed or likely to be needed for the purpose of rescue operations;
(c) any vehicle is needed or likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction,
such authority may, by order in writing, requisition such resources or premises or such vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) Whenever any resource, premises or vehicle is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such resource, premises or vehicle is required for any of the purposes mentioned in that sub-section.

(3) In this section,—

(a) “resources” includes men and material resources;
(b) “services” includes facilities;
(c) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
(d) “vehicle” means any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise.

66. Payment of compensation.—(1) Whenever any Committee, Authority or officer referred to in sub-section (1) of section 65, in pursuance of that section requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following, namely:

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if as a consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the thirty days to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government or the State Government, as the case may be, to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever any Committee, Authority or officer, referred to in sub-section (1) of section 65 in pursuance of that section requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government or the State Government, as the case may be, on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:
Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government or the State Government, as the case may be, may be in this behalf may decide.

67. Direction of media for communication of warnings, etc. – The National Authority, the State Authority, or a District Authority may recommend to the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.

68. Authentication of orders or decisions. – Every order or decision of the National Authority or the National Executive Committee, the State Authority, or the State Executive Committee or the District Authority, shall be authenticated by such officers of the National Authority or the National Executive Committee or, the State Executive Committee, or the District Authority, as may be authorised by it in this behalf.

69. Delegation of powers. – The National Executive Committee, State Executive Committee, as the case may be, by general or special order in writing, may delegate to the Chairperson or any other member or to any officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

70. Annual report. – (1) The National Authority shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament within one month of its receipt.

(2) The State Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

71. Bar of jurisdiction of court. – No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.

72. Act to have overriding effect. – The provisions of this Act, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

73. Action taken in good faith. – No suit or prosecution or other proceeding shall lie in any court against the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any officer or employee of the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any person working for or on behalf of such Government or authority in respect of any work done or purport to have been done or intended to be done in good faith by such authority or Government or such officer or employee or such person under the provisions of this Act or the rules or regulations made thereunder.
74. Immunity from legal process.— Officers and employees of the Central Government, National Authority, National Executive Committee, State Government, State Authority, State Executive Committee or District Authority shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.

75. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—:

(a) the composition and number of the members of the National Authority under sub-section (2), and the term of office and conditions of service of members of the National Authority under sub-section (4), of section 3;

(b) the allowances to be paid to the members of the advisory committee under sub-section (2) of section 7;

(c) the powers and functions of the Chairperson of the National Executive Committee under sub-section (3) of section 8 and the procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of section 8;

(d) allowances to be paid to the persons associated with the sub-committee constituted by the National Executive Committee under sub-section (3) of section 9;

(e) the number of members of the National Institute of Disaster Management under sub-section (2), the term of the office and vacancies among members and the manner of filling such vacancies under sub-section (3) and the manner of constituting the Governing Body of the National Institute of Disaster Management under sub-section (4) of section 42;

(f) the manner of constitution of the Force, the conditions of service of the members of the Force, including disciplinary provisions under sub-section (2) of section 44;

(g) the manner in which notice of the offence and of the intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government or the other authority or officer under clause (b) of section 60;

(h) the form in which and the time within which annual report is to be prepared under section 70;

(i) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

76. Power to make regulations.—(1) The National Institute of Disaster Management, with the previous approval of the Central Government, may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely—:

(a) powers and functions to be exercised and discharged by the governing body;

(b) procedure to be followed by the governing body in exercise of the powers and discharge of its functions;

(c) any other matter for which under this Act provision may be made by the regulations.

77. Rules and regulations to be laid before Parliament.— Every rule made by the Central Government and every regulation made by the National Institute of Disaster Management under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only
in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

78. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition and number of the members of the State Authority under sub-section (2), and the term of office and conditions of service of the members of the State Authority under sub-section (5), of section 14;

(b) the allowances to be paid to the members of the advisory committee under sub-section (2) of section 17;

(c) the powers and functions of the Chairperson of the State Executive Committee under sub-section (3), and the procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of section 20;

(d) allowances to be paid to the persons associated with the sub-committee constituted by the State Executive Committee under sub-section (3) of section 21;

(e) the composition and the number of members of the District Authority under sub-section (2), and the powers and functions to be exercised and discharged by the Chief Executive Officer of the District Authority under sub-section (5) of section 25;

(f) allowances payable to the persons associated with any committee constituted by the District Authority as experts under sub-section (3) of section 28;

(g) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House before that House.

79. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government or the State Government, as the case may be, by notification in the Official Gazette, may make order not inconsistent with the provisions of this Act which may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or the Legislature, as the case may be.
3. Amendment to Odisha COVID-19 Regulations 2020 issued on 03.04.2020 and as amended on 09.04.2020 (16-Apr-2020)

In exercise of the powers conferred by sections 2 and 3 of the Epidemic Diseases Act, 1897 (3 of 1897) the State Government do hereby make the following Regulations further to amend the Odisha COVID-19 Regulations, 2020 issued under Notification No.HFW-SCH-I-EMER-0001-2020/9570/H dated 3rd April, 2020 of the Government of Odisha in Health & Family Welfare Department as amended vide Notification No.9695/H, dtd.09.04.2020 of the Government of Odisha in Health & Family Welfare Department namely :-

1. (a) These regulations may be called The Odisha COVID-19 (Second Amendment) Regulations, 2020.
   (b) These regulations shall come into force with immediate effect.

2. In the Odisha COVID-19 Regulations, 2020 (hereinafter referred to as the said Regulations), after regulation 4-A, the following regulation shall be inserted, namely :-

"4-B. Prohibition of spitting in any form in public places.

General public is refrained from spitting in any form in public places or institutions".

3. In the said Regulations in regulation 10-A after the words "Use of Mask contained in regulation 4-A" the words "and prohibition of spitting contained in regulation 4-B" shall be inserted.


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The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 002, CUTTACK, THURSDAY, APRIL 9, 2020 / CHAITRA 20, 1942

LAW DEPARTMENT
NOTIFICATION
The 9th April, 2020

No 3726-I-Legis-162020.-- The following Ordinance promulgated by the Governor of Odisha on the 9th April, 2020 is hereby published for general information.

ODISHA ORDINANCE NO. 2 OF 2020

THE ODISHA CONTINGENCY FUND (AMENDMENT) ORDINANCE, 2020

AN
ORDINANCE

FURTHER TO AMEND THE ODISHA CONTINGENCY FUND ACT, 1967.

Whereas the Legislature of the State of Odisha is not in session;

And whereas the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Odisha Contingency Fund Act, 1967 in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause(s) of article 213 of the Constitution of India, the Governor of Odisha is pleased to make and promulgate the following Ordinance in the Seventy-first Year of the Republic of India:

1. (1) This Ordinance may be called the Odisha Contingency Fund (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Odisha Contingency Fund Act, 1967 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

3. In sub-section (1) of section 2 of the principal Act, for the words "four hundred crores of rupees", the words "two thousand crores of rupees" shall be substituted.

Dated the 9th April, 2020

PROF. GANESHER LAL
GOVERNOR OF ODISHA
SASHIKANTA MISHRA
Principal Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SP Ex. Gaz. 8-179-130

Page 37
5. Amendment to Odisha COVID-19 Regulations 2020 issued on 03.04.2020 (09-Apr-2020)

In exercise of the powers conferred by sections 2 and 3 of the Epidemic Diseases Act, 1897 (3 of 1897), the State Government do hereby make the following regulations to amend the Odisha COVID-19 Regulations, 2020 issued under the notification of the Government of Odisha in the Health and Family Welfare Department No. HFW-SCH-I-EMER-0001-2020 9570/H dated the 3rd April, 2020, namely:-

1. These regulations may be called The Odisha COVID-19 (Amendment) Regulations, 2020.

2. In the Odisha COVID-19 Regulations, 2020 (hereinafter referred to as the said Regulations), after regulation 4, the following regulation shall be inserted, namely:-

"4 - A. Use of Mask:

(a) All persons shall cover their mouth and nose with any available form of mask while coming out of house for any purpose. A handkerchief or any other piece of cloth in at least two layers can also be used for the purpose.
(b) All officers not below Extension Officers of the Block or all officers not below Additional Tehsildars or all police officers not below Assistant Sub-Inspector of Police or all officers of Urban Local Bodies not below the Ward Officer are authorized to ensure prevention of crowding and also ensure use of any form of masks or clothes such as handkerchiefs, bandanas, gamuchha, dupatta or the like by the people, while coming out of their house.
(c) Disposable or single use masks shall be properly disposed of by following due procedure prescribed by the Health & Family Welfare Department, from time to time. Cloth masks should be cleaned with soap or detergent or disinfectant and water and those shall be sun dried for at least 5 hours after every single use.
(d) Masks used by one person shall not be used by any other person.
(e) The use of mask by all persons shall be mandatory with effect from 7am of 9th April, 2020.

3. In the said Regulations, in regulation 8 ( ) for the words and brackets "the section 188 of the Indian Penal Code (45 of 1860)", the words and brackets "section 3 of the Epidemic Diseases Act, 1897 as amended by the Epidemic Diseases (Amendment) Ordinance, 2020" shall be substituted.

4. In the said Regulations, after regulation 8, the following regulation shall be inserted, namely:-

"8 - A. Procurement: To meet the urgency during the outbreak of the epidemic disease, the State Government may procure goods, services and equipments necessary for prevention and control of the epidemic disease dispensing with the rules, regulations, orders or notifications in force regulating such procurement."

5. In the said Regulations, in regulation 10(penalty), for the words and brackets "punishable under section 188 of Indian Penal Code (45 of 1860)", the words and brackets "punishable under section 3 of the Epidemic Diseases Act, 1897, as amended by the Epidemic Diseases (Amendment) Ordinance, 2020" shall be substituted.
6. In the said Regulations, after regulation 10, the following regulation shall be inserted, namely:

"10-A. For violation of the provisions regarding Use of Mask contained in Regulation 4 - A, all officers not below Extension Officers of the Block or all officers not below Additional Tahsildar or all police officers not below Assistant Sub-Inspector of Police or all officers of Urban Local Bodies not below the Ward Officer shall compound the offence on payment of rupees two hundred for the first, second and third offence and on payment of five hundred rupees for the subsequent offences

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An Ordinance to Amend the Epidemic Diseases Act, 1897 in its application to the State of Odisha.

WHEREAS the Legislature of the State of Odisha is not in session;

AND WHEREAS the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action to attend the Epidemic Diseases Act, 1897 in its application to the State of Odisha in the manner hereinafter appearing:

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Odisha is pleased to make and promulgate the following Ordinance in the Seventy-first Year of the Republic of India as follows:

1. This Ordinance may be called the Epidemic Diseases (Amendment) Ordinance, 2020.

Amendment of section 2:

2. In the Epidemic Diseases Act, 1897 in its application to the State of Odisha (hereinafter referred to as the principal Act), in sub-section (2) of section 2, after clause (b), the following clause shall be inserted, namely:

"(c) procurement of goods, services and equipments necessary for prevention and control of the epidemic disease and the manner of such
procurement.”

3. In the principal Act, for section 3, the following sections shall be substituted, namely:

3. Whoever contravenes or disobeys any order or regulations made under this Act shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend up to ten thousand rupees or with both.

“Penalty.

Offence

3-A. Every offence under this Act shall be cognizable and bailable.

to be
cognizable
and bailable.

Compounding

3-B. (1) An offence punishable under section 3 may either before or after the institution of the proceeding, be compounded by such officer and on payment of such amount as the state government may, by notification, specify in this behalf.

Provided that the amount specified shall not, in any case, exceed the maximum amount of the fine which may be imposed for the offence so compounded.

(2) Where the offence has been compounded under sub-section (1), no proceeding or further proceeding shall be taken or continued against the offender in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.”

PROF. GANESHI LAL
GOVERNOR OF ODISHA

Dated the 7th April, 2020

SASHIKANTA MISHRA
Principal Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex. Gaz. 6-173+380
7. The Odisha COVID-19 Regulations 2020 (03-Apr-2020)

In supersession of the Notification No.8301/H, dtd.18.03.2020 issued by this Department and in exercise of the powers conferred under section 2, 3 & 4 of the Epidemic Diseases Act, 1897 (the Act), the Government of Odisha is pleased to issue following Regulations regarding COVID-19 (Corona Virus Disease 2019):

1) **Short Title & Extent** :-
   i. These regulations may be called 'The Odisha COVID-19 Regulations, 2020'.
   ii. They shall extend to the whole of the State of Odisha.

2) **Definitions** :-
   i. COVID-19 means the Corona Virus Disease caused by Severe Acute Respiratory Syndrome Coronavirus2 (SARS CoV 2) as defined by the World Health Organization (WHO)/ Government of India.
   ii. 'Empowered Officer' means officers empowered under Section 2(1) of the Act to take such measures as are necessary to prevent the outbreak of COVID-19 or the spread thereof within their respective jurisdictions.

   The following officers are empowered to exercise jurisdiction in the whole State:
   - Director, Public Health (DPH).
   - Director, Health Services (OHS).
   - Director, Medical Education & Training (DMET).

   The following officers are empowered to act in their respective jurisdictions:
   - Collector & CDM&PHO
   - Municipal Commissioner
   - Sub-Collector
   - Tahasildar
   - BOO
   - Executive Officer of Urban Local Bodies
   iii. 'Home Quarantine' means confining a person to a dwelling unit or part thereof with a purpose to minimize possibility of direct or indirect contact with other persons for the containment and better prevention of the spread of COVID-19.
   iv. 'COVID Hospital' means a hospital declared as such by the State Government/ Empowered Officer for isolation and treatment of suspect/confirmed COVID-19 cases.

3) **Duties and Responsibilities of the Hospitals** :-
   i. All hospitals (government & private) shall have separate and distinct COVID-19 corners for screening of suspected cases of COVID-19.
   ii. All Medical Officers & other healthcare personnel engaged in screening shall be provided with appropriate protective gear.
   iii. All hospitals (government & private) during screening of such cases shall record the history of travel of the person to any country or area where COVID-19 has been reported. In addition, the history of contacts of the suspected or confirmed case of COVID-19 is also required to be recorded.
   iv. In case the person has any history of travel abroad or outside the state in last 14 days and he/she is asymptomatic, he/ she must be advised to remain in home quarantine for minimum 14 days from the day of exposure. He / she shall also be
briefed about the Home Quarantine Guidelines issued by Ministry of Health & Family Welfare, Government of India & the State Government and asked to abide by it meticulously. Any non-compliance will lead to prosecution under the provisions of Indian Penal Code.

v. Person with travel history and symptoms as per case definition of COVID-19, must be isolated in a hospital and will be tested as per protocol. The close relatives such as family members shall also be either home quarantined or isolated in a health facility based on risk assessment. If any of them develop symptoms, their samples shall also be taken for testing by the hospital.

vi. Information of all such cases must be given to State Surveillance Unit immediately.

vii. The COVID suspect/confirmed cases shall be kept and treated in a block/facility which does not allow them to come in contact with other patients.

viii. The doctors & healthcare personnel attending to such patients shall also not attend to any other patient & stay away from hospital staff attending to non-COVID patients.

ix. No person other than the Medical Superintendent or person duly authorized by him shall speak to the media regarding persons who are under treatment and isolation. The name, exact address and telephone number of the persons shall not be disclosed. However in exceptional circumstances affecting public health and safety, the name and details of such person(s) may be disclosed, with approval of Govt.

x. The hospital shall follow all Clinical Management Guidelines issued by Ministry of Health & Family Welfare, Govt. of India and State Govt.

xi. The hospital management shall ensure that all infection control measures are put in place.

4) **Duties & Responsibilities of citizens, institutions & media:**

   No person / Institution / organization will use any print/ electronic/ social media for information regarding COVID-19 without prior permission of the DMET, DPH, DHS or Collector or Medical Superintendent as the case may be. This is to avoid spread of any unauthenticated information and/or rumors regarding COVID-19. If any person / Institution / organization is found indulging in such activity, it will be treated as a punishable offence under these Regulations and other provisions of Law.

5) **Duties and Responsibilities of persons coming from abroad:**

   i. All persons with a history of travel abroad or outside the state in last 14 days must mandatorily register themselves in the Toll Free Number 104 or on the online portal https://covid19.odisha.gov.in within 24 hours of their arrival in the state with basic details such as name, age, address, travel history, telephone number, etc. Advance registration before arrival will be highly preferable.

   ii. Their family members are also duty bound to provide such information if the person is not in a position to do so.

   iii. They will be required to be in home quarantine for minimum 14 days.

   iv. Failure to provide the required information in the portal or in the Toll Free Number 104 will be punishable under the provisions of Indian Penal Code and Code of Criminal Procedure and these Regulations.
5A) Duties and responsibilities of persons coming from outside the state:
All such persons shall be required to be in home quarantine for at least 14 days and self monitor their health condition. If he/she develops any symptom, he/she shall immediately call Health Helpline 104 and report about his/her health condition.

6) Duties and Responsibilities of persons with flu like symptoms:
All persons having flu like symptoms shall call Health Helpline 104 and report about their personal particulars and health condition.

7) Duties and Responsibilities of Panchayats, Municipal Bodies and Resident Welfare Associations, Hotels/ Lodges:
   i. Sarapanch of the G.P., Panchayat Executive Officer, Ward Member, Corporator, Councillor of the Urban Ward, office bearers of the Resident Welfare Associations will promptly report about the arrival of any person (Foreigner as well as Indian) from abroad or outside the state within last 14 days on the 104 Toll Free Number. The information should contain the details such as name, age, telephone number, address, etc. of the person concerned.
   ii. Hotels/Lodges shall also report about the arrival of such persons in 104 Toll Free Number/online portal.
   iii. This information should be provided within 24 hours of the arrival of the person in the locality.
   iv. All such persons shall also be asked to remain on home quarantine for minimum 14 days.
   v. In case the Panchayat / ULB believes that, the person can not be quarantined at home satisfactorily 'or' it is necessary to protect the health of the general public, the person coming from abroad/other states may also be quarantined in the facility created by the panchayat /ULB.

8) Enforcement:
   i. Officers empowered under the Act are authorized to quarantine, isolate and /or admit a person who develops symptoms simulating that of the COVID-19 infection as per the case definition criteria published by WHO or Government of India from time to time. The empowered officer may initiate action under the section 188 of Indian Penal Code (48 of 1860) against the person who refuses to comply to such advice of quarantine, isolation and/or admission.
   ii. In the event of COVID-19 being reported from a defined geographic area such as village, town, ward, colony, settlement, the officers empowered under these Regulations shall be competent to implement following containment measures, but not limited to these, in order to prevent spread of the disease.
      a) Barring entry and exit of population from the containment area.
      b) Closure of schools, offices, cinema halls, swimming pools, gyms etc. and banning mass congregations, functions as will be deemed necessary.
      c) Initiating active and passive surveillance of COVID-19 cases.
      d) Hospital isolation of all suspected cases and their contacts.
      e) Designating any building, government or private, as a quarantine facility.
      f) Any other measure as directed by Health& Family Welfare Department.
   iii. Officers empowered under the Act may impose required restrictions on assemblies, congregations, institutions and establishments aiming at 'social distancing' as
necessary to prevent the outbreak/ containment of COVID-19 within their respective jurisdictions.

iv. Staff of all Government Departments of the concerned area will be at the disposal of Collectors/Municipal Commissioners and other Empowered Officers for carrying out containment measures. If required, the empowered officer may requisition the services of any other person also. Additionally, services may be outsourced and persons may be engaged under short term contracts.

9) **COVID Hospital**
State Govt./ any empowered officer can declare any govt. or private hospital having sufficient infrastructure and manpower for isolation and/or treatment of suspected / confirmed COVID cases. COVID Hospitals shall abide by all instructions and guidelines issued by MoHFW, Got, Health & Family Welfare Department, Govt. of Odisha, DMET, DPH, OHS, the Authorised Officer and the Authorised Medical Officer.

9A) Any other buildings, Govt. or private can also be requisitioned by the Govt./ empowered officer for utilization of the same for any purpose related to COVID management.

10) **Penalty**
Any person/Institution/ organization found violating any provision of these regulations shall be deemed to have committed an offence punishable under section 188 of Indian Penal Code (45 of 1860). Empowered Officers may penalize any person/institution/ organization found violating provisions of these Regulations or any further orders issued by Government under these Regulations.

11) **Protection to persons acting under the Regulation**
No suit/legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Regulation unless proved otherwise.

12) These Regulations shall come into force with immediate effect and shall remain valid for a period of one year from the date of its publication.
8. Letter to Chief Secretaries regarding Clarifications on Consolidated Guidelines (02-Apr-2020)

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<thead>
<tr>
<th>Department</th>
<th>Ministry of Home Affairs</th>
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<tr>
<td>Date of Issue</td>
<td>02-Apr-2020</td>
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Dear Chief Secretary,

Kindly refer to my D.O. letter of even number dated 29.03.2020 informing that Consolidated Guidelines, on the Lockdown measures issued vide MHA's Order dated 24th March, 2020 and two addendums dated 25.03.2020 and 27.03.2020, are available at:

2. Some queries have been raised with regard to exemption of specific services within the category of exceptions already allowed in the above referred consolidated guidelines. In this regard, I would like to clarify that:

(i) Exception under clause 2(g), include distribution of food items and nutrition support by Anganwadi workers, once in 15 days, at the doorsteps of beneficiaries - children, women and lactating mothers.

(ii) ‘Mandi’ under exception to clause 2(i), include direct marketing, facilitated by the State Government/UT Administration, directly from the farmers/group of farmers, FPOs Cooperatives, etc.

(iii) Hospital and related medical services under clause 3 include AYUSH services i.e. sale and distribution of drugs, hospital dispensaries, individual clinics and telemedicine facilities.

(iv) Manufacturing units under exception to clause 5(a) include manufacturing of AYUSH drugs.

(v) Manufacturing units of packaging material under exception to clause 5(d) include packaging material for AYUSH drugs.

3. However, as specified in the lockdown measures, social distancing and proper hygiene practices must be ensured.

4. District authorities and field agencies may please be informed on the above accordingly, so as to avoid ambiguity at the ground level.

With regards,

Yours sincerely,

(Ajay Bhalla)

Chief Secretaries of All States
(As per Standard List attached)

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<thead>
<tr>
<th>Department</th>
<th>Ministry of Home Affairs</th>
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<tbody>
<tr>
<td>Document Reference No.</td>
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<tr>
<td>Date of Issue</td>
<td>28-Mar-2020</td>
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<tr>
<td>Website Link</td>
<td><a href="https://mha.gov.in/sites/default/files/PR_ConsolidatedGuidelinesofMHA_28032020.pdf">https://mha.gov.in/sites/default/files/PR_ConsolidatedGuidelinesofMHA_28032020.pdf</a></td>
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Consolidated Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities for containment of COVID-19 Epidemic in the Country, as notified by Ministry of Home Affairs on 24.03.2020 and further modified on 25.03.2020 and 27.03.2020.

   
   **Exceptions:**
   
   a. Defence, central armed police forces.
   b. Treasury (including, Pay & Accounts Offices, Financial Advisers and field offices of the Controller General of Accounts, with bare minimum staff).
   c. Public utilities (including petroleum, CNG, LPG, PNG), power generation and transmission units, post offices.
   d. Disaster management and Early Warning Agencies.
   e. National Informatics Centre.
   f. Customs clearance at ports/airports/land border, GSTN; and MCA 21 Registry with bare minimum staff.
   g. Reserve Bank of India and RBI regulated financial markets and entities like NPCI, CCIL, payment system operators and standalone primary dealers with bare minimum staff.

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. shall remain closed.

   **Exceptions:**
   
   a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
   b. District administration and Treasury (including field offices of the Accountant General with bare minimum staff).
   c. Electricity, water, sanitation.
   d. Municipal bodies—Only staff required for essential services like sanitation, personnel related to water supply etc.
   e. Resident Commissioner of States, in New Delhi with bare minimum staff, for coordinating Covid-19 related activities and internal kitchens operations.
   f. Forest offices .Staff/ workers required to operate and maintain zoo, nurseries, wildlife, firefighting in forests, watering plantations, patrolling and their necessary transport movement.
   g. Social Welfare Department, with bare minimum staff, for operations of Homes for children/ disables/ senior citizens/ destitute/ women /widows; Observation homes; pensions.
   h. Agencies engaged in procurement of agriculture products, including MSP operations.
i. ‘Mandis’ operated by the Agriculture Produce Market Committee or as notified by the State Government.
The above offices (Sl. No 1 & 2) should work with minimum number of employees. All other offices may continue to work-from-home only.

3. 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. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.

4. Commercial and private establishments shall be closed down.

   Exceptions:
   a. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder, fertilizers, seeds and pesticides. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
   b. Banks, insurance offices, and ATMs including IT vendors for banking operations, Banking Correspondent and ATM operation and cash management agencies.
   c. Print and electronic media.
   d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
   e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.
   f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
   g. Power generation, transmission and distribution units and services.
   h. Capital and debt market services as notified by the Securities and Exchange Board of India.
   i. Cold storage and warehousing services.
   j. Private security services.
   k. Data and call centers for Government activities only.
   l. Farming operations by farmers and farm workers in the field.
   m. Custom Hiring Centres (CHC) related to farm machinery.

   All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.

   Exceptions:
a. Manufacturing units of essential goods, including drugs, pharmaceutical, medical devices, their raw materials & intermediates.
b. Production units, which require continuous process, after obtaining required permission from the State Government.
c. Coal and mineral production, transportation, supply of explosives and activities incidental to mining operations.
d. Manufacturing units of packaging material for food items, drugs, pharmaceutical and medical devices.
e. Manufacturing and packaging units of Fertilizers, Pesticides and Seeds

6. All transport services – air, rail, roadways – will remain suspended.
   Exceptions:
   a. Transportation for essential goods only.
   b. Fire, law and order and emergency services.
   c. Operations of Railways, Airports and Seaports for cargo movement, relief and evacuation and their related operational organisations.
   d. Inter-state movement of goods/ cargo for inland and exports.
   e. Cross land border movement of essential goods including petroleum products and LPG, food products, medical supplies.
   f. Intra and inter-state movement of harvesting and sowing related machines like combined harvester and other agriculture/horticulture implements.

7. Hospitality Services to remain suspended
   Exceptions:
   a. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
   b. Establishments used/ earmarked for quarantine facilities.

8. All educational, training, research, coaching institutions etc. shall remain closed.

9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.

10. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions / gatherings shall be barred.

11. In case of funerals, congregation of not more than twenty persons will be permitted.

12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Sec. 188 of the IPC.
13. Wherever exceptions to above containment measures have been allowed, the organisations/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.

14. In order to implement these containment measures, the District Magistrate 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.

15. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.

16. 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.

17. 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.

***

In supersession of the Notification No.7662/H, dtd.13.03.2020 read with Addendum No.7880/H., dtd.14.03.2020 issued by Health & Family Welfare Department and in exercise of the powers conferred under section 2, 3 & 4 of the Epidemic Diseases Act, 1897 (the Act), the Government of Odisha is pleased to issue following Regulations regarding COVID-19 (Corona Virus Disease 2019):

1) **Short Title & Extent:-**
   i) These regulations may be called 'The Odisha COVID-19 Regulations, 2020'
   ii) They shall extent to the whole of the State of Odisha.

2) **Definitions:-**
   i) COVID-19 means the Corona Virus Disease caused by Severe Acute Respiratory Syndrome Coronavirus2 (SARS CoV 2) as defined by the World Health Organization (WHO)/ Government of India.
   ii) 'Empowered Officer' means officers empowered under Section 2(1) of the Act to take such measures as are necessary to prevent the outbreak of COVID-19 or the spread thereof within their respective jurisdictions.

   The following officers are empowered to exercise jurisdiction in the whole State:
   - Director, Public Health (DPH)
   - Director, Health Services (OHS)
   - Director, Medical Education & Training (DMET)

   The following officers are empowered to act in their respective jurisdictions:
   - Collector & CDM&PHO
   - Municipal Commissioner
   - Sub-Collector
   - Tehsildar
   - BOO
   - Executive Officer of Urban Local Bodies

   iii) 'Home Quarantine' means confining a person to a dwelling unit or part thereof with a purpose to minimize possibility of direct or indirect contact with other persons for the containment and better prevention of the spread of COVID-19.

3) **Duties and Responsibilities of the Hospitals:-**
   i) All hospitals (government & private) shall have separate and distinct COVID-19 corners for screening of suspected cases of COVID-19.
   ii) All hospitals (government & private) during screening of such cases shall record the history of travel of the person to any country or area where COVID-19 has been reported. In addition, the history of contacts of the suspected or confirmed case of COVID-19 is also required to be recorded.

   iii) In case the person has any history of travel abroad in last 14 days and he/she is asymptomatic, he/she must be advised to remain in home quarantine for 14 days from the day of exposure. He/she must abide by the Home Quarantine Guidelines issued by Ministry of Health & Family Welfare, Government of India & the State Government meticulously. All those persons may be clearly told that if they do not observe the Home Quarantine Guidelines shall be put up in the quarantine facilities set up by Government. Further, they may also be prosecuted under the provisions of Indian Penal Code & Code of Criminal Procedure.
   iv) Person with travel history and symptoms as per case definition of
v) COVID-19, must be isolated in a hospital as per protocol and he/she will be tested for COVID-19 as per protocol. The close relatives such as family members shall also either home quarantined or isolated in a health facility based on risk assessment. If any of them develop symptoms, their samples shall also be taken for testing by the hospital.

vi) Information of all such cases must be given to State Surveillance Unit immediately.

vii) No person other than the Medical Superintendent or person duly authorized by him shall speak to the media regarding persons who are under treatment and isolation. Under no circumstances the name, exact address and telephone number of the persons shall be disclosed.

4) Duties & Responsibilities of citizens, institutions & media:

No person/Institution/organization will use any print or electronic media for information regarding COVID-19 without prior permission of the DMET, DPH, OHS or Collector or Medical Superintendent as the case may be. This is to avoid spread of any unauthenticated information and/or rumours regarding COVID-19. If any person/Institution/organization is found indulging in such activity, it will be treated as a punishable offence under these Regulations and other provisions of Law.

5) Duties and Responsibilities of persons coming from abroad:

i) All persons with a history of travel abroad in last 14 days must mandatorily register himself/herself in the Toll Free Number 104 or on the online portal https://covid19.odisha.gov.in within 24 hours of his/her arrival in the state with basic details such as name, age, address, travel history, telephone number, etc. Advance registration before arrival will be highly preferable.

ii) Their family members are also duty bound to provide such information if the person is not in a position to do so.

iii) They will be required to be in home quarantine for 14 days.

iv) Failure to provide the required information in the portal or in the Toll-Free Number 104 will be punishable under the provisions of Indian Penal Code and Code of Criminal Procedure and these Regulations.

6) Duties and Responsibilities of persons with no history of travel but having symptoms of COVID-19

Any person with no history of travel but having symptoms of COVID-19 as per the case definition should report himself/herself to the State Surveillance Unit immediately so that necessary measures could be initiated, if required.

7) Duties and Responsibilities of Panchayats, Municipal Bodies and Resident Welfare Associations, Hotels/ Lodges:

i) Sarpanch of the G.P., Panchayat Executive Officer, Ward Member, Corporator, Councillor of the Urban Ward, office bearers of the Resident Welfare Associations will promptly report about the arrival of any person (Foreigner as well as Indian) from abroad within last 14 days on the 104 Toll Free Number. The information should contain the details such as name, age, telephone number, address, etc. of the person concerned.

ii) Hotels/ Lodges shall also report about the arrival of such persons in 104 Toll Free Number/online portal.

iii) This information should be provided within 24 hours of the arrival of the person in the locality.
8) **Enforcement:**

i) Officers empowered under the Act are authorized to isolate and/or admit a person who develops symptoms simulating that of the COVID-19 infection as per the case definition criteria published by WHO or Government of India from time to time. The empowered officer may initiate action under the section 188 of Indian Penal Code (48 of 1860) against the person who refuses to comply to such advice of isolation and/or admission.

ii) In the event of COVID-19 being reported from a defined geographic area such as village, town, ward, colony, settlement, the officers empowered under these Regulations shall be competent to implement following containment measures, but not limited to these, in order to prevent spread of the disease.

   a. Barring entry and exit of population from the containment area.
   b. Closure of schools, offices, cinemas, swimming pools, gyms etc and banning mass congregations, functions as will be deemed necessary.
   c. Initiating active and passive surveillance of COVID-19 cases.
   d. Hospital isolation of all suspected cases and their contact
   e. Designating any Government Building as a quarantine facility
   f. Any other measure as directed by Health & Family Department. Welfare

iii) Officers empowered under the Act may impose required restrictions on assemblies, congregations, institutions and establishments aiming at 'social distancing' as necessary to prevent the outbreak of COVID-19 within their respective jurisdictions.

iv) Staff of all Government Departments of the concerned area will be at the disposal of Collectors/ Municipal Commissioners and other Empowered Officers for carrying out containment measures. If required, the empowered officer may requisition the services of any other person also. Additionally, services may be outsourced and persons may be engaged under short term contracts.

9) **Penalty:**

   Any person/ Institution / organization found violating any provision of these regulations shall be deemed to have committed an offence punishable under section 188 of Indian Penal Code (45 of 1860). Empowered Officers may penalize any person I institution / organization found violating provisions of these Regulations or any further orders issued by Government under these Regulations.

10) **Protection to persons acting under the Regulation:**

   No suit/legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Regulation unless proved otherwise.

11) These Regulations shall come into force with immediate effect and shall remain valid for a period of one year from the date of its publication


   In pursuance of the provisions under Section 2 (d) of the Disaster Management Act, 2005 (hereinafter referred to as 'Act'), the State Government do hereby declare COVID-19 as a "Disaster" for the State of Odisha and authorise the Disaster Management Authorities, State Executive Committee & the Public Authorities in the State to take such action under the Act as may be required for management of the said disaster.
12. References