

**UT ADMINISTRATION OF
DADRA AND NAGAR HAVELI AND DAMAN AND DIU
STATE DISASTER MANAGEMENT AUTHORITY,
SECRETARIAT, DAMAN**

No. DMHS/COVID-19/2020/4618

Date:- 31st May, 2020.

- Read:-**
1. Order No. DMHS/COVID-19/2020/2634 dated 23rd March, 2020.
 2. Order No. DMHS/COVID-19/2020/2699 dated 24th March, 2020.
 3. Order No. DMHS/COVID-19/2020/2870 dated 31st March, 2020.
 4. Order No. DMHS/COVID-19/2020/3130 dated 14th April, 2020.
 5. Order No. DMHS/COVID-19/2020/3246 dated 18th April, 2020.
 6. Order No. DMHS/COVID-19/2020/3672 dated 3rd May, 2020.
 7. Order No. DMHS/COVID-19/2020/4167 dated 17th May, 2020.
 8. Order No. DMHS/COVID-19/2020/4209 dated 18th May, 2020.

ORDER

Whereas, under directions of the National Disaster Management Authority (NDMA), guidelines on lockdown measures to contain the spread of COVID-19 in all parts of the country were issued vide order of even number dated 24.03.2020, under the Disaster Management Act 2005, which was extended from time to time till 31st May, 2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 40-3/2020-DM-I(A) dated 30th May, 2020 directing the Chairperson, NEC that lockdown measures to be continued to be implemented in the containment zones upto 30th June, 2020 and to re-open prohibited activities in a phased manner in areas outside the containment zones;

Whereas, under directions of the aforesaid Order of NDMA dated 30th May, 2020 and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, 2005, the Chairperson, NEC, has issued directions that the new guidelines will remain in force upto 30th June, 2020;

And Whereas, the UT Administration of Dadra & Nagar Haveli and Daman & Diu vide order No. DMHS/COVID-19/2020/2634 dated 23.03.2020, notified strict and intensive measures in Union Territory in order to ensure Social Distancing and isolation measures for the containment of COVID-19. And thereafter, the UT Administration, vide Orders referred to in the preamble notified and extended the lockdown from 25th March, 2020 to 31st May, 2020. The consolidated guidelines of the measures along with Directives and Standard Operating Procedures (SOPs) to be taken by various departments/institutions in the Union Territory of Dadra & Nagar Haveli and Daman & Diu were also issued from time to time for strict implementation.

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31/5/2020

Now therefore, in continuation of this Administration's earlier orders, quoted above in the preamble and in pursuance of guidelines issued by the MHA, GoI vide Order Dated 30th May, 2020, the UT Administration of Dadra & Nagar Haveli and Daman & Diu hereby extends the lockdown in containment zone, if so declared by the District Administration upto 30th June, 2020 and to re-open the prohibited activities in a phased manner in the entire Territorial jurisdiction of the UT. During the above period, the annexed GUIDELINES and DIRECTIVES along with the SOPs will be operative till 30th June, 2020 unless modified by specific orders and the same shall be implemented strictly.

By order and in the name of the
Hon'ble Administrator,
UT of Dadra and Nagar Haveli and Daman and Diu


Secretary (Health & Family Welfare)

Copy for information and necessary action to:

1. PS to Hon'ble Administrator, Secretariat, Daman
2. PS to Advisor to the Administrator, Secretariat, Daman
3. The Secretary (I&P), Secretariat, Daman for wide publicity
4. All the Administrative Secretaries, DNH&DD for information and necessary action please.
5. The Deputy Inspector General of Police, DNH&DD
6. All the Collectors of the UT of Dadra and Nagar Haveli and Daman and Diu
7. All the Superintendents of Police, DNH&DD
8. The Director of Medical and Health Services, DNH&DD
9. The State Informatics Officer, NIC, Secretariat, Daman for uploading the same on official website of this Administration.
10. All the Head of Offices for information and necessary action please.
11. Office file.

**NEW GUIDELINES FOR CONTAINMENT OF COVID-19 IN THE
UNION TERRITORY OF DNH AND DD w.e.f. 1ST JUNE, 2020.**

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

For the phased re-opening (Unlock-1) till 30th June, 2020, new guidelines, as under, will be applicable in the entire Territorial Jurisdiction of the UT.

- a. In areas outside containment Zones, all activities will be permitted, except those covered under Clause III given below unless permitted by specific orders.
- b. It is reiterated that, in case of all permitted activities, the SOPs issued earlier by this Administration for ensuring social distancing and to contain the spread of COVID-19 shall be followed in letter and spirit by the District Administration and the various Departmental authorities.

I. Movement of Persons and Goods:

- a. The movement of individuals, for all non-essential activities, shall remain strictly prohibited between 7 PM to 7 AM till 30th June, 2020. District authorities shall issue orders under appropriate provisions of law, such as prohibitory orders [curfew] under Section 144 of CrPC, for this purpose, and ensure strict compliance.
- b. Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for meeting essential requirements and for health purposes, as per the UT Directives.
- c. Inter District and Inter State movement of individuals is permitted for official/commercial/business activities/medical reasons; however, people are to be discouraged for unnecessary travel. Necessary E-Permits/Passes are required to be obtained from the District Administration for entry/exit into/from the territory. The revised SOPs relating to **Movement of**

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31/5/2020
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Persons annexed to this order (**Annexure II**) shall be strictly implemented by the District Administration and the various departmental authorities.

- d. Interstate buses for public transport are hereby permitted to operate. The SOPs to be issued by the Department of Transport shall be strictly implemented.
- e. Intra District Transport/Movement of persons is permitted subject to strict implementation of SOPs issued by Department of Transport.
 - i. Taxis and cab aggregators, with 1 driver and 3 passengers only.
 - ii. Auto-Rickshaws with two passengers only.
 - iii. Four wheeler vehicles will have maximum two passengers besides the driver.
 - iv. Two Wheeler vehicles are permitted with only one pillion rider.
 - v. Buses//Passenger Vehicles. The SOPs for the same will be issued.
- f. Movement of passengers through Domestic/International Flights is allowed subject to strict compliance of the SOPs and the quarantine policy of this Administration.
- g. The inter-state movement of goods/cargo, including empty trucks shall be allowed without any restriction.

II. ALL ACTIVITIES mentioned below are PERMITTED in the Districts except those that are specifically prohibited under Clause III below :

The detailed SOPs annexed with Order dated 3rd May, 2020 with respect to Public Spaces, Educational Institutions, Anganwadis, Shops and Commercial establishments, banking and financial institutions, Building and Construction activities, and those pertaining to various departments such as Health and Family Welfare, Industries etc., shall continued to be strictly followed. Also the detailed SOPs relating to functioning of Saloons and

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Parlours annexed with the order dated 18th May, 2020 shall continue to be implemented and enforced.

- a. All Health services including AYUSH shall remain functional.
- b. All Agricultural and Horticultural activities to remain functional.
- c. Establishments / Services under financial sector to remain functional.
- d. All Institutions/Establishments/Services under social sector to remain functional.
- e. MGNREGA works to be allowed fully.
- f. All Public utilities such as Oil and Gas sector, Power sector, Postal Services, Water, Sanitation and Waste Management sectors, Telecommunication and Internet services to remain operational.
- g. All commercial and private establishments shall be allowed to operate including market complexes.
- h. All Industrial establishments are allowed.
- i. Construction activities including that of the Private sector are allowed to be undertaken.
- j. Offices of the Government of India/UT Administration, their autonomous bodies and local Governments shall remain open.
- k. Online/distance learning shall continue to be permitted and shall be encouraged.

III. The following activities which were prohibited earlier will be re-opened in a phased manner subject to issuance of further directions/SOPs by the concerned Ministries of GoI and by this Administration:

Phase I

The following activities will be considered to be allowed with effect from second week of June, 2020:

1. Religious places/places of worship for public.
2. Hotels, restaurants and other hospitality services.
3. Shopping malls.

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Phase II

Schools, Colleges, Educational/Training/Coaching Institutions, etc., will be opened after necessary consultation with the concerned stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken by this Administration in the month of July, 2020. SOPs in this regard will be issued subsequently by the Department of Education in consultation with Department of Health and Family Welfare.

Phase III

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

1. Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars, spas, auditoriums, assembly halls and similar places.
2. Sports Complexes and Stadia.
3. Social/Political/Sports/Entertainment/Academic/Cultural/Religious functions and other large congregations.
4. All shops selling *Paan/Gutka* and Tobacco products are prohibited.
5. Liquor shops located within 200 meters from the borders/boundaries of the UT are prohibited to operate.

IV. UT Directives for COVID-19 management:

- a. UT Directives for COVID-19 management as specified in **Annexure-I** shall be followed throughout the UT.

V. Lockdown limited to ContainmentZones:

- a. Lockdown measures shall be implemented in case of containment zone(s).
- b. The Containment Zone shall be demarcated by the District Administration in consultation with the Department of Health and Family Welfare, after taking into consideration the guidelines/parameters shared by MoHFW, GoI.
- c. In the Containment Zone(s), only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement

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of people in or out of these Zone(s), except of 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 and UT shall be taken into consideration for above purpose.

- d. The UT 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.

VI. Use of AarogyaSetu :

- a. AarogyaSetu enables early identification of positional risk of infection and thus, acts as a shield for individuals and the community.
- b. With a view to ensure safety in offices and work places, employers shall put in best effortsto ensure that, AarogyaSetu is installed by all employees having compatible mobile phones.
- c. District Authorities may advise individuals to install the AarogyaSetu 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.

VII. Strict enforcement of the lockdown guidelines:

- a. The District Administration and other departmental Authorities shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
- b. All the District Magistrates shall strictly enforce the above measures and the UT Directives for COVID-19 Management, for public and work places.
- c. In order to implement these measures, the District Magistrate shall deploy Executive Magistrates as Incident Commanders in the respective local jurisdiction. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions.

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VIII. Penal Provisions

Any person violating these lockdown measures, the UT Directives and SOPs issued for COVID-19 Management 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 Sec. 188 of the IPC and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III.**

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UT DIRECTIVES FOR COVID-19 MANAGEMENT

PUBLIC PLACES

1. Wearing of face cover is compulsory in all public places, during transport. And in case of disposable masks, proper disposal protocols to be followed.
2. Social Distancing shall be followed by all persons in public places and during movement from one place to another.
3. Marriage related gathering shall ensure social distancing including wearing of masks by the Bride, Groom & attendees. The maximum number of guests including the family members of the Bride and the Groom shall not be more than 50 people.
4. Funeral/ last rites related gathering shall ensure social distancing, and the maximum numbers allowed shall not more than 20.
5. Spitting in public places shall be punishable with fine, as may be prescribed by the District/Local authority.
6. Consumption of liquor, *paan*, *gutka*, tobacco, etc. in public places is not allowed and littering of sachets/pouches containing these products is also punishable as per law.
7. Shops including liquor shops shall ensure minimum six feet distance (2 *gazkidoori*) among the customers. It shall be ensured that not more than 5 persons are present at one time at the shop.

WORK PLACES

1. Wearing of face cover is compulsory in all work places and adequate stock of such face covers shall be made available. In case of disposable masks, proper disposal protocols to be followed.
2. All persons in charge of work places shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare, within the work places.

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31/5/2020

3. Social distancing at work places shall be ensured through adequate gaps between shifts, staggering the lunch breaks of staff, etc.
4. Provision for thermal scanning, hand wash and sanitizers preferably with touch free mechanism shall be made at all entry and exit points and common areas. In addition, sufficient quantities of hand wash and sanitizers shall be made available in the work places.
5. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc. shall be ensured, including between shifts.
6. Hospitals/clinics in the nearby areas, which are authorized to treat COVID-19 patients, should be identified and list should be available at work place all the times. Employees showing any symptom of COVID-19 should be immediately sent for check up to such facilities. Quarantine areas should be earmarked for isolating employees showing symptoms till they are safely moved to the medical facilities.
7. Intensive communication and training on good hygiene practices shall be taken up.

PENAL PROVISION IN CASE OF NON-COMPLIANCE OF THE DIRECTIVES:

The District/Local Administration shall levy fines/take penal actions as prescribed below in case of violation of the above directives by virtue of the powers conferred under Disaster Management Act, 2005:

Sr. No.	Offence Particulars	Penalty/Compounding fee		
		Offence at the first instance	Offence at second instance	Offence at third instance
a.	Person found without wearing Mask in public places and work places	Rs.100/-	Rs.200/-	Penal provisions shall be invoked.
b.	Violation of Social Distancing Norms.	Rs.500/-	Rs.1,000/-	
c.	Spitting including spitting of Tobacco, Gutka,, etc., in Public Places	Rs.100/-	Rs.200/-	

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STANDARD OPERATING PROCEDURE (SOPS) FOR MOVEMENT OF PERSONS.

[Considering the Geographic Location of the territory and based on the assessment of Epidemiologists, it is found imperative to issue the following SOPs regulating the movement of persons into the territory. The Department of Information and Publicity shall give wide publicity w.r.t. these restrictions and the procedures to be followed in order to avoid inconvenience to the public].

The following categories of movement of persons are governed by these SOPs:

- I. For daily movement of persons across the border.*
- II. For persons entering/exiting the UT for a short duration.*
- III. For passengers of Domestic Flights/Helicopters.*
- IV. For passengers of International Flights.*
- V. Stranded residents of the UT coming back to the territory:*

I. FOR DAILY MOVEMENT OF PERSONS ACROSS THE BORDER

It has been observed that many Medical personnel, Para-medical workers, Bank employees, Industrial executives, labourers, shopkeepers, etc., live across the border and has to commute everyday in order to attend their duties. The following SOP is issued in order to regulate the movement of these kind of employees / personnel:

A. PROCEDURE FOR OBTAINING PASSES:

- a. All the persons who would like to commute on a daily basis shall apply to the District Administration for obtaining necessary permission/pass for facilitating the cross-border movement across the UT. The ordinary residents of the territory and persons who are the residents of the bordering areas of the Neighbouring States shall be allowed for daily movement. A residential proof shall be provided during the application of the E-pass.
- b. The list of persons for whom the passes have been issued shall be shared by the District Administration with the Department of Health and Family Welfare for appropriate testing and surveillance.
- c. A self-declaration form shall be filled by each person entering the UT.

U. A. Thakur
31/5/2020

- d. The District Administration shall maintain a complete database of the personnel commuting across the territory.
- e. The person resuming their duties shall undertake all the following precautions strictly:
 - (i) Disinfection of the vehicles used shall be undertaken.
 - (ii) Wearing a face cover compulsorily at all times.
 - (iii) Maintaining Social Distancing norms.
 - (iv) He / She shall not undertake unnecessary travel.
 - (v) Shall maintain minimal personal interaction.
 - (vi) All personnel shall compulsorily download Aarogya Setu app.
- f. In case of any symptoms suggestive/suspicious of COVID-19, the personnel shall avoid travel strictly and contact nearby Health Authorities for further testing and treatment. In case of non-reporting of symptomatic cases, strict penal action will be taken.

B. AT THE WORK PLACES:

- a. Wearing of face cover is compulsory. In case of disposable masks, proper disposal protocols to be followed.
- b. Personnel showing any symptom of COVID-19 should immediately contact the COVID helpline and shall home quarantine themselves and the authorised person of the workplace shall report immediately to the District Administration/Health Authorities for further course of action.
- c. All good hygiene practices shall be taken up including frequent sanitization/hand washing techniques.
- d. Penal action will be taken under relevant provisions of law in case of violation of the above said SOPs.

II. FOR PERSONS ENTERING/EXITING THE UT FOR A SHORT DURATION

The following protocol shall be followed in case of consultants, technical experts, architects, company/industry executives, and similar persons who visit the Territory for a short duration.

Y. A. Thakur
31/5/2020.

- a. All the persons who would like to enter/exit for the above said purposes shall apply to the District Administration for obtaining necessary permission/pass.
- b. For persons coming from cities with High prevalence of COVID-19 cases, necessary testing shall be done and shall stay at Quarantine facilities (paid/free) identified by the Administration or at specified accommodation facilities identified by their respective organization. Unnecessary travel or visit to other areas of the Territory is strictly prohibited. They shall undertake their duties with minimal personal interaction and after complying with all safety precautions and social distancing norms.

III. FOR PASSENGERS OF DOMESTIC FLIGHTS/HELICOPTERS:

In continuation of the detailed instructions regarding air travel of passengers and the SOPs to be followed at the Helipads/Airports and by the Airlines/Helicopter service provider, issued by the Department of Civil Aviation, the following SOPs is being issued regarding the **Quarantine** and **Testing** policy with respect to these passengers.

- a. All the passengers of domestic flight shall be screened in the identified Screening centre located in the district.
- b. Necessary Screening and Scanning of the passengers shall be done in the Screening centre and all the passengers irrespective of their origin district, shall be shifted to the Institutional quarantine facility that have been identified.
- c. Samples for COVID-19 shall be taken on the 1st day and 6th day.
- d. The passengers shall be kept under Institutional quarantine for 7 days and should be kept under Home Quarantine for the remaining 7 days.
- e. The passengers travelling from Daman to Diu or vice versa by helicopter shall be screened at the entry and exit points and no quarantine is required, if found asymptomatic. The passengers shall be instructed to monitor their health and COVID helpline may be contacted if required.
- f. In the following cases home quarantine is allowed provided the test samples are negative.
 - i. Pregnant and Lactating women.

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- ii. Children below 10 years of age.
 - iii. People with serious co-morbidities such as Heart, Kidney, Liver Ailments etc.
 - iv. Elderly persons above 80 years of age.
 - v. Persons with special needs.
- g. In case of business/official visits by Industrial Executives/Technical experts/consultants/Govt. Servants/other employees, the samples shall be taken on the same day. If the samples are negative and the person is asymptomatic, they shall be allowed to resume work after complying with all safety precautions and social distancing norms.
- h. If the samples are found to be positive, the person shall be shifted to COVID health facility for further treatment and medical management.
- i. In case of passengers of neighbouring State of Gujarat, they shall be stay put in an identified area in the Airport and shall be facilitated by arranging vehicles to drop them off till the borders of the district. Thereafter the passenger shall have to arrange for transportation to reach their destination. The District Administration shall coordinate with the destination district for necessary intimation and arrangements if required.

IV. FOR PASSENGERS OF INTERNATIONAL FLIGHTS:

- a. In case of persons coming from other countries by International Flights to the UT, he/she shall be assessed, tested and kept under Facility Quarantine (paid/unpaid) irrespective of the Zone of the originating district (where the international airport is located).
- b. If the person has completed the facility quarantine period in the originating district itself and if the sample is negative, he/she shall be sent to Home Quarantine for a period of 14 days.
- c. If the person has not completed the facility quarantine period in the originating district, he/she shall be kept under facility quarantine for a period of seven days and home quarantine for next seven days.
- d. If the sample is positive, the person shall be transferred to dedicated COVID Hospital.

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V. STRANDED RESIDENTS OF THE UT COMING BACK TO THE TERRITORY:

- a. In case of residents of the UT who wishes to come back shall apply for e-pass to the District Administration mentioning the mode of travel.
- b. Upon arrival, appropriate screening will be undertaken by the Medical Teams at the Screening centre near the check posts. After medical screening and risk profiling, they shall be sent for Home Quarantine for a period of 14 days.
- c. Necessary testing and surveillance shall be undertaken by the Department of Health and Family Welfare. Samples shall be taken preferably between the 5th day and the 14th day. Further course of action shall be decided based on test results as per the protocol of the Health Department.
- d. In case the sample is positive, the patient shall be shifted to dedicated COVID Health Facility and further clinical management shall be initiated immediately.

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**OFFENCES AND PENALTIES FOR VIOLATION OF LOCKDOWN
MEASURES**

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

51. Punishment of obstruction etc. – Whoever, without reasonable cause –

(a) Obstructs any officer or employee of the Central Government or the State Government, or a person authorized 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 of 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 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 willfully 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.

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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 its 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 this office shall, unless he has obtained the express written permission of this 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 proved 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 shall also, he 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 any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

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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 authorized 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 authorized 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 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, direction that a religious procession shall not pass down an certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

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