

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
WRIT PETITION No.7276 OF 2020 (PIL)

BETWEEN:

Sri. Maruthi H

....**PETITIONER**

AND :

The Under Secretary to Govt.
Labour Department,
Bengaluru.

....**RESPONDENT**

STATEMENT OF OBJECTIONS FILED BY
RESPONDENT-STATE

Under Rule 21 of the High Court Writ Proceedings Rules, the Respondent No. in the above writ petition respectfully submits as under:

1. When this matter was posted before the Hon'ble High Court of Karnataka on 29.05.2020, this Hon'ble Court was pleased to direct the State Government to explain and

clarify certain crucial aspects; while calling for the production of original file pertaining to the decision making process. In respect to the said directions, it is humbly submitted as hereunder;

- a) In terms of the communication dated 05.05.2020 made to the Chief Minister's Office, a copy of which is produced at **ANNEXURE-R1**, the State Government was asked to increase the working hours in Factories from 8 hours to 12 hours in a day. It was a policy decision by the Government of India as part of labour reforms in order address the challenges arising out of Covid-19 pandemic.

Though the impugned notification was issued in exercise of powers under Section of the Act, henceforth called Act, infact, such notification was prompted by the aforesaid directive of the Central Government, which the State Government had to oblige.

Chief Inspector made grant exemption allowing Industries having exemptional pressure to carryout overtime work after 75 hours in a quarter (3 months period).

- b) It is submitted that a semantic interpretation of Section 5 clearly demonstrates that only in grave emergencies threatening the security of India either by external aggression or internal disturbance this extraordinary provision could be invoked. However, an unbearable humanitarian crisis triggered by Covid-19 has come to be bigger than the challenge of pandemic, the respective Governments had to take certain special initiatives in this catch phrase, which are key to our economy to get back on its feet.

Although it is difficult to locate the present situation within contingencies of Section 5 of the Act, nevertheless, the extraordinary situation

warranted such drastic measures in the interest of both the workers and the employers.

This notification was issued with an objective of overcoming the effects of Covid-19 lockdown measures to improve the Industrial activities and thereby bringing back the normality in the Industrial sector while at the same time providing extra wages for the workers for doing overtime work.

- c) It is submitted that insofar as the safety norms are concerned the Ministry of Home Affairs, Government of India and also the Government of Karnataka have issued guidelines regarding safety measures to be followed at working places / Industries. All the Industries have been mandated to follow the guidelines regarding usage of masks, maintaining social distancing, making provisions for adequate sanitizers, gloves, etc., Therefore, it

and half hours in a day. It is also necessary to arrange that the work shall not be carried on by means of a system of shifts that more than one relay of workers is engaged in work of the same kind at the same time.

- e) The objection raised by the Petitioner to the effect that there is no provision made for payment of additional wages, is untenable and uninformed. The notification clearly states that provisions under Section 59 of the Act regarding overtime wages shall continue to be applicable without any change. It is specifically mentioned that provisions of 59 prevails even after the notification mandating overtime wages at the double the rate of normal wages if a worker works for more than 9 hours per day or 48 hours per week. The notification is very clearly on overtime wages as per the prevailing statutory provisions and thereby ensure that

workers will get the benefit of overtime wages as per law.

f) No workers either aggrieved or approached this Hon'ble Court and this Petition is filed by a person who is claiming to be a social and RTI rights activist, who is not aware of the ground realities while the Government is not questioning his standing to file this Writ Petition, it is necessary to make clear that there is total absence of empathy and lack of bonafide in this Petition.

g) The contention of the Petitioner that issuance of impugned notification amongst to "Force Labour" and thereby infringing Article 23 of the Constitution is misconceived. The Factories Act provides working hours of maximum 9 hours per day subject to 48 hours per week. The Act also provides provision for Industries to work overtime after 75 hours in a quarter in case of exceptional

pressure of work by obtaining the permission from State Government / Chief Inspector. Even under the normal circumstances if there is pressure of work such permission are being granted and the workers are entitled to get overtime wages for extra work at the double the rate of wages. All the activities of Industries are mandated by the guidelines issued by the Government of India as well as Government of Karnataka even under the Disaster Management Act 2005. The Ministry of Home Affairs, Government of India has issued directions to pay wages for the lockdown period. It is reiterated that the provisions of Sections 55 and 59 regarding interval for rest, spread over, night shift, over lapping, extra wages for overtime will continue to operate. It is very germane to note here that no work workers or body of workers have approached this Hon'ble Court or any other form

voicing in grievance against said notification providing for benevolence. Therefore, this Petition being frivolous and devoid of in substance, liable to be dismissed.

All other averments in the Writ Petition, which are substantially traverse herein are hereby denied and rejected as uninformed, untenable, impractical, misleading and against Public Interest.

WHEREFORE, it is most humbly prayed that this Hon'ble Court may be pleased to dismiss the above Writ Petitions, in the interest of justice and equity.

Place :Bengaluru
Date : 4 .06.2020


(I. THARANATH POOJARY)
ADDITIONAL GOVT. ADVOCATE
& ADVOCATE FOR RESPONDENT-STATE

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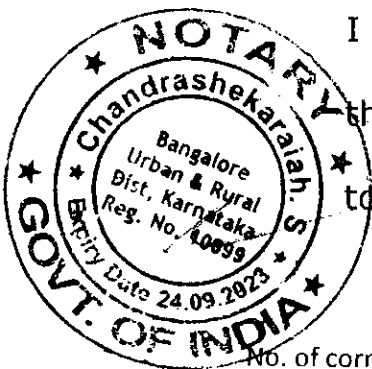
The Under Secretary to Govt.
Labour Department,
Bengaluru.

....RESPONDENT

AFFIDAVIT

I, K. Srinivas, S/o. Kittappa, aged 54 years, Director of Factories Boilers, Industrial Safety and Health, do hereby solemnly affirm and state on oath as follows:

1. I am working as Director of Factories Boilers, Industrial Safety and Health. I have read the Writ Petition accompanying this Affidavit and I have acquainted with the facts of the case from the available records. I am authorised to swear to this Affidavit on behalf of the Petitioner.



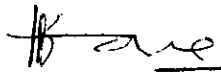
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2. The statements made in paragraphs Nos.1
(a) to (g) of the Writ Petition accompanying this
Affidavit are true to my knowledge.

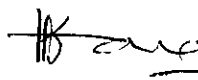
3. I state the Annexures – R1 and R2
produced along with the Writ Petition are true
copy of its original.


DEPONENT

VERIFICATION

I, the above named Deponent, do hereby
verify that all the facts stated in the affidavit are
all true to my knowledge and that no part
thereof is false and nothing material is concealed
there from.

BENGALURU
DATED: 4/6/20


DEPONENT

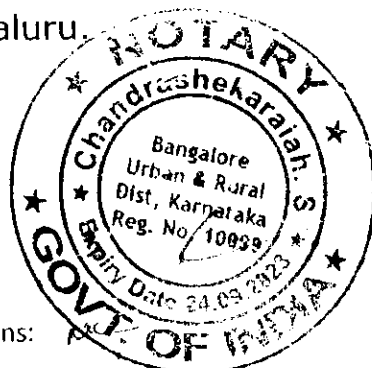
Identified by:

ASSISTANT
O/O. The Advocate General,
Bengaluru.

SWORN TO BEFORE ME


CHANDRASHEKARIAH. S
Advocate & Notary
No. 9/7, Kampanowda Nilaya
3rd Cross, Malaviya Extension
Sunkodskatte, Bangalore - 560 091

TS(laptop) TP.Folder



No. of corrections:

Book 3 Page 7
Reg. No. 2147 Date 4/6/2020

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

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

सचिव, श्रम और रोजगार विभाग
श्रम शक्ति भवन
नई दिल्ली - 110001
फोन: 2311-10005
फैक्स: 2311-10005
ईमेल: sery-labour@nic.in

Out Today/By Email

D.O. No. Z-20025/34/2015-LRC (PE)

Dated: 05.05.2020

Dear Shri Selva Kumar,

Please refer to previous communications on labour reforms and telephonic conversations to Hon'ble Chief Minister of your State. In order to address the challenges emerged due to COVID-19 pandemic, it is requested to undertake labour reforms on priority basis.

2. The following is the status of reforms in your State:

Action completed by your State (As per available information)

- i. Self-certification
- ii. Single window clearance
- iii. Transparent inspection system
- iv. Online filing for registration and returns

Action needs to be expedited on the followings:

- i. Increase in threshold from 100 to 300 workers under the ID Act
- ii. Increase in threshold under the Contract Labour Act from existing 20 workers to 30 workers
- iii. Increase in threshold under the Factories Act from 10 (with power) and 20 (without aid of power) to 20 and 40 respectively
- iv. Fixed Term Employment
- v. Increasing Working hours from 8 to 12 in a day to address Covid-19

3. The action taken or proposed to be taken may be sent on weekly basis to secylabour@nic.in and at the email id of Shri R.K. Gupta, Joint Secretary, labour@nic.in. We would also be happy to provide any clarifications, if required.

With regards,

Shri Selva Kumar,
Secretary to Chief Minister of Karnataka
Bengaluru

This Document is to be
Annexed to the
Amendment to the

Copy to

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

North Block, New Delhi-110001
Dated 15th April, 2020

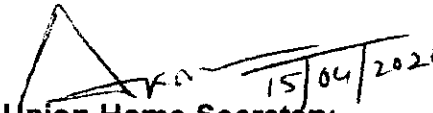
ORDER

Whereas, in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, has issued an Order dated 14th April, 2020 that the lockdown measures stipulated in the Consolidated Guidelines of Ministry of Home Affairs (MHA) for containment of COVID-19 epidemic in the country, will continue to remain in force upto 3rd May, 2020 to contain the spread of COVID-19 in the country;

Whereas, to mitigate hardship to the public, select additional activities will be allowed which will come into effect from 20th April, 2020. However, these additional activities will be operationalized by States/ Union Territories (UTs)/ District Administrations based on strict compliance to the existing guidelines on lockdown measures. Before operating these relaxations, States/ UTs/ District Administrations shall ensure that all preparatory arrangements with regard to social distancing in offices, workplaces, factories and establishments, as also other sectoral requirements are in place. The consolidated revised guidelines incorporating these relaxations are enclosed;

Whereas, the consolidated revised guidelines will not apply in containment zones, as demarcated by States/ UTs/ District administrations. If any new area is included in the category of a containment zone, the activities allowed in that area till the time of its categorization as a containment zone, will be suspended except for those activities as are specifically permitted under the guidelines of Ministry of Health and Family Welfare (MoHFW), Government of India;

Whereas, in exercise of the powers, conferred under Section 10(2)(I) 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 for the strict implementation of enclosed consolidated revised guidelines.


15/04/2020
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)



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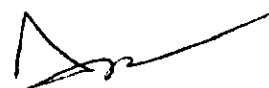
Copy to:

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

Consolidated Revised 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

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 15th April, 2020]

- 1. With the extension of the lockdown period, the following activities will continue to remain prohibited across the country until 3rd May, 2020:**
 - i. All domestic and international air travel of passengers, except for purposes enumerated in para 4 (ix), and for security purposes.
 - ii. All passenger movement by trains, except for security purposes.
 - iii. Buses for public transport.
 - iv. Metro rail services.
 - v. Inter-district and inter-State movement of individuals except for medical reasons or for activities permitted under these guidelines.
 - vi. All educational, training, coaching institutions etc. shall remain closed.
 - vii. All industrial and commercial activities other than those specifically permitted under these guidelines.
 - viii. Hospitality services other than those specifically permitted under these guidelines.
 - ix. Taxis (including auto rickshaws and cycle rickshaws) and services of cab aggregators.
 - x. All cinema halls, malls, shopping complexes, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
 - xi. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.
 - xii. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
 - xiii. In case of funerals, congregation of more than twenty persons will not be permitted.
- 2. Operation of guidelines in Hotspots and containment zones**
 - i. 'Hotspots', i.e., areas of large COVID-19 outbreaks, or clusters with significant spread of COVID-19, will be determined as per the guidelines issued by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI).
 - ii. In these hotspots, containment zones will be demarcated by States/ UTs/ District administrations as per the guidelines of MoHFW.
 - iii. In these containment zones, the activities allowed under these guidelines will not be permitted. There shall be strict perimeter control in the area of the containment zones to ensure that there is no unchecked inward/ outward movement of population from these zones except for maintaining essential services (including medical emergencies and law and order related duties) and Government business continuity. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.



3. Select permitted activities allowed with effect from 20th April, 2020:

- i. To mitigate hardship to the public, select additional activities have been allowed which will come into effect from 20th April, 2020. These limited exemptions will be operationalized by States/ UTs/ district administrations based on strict compliance to the existing guidelines. Also, before allowing these select additional activities, States/ UTs/ district administrations shall ensure that all preparatory arrangements with regard to the Standard Operating Procedures (SOPs) for social distancing in offices, workplaces, factories and establishments, as also other sectoral requirements are in place.
- ii. The consolidated revised guidelines incorporating these select permitted activities have been enumerated in paras 5-20 below.

4. Strict enforcement of the lockdown guidelines

- i. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
- ii. State/ UT Governments, may, however, impose stricter measures than these guidelines as per requirement of the local areas.

5. All health services (including AYUSH) to remain functional, such as:

- i. Hospitals, nursing homes, clinics, telemedicine facilities.
- ii. Dispensaries, chemists, pharmacies, all kinds of medicine shops including *Jan Aushadhi Kendras* and medical equipment shops.
- iii. Medical laboratories and collection centres.
- iv. Pharmaceutical and medical research labs, institutions carrying out COVID-19 related research.
- v. Veterinary Hospitals, dispensaries, clinics, pathology labs, sale and supply of vaccine and medicine.
- vi. Authorised private establishments, which support the provisioning of essential services, or efforts for containment of COVID-19, including home care providers, diagnostics, supply chain firms serving hospitals.
- vii. Manufacturing units of drugs, pharmaceuticals, medical devices, medical oxygen, their packaging material, raw material and intermediates.
- viii. Construction of medical/ health infrastructure including manufacture of ambulances.
- ix. Movement (inter and intra State, including by air) of all medical and veterinary personnel, scientists, nurses, para-medical staff, lab technicians, mid-wives and other hospital support services, including ambulances.

6. Agricultural and related activities:

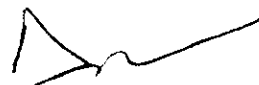
A. All agricultural and horticultural activities to remain fully functional, such as:

- i. Farming operations by farmers and farm workers in field.
- ii. Agencies engaged in procurement of agriculture products, including MSP operations.
- iii. 'Mandis' operated by the Agriculture Produce Market Committee (APMC) or as notified by the State/ UT Government (e.g., satellite *mandis*). Direct marketing operations by the State/ UT Government or by industry, directly



from farmers/ group of farmers, FPOs' co-operatives etc. States/ UTs may promote decentralized marketing and procurement at village level.

- iv. Shops of agriculture machinery, its spare parts (including its supply chain) and repairs to remain open.
 - v. 'Custom Hiring Centres (CHC)' related to farm machinery.
 - vi. Manufacturing, distribution and retail of fertilizers, pesticides and seeds.
 - vii. Movement (inter and intra State) of harvesting and sowing related machines like combined harvester and other agriculture/ horticulture implements.
- B. Fisheries - the following activities will be functional:**
- i. Operations of the fishing (**marine and inland**)/ aquaculture industry, including feeding & maintenance, harvesting, processing, packaging, cold chain, sale and marketing.
 - ii. Hatcheries, feed plants, commercial aquaria.
 - iii. Movement of fish/ shrimp and fish products, fish seed/ feed and workers for all these activities.
- C. Plantations- the following activities will be functional:**
- i. Operations of tea, coffee and rubber plantations, with maximum of 50% workers.
 - ii. Processing, packaging, sale and marketing of tea, coffee, rubber and cashew, with maximum of 50% workers.
- D. Animal husbandry – the following activities will be functional:**
- i. Collection, processing, distribution and sale of milk and milk products by milk processing plants, including transport and supply chain.
 - ii. Operation of animal husbandry farms including poultry farms & hatcheries and livestock farming activity.
 - iii. Animal feed manufacturing and feed plants, including supply of raw material, such as maize and soya.
 - iv. Operation of animal shelter homes, including *Gaushalas*.
- 7. Financial sector: following to remain functional:**
- i. Reserve Bank of India (RBI) and RBI regulated financial markets and entities like NPCI, CCIL, payment system operators and standalone primary dealers.
 - ii. Bank branches and ATMs, IT vendors for banking operations Banking Correspondents (BCs), ATM operation and cash management agencies.
 - a. Bank branches be allowed to work as per normal working hours till disbursement of DBT cash transfers is complete.
 - b. Local administration to provide adequate security personnel at bank branches and BCs to maintain social distancing, law and order and staggering of account holders.
 - iii. SEBI, and capital and debt market services as notified by the Securities and Exchange Board of India (SEBI).
 - iv. IRDAI and Insurance companies.



8. Social sector: following to remain functional:

- i. Operation of homes for children/ disabled/ mentally challenged/ senior citizens/ destitutes/ women/ widows.
- ii. Observation homes, after care homes and places of safety for juveniles
- iii. Disbursement of social security pensions, e.g., old age/ widow/ freedom fighter pensions; pension and provident fund services provided by Employees Provident Fund Organisation (EPFO).
- iv. Operation of *Anganwadis* – distribution of food items and nutrition once in 15 days at the doorsteps of beneficiaries, e.g., children, women and lactating mothers. Beneficiaries will not attend the *Anganwadis*.

9. Online teaching/ distance learning to be encouraged:

- i. All educational, training, coaching institutions etc. shall remain closed.
- ii. However, these establishments are expected to maintain the academic schedule through online teaching.
- iii. Maximum use of Doordarshan (DD) and other educational channels may be made for teaching purposes.

10. MNREGA works to be allowed:

- i. MNREGA works are allowed with strict implementation of social distancing and face mask.
- ii. Priority to be given under MNREGA to irrigation and water conservation works.
- iii. Other Central and State sector schemes in irrigation and water conservation sectors may also be allowed to be implemented and suitably dovetailed with MNREGA works.

11. Public utilities: following to remain functional:

- i. Operations of Oil and Gas sector, including refining, transportation, distribution, storage and retail of products, e.g., petrol, diesel, kerosene, CNG, LPG, PNG etc.
- ii. Generation, transmission and distribution of power at Central and State/ UT levels.
- iii. Postal services, including post offices.
- iv. Operations of utilities in water, sanitation and waste management sectors, at municipal/ local body levels in States and UTs.
- v. Operation of utilities providing telecommunications and internet services.

12. Movement, loading/ unloading of goods/ cargo (inter and intra State) is allowed, as under:

- i. All goods traffic will be allowed to ply.
- ii. Operations of Railways: Transportation of goods and parcel trains.
- iii. Operations of Airports and related facilities for air transport for cargo movement, relief and evacuation.
- iv. Operations of Seaports and Inland Container Depots (ICDs) for cargo transport, including authorized custom clearing and forwarding agents.

- v. Operations of Land Ports for cross land border transportation of essential goods, including petroleum products and LPG, food products, medical supplies.
 - vi. Movement of all trucks and other goods/ carrier vehicles with two drivers and one helper subject to the driver carrying a valid driving license; an empty truck/ vehicle will be allowed to ply after the delivery of goods, or for pick up of goods.
 - vii. Shops for truck repairs and dhabas on highways, with a stipulated minimum distance as prescribed by the State/ UT authorities.
 - viii. Movement of staff and contractual labour for operations of railways, airports/ air carriers, seaports/ ships/ vessels, landports and ICDs is allowed on passes being issued by the local authority on the basis of authorizations issued by the respective designated authority of the railways, airports, seaports, landports and ICDs.
- 13. Supply of essential goods is allowed, as under:**
- i. All facilities in the supply chain of essential goods, whether involved in manufacturing, wholesale or retail of such goods through local stores, large brick and mortar stores or e-Commerce companies should be allowed to operate, ensuring strict social distancing without any restriction on their timing of opening and closure.
 - ii. Shops (including *Kirana* and single shops selling essential goods) and carts, including ration shops (under PDS), dealing with food and groceries (**for daily use**), hygiene items, fruits and vegetables, dairy and milk booths, poultry, meat and fish, animal feed and fodder etc, should be allowed to operate, ensuring strict social distancing without any restriction on their timing of opening and closure.
 - iii. District authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
- 14. Commercial and private establishments, as listed below, will be allowed to operate:**
- i. Print and electronic media including broadcasting, DTH and cable services.
 - ii. IT and IT enabled Services, with upto 50% strength.
 - iii. Data and call centres for Government activities only.
 - iv. Government approved Common Service Centres (CSCs) at Gram Panchayat level.
 - v. E-commerce companies. Vehicles used by e-commerce operators will be allowed to ply with necessary permissions.
 - vi. Courier services.
 - vii. Cold storage and warehousing services, including at ports, airports, railway stations, container Depots, individual units and other links in the logistics chain.
 - viii. Private security services and facilities management services for maintenance and upkeep of office and residential complexes.



- ix. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
- x. Establishments used/ earmarked for quarantine facilities.
- xi. Services provided by self-employed persons, e.g., electrician, IT repairs, plumbers, motor mechanics, and carpenters.

15. Industries/ Industrial Establishments (both Government and private), as listed below, will be allowed to operate:

- i. Industries operating in rural areas, i.e., outside the limits of municipal corporations and municipalities.
- ii. Manufacturing and other industrial establishments with access control in Special Economic Zones (SEZs) and Export Oriented Units (EoUs), industrial estates, and industrial townships. These establishments shall make arrangements for stay of workers within their premises as far as possible and/ or adjacent buildings and for implementation of the Standard operating protocol (SOP) as referred to in para 21 (ii) below. The transportation of workers to work place shall be arranged by the employers in dedicated transport by ensuring social distancing.
- iii. Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates.
- iv. Food processing industries in rural areas, i.e., outside the limits of municipal corporations and municipalities.
- v. Production units, which require continuous process, and their supply chain.
- vi. Manufacturing of IT hardware.
- vii. Coal production, mines and mineral production, their transportation, supply of explosives and activities incidental to mining operations.
- viii. Manufacturing units of packaging material.
- ix. Jute industries with staggered shifts and social distancing.
- x. Oil and gas exploration/ refinery.
- xi. Brick kilns in rural areas i.e., outside the limits of municipal corporations and municipalities.

16. Construction activities, listed as below, will be allowed to operate:

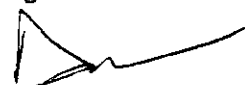
- i. Construction of roads, irrigation projects, buildings and all kinds of industrial projects, including MSMEs, in rural areas, i.e., outside the limits of municipal corporations and municipalities; and all kinds of projects in industrial estates.
- ii. Construction of renewable energy projects.
- iii. Continuation of works in construction projects, within the limits of municipal corporations and municipalities, where workers are available on site and no workers are required to be brought in from outside (in situ construction).

17. Movement of persons is allowed in the following cases:

- i. Private vehicles for emergency services, including medical and veterinary care, and for procuring essential commodities. In such cases, one passenger besides the private vehicle driver can be permitted in the backseat, in case of

four-wheelers; however, in case of two-wheelers, only the driver of the vehicle is to be permitted.

- ii. All personnel travelling to place of work and back in the exempted categories, as per the instructions of the State/ UT local authority.
- 18. Offices of the Government of India, its Autonomous/ Subordinate Offices will remain open, as mentioned below:**
- i. Defence, Central Armed Police Forces, Health and Family Welfare, Disaster management and Early Warning Agencies (IMD, INCOIS, SASE and National Centre of Seismology, CWC), National Informatics Centre (NIC), Food Corporation of India (FCI), NCC, Nehru Yuva Kendras (NYKs) and Customs to function without any restriction.
 - ii. Other Ministries and Departments, and offices under their control, are to function with 100% attendance of Deputy Secretary and levels above that. Remaining officers and staff to attend upto 33% as per requirement.
- 19. Offices of the State/ Union Territory Governments, their Autonomous Bodies and Local Governments will remain open, as mentioned below:**
- i. Police, home guards, civil defence, fire and emergency services, disaster management, prisons and municipal services will function without any restrictions.
 - ii. All other Departments of State/ UT Governments to work with restricted staff. Group 'A' and 'B' officers may attend as required. Group 'C' and levels below that may attend upto 33% of strength, as per requirement to ensure social distancing. However, delivery of public services shall be ensured, and necessary staff will be deployed for such purpose.
 - iii. District administration and Treasury (including field offices of the Accountant General) will function with restricted staff. However, delivery of public services shall be ensured, and necessary staff will be deployed for such purpose.
 - iv. Resident Commissioner of States/ UTs, in New Delhi, only to the extent of coordinating COVID-19 related activities and internal kitchen operations.
 - v. Forest offices: staff/ workers required to operate and maintain zoo, nurseries, wildlife, fire-fighting in forests, watering plantations, patrolling and their necessary transport movement.
- 20. Persons to remain under mandatory quarantine, as under:**
- i. 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.
 - ii. Persons violating quarantine will be liable to legal action under Section 188 of the IPC, 1860.
 - iii. Quarantined persons, who have arrived in India after 15.2.2020, after expiry of their quarantine period and being tested Covid-19 negative, will be released following the protocol prescribed in the SOP issued by MHA.
- 21. Instructions for enforcement of above lockdown measures:**
- i. All the district magistrates shall strictly enforce the National COVID 19 directives as specified in **Annexure I**. Penalties prescribed shall be levied and collected from all persons and entities violating these directives.

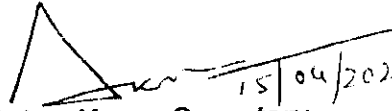


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- ii. All industrial and commercial establishments, work places, offices etc. shall put in place arrangements for implementation of SOP as in **Annexure II** before starting their functioning.
- iii. In order to implement these containment measures, 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.
- iv. 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.
- v. **Additional activities permitted in these guidelines shall be implemented in a phased manner, after making all arrangements necessary for strict implementation of the guidelines. These will come into force with effect from 20th April, 2020.**

22. Penal provisions

Any person violating these lockdown 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, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III**.


15/04/2020
Union Home Secretary

Annexure I**National Directives for COVID-19 Management**

The National Directives shall be enforced by the District Magistrate through fines and penal action as prescribed in the Disaster Management Act 2005.

PUBLIC SPACES

1. Wearing of face cover is compulsory in all public places, work places.
2. All persons in charge of public places, work 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. Gatherings such as marriages and funerals shall remain regulated by the District Magistrate.
5. Spitting in public spaces shall be punishable with fine.
6. There should be strict ban on sale of liquor, gutka, tobacco etc. and spitting should be strictly prohibited.

WORK SPACES

7. All work places shall have adequate arrangements for temperature screening and provide sanitizers at convenient places.
8. Work places shall have a gap of one hour between shifts and will stagger the lunch breaks of staff, to ensure social distancing.
9. Persons above 65 years of age and persons with co-morbidities and parents of children below the age of 5 may be encouraged to work from home.
10. Use of Arogya setu will be encouraged for all employees both private and public.
11. All organizations shall sanitize their work places between shifts.
12. Large meetings to be prohibited.

MANUFACTURING ESTABLISHMENTS

13. Frequent cleaning of common surfaces and mandatory hand washing shall be mandated.
14. No overlap of shifts and staggered lunch with social distancing in canteens shall be ensured.
15. Intensive communication and training on good hygiene practices shall be taken up.



Annexure II**Standard Operating Procedure for Social Distancing for Offices, Workplace, Factories and Establishments**

The following measures shall be implemented by all offices, factories and other establishments:

1. All areas in the premises including the following shall be disinfected completely using user friendly disinfectant mediums:
 - a. Entrance Gate of building, office etc.
 - b. Cafeteria and canteens.
 - c. Meeting room, Conference halls/ open areas available/ verandah/ entrance gate of site, bunkers, porta cabins, building etc.
 - d. Equipment and lifts.
 - e. Washroom, toilet, sink; water points etc.
 - f. Walls/ all other surfaces
2. For workers coming from outside, special transportation facility will be arranged without any dependency on the public transport system. These vehicles should be allowed to work only with 30-40% passenger capacity.
3. All vehicles and machinery entering the premise should be disinfected by spray mandatorily.
4. Mandatory thermal scanning of everyone entering and exiting the work place to be done.
5. Medical insurance for the workers to be made mandatory.
6. Provision for hand wash & sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. Sufficient quantities of all the items should be available.
7. Work places shall have a gap of one hour between shifts and will stagger the lunch breaks of staff, to ensure social distancing.
8. Large gatherings or meetings of 10 or more people to be discouraged. Seating at least 6 feet away from others on job sites and in gatherings, meetings and training sessions.
9. Not more than 2/4 persons (depending on size) will be allowed to travel in lifts or hoists.
10. Use of staircase for climbing should be encouraged.
11. There should be strict ban of gutka, tobacco etc. and spitting should be strictly prohibited.
12. There should be total ban on non-essential visitors at sites.
13. 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.

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Annexure..... in the
Affidavit of Smt/Sri.....

Notary