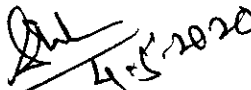


**Below the Circular of Hon'ble High Court, Bombay Circular dated 04/05/2020**

No.HKW/(Admn)/ 2400  
District Court, Osmanabad  
Dated : 04<sup>th</sup> May, 2020.

**Copy forwarded for information & necessary action to :-**

- 01) The District Judge-1, **Osmanabad/Omerga/Bhoom**
- 02) The District Judge-2, **Osmanabad/Bhoom.**
- 03) The District Judge-3, **Osmanabad.**
- 04) The Adhoc District Judge-1, **Osmanabad/Omerga/Bhoom**
- 05) The Judge, Family Court, **Osmanabad.**
- 06) The Civil Judge, S.D., **Osmanabad/Omerga/Bhoom/Paranda.**
- 07) The Chief Judicial Magistrate, **Osmanabad**
- 08) The Secretary, District Legal Services Authority, **Osmanabad**
- 09) The Jt. Civil Judge, S.D., **Osmanabad./Omerga.**
- 10) The 2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup>/5<sup>th</sup>/6<sup>th</sup>/7<sup>th</sup> Jt. Civil Judge, S.D., **Osmanabad.**
- 11) The Principal Magistrate, Juvenile Justice Board, **Osmanabad.**
- 12) The Civil Judge, JD, **Tuljapur/Kallam/Washi/Lohara.**
- 13) The Jt.Civil Judge, JD, **Osmanabad/Tuljapur/Omerga /Lohara/Kallam/Bhoom/Paranda**
- 14) The 2<sup>nd</sup> Jt. Civil Judge, JD, **Osmanabad/Omerga/Tuljapur/Kallam/Bhoom/Paranda.**
- 15) The 3<sup>rd</sup> Jt. Civil Judge, JD, **Osmanabad/Omerga.**
- 16) The 4<sup>th</sup>/5<sup>th</sup>/6<sup>th</sup> Civil Judge, JD, **Osmanabad.**
- 17) The District Government Pleader, **Osmanabad.**
- 18) The Director of Public Prosecutor, **Osmanabad.**
- 19) Notice Board of All Taluka Courts.
- 20) Notice Board of All Taluka Bar Association.
- 21) The Collector, **Osmanabad.**
- 22) The Civil Surgeon, Civil Hospital **Osmanabad.**
- 23) The Superintendent of Police, **Osmanabad** with a request to inform all police stations of **Osmanabad District.**
- 24) The Dy. Superintendent of Police, ACB Office, **Osmanabad.**
- 24) The Sub-Divisional Police Officers, **Osmanabad/Omerga/Bhoom/Tuljapur**
- 25) The Superintendent, District Prison office, **Osmanabad.**
- 26) The Police Station, **Osmanabad City/Osmanabad Rural/Osmanabad Anand Nagar /Omerga/Murum/Tuljapur/Naldurg/Tamalwadi/Lohara /Washi/Bhoom/Ambhi/Paranda/Kallam/Shiradhon/Yermala/Dhoki/ Bembli.**

  
4-5-2020

( Smt. S. M. Shinde )

Principal District Judge, Osmanabad.

Copy to the Asstt. Supdt. CFA Branch, District Court, Osmanabad is directed to publish the said Circular on the Notice board of the District Court, as well as notice board of Advocate Bar Association, Osmanabad.

## C I R C U L A R

**FOR COURTS IN STATE OF MAHARASHTRA, STATE OF GOA AND  
UNION TERRITORY OF DADRA AND NAGAR HAVELI & DAMAN AND DIU**

In continuation with earlier circulars issued from time to time by the High Court, the Hon'ble the Chief Justice and Hon'ble Judges of Administrative Committee have been pleased to issue the following directions that -

- A. The Courts shall function as they are functioning presently i.e. taking up remand work and extremely urgent matters as per guidelines issued in circular dated 16.04.2020 until further orders.
- B. The Annual General Transfer of this year is kept in abeyance till April, 2021.

### **PRECAUTIONS TO BE TAKEN DURING THE COURSE OF TRANSACTION OF BUSINESS IN COURTS: -**

The Government of Maharashtra vide **Resolution No. Corona-2020/Pra. Kra. 58/ Health- 5** dated 25.04.2020 has issued guidelines for precautions to be taken by staff while working which should be noted by the Courts in the State of Maharashtra, State of Goa and Union Territories of Dadra and Nagar Haveli and Daman and Diu. After a comprehensive review, and in view of the Lock down measures having led to significant gains in the COVID-19 situation in the country, Ministry of Home Affairs (MHA), Government of India issued an Order No.40-3/2020-DM-I(A) dated 01.05.2020 under the Disaster Management Act, 2005, to further extend the Lock down for a further period of 2 weeks beyond 04.05.2020. It is necessary to scrupulously follow new guidelines issued by Ministry of Home Affairs (MHA) vide Order No.40-3/2020-DM-I(A) dated 01.05.2020. (<https://www.mha.gov.in/sites/default/files/MHA%20Order%20Dt.%201.5.2020%20to%20extend%20Lockdown%20period%20for%202%20weeks%20w.e.f.%204.5.2020%20with%20new%20guidelines.pdf>) and The COVID-19 pandemic requires precautions to be taken by everyone during lockdown and accordingly, it shall be necessary while entering the Court Complex, to take the following precautions in the interest and safety of everyone: -

1. It is advisable for all Advocates, Litigants and members of staff to install the Arogya Setu app on their mobile phones.
2. Identity proofs of Advocates and litigants shall be asked for at the entry point of the Court Complex.
3. A register be maintained at the entry point of the court complex and names of the entrants be recorded in the said register, after verifying due identification.
4. No person shall be permitted to enter the premises of Courts without wearing a mask.
5. Anyone showing signs or symptoms of COVID-19, after his apparent screening, shall not be allowed to enter or remain in the Court rooms. To meet any exigencies, pursuant to anyone found with COVID-19 symptoms, an isolation room shall be earmarked to isolate the said person and undertake the further course of action vis a vis further treatment at Hospital.
6. At the entry point / gates of the Court Complex keep liquid soap and water for hand wash. At the entrance of each Court hall, as far as possible make provision of hand sanitizer.
7. Necessary social distancing shall be maintained during the transaction of the Court business. Wherever there is a provision of lift, it should be ensured that not more than fifty percent of the capacity allowed at a time. As far as possible, the members of the Staff, Advocates and Litigants who are young and not differently abled should be encouraged to make use of stairs for their own safety.
8. The Advocates and Litigants shall be advised to follow strict social distancing while accessing any department of Courts.
9. The Departments shall endeavor to allot a time slot to address any query on the part of Advocates and Litigants and adhere the time slot in consonance with the social distancing mechanism.

10. The Judges and the members of the staff, in the unlikely event of having any symptoms of COVID-19, are requested to immediately report the same to the Medical Center and also the Principal District Judge / Principal Judge and District Registry. Same request is also made to the High Court employees who shall report to the concerned Registrar of their Department.

Date:- 04/ 05/2020

Sd/-  
(S.B.Agrawal)  
REGISTRAR GENERAL

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

North Block, New Delhi-110001  
Dated 1<sup>st</sup> 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 for a period of 21 days with effect from 25.03.2020. Under further directions of NDMA, the lockdown period was extended upto 03.05.2020 vide Order of even number dated 14.04.2020 and consolidated revised guidelines were issued vide Order of even number dated 15.04.2020;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020-PP dated 01.05.2020 directing the Chairperson, NEC that lockdown measures be continued to be implemented in all parts of the Country, for a further period of two weeks with effect from 04.05.2020;

Whereas under directions of the aforesaid Order of NDMA dated 01.05.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the lockdown period is extended for a further period of two weeks with effect from 04.05.2020;

Whereas, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues new guidelines on lockdown measures, as annexed, which will come into effect from 04.05.2020 for a period of two weeks, for strict implementation.

  
Union Home Secretary

**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.

**New Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT authorities for containment of COVID-19 in the country for the extended period of National Lockdown for a further period of two weeks with effect from 4<sup>th</sup> May, 2020.**

**[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 1<sup>st</sup> May, 2020]**

1. With the extension of the Lockdown period for a further period of two weeks with effect from 4<sup>th</sup> May 2020, new guidelines, as under, will be applicable based on the risk profiling of the districts into Red (Hotspot), Green and Orange zones.
2. **Identification of Red (Hotspots), Green and Orange Zones**
  - I. Based on their risk profile, the criteria for dividing the districts of the country into three zones, viz., **green, red and orange**, will be as follows:
    - a. **Green Zones:** Green Zones shall be defined as per the following criteria: districts with zero confirmed case till date; or; districts with no confirmed case in the last 21 days.
    - b. **Red Zones or Hotspot Districts:** Districts shall be defined as Red Zones or Hotspot districts, by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI), taking into account total number of active cases, doubling rate of confirmed cases, extent of testing and surveillance feedback.
    - c. **Orange Zones:** Districts, which are neither defined as Red nor as Green Zones, shall be Orange Zones.
  - ii. MoHFW will share the list of Red Zone (Hotspot), Orange Zone and Green Zone districts and related information with State/ UTs on a weekly basis or earlier as required. States/ UTs, on review, may consider inclusion of **additional districts** as Red Zone (Hotspots) and Orange Zone districts depending on the extent of spread of COVID-19 infection. **However, States and UTs may not lower the classification of any district, that is included in the list of Red Zone (Hotspots) and Orange Zone districts by MoHFW.**
  - iii. Districts classified either as Red or Orange Zones, may have one or more Municipal Corporation (MC) areas. In such cases, States/ UTs and District administrations may make an assessment of the distribution of cases - within the jurisdiction of the MC(s); and the area falling outside the MC(s) boundaries. In such cases, the classification of zones shall be as follows:
    - a. In case the district is classified as a Red Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as an Orange Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
    - b. In case the district is classified as an Orange Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as a Green Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
    - c. In case in the area of the district outside the limits of the MC (s) does have one or more confirmed case(s) in the last 21 days, this part of the



district shall continue to be labeled as a Red or Orange Zone, as per the classification of the district.

- d. While assessing the classification of a zone, cases should be registered in the zone where the case originates, rather than where it is treated.

### 3. Identification of Containment Zones

- i. Containment Zones shall be demarcated within **Red (Hotspots) and Orange Zones** by States/ UTs and District Administrations based on the guidelines of MoHFW. The boundary of the Containment Zone shall be defined by District Administrations taking into account the following factors: mapping of cases and contacts; geographical dispersion of cases and contacts; area with well demarcated perimeter; and enforceability.
- ii. The boundary of the Containment Zone will be a residential colony, *mohalla*, municipal ward, municipal zone, Police Station area, towns etc., in case of urban areas; and, a village, cluster of villages, Gram Panchayats, group of Police Stations, blocks etc., in case of rural areas.

#### Protocol within Containment Zones:

- iii. Intensive surveillance mechanism as outlined in the Standard Operating Protocol (SOP) issued by MoHFW is to be established within the Containment Zone. **The local authority shall ensure 100% coverage of Aarogya Setu app among the residents of Containment Zones.**
  - iv. In the Containment Zone, following activities shall be undertaken by the local authorities:
    - a. Contact Tracing.
    - b. Home or Institutional quarantining of individuals based on risk assessment by medical officers. This risk assessment will be based on symptoms, contact with confirmed cases, and travel history.
    - c. Testing of all cases with Severe Acute Respiratory Infection (SARI), Influenza Like Illness (ILI) and other symptoms specified by MOHFW.
    - d. House to house surveillance by special teams constituted for this purpose.
    - e. Clinical management of all cases as per protocol.
    - f. Counselling and educating people; and establishing effective communication strategies.
  - v. In these **Containment Zones**, within Red (Hotspots) and Orange Zones, **where maximum precaution is required**, there shall be strict perimeter control to ensure that there is no movement of population in or out of these zones except for medical emergencies and for maintaining supply of essential goods and services. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.
- ### 4. The following activities will continue to remain prohibited across the country, irrespective of the Zone, for a period of two weeks with effect from 4<sup>th</sup> May, 2020:
- i. All domestic and international air travel of passengers, except for medical services, air ambulance and for security purposes or for purposes as permitted by MHA.
  - ii. All passenger movement by trains, except for security purposes or for purposes as permitted by MHA.



- iii. Inter-State Buses for public transport, except as permitted by MHA.
  - iv. Metro rail services.
  - v. Inter-State movement of individuals except for medical reasons or for activities as permitted by MHA.
  - vi. All schools, colleges, educational/ training/ coaching institutions etc. However, online/ distance learning shall be permitted.
  - vii. Hospitality services other than those used for housing health/ police/ Government officials/ healthcare workers, stranded persons including tourists, and those used for quarantine facilities.
  - viii. All cinema halls, shopping malls, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
  - ix. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.
  - x. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
- 5. Measures for well being and safety of persons**
- i. The movement of individuals, for all non-essential activities, shall remain strictly prohibited between 7 pm to 7 am. Local 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.
  - ii. In all zones, 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 National Directives.
  - iii. In Containment Zones, Out-Patient Departments (OPDs) and Medical clinics shall not be permitted to operate. However, these may be permitted to operate in Red, Orange and Green Zones, with social distancing norms and other safety precautions.
- 6. Activities In Containment Zones**
- i. Strict perimeter control.
  - ii. Establishment of clear entry and exit points.
  - iii. Movement of persons only for maintaining supply of goods and services; and for medical emergencies.
  - iv. No unchecked influx of people and transport.
  - v. Recording of details of people moving in and out of perimeter.
- 7. Activities in Red Zones (Hotspots) [Outside Containment Zones]**
- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:
    - a. Cycle rickshaws and auto rickshaws.
    - b. Taxis and cab aggregators.
    - c. Intra-district and inter-district plying of buses.
    - d. Barber shops, spas and salons.
  - ii. The following activities shall be permitted with **restrictions** as specified:
    - a. Movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the vehicle driver; for two wheelers, pillion rider is not allowed.





- b. Industrial establishments in urban areas: Only Special Economic Zones (SEZs), Export Oriented Units (EOUs), industrial estates and industrial townships with access control; Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates; Production units, which require continuous process, and their supply chain; Manufacturing of IT hardware; Jute industry with staggered shifts and social distancing; and, Manufacturing units of packaging material are permitted.

All industrial activities are permitted in rural areas.

- c. Construction activities in urban areas: Only in situ construction (where workers are available on site and no workers are required to be brought in from outside) and construction of renewable energy projects are permitted.

All construction activities are permitted in rural areas.

- d. All malls, market complexes and markets shall remain closed in urban areas, i.e., areas within the limits of municipal corporations and municipalities. However, shops selling essential goods in markets and market complexes are permitted.

All standalone (single) shops, neighborhood (colony) shops and shops in residential complexes are permitted to remain open in urban areas, without any distinction of essential and non-essential.

All shops in rural areas, except in malls, are permitted to remain open, without any distinction of essential and non-essential.

Social distancing (2 Gaz ki doori) will be maintained in all cases.

- e. E-commerce activities will be permitted only in respect of essential goods.
- f. Private offices can operate with upto 33% strength as per requirement, with the remaining persons working from home.
- g. All Government offices shall function with officers of the level of Deputy Secretary and above to the extent of 100% strength. The remaining staff will attend upto 33% as per requirement. However, Defense and Security services, Health and Family Welfare, Police, Prisons, Home Guards, Civil Defence, Fire and Emergency Services, Disaster management and related services, NIC, Customs, FCI, NCC, NYK and Municipal services shall function without any restrictions; delivery of public services shall be ensured and necessary staff will be deployed for such purpose.

**8. Activities in Orange Zones [Outside Containment Zones]**

- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall not be permitted:
  - a. Inter-district and Intra-district plying of buses.
- ii. The following activities shall be permitted with restrictions as are specified:
  - a. Taxis and cab aggregators, with 1 driver and 2 passengers only.
  - b. Inter-district movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the driver.

- 9. Activities in Green Zones**
- i. All activities are permitted in Green Zones, except those activities that are prohibited under Para 4.
  - ii. Buses can operate with upto 50% seating capacity.
  - iii. Bus depots can operate with upto 50% capacity.
- 10. All other activities will be permitted activities, which are not specifically prohibited/ permitted with restrictions in the various Zones, under these guidelines. However, States/ UTs, based on their assessment of the situation, and with the primary objective of keeping the spread of COVID-19 in check, may allow only select activities from out of the permitted activities, with such restrictions as felt necessary.**
- 11. All States/ UTs shall allow inter-state movement of goods/ cargo, including empty trucks.**
- 12. No State/ UT shall stop the movement of cargo for cross land-border trade under Treaties with neighbouring countries.**
- 13. No separate/ fresh permissions are required from authorities for activities already permitted to operate under the guidelines on Lockdown measures up to May 3, 2020. The following Standard Operating Protocols (SOPs) issued by MHA will continue to operate:**
- i. SOP on transit arrangement for foreign national(s) in India and release of quarantine persons, issued vide Order dated April 02, 2020.
  - ii. SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.
  - iii. SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.
  - iv. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020.
  - v. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons by train, issued vide Order dated May 01, 2020.
- 14. Strict enforcement of the lockdown guidelines**  
State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
- 15. Instructions for enforcement of above lockdown measures:**
- i. All the district magistrates shall strictly enforce the above lockdown measures and the National Directives for COVID 19 Management, for public and work places, as specified in **Annexure I**.
  - ii. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such Incident Commander. The Incident Commander will issue passes for enabling essential movements as explained.
  - iii. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.



**16. Penal provisions**

Any person violating these lockdown measures and the National Directives 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 II**.

  
Union Home Secretary

**National Directives for COVID-19 Management**

**PUBLIC PLACES**

1. Wearing of face cover is compulsory in all public places.
2. All persons in charge of public places and transport shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare.
3. No organization/ manager of public place shall allow gathering of 5 or more persons.
4. Marriages related gatherings shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.
5. Funeral/ last rites related gatherings shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.
6. Spitting in public places shall be punishable with fine, as may be prescribed by the State/ UT local authority.
7. Consumption of liquor, *paan*, *gutka*, tobacco etc. in public places is not allowed.
8. Shops selling liquor, *paan*, *gutka*, tobacco etc. will ensure minimum six feet distance (*2 gaz ki doori*) from each other, and also ensure that not more than 5 persons are present at one time at the shop.

**WORK PLACES**

9. Wearing of face cover is compulsory in all work places and adequate stock of such face covers shall be made available.
10. All persons in charge of work places shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare, both within the work places and in company transport.
11. Social distancing at work places shall be ensured through adequate gaps between shifts, staggering the lunch breaks of staff, etc.
12. Provision for thermal scanning, hand wash and sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. In addition, sufficient quantities of handwash and sanitizer shall be made available in the work places.
13. 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.
14. 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.
15. Use of *Arogya Setu* app shall be made mandatory for all employees, both private and public. It shall be the responsibility of the Head of the respective Organizations to ensure 100% coverage of this app among the employees.
16. Large physical meetings to be avoided.
17. 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.



18. Arrangements for transport facilities shall be ensured with social distancing, wherever personal/ public transport is not feasible.
  19. Intensive communication and training on good hygiene practices shall be taken up.
- 



**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—

- i. "company" means any body corporate and includes a firm or other association of individuals; and
- ii. "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.

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