

Bihar Administrative Service Association

North of Income Tax Golamber, Nehru Marg, Patna-800001

(Registration No-663/2003)

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Anil Kumar
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कार्यवाही

आज दिनांक-10.01.2021 को केन्द्रीय कार्यकारिणी समिति की बैठक में 40 सदस्यों द्वारा आम सभा आहूत किए जाने की अधियाचना पर सम्यक् विचार हेतु अध्यक्ष, बिहार ऐडमिनिस्ट्रेटिव सर्विस एसोसिएशन ने अधियाचना की प्रति सदस्यों को उपलब्ध कराई। उक्त अधियाचना श्री मोबिन अली अंसारी, संयुक्त निदेशक, विज्ञान एवं प्रावैधिकी विभाग, बिहार के कार्यालय के अनुसेवक द्वारा दिनांक-30.12.2020 को बासा कार्यालय में संध्या 6.20 बजे हस्तगत कराया गया (प्राप्ति की छायाप्रति संलग्न) था। अतः बिहार ऐडमिनिस्ट्रेटिव सर्विस एसोसिएशन उपविधि के नियम 3(C) के अनुसार उक्त अधियाचना के आलोक में तीस दिन के अंदर आम सूचना बुलाना है।

2. उक्त अधियाचना के गुण एवं दोष पर कोई विचार नहीं किया गया

क्योंकि ;

(क) गृह विभाग, बिहार सरकार ने पत्रांक 442 दिनांक 29.12.2020 (छायाप्रति संलग्न) द्वारा गृह मंत्रालय, भारत सरकार के द्वारा कोविड-19 का प्रसार रोकने हेतु आदेश संख्या-40-3/2020-DM-1 (A) दिनांक-28.12.2020 (छायाप्रति संलग्न) के माध्यम से गृह मंत्रालय, भारत सरकार के आदेश दिनांक-25.11.2020 द्वारा निर्गत Surveillance Containment and Caution के दिशा-निदेश को 31.01.2021 तक लागू किया है। सम्यक् विचारोपरान्त राज्य सरकार ने निर्णय लिया है कि गृह मंत्रालय के उपर्युक्त आदेश को बिहार राज्य में यथावत् लागू एवं अनुपालित किया जाए।

(ख) गृह मंत्रालय, भारत सरकार के उक्त पत्र के कण्डिका-9(V) के अनुसार 200 से अधिक व्यक्तियों के एक जगह पर इकट्ठा होने को प्रतिबंधित किया गया है। (छायाप्रति संलग्न)

(ग) सरकार द्वारा कोविड के रोक थाम के लिए निर्गत दिशा-निदेश के उल्लंघन को आपदा प्रबंधन अधिनियम, 1905 की धारा 51-60 (छाया प्रति संलग्न) के तहत

दण्डनीय अपराध घोषित किया है, जिसमें दण्ड शुल्क के साथ-साथ कारावास का भी प्रावधान है।

- (घ) राज्य सरकार के उक्त दिशा-निदेश के आलोक में 1300 से अधिक सदस्यों वाले बिहार ऐडमिनिस्ट्रेटिव सर्विस एसोसिएशन का आम सभा आहूत करना नियमानुसार संभव नहीं है।
- (ङ) अतः बिहार ऐडमिनिस्ट्रेटिव सर्विस एसोसिएशन के सदस्यों एवं गैर सदस्यों की अधियाचना को सम्यक् विचारोपरान्त अध्यक्ष, बिहार ऐडमिनिस्ट्रेटिव सर्विस एसोसिएशन ने सर्वसम्मति से अस्वीकृत करने का निर्णय लिया।
3. बिहार राज्य संयुक्त कर्मचारी महासंघ द्वारा प्रोन्नति के संबंध में लिए गए आन्दोलन की रणनीति को सर्वसम्मति से अनुमोदित किया गया।
4. बैठक सधन्यवाद समाप्त किया गया।

Be Patient, and never give up... . Great things take time .

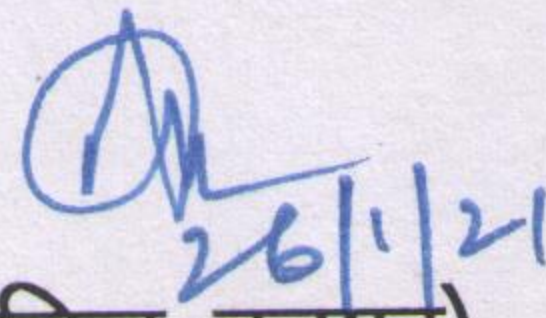
५ -

(अनिल कुमार)
महासचिव

ज्ञापांक : 03

दिनांक 27-01-2021

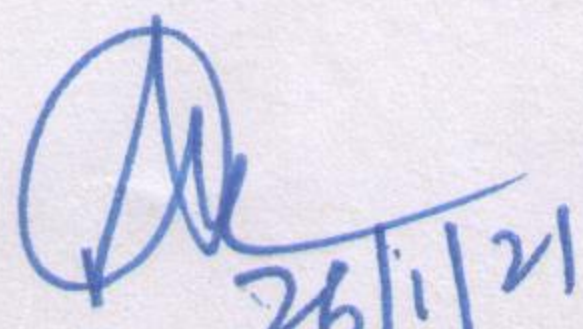
प्रतिलिपि: श्री मोबिन अली अंसारी, संयुक्त निदेशक, एवं श्री सुशील कुमार, संयुक्त सचिव, विज्ञान एवं प्रावैधिकी विभाग, बिहार तथा मो० अब्दुल बहाब अंसारी, संयुक्त सचिव, बिहार कर्मचारी चयन आयोग, पटना, श्री खुर्शीद अहमद सिद्दीकी, उप निदेशक, ब्रेडा, ऊर्जा विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।


(अनिल कुमार)
महासचिव

ज्ञापांक : 03

दिनांक 27-01-2021

प्रतिलिपि: सभी अध्यक्ष एवं सचिव, जिला इकाई, बिहार ऐडमिनिस्ट्रेटिव सर्विस एसोसिएशन, बिहार, पटना को सूचनार्थ हेतु प्रेषित।


(अनिल कुमार)
महासचिव

मौ मोखिग अली अंसाही संघर्ष विभाग प्रबन्धिनी विभाग के कार्यला
परिचाती द्वारा दिनांक 30-12-2020 को 6.20 बजे
संचय भवन में लेख प्राप्त किया गया

नीतीश्वर
30-12-2020

आज दिनांक 31-12-20 के
आपराह्न 1.00 बजे नीतीश्वर
ने पत्र हस्तगत कराया

स
अ/म

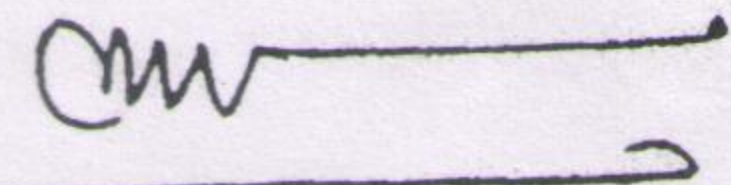
बिहार सरकार
गृह विभाग
आदेश

संख्या-09/अ0मु0स0को0/2020 - 442/अ.मु.स.को. पटना, दिनांक 29 दिसम्बर 2020

गृह मंत्रालय, भारत सरकार के द्वारा Covid-19 का प्रसार रोकने हेतु आदेश संख्या 40-3/2020-DM-I (A) दिनांक 28 दिसम्बर, 2020 के माध्यम से गृह मंत्रालय, भारत सरकार के आदेश दिनांक 25.11.2020 द्वारा निर्गत Surveillance, Containment and Caution के दिशा-निर्देश को दिनांक 31.1.2021 तक लागू किया गया है।

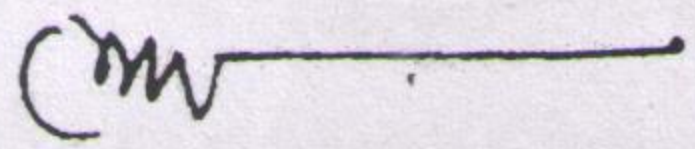
2. सम्यक विचारोपरांत राज्य सरकार ने निर्णय लिया है कि गृह मंत्रालय के उपर्युक्त आदेश को बिहार राज्य में यथावत लागू एवं अनुपालित किया जाए।

3. अतः राज्य सरकार के सभी विभागों एवं क्षेत्रीय प्रशासन के सभी अधिकारियों को निदेश दिया जाता है कि गृह मंत्रालय, भारत सरकार के उपर्युक्त आदेश का कड़ाई से अनुपालन कराना सुनिश्चित करेंगे।


(आमिर सुबहानी)
अपर मुख्य सचिव


संख्या-09/अ0मु0स0को0/2020 - 442/अ.मु.स.को. पटना, दिनांक 29 दिसम्बर 2020

प्रतिलिपि : सभी विभाग/सभी विभागाध्यक्ष/सभी प्रमंडलीय आयुक्त/सभी जिला पदाधिकारी/सभी वरीय पुलिस अधीक्षक/पुलिस अधीक्षक को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।


(आमिर सुबहानी)
अपर मुख्य सचिव

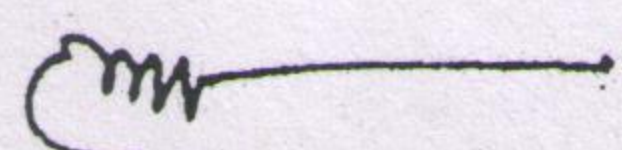
संख्या-09/अ0मु0स0को0/2020 - 442/अ.मु.स.को. पटना, दिनांक 29 दिसम्बर 2020

प्रतिलिपि : मुख्य सचिव/विकास आयुक्त/पुलिस महानिदेशक/माननीय मुख्यमंत्री के प्रधान सचिव/मुख्य निर्वाचन पदाधिकारी, निर्वाचन विभाग, बिहार/माननीय मुख्यमंत्री के सचिव (श्री अनुपम कुमार)/माननीय मुख्यमंत्री के सचिव (श्री मनीष कुमार वर्मा), बिहार, पटना को सूचनार्थ प्रेषित।


(आमिर सुबहानी)
अपर मुख्य सचिव

संख्या-09/अ0मु0स0को0/2020 - 442/अ.मु.स.को. पटना, दिनांक 29 दिसम्बर 2020

प्रतिलिपि : गृह सचिव, भारत सरकार, नई दिल्ली को सूचनार्थ प्रेषित।


29.12.20
(आमिर सुबहानी)
अपर मुख्य सचिव

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

North Block, New Delhi-110001

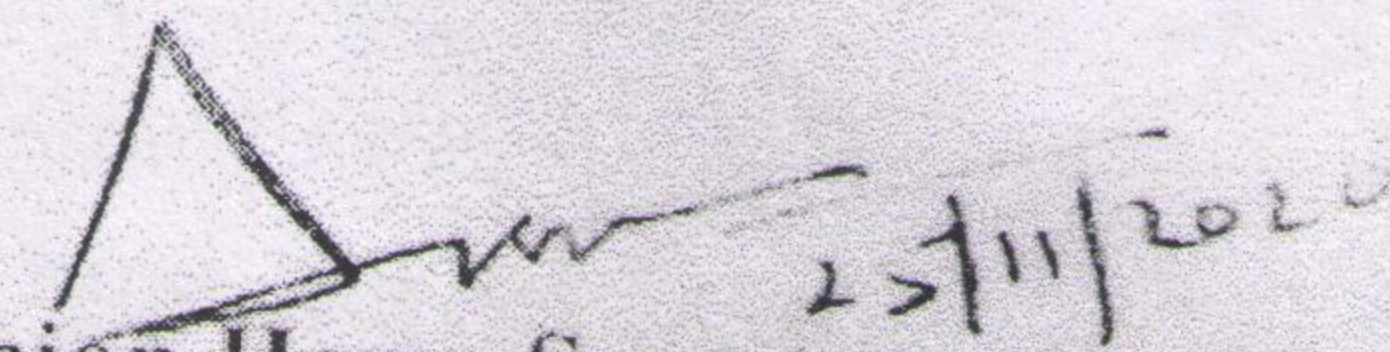
Dated 25th November, 2020

ORDER

Whereas, an Order of even number dated 30.09.2020 was issued for containment of COVID-19 in the country, for a period upto 31.10.2020, which was further extended for a period upto 30.11.2020 vide an Order of even number dated 27.10.2020;

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 with guidelines for containment of COVID-19 in the country;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines for surveillance, containment and caution, as **annexed**, will be in force upto 31.12.2020.


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

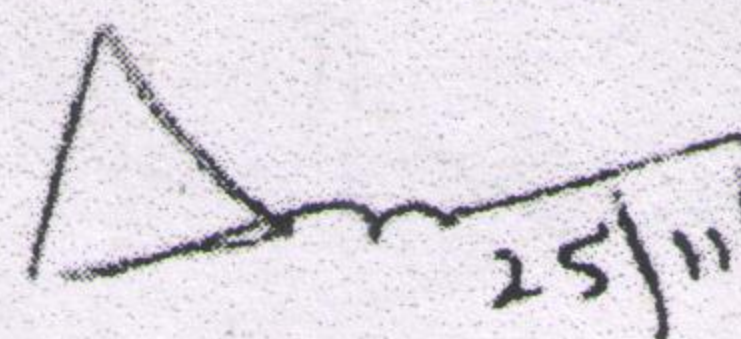
Guidelines for Surveillance, Containment and Caution
[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A)
dated 25th November, 2020]

The country is at a critical juncture in its fight against COVID-19. The number of active cases has declined steadily over the last two months, from over 10 lakhs, on September 18, 2020, to less than 4.5 lakhs now. However, over the last few weeks, the number of new cases has been rising in some States and UTs. The confluence of certain factors, viz., the recent festival season and the onset of winter, and the laxity in observance of the COVID-19 guidelines issued by Ministry of Home Affairs (MHA) in certain parts of the country pose the risk of the situation becoming aggravated, thus putting a strain on the health infrastructure. In some States and UTs, the spike observed in the number of new cases has already led to re-imposition of restrictions such as Night Curfew, limitations on number of persons in gatherings, restricted timings of markets etc. In the above context, with a view to consolidating the substantial gains that have been achieved against the spread of COVID-19, and to fully overcome the pandemic, the need of the hour is to maintain caution and strictly follow the prescribed containment strategy, focussed on surveillance, containment and strict observance of the guidelines.

Over the last few months, economic and other activities have been opened up in a phased manner, with the stipulation that the prescribed Standard Operating Procedures (SOPs) be scrupulously followed. The essence behind graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. Every citizen must adopt COVID-19 appropriate behaviour, so as to ensure that the resumption of activities is successful and gains made in the management of the pandemic are not negated. The following guidelines are issued to be effective from 1st December 2020.

COVID appropriate behavior

1. State/ UT Governments shall take all necessary measures to promote COVID-19 appropriate behaviour. Strict enforcement of wearing of face masks, hand hygiene and social distancing must be ensured.
2. Wearing of face masks is an essential preventive measure. In order to enforce this core requirement, States and UTs may consider administrative actions, including imposition of appropriate fines, on persons not wearing face masks in public and work spaces.
3. Observance of social distancing in crowded places, especially in markets, weekly bazaars and public transport, is also critical for containing the spread of the infection. Ministry of Health and Family Welfare (MoHFW) will issue a SOP to regulate crowds in market places, which shall be strictly enforced by States and UTs.


25/11/2020

strictly followed. State/ UT Governments shall ensure accountability of the officers concerned in this regard.

Strict adherence to the prescribed SOPs

9. All activities have been permitted outside Containment Zones, except for the following, which have been permitted with certain restrictions:

- i. International air travel of passengers, as permitted by MHA.
- ii. Cinema halls and theatres, with upto 50% capacity.
- iii. Swimming pools, only for training of sports persons.
- iv. Exhibition halls, only for business to business (B2B) purposes.

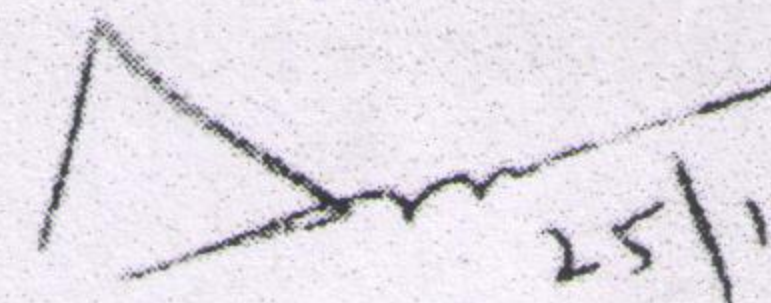
v. Social/ religious/ sports/ entertainment/ educational/ cultural/ religious gatherings, with upto a maximum of 50% of the hall capacity, with a ceiling of 200 persons in closed spaces; and keeping of the size of the ground/ space in view, in open spaces.

However, based on their assessment of the situation, State/ UT Governments may reduce the ceiling to 100 persons or less, in closed spaces.

10. SOPs have been prescribed for various activities. These include: movement by passenger trains; air travel; metro trains; schools; higher educational institutions; hotels and restaurants; shopping malls, multiplexes and entertainment parks; yoga centres and gymnasiums; assemblies and congregations, etc.
11. For ease of reference, the list of activity wise SOPs with their web-links is given at **Annexure II**.
12. The SOPs shall be strictly enforced by the authorities concerned, who shall be responsible for their strict observance.

Local restrictions

13. States and UTs, based on their assessment of the situation, may impose local restrictions, with a view to contain the spread of COVID-19 such as night curfew. However, State/ UT Governments shall not impose any local lockdown (State/ District/ sub-division/City level), outside the containment zones, without prior consultation with the Central Government.
14. States and UTs also need to enforce social distancing in offices. In cities, where the weekly Case Positivity Rate is in more than 10%. States and UTs concerned shall consider implementing staggered office timings and other suitable measures, with a view to reduce the number of employees attending office at the same time, thereby ensuring social distancing.
15. There shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under


25/11/2020

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 trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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

Illustration

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