



Lockdown 3.0

Restarting the economy

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Interstate travel and business operation guidelines

With the resumption of economic activity, businesses will face a significant challenge in restarting their operations considering a large part of the broader enabling ecosystem will continue to be in lockdown. Furthermore, careful assessment and implementation of government-issued guidelines for opening up will be required in order to ensure safety and well-being of the workforce. Every organization, irrespective of its size, will have to undertake steps to ensure thermal scanning, testing, sanitizing of workplace, on-call availability of doctors, etc.

Ministry of Home Affairs

As India slowly moves towards a gradual removal of lockdown, the categorization of various districts by Ministry of Home Affairs (MHA) into color-coded zones is meant to isolate areas of high incidence of Covid infections while enabling economic activity in the remaining areas. This categorization includes Red Zones (infection hotspots based on factors such as total number of active cases, doubling rate of confirmed cases, extent of testing and surveillance feedback), Green Zones (districts with no confirmed cases till date or zero confirmed cases in last 21 days) and Orange Zones (districts which are neither classified as 'Red' or 'Green').

MHA also released a set of guidelines for managing the pandemic and allowed certain private establishments to function, subject to adherence to strict guidelines and implementation of Standard Operating Procedures (SOPs) for social distancing for offices, workforces, factories, and establishments.

Prohibited activities

While movement of migrant workers, pilgrims, tourists, students, and other persons who are stranded at different places due to lockdown is permitted by Shramik Special Train, activities that will continue to remain prohibited across the country in relation to travel and business operations include the following:

- All domestic and international air travel except for medical services, air ambulance or for security purpose or for purposes permitted by MHA
- All passenger movement by trains except for security purpose or for purposes permitted by MHA
- Inter-state buses for public transport except for purposes permitted by MHA
- Metro-rail services
- Inter-state movement of people except for medical reasons or for activities permitted by MHA
- Movement of people for all non-essential activities shall be strictly prohibited between 7:00 pm to 7:00 am

Red zones: Permitted activities

- Movement of individuals and vehicles, only for permitted activities

- Industrial Establishments in urban areas: Only Special Economic Zones (SEZs), Export Oriented Units (EOUs), industrial estates and industrial township with access control; manufacturing units of essentials goods; production units which require continuous process and their supply chains; manufacturing of IT hardware; jute industry and manufacturing units of packaging material. All industrial activities are permitted in rural areas
- Construction activities in urban areas: In-situ construction and construction of renewable energy projects; however, all construction activities are permitted in rural areas
- All markets and market complexes shall remain close in urban areas. However, shops selling essential goods are permitted whereas all shops in rural areas (except malls) are permitted to remain open
- E-commerce activities are permitted only in respect of essential goods
- Limits imposed on workforce
 - Private offices can remain open with 33% strength as per requirement, with remaining employees continuing to work from home
 - All government offices shall function with officers of level of Deputy Secretary and above to extent of 100% strength. Remaining staff will attend up to 33% as per requirement

Orange zones: Permitted activities

- Taxi and cab Aggregators can operate with 1 driver and 2 passengers only
- Inter-district movement of individuals and vehicles only for permitted activities

Green zones: Permitted activities

- All activities are permitted in Green Zones, except those activities prohibited under MHA Notification
- Bus Depot and Buses can operate at 50% capacity
- Inter-state travel of all goods/cargo and empty trucks is permissible

Delhi

Prohibited activities

- Travel by air, rail, metro and inter-state movement by road; running of schools, colleges, and other educational and training/coaching institutions; hospitality services, including hotels and restaurants; places of large public gatherings, such as cinema halls, malls, gymnasiums, sports complexes etc.; social, political, cultural and other kinds of gatherings; and, religious places/places of worship for public
- Movement of persons by air, rail and road is allowed for select purposes, and for purposes as permitted by MHA

Commercial and private establishments

- Print and electronic media, IT/ITES, data and call centers, cold storage and warehousing services, private security and facility management services are allowed to operate

Shops

- Shops which are standalone (single) shops, neighborhood colony shops and shops in residential complexes are permitted to remain open in Delhi without any distinction of essential and non-essential
- Furthermore, shops selling essential goods in malls, markets and market complexes are permitted
- Shops selling books/stationery and electric fans will be allowed to remain open
- Shops selling liquor, paan, gutka, tobacco etc. are allowed to operate provided they are standalone (single) shops, neighborhood (colony) shops or shops in residential complexes

Services

- Services provided by self-employed persons such as TV mechanic, private security guards, plumber, electrician, etc. are permitted, except barbers
- Shops related to raw material required by self-employed persons and in-situ construction activities shall be allowed to operate during permitted hours such as electrical goods stores, sanitary and hardware goods, cement, steel, timber, etc.

Government offices

- All Government Offices shall function with officers of level of Deputy Secretary and above to extent of 100% strength; remaining staff will attend upto 33% as per requirement
- Sub-Registrar offices shall remain open for public services; however, online appointment is required to be taken in respect of any public requiring registration of properties

E-commerce

- E-Commerce Activities will be permitted only in respect of essential goods.

Movement of individuals and vehicles

- The same is permitted provided that four-wheelers do not have more than 2 passengers apart from driver and two-wheelers do not have a pillion rider

Industrial establishments

- Industrial establishments in industrial areas/estates, SEZs and EOUs with access control have been permitted

Manufacturing units

- Manufacturing units of essentials goods; production units which require continuous process and their supply chains; manufacturing of IT hardware; jute industry; and manufacturing units of packaging material are permitted to operate

Construction activities

- In-situ construction and construction of renewable energy projects is allowed

Agricultural activities

- All agriculture activities, e.g., sowing, harvesting, procurement and marketing operations in the agricultural supply chain are permitted

Financial activities/institutions

- All banks, non-banking finance companies (NBFCs), insurance and capital market activities, and credit co-operative societies are permitted to operate

Haryana

Industrial units/establishments: Week 1

- During extended period of lockdown of two weeks, permission to all industrial units/entrepreneurs/concerns in Red, Orange, and Green Zones would be granted on a weekly basis
- Activities permitted inside Containment Zone will be strictly regulated as per MHA Guidelines
- In week one starting (May 4, 2020 – May 10, 2020), in 'Industrial areas with Access Control (viz IMT/IA/IDC/SEZs)' IT/ITES located in Red Zones would be allowed to carry out their activities with staff strength of 33%, while industries others than IT/ITES can start their operations with 50% staff
- In Orange Zones, IT/ITES would be allowed to carry out their activities with staff strength of 50%, while others can start their operations with 75% staff
- In Green Zones, both IT/ITES and others can carry out their operations with 100% staff strength
- Industries in rural areas would run on similar lines of above guidelines in all three zones
- E-commerce industrial units located in Red Zones would be permitted to carry out activities for essential goods only; in Orange Zones, activities can be carried out with staff

strength of 50%, while in Green Zones the permissible staff strength would be 75%

- 'Other industries located in Urban/Municipal areas' other than 'Industrial areas with Access Control' would be allowed to carry out their operations in only Orange Zones (50% staff strength in IT/ITES and 75% for others) and Green Zones (both IT/ITES and others can carry out their operations with 100% staff strength), while industrial activities of units located in Red zones would be strictly prohibited

Industrial units/establishments: Week 2

- 'Industrial areas with Access Control' located in Red Zones would be allowed to carry out activities with staff strength of 50%, while industries others than IT/ITES will be allowed operations with 75% strength. In Orange Zones, IT/ITES would be allowed with staff strength of 75%, while 100% staff will be allowed for others. In Green Zones, both IT/ITES and others can carry out their operation with 100% staff strength
- Industries in rural areas would run on similar lines of above guidelines in all three zones.
- E-commerce industrial units located in Red Zones would be permitted to carry out activities for essential goods only; in Orange Zones, they would be permitted to carry out activities with staff strength of 75% while in Green Zones, permitted staff strength would be 100%
- 'Other industries located in Urban/Municipal areas' other than 'Industrial areas with Access Control' would be allowed to carry out their operations in only Orange and Green zones while industrial activities of units located in Red Zones would be prohibited; IT/ITES located in Urban/Municipal areas which are in Orange Zones would be allowed to carry out their activities with staff strength of 75%, while others would be allowed with 100%. In Green zone, both IT/ITES and others can carry out their operations with 100% staff strength
- Furthermore, all the Industrial units/entrepreneurs/concerns would mandatorily apply on Saralharyana portal <https://saralharyana.gov.in/> by providing necessary details in order to generate requisite passes for employees/staff

Government offices

- State government offices to be operational with 100% attendance of Group A and B officers and 33% of Group C and D employees
- In Headquarters and Field Offices along with 100% attendance of Group A and B officers, weekly rosters will be prepared for Group C and D staff who will be asked to attend office on alternate week
- Provision relating to 33% staffing strength for Group C and D will not apply to Municipal Bodies, Boards, Corporations, Missions, Societies, Chief Secretary office, Revenue Department, Health, Home, Agriculture, Public Health, Development and Panchayats, Power, Irrigation, Urban Local Bodies, Medical Education, IT, Cooperation, Finance, Excise

and Taxation, Information and Public Relations, Haryana Shahari Vikas Pradhikaran and Food and Civil Supplies Departments

Maharashtra

SOP on movement of stranded persons

- District Collectors designated as 'Nodal Authority' to register stranded persons within their district and coordinate with district collectors of district where these persons intend to travel; no travel in to or out from state of Maharashtra unless group of persons obtains permission from sending and receiving Nodal Authorities
- Sending and receiving States/UTs to consult each other and agree upon route and schedule
- People showing symptoms of Covid-19 shall not be permitted to travel inter-state
- People who wish to make their own travel arrangements may do so with the permission of the Nodal Authorities of the sending and receiving districts
- Sanitization of buses and the observance of a 14-day quarantine upon arrival in Maharashtra was prescribed

Lockdown extension guidelines

- The MHA guidelines dated May 01, 2020 and annexures thereto have been reproduced correspondingly, with the following exceptions:
 - In contrast to nationwide Guidelines, Maharashtra Guidelines prohibit opening of all private and government offices, SEZs, EOUs, standalone shops, Paan and Tobacco shops in Mumbai Metropolitan Region and Municipal Corporation regions of Pune, Pimpri Chinchwad and Malegaon (non-essential and liquor shops in Mumbai were also prohibited); however, it makes exception of Gutka shops to be opened and for it to be consumed in public places
 - The SOPs given by the State Government vide orders dated April 22, April, 30 and May 1 have to be followed, instead of the ones issued by the MHA
 - Provision for the continuation of the 'activities permitted by the State Government from time to time with various orders and guidelines, with specific restrictions mentioned therein'

Amendment to extension guidelines

- The guidelines were amended to provide for the opening of up to 5 shops selling non-essential commodities, besides all shops selling essential goods, in contrast to the earlier text allowing only shops selling essential commodities to remain open in Mumbai Metropolitan Region and the Municipal Corporation regions of Pune, Pimpri Chinchwad and Malegaon

- The amendment excluded 'Containment Zones' from areas where standalone, neighborhood or residential- complex-shops could remain open

Karnataka

Circular on operation of industries/industrial establishments

- All industries in rural areas, outside containment zones allowed to be operational
- IT/ITES companies, data/call Centers, telecommunication, internet services, and incubators allowed to operate with 33% capacity in Red Zone districts including urban areas
- Operational 'Industries' of all categories to submit self-declaration on website: www.kum.karnataka.gov.in; the self-declaration prescribes for sanitization, social distancing and health and safety norms to be followed

SOP for inter-state entry into Karnataka

- Registration on Seva Sindhu portal of the Karnataka Government
- Medical Checkup at state border
- Symptomatic people to be quarantined in notified centers while asymptomatic people from rural areas to be quarantined institutionally while asymptomatic people from urban areas to be quarantined at home, for 14 days each, followed by 14 days of self-reporting for both categories

Designated entries and exits notified

- Entry and exit points notified in 18 Districts of Karnataka, with no interstate movement allowed in Kodagu, Ramanagara and no exit points in Mysuru
- Follows the same guidelines for entry into Karnataka as the May 05, 2020 Notification. For interstate movement out of Karnataka (only through designated exit check posts), following points must be followed, that is, (i) Registration on Seva Sindhu portal of Karnataka Government; (ii) Approval of Nodal Officer of Karnataka as well as receiving state; and (iii) Sanitization and social distancing norms to be followed in cars, vans and buses

SOPs/Guidelines for workplaces

MHA Order of April 15, 2020 laid down the SOPs for social distancing for offices, workplace, factories, and establishments. It included the following:

- Disinfection of the entire premises and all vehicles entering the premises
- Provision of special transportation facilities to workers coming from outside with mandatory thermal scanning of person(s) entering and exiting the workplace
- Mandatory provision of medical insurance to workers
- Provision for handwash and sanitizer, with touch free mechanism to be made available at all entry and exit points and all common areas
- Workplace to have one-hour gap between shifts and staggering of lunch break of staffs
- Large gatherings and physical meetings of 10 or more people to be discouraged
- Not more than 2-4 persons shall be allowed to travel in lifts or hoists and use of staircase should be encouraged
- Complete ban on non-essential visitors at site

- Strict ban of gutka, tobacco etc. and spitting
- Hospitals/clinics in nearby areas authorized to treat Covid-19 patients should be clearly identified and a list of the same should be made available at workplace at all times

Government of India issued a clarification stating that consolidated revised guidelines do not provide for arrest or imprisonment of an employer in case an employee is found to be infected with Covid-19. In addition to aforesaid SOPs, Annexure I of MHA Order of May 01, 2020 also provided for following guidelines to be observed at workplaces:

- Wearing of face mask is compulsory in all workplaces and adequate stock in respect thereof shall be made available at all workplace
- Social distancing guidelines should be strictly adhered to within the workplace as well as transport
- Use of 'Aarogya Setu' app shall be made mandatory for all employees, whether public or private
- Intensive communication and training on good hygiene practices shall be taken up

KEY GUIDELINES FOR EMPLOYEES POST LOCKDOWN

Ensure 24 -hour sanitization of the factory premises

- Factories need to maintain a sanitization routine every two-three hours especially in common areas which will have to be wiped clean with disinfectants after every single use
- For accommodation, sanitization needs to be performed regularly to ensure worker safety and reduce the spread of contamination

Entrance health checks

- Temperature checks of all employees to be done twice a day – workers showing symptoms should not report to work

Provisions of hand sanitizers and mask to all employers.

- Providing gloves, masks and hand sanitizers to be done at all factories and manufacturing units

Covid-19 health and prevention staff education

- Education on safety steps to take from entry to exit in the factory and measures to take precautions at personal level

Quarantine measures for supply and storage of goods

- Sterilize boxes and wrapping brought into factory premises
- Isolate and sanitize finished goods as appropriate

Physical distancing measures

- Create physical barriers to ensure physical distance within the work floor and dining facilities

Working in shifts

- Factories that work 24 hours at full production capacity should consider one-hour gap between shifts, except factories/plants requiring continuous operations
- Managerial and administrative staff should work one shift at 33% capacity as per MHA guidelines; while deciding which particular person to be included in 33% at any given point of time, overriding priority should be given to personnel dealing with safety
- Ensure no sharing of tools or workstations to the extent possible

Scenario planning for instances of a positive case detected amongst the employees

- Factories must prepare accommodation to isolate workers, if needed
- HR must help manage the whole process for the infected individual
- In case of group transportation, all travelling employees also to undergo a mandatory 14-day quarantine

Presence of skilled workers

- Workers involved in dealing with hazardous material must be skilled and experienced in the field – no compromise on deployment of such workers should be permitted when an industrial unit is opened up

Summary of various laws imposed and implemented amid the lockdown

With another extension of the lockdown (albeit diluted in scope), people and businesses are increasingly forced to face the reality of the 'new normal' in respect of the way we work, live and socialize. In this context, a clear understanding of the laws that the government has implemented becomes an imperative, more so in terms of the manner in which these laws impact the rights of people and businesses.

Key legislations

Epidemic Diseases Act 1897

- **Section 2** enumerates the state government's power to take special measures and prescribe regulations as to dangerous epidemic disease and provides that if the State Government at any time is satisfied that the state or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the State Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons
- **Section 2A** grants powers to the Central Government similar to section 2 of the Act and empowers the government to take measures and prescribe regulations for the inspection of any ship or vessel leaving or arriving at any port in the territories to which this Act extends and for such detention thereof, or of any person intending to sail therein, or arriving thereby, as may be necessary
- **Section 3** prescribes the penalty for disobeying any regulation or order made under the Act in accordance with Section 188 of the Indian Penal Code, which is an offence of disobeying directions of a public servant
- **Section 4** provides protection to persons acting under the Act and provides that no suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act

Disaster Management Act 2005

- **Section 38** allows the State Government to act upon measures and guidelines laid down by the National Authorities and also implement its own laws in accordance with guidelines laid down by the National Authorities for the best performance of the measures and Guidelines for the purpose of disaster management
- **Section 51: Punishment for obstruction**
This provision ensures that the Guidelines and Measures laid down by the National and State authorities are properly implemented without interruptions from unlawful entities

and also protects rights of the officers or employees of the said authorities in proper discharge of their duty.

- **Section 53: Punishment for misappropriation of money or materials, etc.**

This provision ensures that the money, materials, and goods provided by the Government to cope with the disaster in not misused by officers in-charge and provides that 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 willfully compels any other person to do so, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

- **Section 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

- **Section 60: Cognizance of offences**

The court shall take cognizance of an offence of not complying with measures and guidelines laid down by the national and state authorities for coping with the disaster only when a complaint made by the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorized in this behalf by that Authority or Government, as the case may be, after serving a notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the concerned authority

- **Section 78: Power of State Government to make rules**

The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. This provision enables the State Government to make rules in accordance with Central Government deemed necessary so as to bring into force laws mentioned under this Act to contain the situation before it reaches heightened severity levels, thereby increasing the number of victims and quantum of damage

Criminal aspects

The possibility of potential prosecution under the Indian Penal Code and Code of Criminal Procedure has been repeatedly raised by the authorities in order to deter potential hampering of containment and relief efforts launched by Central Government and State Governments. Pertinent aspects are detailed in the below section.

Indian Penal Code, 1860

▪ **Section 188: Disobedience to order duly promulgated by public servant**

Any person who disobeys such direction by a public servant, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, shall 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.

Any person whose disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both depending on the gravity of the offence.

Explanation – The declaration of lockdown to fight Coronavirus has been implemented under the Epidemic Diseases Act, 1897 wherein Section 3 provides that if a person violates the instructions given by the government in lockdown, then he will be prosecuted under Section 188 of the Indian Penal Code. It is not necessary that the offender should intend to produce harm or contemplate his disobedience as likely to produce harm. It is enough 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. If A knowingly disobeys the order and thereby causes danger of riot, A has committed the offence defined in this section.

▪ **Section 269: Negligent act likely to spread infection of disease dangerous to life**

Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

▪ **Section 270: Malignant act likely to spread infection of disease dangerous to life**

Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Note – Both Section 269 and 270 of IPC go hand in hand depending on the severity of the offence. While Section 269 provides for a jail term of six months and/or fine, Section 270 provides for a jail term of two years and/or fine. However, in Section 270, the word ‘malignantly’ indicates a deliberate intention on the part of the accused to spread the infection of any disease dangerous to life.

▪ **Section 271: Disobedience to quarantine rule**

Whoever knowingly disobeys any rule made and promulgated by the Government, disobeys the rule of quarantine and causes an intercourse between places where an infectious disease prevails and other places, moves around in his surroundings likely to get infected or spread the disease, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. This provision is implemented to avoid the spread of a deadly disease.

▪ **Section 304: Punishment for culpable homicide not amounting to murder**

Culpable homicide – As defined by section 299 of IPC, whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide. In the context of Covid-19 outbreak, this section is not directly implemented on general public but on people who have conducted mass gathering of people for various reasons such as marriage, parties and religious preaching during the outbreak, being aware of the outcome of such gatherings that is imminently to cause death of a person. Such person shall be booked under section 304 and the punishment may vary from 10 years to life imprisonment with fine or be punished with death depending on the severity of the offence.

▪ **Section 505: Statements conducing to public mischief**

Whoever circulates false/fake information, rumors and makes statements through social media platforms or any other platforms for the sake of causing panic, hysteria amongst the public shall be punished with 3 years’ imprisonment or fine, or both, and 5 years imprisonment or fine, or both, depending on the severity of the crime. Violation of Section 54 of Disaster Management Act will attract an offence under Section 505 of IPC.

Code of Criminal Procedure 1973

▪ **Section 144: Power to issue order in urgent cases of nuisance of apprehended danger**

Section 144 of CrPC permits an Executive Magistrate specially empowered by the State Government to issue orders in urgent cases of nuisance or apprehended danger of an event that is likely to cause social unrest or any other trouble leading to damages of property and life. This provision is implemented to prohibit gathering of four or more people (which is termed as ‘unlawful assembly’) in public places. Section 144 of CrPC can be imposed for a period of 2 months to 6 months depending on crises at hand and violation may attract section 188 of IPC.

Any Magistrate or the State Government may rescind the order under Section 144 of CrPC when the situation is normalized and when there is no longer a threat of apprehended danger. Section 144 has been implemented to avoid mass gatherings and restrict movement of non-essential items mainly for the purpose of containing the spread of the disease in the present scenario.

HSA at a glance

Full-service capabilities



Global recognition



Pan-India presence

New Delhi

81/1 Adchini
Sri Aurobindo Marg
New Delhi – 110 017

Phone: (+91) (11) 6638 7000
Email: newdelhi@hsalegal.com

Bengaluru

Aswan, Ground Floor, 15/6
Primrose Road
Bengaluru – 560 001

Phone: (+91) (80) 4631 7000
Email: bengaluru@hsalegal.com

Mumbai

Construction House, 5th Floor
Ballard Estate
Mumbai – 400 001

Phone: (+91) (22) 4340 0400
Email: mumbai@hsalegal.com

Kolkata

No. 14 S/P, Block C,
Chowringhee Mansions
Kolkata – 700 016

Phone: (+91) (33) 4035 0000
Email: kolkata@hsalegal.com

Stay connected



www.hsalegal.com



mail@hsalegal.com



HSA Advocates