

## 6. Section 188 IPC

**Prelims Syllabus:** Polity & Governance

**Mains Syllabus:** Indian Constitution- historical underpinnings, Evolution, Features, Amendments, Significant Provisions and Basic Structure.

### Why in News?

- Delhi and many other states took the Centre's advice to enforce a full lockdown in districts to contain the spread of COVID-19 by imposing Epidemic Diseases Act, 1897.

### Epidemic Diseases Act, 1897:

- The orders issued to curb the spread of the coronavirus have been framed under the Epidemic Diseases Act, 1897, which lays down punishment as per Section 188 of the
- Indian Penal Code, 1860, for flouting such orders –leading to imprisonment of up to 6 months or fine up to Rs 1000 or both.
- In the past, the Act has been routinely enforced across the country for dealing with outbreaks of diseases such as swine flu, dengue, and cholera.
- Its penal provisions are currently being invoked by states to contain the COVID-19 pandemic.

### Section 188 of the Indian Penal Code:

- Section 3 of the Epidemic Diseases Act, 1897, provides penalties for disobeying any regulation or order made under the Act.
- These are according to Section 188 of the Indian Penal Code (Disobedience to order duly promulgated by public servant).
- Section 188, which comes under the Code's Chapter X, 'Of Contempt of the Lawful

### Authority of Public Servants', Reads:

- **“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 persons 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.

**What happens if you Violate the Lockdown Orders?**

- **Under Section 188, there two offences:**
- Disobedience to an order lawfully promulgated by a public servant, If such disobedience causes obstruction, annoyance or injury to persons lawfully employed.
  - ✓ **Punishment:** Simple Imprisonment for 1 month or fine of Rs 200 or both
  - ✓ If such disobedience causes danger to human life, health or safety, etc.
  - ✓ **Punishment:** Simple Imprisonment for 6 months or fine of Rs 1000 or both
- According to the First Schedule of the Criminal Procedure Code (CrPC), 1973, both offences are cognizable, bailable, and can be tried by any magistrate

**WHAT DO THE RULES SAY?**

<ul style="list-style-type: none"> <li>➤ Persons who do not observe home quarantine guidelines shall be quarantined in facilities set up by government</li> </ul>	<ul style="list-style-type: none"> <li>➤ Every person with travel history to Covid-19-affected countries and having symptoms shall be isolated in a hospital and tested</li> </ul>
<ul style="list-style-type: none"> <li>➤ No person, institution and organisation shall use any information regarding Covid-19 without ascertaining facts and prior clearance of government</li> </ul>	
<ul style="list-style-type: none"> <li>➤ Private healthcare institutions intending to test Covid-19 must notify state IDSP unit which shall arrange monitoring and testing as per guidelines</li> </ul>	<ul style="list-style-type: none"> <li>➤ Authorities are empowered to isolate and / or admit into an identified hospital, any person who develops symptoms simulating the Covid-19 infection</li> </ul>

**WHAT IF AN AREA IS CORONAVIRUS-FREE?**

<p>The collector or municipal commissioner shall be competent to implement containment measures including</p>	
<ul style="list-style-type: none"> <li>➤ Barring entry and exit of population from the containment area</li> <li>➤ Closure of schools, offices, cinema halls, swimming pools,</li> </ul>	<ul style="list-style-type: none"> <li>gyms, other public places. Banning mass congregations and functions</li> <li>➤ Hospital isolation of all suspected cases and their contacts</li> </ul>
	
<ul style="list-style-type: none"> <li>➤ Any other measure as directed by health and family welfare department, staff of all government departments of the concerned area shall be at the disposal of the authority</li> </ul>	