



महाराष्ट्र शासन
महसूल विभाग

जिल्हा दंडाधिकारी चंद्रपूर यांचे कार्यालय

ई-मेल : chandrapur.rdc@gmail.com
क्रमांक.एमएजी/कार्या-8/टे.3/सांले/2021/373

दुरध्वनी क्रमांक- 07172-250659
दिनांक : 27 मार्च, 2021

वाचा :- 1. साथरोग कायदा, 1897

2. आपत्ती व्यवस्थापन कायदा, 2005 चे कलम 30, 33, 34, 41 व कलम 51
3. फौजदारी प्रक्रिया संहिता, 1973
4. मा. मुख्य सचिव, महसूल व वन, आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग, महाराष्ट्र शासन आदेश क्र. डीएमयु/ 2020/ सीआर,92/DisM-1 दि.30/09/2020.
5. या कार्यालयाचे आदेश क्र. एमएजी/कार्या-8/टे-3/सांले/2020/980 दि. 30/09/2020
6. मा. मुख्य सचिव, महसूल व वन, आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग, महाराष्ट्र शासन आदेश क्र. डीएमयु/ 2020/ सीआर,92/ DisM-1 दि. 14/10/2020.
7. या कार्यालयाचे आदेश क्र. एमएजी/कार्या-8/टे-3/सांले/2020/1025 दि. 14/10/2020.
8. मा. मुख्य सचिव, महसूल व वन, आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग, महाराष्ट्र शासन आदेश क्र. डीएमयु/ 2020/ सीआर,92/DisM-1 दि. 23/10/2020.
9. या कार्यालयाचे आदेश क्र. एमएजी/कार्या-8/टे-3/सांले/2020/1047 दि. 23/10/2020.
10. केंद्र शासन, गृह विभाग, नई दिल्ली यांचे आदेश क्र. 40-3/2020-DM-I(A) दि. 26.02.2021.
11. मा. मुख्य सचिव, महसूल व वन, आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग, महाराष्ट्र शासन आदेश क्र. डीएमयु/ 2020/ सीआर,92/DisM-1 दि. 24/02/2021.
14. या कार्यालयाचे आदेश क्र.एमएजी/कार्या-8/टे.3/सांले/2021/234 दि. 28.02.2021.
15. मा. मुख्य सचिव, महसूल व वन, आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग, महाराष्ट्र शासन आदेश क्र. डीएमयु/ 2020/ सीआर,92/DisM-1 दि. 15/03/2021
16. या कार्यालयाचे आदेश क्र.एमएजी/कार्या-8/टे.3/सांले/2021/314 दि. 16.03.2021.
17. मा. मुख्य सचिव, महसूल व वन, आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग, महाराष्ट्र शासन आदेश क्र. डीएमयु/ 2020/ सीआर,92/DisM-1 दि. 27/03/2021



:: आदेश ::

ज्याअर्थी, आपत्ती व्यवस्थापन कायदा 2005 मधील कलम 25 अन्वये जिल्हा आपत्ती व्यवस्थापन प्राधिकरणाची स्थापना करण्यात आलेली आहे व त्यातील पोट कलम 2 (अ) नुसार जिल्हाधिकारी तथा जिल्हा दंडाधिकारी हे उक्त प्राधिकरणाचे पदसिद्ध अध्यक्ष आहेत.

आणि ज्याअर्थी, राज्य शासनाने कोरोना विषाणूचा (कोव्हिड-19) प्रादुर्भाव रोखण्यासाठी राज्यात साथरोग कायदा 1897 दिनांक 13 मार्च 2020 पासून लागू करून खंड 2, 3, व 4 मधील तरतुदीची अंमलबजावणीसाठी अधिसूचना निर्गमित केलेली आहे व त्याबाबतची नियमावली प्रसिद्ध करून जिल्हाधिकारी यांना सक्षम प्राधिकारी घोषित केलेले आहे.

आणि ज्याअर्थी, कोरोना (कोविड-19) विषाणूच्या संसर्गाचा प्रादुर्भाव झपाट्याने वाढत असल्याने घोषित करण्यात आलेल्या लॉकडाऊन चे अनुषंगाने मा. मुख्य सचिव, महाराष्ट्र राज्य यांचेव्दारे संपूर्ण महाराष्ट्र राज्याचे क्षेत्रात टप्पेनिहाय लॉकडाऊन समाप्त करणे आणि निर्बंध कमी करण्याकरीता “मिशन बिगिन अगेन”(MISSION BEGIN AGAIN) बाबत संदर्भिय क्र. 04, 06 व 08 अन्वये आदेश निर्गमित करण्यात आलेले असल्याने या कार्यालयाचे संदर्भिय क्र. 05, 07 व 09 अन्वये सुधारीत आदेश निर्गमित करण्यात आलेले होते.

आणि ज्याअर्थी केंद्र शासन, गृह विभाग यांचे संदर्भ क्र. 10 चे आदेश व मा. मुख्य सचिव, महाराष्ट्र राज्य यांचे संदर्भ क्र. 11 चे आदेशान्वये, राज्य शासनाकडील संदर्भ क्र. 04, 06 व 08 चे आदेशास दि.31.03.2021 पावेतो मुदतवाढ देण्यात आलेली होती. तसेच राज्य शासनाकडील संदर्भ क्र. 15 चे आदेशान्वये संपुर्ण महाराष्ट्रात काही ठरावीक बाबीस प्रतिबंध करण्यासंबंधाने आदेश निर्गमित करण्यात आलेले असल्याने, या कार्यालयाकडील संदर्भ क्र. 05, 07, व 09 चे आदेश आणि त्या अनुषंगाने वेळोवेळी निर्गमित केलेल्या आदेशांना संपुर्ण चंद्रपूर जिल्हयाचे कार्यक्षेत्रात दिनांक 31 मार्च, 2021 पावेतो मुदतवाढ देण्यात आलेली असुन राज्य शासनाकडील संदर्भ क्र. 15 चे आदेशातील संपुर्ण तरतूदी यथास्थिती लागू करण्यात आलेल्या आहेत.

आणि ज्याअर्थी मा. मुख्य सचिव, महाराष्ट्र राज्य यांनी संदर्भ क्र. 17 चे आदेशान्वये, कोरोना विषाणूच्या वाढत्या पार्श्वभूमीवर संपुर्ण राज्यात काही ठरावीक बाबीस प्रतिबंध करण्यासंबंधाने आदेश निर्गमित करुन सदर आदेशातील नमुद बाबीचे अनुषंगाने दिलेल्या सुचना/निर्देश/तरतूदीचे तंतोतंत पालन करण्याबाबत निर्देशीत करण्यात आलेले आहे.

त्याअर्थी, मी, अजय गुल्हाने, जिल्हाधिकारी तथा अध्यक्ष, जिल्हा आपत्ती व्यवस्थापन प्राधिकरण, चंद्रपूर राज्य शासनाकडील संदर्भ क्र. 17 अन्वये निर्गमित करण्यात आलेल्या काही ठरावीक बाबीस प्रतिबंध करण्यासंबंधाने देण्यात आलेल्या सुचना/तरतूदी/निर्देशास, यापुर्वी देण्यात आलेल्या सुचना/निर्देश कायम ठेवून, चंद्रपूर जिल्हयातील कार्यक्षेत्रात दिनांक 30 एप्रिल, 2021 पावेतो यथास्थिती लागू करीत आहे. सर्व प्रशासकीय विभाग प्रमुख यांनी उपरोक्त आदेशाची काटेकोरपणे अंमलबजावणी करावी.

सदर आदेशाची कोणतेही व्यक्ती, संस्था आणि संघटना यांनी अंमलबजावणी करण्यास टाळाटाळ केल्यास अथवा विरोध दर्शविल्यास संबंधीताविरुद्ध आपत्ती व्यवस्थापन कायदा, 2005 चे कलम 51 ते 60 व भारतीय दंड संहिता कलम 188 तसेच साथरोग कायदा 1897 अन्वये दंडनीय/कायदेशीर कार्यवाही संबंधीत पोलीस अधिकारी/ कर्मचारी यांनी करावी.

सहपत्र :- संदर्भिय शासन आदेश


(अजय गुल्हाने)

जिल्हाधिकारी तथा अध्यक्ष
जिल्हा आपत्ती व्यवस्थापन प्राधिकरण, चंद्रपूर

प्रतिलिपी :- माहितीस सविनय सादर.

1. मा. मुख्य सचिव, महाराष्ट्र शासन, मंत्रालय, मुंबई-032
 2. मा. सचिव, आपत्ती व्यवस्थापन प्राधिकरण, मदत व पुनर्वसन, महसूल व वनविभाग, मंत्रालय, मुंबई - 032
 3. मा. विभागीय आयुक्त, नागपूर विभाग, नागपूर
माहितीस तथा उचित कार्यवाहीस्तव.
 4. पोलीस अधिक्षक, चंद्रपूर
 5. मुख्य कार्यकारी अधिकारी, जिल्हा परिषद, चंद्रपूर
 6. आयुक्त, चंद्रपूर शहर महानगरपालीका, चंद्रपूर
 7. जिल्हा माहिती अधिकारी, चंद्रपूर
 8. उपविभागीय दंडाधिकारी (सर्व)
 9. तहसिलदार तथा तालुका दंडाधिकारी (सर्व)
 10. संवर्ग विकास अधिकारी, पंचायत समिती (सर्व)
 11. मुख्याधिकारी, नगर परिषद/नगर पंचायत (सर्व)
 12. जिल्हयातील प्रशासकीय विभाग प्रमुख (सर्व)
- सादर आदेशास उपरोक्त अधिकारी यांनी प्रसिध्दी द्यावी.**




जिल्हाधिकारी तथा अध्यक्ष
जिल्हा आपत्ती व्यवस्थापन प्राधिकरण, चंद्रपूर

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 27th March, 2021

ORDER

Directions for Containment and Management of Covid 19 Epidemic Disaster.

Reference:

- 1) The Epidemic Diseases Act, 1897.
- 2) The Disaster Management Act, 2005
- 3) Revenue and Forest. Disaster Management. Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-I, dated 2nd May 2020, 3rd May 2020, 5th May 2020, 11th May 2020, 15th May 2020, 17th May 2020, 19th May 2020, 21st May 2020, 31 May 2020, 4th June 2020, 25th June 2020, 29th June 2020, 6th July 2020, 7th July 2020, 29th July 2020, 4th August 2020, 19th August 2020, 31st August 2020, 30th September, 2020 and 14th October 2020, 23rd October, 2020, 29th October, 2020, 3rd November, 2020, 14th November, 2020, 23rd November, 2020, 27th November, 2020, 27th November, 2020, 21st December, 2020, 24th December, 2020, 29th December, 2020, 14th January, 2021, 19th January, 2021, 29th January, 2021, 15th March, 2021 and 18th March, 2021.
- 4) Ministry of Home Affairs (MHA) Order No. 40-3/2020-PM-1 (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020, 30th May 2020, 29th June 2020, 29th July 2020, 29th August 2020, 30th September 2020 and 27th October 2020, 25th November, 2020, 28th December, 2020 and 27th January, 2021 and 23rd March, 2021

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee has issued an Order dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020, 29th January, 2021 and 24th February, 2021 supplemented by orders dated 15th March, 2021 and 18th March, 2021) for containment of COVID 19 in the State for the period upto 31st March, 2021 and issued revised guidelines by including certain activities from time to time vide above mentioned orders.

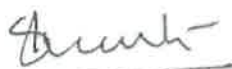
Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of COVID-19 virus, and therefore to take certain emergency measures to prevent and contain the spread of virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The

Disaster Management Act, 2005, it is expedient to extend the lockdown in the entire State of Maharashtra further till 15th April, 2021.

Now, therefore, in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under The Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues directions that the guidelines issued vide orders dated 30th September, 2020 and 14th October, 2020 (extended by order dated 29th October, 2020, 27th November, 2020, 29th December, 2020 and 29th January, 2021, 24th February, 2021 and supplemented by orders dated 15th March, 2021 and 18th March, 2021) to operationalize MISSION BEGIN AGAIN for easing of restrictions and phase-wise opening, will remain in force till 15th April, 2021 for containment of COVID-19 epidemic in the State with addition of the conditions that have been mentioned in Annexure II of this document and all Departments of Government of Maharashtra shall strictly implement these guidelines. The activities already allowed and permitted from time to time shall be continued subject to modifications, if any, contained in Annexure II and all earlier orders shall be aligned with this order and shall remain in force up to 15th April, 2021.

Annexure III contains provisions of Disaster Management Act 2005 and IPC that may be invoked by concerned authority to ensure compliance to these directions.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA



(SITARAM KUNTE)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

Copy to :

1. Principal Secretary to Hon'ble Governor of Maharashtra, Mumbai.
2. Hon'ble Chairman, Maharashtra Legislative Council.
3. Hon'ble Speaker, Maharashtra Legislative Assembly.
4. Additional Chief Secretary to Hon'ble Chief Minister, Government of Maharashtra.
5. Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra,
6. Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra,
7. Private Secretary to Leader of Opposition, Legislative Council / Assembly,
8. Private Secretaries of All Hon'ble Minister/Minister of State, Mantralaya,
9. All Additional Chief Secretaries / Principal Secretaries / Secretaries of Government of Maharashtra.
10. Director General of Police, Maharashtra State, Mumbai,
11. Principal Secretary, Public Health Department, Mantralaya,
12. Secretary, Medical Education, Mantralaya,
13. All Divisional Commissioners in the State
14. All Commissioners of Police in the State
15. All Commissioners of Municipal Corporations in the State

16. All District Collectors
17. All Chief Executive Officers, Zilla Parishad
18. All District Superintendents of Police in the State

Annexure I

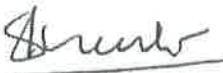
(MISSION BEGIN AGAIN: Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 400 032, No: DMU/2020/CR. 92/DisM-1, Dated: 1st October, 2020)

National Directives for COVID-19 Management

- 1) **Face coverings** – wearing of face cover is compulsory in public places, in work places 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 five persons at one time.
- 3) **Spitting in public places** will be punishable with fine, as may be prescribed by the concerned authority in accordance with its laws, rules or regulations.
- 4) **Consumption of liquor, Paan, gutka, tobacco, etc** in public places is prohibited.

Additional directives for work places.

- 5) **Work from Home (WFH)** – as far as possible the practice of WFH should be followed. Staggering of work / business hours will be followed in offices, workplaces, shops, markets and industrial & commercial establishments.
- 6) **Screening and Hygiene** – provision for thermal screening, hand wash and sanitizer will be made available at all entry and exit points and common areas.
- 7) **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.
- 8) **Social Distancing** – all persons in charge of workplaces will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff etc.



Annexure II

(MISSION BEGIN AGAIN: Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 400 032, No: DMU/2020/CR. 92/DisM-1)

1. Containment Zones :-

- i. The Containment Zones in the State as categorized vide any orders issued by the local authorities will remain in force till further orders.
- ii. The directions issued by the Central Government and State Government from time to time to demarcate the Containment Zones and operations therein will be in force till further orders.
- iii. Considering the local conditions, the concerned District Collector and the Commissioners of the Municipal Corporations in the State may enforce certain measures and necessary restrictions in specified local areas on the permitted non-essential activities and the movement of persons to contain the spread of the epidemic only with the prior written approval of Chief Secretary, Maharashtra.
- iv. Within the containment zones, listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80% of contacts to be traced in 72 hrs).


2. Gatherings of more than 5 people will not be allowed from 8 PM to 7 AM effective from midnight on 27th March, 2021. Violation of the same will attract a penalty of Rs 1000/- per head on the offenders.

spn. 3. All Public Places ^(Gardens & beaches) to remain closed from 8 PM to 7 AM effective from midnight on 27th March, 2021. Violation of the same will attract a penalty of Rs 1000/- per head on the offenders.

4. Any person found to be without masks shall be fined an amount of Rs 500/-. Any person found to be spitting in public place will be fined an amount of Rs 1000/-.

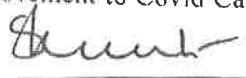
5. All Cinema Halls (Single Screens and Multiplexes), malls, auditoriums and restaurants to remain closed from 8 PM to 7 AM from midnight on 27th of March, 2021. Home delivery and take away from restaurants will however be allowed during the said time.

In case of any violation of this order or violation of the conditions set forth in orders dated 15th March, 2021 and 17th March, 2021, concerned cinema hall/ hotels/ restaurants shall have to remain closed for a period until the COVID 19 pandemic stays notified as a Disaster



by the Central Government. Violation shall also attract penalties under the disaster act for the owner of premises.

6. No Social/ Cultural/ Political/ Religious gatherings to be allowed. Auditoriums or drama theatres should also be not used for the purpose of conducting the said gatherings. Violation shall also attract penalties under the disaster act for the owner of premises. The property shall also have to remain closed till the period until the COVID 19 pandemic stays notified as a Disaster by the Central Government.
7. Not more than 50 people will be allowed to be present only for the purpose of weddings. Violation shall also attract penalties under the disaster act for the owner of premises. . The property shall also have to remain closed till the period until the COVID 19 pandemic stays notified as a Disaster by the Central Government.
8. Not more than 20 people will be allowed to be present for the purposes of performance of last rites. It will be the duty of the local authorities to ensure the same.
9. Home isolation to be allowed with following restrictions:
 - a. Information to this extent shall be given to the local authorities along with information of the qualified medical professional under whose supervision the isolation will be adhered to. It shall be the responsibility of the medical professional to ensure that all due precautions of home quarantine are being taken and shall be duty bound to intimate immediately to the authorities about any violation and withdraw his or her consent to be supervisor.
 - b. A board is to be put up on the door or conspicuous location for 14 days since the beginning indicating the presence of a COVID 19 patient at the said location.
 - c. Home Quarantine seal on hand to be affixed by the local authorities
 - d. It is advised that members of the family also restrict their movements outside to the extent possible, and never without Mask.
 - e. Any violation to isolation shall lead to immediate movement to Covid Care Center designated by local authority.



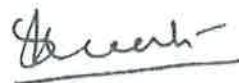
10. All private offices except related to health and other essential services to function at 50 % capacity. In the case of Government/ Semi Government offices, the head of the office to take a decision regarding the staff attendance ensuring adherence to all COVID 19 protocols. The Manufacturing sector however can function at full capacity. However it is advised that the workforce be reduced to ensure adequate social distancing on the production floor. For the purpose of maintaining social distancing, manufacturing units may be allowed to increase the working shifts as approved by the local authorities. The manufacturing sector can operate with the following restrictions –

- a. No entry will be allowed without proper wearing of Masks.
- b. Temperature measuring devices to be used to ensure no one with fever gets an entry.
- c. Adequate hand sanitizers to be kept at various convenient locations.
- d. Concerned establishments to ensure presence of enough manpower to enforce wearing of masks as well as maintaining social distances by all visitors all the times.
- e. In case of violation of this order, concerned manufacturing units shall have to remain closed for a period until the COVID 19 pandemic stays notified as a Disaster by the Central Government. Violation shall also attract penalties under the disaster act for the owner of premises.


11. In order to reduce the crowding at Government offices, apart from elected representatives themselves, other visitors to be not allowed without urgent work. In case of those visitors who have been called for meetings, special passes may be issued by the departments/ Head of the offices.

12. Management trusts of all religious places to decide and declare the maximum number of visitors per hour depending upon the availability of space for movement and gathering with proper social distancing. It is advised that convenient systems like online reservations for visits may be initiated. Entry to these places shall be subject to following restrictions.

- a. No entry will be allowed without proper wearing of Masks.
- b. Temperature measuring devices to be used to ensure no one with fever gets an entry.
- c. Adequate hand sanitizers to be kept at various convenient locations.



- d. Concerned establishments to ensure presence of enough manpower to enforce wearing of masks as well as maintaining social distances by all visitors all the times.
13. Public transports have been opened up with certain restrictions. Anyone found violating these restrictions shall be punishable with fine of Rs. 500/- by concerned the public transport authority.
14. All earlier orders shall be aligned with this order and shall remain in force up to 30th April, 2021
15. Testing – The proportion of RT-PCR tests in the total mix should be scaled up on best effort basis to 70% or more.
16. Tracking – The new positive cases detected as a result of intensive testing need to be isolated/ quarantined at the earliest and their contacts have to be immediately traced and quarantined.
17. It will be the responsibility of the local district, police and municipal authorities to ensure that prescribed containment measures, testing and tracking are strictly followed.



Annexure III

[Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 40032, Order No: DMU/2020/CR. 92/DisM-1, Dated: th October, 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,

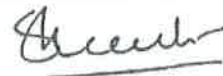
shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which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

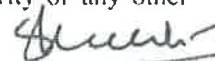
57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

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 authorized 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.

