

Relaxations under the Consolidated Revised Guidelines

Background

Pursuant to the announcement made by the Prime Minister for extending the lockdown till 3 May 2020 with a phased lifting of restrictions starting from 20 April 2020, the Consolidated Revised Guidelines on the measures to be taken by various ministries and their departments and authorities (“**Central CRG dated 15 April 2020**”) were issued as per the order No. 40-3/2020-DM-I(A) dated 15 April 2020 (“**Central CRG Order**”) by the Ministry of Home Affairs (“**MHA**”). Pursuant to this, the Maharashtra Government had issued a set of Consolidated Revised Guidelines (“**Maharashtra CRG dated 17 April 2020**”) vide Order No. DMU/2020/CR.92/DisM-1 on 17 April 2020 (“**Maharashtra CRG Order**”) which allowed limited activities to resume in Maharashtra, with effect from 20 April 2020. However, the Maharashtra CRG Order was amended on 21 April 2020 revoking all the relaxations granted in Mumbai and Pune under the Maharashtra CRG and hence re-enforcing strict lockdown in these cities, while the rest of Maharashtra can continue to benefit from the relaxations.

We have provided below a brief summary of the each of these circulars/ guidelines.

Central CRG dated 15 April 2020

According to the Central CRG, certain activities/ industries are allowed to resume operation subject to certain conditions with effect from 20 April 2020. However, according to paragraph 3(i), it has been clarified that limited exemptions will be put in operation by the States/ district administrations based on strict compliance to the existing guidelines and also before allowing these select additional activities, they shall ensure all precautionary arrangements with regard to the Standard Operating Procedure (“**SOP**”) for social distancing in offices, etc. provided in the Annexure II to the Central CRG.

Please [click here](#) to read the Central CRG dated 15 April 2020.

Amendments to Central CRG

1. The MHA, vide its order dated 16 April 2020, amended the Central CRG to include certain additional activities relating to agriculture and horticulture, plantations, financial sector and construction in rural areas. Please [click here](#) to read the aforesaid order dated 16 April 2020.
2. The MHA, vide its orders dated 19 April 2020, amended the Central CRG to exclude vehicles of e-commerce entities from plying, even after 20 April 2020. Later in the day, they issued a clarification that while operation of e-commerce entities for supply of non-essential goods stood prohibited, the supply of essential items was still permitted. Please [click here](#) to read the aforesaid order and [click here](#) to read the clarification.
3. Vide another order issued on 19 April 2020, the MHA issued a SOP for the movement of migrant labour within a State. The main points are that there will be no movement permitted across state borders, people wishing to go back to their villages will be screened before they are allowed to do so, and safe distances must be maintained on the bus during transport. Please [click here](#) to read this order dated 19 April 2020.
4. On the same day, the Home Secretary to the Government of India sent a letter to the Chief Secretaries of all States and the Administrators of all Union Territories, directing them to strictly comply with the directions of the Central Government. Herein, he also quoted from a Supreme Court order which directed the states to comply with the directions issued by the Union of India. Please [click here](#) to read the

letter of the Home Secretary and [click here](#) to read the Supreme Court's order referred therein.

5. By an amendment order dated 19 April 2020 the MHA constituted two Inter Ministerial Central Teams (“**IMCTs**”) to visit Mumbai and Pune, perform an on the spot inspection, give necessary instructions to the state authorities for redressal of the situation and report to the Central Government. Please [click here](#) to read the order dated 19 April 2020.
6. On 21 April 2020 the Home Secretary issued a clarification mentioning what certain terms used in the order would be deemed to include. The terms expounded were Social Sector, Public Utilities and Supply of essential goods. Please [click here](#) to read this clarification dated 21 April 2020.
7. On 21 April 2020 the MHA issued an amendment order which added to the allowable activities list under the heads of Agricultural and horticultural activities, commercial and private establishments, movement of persons and forest offices. This order also included a SOP for sign on and sign off of Indian seafarers at Indian Ports and their movement. This SOP prescribes for various guidelines to be followed which include medical examinations, transit passes and a COVID-19 test are to be performed on both ends, i.e. before boarding and after disembarkation. It also provides that before sign-on a person must provide his complete travel history for a period of 28 days. Please [click here](#) to read the Order dated 21 April 2020 along with the aforesaid SOP.
8. By a D.O. dated 22 April 2020, the Home Secretary to the Government of India has written to Chief Secretaries of States and Administrators of Union Territories to ensure the protection of medical staff and to take strict action, either under the IPC or the DMA against a person who attempts to cause or actually causes such persons harm. Please [click here](#) to read the aforesaid letter dated 22 April 2020.

Relaxations in State of Maharashtra

In furtherance to the Central CRG dated 15 April 2020 issued by the Ministry of Home Affairs, the Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Government of Maharashtra issued the Maharashtra CRG on 17 April 2020.

The Maharashtra CRG dated 17 April 2020 provides for a list of **activities**/ industries which shall be allowed to resume operations with effect from 20 April 2020 subject to conditions specified therein except in places which have been declared as containment areas/ hotspots. The activities /industries which have been listed in the Maharashtra CRG dated 17 April 2020 *inter alia* include IT and IT enabled services, establishments with 50% strength, manufacturing of essential goods including drugs, pharmaceuticals, medical devices, their raw materials and intermediaries, manufacturing of IT hardware, electronic media including broadcasting, DTH and cable services, fishing and agriculture, plantations.

The activities which will continue to remain prohibited *inter alia* include all passenger movement by air, rail, bus or metro as well as inter-state/district movement of individuals. Further, hospitality services, taxis, cinema halls, swimming pools, entertainment halls and similar places, all places where functions may be carried out, as well as all places of worship will remain shut.

The Maharashtra CRG dated 17 April 2020 also mandates all industrial and commercial establishments, work places, offices, etc., to put in place arrangements for implementation of SOP given in Annexure II to the Maharashtra CRG dated 17 April 2020 while starting their functioning. The SOP at Annexure II to the Maharashtra CRG provides for standard operating procedure for social distancing for offices, workplace, factories and establishments. The SOP *inter alia* include disinfection of all areas in the premises,

provision for special transportation facility for workers coming from outside, mandatory thermal scanning of everyone entering and exiting the workplace.

Please [click here](#) to read the Maharashtra CRG Order and the Maharashtra CRG dated 17 April 2020.

Revocation of relaxations for Mumbai & Pune

The Chief Secretary to the Government of Maharashtra, vide its order dated 21 April 2020 (“**Order dated 21 April 2020**”), revoked the relaxations given in Maharashtra CRG in the Mumbai Metropolitan Region and Pune Metropolitan Region areas and stated that the position prevailing prior to the issuance of the Maharashtra CRG shall be reinstated. It further states that the Maharashtra CRG will however remain operative in other parts of Maharashtra.

The Order dated 21 April 2020 also amends a couple of provisions of the Maharashtra CRG relating to print media and e-commerce companies as well.

Please [click here](#) to read the Order dated 21 April 2020.

Insurance for Workers

The Ministry of Home Affairs via the CRG made it compulsory for workers in factories, offices, workplaces and establishments to have medical insurance. To make the government directions effective, the Insurance Regulatory and Development Authority of India (“**IRDAI**”) has issued a circular with reference number IRDAI/HLT/CIR/MISC/093/04/2020 on 16 April 2020 to all general and standalone health insurers (other than AIC and ECGC) advising them to offer comprehensive health insurance policies either to individuals or groups in order to enable the listed organisations / employers / establishments to comply with the directions. Please [click here](#) to read the IRDAI’s circular dated 16 April 2020.

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