

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

ORDER

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

Reference:

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

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


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

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

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

Any person violating these measures, guidelines or SOPs issued from time to time by the State Government, will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005 besides legal action under section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III**.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA


(SANJAY KUMAR)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

Copy to :

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

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

National Directives for COVID-19 Management

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

Additional directives for work places.

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



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1. **Containment Zones :-**

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

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

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

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

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

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

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

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

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

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

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

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

Department. The Urban Development Department will take into consideration the SOP issued by the Ministry of Housing and Urban Affairs for the same.

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

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

Offences and Penalties for Violation of Lockdown Measures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Section 188 in the Indian Penal Code, 1860

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