

Covid-19: India's New Guidelines on Coronavirus

According to the data published by Ministry of Health and Family Welfare of India (**MHFW**), as on May 21, 2020, there are approximately 63,624 active cases of Covid-19 in India, with metropolitan areas like Mumbai, Delhi, Chennai, etc. being the most affected.

On May 12, 2020, the Prime Minister of India after consultation with the Chief Ministers of different States in India pronounced¹ to extend the lockdown up to May 31, 2020 (**lockdown 4.0**). Thereafter, on May 17, 2020, pursuant to the order of National Disaster Management Authority, the Ministry of Home Affairs (**MHA**) issued new guidelines² for lockdown 4.0. Under the new guidelines MHA has laid down the measures to be taken by various ministries, departments under the Central and State Governments to contain the spread of deadly virus. Further, under the new guidelines, the scope of relaxations has been expanded.

A summary of new guidelines is provided in this newsletter.

1. Demarcation of Zones

- i) With respect to demarcation of areas into Red, Orange, and Green color zones now the State Governments have been given more powers to take final decision. However, while making decisions State Governments will have to follow the parameters³ issued by MHFW.
- ii) Depending upon the number of Covid-19 cases in the Red and Orange zones the district administrative authorities can increase or decrease the containment and buffer zones. A buffer zone is an additional area surrounding the containment zone so that Covid-19 does not spread to the adjoining areas.
- iii) In the containment zone: (a) only the essential activities will be allowed, (b) there shall be no movement of people in or out of zones except for medical emergency or maintaining supply of essential goods and services.

2. Activities which are still prohibited in India

- i) All domestic and international air travels⁴, except for medical and security purposes.
- ii) Metro rail service.
- iii) Schools, colleges, and other educational institutions.

¹ <https://timesofindia.indiatimes.com/india/lockdown-4-0-in-new-form-with-new-rules-pm/articleshow/75705911.cms>

² https://www.mha.gov.in/sites/default/files/MHAOrderextension_1752020.pdf

³ <https://www.mha.gov.in/sites/default/files/MHADOLrDt17052020.PDF>

⁴ The Ministry of Civil Aviation of India vide it's order dated May 21, 2020 has permitted domestic airlines to operate from May 25, 2020. https://www.civilaviation.gov.in/sites/default/files/Order_of_MoCA_dated_21st_May_2020.pdf

- iv) Hotels, restaurants, and other hospitality services, unless those are used for housing health workers, police, government officials, stranded or quarantined persons. Though, restaurants have been permitted to operate kitchens for home deliveries.
- v) Cinema halls, shopping malls, theaters, gyms, swimming pools, bars, etc.
- vi) Public, social, and political gatherings.
- vii) Religious places and institutions.

3. Activities which have been permitted in India (except in containment zones)

- i) Inter-state movement of passenger vehicles, buses, etc. with the consent of State authorities.
- ii) Intra-state movement of passenger vehicles, buses, etc. with the consent of State authorities.
- iii) Unless specifically prohibited, all other types of business and offices activities have been allowed.

Yet, the State Government have been empowered to put additional preventive measures to contain the virus depending upon their situation.

4. Guidelines regarding offices and workplace

Under the new guidelines MHA has laid down "*national directives for Covid-19 management at workplace*", the State authorities are required to comply with such directions. The national directives include:

- i) practice of work from home, to the extent possible,
- ii) mandatory wearing of masks at workplaces,
- iii) social distancing through staggered lunch breaks, and adequate gaps between shifts,
- iv) provision of thermal screening, hand wash and sanitizers at all entry and exit points, common areas, etc.,
- v) frequent sanitization of workplace, and
- vi) staggered working hours for business/ offices/ shops/ industries, etc.

Apart from that the MHWA has issued certain additional preventive guidelines⁵ on May 18, 2020 explaining how to stop the spread of virus at work places/ offices. All State authorities are required to comply with these guidelines.

⁵ <https://www.mohfw.gov.in/pdf/GuidelinesonpreventivemeasurescontainspreadofCOVID19inworkplacesettings.pdf>

5. Night Curfew

Irrespective of zones, the movement of people are prohibited from going out between 7:00 pm and 7:00 am, except for the essential activities.

6. Use of Arogaya Setu

In order to track early identification of the risk of infection at workplace, the new guidelines suggest employers to ensure that employees install Arogaya Setu app. Arogaya Setu is a contact tracing application. The use of Arogaya Setu though not mandatory but has been recommended by Indian Government.

Note: The situation related to Covid-19 as well as the response of Indian Government so far has been very dynamic and is expected to remain the same in near future. Therefore, business operators/ employers are encouraged to consult legal experts, as well as relevant guidance put forth by the Central Government, State Governments, and local administrative bodies on regular basis.

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