

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 25th March 2020

NOTIFICATION

COVID-19-The Epidemic Diseases Act, 1897-Revised Lockdown-Orders

Reference:

1. The Epidemic Diseases Act, 1897
2. The Disaster Management Act, 2005
3. Government Notification, Public Health Department No. Corona-2020/CR-58/Aarogya-5, Dated-13th March 2020, 14th March 2020, 15th March 2020
4. Government Notification, Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Dated-23rd March 2020
5. Government of India, Ministry of Home Affairs, Order No. 40-3/2020-DM-1(A), Dated 24th March 2020

No DMU/2020/CR. 92/DMU-1: Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid-19 Virus, which has already been declared as a pandemic by World Health Organization, and it is therefore expedient to take certain emergency measures to prevent and contain the spread of the virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, has notified lockdown in the entire State of Maharashtra with immediate effect till 31st of March, 2020 vide its notification dated 23rd March 2020 and 24th March 2020. The Government of India Ministry of Home Affairs vide its order dated 24th March 2020 under Disaster Management Act 2005 has notified certain guidelines for implementation by the State Government. It is now expedient to revise and align the lockdown orders and its amendments issued by the Government of Maharashtra earlier to keep it in consonance with the guidelines of the Government of India. The following guidelines are issued and shall supersede the guidelines issued by the State Government dated 23rd March and 24th March 2020. These orders and guidelines shall now be applicable till midnight of 14th April 2020.

1. Offices of the Government of India, its Autonomous/Subordinate Offices and Public Corporations shall follow the guidelines issued by Government of India, vide its order at above reference number 5.

Exceptions:

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Defence, central armed police forces, treasury, public utilities (including petroleum, CNG, LPG, PNG), disaster management, power generation and transmission units, post offices, National Informatics Centre, Early Warning Agencies.

2. Offices of the Maharashtra State Government, its Autonomous Bodies, Corporations, etc. shall remain closed with the following exceptions:

Exceptions:

- a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
- b. Mantralaya, District administration, Treasury and PAO, Mumbai
- c. Electricity, water, sanitation
- d. Municipal bodies-Only staff required for essential services like sanitation, personnel related to water supply etc
- e. Consulates and foreign missions
- f. Public Health, Medical Education, Food and Civil Supply and Food and Drugs Administration

All offices that operate shall take steps to ensure social distancing such as painting of foot marks at distances of 3 feet from each other near check-out counters. They shall also ensure proper sanitation in their premises and ensure availability of hand sanitizers/hand washing facilities.

The above offices (Sl No 1 and 2) should work with minimum number of employees. All other offices may continue to work-from-home only. The officers and staff should always be available on call for immediate deployment for any urgent Covid related government work.

3. All state borders shall be sealed for passenger movement, however movement of important, essential and perishable commodities is permitted.
4. All public transport services including inter-city MSRTC buses and Metro shall not be permitted. Taxis with not more than two persons besides driver, auto-rickshaws with not more than one passenger besides driver are permitted only for the purposes specified in the order. However, transport of passengers for accessing emergency medical services shall be permitted. Plying of private vehicles shall be restricted only to the extent of procuring essential commodities, health services and activities permitted under this order, and with only two person besides driver.
5. Operation of all inter-state / intra-state bus and passenger transport services (including private vehicles) including those by private operators shall stand suspended.

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6. All shops and establishments shall, remain closed however the following shops/establishments providing essential goods and services shall be excluded from the above restrictions:
- a. Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemists and medical equipment shops, laboratories, clinics, nursing homes, ambulances, pharmacies and optical stores, pharmaceuticals manufacturing and their dealers and their transportation, those who are engaged in manufacturing and distribution of vaccines, sanitizers, masks, medical equipment, their ancillaries and support services, etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.
 - b. Telecommunications, internet services, broadcasting, cable services, data services, IT and IT enabled Services required for essential services and as far as possible to work from home.
 - c. Cold storage and warehousing services
 - d. Print and electronic media
 - e. Supply chain and transport of essential commodities
 - f. Export and Import of agricultural goods and products, and all commodities
 - g. E-Commerce delivery of essential and necessary goods including food, pharmaceutical and medical equipment
 - h. Petrol pumps, LPG gas, oil agencies, their godowns and their related transport operations
 - i. All security and facility management services including those provided by private agencies to institutions providing essential services
 - j. Water supply services
 - k. All urgent pre-monsoon related works
 - l. All Banks, their ATMs and other related services, operations of Reserve Bank of India, National Payment Corporation of India (NPCI), Cash logistic & Cash-in Transaction Companies, Insurance, FinTech services including stock exchanges, clearing corporations, depositories, mutual funds and stock brokers to operate at minimum required payroll capacity.
 - m. All ports and related activities including movement of vehicles and manpower, operations of Container Freight Station (CFS) and warehouses and offices of Custom House Agents (CHAs), essential services of Railways

- n. Power generation, transmission and distribution units and services.
- o. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, Bakery, dairy and milk booths, milk products, eggs, meat and fish, animal fodder, and their transportation including goods required for the processing as raw material and warehousing activities
- p. Veterinary hospitals / animal care centers and pet shops
- q. Takeaway/home delivery at restaurants

All other establishments may work from home only and the district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.

7. All educational, training, research, coaching institutions etc. shall remain closed.

8. Industrial Establishments shall remain closed.

Exceptions:

- a. Manufacturing units of essential commodities including food and related items, sugar, dairy units, animal feed and fodder units, pharmaceuticals manufacturing & their dealers and their transportation, those who are engaged in manufacturing & distribution of vaccines, sanitizers, soaps and detergents, masks, medical equipment, their ancillaries and support services
- b. Production units, which require continuous process, after obtaining required permission from the District Magistrate who shall inturn consult the CEO, MIDC.

9. All transport services-air, rail, roadways-will remain suspended

Exceptions:

- a. Transportation for essential, important and necessary goods only.
- b. Fire, law and order and emergency services

All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential and important goods.

10. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.

11. All social, political/sports/entertainment/ academic/cultural/religious functions /gatherings shall be barred.

12. Hospitality Services to remain suspended


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Exceptions:

- a. Hotels, homestays, 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.
13. In case of funerals, congregation of not more than twenty persons will be permitted.
 14. During the lockdown period, steps will be taken to ensure that there is no disruption in the supply of essential commodities to the people.
 15. All elective surgeries wherever possible shall be re-scheduled in all private and Government hospitals to enhance the availability of health care facilities to COVID-19 patients.
 16. All Divisional Commissioners, Municipal Commissioners and Collectors are directed to identify vacant places near hospitals for housing health staff in case of necessity.
 17. 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 shall comply with the directives, failing which they will be liable to legal action under Sec. 188 of the IPC.
 18. Residents shall stay at home and come out only for permitted activities while strictly observing social distancing norms.
 19. All the District Collectors, District Superintendents of Police, Commissioners of Police, Municipal Commissioners of Corporations and other competent authorities are hereby directed to take all necessary measures in a humane and judicious manner for enforcement and implementation of the aforesaid regulations and measures.
 20. Any person, institution, organization violating these containment measures will be liable to be proceeded against as per the provisions of The Epidemics Diseases Act 1897, The Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC (As per Annexure) and all other relevant laws.
 21. Wherever exceptions to above containment measures have been allowed, the organisations/employers must ensure necessary precautions against COVID-19 virus, as well as social distancing measures, as advised by the Health Department from time to time.

22. District Collectors / Commissioner of Police / District Superintendent of Police shall inform the establishments undertaking essential services to display their own stickers on their vehicles and vehicles of their staff showing the purpose so as to be clearly visible to the law enforcing authorities.
23. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as and where necessary for purposes as may be set out.
24. The District Administration will in particular ensure that all efforts for mobilisation of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
25. All the District Collectors, District Superintendents of Police, Commissioners of Police, Municipal Commissioners of Corporations and other competent authorities are further directed to take strict action against hoarding and black marketing of essential commodities and services.
26. All earlier orders issued by the various authorities will be aligned with this order by the enforcement agencies.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF
MAHARASHTRA


(AJAY MEHTA)
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. Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra
5. Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra
6. Private Secretary to Leader of Opposition, Legislative Council / Assembly
7. Private Secretaries of All Hon'ble Minister/Minister of State, Mantralaya
8. All Additional Chief Secretaries/Principal Secretaries/Secretaries of Government of Maharashtra, Mantralaya
9. Director General of Police
10. Principal Secretary, Public Health Department, Mantralaya
11. Secretary, Medical Education, Mantralaya
12. All Divisional Commissioners in the State
13. All Commissioners of Police in the State
14. All Commissioners of Municipal Corporations in the State

15. All District Collectors

16. All District Superintendents of Police in the State

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The Manager, Government Printing Press with a request to publish the Government Notification in the extraordinary issue of Maharashtra State Gazette

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

OFFENCES AND PENALTIES

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

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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.

2. 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.

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