

**GOVERNMENT OF NCT OF DELHI
DELHI DISASTER MANAGEMENT AUTHORITY**

No. F.2/07/2020/S.I/part file-IV/326

Dated: 07.10.2020

ORDER

Whereas, the Delhi Disaster Management Authority (DDMA) is satisfied that the NCT of Delhi is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organization, and has considered it necessary to take effective measures to prevent its spread in NCT of Delhi;

And whereas, Delhi Disaster Management Authority has issued various orders/instructions from time to time to all authorities concerned to take all required measures to appropriately deal with the situation;

And whereas, Delhi Disaster Management Authority (DDMA) has issued Order No. 324 dated 30.09.2020 with regard to maintaining status quo in respect of prohibited/ permitted activities in NCT of Delhi, functioning of two weekly market per day per zone in all three Municipal Corporations/New Delhi Municipal Council/Delhi Cantonment Board and opening of Bars (except in containment zones), on trial basis, upto 31.10.2020 or till further orders whichever is earlier;

And whereas, Ministry of Home Affairs, Govt. vide Order No. 40-3/2020-DM-I (A) dated 30.09.2020 has issued guidelines for Re-opening, (In force upto 31.10.2020) wherein, inter alia, Cinemas/ theaters/ multiplexes will be permitted to open with upto 50% of their seating capacity, in areas outside the Containment Zones only, with effect from 15th October, 2020, for which SOP, will be issued by Ministry of Information & Broadcasting;

And whereas, the situation of COVID-19 in Delhi has been reviewed and it has been decided that Cinemas/ theaters/ multiplexes may be permitted to open as prescribed in aforesaid order dated 30.09.2020 of MHA and all weekly markets may be permitted for functioning in NCT of Delhi, except in containment zones.

Now, therefore, in exercise of powers conferred under section 22 of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, DDMA, GNCTD hereby directs that Cinemas/ theaters/ multiplexes will be permitted to open with upto 50% of their seating capacity, in NCT of Delhi, except in the Containment Zones, with effect from 15th October, 2020, subject to strict compliance of SOP for Exhibition of Films on preventive measures to contain spread of COVID-19 dated 06.10.2020 (copy enclosed) issued by Ministry of Information & Broadcasting, Govt. of India, as well as other directions/instructions issued by Govt. of NCT of Delhi/ DDMA.

Furthermore, functioning of all Weekly Markets in NCT of Delhi shall be allowed with immediate effect (except in containment zones), subject to strict compliance of instructions / guidelines / SOPs issued on preventive measures in weekly markets and Guidelines issued for selection of weekly markets. Besides

this, it is reiterated that weekly markets shall be selected by the joint team of District Magistrate, District DCP and Zonal Dy. Commissioner of Municipal Body with the consultation of RWAs of the area (as per guidelines for selection of weekly market dated 10.09.2020) and in case it is observed by the joint team of officers that any weekly market is unable to function on its fixed/regular place or at roadside due to obstruction to traffic, strictly as per the SOP/guidelines of DDMA, then such weekly market can be allowed to function at some other nearby ground/school ground, purely on a temporary basis, where the SOP/guidelines of DDMA can be strictly implemented. If it is found in any market that vendors and/or customers are not following the instructions prescribed in SOP, such market shall be closed forthwith.

All District Magistrates of Delhi & their counterpart District Deputy Commissioners of Police and all authorities concerned shall ensure strict compliance of this order and shall adequately inform and sensitize the field functionaries about these instructions for strict compliance, in letter and spirit.



(Vijay Dev)

Chief Secretary, Delhi

Copy for compliance to:

1. All Additional Chief Secretaries/Principal Secretaries/Secretaries/HODs of Government of NCT of Delhi.
2. Commissioner of Police, Delhi
3. Chairman, New Delhi Municipal Council.
4. Pr. Secretary (I&P) for wide publicity in NCT of Delhi
5. Commissioner (South DMC/East DMC/North DMC).
6. CEO, Delhi Cantonment Board.
7. All District Magistrates of Delhi
8. All District DCPs of Delhi

Copy for kind information to:-

1. Secretary to Hon'ble Lt. Governor, Delhi.
2. Addl. Secretary to Hon'ble Chief Minister, GNCTD
3. Secretary to Hon'ble Dy. Chief Minister, GNCTD.
4. Secretary to Hon'ble Minister of Health, GNCTD.
5. Secretary to Hon'ble Minister of Revenue, GNCTD.
6. Secretary to Hon'ble Minister of Labour, GNCTD.
7. Secretary to Hon'ble Minister of Social Welfare, GNCTD.
8. Secretary to Hon'ble Minister of Food & Supply, GNCTD.
9. Addl. Chief Secretary (Services)/ State Nodal Officer, GNCTD.
10. Addl. Chief Secretary (UD), GNCTD.
11. Pr. Secretary (Home), GNCTD
12. Pr. Secretary (Health), GNCTD.
13. Pr. Secretary (Revenue)-cum-Divisional Commissioner, GNCTD.
14. All members of State Executive Committee, DDMA, GNCTD.
15. System Analyst, O/o Divisional Commissioner, Delhi for uploading of the order on website – ddma.delhigovt.nic.in.
16. Guard file.

Government of India
Ministry of Information & Broadcasting

6 October, 2020

**SOPs for Exhibition of Films on preventive measures to contain spread of
COVID-19**

1. Background

Given the current COVID-19 outbreak in India, it is important that various stakeholders involved in the activities of exhibition of films take suitable measures to restrict transmission of the virus while conducting their operations and activities. The M/o Home Affairs, Government of India has permitted the opening of cinemas/theatres/multiplexes from 15 October 2020.

2. Scope

- 2.1 This document outlines the Standard Operating Procedures (SOPs) in terms of various generic precautionary measures to be adopted in addition to specific measures to be ensured during exhibition of films to prevent spread of COVID-19.
- 2.2 No Exhibition of Film shall be allowed in containment zones.
- 2.3 Film exhibition activities through cinemas/theatres/multiplexes shall be governed as per the prevalent guidelines of Ministry of Home Affairs and Ministry of Health & Family Welfare.
- 2.4 Further, States/UTs may consider proposing additional measures as per their field assessment.

3. SOPs related to Exhibition of films

3.1 General Guidelines

The generic measures include public health measures that are to be followed to reduce the risk of transmission of COVID-19. These measures need to be observed by all (workers and visitors) at all times.

These include:

- i. Adequate physical distancing of at least 6 feet to be followed outside the auditoriums, common areas and waiting areas at all times.
- ii. Use of face covers/masks to be made mandatory at all times.
- iii. Availability of hand sanitizers, preferably in the touch-free mode, at entry and exit points as well as common areas within the premises.

- iv. Respiratory etiquettes to be strictly followed. This involves strict practice of covering one's mouth and nose while coughing/sneezing with a tissue/handkerchief/flexed elbow and disposing off used tissues properly.
- v. Self-monitoring of health by all and reporting any illness at the earliest to state and district helpline.
- vi. Spitting shall be strictly prohibited.
- vii. Installation & use of *Aarogya Setu* App shall be advised to all.

3.2 Entry & Exit Points

- a. Thermal screening of visitors/staff is to be carried out at entry points. Only asymptomatic individuals shall be allowed to enter the premises.
- b. Provisions for hand sanitization should be made available at all entry points and in work areas.
- c. Designated queue markers shall be made available for entry and exit of the audience from the auditorium and the premises.
- d. The Exit should be done in a staggered row-wise manner to avoid crowding.
- e. Sufficient time interval between successive screenings on a single screen as well as on various screens in a multiplex shall be provided to ensure row-wise staggered entry and exit of the audience.

3.3 Seating Arrangements

- a. The occupancy of the cinemas/theatres/multiplexes shall not be more than 50% of their total seating capacity.
- b. Seating arrangement inside the auditorium of the cinemas /theatres / multiplexes to be made in such a way that adequate physical distancing is maintained. A model seating arrangement is attached at Annexure 1.
- c. Seats that are "Not to be occupied" shall be marked as such during booking (for both online booking and at the box office sale of tickets).

Note: The "Not to be occupied" seats inside cinemas/theatres/multiplexes should either be taped or marked with fluorescent markers to prevent people from occupying these seats so as to ensure adequate physical distancing at all times.

3.4 Physical Distancing Norms

- a. Proper crowd management in the parking lots and outside the premises—duly following physical distancing norms shall be ensured.
- b. Number of people in the elevators shall be restricted, duly maintaining physical distancing norms.
- c. Efforts shall be made to avoid overcrowding in the common areas, lobbies and washrooms during the intermission. Audience may be encouraged to avoid movement during the intermission. Longer intermissions may be used to allow audience seated in different rows of the auditorium to move in a staggered manner.

3.5 Staggered Show Timings at Multiplexes

- a. Staggered show timings shall be followed for multiple screens to avoid crowding.
- b. The show commencement time, intermission period and finish time of a show at any screen shall not overlap with the commencement time, intermission period or finish time of a show at any other screen in a multiplex.

3.6 Booking and Payments

- a. Digital no-contact transactions should be the most preferred mode for issue/verification/payments for tickets, food, and beverages, etc. by using online bookings, use of e-wallets, QR code scanners, etc.
- b. Contact number shall be taken at the time of booking of tickets to facilitate contact tracing.
- c. The purchase of tickets at the box office shall be open throughout the day and advance booking shall be allowed to avoid crowding at the sale counters.
- d. Sufficient number of counters at the box office shall be opened with adequate physical distancing norms, to prevent crowding during physical booking of tickets.
- e. Floor markers shall be used for physical distancing during queue management at the box office.

3.7 Sanitization of the Premises

- a. Frequent sanitization of the entire premises, common facilities, and all points which come into human contact, e.g. handles, railings, etc. shall be ensured.
- b. The cinemas/theatres/multiplexes auditorium shall be sanitized after every screening.
- c. Regular cleaning and disinfection of the box office, food and beverage areas, employee and staff lockers, toilets, public areas, and back office areas shall be ensured.
- d. Measures for the safety of sanitization staff such as adequate provisions for rational use of gloves, boots, masks, PPE, etc. shall be undertaken.
- e. Disinfection of the premises to be taken up if any person is found positive.

3.8 Staff Related Measures

- a. Wearing of face cover for staff is mandatory at all workplaces and adequate stock of such face covers should be made available.

- b. All employees who are at higher risk, i.e., older employees, pregnant employees, employees who have underlying medical conditions, to take extra precautions. They should preferably not be exposed to any front-line work requiring direct contact with the public.
- c. With a view to ensure safety at the workplace, employers on best effort basis should ensure that Arogya Setu is installed and updated by all employees their mobile phones.
- d. Communication and training of the staff on precautions related to COVID-19, respiratory hygiene, hand hygiene, etc. shall be carried out.
- e. Self-monitoring of health by all employees/staff and reporting any illness at the earliest shall be ensured.

3.9 Public Awareness

- a. Do's and Don'ts shall be communicated at prominent access points: Online sale points, digital tickets, public areas like lobbies, washrooms, etc.
- b. Public Service Announcements on wearing mask, observing physical distancing and maintaining hand hygiene as well as specific announcements on the precautions and measures to be followed within and outside the premises shall be made before the screening, during intermission and at the end of the screening.
- c. Provisions must be made for display of Posters/standees/AV media on preventive measures about COVID-19 prominently outside and inside of the venues.

3.10 Air-Conditioning/Cooling

For air-conditioning/ventilation, the guidelines of CPWD shall be followed which, inter alia, emphasizes the following:

- a. Temperature Setting of all air conditioning devices should be in the range of 24-30°C.
- b. Relative humidity should be in the range of 40-70%.
- c. Re-circulation of air to be avoided to the extent possible.
- d. Intake of fresh air should be as much as possible.
- e. Cross ventilation should be adequate.

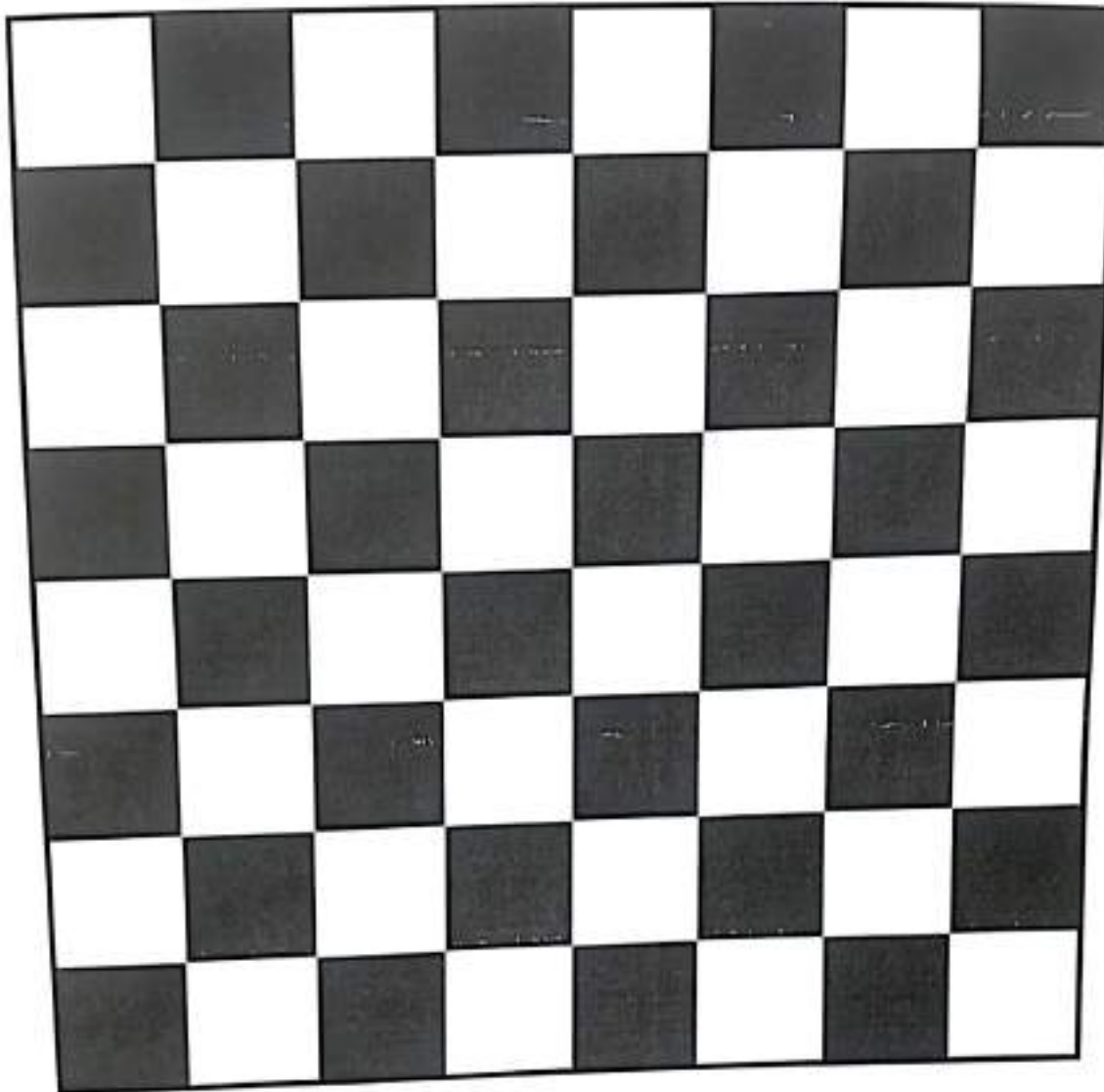
3.11 Anti-stigma Behaviour

COVID-19 related stigmatization or unruly behaviour shall be dealt with strictly by coordination between the auditorium manager(s) and the local authorities.

3.12 Food and Beverage Area

- a. Show timings in the cinema halls to be staggered to ensure that intervals of different shows do not occur simultaneously.
 - b. Customers shall be encouraged to use cinema apps/QR codes, etc. for ordering food as much as possible.
 - c. Multiple sale counters in food and beverage area be made available wherever possible.
 - d. One line systems to be followed using floor stickers to maintain physical distancing at every sale counter.
 - e. Only packaged food and beverages shall be allowed.
 - f. Delivery of food and beverage inside the hall/auditorium shall be prohibited.
 - g. Management shall ensure observance of physical distancing and preventing crowds in the food and beverages area.
 - h. Safe disposal of the food and beverage waste shall be ensured by the management of the premises.
4. The National Directives for COVID-19 Management and the relevant guidelines issued by the Ministry of Home Affairs, Ministry of Health & Family Welfare, state governments, etc. shall be strictly complied with during all activities and operations.
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Model Seating Arrangement for Exhibition of Films



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

North Block, New Delhi-110001

Dated 30th September, 2020

ORDER

Whereas, an Order of even number dated 29.08.2020 was issued for containment of COVID-19 in the country, for a period upto 30.09.2020;

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 re-open more activities in areas outside the Containment Zones and to extend the lockdown in Containment Zones upto 31.10.2020;

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 for Re-opening, as **annexed**, will be in force upto 31.10.2020.


30/09/2020
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 Re-opening

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


1. Activities permitted outside the Containment Zones

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

- (i) State/ UT Governments may take a decision in respect of re-opening of schools and coaching institutions, after 15th October 2020, in a graded manner. The decision shall be taken in consultation with the respective school/ institution management, based on their assessment of the situation, and subject to the following conditions:
 - a. Online/ distance learning shall continue to be the preferred mode of teaching and shall be encouraged.
 - b. Where schools are conducting online classes, and some students prefer to attend online classes rather than physically attend school, they may be permitted to do so.
 - c. Students may attend schools/ institutions only with the written consent of parents.
 - d. Attendance must not be enforced, and must depend entirely on parental consent.
 - e. States /UTs will prepare their own standard operating procedure (SOP) regarding health and safety precautions for reopening of schools/ institutions based on the SOP to be issued by Department of School Education and Literacy (DoSEL), Ministry of Education, Government of India, keeping local requirements in view.
 - f. Schools, which are allowed to open, will have to mandatorily follow the SOP to be issued by Education Departments of States/ UTs prepared as above.
- (ii) Department of Higher Education (DHE), Ministry of Education may take a decision on the timing of the opening of Colleges/ Higher Education Institutions, in consultation with Ministry of Home Affairs (MHA), based on the assessment of the situation. 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


30/09/2020

requirement of research scholars (Ph.D) and post-graduate students in science and technology stream for laboratory/experimental works.

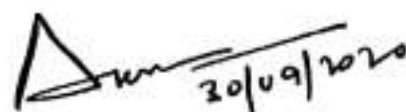
- b. For all other Higher Education Institutions e.g. State Universities, Private Universities etc., they may open only for research scholars (Ph.D) and postgraduate students in science and technology stream requiring laboratory/experimental works as per decision to be taken by the respective State/UT Governments.
- (iii) Swimming pools being used for training of sportspersons will be permitted to open with effect from 15th October, 2020, for which the SOP will be issued by Ministry of Youth Affairs & Sports (MoYA&S).
- (iv) Cinemas/ theatres/ multiplexes will be permitted to open with upto 50% of their seating capacity, in areas outside the Containment Zones only, with effect from 15th October 2020, for which, SOP will be issued by Ministry of Information & Broadcasting.
- (v) Entertainment parks and similar places will be permitted to open with effect from 15th October, 2020, for which the SOP will be issued by Ministry of Health & Family Welfare (MoHFW).
- (vi) Business to Business (B2B) Exhibitions will be permitted to open, in areas outside the Containment Zones only, with effect from 15th October 2020, for which, SOP will be issued by the Department of Commerce.
- (vii) Social/ academic/ sports/ entertainment/ cultural/ religious/ political functions and other congregations have already been permitted with a ceiling of 100 persons, outside Containment Zones only. Such gatherings beyond the limit of 100 persons may be permitted, outside Containment Zones, by State/ UT Governments only after 15th October 2020, and subject to the following conditions:
- a. In closed spaces, a maximum of 50% of the hall capacity will be allowed, with a ceiling of 200 persons. Wearing of face masks, maintaining social distancing, provision for thermal scanning and use of hand wash or sanitizer will be mandatory.
- b. In open spaces, keeping the size of the ground/ space in view, and with strict observance of social distancing, mandatory wearing of face masks, provision for thermal scanning and hand wash or sanitizer.

State/ UT Governments will issue detailed SOPs, to regulate such gatherings and strictly enforce the same.

(viii) International air travel of passengers, except as permitted by MHA.

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.


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3. Lockdown limited to Containment Zones

- (i) Lockdown shall remain in force in the Containment Zones till 31st October, 2020.
- (ii) Containment Zones shall be demarcated by the District authorities at micro level after taking into consideration the guidelines of MoHFW with the objective of effectively breaking the chain of transmission. Strict containment measures will be enforced in these containment zones and only essential activities will 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 effectively implemented for the above purpose.
- (iii) These Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs and information will be shared with MOHFW.

4. **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.**

5. **No restriction on Inter-State and intra-State movement**

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. No separate permission/ approval/ e-permit will be required for such movements.

6. **Movement of persons with SOPs**

Movement by passenger trains; domestic passenger air travel; movement of persons on Vande Bharat and Air Transport Bubble flights; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.

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.

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.


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(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

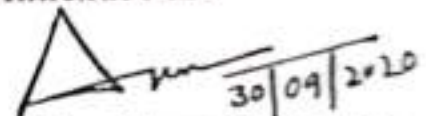
(i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.

(ii) 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.

(iii) 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**.

A handwritten signature in black ink, followed by the date '30/09/2020' written in a similar style.

**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.


30/09/2020

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 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.
