

**Government of Punjab
Department of Home Affairs & Justice**

To

1. All the Administrative Secretaries
2. All the Divisional Commissioners and the Deputy Commissioners in the State
3. All the Zonal IGPs, Commissioners of Police, DIGs and SSPs in the State

No.SS/ACSH/2020/456

Dated: Chandigarh, the 31st day of May, 2020.

Sub: **Lockdown 5.0 / Unlock 1 - Guidelines to be implemented from 01.06.2020 to 30.06.2020.**

1. It is in continuation to Punjab Government guidelines issued vide this office letter No.SS/ACSH/2020/424 dated 17.05.2020 vide which MHA guidelines dated 17.05.2020 to be followed during the period 18.05.2020 to 31.05.2020 were circulated for compliance.

The Ministry of Home Affairs (MHA), Government of India has, vide order No. 40-3/2020-DM-I(A) dated 30.05.2020, extended the Lockdown 5 only in Containment Zones from 01.06.2020 to 30.06.2020 and issued detailed guidelines for phased reopening (Unlock-1) of prohibited activities in areas outside the containment zones. These guidelines attached as Annexure-2 shall not be diluted.

The district authorities may, however, impose additional restrictions, as deemed necessary, based on their assessment of the situation.

The activities other than those discussed below and the activities not expressly prohibited under MHA guidelines would be permitted.

2. Lockdown.5 to continue in Containment Zones:

- (i) Lockdown.5 shall continue to remain in force in Containment Zones till 30.06.2020.
- (ii) The Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of the Ministry of Health & Family Welfare, Government of India (MoHFW).
- (iii) In the Containment Zones, only essential activities shall be allowed. There shall be a strict perimeter control. There are separate guidelines of MoHFW in regard to activities in the Containment Zones and those will be strictly followed.
- (iv) The district authorities would also identify buffer zones outside containment zones wherein restrictions as considered necessary, may be put in place.

3. Guidelines for areas outside containment zones:

In supersession of all the previous guidelines, the guidelines as under, would be applicable in the State during the period 01.06.2020 to 30.06.2020 outside the containment zones.

The list of activities permitted in Punjab in areas outside containment zones is enclosed herewith for ready reference as Annexure -1.

Darish Anand

(1) **Movement of persons- Night curfew (9 pm to 5 am):**

The movement of individuals for all the non-essential activities shall remain prohibited between 9.00 pm to 5.00 am. The district authorities are accordingly directed to issue prohibitory orders u/s 144 of Cr.PC and ensure strict compliance.

(2) **Protection of vulnerable persons:**

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

(3) **National Directives:**

The National Directives for Covid-19 Management as specified in Annexure-I to the guidelines of 30.05.2020 of the Ministry of Home, Government of India, shall be followed throughout the State.

(4) **Prohibited activities:**

The following activities shall continue to be prohibited:

- (i) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars, auditoriums, assembly halls and similar places.
- (ii) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.
- (iii) Spitting in public places
- (iv) Consumption of liquor, pan, gutka, tobacco etc. in public places is prohibited. However, there will be no restriction on their sale.

(5) **Restricted activities:**

- (i) **Marriage related gatherings** – Number of guests not to exceed 50.
- (ii) **Funeral/last rites** – Number of persons not to exceed 20

(6) **Religious places/places of worship for public** – will remain closed till 7/6/2020. However, the State Government, based on the SOP of the MoHFW, would issue SOP before 08.06.2020 for opening of these places.

(7) **Hotels and other hospitality services** - will remain closed till 7/6/2020. However, the State Government, based on the SOP of the MoHFW, would issue SOP before 08.06.2020 for opening of hotels and other hospitality services.

(8) **Shopping malls** - will remain closed till 7/6/2020. However the State Government, based on the SOP of the MoHFW, would issue SOP before 08.06.2020 for opening of shopping malls.

Darshan Chandra

(9) **Restaurants** – may be opened for take-home or home delivery services but in-dine services to remain closed till 7/6/2020. However, the State Government, based on the SOP of the MoHFW, would issue SOP before 08.06.2020 for resuming in-dine services by restaurants.

(10) **Inter-state movement of persons by domestic flights/trains/buses/cars etc.**

Inter-State movement of persons by domestic flights/trains/buses/cars etc is allowed subject to the condition that the inward passengers would follow the SOP of the Health Department. The passengers would be required to either download Cova-app and get self-generated 'e-pass' or declare their particulars at the airport/railway station/bus stand/inter-state border as the case may be.

(11) **Movement of Buses and Vehicles:**

- i. Inter - state movement of buses : will be allowed with mutual consent of the States, subject to compliance of the SOP which shall be issued by the Transport Department, Punjab.
- ii. Intra - State movement of buses : will be allowed subject to compliance of the SOP which shall be issued by the Transport Department, Punjab.
- iii. Inter-State movement of passenger vehicles: Inter-state movement of passenger vehicles like taxis, cabs, stage carriers, tempo-travellers and cars will be permitted against self-generated e-pass.
- iv. Intra-State movement of passenger vehicles: Intra-state movement of passenger vehicles like taxis, cabs, stage carriers, tempo-travellers and cars allowed without any restriction.
- v. Bicycles, rickshaws and auto-rickshaws: will be allowed subject to compliance of the SOP as issued by the Transport Department, Punjab.
- vi. 2-wheelers: will be allowed subject to compliance of the SOP as issued by the Transport Department, Punjab for 1+1 passengers.
- vii. 4-wheelers: will be allowed for 1+ 2 passengers subject to compliance of the SOP as issued by the Transport Department, Punjab. No pass would be required for permitted activities like shopping, going to office and work place.
- viii. Inter-State movement of goods: There would be no restriction on Inter-State movement of goods.
- ix. Social visits: By and large, there is no restriction on movement by persons within city or districts. However, such a movement shall be essential tasks and social visits, with no essential task shall be avoided and restricted. State Department of Health will issue a separate SOP in this regards.

(12) **Opening of Shops:**

Shopping malls shall continue to remain closed. All **shops** including shops in main bazars in both urban and rural areas allowed **to open between 7.00 am to 7.00 pm. Liquor vends shall however remain open from 8 am to 8 pm.**

However, for shops situated in main bazars, market complexes and rehri markets and other crowded places, district authorities can exercise their discretion and in order to avoid crowding shall stagger the opening of shops.

Darsh Chandel

Barber shops, hair-cut saloons, beauty parlours and Spas: will be allowed from 7 am to 7 pm subject to compliance of the SOP as issued by the Health Department, Punjab.

- (13) **Sports complexes and stadia:** will be allowed without spectators as per the SOP of the Health Department
- (14) **Industries and industrial establishments:** All categories of industries are allowed to operate in both rural and urban areas.
- (15) **Construction activities:** are allowed without any restriction in both the Urban and rural areas.
- (16) **Agricultural, horticultural, animal husbandry, veterinary services:** are allowed without any restriction.
- (17) **E – Commerce:** are permitted for all goods.
- (18) **Offices:**

(i) Central Government and Private Offices: allowed to open as per required strength without any restrictions except that compliance of social distancing and wearing of masks at all times, shall be ensured. If so required, the timings may be adjusted to work in small teams to ensure strict compliance of these restrictions.

(ii) Punjab Government Offices: All the Punjab government offices would remain open as per required strength. However, Head of the Office will ensure that there is adequate space for maintaining social-distancing norms. If the space is inadequate, the employees will be required to attend office by rotation.

(iii) District authorities may, however, in order to avoid crowding and congestion stagger timings of various offices without curtailing the office hours.

- (19) **Social distancing and wearing of masks:**

Social distancing i.e. minimum 6 feet distance (do gaz ki duri) for all the activities shall always be maintained. Accordingly, if any permitted activity leads to crowding and congestion, then necessary steps in terms of staggering, rotation, timings of offices and establishments etc. be taken and it be ensured that principles of social distancing are not compromised.

Wearing of masks by all persons in public places, including work places etc. will be mandatory and must be strictly observed and enforced.

- (20) **Permits and passes:**

(i) No separate permission would be required by the industries and other establishments to resume their operations. All employees, be it government offices, private offices and other work places, would be allowed to move without any requirement of pass during the permitted hours i.e. 5.00 am to 9.00 pm.

(ii) There shall be no restriction on inter-state movement of persons and no separate permission or E- permit would be required for such movement. However, use of cova-app and self-generated 'e-pass' would be mandatory.

Darish Anwar

(21) **Use of Arogaya Setu :**

Employees are advised to ensure that Arogaya Setu is installed by all the employees having compatible mobile phones. Similarly, individuals are also to be advised by the district authorities to install *Arogaya Setu* application on their compatible mobile phones and also regularly update their health status on the *app*.

(22) **Penal provisions:**

Any violation of these guidelines and lockdown measures shall be punishable under sections 51 to 60 of the Disaster management Act, 2005 besides legal action under section 188 of Indian Penal Code (IPC).

(23) **Advisories:**

The Health & Family Welfare Department, Punjab has issued advisories on different subjects. All concerned are shall ensure compliance of these advisories as noted below-

- (i) Advisory dated 20.04.2020 for offices
- (ii) Advisory dated 23.04.2020 for banks
- (iii) Advisory dated 24.04.2020 for usage of air-conditioners in residential/commercial establishments.
- (iv) Advisory dated 25.04.2020 for industry
- (v) Advisory dated 26.04.2020 for MGNREGA works
- (vi) Advisory dated 28.04.2020 for shops
- (vii) Advisory dated 29.04.2020 for petrol pumps
- (viii) Advisory dated 30.04.2020 for goods vehicles
- (ix) Advisory dated 02.05.2020 for senior citizens
- (x) Advisory dated 06.05.2020 for transport buses
- (xi) Advisory dated 07.05.2020 for safety of food & other household items
- (xii) Advisory dated 11.05.2020 for inter-state movement of persons
- (xiii) Advisory dated 12.05.2020 for hotels offering quarantine facility for overseas Indians

24. Please acknowledge and ensure strict compliance.

Darshan Chandra

Additional Chief Secretary (Home)

31.05.2020

CC:

1. CPS/CM
2. CS
3. PSCM
4. DGP Punjab
5. ADGP-Law & Order

Attachments

1. List of activities permitted outside containment zones.(Annexure-1)
2. MHA Guidelines dated: 30/05/2020(Annexure-2)
3. Advisories as mentioned in Para 23.

Lock Down 5.0/ Unlock-1 : Permitted activities in Punjab (1/6/2020 - 30/6/2020)

S.No	Activity	Punjab Government
1	International Air Travel	No
2	Cinema Halls, gymnasiums, swimming pools, entertainment parks, theaters, bars, auditoriums, assembly halls and similar places.	No
3	Social/ political/ sports/ entertainnet/ academic/cultural/ religious functions and other large congregations	NO
4	Religious places/ places of worship for public	Closed till 7/6/2020 (To be opened thereafter as per SOP)
5	Hotels and other hospitality services	Closed till 7/6/2020 (To be opened thereafter as per SOP)
6	Shopping Malls	Closed till 7/6/2020 (To be opened thereafter as per SOP)
7	Schools, colleges, educational & coaching institutes	No
8	Restaurants	Yes for take home only. (In-Dine services closed till 7/6/2020 and to be opened thereafter as per SOP)
9	Bars	No
10	Domestic Air Travel	Yes as per SOP
11	Trains	Yes as Per SOP
12	Movement of individuals (9 pm to 5 am) : Night curfew	No
13	Movement of persons above 65 year, pregnant women & children below 10 year except for essential and health purposes.	No
14	Spitting in public	No
15	Consumption of liquor, paan, gutka, tobacco in public places	No
16	Marriages	Yes upto 50 Guests
17	Funeral/ last rites	Yes upto 20 Persons
18	OPD (Government/ Private)	Yes
19	Movement of Individuals (5 am to 9 pm) within the State- Inter- district	Yes, after downloading COVA app
20	Socializing - People are advised against social visits to other people's homes.	Advised against socializing. Movement only for essential tasks.
21	Inter-state movement of persons	Yes, against a self generated e-pass from COVA app or declaration at the point of entry
22	Inter-State Buses	Yes, with the consent of State Governments
23	Intra-state Buses	Yes
24	Taxis and Cab aggregators (1+2)	Yes, as per SOP
25	Rickshaws and Auto Rickshaws (1+2)	Yes, as per SOP
26	4 wheelers (1+2)	Yes, as per SOP
27	2 wheelers (1+1)	Yes, as per SOP
28	Inter-State Movement of Goods traffic	Yes
29	Sports complex and stadiums	Yes, without spectators as per SOP
30	Public Parks	Yes, but no gatherings
31	Shops in Rural & Urban Areas (7 am- 7 pm)	Yes
32	Barber shops, beauty parlours, saloons, spa shops (7 am - 7 pm)	Yes, as per SOP
33	Liquor shops (8 am - 8 pm)	Yes
34	Construction in Rural & Urban areas	Yes
35	Agriculture, Horticulture, Animal Husbandry, Veterinary (essential services)	Yes
36	Bank & Finance	Yes
37	Courier, Postal service	Yes
38	Industry in Rural & Urban areas	Yes
39	E-Commerce	Yes
40	Educational Institutions for office work, online teaching & book distribution.	Yes, as per required strength
41	Private offices	Yes, as per required strength
42	Central Government offices	Yes, as per required strength
43	Punjab Government offices	Yes, as per required strength
44	All other activities not specifically prohibited in MHA Guidelines	Yes
45	District Authorities to impose additional restrictions	Yes, as per requirement
Passes for workers & employees		Yes, without pass
Passes for vehicles of workers & employees		Yes, without pass
Offices:	District Magistrate is competent to stagger the timings of offices (without curtailing the office hours). The request from banks for opening early in the morning may be accepted so that people are not required to stand in the sun.	Yes

Daphin Chanejo

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

North Block, New Delhi-110001
Dated 30th May, 2020

ORDER

Whereas, an Order of even number dated 17.05.2020 was issued for containment of COVID-19 in the country, for a period upto 31.05.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to extend the lockdown in Containment Zones upto 30.06.2020, and to re-open prohibited activities in a phased manner in areas outside Containment Zones;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines, as *Annexed*, will remain in force upto 30.06.2020.


30/05/2020
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

Guidelines for Phased Re-opening (Unlock 1)

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

1. Phased re-opening of areas outside the Containment Zones

In areas outside Containment Zones, all activities will be permitted, except the following, which will be allowed, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health and Family Welfare (MoHFW), in a phased manner:

Phase I

The following activities will be allowed with effect from 8 June, 2020:

- (i) Religious places/ places of worship for public.
- (ii) Hotels, restaurants and other hospitality services.
- (iii) Shopping malls.

Ministry of Health & Family Welfare (MoHFW) will issue Standard Operating Procedures (SOPs) for the above activities, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase II

Schools, colleges, educational/ training/ coaching institutions etc., will be opened after consultations with States and UTs. State Governments/ UT administrations may hold consultations at the institution level with parents and other stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken in the month of July, 2020.

MoHFW will prepare SOP in this regard, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase III

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

- (i) International air travel of passengers, except as permitted by MHA.
- (ii) Metro Rail.
- (iii) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
- (iv) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in **Annexure I**, shall continue to be followed throughout the country.


30/5/20

3. Night curfew

Movement of individuals shall remain strictly prohibited between 9.00 pm to 5.00 am throughout the country, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

4. Lockdown limited to Containment Zones

- (i) Lockdown shall continue to remain in force in the Containment Zones till 30 June, 2020.
- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW.
- (iii) In the Containment Zones, only essential activities shall be allowed. 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. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.
- (iv) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.


5. States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.

6. Unrestricted movement of persons and goods

- (i) There shall be no restriction on inter-State and intra-State movement of persons and goods. No separate permission/ approval/ e-permit will be required for such movements.
- (ii) However, if a State/ UT, based on reasons of public health and its assessment of the situation, proposes to regulate movement of persons, it will give wide publicity in advance regarding the restrictions to be placed on such movement, and the related procedures to be followed.
- (iii) Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.
- (iv) No State/ UT shall stop the movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries.

7. Protection of vulnerable persons

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.


30/5/20

8. Use of *Aarogya Setu*

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) 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.
- (iii) 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.

9. Strict enforcement of the guidelines

- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- (ii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

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 II**.


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 and will not allow more than 5 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 State/ UT local 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.
7. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
8. **Screening & hygiene:** Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.
9. **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.
10. **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.


30/5/20

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 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.
