

No. 15 (6)2020/FLRS/RCD/FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi - 110002

Dated, the 19th June, 2020

ORDER

Subject: Orders issued by FSSAI giving relaxations to the FBOs during the period of lockdown due to Covid-19- reg.

FSSAI, in order to facilitate the FBOs and ensure smooth operation of food supply chains across the country issued various orders during the period of national lockdown in the wake of Covid-19 pandemic vide which various relaxations were extended to the FBOs for the period of lockdown.

2. Ministry of Home Affairs, Government of India vide its Order No. 40-3/2020-DM-I (A) dated 30.05.2020, has w.e.f. 01.06.2020 extended lockdown for containment zones till 30.06.2020. Few States have extended the lockdown with varied easement of restrictions.

3. In view of the above facts, the matter has been reviewed and it has been decided to amend the validity of the following Orders issued by FSSAI to **31.07.2020**:


(i) Order dated 31st March 2020 related to processing of FSSAI License / Registration Applications during the lockdown situations by the way of e-inspections.

(ii) Order / Direction under Section 16 (5) of Food Safety and Standards Act, 2006 dated 31st March 2020 regarding allowing FBOs to temporarily operate their food business on basis of application for license / registration during the period of lockdown.

(iii) Specific dispensation Orders No 15 (8)/2020/FLRS/RCD/FSSAI dated 13th April 2020 & 17th April 2020 under Section 16 (5) read with Section 18 (2) (d) of the Food Safety and Standards Act, 2006 w.r.t. compliance to the requirements of Food Safety and Standards Regulations.

4. It is further clarified that for these Orders the facility extended shall cease w.e.f. 31.07.2020 irrespective of the status of lockdown/containment at any location.

5. This issues with the approval of the Competent Authority in exercise of power vested under Section 16 (5) of Food Safety and Standards Act, 2006.


(Dr Shobhit Jain)

Executive Director (Compliance Strategy)

To

1. All Food Business Operators involved in Manufacturing/Processing of Food Products
2. Commissioner of Food Safety of all States/UTs and all Central Licensing Authorities
3. CITO, FSSAI: For uploading on FSSAI website.

Copy for information to -

1. PPS to Chairperson, FSSAI
2. PS to CEO, FSSAI

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 30th May, 2020

ORDER

Whereas, an Order of even number dated 17.05.2020 was issued for containment of COVID-19 in the country, for a period upto 31.05.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to extend the lockdown in Containment Zones upto 30.06.2020, and to re-open prohibited activities in a phased manner in areas outside Containment Zones;

Now therefore, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines, as *Annexed*, will remain in force upto 30.06.2020.


30/05/2020
Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

Guidelines for Phased Re-opening (Unlock 1)

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 30th May, 2020]

1. Phased re-opening of areas outside the Containment Zones

In areas outside Containment Zones, all activities will be permitted, except the following, which will be allowed, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health and Family Welfare (MoHFW), in a phased manner:

Phase I

The following activities will be allowed with effect from 8 June, 2020:

- (i) Religious places/ places of worship for public.
- (ii) Hotels, restaurants and other hospitality services.
- (iii) Shopping malls.

Ministry of Health & Family Welfare (MoHFW) will issue Standard Operating Procedures (SOPs) for the above activities, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase II

Schools, colleges, educational/ training/ coaching institutions etc., will be opened after consultations with States and UTs. State Governments/ UT administrations may hold consultations at the institution level with parents and other stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken in the month of July, 2020.

MoHFW will prepare SOP in this regard, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase III

Based on the assessment of the situation, dates for re-starting the following activities will be decided:

- (i) International air travel of passengers, except as permitted by MHA.
- (ii) Metro Rail.
- (iii) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
- (iv) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in Annexure I, shall continue to be followed throughout the country.


30/5/20

3. Night curfew

Movement of individuals shall remain strictly prohibited between 9.00 pm to 5.00 am throughout the country, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

4. Lockdown limited to Containment Zones

- (i) Lockdown shall continue to remain in force in the Containment Zones till 30 June, 2020.
- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW.
- (iii) In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.
- (iv) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.

5. States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.

6. Unrestricted movement of persons and goods

- (i) There shall be no restriction on inter-State and intra-State movement of persons and goods. No separate permission/ approval/ e-permit will be required for such movements.
- (ii) However, if a State/ UT, based on reasons of public health and its assessment of the situation, proposes to regulate movement of persons, it will give wide publicity in advance regarding the restrictions to be placed on such movement, and the related procedures to be followed.
- (iii) Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.
- (iv) No State/ UT shall stop the movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries.

7. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.


30/5/20

8. Use of Aarogya Setu

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.
- (iii) District authorities may advise individuals to install the *Aarogya Setu* application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

9. Strict enforcement of the guidelines

- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- (ii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

Any person violating these 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 Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


Union Home Secretary

and, Chairman, National Executive Committee

National Directives for COVID-19 Management

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

Additional directives for Work Places

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



30/5/20

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc.—Whoever, without reasonable cause —

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.
