Laws during Lockdown

Why in News?

During the Covid-19 led national lockdown, many laws like the Disaster Management Act 2005, Section 188 of IPC, etc., comes into play.

What is the law for disobedience?

- **Section 188 IPC** deals with those disobeying an order passed by a public servant and provides for about 1 to 6 months of imprisonment.
- For those violating orders passed under the Epidemic Diseases Act, Section 188 IPC is the provision under which punishment is awarded.
- **Section 51** of the Disaster Management Act (DMA), 2005 provides for punishment for two kinds of offences:
    1. Obstructing any government employee or person authorised by any disaster management authority for discharge of a function; and
    2. Refusing to comply with any direction given by the authorities under the Act.
- Punishment can extend to one year on conviction, or two years if the refusal leads to loss of lives or any imminent danger.

What is the law for spreading fear?

- **Section 505 IPC** provides for imprisonment of 3 years or fine, or both, for those who circulate anything which is likely to cause fear or alarm.
- **Section 54 DMA** provides for imprisonment, extending to one year, of those who make or circulate a false alarm or warning regarding a disaster or its severity or magnitude.

What is the law for false claim to aid?

- Those who makes a false claim for obtaining “any relief, assistance, repair, reconstruction or other benefits” from any official authority can be punished under **Section 52 DMA.**
- They will be sentenced to a maximum of 2 years imprisonment and a fine will be imposed on the person.

What is the law for those refusing to do duties?

- In case of refusal or withdrawal of any officer who has been tasked with any duty under the Act, the officer can be sentenced to imprisonment extending to one year.
- However, those who have written permission of the superior or any lawful ground are exempt from such punishment.
- A case cannot be initiated without the explicit sanction from the state or central government.

What is the law for refusing to help?

- Any authorised authority under the Act can request resources like persons and material resources, premises like land or building or sheds and vehicles for rescue operations.
- Though there is a provision for compensation under the Act, any person who disobeys such order can be sentenced to imprisonment up to 1 year.

What is the legal shield?

- For any offence under the DMA, a court will take cognisance only if the complaint is filed by the national or state or district authority, or the central or state government.
- However, if a person has given notice of 30 days or more about an alleged offence, and about his/her intention to file a complaint, s/he can approach the court which can then take cognisance.
- The Act protects government officers and employees from any legal process for actions they took “in good faith”.
- Under the Epidemic Diseases Act too, no suit or other legal proceedings can lie against any person for anything done or intended to be done under good faith.

Source: The Indian Express

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