

मौलाना आज़ाद नेशनल उर्दू यूनिवर्सिटी مولانا آزاد نیشنل اردو یونیورسٹی  
**MAULANA AZAD NATIONAL URDU UNIVERSITY**  
(A Central University established by an Act of Parliament in 1998)  
(Accredited "A" Grade by NAAC)



**ADMINISTRATION – SECTION** / प्रशासन अनुभाग

सं./No. MANUU/Admn /F.161/2020-21/ 1060

दिनांक : 31.12.2020

**OFFICE ORDER / कार्यालय आदेश**

**Sub/विषय:** Guidelines for Surveillance, Containment and Caution till 31<sup>st</sup> January, 2021- reg.

**Ref./ संदर्भ:**

1. MHA orders No.40-3/2020-DM-I(A) GOI, dated 28<sup>th</sup> December,2020
2. MHA orders No.40-3/2020-DM-I(A) GOI, dated 25<sup>th</sup> November,2020.
3. MHA orders No.40-3/2020-DM-I(A) GOI, dated 27<sup>th</sup> October , 2020.
4. No. MANUU/Admn /F.61/2020-21/1051 dated 28.12.2020
5. No. MANUU/Admn /F.61/2020-21/411 dated 28.10.2020
6. No. MANUU/Admn /F.61/2020-21/1003 dated 01.10. 2020.
7. Approval of the Vice Chancellor dated : 31.12.2020

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The Government of India, Ministry of Home Affairs, vide orders **No.40-3/2020-DM-I(A), dated 28<sup>th</sup> December, 2020**, has directed that the guidelines for surveillance, containment and caution in connection with COVID-19 issued vide Ministry of Home Affairs order of even number dated 25.11.2020 with this order as annexed, will be in force upto 31<sup>st</sup> January 2021.

In view of the above, it shall be noted that the University shall function in accordance with the Orders and the Guidelines and directives referred above issued by the Ministry of Home Affairs. (Copy enclosed). However, National directives for COVID-19 Management as annexed, in the referred order are also to be followed strictly.

- 1) The COVID-19 Monitoring Committee (MANUU Health Committee) of MANUU, is requested to assess the situation regularly and be suggesting / taking the required measures for the containment of COVID-19 pandemic.
- 2) Further, the COVID-19 Monitoring Committee would continue to take care of the mental health and well being of all the stacke holders of the University and help them to overcome the stress, tension, depression and other mental issues, if any, and direct, aid and advice the Health Committees of Satellite Campuses of the University in the regard.
- 3) Moreover, the MANUU Health Committee is requested to submit when ever required, proposal for the procurement of precautionary material as per the directive of GOI/UGC issued from time to time.
- 4) No Guest shall be accommodated in the University Guest House till furthers orders.

मौलाना आजाद नेशनल उर्दू यूनिवर्सिटी مولانا آزاد نیشنل اردو یونیورسٹی  
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- 5) Concerned Heads of Sections/Departments/Directorates/Centers are advised to incur expenditure from the imprest for the purchases of sanitizers, face masks etc. if required they may draw advance also for the purpose.
- 6) The States/UT's where based on assessment of local situations to keep the spread of COVID 19 in check, local restrictions have been imposed and attendance of officers/ staff is not feasible due to such restrictions, the matter may be reported by the employee to the concerned Head / Incharge / Headquarters as containment of COVID-19, health and life are more important than any thing else. However, they should be available online to their respective Head during the working hours and attend the Office work/online teaching, as the case may be.
- 7) All Off-Campuses shall also follow the specific guidelines received by the respective States/UT's wherein they are situated.

*Siddhant 12.20.21*  
**Registrar I/c**  
प्रभारी कुलसचिव

To

All Deans of Schools of Studies/ Heads of Departments/Directors of the Centres and Directorates/Principals/ Incharges / Central Library and Heads of Sections (Teaching and Non-Teaching) Headquarters and Satellite Campuses, Regional Centres, Sub-Regional Centres, DSW, Proctor & Incharge Security, Provost (Boys&Girls)

Copy to:

1. Offices of Vice-Chancellor / Registrar /FO
2. Director, CIT for uploading on University Website
3. Concerned file



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

North Block, New Delhi-110001  
Dated 28<sup>th</sup> December, 2020

**ORDER**

In exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines for Surveillance, Containment and Caution issued *vide* Ministry of Home Affairs' Order of even number dated 25.11.2020, will remain in force upto 31.01.2021.


  
Union Home Secretary  
and, Chairman, National Executive Committee (NEC)

To

1. The Secretaries of Ministries /Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories (As per list attached)

Copy to:

- i. All Members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

  
28/12/2020

J.R. Adnan.

Examine and put up. (urgent pl)  
for for a according to  
the order

VC Office / دفتر شیخ الجامعہ

F.M.No. / تحریر کیل نمبر 1017

Inward Dt. / تاریخ ادخال

Outward Dt. / تاریخ اخراج 28/12/2020





D.O. No. 40-3/2020-DM-I(A)

28<sup>th</sup> December, 2020

Dear Chief Secretary,

Kindly refer to Ministry of Home Affairs' (MHA) Order of even number issued today by which guidelines for Surveillance, Containment and Caution, that were issued vide Order dated 25.11.2020, have been extended upto 31<sup>st</sup> January, 2021.

2. As you are aware, while the number of active cases are declining steadily for last 2-3 months, the overall situation appears optimistic. However, keeping in view the fresh surge in cases globally and emergence of new variant of virus in United Kingdom, there is a need for maintaining caution and strict surveillance.
3. Strict vigil is also needed to be maintained to prevent any fresh surge in cases in wake of upcoming New year celebrations and ongoing winter season which are favourable for the spread of the virus. In this regard, appropriate measures may be taken by the State / UT Governments.
4. Further, Government of India has started preparations for administration and roll-out of vaccine for COVID-19. The National Expert Group on Vaccine Administration for COVID-19 (NEGVAC) has recommended prioritization of this vaccine during the initial phases to Health Care Workers, Front Line Workers, Persons aged 50 years and above and those below 50 years of age with comorbidities. States/UTs may instruct the concerned authorities for their active support to the Ministry of Health and Family Welfare (MoHFW) in identification, preparation of database, vaccine delivery, storage, security, shipment and vaccination of beneficiaries.
5. Attention is also drawn here that on 18<sup>th</sup> December, 2020, in a suomotu WP (C) No. 7, the Hon'ble Supreme Court has issued directions to State Governments, inter-alia, for strict enforcement of guidelines/ SOPs issued by Union/ State Governments; strict compliance on COVID-Appropriate behaviour such as, wearing of masks, keeping social distancing etc.; stern action against those who are violating guidelines/ SOPs; regulation of gatherings etc. consider imposition of curfew on weekends/ night and to enforce complete lockdown in containment zones. A copy of the aforesaid Order is enclosed for taking necessary action.

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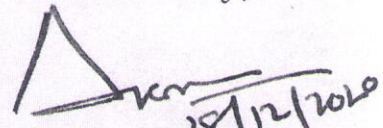


6. I would like to re-emphasize that essence behind the graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. States/UTs, based on their assessment of the situation, may impose local restrictions with a view to contain the spread of COVID-19, such as night curfew. However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries.

7. I would urge you to ensure compliance of the aforesaid guidelines and direct all authorities concerned for its strict implementation. Further, guidelines issued by MHA and consequent Orders issued by the respective State Governments/ UT Administration should be widely disseminated to the public and to the field functionaries for implementation.

With regards,

Yours sincerely,

  
(Ajay Bhalla) 28/12/2020

**Chief Secretaries of All States**  
(As per Standard List attached)



## Guidelines for Surveillance, Containment and Caution

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A)  
dated 25<sup>th</sup> November, 2020]


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

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

The following guidelines are issued to be effective from 1<sup>st</sup> December 2020.

### • COVID appropriate behavior

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

  
25/11/2020






4. SOPs for regulating travel in aircrafts, trains and metro rails are already in place, which shall be strictly enforced. States and UTs shall issue necessary guidelines for regulating travel in other modes of public transport, e.g., buses, boats etc., and ensure that these are strictly complied with.
5. The National Directives for COVID-19 Management, as specified in **Annexure I**, shall be strictly followed throughout the country.

#### **/ Surveillance and Containment**

6. Effective demarcation of Containment Zones, in vulnerable and high incidence areas, is key to breaking the chain of transmission and controlling the spread of the virus. Containment Zones shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare (MoHFW) in this regard. The list of Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs. This list will also be shared with MoHFW.
7. Within the demarcated Containment Zones, containment measures, as prescribed by MoHFW, shall be scrupulously followed, as under:
  - i. Only essential activities shall be allowed in the Containment Zones.
  - ii. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services.
  - iii. There shall be intensive house-to-house surveillance by surveillance teams formed for the purpose.
  - iv. Testing shall be carried out as per prescribed protocol.
  - v. 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 hours).
  - vi. Quick isolation of COVID-19 patients shall be ensured in treatment facilities/ home (subject to fulfilling the home isolation guidelines).
  - vii. Clinical interventions, as prescribed, shall be administered.
  - viii. Surveillance for ILI/ SARI cases shall be carried out in health facilities or outreach mobile units or through fever clinics in buffer zones.
  - ix. Awareness shall be created in communities on COVID-19 appropriate behaviour.
8. **It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed Containment measures are**

 25/11/2020



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

**Strict adherence to the prescribed SOPs**


9. All activities have been permitted outside Containment Zones, except for the following, which have been permitted with certain restrictions:
- i. International air travel of passengers, as permitted by MHA.
  - ii. Cinéma halls and theatres, with upto 50% capacity.
  - iii. Swimming pools, only for training of sports persons.
  - iv. Exhibition halls, only for business to business (B2B) purposes.
  - v. Social/ religious/ sports/ entertainment/ educational/ cultural/ religious gatherings, with upto a maximum of 50% of the hall capacity, with a ceiling of 200 persons in closed spaces; and keeping of the size of the ground/ space in view, in open spaces.

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

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

**Local restrictions**

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

 25/11/2020



Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

#### **Protection of vulnerable persons**

16. Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

#### **Use of *Aarogya Setu***

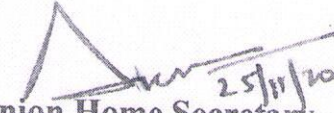
17. *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
18. With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.
19. Organizations and Business entities with 50 or more employees are encouraged to avail the *Aarogya Setu* OpenAPI Service (<https://openapi.aarogyasetu.gov.in>). OpenAPI feature will facilitate Organisations and employees to return to work in a COVID 19 risk free environment.
20. District authorities may advise individuals to install the *Aarogya Setu 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.

#### **Strict enforcement of the guidelines**

21. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
22. For the enforcement of social distancing, State/ UT Governments may, as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973.
23. All the District Magistrates shall strictly enforce the above measures.

#### **Penal provisions**

24. Any person violating these measures 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 Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III**.

  
25/11/2020  
**Union Home Secretary**  
**and, Chairman, National Executive Committee**




**NATIONAL DIRECTIVES FOR COVID-19 MANAGEMENT**

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; 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.
3. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.

*Additional directives for Work Places*

4. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
5. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
6. **Screening & hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry points and of hand wash or sanitizer at 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 work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

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25/11/20 20



## Annexure II

## LIST OF SOPS PRESCRIBED FOR VARIOUS ACTIVITIES

S No	Name of Activity	SOP issue date	Weblink
1	Sign-on and sign-off of Indian Seafarers at Indian Ports and their movement	21.04.20	<a href="https://www.mha.gov.in/sites/default/files/MHAOrder_21042020_0.pdf">https://www.mha.gov.in/sites/default/files/MHAOrder_21042020_0.pdf</a>
2	Movement of Indian Nationals stranded outside the country and of specified persons to travel abroad	Revised on 22.08.20	<a href="https://www.civilaviation.gov.in/sites/default/files/MHA_SOP_dtd_22_08_2020_on_international_travel_under_Vande_Bharat_and_Bubble_flights.pdf">https://www.civilaviation.gov.in/sites/default/files/MHA_SOP_dtd_22_08_2020_on_international_travel_under_Vande_Bharat_and_Bubble_flights.pdf</a>
3	Movement of persons by train	19.05.20	<a href="https://www.mha.gov.in/sites/default/files/MHA%20Order%20Dt.%2019.5.2020%20reg.%20revised%20SoPs%20on%20movement%20of%20stranded%20workers%20by%20trains.pdf">https://www.mha.gov.in/sites/default/files/MHA%20Order%20Dt.%2019.5.2020%20reg.%20revised%20SoPs%20on%20movement%20of%20stranded%20workers%20by%20trains.pdf</a>
4	Domestic air travel of passengers	25.05.20	<a href="https://www.civilaviation.gov.in/sites/default/files/Order_dated_25th_May_2020_on_recommencement_of_domestic_air_services.pdf">https://www.civilaviation.gov.in/sites/default/files/Order_dated_25th_May_2020_on_recommencement_of_domestic_air_services.pdf</a>
5	Religious places/ places of worship	04.06.20	<a href="https://www.mohfw.gov.in/pdf/2SoPstobefollowedinReligiousPlaces.pdf">https://www.mohfw.gov.in/pdf/2SoPstobefollowedinReligiousPlaces.pdf</a>
6	Hotels, restaurants and other hospitality services	04.06.20	<a href="https://www.mohfw.gov.in/pdf/3SoPstobefollowedinRestaurants.pdf">https://www.mohfw.gov.in/pdf/3SoPstobefollowedinRestaurants.pdf</a>
7	Shopping Malls	04.06.20	<a href="https://www.mohfw.gov.in/pdf/4SoPstobefollowedinShoppingMalls.pdf">https://www.mohfw.gov.in/pdf/4SoPstobefollowedinShoppingMalls.pdf</a>
8	Offices	04.06.20	<a href="https://www.mohfw.gov.in/pdf/1SoPstobefollowedinOffices.pdf#_blank">https://www.mohfw.gov.in/pdf/1SoPstobefollowedinOffices.pdf#_blank</a>
9	Training Institutions of the Central and State Governments	05.07.20	<a href="https://dopt.gov.in/sites/default/files/Scan101.pdf">https://dopt.gov.in/sites/default/files/Scan101.pdf</a>
10	Yoga Institutes and gymnasiums	03.08.20	<a href="https://www.mohfw.gov.in/pdf/Guidelinesonyogainstitutesandgymnasiums03082020.pdf">https://www.mohfw.gov.in/pdf/Guidelinesonyogainstitutesandgymnasiums03082020.pdf</a>



S No	Name of Activity	SOP issue date	Weblink
11	Metro Rail	03.09.20	<a href="http://mohua.gov.in/cms/covid19metrosop.php">http://mohua.gov.in/cms/covid19metrosop.php</a>
12	Skill or entrepreneurship training institutions, higher educational institutions conducting doctoral courses and post graduate studies in technical & professional programs requiring laboratory /experimental work.	08.09.20	<a href="https://www.mohfw.gov.in/pdf/FinalSOPonSkillinstitutions&amp;PGinstitutes08092020.pdf">https://www.mohfw.gov.in/pdf/FinalSOPonSkillinstitutions&amp;PGinstitutes08092020.pdf</a>
13	Schools	05.10.20	<a href="https://www.education.gov.in/sites/upload_files/mhrd/files/SOP_Guidelines_for_reopening_schools.pdf">https://www.education.gov.in/sites/upload_files/mhrd/files/SOP_Guidelines_for_reopening_schools.pdf</a>
14	Cinema hall/ theatres/ multiplex	06.10.20	<a href="https://mib.gov.in/sites/default/files/SOP%20for%20exhibition%20of%20films.pdf">https://mib.gov.in/sites/default/files/SOP%20for%20exhibition%20of%20films.pdf</a>
15	Festivals	06.10.20	<a href="https://www.mohfw.gov.in/pdf/StandardOperatingProceduresonpreventivemeasurestocontainspreadofCOVID19duringfestivities.pdf#_blank">https://www.mohfw.gov.in/pdf/StandardOperatingProceduresonpreventivemeasurestocontainspreadofCOVID19duringfestivities.pdf#_blank</a>
16	Colleges/ Higher Education Institution	07.11.20	<a href="https://www.ugc.ac.in/pdfnews/1360511_UCG-Guidelines-for-Re-opening-of-Universities-and-Colleges.pdf">https://www.ugc.ac.in/pdfnews/1360511_UCG-Guidelines-for-Re-opening-of-Universities-and-Colleges.pdf</a>
17	Entertainment parks and similar places	08.10.20	<a href="https://www.mohfw.gov.in/pdf/SOPonpreventivemeasurestobefollowedinEntertainmentParksandsimilarplacestocontainspreadofCOVID19.pdf">https://www.mohfw.gov.in/pdf/SOPonpreventivemeasurestobefollowedinEntertainmentParksandsimilarplacestocontainspreadofCOVID19.pdf</a>
18	Anganwadi Kendra	11.11.20	<a href="https://wcd.nic.in/sites/default/files/AWC%20services%20continuation_0.pdf">https://wcd.nic.in/sites/default/files/AWC%20services%20continuation_0.pdf</a>
19	Various congregations	-	Issued by the respective States/ UTs



**Offences and Penalties for Violation of Lockdown Measures**

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

**51. Punishment for obstruction, etc.**—Whoever, without reasonable cause —

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

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

**52. Punishment for false claim.**—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**53. Punishment for misappropriation of money or materials, etc.**—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**54. Punishment for false warning.**—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

**55. Offences by Departments of the Government.**—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his



knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.**—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

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

**58. Offence by companies.**—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section—

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.



**59. Previous sanction for prosecution.**—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

**60. Cognizance of offences.**—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

**B. Section 188 in the Indian Penal Code, 1860**

**188. Disobedience to order duly promulgated by public servant.**—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or 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.

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