KRISHAN KUMAR
Advocate-on-Record
Supreme Court of India

May 07, 2020

To

The Registrar,
Supreme Court of India,
New Delhi- 110001

LETTER OF URGENCY

Subject: WP(C) No. /2020 Hand Tools Manufacturers Association vs Union of India & Ors. before Hon'ble Supreme court of India.

Dear Sir,

1. That Petitioner is filing the present writ petition under Article 32 of the Constitution of India seeking an appropriate writ for setting aside or quashing of Government Order dated March 29, 2020, only to limited extent of clause iii, issued by Ministry of Home Affairs, Government of India, only to the limited extent of compelling the Petitioner to pay full salary to all its staff, workers, contract workers, casual workers during the period of lockdown, when its establishments/shops/factories are not operational.
2. That the Government Orders challenged in the present Petition will have serious financial repercussions on the Petitioner, as failure to comply with the said Government Orders, the Petitioner is liable to face necessary actions as contemplated under Disaster Management Act, 2005.
3. Petitioner is an association formed and registered under Societies Registration Act, 1860 and as amended by Punjab Amendment Act, 1957. Petitioner comprises of around 52 members, which constitutes of sole proprietorship firms, partnership firms and private limited companies engaged in the manufacturing and distribution of the hand tools. Petitioner is filing the present Petition espousing the interest of all its members, which are directly affected by the Impugned Government Order. The Govt. Orders directing the private establishments is illegal, violative of law, impossible to implement and have a cascading effect which may lead to winding up, closure or shut down of various industrial establishments, factories etc. rendering the workers, employees and other ancillary staff as unemployed. Petitioner has very good case on merits and likely to succeed in the proceedings before this Hon'ble Court.
4. In light of facts and circumstances mentioned hereinabove, Petitioner is seeking urgent listing of the matter.
5. It is prayed that the petitioner be exempted from filing duly affirmed affidavit in the prevailing circumstances.
6. That the petitioner undertakes to pay the deficit court fees subsequently.
7. That is further prayed the matter may be taken up through the Video-Conferencing mode. The undersigned AOR will appear through mobile application.

Thanking you,

KRISHAN KUMAR
ADVOCATE

B-233, LGF, Greater Kailash-1, New Delhi–110 048
Mob. 9910577700 E-mail: krishenkumar@gmail.com

MODIFIED CHECK LIST

1. (i) Whether SLP (Civil) has been filed in Form No. 28 with certificate as per Notification dated 17.6.1997.

Yes/No

(ii) Whether the prescribed court fee has been paid.

Yes/No

2. (i) Whether proper and required numbers of paper-books (1+3) have been filed?

Yes/No

(ii) Whether brief list of dates/ events has been filed?

Yes/No

(iii) Whether paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index?

Yes/No

3. Whether the contents of the petition/appeal, applications and accompanying documents are clear, legible and typed in double space on one side of the paper.

Yes/No

4. Whether the petition and the application bear the signatures of the counsel/In-person.

Yes/No

5. Whether an affidavit of the petitioner in support of the petition/appeal/ application has been filed, properly attested and identified.

Yes/No

6. If there are any vernacular documents/portions/lines and translation of such documents are not filed, whether application for exemption from filing Official Translation, with affidavit and court fee, has been filed.

Yes/No/ NA

7. If a party in the court below has died, whether application for bringing LRs on record indicating the date of death, relationship, age and addresses along with affidavit and court fee has been filed.

Yes/No/ NA

8. (i) Whether the Vakalatnama has been properly executed by the Petitioners/ appellants and accepted and identified by the Advocate and Memo of Appearance filed.

Yes/No

(ii) If a petitioner is represented through power of attorney, whether the original power of attorney in English/translated copy has been filed and whether application for permission to appear before the court has also been filed?

Yes/No

(iii) (a) Whether the petition is filed by a body registered, under any Act or Rules?

Yes/No

(b) If yes, is copy of the Registration filed?

Yes/No

(iv) (a) Whether the person filing petition for such incorporated body has authority to file the petition?

Yes/No

(b) If yes, is proof of such authority filed

Yes/No

9. Whether the petition/appeal contains a statement in terms of order XVI/XXI of Supreme Court Rules as to whether the petitioner has filed any petition against the impugned order / Judgment earlier, and if so, the result thereof stated in the petition.

Yes/No

10. Whether certified copy of the impugned judgment has been filed and if certified copy is not available, whether an application for exemption from filing certified copy has been filed.

Yes/No

11. Whether the particulars of the impugned judgment passed by the Court(s) below are uniformly written in all the documents.

Yes/No

12. (i) Whether the addresses of the parties and their representation are complete and set out properly and whether detailed cause title has been mentioned in the impugned judgment and if not, whether the memo of parties has been filed, if required?

Yes/No

(ii) Whether the cause title of the petition/ appeal corresponds to that of the impugned judgment and names of parties therein?

Yes/No

13. Whether in case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.

Yes/No

14. If the petition/appeal is time barred, whether application for condonation of delay mentioning the no. of days of delay, with affidavit and court fee has been filed.

Yes/ No/NA

15. Whether the Annexures referred to in the petition are true copies of the documents before the Court below and are filed in chronological order as per list of dates.

Yes/No

16 Whether the petition/appeal is confined only to the pleadings in the Court/Tribunal below and

Yes/No.

If not whether application for taking additional grounds/ documents with affidavit and court fee has been filed.

Yes/No

17. (i) In SLP/Appeal against the order passed in Second Appeal whether copies of the orders passed by the Trial Court and First Appellate Court have been filed.

Yes/No/NA

(ii) If required copy of the judgment / order / notification / award etc. is not filed, whether letter of undertaking has been filed in civil matters?

Yes/No/NA

18. In matters involving conviction whether separate proof of surrender in respect of all convicts or application for exemption from surrendering

has been filed (Please see judgment dated 16.6.2006 in Crl. Appeal No.685/2006
entitled Mayuram Subramanian Srinivasan Versus C.B.I) (Copy of surrender proof to be included in the paper books.)

Yes/No/NA

Whether in case where proof of surrender/ separate certificate from the jail Authority has not been filed, an application for exemption from filing separate proof of surrender has been filed.

Yes/No

19. In case of quashing of FIR whether a copy of the petition filed before the
High Court under section 482 of Cr.P.C. has been filed.

Yes/No

20. In case of anticipatory bail whether a copy of FIR or translated copy has been filed.

Yes/No

21. (i) Whether the complete listing proforma has been filled in, signed and included in the paper-books?

Yes/No

(ii) If any identical matter is pending/ disposed of by Supreme Court, whether complete particulars of such matters have been given?

Yes/No/NA

Date: 07.05.2020

KRISHAN KUMAR
Advocate for Petitioner
CC-1742

INDEX

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.__________OF2020

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:

HAND TOOLS MANUFACTURERS ASSOCIATION ...PETITIONER

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

OFFICE REPORT ON LIMITATION

1. The Petition is/are within time.

2. The petition is barred by time and there is delay of _____ days in filing the same against the order dated _______ and petition for condonation of ______ days delay has been filed.

3. There is delay of _____ days in re-filing the petition and petition for condonation of ______ days delay in refilling has been filed.

BRANCH OFFICER

NEW DELHI

FILED ON: 07.05.2020

LISTING FOR FIRST LISTING

Section _______

The case pertains to (Please tick/check the correct box):

( ) Central Act: (Title) Disaster Management Act, 2005

( ) Section: 10

( ) Central Rule: (Title) N/A

( ) Rule No (s): N/A

( ) State Act: (Title) N/A

( ) Section: N/A

( ) State Rule: (Title) N/A

( ) Rule No (s): N/A

( ) Impugned Interim Order: (Date) N/A

( ) Impugned Final Order/Decree: (Date) ____________.

( ) High Court:(Name): ____.
( ) Name of judges: ____

( ) Tribunal/Authority (Name) N/A

1. Nature of Matter: (a) Civil

(a) Petitioner/appellant No.: **HAND TOOLS MANUFACTURERS ASSOCIATION** Through General Secretary, Mr. Ashwani Kumar

(b) E-mail Id: ____________________________

(c) Mobile phone No. ____________

2. (a) Respondent No.1:**UNION OF INDIA & ORS**.

(b) E-mail Id: N/A

(c) Mobile phone No. N/A

3. (a) Main category classification : 18

(b) Sub classification: 08

5. Note to be listed before: N/A

6. (a) Similar disposed of matter with citation, if any, & case details : (No Disposed)

   (b) Similar pending matter with details: Diary No.- 10983 - 2020
   FICUS PAX PRIVATE LIMITED vs. UNION OF INDIA

7. **Criminal Matters:**___________N/A_________

   (a) Whether accused/convict has surrendered ( ) Yes ( ) No N/A

   (b) Fir No. _______N/A__________Date:__________N/A_________

   (c) Police Station: ______N/A_________

   (d) Sentence Awarded: _______N/A_________

   (e) Period of sentence Undergone including period of Detention /

   CustodyUndergone ;__________N/A_________

8. **Land Acquisition Matters:** N/A.

   (a) Date of Section 4 notification: _________N/A_________

   (b) Date of Section 6 notification: _________N/A_________

   (c) Date of Section 17 notification:_________N/A_________

9. **Tax Matters:** State the tax effect:________N/A_________

10. **Special Category** (fist petitioner/appellant only): ____N/A_____

    ( ) Senior citizen > 65 years ( ) SC/ST ( ) Woman / child

    ( ) Disabled ( ) Legal aid case ( ) in custody _____N/A_____

11. Vehicle Number (in case of Motor Accident Claim matters): N/A

Date. 07.05.2020

AOR FOR PETITIONER(S)/APPELLANT(S)
Name –**KRISHAN KUMAR**
Reg. No-1742
Mb. 9910577700
Email krishenkumar@gmail.com

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.__________OF2020

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

(challenging the validity and vires of Section 10(2)(l) of the Disaster Management Act, 2005 and seeking an appropriate writ for setting aside or quashing of Government Order dated 29/3/2020 issued by Ministry of Home Affairs, Government of India, under Section 10(2)(l) of the Disaster Management Act, 2005)

<u>IN THE MATTER OF</u>:

HAND TOOLS MANUFACTURERS ASSOCIATION ...PETITIONER

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

P A P E R B O O K

[FOR INDEX : KINDLY SEE INSIDE]

<u>I.A. NO. /2020</u> :

Application for stay.

<u>I.A. NO. /2020</u> :

Application for Exemption

<u>ADVOCATE FOR THE PETITIONER</u> :**(KRISHAN KUMAR)**
FILED ON: 07.05.2020

INDEX OF RECORD OF PROCEEDINGS

1	Court Order dated		
2	Court Order dated		
3	Court Order dated		
4	Court Order dated		
5	Court Order dated		
6	Court Order dated		
7	Court Order dated		
8	Court Order dated		
9	Court Order dated		
10	Court Order dated		
11	Court Order dated		
12	Court Order dated		
13	Court Order dated		
14	Court Order dated		
15	Court Order dated		
16	Court Order dated		
17	Court Order dated		
18	Court Order dated		
19	Court Order dated		
20	Court Order dated		

SYNOPSIS

Petitioner Association is filing the present writ petition under Article 32 of the Constitution of India challenging the validity and vires of Section 10(2)(l) of the Disaster Management Act, 2005 and seeking an appropriate writ for setting aside or quashing of Government Order dated 29/3/2020 issued by Ministry of Home Affairs, Government of India, under Section 10(2)(l) of the Disaster Management Act, 2005,only to the limited extent wherein the private establishments are directed to pay full salaries to all workers/employees, contract or casual workers during the period of COVID-19 lockdown.

On 31.12.2019, China reported pneumonia of unknown cause detected in city of Wuhan to World Health Organization (for short '**WHO**'). On 22/1/2020, WHO issued statement regarding human to human transmission of novel coronavirus in Wuhan. On 30.01.2020, WHO declared this outbreak as a Public Health Emergency of International Concern (PHEIC). On 11.02.2020, WHO announced coronavirus disease as COVID-19 and on 12.02.2020, WHO declared COVID-19 as 'pandemic'. As per the data available on the official website of WHO, on 20.04.2020, total number of confirmed cases of COVID-19 across the world are 30,24,059 with 2,08,112 as total number of deaths. In India, the total number of confirmed cases are 31,332 and 1007 deaths.

Growing number of cases resulted in invocation of Epidemic Diseases Act, 1897 by various State Governments. This lead to shutting down of malls, gyms, schools and other public places to prevent spread of COVID-19.

On 14.03.2020, Ministry of Home Affairs, Government of India, notified COVID-19 as a 'notified disaster'.

On 16.03.2020, Ministry of Health & Family Welfare, Government of India, issued advisory on social distancing measure in view of spread of COVID-19, urging to all States/ Union Territory Governments to take social distancing measures as a preventive strategy for implementation till

31.03 2020. Even Government of Punjab, on 16.03.2020 prohibited public gatherings including sports, conferences, cultural events, fairs and exhibitions, weddings etc till further orders in order to prevent outbreak of COVID-19 in the State.

On 19.03.2020, Mr. Narendra Modi, Prime Minister of India requested all citizens to observe 'Janata Curfew' on 22.03.2020 from 7 am to 9 pm.

On 20.03.2020, Ministry of Labour and Employment, Government of India, addressed a letter to Department of Public Enterprises and also to Chief Secretaries of all States and Union Territories, to issue necessary advisory to employers/owners of all establishments not to terminate/reduce wages of employees.

On 20.03.2020, Ministry of Labour and Employment, Government of India, issued letter to all employers' associations to circulate advisory to all employers/ owners of all establishments that employers of public/private establishments not to terminate/reduce wages of employees.

On 23.03.2020, Department of Expenditure, Ministry of Finance, Government of India by Office Memorandum ordered that if any contractual, casual and outsourced staff of Ministries/ Departments and other organisations of Government of India is required to stay at home due to lockdown period till 30.04.2020, it shall be treated as on duty and necessary wages to be paid to any such employee.

On 23.03.2020, Ministry of Labour & Employment by letter addressed to Mr. Ministry of Housing and Urban Affairs, issued a direction that an advisory shall be issued to all employers/owners of public/private establishments to extend their coordination by not terminating employees, particularly casual or contractual, from their jobs or reduce their wages.

On 24.03.2020, Prime Minister of India announced a nationwide lockdown from 25.03.2020 to 14.04.2020 for a period of 21 days. Thereafter, Ministry of Home Affairs, Government of India, issued a Government Order dated

24.03.2020 by invoking the provisions of section 10(2)(I) of Disaster Management Act, 2005 issued various guidelines to Departments of Government of India, State and Union Territory Governments and authorities for strict implementation of 21 days lockdown.

Principal Secretary, Labour, Government of Punjab, by its letter dated 28.03.2020, addressed to all Deputy director of Factories and Assistant Labour Commissioners, issued necessary advisory to the employers/owners of private establishments in State of Punjab for not terminating the services of employees or reducing the wages in view of COVID-19 pandemic.

By a Government Order dated 29.03.2020 being N0.40-3/2020-DM-I(A) ('**Impugned Government Order**') issued by Ministry of Home Affairs, Government of India, under section 10(2)(I) of the Disaster Management Act, 2005 ('**the Act'**), Government of India directed various Departments of Government of India, State/Union Territory Governments and authorities to implement lockdown measures for containment of spread of COVID-19 in the Country. By the said Impugned Government Order, State/Union Territory Governments and State/Union Territory Authorities were directed to take necessary action against those who are violating the measures mentioned in the Impugned Government Order.

On 30.03.2020, Ministry of Labour and Employment issued an advisory to all the Regional Labour Commissioners that all employees/workers may be deemed to be on duty in case place of employment is made non-operational due to outbreak of COVID-19. All private and public enterprises were advised not to terminate their employees from jobs, including the casual and employees of contractors and not to deduct their wages.

A press release was issued by Government of Punjab on 14.04.2020 stating that Capt. Amarinder Singh, Chief Minister of Punjab, addressed a letter to the Hon'ble Prime Minister of India seeking reconsideration of Government Order directing payment of full wages to workers as it will lead to bankruptcy of such organisations as the operations of these establishments have completely stopped due to lockdown.

On 14.04.2020, the Hon'ble Prime Minister extended the lockdown to 3.5.2020 due to spike in number of cases. Subsequently, Ministry of Home Affairs issued orders for continuation of guidelines/orders earlier issued. Further, by another notification dated 1.05.2020, issued Ministry of Home Affairs, the lockdown was extended till 17.05.2020

Petitioner is challenging the constitutional validity of clause iii, being ***"All the employers, be it in the industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during lockdown period."*** of the Impugned Government Order issued by Ministry of Home Affairs, Government of India, under section 10(2)(I) of the Disaster Management Act, 2005.

Petitioner has challenged the Impugned Government Order dated 29.03.2020 in the present Petition under violative of Articles 14, 19(1)(g)and 300A of the Constitution for being unconstitutional, for the reasons mentioned in the grounds.

LIST OF DATES

31.012.2019	China reported pneumonia of unknown cause, detected in city of Wuhan, to country office of World Health Organization (WHO)
22.01.2020	WHO issued a statement of human to human transmission of novel coronavirus in Wuhan.
30.01.2020	WHO declared it as a Public Health Emergency of International Concern (PHEIC)
11.02.2020	WHO announced a name for new coronavirus disease as COVID-19.
12.03.2020	WHO declared COVID-19 as 'pandemic'.
14.03.2020	Disaster Management Division of Ministry of Home Affairs, Government of India, decided to treat COVID-19 as a 'notified disaster'
16.03.2020	Ministry of Health & Family Welfare, Government of India, issued advisory on social distancing

	measure in view of spread of COVID-19
16.03.2020	Government of Punjab issued orders prohibiting public gatherings including sports, conferences, cultural events, fairs and exhibitions, weddings etc till further orders.
19.03.2020	Hon'ble Prime Minister Mr. Narendra Modi while his address to the nation, asked all citizens to observe 'Janata Curfew' on 22.03.2020 from 7 am to 9 pm.
20.03.2020	Mr. Heeralal Samariya, Secretary, Ministry of Labour and Employment, Government of India, addressed a letter bearing reference number D.O.No.M-11011/08/2020-Media, to Mr. Sailesh, Secretary, Department of Public Enterprises and also to Chief Secretaries of all States and Union Territories, to issue necessary advisory to employers/owners of all establishments not to terminate/reduce wages of employees, particularly casual or

	contractual workers and that leave during this period must be deemed to be on duty, without any deduction in wages.
20.03.2020	Ms. Kalpana Rajsinghot, Joint Secretary, Ministry of Labour and Employment, Government of India, issued letter to all employers' associations to circulate advisory to all employers/ owners of all establishments that employers of public/private establishments not to terminate/reduce wages of employees, particularly casual or contractual workers and it was also advised that leave during this period must be deemed to be on duty, without any deduction in wages.
23.03.2020	Office Memorandum issued by Department of Expenditure, Ministry of Finance, Government of India it was ordered that wherever any contractual, casual and outsourced staff of Ministries/ Departments and other organisations of Government

	of India is required to stay at home due to lockdown period, shall be treated as on duty and necessary wages to be paid to any such employee.
23.03.2020	Mr. Heeralal Samariya, Secretary to Government of India, Ministry of Labour & Employment by his letter addressed to Mr. Durga Mishra, Secretary, Ministry of Housing and Urban Affairs, issued a direction that an advisory shall be issued to all employers/owners of public/private establishments to extend their coordination by not terminating employees, particularly casual or contractual, from their jobs or reduce their wages.
24.03.2020	Hon'ble Prime Minister while addressing the country announced a nationwide lockdown from midnight of that day, i.e. from 25.03.2020, for a period of 21 days, i.e. till 14.04.2020.

24.03.2020	Ministry of Home Affairs, Government of India, issued a Government Order dated 24.03.2020 by invoking the provisions of section 10(2)(I) of Disaster Management Act, 2005 issued various guidelines to Departments of Government of India, State and Union Territory Governments and authorities for strict implementation of 21 days lockdown commencing from 25.03.2020.
28.03.2020	Principal Secretary, Labour, Government of Punjab, by its letter addressed to all Deputy director of Factories and Assistant Labour Commissioners, issued necessary advisory to the employers/owners of private establishments in State of Punjab for not terminating the services of employees or reducing the wages in view of COVID-19 pandemic.
29.03.2020	Government Order issued by Ministry of Home Affairs,

	Government of India, under section 10(2)(I) of the Disaster Management Act, 2005, Government of India directed various Departments of Government of India, State/Union Territory Governments and authorities to implement lockdown measures for containment of spread of COVID-19 in the Country. (**Impugned Government Order**).
30.03.2020	Central Labour Commissioner, Ministry of Labour and Employment issued an advisory to all the Regional Heads that all employees/workers may be deemed to be on duty in case place of employment is made non-operational due to outbreak of COVID-19, Government advised to all private and public enterprises not to terminate their employees including the casual and employees of outsourcing agencies from the jobs and also not to reduce or

	deduct their wages for the period if employees take quarantine leave.
14.04.2020	A press release was issued by Government of Punjab on 14.04.2020 stating that Capt. Amarinder Singh, Chief Minister of Punjab, addressed a letter to the Hon'ble Prime Minister of India seeking reconsideration of Government Order directing payment of full wages to workers.
14.04.2020	Hon'ble Prime Minister extended the lockdown to 3.5.2020 due to spike in number of cases. Subsequently, Ministry of Home Affairs issued orders for continuation of guidelines/orders earlier issued.
1.05.2020	Further, by another notification dated 1.05.2020, issued Ministry of Home Affairs, the lockdown was extended till 17.05.2020. Hence, this Petition

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.__________OF2020

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:

HAND TOOLS MANUFACTURERS ASSOCIATION
Through Secretary
Mr. Ashwani Kumar
Address: A-3, Focal Point, Bye Pass,
Jalandhar City, Punjab **Respondent No.1**

VERSUS

1. UNION OF INDIA
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi – 110004 **Respondent No.1**

2. MINISTRY OF HOME AFFAIRS
Through Home Secretary
North Block,
New Delhi – 110001 **Respondent No.2**

3. GOVERNMENT OF PUNJAB
Through Chief Secretary
Room No. 1, 2nd Floor,
Punjab Civil Secretariat,
Sector-1
Chandigarh-160001 **Respondent No. 3**

A WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT FOR SETTING ASIDE OR QUASHING OF GOVERNMENT ORDER DATED MARCH 29, 2020, ISSUED BY MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA ONLY TO THE EXTENT IT DIRECTED PRIVATE ESTABLISMENTS TO PAY FULL SALARY TO WORKERS/ EMPLOYEES CONTRACT OR CASUAL WORKERS DURING THE PERIOD OF COVID-19 LOCKDOWN

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED

<u>MOST RESPECTFULLY SHOWETH:</u>

1. Petitioner Association is filing the present writ petition under Article 32 of the Constitution of India seeking an appropriate writ for setting aside or quashing of Government Order dated 29/3/2020

issued by Ministry of Home Affairs, Government of India, only to the limited extent wherein the private establishments are directed to pay full salaries to all workers/employees, contract or casual workers during the period of COVID-19 lockdown.

2. The Petitioner has not filed any other Petition either before this Hon'ble Court or any other court High Court for seeking same or similar relief.

3. Petitioner respectfully submits that the Petitioner is approaching this Hon’ble Court under Article 32 of the Constitution of India as the Government Order dated 29.03.2020, which is under challenge in present Petition has all India importance and requires an authoritative and final pronouncement by this Hon’ble Court in order to remove any uncertainty in the matter. The adjudication in the matter will also have a huge and substantial effect on the viability and financial survival of private

establishments throughout the country and also of the members of the Petitioner Association.

4. Petitioner is an association formed and registered under Societies Registration Act, 1860 and as amended by Punjab Amendment Act, 1957. Petitioner was registered on 20.1.2003 and is having its office at A-3, Focal Point, Jalandhar City. Petitioner comprises of around 52 members, which constitutes of sole proprietorship firms, partnership firms and private limited companies engaged in the manufacturing and distribution of the hand tools. Petitioner is filing the present Petition espousing the interest of all its members, which are directly affected by the Impugned Government Order. Petitioner is filing the present Petition through Mr. Ashwini Kumar, Secretary of the Petitioner Association, who is authorised to file the present Petition by Resolution dated 25.04.2020. A copy of certificate of registration of societies and Board Resolution dated 25.04.2020 is annexed and marked

as **Annexure P-1** (Page No.__54___to__-___) and **Annexure P-2** (Page No.__55___to__-___) respectively.

5. Respondent No. 1 is Union of India. Respondent no. 2 is the Ministry of Home Affairs, Government of India, which issued the Government Order dated 29.03.2020, challenged in the present Petition. Respondent no. 3 is Government of Punjab, which is bound by the Government Order dated 29.03.2020 issued by Respondent no. 2. Although, State Executive Committee of State of Punjab has not issued any such Government Order directing the private establishments to pay full wages to its employees/ workers, it is still bound by Central Government's order.

1. FACTUAL BACKGROUND:

A. On 31.12.2019, China reported pneumonia of unknown cause detected in city of Wuhan to World Health Organization (for short '**WHO**'). On

22/1/2020, WHO issued statement regarding human to human transmission of novel coronavirus in Wuhan. On 30.01.2020, WHO declared this outbreak as a Public Health Emergency of International Concern (PHEIC). On 11.02.2020, WHO announced coronavirus disease as COVID-19 and on 12.03.2020, WHO declared COVID-19 as 'pandemic'. As per the data available on the official website of WHO, on 20.04.2020, total number of confirmed cases of COVID-19 across the world are22,85,210 with 1,55,124 as total number of deaths. In India, the total number of confirmed cases are 15,712 and 1,334 deaths.

B. Growing number of cases resulted in invocation of Epidemic Diseases Act, 1897 by various State Governments. This lead to shutting down of malls, gyms, schools and other public places to prevent spread of COVID-19.

C. On 14.03.2020, Ministry of Home Affairs, Government of India, notified COVID-19 as a 'notified disaster'. A copy of letter dated 14.03.2020 issued by Ministry of Home Affairs, Government of India is annexed and marked as **Annexure P-3.** (Page No. 56 to -)

D. On 16.03.2020, Ministry of Health & Family Welfare, Government of India, issued advisory on social distancing measure in view of spread of COVID-19, urging to all States/ Union Territory Governments to take social distancing measures as a preventive strategy for implementation till 31.03 2020. Even Government of Punjab, on 16.03.2020 prohibited public gatherings including sports, conferences, cultural events, fairs and exhibitions, weddings etc till further orders in order to prevent outbreak of COVID-19 in the State. A copy of the advisory issued by Ministry of Health & Family Welfare, Government of India and also by Government of Punjab are annexed and marked as **Annexure P-4.** (Page No.__57__to__62__)

E. On 19.03.2020, Mr. Narendra Modi, Prime Minister of India requested all citizens to observe 'Janata Curfew' on 22.03.2020 from 7 am to 9 pm.

F. On 20.03.2020, Ministry of Labour and Employment, Government of India, addressed a letter to Department of Public Enterprises and also to Chief Secretaries of all States and Union Territories, to issue necessary advisory to employers/owners of all establishments not to terminate/reduce wages of employees. A copy of the said letters dated 20.03.2020 are annexed and marked as **Annexure P-5.** (Page No.__63__to__64__).

G. On 20.03.2020, Ministry of Labour and Employment, Government of India, issued letter to all employers' associations to circulate advisory to all employers/ owners of all establishments that employers of public/private establishments not to terminate/reduce wages of employees. A copy of the said letter dated 20.03.2020 is annexed and marked as **Annexure P-6.** (Page No._65__to_-___)**.**

H. On 23.03.2020, Department of Expenditure, Ministry of Finance, Government of India by Office Memorandum ordered that if any contractual, casual and outsourced staff of Ministries/ Departments and other organisations of Government of India is required to stay at home due to lockdown period till 30.04.2020,it shall be treated as on duty and necessary wages to be paid to any such employee. A copy of Office Memorandum on dated 23.03.2020 is annexed and marked as **Annexure P-7.** (Page No._66__to_-___)

I. On 23.03.2020, Ministry of Labour & Employment by letter addressed to Ministry of Housing and Urban Affairs, issued a direction that an advisory shall be issued to all employers/owners of public/private establishments to extend their coordination by not terminating employees, particularly casual or contractual, from their jobs or reduce their wages. A copy of letter dated 23.03.2020 addressed to Ministry of Housing and Urban Affairs by Ministry of Labour & Employment is annexed and marked as **Annexure P-8.** (Page No.__67__to__-__)

J. On 24.03.2020, Prime Minister of India announced a nationwide lockdown from 25.03.2020 to 14.04.2020 for a period of 21 days. Thereafter, Ministry of Home Affairs, Government of India, issued a Government Order dated 24.03.2020 by invoking the provisions of section 10(2)(I) of Disaster Management Act, 2005 issued various guidelines to Departments of Government of India, State and Union Territory Governments and authorities for strict implementation of 21 days lockdown. A copy of the Government Order dated 24.03.2020 along with guidelines is annexed and marked as **Annexure P-9.** (Page No._68_to_74_)

K. Principal Secretary, Labour, Government of Punjab, by its letter dated 28.03.2020, addressed to all Deputy director of Factories and Assistant Labour Commissioners, issued necessary advisory to the employers/owners of private establishments in State of Punjab for not terminating the services of employees or reducing the wages in view of COVID-19 pandemic. A copy of letter dated 28.03.2020 is annexed and marked as **Annexure P-10.** (Page No._75_to_-_)

L. By a Government Order dated 29.03.2020 being N0.40-3/2020-DM-I(A) (' **Impugned Government Order**') issued by Ministry of Home Affairs, Government of India, under section 10(2)(I) of the Disaster Management Act, 2005 ('**the Act'**), Government of India directed various Departments of Government of India, State/Union Territory

Governments and authorities to implement lockdown measures for containment of spread of COVID-19 in the Country. By the said Impugned Government Order, State/Union Territory Governments and State/Union Territory Authorities were directed to take necessary action against those who are violating the measures mentioned in the Impugned Government Order. A copy of Impugned Government Order dated 29.03.2020 is annexed and marked as **Annexure P-11.** (Page No.__76__to__77__)

M. On 30.03.2020, Ministry of Labour and Employment issued an advisory to all the Regional Labour Commissioners that all employees/workers may be deemed to be on duty in case place of employment is made non-operational due to outbreak of COVID-19. All private and public enterprises were advised not to terminate their employees from jobs, including the casual and employees of contractors and not to deduct their wages. A copy of advisory on dated

30.03.2020 is annexed and marked as **Annexure P-12.** (Page No. 78 to 83)

N. A press release was issued by Government of Punjab on 14.04.2020 stating that Capt. Amarinder Singh, Chief Minister of Punjab, addressed a letter to the Hon'ble Prime Minister of India seeking reconsideration of Government Order directing payment of full wages to workers as it will lead to bankruptcy of such organisations as the operations of these establishments have completely stopped due to lockdown. A copy of press release dated 14.04.2020 is annexed and marked as **Annexure P-13.** (Page No. 84 to 85)

O. On 14.04.2020, the Hon'ble Prime Minister extended the lockdown to 3.5.2020 due to spike in number of cases. Subsequently, Ministry of Home Affairs issued orders for continuation of guidelines/orders earlier issued. Further, by another notification dated 1.05.2020, issued Ministry of Home Affairs, the lockdown was extended till 17.05.2020. The copies of order dated 14.4.2020 and 1.05.2020 issued by Ministry of Home Affairs are annexed and marked as **Annexure P-14.** (Page No.86 to 89) **and Annexure P-15.** (Page No.90 to 101)

P. Petitioner is challenging the constitutional validity of clause iii, being ***"All the employers, be it in the industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during lockdown period."*** of the Impugned Government Order issued by Ministry of Home Affairs, Government of India, under section 10(2)(I) of the Disaster Management Act, 2005.

Q. Petitioner states that the Central Government under section 10(2)(I) of the Disaster Management Act, 2005 lacks the legislative competence to direct private establishments to pay full wages to their workforce. The Impugned Government Order is illegal, arbitrary and violative of Articles 14, 19(1)(g), and 300A of the Constitution and thus liable to be struck down and quashed by this Hon'ble Court, for the following amongst other Grounds without prejudice to one another.

R. That the Ministry of Corporate Affairs on its website, has clarified that payment of salary/wages to employees/workers during the lockdown period is moral obligation of the employers, as they have no alternative source of employment during the period of lockdown and therefore, not liable to be treated as Corporate Social Responsibility. Hence, the direction of Government of India to the employers to pay full wages during lockdown, being moral obligation, is not justified. A copy of FAQs from the website of Ministry of Corporate Affairs is annexed and marked as **Annexure P-16.** (Page No.__102__to__104__)

2. **QUESTIONS OF LAW:**

a. Whether Disaster Management Act, 2005 empowers Central Government to issue directions to private establishment for payment of full wages/salary during a disaster.

b. Whether the Impugned Government Order issued by the Government of India without considering reasonable classification is unjustified and arbitrary.

c. Whether under Disaster Management Act, 2005, Government of India can direct private establishments to pay full wages, when Industrial Disputes Act, 1948, provides for payment of 50% wages under similar circumstances.

d. Whether Government of Indiaissued the Impugned Government Order in undue haste and without considering financial ability of private establishments to bear the burden of fullwages during the period of lockdown.

e. When hundreds of Crores of unclaimed provident fund and Employees State Insurance Corporation contribution lies in banks attracting interest and Government of India is enjoying benefit out it, whether instead of using this contribution of the industry towards the welfare of workers/employees, the direction to private establishments to pay full wages is arbitrary and unreasonable.

f. Whether the Impugned Government Order violates Article 14 and 19 of the Constitution of India.

g. Whether the directions to pay full wages/salary to the workers / employees of the private establishments is feasible during the time of ensuing lockdown due to COVID-19.

h. Whether for the protection of interest of working class/sector of the society, the Central Government can put the entire burden on the employer, more particularly, when the employer is also suffering grave losses due to lockdown.

3. GROUNDS

i. BECAUSE nothing in the Act provides for continued payment of wages by the employers to its workers/employees during any disaster.

ii. BECAUSE the object of the Act is to provide for the effective management of disasters and for matters connected therewith or incidental thereto. The Impugned Government Order, purportedly issued under Section 10(2)(l) of the Act, has no reasonable nexus with the object and purpose of the enabling statue i.e. the Act. Therefore, the Impugned Government Orderis liable to be quashed and set aside on this ground alone.

iii. BECAUSE it is a well-settled principle of law that when it comes to delegated legislation, a delegate must excercise its jurisdiction within the four corners of its delegation and his action cannot have any legal sanction if the delegatee has acted beyond the four corners of delegations.

iv. BECAUSE the power to make subordinate legislation is derived from the enabling Act and it is fundamental that the delegate on whom such a power is conferred has to act within the limits of authority conferred by the Act. Rules, cannot be made to supplant the provisions of the enabling Act but to supplement it.

v. BECAUSE all the Rules, Regulations, Schemes, Bye-laws, Orders made under statutory powers are all comprised in delegated legislation. The Impugned Government Order is issued by the Home Secretary of Government of India, in his capacity as Chairperson, National Executive Committee (**"NCE"**) under Section 10(2)(l) of the Act. Thus, the same is nothing but effectuation delegated legislation, albeit illegally under Section 10(2)(l) of the Act.

vi. BECAUSE none of the provisions of the parent Act of 2005 provide for continued payment of wages by the employers to its workers/employees during any disaster. NCE or its Chairperson cannot derived alleged power under Section 10(2)(l) or any other provision of the Act that empowered them to issue the Impugned Government Order.

vii. BECAUSE the Parliament lacks legislative competence to enact a law directing private establishments to pay full wages/salaries to their workforce irrespective of whether work is done by them or not. Therefore, there is no question of the NCE and/or its Chairperson had no legislative competence to issued the Impugned Government Order.

viii. BECAUSE assuming without admitting that there indeed is any delegation under Section 10(2)(l) of the Act, the Impugned Government Order effectively brings into existence substantive rights and/or obligations and/or disabilities not contemplated by the provisions of the Act itself. This is not permissible.

ix. BECAUSE the Impugned Government Order issued under the garb of an order under Section 10(2)(l) of the Act has no statutory backing and the same does not amount to law. Therefore, the Impugned Government Order cannot dilute or override the effect of a constitutional or statutory provision.

x. BECAUSE a delegation is valid only when the legislative policy and guidelines to implement it are adequately laid down and the delegate is only empowered to carry out the policy within the guidelines laid down by the legislature. Section 10(2)(l) or Section 75 of the Act does not envisage the basis on which the Impugned Government Order is passed. The Act does not empower

National Disaster Management Authority and NEC at Central level, constituted under the Act, to direct the employers/owners to make payment to their workers, without any deduction, during the period of lockdown, arising due to some disaster.

xi. BECAUSE directing private establishment to pay full salaries against no work to their workforce is akin to taking away their property. Article 300A provides a constitutional right and protection that no person shall be deprived of his property save by authority of law. The Act does not govern this aspect of taking away property of private establishments when no work is done.

xii. BECAUSE the Impugned Government Order is open to the scrutiny of this Hon'ble Court and may please be declared invalid as (i) it is in violation of the Constitution; and (ii) violation of the enabling Act itself.

xiii. The instant case raises a question of whether private establishments can be compelled to pay full salaries when no work is done which curtails the employers' fundamental right to trade or business under Article 19(1)(g) of the Constitution. If the curtailment is validly done then the employees cannot be prevented from working. It fails to strike a proper balance between the freedom guaranteed in Article 19(1)(g) and the social control permitted by clause 19 (6) of Constitution of India.

xiv. BECAUSE while there is a presumption in favour of the constitution validity of a sub-ordinate legislation, the Petitioner has sufficiently discharged its burden to prove that the Impugned Order is invalid in terms of the judgment of the Hon'ble Supreme Court in the matter of ***State of T.N. v. P. Krishnamurthy***. In terms of this judgment, the Impugned Government Order is illegal on following grounds:

- Lack of legislative competence to make the sub-ordinate legislation;
- Violation of Fundamental Rights guaranteed under the Constitution of India;
- Violation of any provision of the Constitution of India;
- Failure to conform to the Statute under which it is made or exceeding the limits of authority conferred by the enabling Act;
- Repugnancy to the laws of the land, that is, any enactment; and
- Manifest arbitrariness/unreasonableness (to an extent where court might well say that Legislature never intended to give authority to make such Rules).

xv. BECAUSE the Parliament lacks legislative competence to enact a law directing private establishments to pay full wages/salaries to their workforce irrespective of whether work is done by them or not.

xvi. BECAUSE the issue of payment of wages against no work during present times can be said to be encompassed under Entry 6 (Public Health) and

Entry 1 of List-II, i.e. the State List under the Seventh Schedule of the Constitution. Therefore, the legislative competence lies with the State Legislature.

xvii. BECAUSE on a demurer, if the Act contains adequate provisions empowering the National Executive Committee and the State Executive Committee to direct all private establishments to pay full salaries against no work to their workforce then the same is violative of fundamental rights guaranteed under Article 14 and Article 19 of the Constitution, contrary to constitutional right to property under Article 300A.

xviii. BECAUSE existence of power under Section 10(2)(l) of the Act to treat all private establishments at par by passing a blanket direction of payment of full salaries against no work is manifestly arbitrary and therefore, violative of Article 14 of the Constitution.

xix. BECAUSE it is implicit in the fundamental right of an employer to trade or business that there is an obligation to pay when work is actually done and there is no obligation if no work is done. An employer and employee have reciprocal promises whereby the right of an employee to demand salary is reciprocal to performance of work by such employee. The employer has a right to not pay if no work is done.

xx. BECAUSE directing private establishment to pay full salaries against no work to their workforce is akin to taking away their property. Article 300A provides a constitutional right and protection that no person shall be deprived of his property save by authority of law. The Act does not govern this aspect of taking away property of private establishments when no work is done.

xxi. BECAUSE the instant case raises a question of whether private establishments can be compelled to pay full salaries when no work is done which curtails the employers' fundamental right to trade or business under Article 19(1)(g). If the curtailment is validly done then the employees cannot be prevented from working.

xxii. BECAUSE one-sided implementation of contract alone is not permitted. The relationship between employer and employee consists of reciprocal promises wherein payment can be enforced only against consideration of performing work.

xxiii. BECAUSE taxing provisions contained in a Bill is categorised as Money Bill as per Article 110 of the Constitution. Therefore, the impugned directions issued under Section 10(2)(l) of the Act could have passed muster if the Disaster Management Act was introduced and passed as a Money Bill which is not the case.

xxiv. BECAUSE the impugned executive order has created fiction when none exists, viz. employers are compelled to pay full salaries to their employees without their performing any work. Such a scenario can, if at all, be created only by way of a legislation.

xxv. BECAUSE a legislation suffering from the mischief of manifest arbitrariness deserves to be struck down in keeping with the settled law laid down by this Hon'ble Court in ***ShayaraBano Vs Union of India; (2017) 9 SCC 1*** wherein the Constitution Bench held that;

"101….The test of manifest arbitrariness, therefore, as laid down in the aforesaid judgments would apply to invalidate legislation as well as subordinate legislation under Article 14. Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining principle. Also, when something is done which is excessive and disproportionate, such legislation would be manifestly arbitrary. We are, therefore,

of the view that arbitrariness in the sense of manifest arbitrariness as pointed out by us above would apply to negate legislation as well under Article 14."

xxvi. BECAUSE it is irrational to treat all private establishments alike irrespective of the profit and loss incurred by them or their revenues and turnover. A private establishment suffering loss with huge debts to repay cannot be equated with an establishment earning profits. There is no rational for treating them alike.

xxvii. BECAUSE it is manifestly arbitrary that all private establishments have to pay full salaries against no work irrespective of their capacity to generate revenues, nature of business, amount of outstanding debt payable by them, their assets and liabilities, their income tax returns for last three years, and, how soon they can resume operations after lockdown, etc.

xxviii. BECAUSE it is capricious to direct all private establishments to pay full salaries against no work to their entire workforce, whether an employee draws a salary of Rs. One Lakh per month or Rs. Twenty Thousand per month.

xxix. BECAUSE uniform directions across the board has rendered the essential requirement of “lawful consideration” redundant as a worker of a business engaged in essential goods and services is being paid in lieu of his services whereas a worker of a business engaged in non-essential goods and services is being paid even when he/she is unable to work.

xxx. BECAUSE no framework or guidelines have been provided under the Act for laying down guiding factors and an intelligible differentia between numerous kinds of private establishments as also various categories of employees and workers to be followed at the time of making payment of salaries/wages against no work as compulsory.

xxxi. BECAUSE there is no determining principle for treating unequal private establishments equally. It is settled law that Article 14 mandates not only that equals have to be treated equally but also requires that unequals cannot be treated equally. While there are plethora of judgments on this proposition but suffice it to refer to the judgment *Kunnathat Thathuni Mooopil Nair Vs. The State of Kerala, (1961) 3 SCR 77 (para 8)* passed by the Supreme Court in this regard.

xxxii. BECAUSE the language of the Act and in particular Section 10(2)(l) of the Act has nothing to do with payment of salaries/wages, much less mandating private establishments to pay salaries against no work.

xxxiii. BECAUSE a plain reading of Section 10(2)(l) of the Act shows that it neither states nor empowers the National Executive Committee or the State Executive Committee, as the case may be, to direct private establishments to necessarily pay full salaries against no work to their workforce.

xxxiv. BECAUSE the object of the Act is disaster specific and not regulating the relationship between private establishment and its workforce.

xxxv. BECAUSE the object of the Act is "to provide for the effective management of disasters and for matters connected therewith…". Section 2(e) of the Act defines 'disaster management' to mean measures to prevent, reduce and preparation to deal with a disaster. The definition does not empower the government or concerned authorities under the Act to regulate the relationship between private establishments and its workforce.

xxxvi. BECAUSE the directions to all private establishment for payment of full salary against no work is manifestly arbitrary, unjustified, unconstitutional, unsustainable and falls short of exercise of eminent domain as there is no payment of compensation by the government to such private establishments for payment of full salaries against no work.

xxxvii. BECAUSE the Industrial Disputes Act, 1947 is a complete code in so far as the right to lay-off and payment of wages is concerned. It is impermissible to read into these aspects under the Disaster Management Act as these are covered by the Industrial Disputes Act. Section 25-M of the Industrial Disputes Act provides for the right to layoff workmen due to natural calamity. Therefore, the provisions of the Disaster Management Act, 2005 cannot impinge on express provisions of the Industrial Disputes Act, 1947. Therefore, to take away the right to layoff workmen during times of natural calamity under the Disaster Management Act is contrary to law.

xxxviii. BECAUSE the order dated 29.03.2020 issued by the National Executive Committee, Government of India, under Section 10(2)(l) of the Act to the extent that it directs all private establishments to pay full salaries to its workforce against no work during the period of lockdown is ultra vires the provisions of the Act.

xxxix. BECAUSE the aspect of eminent domain is an aspect of sovereignty wherein the State has a power to take over private property only upon satisfaction of twin conditions of satisfying public interest and in lieu of payment of adequate compensation. While taking over private property in the present times can be said to be in public interest, however, no adequate compensation has been provided for such take over. Therefore, it cannot be contended that impugned directions are issued in exercise of eminent domain.

xl. BECAUSE in view of the foregoing, Section 10(2)(l) of the Act in so far as they empower the National Executive Committee to direct, without any differentiation, all private establishments to pay full salaries against no work to their workforce lacks legislative competence, violates fundamental rights guaranteed under the Constitution, constitutional rights and contrary to provisions of the Constitution as well as suffers from manifest arbitrariness, irrational, capricious, excessive, disproportionate, lacks adequate determining principles and therefore, deserves to be struck down.

xli. BECAUSE the Act does not empower National Disaster Management Authority and National Executive Committee at Central level, constituted under the Act, to direct the employers/owners to make payment to their workers, without any deduction, during the period of lockdown, arising due to some disaster.

xlii. BECAUSE the Impugned Government Order is passed beyond the legislative competence of the Respondents and therefore, ultra vires the Disaster Management Act, 2005. By passing the Impugned Government Order, the Respondents assumed power to pass such a direction under the Act and therefore, it is unethical, improper and illegitimate.

xliii. BECAUSE the Impugned Government Order suffers from arbitrariness, irrationality and hostile discrimination.

xliv. BECAUSE the Impugned Government Order is*prima facie*il legal and unconstitutional and violate Article 14 and 19 of Constitution of India.

xlv. BECAUSE the Impugned Government Order favours class legislation under Article 14 of Constitution of India.It is a well settled law that to satisfy the constitutional test of permissibility, two conditions must be satisfied, namely (i) that the classification is founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (ii) that such differentia has a rational relation to the object sought to be achieved. The said Impugned Government Order ispurely based on economic status of the two classes, therefore, discriminatory and suffers from arbitrariness. Hence, it does not clear the test of constitutionality.

xlvi. BECAUSE the Government of India ought to have considered that Provident Fund Department, which has several thousands of Crores as unclaimed Provident Fund Deposits, should have endeavoured to provide financial assistance to the workers during COVID-19 pandemic, instead of putting entire financial burden on private establishments which are not functional during lockdown period.

xlvii. BECAUSE the possible interpretation of the Impugned Government Order, is to provide financial assistance to weaker section or worker group of the society, but the applicability of the Impugned Government Order on specific class of workers/employees is left vague. This will lead to misuse of the Impugned Government Orderby various segments of workforce.

xlviii. BECAUSE the Impugned Government Order is unworkable and unreasonable and suffered from inherent infirmity and liable to be struck down.

xlix. BECAUSE the Impugned Government Order is extremely vague. The intent of the issuance of the Impugned Government Order appear to be the protection the rights of weaker section of the society but scope of such directions are not confined to the definition of workman as defined u/s 2(s) of the Industrial Disputes Act, 1947.

l. BECAUSE the Impugned Government Order is in violation of the provisions of Industrial Disputes Act, 1947, more particularly, section 25C and 25M, which deals with payment of 50% of wages when a worker is laid off and exception to lay-off workers during natural calamity.

li. BECAUSE the Impugned Government Order is arbitrary or excessively invades the right of employer. It fails to strike a proper balance between the freedom guaranteed in Article 19(1)(g) and the social control permitted by clause 19 (6) of Constitution of India.

lii. BECAUSE it can never be said that the intent of the said clause that all employees, irrespective of their income/salary needs to be paid 100% wages, as the said directions provide no reasonable classification on the basis of either salary or class of employee. This will lead to gross losses to the private organisations, which are paying their employees huge salary packages. This will violate fundamental right of employers defined under Article 19 (1)(g) of Constitution of India, as it will have impact on their business.

liii. BECAUSE the Impugned Government Order isunfair and unreasonable to the employers. Both employer and employee have fundamental right to carry on any occupation, trade or business, as enshrined under Article 19(1)(g) of the Constitution of India, but Impugned Government Order has taken into consideration only the employee class and have totally ignored the rights of employer. COVID-19 is adversely impacting both employer and employee class and therefore, Government of India ought to have taken a balanced view so that both these classes could overcome this unprecedented situation. The Impugned Government Order is manifestly arbitrary and against Article 14 and 19 of the Constitution of India.

liv. BECAUSE the Impugned Government Order is in complete violationof fundamental rights contained in Article 19 of the Constitution of India and *prima facie* it is evident that the Respondents have failed to justify that the restrictions imposed on the employers by the Impugned Government Order.

lv. BECAUSE the Impugned Government Order is discriminatory and passed by the Respondents without taking due care and deliberation and its financial implications on the employers during this COVID-19 pandemic.

lvi. BECAUSE the Impugned Government Order does not consider that when the entire economy is under lockdown, it is impossible for the employers, more particularly, when revenue of businesses are zero, to keep making payments to its workers, when there is no definite period after which the lockdown appears to end.

lvii. BECAUSE the lockdown hasled to zero or very minimal production, and in such scenarios if the employers are forced to make payment to the workers for the entire period of lockdown, it is possible that it may lead to closure of many micro, small and medium scale industries. This will lead to permanent unemployment of many people and directly affect the economy.

lviii. BECAUSE the Respondents have not offered any clarification of the impact of the Impugned Government Order on contribution of employers towards Employees State Insurance Corporation (ESIC) and Provident Fund. ESIC has merely deferred ESI contribution for payment of wages for month of March and April, by an additional 45 days. However, still employer will have to contribute for ESIC after lapse of 45 days. In respect of Provident Fund contribution, it is notified by Central Government that for companies, having less that 100 workers and where 90% employees are earning less than Rs.15,000, Central Government shall contribute 24% both for employer and employee towards provident fund for wage month of March, April and May. However, an employer such as Petitioner has not been provided any benefit under the said scheme and has to bear the cost of not only the full salary of every employee but also the employer PF contribution in respect of these employees thereby creating an additional burden on the petitioner. In case of delay in payment of contribution to ESI and EPF, Petitioner will have to pay interest at rate of 12% and damages at rate of upto 25% and may also have to face prosecution. It is to be also taken into account that the Petitioner will be compelled to deduct employees contribution from salaries of employees and deposit it with ESIC and EPF, resulting in lesser take off of salary to an employee.

lix. BECAUSE the Government of India issued the Impugned Government Order in undue haste and without considering financial ability of private establishments to bear the burden of full wages during the period of lockdown.

lx. BECAUSE when hundreds of Crores of unclaimed provident fund and Employees State Insurance Corporation contribution lies in banks attracting interest and Government of India is enjoying benefit out it, Government of India completely erred in directing the private establishments to pay full wages, instead of using this contribution of the industry towards the welfare of workers/employees, and therefore, arbitrary and unreasonable.

lxi. BECAUSE the while passing the Impugned Government Order, the Respondents have not considered that due to direction of payment of full wages to all workers, it is very much possible that workers are not working because of the expectation that full wages will be paid to them even without working, during the period of lockdown.

lxii. BECAUSE when during this unprecedented situation of COVID-19, various governments of different countries across the globe are taking measures for the workers/employees, Government of India has not taken any steps for the workforce and instead put entire burden on the employers/owners to pay full wages.

4. Petitioner craves leave to add, amend or modify any of the aforesaid grounds.

5. Petitioner has not filed any other petition or proceedings before any court of law including before this Hon'ble Court challenging the Impugned Government Order that is a subject matter of the present Petition.

PRAYERS

In light of above, it is most humbly prayed that this Hon'ble Court may be pleased to:

a. Issue a Writ, Order or direction thereby declaring that the provisions *of inter alia* Section 10(2)(I) of the Disaster Management Act, 2005, in the event that the same are interpreted as conferring power on the Central Government, to direct private establishments to make full payments of wages to the employees during the lock-down period as being illegal, arbitrary and violative of Articles 14, 19(1)(g), and 300A of the Constitution;
b. In the alternative to Prayer (a), to pass a Writ or Order thereby directing that the provisions of Section 10(2)(I) of the Disaster Management Act, 2005 be read down so as not to include the ground of any power or authority to the Central

Government to direct the payment of full wages during the period of lock-down.

c. Issue a Writ of Mandamus or any other appropriate writ, order or direction to quash and set aside *clause iii* of Government Order dated 29.03.2020 issued by Ministry of Home Affairs, Government of India for being unconstitutional and to hold that it violates Article 14 and 19 of Constitution of India.

d. During the pending and final disposal of the present Petition, stay the operations of the Impugned Government Order dated 29.03.2020 issued by Ministry of Home Affairs, Government of India.

e. Pass any order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL, AS IN THE DUTY BOUND, EVER PRAY.

FILED BY:

ADVOCATE: **(KRISHAN KUMAR)**

Advocate for the petitioner

New Delhi
Drawn On: 07.05.2020
Filed on: 07.05.2020

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.__________OF2020

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

<u>IN THE MATTER OF</u>:

HAND TOOLS MANUFACTURERS ASSOCIATION ...PETITIONER

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

<u>CERTIFICATE</u>

Certified that the Writ Petition is confined only to the pleadings before the Court/Tribunal whose order is challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in the special leave petition. It is further certified that the copies of the documents/annexures attached to the Writ Petition are necessary to answer the questions of law raised in the petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the petitioner(s)/person authorized by the petitioner(s) whose affidavit is filed in support of the Writ Petition.

(KRISHAN KUMAR)

NEW DELHI ADVOCATE FOR THE PETITIONER

FILED ON: 07.05.2020

IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL,ORIGINAL JURISDICTION

WRIT PEITION(CIVIL) No.______________ of 2020

IN THE MATTER OF:

HAND TOOLS MANUFACTURERS ASSOCIATION(REGD),
JALANDHAR ...Petitioner

Vs

UNION OF INDIA & ORS
.... Respondents

AFFIDAVIT

I, Ashwani Kumar age 63 years , Son of Sh. Sukhdev Raj, having office at A-3 Focal Point, Bye Pass, Jalandhar, do hereby solemnly affirm on oath and state as under:

1. That I am Secretary of the Petitioner in the present Writ Petition and I am aware of the facts of present case and I am competent to depose the present Affidavit.

2. That, I have read over and understood the contents of Synopsis and List of Dates, Parahraphs 1 to 5 and Grounds i to lxii of the accompanying Writ Petition state that the facts stated therein are true to my knowledge and based on the records.

3. That the Petitioner has not filed any other petition before this Hon;ble Court seeking the reliefs sought in the present Petition.

4. The annexures annexed to the Writ Petition are downloaded from the Government websites.

DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of paras 1 to 4 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Delhi on May, 07, 2020

DEPONENET

APENDIX

10. Powers and functions of National Executive Committee.—

(1) The National Executive Committee shall assist the National Authority in the discharge of its functions and have the responsibility for implementing the policies and plans of the National Authority and ensure the compliance of directions issued by the Central Government for the purpose of disaster management in the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may—

(a) act as the coordinating and monitoring body for disaster management;

(b) prepare the National Plan to be approved by the National Authority;

(c) coordinate and monitor the implementation of the National Policy;

(d) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities;

(e) provide necessary technical assistance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Authority;

(f) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects; 8

(h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government;

(i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(j) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers;

(k) coordinate response in the event of any threatening disaster situation or disaster;

(l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(m) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(n) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Authorities, statutory bodies, other governmental or non-governmental organizations and others engaged in disaster management;

(o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

(p) promote general education and awareness in relation to disaster management; and

(q) perform such other functions as the National Authority may require it to perform.

ANNEXURE-P-1

CERTIFICATE OF REGISTRATION OF SOCIETIES

(ACT XXI OF 1860)

No. **DIC/JAL/175** 2002-2003 Date **20th Jan. 2003**

I hereby certify that **HAND TOOLS MANUFACTURERS ASSOCIATION, A-3, Focal Point, G.T.Road Bye-Pass, Jalandhar** has this day been registered under the Societies. Registration Act, (XXI of 1860) and as amended by Punjab Amendment Act 1957

Given under my hand at Jalandhar this **20th** Day of **Jan.2003**

Fee for Rs. 500/-

ADDITIONAL REGISTRAR OF SOCIETIES JALANDHAR

Additional Registrar of Societies Jalandhar

Handtools Manufacturers Association (Regd.)
A-3, Focal Point, Jalandhar

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

Global Environment Facility

ENERGY IS LIFE
BEE
CONSERVE IT
Bureau of Energy Efficiency

Hand Tools Manufacturers Association (Regd.)

REPRESENTATIVE BODY OF HAND TOOLS MANUFACTURERS

D-48, Focal Point, Jalandhar City (INDIA)
Office : A-3, Focal Point Bye Pass, Jalandhar City (INDIA)
e-mail : office@victortools.com Tel. : 91-181-5030200-02 Mob. : 98140-62200

Ref. No................. Dated ....

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT MEETING OF THE EXECUTIVE COMMITTEE OF HAND TOLS MANUFACTURERS ASSOCIATION(REGD) HELD AT ITS OFFICE A-3,FOCAL POINT,BYE PASS,JALANDHAR ON MONDAY OF 25TH OF APRIL,,2020

RESOLVED THAT the consent of Executive Committee of the Association be and is hereby accorded to Mr. Ashwani Kumar Secretary of the Association to appoint any advocate be deems fit to repsent, appear, plead and to prosecute and defend for and on behalf of the Association in the any matter on behalf of Association before any court, including Hon'ble High Court and Hon'ble Supreme Court of India or any other Courts/tribunal and further to sign, swear and verify any Applications, Affidavits, documents, papers, etc, for and on behalf of the Assiciation and to do such other acts, deeds, matters or things as may be necessary or expedient in this regard.

Certified True Copy

For HAND TOOLS MANUFACTURERS ASSOCIATION(REGD)

Date: 25th Day of April, 2020

Sukhdev Raj
President.

TC
Kumar

No. 33-4/2020-NDM-I

Government of India
Ministry of Home Affairs
(Disaster Management Division)

C-Wing, 3rd Floor, NDCC-II
Jai Singh Road, New Delhi-110001
Dated 14.03.2020

To

The Chief Secretaries
(All States)

Subject: **Items and Norms of assistance from the State Disaster Response Fund (SDRF) in wake of COVID-19 Virus Outbreak**

Sir/Madam

I am directed to refer this Ministry's letter No. 32-7/2014 dated 8th April, 2015 on the above mentioned subject.

2. The Central Government, keeping in view the spread of COVID-19 Virus in India and the declaration of COVID-19 as pandemic by the World Health Organisation (WHO), by way of a special one time dispensation, has decided to treat it as a notified disaster for the purpose of providing assistance under SDRF. A list of items and norms of assistance for containment of COVID-19 Virus in India, eligible from SDRF is annexed.

Yours faithfully,

Sanjeev

(Sanjeev Kumar Jindal)
Joint Secretary to Government of India
Tel: 23438096

Copy to AS(UT), MHA for making similar provisions for utilization of UT Disaster Response Funds by the Union Territories.

TC
Kumar

ANNEXURE P-4

Advisory on Social Distancing Measure in view of spread of COVID-19 disease

Social distancing is a non-pharmaceutical infection prevention and control intervention implemented to avoid/decrease contact between those who are infected with a disease causing pathogen and those who are not, so as to stop or slow down the rate and extent of disease transmission in a community. This eventually leads to decrease in spread, morbidity and mortality due to the disease.

In addition to the proposed interventions, the State/UT Governments may prescribe such other measures as they consider necessary.

All these proposed interventions shall be in force till 31st of March, 2020. They will be reviewed as per the evolving situation.

The following interventions are proposed:

1. Closure of all educational establishments (schools, universities etc), gyms, museums, cultural and social centres, swimming pools and theatres. Students should be advised to stay at home. Online education to be promoted.

2. Possibility of postponing exams may be explored. Ongoing exams to be conducted only after ensuring physical distance of one meter amongst students.

3. Encourage private sector organizations/employers to allow employees to work from home wherever feasible.

4. Meetings, as far as feasible, shall be done through video conferences. Minimize or reschedule meetings involving large number of people unless necessary.

5. Restaurants to ensure handwashing protocol and proper cleanliness of frequently touched surfaces. Ensure physical distancing (minimum 1metre) between tables; encourage open air seating where practical with adequate distancing.

6. Keep already planned weddings to a limited gathering, postpone all non-essential social and cultural gatherings.

7. Local authorities to have a dialogue with organizers of sporting events and competitions involving large gatherings and they may be advised to postpone such events.

8. Local authorities to have a dialogue with opinion leaders and religious leaders to regulate mass gatherings and should ensure no overcrowding/at least one metre distance between people.

9. Local authorities to have meeting with traders associations and other stakeholders to regulate hours, exhibit Do's and Don'ts and take up a communication drive in market places like sabzi mandi, anaj mandi, bus depots, railway stations, post-offices etc., where essential services are provided.

10. All commercial activities must keep a distance of one meter between customers. Measures to reduce peak hour crowding in markets.

11. Non-essential travel should be avoided. Buses, Trains and aeroplanes to maximize social distancing in public transport besides ensuring regular and proper disinfection of surfaces.

12. Hospitals to follow necessary protocol related with COVID-19 management as prescribed and restrict family/friends/children visiting patients in hospitals.

13. Hygiene and physical distancing has to be maintained. Shaking hands and hugging as a matter of greeting to be avoided.

14. Special protective measures for delivery men/ women working in online ordering services.

15. Keep communities informed consistently and constantly.

Ministry of Health & Family Welfare

CAPT AMARINDER LED PUNJAB CABINET REVIEWS COVID-19 PREPAREDNESS, GOVT DOCTORS & PARAMEDICAL STAFF GIVEN EXTENSION TILL SEPT 30

- CM ASKS MINISTERS TO OVERSEE SITUATION & HOLD MEETINGS WITH LOCAL ADMIN IN RESPECTIVE DISTRICTS
- RESOLUTION APPEALS TO PEOPLE TO AVOID LARGE GATHERINGS & CROWDED PLACES, TO LIMIT WEDDINGS TO 50 PERSONS
- SANITISERS TO BE MADE AVAILABLE IN ALL STATE-RUN & PVT BUSES, RELIGIOUS & DERA URGED HEADS TO MINIMISE GATHERINGS,

Chandigarh, March 16: The Captain Amarinder Singh led Punjab Government on Monday issued a strong appeal to the people not to panic in view of the Coronavirus scare but to take all the necessary precautions, while avoiding crowded places and mass gatherings.

The Council of Ministers, led by the Chief Minister, took stock of the situation and the state's preparedness to deal with the COVID-19 outbreak, and also reviewed the reports of the 7-member Group of Ministers (GoM) constituted earlier by Captain Amarinder under the Chairmanship of Local Bodies Minister Brahm Mohindra to oversee the preventive measures undertaken to combat the threat. The GoM comprises Om Parkash Soni, Tript Rajinder Singh Bajwa, Razia Sultana, Balbir Singh Sidhu, Vijay Inder Singla and Bharat Bhushan Ashu.

In a resolution passed at the meeting, the Cabinet gave ex-post facto approval to the Chief Minister's decision on extending the services of the doctors and paramedical staff working with the Government of Punjab in Health & Family Welfare Department till 30th September, 2020.

Though Punjab has so far reportedly only one confirmed case, no effort is being spared by the state government to ensure stringent measures against the spread of the disease, which has been declared a global pandemic by the World Health Organisation (WHO). While appreciating the efforts of all Departments of the Government of Punjab, the Cabinet appealed to the people to be fully prepared and take all precautions as advised by the Health & Family Welfare Department from time to time.

The Cabinet, in its resolution, further appealed to the people to avoid going to crowded places and mass gatherings, to maintain hand and respiratory hygiene, and to ensure

cleanliness of their surroundings. People are also advised to wash their hands frequently with soap & water or hand-sanitizer and they should avoid touching their face, said an official spokesperson after the cabinet meeting.
Further, the people have been advised to avoid non-essential travel, said the resolution. It stated that people who are having cough, sneezing and fever should immediately contact 104-Medical Helpline of the Health & Family Welfare Department or the Control Rooms of their respective district.
Following discussions at the meeting, the cabinet also appealed to people to either defer wedding functions or ensure that not more than 50 persons are present. It also appealed to religious and dera heads to limit the gatherings and educate their followers about the Coronavirus dangers.
During the Cabinet meeting, the Chief Minister asked all the ministers to closely monitor the situation and ensure the implementation of the curbs in their respective districts, in close coordination with the administrative and civic officials. He urged them to hold regular meetings with the local administration to maintain visibility in their districts and boost the confidence of the people.
Captain Amarinder directed the Health Department to ensure that ventilators are available in all district hospitals to deal with the exigency. He further ordered private and state run buses to carry hand sanitisers for the use of passengers to ensure hygiene in the vehicles and secure the travelers.
It may be noted that all the Government and private schools have already been closed till March 31 in the state. However, medical colleges (senior year students) have been kept open as a support system. The cabinet decided that MBBS students who were not employed should be contacted and asked by the department to stand by on voluntary basis.
Detailed instructions have also been issued for closure of all cinema halls, gyms and swimming pools in the state from the midnight of March 14 till further orders. All large public gatherings including sports, conferences, cultural events, fairs and exhibitions, wedding functions, are also prohibited till further orders. The cabinet has, however, left the decision on closure of malls and marriage palaces to the GoM, said the spokesperson.
The meeting was informed that the DCs were geared up to launch house-to-house awareness campaign involving all health workers, who are being trained for the purpose, from March 19 to 26. Training of all the staff of all the departments in districts will be completed by March 18, 2020, Principal Secretary Health and Family Welfare, Anurag Aggarwal, apprised the cabinet through a detailed presentation. Teams of two to three officials headed by group A and B officials will also be formed by March 18, 2020. These teams will be assigned villages/areas/locality/wards/colonies keeping in view the population, which will contact each and every household in their assigned

areas to educate and inform every individual about the precautions and to inform about any person with symptoms. This will be completed by March 26, 2020.
Aggarwal said the single confirmed COVID-19 patient, with travel history of Italy, had been admitted in GMC Amritsar and was now stable. His wife and son had tested negative but were under observation.
As per the presentation, as many as 91689 passengers have been screened at the International Airports at Amritsar and Mohali, as well as the international check posts at Wagah Border and Kartarpur corridor till date. Out of 8 symptomatic passengers found during screening at these sites, one was positive and all others were tested negative at GMC Amritsar.
The cabinet was further informed that 100 samples had been sent for testing till date, of which only one was positive and 95 negative for COVID-19, while the results of four samples were still awaited.
Medical teams with security personnel had been deputed at both the airports for the screening of the passengers. Mandatory screening of all passengers was being done and self declaration form was being taken from each passenger to ascertain the travel history of any foreign country from March 13 onwards.
Aggarwal disclosed that 1077 beds for isolation of patients had been identified in 22 District Hospitals and 3 Govt Medical Colleges of the state. Apart from these, 24 ventilators were available in three Government Medical Colleges and two District Hospital for management of serious cases. Another 376 isolation beds and 290 ventilators had also been identified in private hospitals.
Adequate stock of PPEs (Personal Protective Equipment), N95 Masks, Triple Layer masks and gloves were available with the Health and Family Welfare Department for COVID-19. Further, procurement of more PPE, N95 Masks and Triple layer masks was under process.
To maintain strict vigil over the situation 24X7, control rooms had been established at State and District level, and Rapid Response Teams (RRTs) had also been prepared and trained for surveillance and containment, both at the state and district levels. The services of all Rural Medical Officers had been put at the disposal of Civil Surgeons of the districts m and all the district teams had been trained for sample collection, transportation of suspected cases as per protocol of ICMR, the meeting was informed.
Further, Virology labs at Government Medical College Amritsar and Patiala were now testing samples of COVID-19. Health teams in all districts were contacting the passengers coming to Punjab from different countries after being screened at Delhi or other airports. Passengers found asymptomatic are nevertheless being under surveillance as a precautionary measure.
Elaborating the Department’s Containment Plan, Aggarwal said the SOPs had been shared with all the DCs and mock drills had been conducted by all the districts to check

preparedness for containment of COVID-19. Similarly, district, block and village level control rooms had been established. State and District Disaster Management Committees were reviewing the situation daily and inter-sectoral coordination is maintained for COVID-19 preparedness. Advisories had been issued to all the Departments and Districts for awareness of general public and staff.

The Principal Secretary also informed the Cabinet that Punjab was the first state to notify COVID-19 under Epidemic Disease Act, 1897. Under these regulations, Deputy Commissioners are authorised to take any action for containment and management of cases of COVID-19.

हीरालाल सामरिया, आई०ए०एस०
भारत सरकार के सचिव
HEERALAL SAMARIYA, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते

MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

D.O. No. M-11011/08/2020-Media **March 20, 2020**

Dear Shri Sailesh Ji,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments in the State.

With regards,

Yours sincerely,

(Heeralal Samariya)
20/3/2020

Shri Sailesh,
Secretary,
Department of Public Enterprises,
CGO Complex, Block No.14,
Lodhi Road,
New Delhi.

हीरालाल सामरिया, आई०ए०एस०
भारत सरकार के सचिव
HEERALAL SAMARIYA, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते
MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
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Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

D.O. No. M-11011/08/2020-Media **March 20, 2020**

Dear Chief Secretaries,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments in the State.

With regards,

Yours sincerely,

(Heeralal Samariya)
20/3/2020

All Chief Secretaries of States/UTs
(As per list attached)

Kalpana Rajsinghot
Joint Secretary
Tel. 2371 6835

श्रम एवं रोजगार मंत्रालय
भारत सरकार
श्रम शक्ति भवन, रफी मार्ग,
नई दिल्ली-110119
MINISTRY OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI-110119

D.O. No.M-11011/08/2020-Media

March 20, 2020

Dear

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society are required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employees/workers are forced to go on leave without wage/salaries.

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments are advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to circulate this Advisory to the Employers/Owners of all the establishments registered with your Association for compliance.

With regards,

Yours sincerely,

(Kalpana Rajsinghot)

All Employers' Associations

F.No.23(4)/E.Coord/2020/1
Government of India
Ministry of Finance
Department of Expenditure
......

North Block, New Delhi
Dated: 23.03.2020

OFFICE MEMORANDUM

Sub: Payment of wages to outsourced persons of Ministries/Departments and other organizations of Government of India during lockdown period due to COVID-19

As part of social distancing and isolation measures to contain the spread of COVID-19 in the country, various State/UT Governments have announced lockdown at different places. Instructions have been separately issued by DOP&T regarding maintenance of essential services in Ministries/Departments.

2. Due to these measures, there is a likelihood of a number of contractual, casual and outsourced staff such as house-keeping staff etc. being required to stay at home, which under normal circumstances would result in deduction in their pay/wages. In order to avoid any undue hardships under the prevailing extraordinary circumstances, it has been decided that wherever any such contractual, casual and outsourced staff of Ministries/Departments and other organizations of Government of India, is required to stay at home in view of lockdown order regarding COVID-19 prevention, as announced by various States/UT Governments, they shall be treated as "on duty" during such period of absence and necessary pay/wages would be paid accordingly.

3. These instructions shall also apply to Attached/Subordinate Offices, Autonomous/Statutory Bodies of Government of India.

4. These instructions shall apply till 30th April, 2020.

AnnMathew
23/03/20

(Annie G. Mathew)
Additional Secretary to Government of India

To:

All the Ministries and Departments of Government of India

T.C.

ANNEXURE P-8

हीरालाल सामरिया, आई०ए०एस०
भारत सरकार के सचिव
HEERALAL SAMARIYA, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते

MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

D.O. No. M-11011/08/2020-Media

March 23, 2020

Dear Shri Mishra Ji,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments under your Ministry.

With regards,

Yours sincerely,

23/3/2020

(Heeralal Samariya)

Shri Durga Shankar Mishra,
Secretary,
Ministry of Housing and Urban Affairs,
Govt. of India
Nirman Bhawan,
New Delhi.

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

North Block, New Delhi-110001
Dated 24th March, 2020

ORDER

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.

24/3/2020
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.

Annexure to Ministry of Home Affairs Order No .40-3/2020-D dated ()24.03.2020

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.

1. Offices of the Government of India, its Autonomous/ Subordinate Offices and Public Corporations shall remain closed.
   Exceptions:
   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 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
   c. Electricity, water, sanitation
   d. Municipal bodies—Only staff required for essential services like sanitation, personnel related to water supply etc

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 and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist and medical equipment shops, laboratories, 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. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
   b. Banks, insurance offices, and ATMs.
   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

All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.
   Exceptions:
   a. Manufacturing units of essential commodities.
   b. Production units, which require continuous process, after obtaining required permission from the State Government

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.

7. Hospitality Services to remain suspended
   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.

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.

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 mobilisation 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 (as per Appendix).

18. The above containment measures will remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.

24/3/2020

Union Home Secretary

Appendix

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

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, 25 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 trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration
An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

ANNEXURE P-10

From

Principal Secretary, Labour
Government of Punjab.

To

1. All Deputy Director of Factories/Assistant Director of Factories.
2. All Assistant Labour Commissioner/Labour-cum-Conciliation Officers.

Memo no. COVID-19/2020/ 8452-53
Dated, Chandigarh:- 28/5/2020

Subject: - **Necessary Advisory to the employers/owners of Private Establishments in the State of Punjab for not terminating the services of their employees or reducing their wages in view of outbreak of COVID-19 pandemic.**

With reference to Letter/D.O. No.M-11011/08/2020-Media Dated 20.03.2020 received from Ministry of Labour & Employment, Government of India on the subject cited above. In order to contain the spread of COVID-19 the Government of Punjab has issued various orders restricting the movement of Public and clamped state wide curfew. This catastrophic situation due to outbreak of COVID-19 is a challenge to the society and the same can be neutralized only by coordinated efforts of all Sections of the Society. In view of this Pandemic and the consistent efforts of the Government requesting the citizens to remain at home and not to venture out, will constraint the workers/employees to report for work. There may be some cases that on this pretext, the employers may dispense with the services of the workers or force the workers/employees to go on leave without wages/salaries.

In the Backdrop of such challenging situation:-

1. All the employers/owners of Industries, Factories, Shops and Commercial Establishments etc, are advised not to terminate their employees/workers particularly casual or contractual workers from jobs and not to deduct their wages/salary.
2. If any employee/worker of such unit takes leave due to this Pandemic he may be treated as on duty without any deduction in wages for this period.
3. If the place of employment has been made non-operational due to COVID-19 by any Order/Advisory of the Government, the employees of such unit should be deemed to be on duty.

The termination of employees from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employees/workers but also hamper their morale to combat this epidemic. In view of this, all the employers/owners of Industries, Factories, Shop and Commercial Establishments etc. are called upon to render their cooperation to their employees/workers as well the Government by adhering to the Advisory.

You all are directed to disseminate this Advisory to all the concerns in your respective jurisdictions and to ensure compliance of the same in true letter and spirit.

Principal Secretary, Labour
Government of Punjab.

Endst No.COVID-
Dated, Chandigarh
A copy of above is please:-
1. Chief Secreta
2. All the Deputy

Sd/-
Principal Secretary, Labour
Government of Punjab.

ANNEXURE P-11

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

North Block, New Delhi-110001
Dated 29th March, 2020

ORDER

Whereas, 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, has issued an Order of even number dated 24.03.2020, followed by Addendum Orders of even number dated 25.03.2020 and 27.03.2020 to the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions to implement lockdown measures annexed to the said Ordersfor the containment of spread of COVID-19 in the country;

Whereas, movement of a large number of migrants have taken place in some parts of the country so as to reach their home towns. This is a violation of the lockdown measures on maintaining social distance;

Whereas, to deal with the situation and for effective implementation of the lockdown measures, and to mitigate the economic hardship of the migrant workers,in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act 2005, the undersigned, in the capacity as Chairperson, National Executive Committee hereby directs the State/Union Territory Governments and State/ Union Territory Authorities to take necessary action and to issue necessary orders to their District Magistrate/ Deputy Commissioner and Senior Superintendant of Police/ Superintendant of Police/ Deputy Commissioner of Police, to take following additional measures:

i. State/Union Territory Governments shall ensure adequate arrangements of temporary shelters, and provision of food etc. for the poor and needy people, including migrant labourers, stranded due to lockdown measures in their respective areas;
ii. The migrant people, who have moved out to reach their home states/ home towns, must be kept in the nearest shelter by the respective State/Union Territory Government quarantine facilities after proper screening for a minimum period of 14 days as per standard health protocol;
iii. All the employers, be it in the Industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown;

iv. Where ever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month.

v. If any landlord is forcing labourers and students to vacate their premises, they will be liable for action under the Act.

It is further directed that in case of violation of any of the above measures, the respective State/UT Government, shall take necessary action under the Act. The District Magistrate/ Deputy Commissioner and Senior Superintendant of Police/ Superintendant of Police/ Deputy Commissioner of Police will be personally liable for implementation of the above directions and lockdown measures issued under the above mentioned Orders.

29/03/2020

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.

TC

राजन वर्मा, सी.एल.एस.
मुख्य श्रमायुक्त (केन्द्रीय)
RAJAN VERMA, CLS
CHIEF LABOUR COMMISSIONER (C)

सत्यमेव जयते

भारत सरकार
श्रम एवं रोजगार मंत्रालय
मुख्य श्रमायुक्त (कें०) कार्यालय
श्रम शक्ति भवन, नई दिल्ली-110001
Government of India
Ministry of Labour & Employment
Office of the Chief Labour Commissioner (C)
Shram Shakti Bhawan, New Delhi-110001
Tel. No. : 011-23710447
E-mail : clc-mole@nic.in

D.O. No: CLC(C)/Covid-19/Instructions/LS-I Dated: 30.03.2020

Dear Regional Heads,

As nation we are facing a catastrophic situation due to the outbreak of COVID–19. In view of the this grave situation the Secretary (Labour & Employment) vide D.O. No. M- 11011/08/2020-Media dated 20.03.2020 (copy enclosed) addressed to all employers federations, Chief Secretaries and also to Department of Public Enterprises has advised that all employees/workers may be deemed to be on duty in case place of employment is made non-operational due to out break of COVID-19, it was also advised to all private and public enterprises not to terminate their empoloyees including the casual and contract workers from the jobs and also not to reduce or deduct their wages for the period if employees take quarantine leave.

In the period of this national crises we all have been getting the distress calls from the employees and workers across the country wherein they are complaining about their hardship due to either loss of employment or non payment of wages. We have also witnessed the large number of fleeing of migrant workers out of panicky which has further added to their miseries. Because of this unfortunate happening Home Secretary, Government of India, New Delhi has issued O.M. No. 40-3/2020-DM-I(A) dated 29th march 2020(copy enclosed) under Disaster Management Act wherein it has been advised to all state governments/Union Territories to ensure adequate arrangements of temporary shelter and provision of food etc. for the poor and needy including migrant workers stranded due to lock down measures in their respective areas.

In view of the above strong initiatives taken at the Government of India level you are requested to rigorously take up the issue with all principle employers, contactors and all public/private enterprises in case distress calls are received from workers/employees by you in your region.

You are also requested to be in touch constantly with state government authorities to ascertain the updates about the arrangements of temporary shelters and provision of foods etc. made by them so that the distress workers/ employees and their family members can be guided and placed in the above shelters.

Your regular feedback in the respect of action taken on the above lines will be highly appreciated.

With regards.

Yours Sincerely.

(Rajan Verma)
Chief Labour Commissioner (C)

To
All Regional Heads
Dy. CLC(C)/RLC(C)

हीरालाल सामरिया, आई०ए०एस०
भारत सरकार के सचिव
HEERALAL SAMARIYA, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते
MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

D.O. No. M-11011/08/2020-Media **March 23, 2020**

Dear Shri Mishra Ji,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments under your Ministry.

With regards,

Yours sincerely,

(Heeralal Samariya) 23/3/2020

Shri Durga Shankar Mishra,
Secretary,
Ministry of Housing and Urban Affairs,
Govt. of India
Nirman Bhawan,
New Delhi.

हीरालाल सामरिया, आई०ए०एस०
भारत सरकार के सचिव
HEERALAL SAMARIYA, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते

MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

D.O. No. M-11011/08/2020-Media **March 20, 2020**

Dear Chief Secretaries,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments in the State.

With regards,

Yours sincerely,

(Heeralal Samariya)
20/3/2020

All Chief Secretaries of States/UTs
(As per list attached)

हीरालाल सामरिया, आई०ए०एस०
भारत सरकार के सचिव
HEERALAL SAMARIYA, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते

MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

D.O. No. M-11011/08/2020-Media **March 20, 2020**

Dear Shri Sailesh Ji,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments in the State.

With regards,

Yours sincerely,

(Heeralal Samariya)
20/3/2020

Shri Sailesh,
Secretary,
Department of Public Enterprises,
CGO Complex, Block No.14,
Lodhi Road,
New Delhi.

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

North Block, New Delhi-110001
Dated 29th March, 2020

ORDER

Whereas, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act,the undersigned, in his capacity as Chairperson, National Executive Committee, has issued an Order of even number dated 24.03.2020, followed by Addendum Orders of even number dated 25.03.2020 and 27.03.2020 to the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions to implement lockdown measures annexed to the said Ordersfor the containment of spread of COVID-19 in the country;

Whereas, movement of a large number of migrants have taken place in some parts of the country so as to reach their home towns. This is a violation of the lockdown measures on maintaining social distance;

Whereas, to deal with the situation and for effective implementation of the lockdown measures, and to mitigate the economic hardship of the migrant workers,in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act 2005, the undersigned, in the capacity as Chairperson, National Executive Committee hereby directs the State/Union Territory Governments and State/ Union Territory Authorities to take necessary action and to issue necessary orders to their District Magistrate/ Deputy Commissioner and Senior Superintendant of Police/ Superintendant of Police/ Deputy Commissioner of Police, to take following additional measures:

i. State/Union Territory Governments shall ensure adequate arrangements of temporary shelters, and provision of food etc. for the poor and needy people, including migrant labourers, stranded due to lockdown measures in their respective areas;
ii. The migrant people, who have moved out to reach their home states/ home towns, must be kept in the nearest shelter by the respective State/Union Territory Government quarantine facilities after proper screening for a minimum period of 14 days as per standard health protocol;
iii. All the employers, be it in the Industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown;

iv. Where ever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month.

v. If any landlord is forcing labourers and students to vacate their premises, they will be liable for action under the Act.

It is further directed that in case of violation of any of the above measures, the respective State/UT Government, shall take necessary action under the Act. The District Magistrate/ Deputy Commissioner and Senior Superintendant of Police/ Superintendant of Police/ Deputy Commissioner of Police will be personally liable for implementation of the above directions and lockdown measures issued under the above mentioned Orders.

29/03/2020

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.

TC

ANNEXURE P-13

CAPT AMARINDER WRITES TO PM SEEKING RECONSIDERATION OF ORDERS ON PAYMENT OF FULL WAGES TO WORKERS

• SAYS THIS COULD PUSH INDUSTRY/COMMERCIAL ESTABLISHMENTS TO BANKRUPTCY, CALLS FOR INNOVATIVE SOLUTIONS

Chandigarh, April 14: Punjab Chief Minister Captain Amarinder Singh has urged the Centre to reconsider its directives asking industry and shops/commercial establishments to continue paying full wages to their workers during the COVID-19 lockdown period, as it may push them to bankruptcy.

He has urged the Government of India to look for innovative solutions to protect the interests of the workers, in these difficult times, without causing irreparable damage to the industry/commercial establishments etc.

The Chief Minister has written a letter to Prime Minister Narendra Modi seeking reconsideration of the order of the Ministry of Home Affairs, Government of India, issued under the Disaster Management Act, 2005. The relevant part of the order reads: “that all the employers, be it in the Industry or in the shops and commercial estabishments, shall make payment of wages to their workers, at their work place, on the due date, without any deduction, for the period their establishment are under closure during the lockdown.”

This part of the order, said the Chief Minister, needs reconsideration “as this will have huge financial implications for industry as well as shops and commercial establishments in the State and may push them to bankruptcy as the income of most of these units has completely stopped due to lockdown.” On the other hand, Captain Amarinder said, the workers, especially the low-paid ones, could be deprived of their income for no fault of theirs.

The Chief Minister termed it as imperative that the Centre should reexamine the matter and explore some innovative solutions “whereby the interests of the workers can be protected without impairing the financial health of commercial and industrial units beyond repair.”

Pointing out that the state government had written separately to the Union Labour Ministry on the issue, Captain Amarinder urged the Prime Minister to advise them to take early action in this regard.

No.I/18253/2020

Dated: 14.04.2020

AJAY BHALLA, IAS

सत्यमेव जयते

गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O.No. 40-3/2020-DM-I(A)

14th April, 2020

Dear Chief Secretary,

Hon'ble Prime Minister, in his address to the Nation today, has announced that the lockdown in India, which has been imposed to contain the spread of COVID-19 pandemic, will have to be extended till May 3, 2020. In pursuance of this announcement, and on the directions of the National Disaster Management Authority (NDMA), issued on April 14, 2020, I, as Chairperson, National Executive Committee(NEC), have issued directions to all the Ministries/Departments of Government of India, State/Union Territory Governments and Authorities, that the lockdown measures stipulated in the Consolidated Guidelines of MHA, for containment of COVID-19 pandemic in the country, will continue to remain in force upto May 3, 2020. A copy of the Order dated April 14, 2020, issued under the Disaster Management Act, 2005, is herewith enclosed.

2. With the extension of the lockdown, all restrictions that have been imposed in various sectors, and on various activities, will continue to remain in force. These restrictions, which have been spelt out in the Consolidated Guidelines of MHA, must be enforced strictly, by all Ministries/Departments of the Government of India, and by State/Union Territory Governments and Authorities.

3. It is emphasized that as per the orders issued by MHA under the Disaster Management Act, 2005, the States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines.

4. I would again urge you to strictly implement the directions issued by MHA, under the Disaster Management Act, 2005, as contained in the Consolidated Guidelines, without any dilution of the same.

With regards,

Yours sincerely,

14/04/2020

(Ajay Bhalla)

Encl : as above.

Chief Secretaries of All States
(As per standard list)

AJAY BHALLA, IAS

सत्यमेव जयते

गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O.No. 40-3/2020-DM-I(A)

14th April, 2020

Dear Administrator,

Hon'ble Prime Minister, in his address to the Nation today, has announced that the lockdown in India, which has been imposed to contain the spread of COVID-19 pandemic, will have to be extended till May 3, 2020. In pursuance of this announcement, and on the directions of the National Disaster Management Authority (NDMA), issued on April 14, 2020, I, as Chairperson, National Executive Committee(NEC), have issued directions to all the Ministries/Departments of Government of India, State/Union Territory Governments and Authorities, that the lockdown measures stipulated in the Consolidated Guidelines of MHA, for containment of COVID-19 pandemic in the country, will continue to remain in force upto May 3, 2020. A copy of the Order dated April 14, 2020, issued under the Disaster Management Act, 2005, is herewith enclosed.

2. With the extension of the lockdown, all restrictions that have been imposed in various sectors, and on various activities, will continue to remain in force. These restrictions, which have been spelt out in the Consolidated Guidelines of MHA, must be enforced strictly, by all Ministries/Departments of the Government of India, and by State/Union Territory Governments and Authorities.

3. It is emphasized that as per the orders issued by MHA under the Disaster Management Act, 2005, the States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines.

4. I would again urge you to strictly implement the directions issued by MHA, under the Disaster Management Act, 2005, as contained in the Consolidated Guidelines, without any dilution of the same.

With regards,

Yours sincerely,

14/04/2020

(Ajay Bhalla)

Encl : as above.

Administrators of All UTs
(As per standard list)

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

North Block, New Delhi-110001
Dated 14th April, 2020

ORDER

Whereas under directions of the National Disaster Management Authority (NDMA)'s Order dated 24.03.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, issued directions vide Order of even number dated 24.03.2020 to all Ministries/ Departments of Government of India, State/ Union Territory Governments and State/ Union Territory Authorities, with the guidelines to implement lockdown measures, to contain the spread of COVID-19, in all parts of the country for a period of 21 days with effect from 25.03.2020;

Whereas, the guidelines to implement lockdown measures were further modified on 25.03.2020, 27.03.2020, 02.04.2020, 03.04.2020 and 10.04.2020 and consolidated guidelines are placed on the website of Ministry of Home Affairs (MHA);

Whereas, NDMA after assessing the situation on COVID-19 epidemic is satisfied that strict social distancing measures need to be implemented for a further period so as to effectively contain the spread of COVID-19 in the country;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-137/2018-Mit-II (FTS-10548) dated 14.04.2020 (copy enclosed) directing the Chairperson, National Executive Committee that existing lockdown measures be continued to be implemented in all parts of the Country, upto 03.05.2020.

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues directions to all the all Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the Lockdown measures stipulated in aforesaid Consolidated Guidelines of MHA for containment of COVID-19 epidemic in the country, will continue to remain in force upto 03.05.2020 to contain the spread of COVID-19 in the country.

14/04/2020
Union 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.

Government of India
National Disaster Management Authority
"NDMA Bhawan",
A-1, Safdarjung Enclave, New Delhi-110029.

===

No.1-137/2018-Mit-II(FTS-10548) Dated, the ~~13th~~ 14th April, 2020.

ORDER

On 24th March, 2020, the National Disaster Management Authority directed the Ministries/Departments of Government of India, State Governments and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID 19 in the country. These measures are in force for a period of 21 days w.e.f. from 25th March 2020. Detailed guidelines and addenda were issued by National Executive Committee from time to time under section 10(2)(l) of the Disaster Management Act 2005.

2. Considering the fact that strict social distancing measures need to be implemented for a further period to contain the spread of COVID 19, the National Authority, in exercise of powers under Section 6 (2) (i) of the Disaster Management Act, 2005, directs the Ministries/Departments of Government of India, State Governments and State Authorities to continue the same measures for social distancing upto 3rd May, 2020. In this regard the guidelines/orders issued by NEC shall continue to be applicable throughout the country. The Authority further directs NEC to issue modifications in the guidelines as necessary, keeping in view the need to contain the spread of COVID 19.

14/4/2020

Member Secretary, NDMA

To

Union Home Secretary,
North Block, New Delhi 110011

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

North Block, New Delhi-110001
Dated 1st May, 2020

ORDER

Whereas under directions of the National Disaster Management Authority (NDMA), guidelines on lockdown measures to contain the spread of COVID-19 in all parts of the country were issued vide Order of even number dated 24.03.2020 under the Disaster Management Act 2005 for a period of 21 days with effect from 25.03.2020. Under further directions of NDMA, the lockdown period was extended upto 03.05.2020 vide Order of even number dated 14.04.2020 and consolidated revised guidelines were issued vide Order of even number dated 15.04.2020;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020-PP dated 01.05.2020 directing the Chairperson, NEC that lockdown measures be continued to be implemented in all parts of the Country, for a further period of two weeks with effect from 04.05.2020;

Whereas under directions of the aforesaid Order of NDMA dated 01.05.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the lockdown period is extended for a further period of two weeks with effect from 04.05.2020;

Whereas, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues new guidelines on lockdown measures, as annexed, which will come into effect from 04.05.2020 for a period of two weeks, for strict implementation.

1/5/2020
Union 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.

New Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT authorities for containment of COVID-19 in the country for the extended period of National Lockdown for a further period of two weeks with effect from 4th May, 2020.

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 1st May, 2020]

1. With the extension of the Lockdown period for a further period of two weeks with effect from 4th May 2020, new guidelines, as under, will be applicable based on the risk profiling of the districts into Red (Hotspot), Green and Orange zones.

2. Identification of Red (Hotspots), Green and Orange Zones

i. Based on their risk profile, the criteria for dividing the districts of the country into three zones, viz., **green, red and orange**, will be as follows:

a. Green Zones: Green Zones shall be defined as per the following criteria: districts with zero confirmed case till date; or; districts with no confirmed case in the last 21 days.

b. Red Zones or Hotspot Districts: Districts shall be defined as Red Zones or Hotspot districts, by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI), taking into account total number of active cases, doubling rate of confirmed cases, extent of testing and surveillance feedback.

c. Orange Zones: Districts, which are neither defined as Red nor as Green Zones, shall be Orange Zones.

ii. MoHFW will share the list of Red Zone (Hotspot), Orange Zone and Green Zone districts and related information with State/ UTs on a weekly basis or earlier as required. States/ UTs, on review, may consider inclusion of **additional districts** as Red Zone (Hotspots) and Orange Zone districts depending on the extent of spread of COVID-19 infection. **However, States and UTs may not lower the classification of any district, that is included in the list of Red Zone (Hotspots) and Orange Zone districts by MoHFW**.

iii. Districts classified either as Red or Orange Zones, may have one or more Municipal Corporation (MC) areas. In such cases, States/ UTs and District administrations may make an assessment of the distribution of cases - within the jurisdiction of the MC(s); and the area falling outside the MC(s) boundaries. In such cases, the classification of zones shall be as follows:

a. In case the district is classified as a Red Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as an Orange Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.

b. In case the district is classified as an Orange Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as a Green Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.

c. In case in the area of the district outside the limits of the MC (s) does have one or more confirmed case(s) in the last 21 days, this part of the district shall continue to be labeled as a Red or Orange Zone, as per the classification of the district.

d. While assessing the classification of a zone, cases should be registered in the zone where the case originates, rather than where it is treated.

3. **Identification of Containment Zones**

i. Containment Zones shall be demarcated within **Red (Hotspots) and Orange Zones** by States/ UTs and District Administrations based on the guidelines of MoHFW. The boundary of the Containment Zone shall be defined by District Administrations taking into account the following factors: mapping of cases and contacts; geographical dispersion of cases and contacts; area with well demarcated perimeter; and enforceability.

ii. The boundary of the Containment Zone will be a residential colony, *mohalla*, municipal ward, municipal zone, Police Station area, towns etc., in case of urban areas; and, a village, cluster of villages, Gram Panchayats, group of Police Stations, blocks etc., in case of rural areas.

Protocol within Containment Zones:

iii. Intensive surveillance mechanism as outlined in the Standard Operating Protocol (SOP) issued by MoHFW is to be established within the Containment Zone. **The local authority shall ensure 100% coverage of *Aarogya Setu* app among the residents of Containment Zones.**

iv. In the Containment Zone, following activities shall be undertaken by the local authorities:

a. Contact Tracing.

b. Home or Institutional quarantining of individuals based on risk assessment by medical officers. This risk assessment will be based on symptoms, contact with confirmed cases, and travel history.

c. Testing of all cases with Severe Acute Respiratory Infection (SARI), Influenza Like Illness (ILI) and other symptoms specified by MOHFW.

d. House to house surveillance by special teams constituted for this purpose.

e. Clinical management of all cases as per protocol.

f. Counselling and educating people; and establishing effective communication strategies.

v. In these **Containment Zones**, within Red (Hotspots) and Orange Zones, **where maximum precaution is required**, there shall be strict perimeter control to ensure that there is no movement of population in or out of these zones except for medical emergencies and for maintaining supply of essential goods and services. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.

4. **The following activities will continue to remain prohibited across the country, irrespective of the Zone, for a period of two weeks with effect from 4th May, 2020:**

i. All domestic and international air travel of passengers, except for medical services, air ambulance and for security purposes or for purposes as permitted by MHA.

ii. All passenger movement by trains, except for security purposes or for purposes as permitted by MHA.

iii. Inter-State Buses for public transport, except as permitted by MHA.

iv. Metro rail services.

v. Inter-State movement of individuals except for medical reasons or for activities as permitted by MHA.

vi. All schools, colleges, educational/ training/ coaching institutions etc. However, online/ distance learning shall be permitted.

vii. Hospitality services other than those used for housing health/ police/ Government officials/ healthcare workers, stranded persons including tourists, and those used for quarantine facilities.

viii. All cinema halls, shopping malls, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.

ix. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.

x. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.

5. **Measures for well being and safety of persons**

i. The movement of individuals, for all non-essential activities, shall remain strictly prohibited between 7 pm to 7 am. Local authorities shall issue orders under appropriate provisions of law, such as prohibitory orders [curfew] under Section 144 of CrPC, for this purpose, and ensure strict compliance.

ii. In all zones, persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for meeting essential requirements and for health purposes, as per the National Directives.

iii. In Containment Zones, Out-Patient Departments (OPDs) and Medical clinics shall not be permitted to operate. However, these may be permitted to operate in Red, Orange and Green Zones, with social distancing norms and other safety precautions.

6. **Activities in Containment Zones**

i. Strict perimeter control.

ii. Establishment of clear entry and exit points.

iii. Movement of persons only for maintaining supply of goods and services; and for medical emergencies.

iv. No unchecked influx of people and transport.

v. Recording of details of people moving in and out of perimeter.

7. **Activities in Red Zones (Hotspots) [Outside Containment Zones]**

i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:

   a. Cycle rickshaws and auto rickshaws.

   b. Taxis and cab aggregators.

   c. Intra-district and inter-district plying of buses.

   d. Barber shops, spas and salons.

ii. The following activities shall be permitted with **restrictions** as specified:

   a. Movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the vehicle driver; for two wheelers, pillion rider is not allowed.

b. Industrial establishments in urban areas: Only Special Economic Zones (SEZs), Export Oriented Units (EOUs), industrial estates and industrial townships with access control; Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates; Production units, which require continuous process, and their supply chain; Manufacturing of IT hardware; Jute industry with staggered shifts and social distancing; and, Manufacturing units of packaging material are permitted.

All industrial activities are permitted in rural areas.

c. Construction activities in urban areas: Only in situ construction (where workers are available on site and no workers are required to be brought in from outside) and construction of renewable energy projects are permitted.

All construction activities are permitted in rural areas.

d. All malls, market complexes and markets shall remain closed in urban areas, i.e., areas within the limits of municipal corporations and municipalities. However, shops selling essential goods in markets and market complexes are permitted.

All standalone (single) shops, neighborhood (colony) shops and shops in residential complexes are permitted to remain open in urban areas, without any distinction of essential and non-essential.

All shops in rural areas, except in malls, are permitted to remain open, without any distinction of essential and non-essential.

Social distancing (*2 Gaz ki doori*) will be maintained in all cases.

e. E-commerce activities will be permitted only in respect of essential goods.

f. Private offices can operate with upto 33% strength as per requirement, with the remaining persons working from home.

g. All Government offices shall function with officers of the level of Deputy Secretary and above to the extent of 100% strength. The remaining staff will attend upto 33% as per requirement. However, Defense and Security services, Health and Family Welfare, Police, Prisons, Home Guards, Civil Defence, Fire and Emergency Services, Disaster management and related services, NIC, Customs, FCI, NCC, NYK and Municipal services shall function without any restrictions; delivery of public services shall be ensured and necessary staff will be deployed for such purpose.

8. Activities in Orange Zones [Outside Containment Zones]

i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:

a. Inter-district and Intra-district plying of buses.

ii. The following activities shall be permitted with **restrictions** as are specified:

a. Taxis and cab aggregators, with 1 driver and 2 passengers only.

b. Inter-district movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the driver.

9. **Activities in Green Zones**

   i. All activities are permitted in Green Zones, except those activities that are prohibited under Para 4.

   ii. Buses can operate with upto 50% seating capacity.

   iii. Bus depots can operate with upto 50% capacity.

10. **All other activities will be permitted activities, which are not specifically prohibited/ permitted with restrictions in the various Zones, under these guidelines. However, States/ UTs, based on their assessment of the situation, and with the primary objective of keeping the spread of COVID-19 in check, may allow only select activities from out of the permitted activities, with such restrictions as felt necessary**.

11. All States/ UTs shall allow inter-state movement of goods/ cargo, including empty trucks.

12. No State/ UT shall stop the movement of cargo for cross land-border trade under Treaties with neighbouring countries.

13. No separate/ fresh permissions are required from authorities for activities already permitted to operate under the guidelines on Lockdown measures up to May 3, 2020. The following Standard Operating Protocols (SOPs) issued by MHA will continue to operate:

   i. SOP on transit arrangement for foreign national(s) in India and release of quarantine persons, issued vide Order dated April 02, 2020.

   ii. SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.

   iii. SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.

   iv. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020.

   v. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons by train, issued vide Order dated May 01, 2020.

14. **Strict enforcement of the lockdown guidelines**

    State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.

15. **Instructions for enforcement of above lockdown measures:**

   i. All the district magistrates shall strictly enforce the above lockdown measures and the National Directives for COVID 19 Management, for public and work places, as specified in **Annexure I.**

   ii. 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.

   iii. 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.

16. Penal provisions

Any person violating these lockdown measures and the National Directives for COVID-19 Management 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, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.

1/5/2020

Union Home Secretary

Annexure I

National Directives for COVID-19 Management

PUBLIC PLACES

1. Wearing of face cover is compulsory in all public places.
2. All persons in charge of public places and transport shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare.
3. No organization/ manager of public place shall allow gathering of 5 or more persons.
4. Marriages related gatherings shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.
5. Funeral/ last rites related gatherings shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.
6. Spitting in public places shall be punishable with fine, as may be prescribed by the State/ UT local authority.
7. Consumption of liquor, *paan*, *gutka*, tobacco etc. in public places is not allowed.
8. Shops selling liquor, *paan*, *gutka*, tobacco etc. will ensure minimum six feet distance (*2 gaz ki doori*) from each other, and also ensure that not more than 5 persons are present at one time at the shop.

WORK PLACES

9. Wearing of face cover is compulsory in all work places and adequate stock of such face covers shall be made available.
10. All persons in charge of work places shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare, both within the work places and in company transport.
11. Social distancing at work places shall be ensured through adequate gaps between shifts, staggering the lunch breaks of staff, etc.
12. Provision for thermal scanning, hand wash and sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. In addition, sufficient quantities of handwash and sanitizer shall be made available in the work places.
13. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., shall be ensured, including between shifts.
14. Persons above 65 years of age, persons with co-morbidities, pregnant women and children below the age of 10 years shall stay at home, except for meeting essential requirements and for health purposes.
15. Use of *Arogya Setu* app shall be made mandatory for all employees, both private and public. It shall be the responsibility of the Head of the respective Organizations to ensure 100% coverage of this app among the employees.
16. Large physical meetings to be avoided.
17. Hospitals/ clinics in the nearby areas, which are authorized to treat COVID-19 patients, should be identified and list should be available at work place all the times. Employees showing any symptom of COVID-19 should be immediately sent for check up to such facilities. Quarantine areas should be earmarked for isolating employees showing symptoms till they are safely moved to the medical facilities.

18. Arrangements for transport facilities shall be ensured with social distancing, wherever personal/ public transport is not feasible.
19. Intensive communication and training on good hygiene practices shall be taken up.

Annexure II

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—

i. "company" means any body corporate and includes a firm or other association of individuals; and
ii. "director", in relation to a firm, means a partner in the firm.

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

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

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

B. Section 188 in the Indian Penal Code, 1860

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

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

***

ANNEXURE P-16

General Circular No. 15 /2020

F. No. CSR-01/4/2020-CSR-MCA
Government of India
Ministry of Corporate Affairs

10th April, 2020

COVID-19 related Frequently Asked Questions (FAQs) on Corporate Social Responsibility (CSR)

The Ministry has been receiving several references/ representations from various stakeholders seeking clarifications on eligibility of CSR expenditure related to COVID-19 activities. In this regard, a set of FAQs along with clarifications are provided below for better understanding of the stakeholders:

S. No.	Frequently Asked Questions (FAQs)	Reply
1	**Whether contribution made to 'PM CARES Fund' shall qualify as CSR expenditure?**	Contribution made to 'PM CARES Fund' shall qualify as CSR expenditure under item no (viii) of Schedule VII of the Companies Act, 2013 and it has been further clarified vide Office memorandum F. No. CSR-05/1/2020-CSR-MCA dated 28th March, 2020.
2.	**Whether contribution made to 'Chief Minister's Relief Funds' or 'State Relief Fund for COVID-19' shall qualify as CSR expenditure?**	'Chief Minister's Relief Fund' or 'State Relief Fund for COVID-19' is not included in Schedule VII of the Companies Act, 2013 and therefore any contribution to such funds shall not qualify as admissible CSR expenditure.
3.	**Whether contribution made to State Disaster**	Contribution made to State Disaster Management Authority to combat COVID-19

	Management Authority shall qualify as CSR expenditure?	shall qualify as CSR expenditure under item no (xii) of Schedule VII of the 2013 and clarified vide general circular No. 10/2020 dated 23rd March, 2020.
4.	**Whether spending of CSR funds for COVID-19 related activities shall qualify as CSR expenditure?**	Ministry vide general circular No. 10/2020 dated 23rd March, 2020 has clarified that spending CSR funds for COVID-19 related activities shall qualify as CSR expenditure. It is further clarified that funds may be spent for various activities related to COVID-19 under items nos. (i) and (xii) of Schedule VII relating to promotion of health care including preventive health care and sanitation, and disaster management. Further, as per general circular No. 21/2014 dated 18.06.2014, items in Schedule VII are broad based and may be interpreted liberally for this purpose.
5.	**Whether payment of salary/wages to employees and workers, including contract labour, during the lockdown period can be adjusted against the CSR expenditure of the companies?**	Payment of salary/ wages in normal circumstances is a contractual and statutory obligation of the company. Similarly, payment of salary/ wages to employees and workers even during the lockdown period is a moral obligation of the employers, as they have no alternative source of employment or livelihood during this period. Thus, payment of salary/ wages to employees and workers during the lockdown period (including imposition of other social distancing requirements) shall not qualify as admissible CSR expenditure.

6.	**Whether payment of wages made to casual /daily wage workers during the lockdown period can be adjusted against the CSR expenditure of the companies?**	Payment of wages to temporary or casual or daily wage workers during the lockdown period is part of the moral/ humanitarian/ contractual obligations of the company and is applicable to all companies irrespective of whether they have any legal obligation for CSR contribution under section 135 of the Companies Act 2013. Hence, payment of wages to temporary or casual or daily wage workers during the lockdown period shall not count towards CSR expenditure.
7.	**Whether payment of ex-gratia to temporary /casual /daily wage workers shall qualify as CSR expenditure?**	If any ex-gratia payment is made to temporary / casual workers/ daily wage workers over and above the disbursement of wages, specifically for the purpose of fighting COVID 19, the same shall be admissible towards CSR expenditure as a one-time exception provided there is an explicit declaration to that effect by the Board of the company, which is duly certified by the statutory auditor.

This issues with the approval of competent authority.

(Shobhit Srivastava)
Deputy Director, MCA

IN THE HON’BLE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. No.______OF 2020
IN
WRIT PETITION(CIVIL) NO._______OF2020

<u>IN THE MATTER OF</u>:

HAND TOOLS MANUFACTURERS ASSOCIATION ...PETITIONER

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

APPLICATION FOR STAY

TO
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONERS ABOVENAMED.

MOST RESPECTFULLY SHOWETH:

1. Petitioner Association is filing the present writ petition under Article 32 of the Constitution of India seeking an appropriate writ for setting aside or quashing of Government Order dated 29/3/2020 issued by Ministry of Home Affairs, Government of India, only to the limited extent wherein the private establishments are directed to pay full salaries to all workers/employees, contract or casual workers during the period of COVID-19 lockdown.

2. That the Petitioner craves leave of this Hon'ble Court to refer and rely upon the contentions of the Writ Petition, at the time of hearing of this Application, as the same are not being reproduced here for the sake of brevity.

3. That the Petitioner is an association formed and registered under Societies Registration Act, 1860 and as amended by Punjab Amendment Act, 1957. Petitioner comprises of around 52 members, which constitutes of sole proprietorship firms, partnership firms and private limited companies engaged in the manufacturing and distribution of the hand tools. Petitioner is filing the present Petition espousing the interest of all its members, which are directly affected by the Impugned Government Order which directs the Petitioner to pay wages/salary to these workers/employees. But these directions has caused consternation to a large number of employers in the country, despite their best intentions for and efforts towards, supporting their employees during this period of crises. Petitioner has paid full wages to its workers/employees for the month of March, 2020 even when the Petitioner's operations were completely shut during the last week of March. It is virtually impossible for the Petitioner to continue to bear the cost of the salary of its employees without there being any production. Now, that the Lockdown has been extend to May 17,2020 and there will be no revenue generation and considering high fixed cost and wages/salaries that is required to be incurred by the Petitioner, it is impossible for the Petitioner to comply with the said Government Orders. Petitioner has very good case on

merits and likely to succeed in the proceedings before this Hon'ble Court.

4. That in the facts and circumstances of the case the impugned Government Order issued by Ministry of Home Affairs, Government of India dated March 29,2020, only to limited extent of clause iii, compelling the Petitioner to pay full salary to all its staff, workers, contract workers, casual workers during the period of lockdown ,when its factories are not operational, may be stayed as the noncompliance of the orders will have serious financial repercussions, the Petitioner is liable to face necessary penal actions as contemplated under Disaster Management Act, 2005.

That it will be in the interest of justice that the operation of impugned Govt. Orders issued by Ministry of Home Affairs, Goverment of India dated March 29, 2020, only to limited extent of clause iii, compelling the Petitioner to pay full salary to all its staff, workers, contract workers, casual workers during the period of lockdown, when its factories are not operational, may be stayed otherwise the Petitioner will suffer irreparable loss and injury.

PRAYER

IT IS, THEREFORE, PRAYED THAT THIS HON'BLE COURT MAY BE PLEASED TO:

a. Stay the operation of the Govt. Orders issued by Ministry of Home Affairs, Government of India dated March 29, 2020, only to limited extent of clause iii, only to the limited extent of compelling the Petitioner to payfull salary to all its staff workers, contract workers, casual workers during the period of lockdown, when its factories are not operational, during the pendency of the petition;

And/Or

During the pending and final disposal of the present Petition, Petitioner may be permitted to pay wages @ 50% of basic pay plus DA to its workers/employees (without payment of PF and ESIC contribution as the same is not wages) and this will give more money in the hands of workmen.

b. Pass such other order as this Hon'ble Court deems fit in the facts and circumstances of the present case.

Filed on | Filed by

NEW DELHI | **(KRISHAN KUMAR)**

DATED 07.05.2020 | ADVOCATE FOR THE PETITIONER

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.________OF 2020

IN THE MATTER OF:

HAND TOOLS MANUFACTURERS ASSOCIATION (REGD)
JALANDHAR ...**Petitioner**

Vs

UNION OF INDIA & ORS
...Respondents

AFFIDAVIT

I, Ashwani Kumar age: 63 Year, son of Sukhdev Raj, having office at A-3 Focal Point, Bye Pass, Jalandhar, do hereby solemnly affirm on oath and state as under:

1. That I am Secretary of the Petitioner in the present Writ Petition and I am aware of the facts of present case and I am competent to depose the present Affidavit.

2. That I state that the contents of accompanying application for stay are true to my knowledge and belief.

DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of paras 1 to 2 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Delhi on May, 07, 2020.

DEPONENT

VAKALATNAMA

THE YHE SUPREME COURT OF INDIA
CRIMINAL,CIVIL,APPELLATE/ORGINAL,JURISDICTION

W.P.(CIVIL/CLR.)SLP (SCIVIL/CRL) CIVIL/CROMINAL APPEAL
NO._________ of____________

HAND TOOLS MANUFACTURERS ASSOCIATION(REGD),
JALANDHAR
Petitioner(s)

-Versus-

UNION OF INDIA & ORS. .... Respondent(s)

I Ashwani Kumar, Secretary of the above named Petitioner/Respondent/ Caveator/Appellant in the above petition/Appeal do hereby appoint and retain Mr. Krishan Kumar

Advocate of Supreme Court of India, to act and appear for me in the above Petition/Appeal and on my behalf to conduct and prosecute(of defent) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain of documents, and to deposit and receive money on my behalf in the said Petition/Appeal and in application for Review, and to represent me and to take all necessary steps on my/our behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority. I agree to clear outstanding amount, either towards Court fees or Advocate's remumneration for professional service, as and when called upon.

Dated this the day of May, 07, 2020

Accepted:

Krishan Kumar

CC No.1742

Advocate on Record
Supreme Court

Signature:

Petitioner/Trspondent/Caveator

MEMO FOR APPEARANCE:

Please enter my appearance on behalf of the Petitioner(s)/ Appellant(s)/Respondents/Caveator in the above matter.

Dated this the day of___________2020

ADVOCATE FOR THE PETITIONER/
RESPONDENT/CAVEATOR
Advocate on record, Supreme Court

Krishan Kumar
Advocate on Record, Supreme Court
CC No. 1742