



VIJAI VARDHAN, IAS

D.O. No. PS/Acs Home/Spl. III

Addl. Chief Secretary to Govt. Haryana
Home, Jail, Criminal Investigation and
Administration of Justice Departments.

Dated 05th April 2020

**Govt of Haryana
Home Department**

Order

**Sub: MHA's Guidelines regarding Containment of COVID-19
Pandemic.**

Kindly refer to Ministry of Home Affairs Order No. 40-3/2020-DM-I(A) dated 24th March, 25th March, 27th March and 2nd April 2020.

In continuation, The Ministry of Home Affairs has now issued The Fourth Addendum vide its Order No.40-3/2020-DM-I (A) dated April 03 2020 and Consolidated Guidelines No 40-3/2020-DM.I(A).

The same are enclosed along for immediate compliance in letter and in spirit.

(Vijai Vardhan), IAS

To

1. Director General of Police, Haryana.
2. All Deputy Commissioners/District Magistrates.
3. All Inspectors General of Police Ranges/Police Commissioners.
4. All SSP's/SP's of Districts.

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

North Block, New Delhi-110001
Dated 3rd April, 2020

ORDER

In continuation of Ministry of Home Affairs's Order No 40-3/2020-DM-I(A) dated 24th March, 25th March, 27th March and 2nd April, 2020 and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues the 4th Addendum to guidelines, as Annexed to the said Orders issued to Ministries / Departments of Government of India, State/Union Territory Governments and State / Union Territory Authorities with the directions for their strict implementation.


Home Secretary

To

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

Copy to:

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

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

Subject : 4th Addendum to the Consolidated Guidelines annexed to the Ministry of Home Affairs Order No.40-3/2020-DM-I(A) dated 24.03.2020

A. Addition of sub-clause (n) and (o) in exception to clause 4

- (n) Shops of agriculture machinery, its spare parts (including its supply chain) and repairs to remain open.
- (o) Shops for truck repairs on highways, preferably at fuel pumps.

B. Addition of sub-clause (f) in exception to clause 5

- (f) Tea industry, including plantation with maximum of 50% workers.

Note: As specified in the lockdown measures, social distancing and proper hygiene practices must be ensured in each of the above activities as well as the activities permitted by earlier orders. It will be the responsibility of the head of the organisation/establishment to ensure compliance of such norms. The district authorities will ensure strict enforcement.


Home Secretary 3/4/2020

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

Consolidated Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities for containment of COVID-19 Epidemic in the Country, as notified by Ministry of Home Affairs Order No. 40-3/2020-DM-I(A) dated 24.03.2020 and further modified on 25.03.2020, 27.03.2020, 02.04.2020 and 03.04.2020.

1. Offices of the Government of India, its Autonomous/ Subordinate Offices and Public Corporations shall remain closed.

Exceptions:

- a. Defence, central armed police forces.
- b. Treasury (including, Pay & Accounts Offices, Financial Advisers and field offices of the Controller General of Accounts, **with bare minimum staff**),
- c. Public utilities (including petroleum, CNG, LPG, PNG), power generation and transmission units, post offices.
- d. Disaster management and Early Warning Agencies
- e. National Informatics Centre.
- f. Customs clearance at ports/airports/land border, GSTN; and MCA 21 Registry **with bare minimum staff**.
- g. Reserve Bank of India and RBI regulated financial markets and entities like NPCI, CCIL, payment system operators and standalone primary dealers **with bare minimum staff**.

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. shall remain closed.

Exceptions:

- a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
- b. District administration and Treasury (including field offices of the Accountant General **with bare minimum staff**)
- c. Electricity, water, sanitation.
- d. Municipal bodies- Only staff required for essential services like sanitation, personnel related to water supply etc.
- e. Resident Commissioner of States, in New Delhi **with bare minimum staff**, for coordinating Covid-19 related activities and internal kitchens operations.

- f. Forest offices :Staff/ workers required to operate and maintain zoo, nurseries, wildlife, firefighting in forests, watering plantations, patrolling and their necessary transport movement.
- g. Social Welfare Department, **with bare minimum staff**, for operations of Homes for children/ disables/ senior citizens/ destitute/ women /widows; Observation homes; pensions.
- h. Agencies engaged in procurement of agriculture products, including MSP operations.
- i. 'Mandis' operated by the Agriculture Produce Market Committee or as notified by the State Government.

The above offices (Sl. No 1 & 2) should work with minimum number of employees. All other offices may continue to work-from-home only.

3. Hospitals, Veterinary Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist, Pharmacies (including Jan Aushadhi Kendra) and medical equipment shops, laboratories, Pharmaceutical research labs, clinics, nursing homes, ambulance etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.
4. Commercial and private establishments shall be closed down.
Exceptions:
 - a. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder, fertilizers, seeds and pesticides. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
 - b. Banks, insurance offices, and ATMs including IT vendors for banking operations; Banking Correspondent and ATM operation and cash management agencies.
 - c. Print and electronic media.
 - d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
 - e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.
 - f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
 - g. Power generation, transmission and distribution units and services.
 - h. Capital and debt market services as notified by the Securities and Exchange Board of India.
 - i. Cold storage and warehousing services.

- j. Private security services.
- k. Data and call centers **for Government activities only**.
- l. Farming operations by farmers and farm workers in the field.
- m. 'Custom Hiring Centres (CHC)' related to farm machinery.
- n. Shops of agriculture machinery, its spare parts (including its supply chain) and repairs to remain open.
- o. Shops for truck repairs on highways, preferably at fuel pumps.

All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.

Exceptions:

- a. Manufacturing units of essential goods, including drugs, pharmaceutical, medical devices, their raw materials & intermediates.
- b. Production units, which require continuous process, after obtaining required permission from the State Government.
- c. Coal and mineral production, transportation, supply of explosives and activities incidental to mining operations.
- d. Manufacturing units of packaging material for food items, drugs, pharmaceutical and medical devices.
- e. Manufacturing and packaging units of Fertilizers, Pesticides and Seeds.
- f. Tea industry, including plantation with maximum of 50% workers.

6. All transport services – air, rail, roadways – will remain suspended.

Exceptions:

- a. Transportation for essential goods only.
- b. Fire, law and order and emergency services.
- c. Operations of Railways, Airports and Seaports for cargo movement, relief and evacuation and their related operational organisations.
- d. Inter-state movement of goods/ cargo for inland and exports.
- e. Cross land border movement of essential goods including petroleum products and LPG, food products, medical supplies.
- f. Intra and inter-state movement of harvesting and sowing related machines like combined harvester and other agriculture/horticulture implements.
- g. Transit arrangements for foreign national(s) in India. **(as per attached SOP)**

7. Hospitality Services to remain suspended

Exceptions:

- a. Hotels, home stays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
- b. Establishments used/ earmarked for quarantine facilities.

8. All educational, training, research, coaching institutions etc. shall remain closed.
9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.
10. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions / gatherings shall be barred.
11. In case of funerals, congregation of not more than twenty persons will be permitted.
12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Sec. 188 of the IPC.

Exceptions:

- a. Release of quarantined persons, who have arrived in India after 15.2.2020, after expiry of their quarantine period and being tested Covid-19 negative (as per attached SOP).
13. Wherever exceptions to above containment measures have been allowed, the organisations/employers must ensure necessary precautions against COVID-19 virus, as well as social distance measures, as advised by the Health Department from time to time.
14. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such incident commander. The Incident Commander will issue passes for enabling essential movements as explained.
15. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.
16. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.

17. Any person violating these containment 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 Sec. 188 of the IPC.

Note: As specified in the lockdown measures, social distancing and proper hygiene practices must be ensured in each of the above activities. It will be the responsibility of the head of the organisation/establishment to ensure compliance of such norms. The district authorities will ensure strict enforcement.

STANDARD OPERATING PROCEDURE (SOP) FOR TRANSIT ARRANGEMENTS FOR FOREIGN NATIONALS STRANDED IN INDIA

Sub-Clause (g) in exception to clause 6

It has been brought to the notice of this Ministry that a number of foreign nationals are stranded in different parts of the country, due to the lockdown measures. Some foreign countries have approached Government of India for evacuation of their nationals to their countries.

2. In view of the above, it has now been decided that requests received from foreign governments, for evacuation of their nationals from India, would be examined by the Ministry of External Affairs (MEA), Government of India on case to case basis. In cases where such requests are endorsed by MEA, the following protocol would be observed:

- i) The chartered flight would be arranged by the concerned foreign government in consultation with the Ministry of Civil Aviation, Government of India.
- ii) Prior to departure, the foreign national(s) would be screened for COVID-19 symptoms as per the standard health protocol. Only those foreign national(s) would be allowed to leave, who are asymptomatic for COVID-19. In case of symptomatic person(s), the future course of treatment would be followed, as per the standard health protocol.
- iii) The local transportation arrangements from the place of stay of the foreign national(s) to the point of embarkation would be arranged by the local Embassy/Consulate of the respective foreign government.
- iv) The transit pass for movement of the vehicle deployed for movement of the foreign national(s) would be issued by the Government of the State/Union Territory where the foreign national(s) is/are staying.
- v) The transit pass, as issued above, would be honoured/ allowed by the authorities of the State/Union Territories along the transit route.

STANDARD OPERATING PROCEDURE FOR RELEASE OF QUARANTINED PERSONS, AFTER EXPIRY OF QUARANTINE PERIOD AND TESTED COVID-19 NEGATIVE

Sub-Clause (A) in exception to clause 12

With a view to preventing spread of COVID-19 and as a measure of abundant precaution, persons returning from foreign locations after 15.2.2020 had been quarantined in government/government-arranged facilities. In respect of these persons, the following protocol would be observed after completion of the specified mandatory quarantine period:

- i) Person(s) testing negative for COVID-19, and as per standard health protocol, would be released from the said quarantine facility(ies). However, this will not apply to a group, where even one person tests positive for COVID-19.
- ii) These persons are expected to return to their homes, or to the homes of their families/relatives/friends or to other places of shelter like hotels, etc., by making their own transport arrangements.
- iii) The transit pass for movement of vehicle(s), being used by such person(s), would be issued by the Government of the State/Union Territory where they have been quarantined.
- iv) The transit pass will be issued for fixed route and with specified validity and such person(s) shall follow the same.
- v) The transit pass, as issued above, would be honoured/ allowed by the authorities of the State/Union Territories along the transit route.
- vi) As a measure of abundant caution, upon returning to their destination such persons would home quarantine themselves for a further period of 14 days as per standard protocol on the matter.
- vii) Details of person(s) released from quarantine, along with their destination, will be shared with the concerned State/UT Government for necessary follow up.

OFFENCES AND PENALTIES FOR VIOLATION OF LOCKDOWN MEASURE

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 any body 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

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.

लॉकडाउन (lockdown) का उल्लंघन करने पर जुर्माना व दण्ड का प्रावधान
क. आपदा प्रबंधन अधिनियम 2005

संबंधित धारा	विवरण
धारा 51. बाधा डालने, आदि के लिए दंड -	<p>जो कोई, व्यक्तिगत कारण के बिना,-</p> <p>(क) केंद्रीय सरकार या राज्य सरकार के किसी सरकारी अधिकारी या कर्मचारी अथवा राष्ट्रीय प्राधिकरण या राज्य प्राधिकरण अथवा जिला प्राधिकरण द्वारा प्राधिकृत किसी व्यक्ति के लिए इस अधिनियम के अधीन उसके कृत्यों के निर्वहन में बाधा डालेगा; या</p> <p>(ख) इस अधिनियम के अधीन केंद्रीय सरकार या राज्य सरकार या राष्ट्रीय कार्यकारिणी समिति या जिला प्राधिकरण द्वारा या उसकी ओर से दिये गए निदेश का पालन करने से इंकार करेगा</p> <p>तो वह दोषसिद्धि पर कारावास से, जिसकी अवधि एक वर्ष तक की हो सकेगी या जुर्माने से, अथवा दोनों से, दंडनीय होगा और यदि ऐसी बाधा या निदेशों का पालन करने से इंकार करने के परिणामस्वरूप जीवन की हानि होती है या उनके लिए आसन्न खतरा पैदा होता है, तो दोषसिद्धि पर कारावास से, जिसकी अवधि दो वर्ष तक की हो सकेगी, दंडनीय होगा।</p>
धारा 53. धन या सामग्री आदि के दुरुपयोजन के लिए दंड	<p>जो कोई, जिसे किसी आपदा की आशंका की स्थिति या आपदा में राहत पहुंचाने के लिए आशयित कोई धन या सामग्री सौंपी गयी है या अन्यथा कोई धन या माल उसकी अभिरक्षा या आधिपत्य में है और वह ऐसे धन या सामग्री या उसके किसी भाग का दुरुपयोजन करेगा या अपने स्वयं के उपयोग के लिए उपयोजन करेगा अथवा उसका व्ययन करेगा या जानबूझकर किसी अन्य व्यक्ति को ऐसा करने के विवश करेगा, तो वह दोषसिद्धि पर कारावास से, जिसकी अवधि दो वर्ष तक की हो सकेगी और जुर्माने से भी दंडनीय होगा।</p>
धारा 54. मिथ्या चेतावनी के लिए दंड	<p>जो कोई, जिसे किसी आपदा या उसकी गंभीरता या उसके परिणाम के संबंध में आतंकित करने वाली मिथ्या संकट सूचना या चेतावनी देता है, तो वह दोषसिद्धि पर कारावास से, जिसकी अवधि एक वर्ष तक की हो सकेगी या जुर्माने से दंडनीय होगा।</p>
धारा 55. सरकार के विभागों द्वारा अपराध	<p>(1) जहां इस अधिनियम के अधीन कोई अपराध सरकार के किसी विभाग द्वारा किया गया है वहाँ विभागाध्यक्ष ऐसे अपराध का दोषी समझा जाएगा और तदनुसार अपने विरुद्ध कार्यवाही की जाने और दंडित किए जाने का भागी होगा, जबतक कि वह यह साबित नहीं करा देता कि अपराध उसकी जानकारी के बिना किया गया था या</p>

संबंधित धारा	विवरण
	<p>उसने ऐसे अपराध के किए जाने का निवारण करने के लिए सब सम्यक तत्परता बरती थी ।</p> <p>(2) उपधारा (1) में किसी बात के होते हुए भी, जहां इस अधिनियम के अधीन कोई अपराध सरकार के किसी विभाग द्वारा किया गया है और यह साबित हो जाता है कि वह अपराध बिभागाध्यक्ष से भिन्न किसी अन्य अधिकारी की सहमति या मौनानुकूलता से किया गया है या उस अपराध का किया जाना उसकी किसी उपेक्षा का कारण माना जा सकता है वहाँ ऐसा अधिकारी उस अपराध का दोषी माना जाएगा और तदनुसार अपने विरुद्ध कार्यवाही किए जाने और दंडित किए जाने का भागी होगा ।</p>
<p>धारा 56- अधिकारी की कर्तव्य पालन में असफलता या उसकी ओर से इस अधिनियम के उपबंधों के उल्लंघन के प्रति मौनानुकूलता</p>	<p>ऐसा कोई अधिकारी, जिस पर इस अधिनियम द्वारा या उसके अधीन कोई कर्तव्य अधिरोपीत किया गया है और जो अपने पद के कर्तव्यों का पालन नहीं करेगा या करने से इंकार करेगा या स्वयं को उससे विमुख कर लेगा तो, जब तक कि उसने अपने से वरिष्ठ अधिकारी की अभिव्यक्त लिखित अनुमति अभिप्राप्त न कर ली हो या उसके पास ऐसा करने के लिये कोई अन्य विधिपूर्ण कारण न हो, ऐसे कारावास से, जिसकी अवधि एक वर्ष तक की हो सकेगी, या जुर्माने से, दंडनीय होगा।</p>
<p>धारा 57-अध्यपेक्षा के संबंध में किसी आदेश के उल्लंघन के लिये शास्ति</p>	<p>यदि कोई व्यक्ति धारा 65 के अधीन किए गए किसी आदेश का उल्लंघन करेगा तो वह ऐसे कारावास से, जिसकी अवधि एक वर्ष तक हो सकेगी, या जुर्माने से, अथवा दोनों से, दंडनीय होगा।</p>
<p>धारा 58 - कंपनियों द्वारा अपराध</p>	<p>(1) जहाँ इस अधिनियम के अधीन कोई अपराध, किसी कम्पनी या निगमित निकाय द्वारा किया गया है, वहाँ ऐसा प्रत्येक व्यक्ति, जो अपराध के जाने के समय उस कम्पनी के कारोबार के संचालन के लिये उस कम्पनी का भारसाधक और उसके प्रति उत्तरदायी, और साथ ही वह कम्पनी भी ऐसे उल्लंघन के दोषी समझे जायेंगे और तदनुसार अपने विरुद्ध कार्यवाही किये जाने और दंडित किये जाने के भागी होंगे। परंतु इस उपधारा कि कोई बात किसी ऐसे व्यक्ति को इस अधिनियम में उपबंधित किसी दंड का भागी नहीं बनाएगा यदि वह यह साबित करा देता है कि अपराध उसकी जानकारी के बिना किया गया था या उसने ऐसे अपराध के किए जाने का निवारण करने के लिए सब सम्यक तत्परता बरती थी ।</p> <p>(2) उपधारा (1) में किसी बात के होते हुए भी, जहां इस अधिनियम के</p>

संबंधित धारा	विवरण
	<p>अधीन कोई अपराध किसी कंपनी द्वारा किया गया है और यह साबित हो जाता है कि वह अपराध कंपनी के किसी निदेशक, प्रबन्धक, सचिव या अन्य अधिकारी कि सहमति या मौनानुकूलता से किया गया है या उस अपराध का किया जाना उसकी किसी उपेक्षा का कारण माना जा सकता है, वहाँ ऐसा निदेशक, प्रबन्धक, सचिव या अन्य अधिकारी भी उस अपराध का दोषी माना जाएगा और तदनुसार अपने विरुद्ध कार्यवाही किए जाने और दंडित किए जाने का भागी होगा ।</p> <p>स्पष्टीकरण - इस धारा के प्रयोजन के लिए -</p> <p>(क) "कंपनी" से कोई निगमित निकाय अभिप्रेत है और इसके अंतर्गत फर्म या व्यष्टियों का अन्य संगम भी है ; और</p> <p>(ख) फर्म के संबंध में "निदेशक" से उस फर्म का भागीदार अभिप्रेत है ।</p>
धारा 59. अभियोजन के लिए पूर्व मंजूरी	धारा 55 और धारा 56 के अधीन दंडनीय अपराधों के लिए कोई अभियोजन, यथास्थिति, केंद्रीय सरकार या राज्य सरकार या ऐसी सरकार द्वारा साधारण या विशेष आदेश द्वारा इस निमित्त प्राधिकृत किसी अधिकारी कि पूर्व मंजूरी के बिना संस्थित नहीं किया जाएगा।
धारा 60. अपराधों का संज्ञान	<p>कोई भी न्यायालय इस अधिनियम के अधीन किसी अपराध का संज्ञान निम्नलिखित द्वारा परिवाद किए जाने पर करने के सिवाय नहीं करेगा, -</p> <p>(क) राष्ट्रीय प्राधिकरण, राज्य प्राधिकरण, केंद्रीय सरकार, राज्य सरकार, जिला प्राधिकरण या, यथास्थिति उस प्राधिकरण या सरकार द्वारा इस निमित्त प्राधिकृत कोई अन्य प्राधिकारी या अधिकारी या</p> <p>(ख) ऐसा कोई व्यक्ति जिसने अभिकथित अपराध की ओर राष्ट्रीय प्राधिकरण, राज्य प्राधिकरण, केंद्रीय सरकार, राज्य सरकार, जिला प्राधिकरण या पूर्वोक्तानुसार प्राधिकृत किसी प्राधिकारी या अधिकारी को परिवाद करने के अपने आशय की विहित रीति में कम से कम तीस दिन की सूचना दे दी है ।</p>

ख. भारतीय दंड संहिता में संबंधित प्रावधान

संबंधित धारा	विवरण
धारा 188. लोक सेवक द्वारा समयक रूप से प्रख्यापित आदेश की अवज्ञा	जो कोई यह जानते हुए कि वह ऐसे लोक सेवक द्वारा प्रख्यापित किसी आदेश से, जो ऐसे आदेश को प्रख्यापित करने के लिए विधिपूर्वक सशक्त है, कोई कार्य करने से विरत रहने के लिए या अपने कब्जे में की, या अपने प्रबंधाधीन, किसी संपत्ति के बारे में कोई विशेष व्यवस्था करने के लिए निर्दिष्ट किया गया है, ऐसे निदेश की अवज्ञा करेगा;

संबंधित धारा	विवरण
	<p>यदि ऐसे अवज्ञा विधिपूर्वक नियोजित किन्हीं व्यक्तियों को बाधा, क्षोभ या क्षति, अथवा बाधा, क्षोभ या क्षति की जोखिम कारित करे, या कारित करने की प्रवृत्ति रखती हो, तो वह सादा कारावास से, जिसकी अवधि एक मास तक की हो सकेगी, या जुर्माने से, जो दो सौ रूपये तक का हो सकेगा, या दोनों से, दंडित किया जाएगा।</p> <p>और यदि ऐसी अवज्ञा मानव जीवन, स्वास्थ्य या क्षेम को संकट कारित करे, या कारित करने की प्रवृत्ति रखती हो, या बल्वा या दंगा कारित करती हो, या कारित करने की प्रवृत्ति रखती हो, तो वह दोनों में से किसी भांति के कारावास से जिसकी अवधि छह मास तक की हो सकेगी, या जुर्माने से, जो एक हजार रुपये तक का हो सकेगा, या दोनों से, दंडित किया जाएगा।</p> <p>स्पष्टीकरण—यह आवश्यक नहीं है कि अपराधी का आशय अपहानि उत्पन्न करने का हो या उसके ध्यान में यह हो कि उसकी अवज्ञा करने से अपहानि होना संभाव्य है। यह पर्याप्त है कि जिस आदेश की वह अवज्ञा करता है, उस आदेश का उसे ज्ञान है, और यह भी ज्ञान है कि उसके अवज्ञा करने से अपहानि उत्पन्न होती या होनी संभाव्य है।</p> <p>दृष्टान्त एक आदेश, जिसमें यह निदेश है कि अमुक धार्मिक जुलूस अमुक सड़क से होकर न निकले, ऐसे लोक सेवक द्वारा प्रख्यापित किया जाता है, जो ऐसा आदेश प्रख्यापित करने के लिए विधिपूर्वक सशक्त है। क जानते हुए उस आदेश कि अवज्ञा करता है, और तद्वारा बल्वे का संकट कारित करता है। क ने इस धारा में परिभाषित अपराध किया है।</p>