



गोंडवाना विद्यापीठ, गडचिरोली

(महाराष्ट्र शासन अधिसूचना क्रमांक २००७/(३२२/०७)विशि-४ महाराष्ट्र विद्यापीठ अधिनियम १९९४(१९९४ चा महा.३५) च्या कलम ३ च्या पोटकलम(२) अन्वये दिनांक २७ सप्टेंबर, २०११ रोजी स्थापित व महाराष्ट्र सार्वजनिक विद्यापीठ अधिनियम, २०१६ (सन २०१७ चा महाराष्ट्र विद्यापीठ अधिनियम क्रमांक ६) द्वारा संचालित राज्य विद्यापीठ)

(आस्थापना विभाग)

एम. आय. डी. सी. रोड, कॉम्प्लेक्स, गडचिरोली जि. गडचिरोली ४४२६०५
दुरध्वनीक्र. ०७१३२-२२३१०४ email:- gondwanaesst@gmail.com

जा.क्र. गो.वि./आस्था./२८९४/२०२०

दि. २०/१०/२०२०

परिपत्रक

विषय:- Easing of Restrictions and Phase-wise opening of Lockdown (MISSION BEGIN AGAIN) बाबत.

- संदर्भ :- १) मा. शिक्षण संचालक (उच्च शिक्षण), महाराष्ट्र राज्य, पुणे -१ यांचे पत्र क्र. उशिसं/२०२०/कोरोना उपस्थिती/मवि-१/६७९० दिनांक १५ ऑक्टोबर, २०२०
२) महसुल, वन, आपत्ती व्यवस्थापन मदत व पुनर्वसन विभाग महाराष्ट्र शासन यांचे आदेश क्र. DMU/2020/CR- 92/DisM-1. दिनांक १४ ऑक्टोबर, २०२०
३) महसुल, वन, आपत्ती व्यवस्थापन मदत व पुनर्वसन विभाग महाराष्ट्र शासन यांचे आदेश क्र. DMU/2020/CR- 92/DisM-1. दिनांक ३१ ऑगस्ट, २०२०
४) विद्यापीठ परिपत्रक क्र. गो.वि./आस्था./२८२९/२०२० दिनांक ०६/१०/२०२०

विद्यापीठाशी संलग्नित सर्व महाविद्यालये, विद्यापीठाचे पदव्युत्तर शैक्षणिक विभाग व विद्यापीठाच्या प्रशासकीय विभागांना विदीतच आहे की, कोव्हिड-१९ या जागतिक महामारीच्या परिस्थितीत संपूर्ण देशात टाळेबंदी घोषित करण्यात आलेली आहे. संदर्भिय क्र. २ व ३ अन्वये टाळेबंदीच्या कालावधीत ३१ ऑक्टोबर, २०२०पर्यंत वाढ करण्यात आली आहे.

राज्यामध्ये वाढत असलेला कोरोना विषाणू (कोव्हिड-१९) चा प्रादुर्भाव रोखण्यासाठी संदर्भिय क्र. १ व २ अन्वये सुचना निर्गमित करण्यात आल्या असून सोबत संलग्नित सुचनांच्या अनुषंगाने आवश्यक ती कार्यवाही आपल्या स्तरावरून करण्यात यावी. तसेच विद्यापीठाशी संलग्नित सर्व शैक्षणिक संस्था/महाविद्यालये दिनांक ३१ ऑक्टोबर, २०२० रोजी पर्यंत बंद राहतील. तथापि ऑनलाईन व दुरस्थ शिक्षणाकरीता परवानगी देण्यात आली आहे. त्यानुसार पुढील कार्यवाही करण्यात यावी.

वरील संदर्भिय आदेश/शासन निर्णय/परिपत्रक /पत्र या परिपत्रकासमवेत संलग्नित आहेत. कृपया अवलोकन व्हावे. तसेच पदव्युत्तर शैक्षणिक विभागप्रमुख, सर्व संलग्नित महाविद्यालयांचे प्राचार्य, शिक्षक तसेच प्रशासकीय विभागांचे प्रमुख, अधिकारी/कर्मचारी यांना कार्यालयीन उपस्थिती दरम्यान आपत्ती व्यवस्थापन, मदत व पुनर्वसन विभाग यांच्या कोव्हिड-१९ च्या व्यवस्थापनाबाबत राष्ट्रीय मार्गदर्शक सुचना तसेच सार्वजनिक आरोग्य विभागाने प्रसिध्द केलेल्या सर्व मार्गदर्शक सुचनांचे काटेकोरपणे पालन करावे व त्याबाबत अनुपालन अहवाल संचालनालयास सादर करण्यात यावा.

(डॉ. ईश्वर श्रा. मोहले)

कुलसचिव

गोंडवाना विद्यापीठ, गडचिरोली

सहपत्र:- संदर्भिय शासन आदेश व पत्र

प्रतिलिपी:-

१. मा. कुलगुरू, गोंडवाना विद्यापीठ, गडचिरोली यांना माहितीस्तव सविनय सादर.
२. मा. प्र-कुलगुरू, गोंडवाना विद्यापीठ, गडचिरोली यांना माहितीस्तव सविनय सादर.
३. मा. शिक्षण संचालक, उच्च शिक्षण, महाराष्ट्र राज्य, पुणे यांना माहितीस्तव सविनय सादर.
४. मा. सहसंचालक, उच्च शिक्षण, नागपूर विभाग, नागपूर यांना माहितीस्तव सादर.
५. विद्यापीठाशी संलग्नित महाविद्यालयांचे प्राचार्य यांना आवश्यक कार्यवाहीसाठी अग्रेषित.
६. विद्यापीठाच्या पदव्युत्तर शैक्षणिक विभागांचे सर्व विभाग प्रमुख, यांना आवश्यक कार्यवाहीसाठी अग्रेषित.
७. विद्यापीठाचे सर्व प्रशासकीय विभाग/युनिट प्रमुख यांना आवश्यक कार्यवाहीसाठी अग्रेषित.
८. विभाग प्रमुख, विज्ञान व तंत्रज्ञान संसाधन केंद्र, गोंडवाना विद्यापीठ, गडचिरोली.



महाराष्ट्र शासन

शिक्षण संचालनालय, (उच्च शिक्षण)

महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे ४११ ००१

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फोन नं.०२०/२६१२२११९, २६०५१५१२, २६१३०६२७, २६१२४६३९

फोन नं.०२०/२६११११५३

क्रमांक : उशिस/२०२०/कोरोना उपस्थिती/मवि-१/ 6790

दिनांक १५.१०.२०२०

प्रति,

१. मा. कुलगुरु,
सर्व अकृषी / अभिमत / स्वयं अर्थसाहाय्यीत विद्यापीठे,
२. सर्व विभागीय सहसंचालक, उच्च शिक्षण,
३. सर्व प्राचार्य, शासकीय / अशासकीय अनुदानित / विनाअनुदानित महाविद्यालये /
मॉडेल डिग्री महाविद्यालये

15 OCT 2020

**विषय : Easing of Restrictions and Phase-wise opening of
Lockdown, (MISSION BEGIN AGAIN).**

- संदर्भ :**
१. Government of Maharashtra Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai Order No.DMU/ २०२०/CR.९२/DisM-१, Dated ३१ August २०२०.
 २. Government of Maharashtra Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai Order No.DMU/२०२०/CR.९२/DisM-१, Dated ३० September २०२०
 ३. Govt.of India Ministry of Home Affairs order NO.४०-३/२०२०-DM-I(A) Dated ३० September २०२०
 ४. Government of Maharashtra Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai Order No.DMU/२०२०/CR.९२/DisM-१, Dated १४ October २०२०

उपरोक्त विषयी संदर्भाय आदेशाची प्रत सोबत जोडली आहे. तरी सदर आदेशामध्ये दिलेल्या संबंधित सूचनांच्या अनुषंगाने आवश्यक ती कार्यवाही करण्यात यावी.

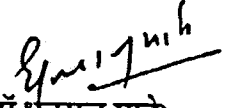
कोव्हिड-१९ चा पादुर्भाव टाळण्याकरीता पुढील सूचनांचा अवलंब काटेकोरपणे करण्यात यावा.

१. सर्वांनी योग्य त्या मास्कचा आणि योग्य पध्दतीने (नाकापासून ते हनुवटीपर्यंत पुर्ण आवरण) अनिवार्यपणे वापर करावा.
२. सावणाने वारंवार हात योग्य पध्दतीने कमीत कमी २० सेकंद धुवावेत.
३. ७० टक्के अल्कोहोलयुक्त सॅनिटायझरचा वापर करावा.
४. खोकताना किंवा शिकताना रुमालाचा वापर करावा.
५. दोन व्यक्तीमध्ये कमीत कमी ६ फुटांचे अंतर राखावे.
६. कोणत्याही सार्वजनिक ठिकाणी धुकू नये.
७. अनावश्यक गर्दी करणे व गर्दीची ठिकाणे टाळावीत.
८. परिसर व वैयक्तिक स्वच्छता पाळावी.

९. वारंवार डोळे, नाक व चेह-याला हाताने स्पर्श करु नये.

१०. सर्दी ,ताप व इतर लक्षणे आढळल्यास तात्काळ वैद्यकीय सल्ला घ्यावा.

तसेच सर्व विभागीय सहसंचालक, उच्च शिक्षण यांनी सदर आदेशान्वये दिलेल्या सूचनांच्या अनुषंगाने संबंधित अकृषी / अभिमत/ स्वयं अर्थसहाय्यित विद्यापीठ तसेच अधिनस्त शासकीय / अशासकीय अनुदानित / विनाअनुदानित / कायम विनाअनुदानित / मॉडेल डिग्री महाविद्यालये / वसतीगृहे व परिसंस्था यांना सूचना देण्यात याव्यात व त्याबाबत अनुपालन अहवाल संचालनालयास सादर करण्यात यावा.



(डॉ. धनराज प्राने)

शिक्षण संचालक (उच्च शिक्षण)

महाराष्ट्र राज्य, पुणे- १

प्रत : मा.अपर मुख्य सचिव, उच्च व तंत्रशिक्षण विभाग, मंत्रालय विस्तार भवन, मुंबई ४०००३२ यांना माहितीसाठी

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 14 October, 2020

ORDER

Easing of Restrictions and Phase-wise opening of Lockdown. (MISSION BEGIN AGAIN)

Reference:

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

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee has issued an Order dated 30th September, 2020 to extend the lockdown measures up to 31st October, 2020 and issued revised consolidated guidelines from time to time vide above mentioned orders to contain the spread of COVID-19.

Whereas the State Government is satisfied and is of the view to re-open certain activities in areas outside the Containment Zone.

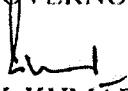
Now, therefore, in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under The Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues orders to include the activities mentioned in Annexure II herewith in the guidelines Order dated 30th September, 2020 after careful consideration of planning of containment areas and availability of health infrastructure, for the strict implementation by the concerned authorities of all the departments in the State of Maharashtra with immediate effect.

MISSION BEGIN AGAIN

It is directed that the National Directives for COVID-19 management as specified in Annexure I shall be followed throughout the State. The activities already allowed and permitted from time to time and as mentioned in Annexure II shall be continued and all earlier orders shall be aligned with this order and shall remain in force up to 31st October, 2020. Further easing under MISSION BEGIN AGAIN will be notified in the due course.

Any person violating these measures, guidelines or SOPs issued from time to time by the State Government, 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.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA


(SANJAY KUMAR)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

Copy to :

1. Principal Secretary to Hon'ble Governor of Maharashtra, Mumbai.
2. Hon'ble Chairman, Maharashtra Legislative Council.
3. Hon'ble Speaker, Maharashtra Legislative Assembly.
4. The Chairman, Railway Board, Rail Bhawan, New Delhi.
5. Additional Chief Secretary to Hon'ble Chief Minister, Government of Maharashtra.
6. Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra.
7. The Chief General Manager, Central Railway, CSMT, Mumbai.
8. The Chief General Manager, Western Railway, Churchgate, Mumbai
9. Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra.
10. Private Secretary to Leader of Opposition, Legislative Council / Assembly.
11. Private Secretaries of All Hon'ble Minister/Minister of State, Mantralaya.
12. All Additional Chief Secretaries / Principal Secretaries / Secretaries of Government of Maharashtra.
13. Director General of Police, Maharashtra State, Mumbai.
14. Principal Secretary, Public Health Department, Mantralaya.
15. Secretary, Medical Education, Mantralaya,
16. All Divisional Commissioners in the State
17. All Commissioners of Police in the State
18. All Commissioners of Municipal Corporations in the State
19. All District Collectors
20. All Chief Executive Officers, Zilla Parishad
21. All District Superintendents of Police in the State

(MISSION BEGIN AGAIN: Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 400 032, No: DMU/2020/CR. 92/DisM-1, Dated: 14 October, 2020)

National Directives for COVID-19 Management

- 1) **Face coverings** – wearing of face cover is compulsory in public places, in work places and during transport.
- 2) **Social distancing** – Individuals must maintain a minimum distance of 6 feet (2 Gaz Ki doori) in public places.
Shops will ensure physical distancing among customers and will not allow more than five persons at one time.
- 3) **Gatherings** – large public gatherings / congregations continue to remain prohibited.
Marriage related Gatherings – Number of guests not to exceed 50.
Funeral / last rites related Gatherings – Number of persons not to exceed 20.
- 4) **Spitting in public places** will be punishable with fine, as may be prescribed by the concerned authority in accordance with its laws, rules or regulations.
- 5) **Consumption of liquor, Paan, gutka, tobacco, etc** in public places is prohibited.

Additional directives for work places.

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

Annexure II

(MISSION BEGIN AGAIN: Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 400 032, No: DMU/2020/CR. 92/DisM-1, Dated: 14 October, 2020)

1. Containment Zones :-

- i. The Containment Zones in the State as categorised vide order dated 19th May, 2020 and 21st May, 2020 will remain in force till further orders.
 - ii. The directions issued by the Central Government and State Government from time to time to demarcate the Containment Zones and operations therein will be in force till further orders.
 - iii. Considering the local conditions, the concerned District Collector and the Commissioners of the Municipal Corporations in the State may enforce certain measures and necessary restrictions in specified local areas on the permitted non-essential activities and the movement of persons to contain the spread of the epidemic only with the prior written approval of Chief Secretary, Maharashtra.
2. All essential shops which are allowed to remain open before this order, shall continue to do so.
3. The activities already allowed and permitted from time to time shall be continued and all earlier orders shall be aligned with this order and shall remain in force up to 31st October, 2020.

4. The following activities will be permitted outside the Containment Zones:-

In areas outside the Containment Zones, all activities will be permitted, except the following:

- i. International Air travel of passengers, except as permitted by MHA.
- ii. Schools, colleges, educational and coaching institutions will continue to remain closed for students and regular class activity up to 31st October, 2020.
 - a) Online / distance learning shall continue to be permitted and shall be encouraged.
 - b) Permission will be granted upto 50% of teaching and non-teaching staff to be called to the schools at a time for online teaching / tele-counseling and related works, in areas outside the Containment Zones only with effect from 15th October. The SOP regarding health and safety precautions for the same will be issued by the School Education Department. The School Education Department will take into consideration the SOP issued by the Ministry of

Health and Family Welfare and the Department of School Education and Literacy, Ministry of Education, Government of India.

- iii. Skill or Entrepreneurship training will be permitted in National Skill Training Institutes, Industrial Training Institutes (ITIs), short term training centres registered with National Skill Development Corporation or State Skill Development Missions or other Ministries of Government of India or Government of Maharashtra.

National Institute for Entrepreneurship and Small Business Development (NIESBUD), Indian Institute of Entrepreneurship (IIE) and their training providers will also be permitted.

This will be permitted with effect from 15th October, 2020. The SOP issued by the Ministry of Health and Family Welfare will be followed.

- iv. In Higher Education Institutions, online / distance learning shall continue to be the preferred mode of teaching and shall be encouraged. However, Higher Education Institutions only for research scholars (Ph.D) and post-graduate students in science and technology stream requiring laboratory / experimental works will be permitted to open from 15th October, 2020 as under:

- a) For Centrally Funded Higher Education Institutions, the Head of Institution will satisfy herself / himself that there is a genuine requirement of research scholars (Ph.D) and post-graduate students in science and technology stream for laboratory / experimental works.
- b) For all other Higher Education Institutions e.g. State Universities, Private Universities etc., they may open only for research scholars (Ph.D) and post-graduate students in science and technology stream requiring laboratory / experimental works.

These will be permitted by the Department of Higher Education (DHE) in consultation with MHA, based on the assessment of the situation and keeping in view incidence of COVID-19 in the Districts. The SOP for the operation of the same will be issued by the Higher and Technical Education Department.

- v. All Government and Private Libraries, will be allowed to function following all COVID 19 protocols of social distancing and sanitation from 15th October, 2020. The SOP for the operation of the same will be issued by the Higher and Technical Education Department.
- vi. Metro Rail will be allowed to operate with effect from 15th October, 2020 in a graded manner. The SOP for the same will be issued by the Urban Development

- Department. The Urban Development Department will take into consideration the SOP issued by the Ministry of Housing and Urban Affairs for the same.
- vii. Marriage, other personal family functions and related gatherings with number of guests not exceeding 50 and funeral/last rites related gatherings with number of persons not exceeding 20 will continue to be allowed.
 - viii. Gardens, Parks and public open spaces for recreational purposes will continue to be open.
 - ix. Business to Business (B2B) Exhibitions will be permitted to open, in areas outside the Containment Zones only with effect from 15th October, 2020. The SOP for the same will be issued by the Industries Department. The Industries Department will take into consideration the SOP issued by the Department of Commerce, Government of India.
 - x. Local weekly bazaars (including that of the animals) will be permitted to open, in areas outside the Containment Zones only with effect from 15th October, 2020. The SOP for the same will be issued by the concerned Rural / Urban Local Bodies and all the protocols of the COVID-19 shall be followed strictly.
5. With an objective to control / reduce crowding, the markets / shops will be permitted to open for 2 additional hours and can function from 9 am to 9 pm in areas outside the Containment Zones only with effect from 15th October, 2020.
 6. The domestic passengers arriving at different Airports shall be checked for COVID symptoms. Stamping with indelible ink shall be immediately done away with.
 7. The health check-up and stamping of the passengers at the railway stations arriving by trains in the State of Maharashtra will be done away with. However, these passengers should follow all the COVID 19 protocols of social distancing and sanitation.
 8. Any other allowed and permitted activity by any specific/ general order would continue to operate.
 9. In order to contain the spread of the epidemic, any activities other than the above will be allowed only with the prior written approval of Chief Secretary, Maharashtra.
 10. Easing of Restrictions and opening up of the activities which remain prohibited across the State will be done in phased manner along-with Standard Operating Procedures / Guidelines.

Annexure III

[Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation,
Mantralaya, Mumbai- 40032, Order No: DMU/2020/CR. 92/DisM-1, Dated: 14 October,
2020]

Offences and Penalties for Violation of Lockdown Measures

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

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

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act.

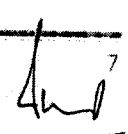
shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which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

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

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

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

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was



committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

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

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

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

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section— (a) “company” means anybody corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

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

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by— (a) the National Authority, the State Authority,

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

B. Section 188 in the Indian Penal Code, 1860

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