

**IN THE SUPREME COURT OF INDIA**  
ORIGINAL CIVIL JURISDICTION  
WRIT PETITION (CIVIL) NO.      OF 2020

IN THE MATTER OF:

**Anil K. Aggarwal & K.S. Wahi**  
**Advocates**

..... **Petitioners**

**Versus**

**Union of India**

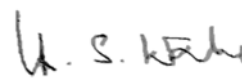
..... **Respondent**

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FILED ON: 23.04.2020

FILED BY:



Anil K Aggarwal & K.S. Wahi, Advocates  
(Petitioners-in-Person)

**IN THE SUPREME COURT OF INDIA**

**ORIGINAL JURISDICTION**

**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

**Anil K Aggarwal & K.S. Wahi                      .....                      Petitioners  
Advocates**

**Versus**

**Union of India & Ors.                      .....                      Respondents**

**PAPER BOOK**

**ALONG WITH**

**I.A. NO. 1 OF 2020**

**FOR PERMISSION TO ARGUE THE CASE AS THE  
PETITIONER-IN-PERSON**

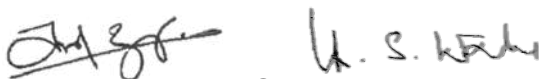
**I.A. NO. 2 OF 2020**

**FOR EXEMPTION TO FILE DULY AFFIRMED  
AFFIDAVITS AND TYPED COPIES OF THE ANNEXURES**

**FOR INDEX KINDLY SEE INSIDE**

**FILED ON: 23.04.2020**

**FILED BY:**

  
**Anil K Aggarwal & K.S. Wahi, Advocates  
(Petitioners in Person)  
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## List of Dates and Synopsis

- 22.03.2020 On detection of deadly COVID-19 infection in the country, the Hon'ble Prime Minister advised the people of the country to observe a 14-hour voluntary public curfew (*Janta Curfew*).
- 24.03.2020 The Hon'ble Prime Minister Sh. Narendra Modi in a televised address to the Nation ordered a nationwide lockdown for 21 days, limiting movement of the entire 1.3 billion population of India as a preventive measure against the 2020 coronavirus pandemic. It was followed by statutory order and Guidelines (Annexure P-1 Colly) issued by the Ministry of Home Affairs under the Disaster Management Act, 2005 for enforcement of a series of regulations to contain spread of COVID-19 in the country.

Under aforesaid Order and Guidelines (Annexure P-1 Colly) entire Nation was put under strict lockdown conditions for 21 days till 14.04.2020 and including all offices of the Central/State Government, their autonomous bodies and Corporations, with certain obvious exception *inter alia* some organisations and establishment involved in maintenance of law and order and defence, public utilities and disaster mitigation and treasuries etc., were allowed to remain closed during lockdown

period. All commercial establishments, dealing in non-essential and unexempted goods and services ordered to strictly remain closed during lockdown. Accordingly, the Govt. companies such as SAIL and NBCC implored as respondent nos. 2 and 3, also closed down their offices and operations.

- 12.04.2020 During the lockdown period from 24.03.2020 to 14.04.2020 the respondent no. 1-A / Ministry of Home Affairs revised and issued certain further additional guidelines. Since the blatant lockdown resulted in stalling of government's sovereign and regal functions and impaired the effective governance and administration the respondent no. 1 decided to scale up the government activities at ministry level and directions were issued to the officers above the level of and including Joint Secretaries of Central Government's Ministries to attend their respective offices and assist the Ministers, while observing standard operating procedures of social distancing and protective measures.
- 14.04.2020 In a televised public address the Hon'ble Prime Minister extended the lockdown till 03.05.2020.
- 15.04.2020 The respondent No. 1-A the Ministry of Home Affairs issued a further statutory Order Consolidated Revised Guidelines / measures /

regulation (**Annexure P-2 Colly**) for further containment of spread of COVID-19 in the country.

Under the aforesaid Guidelines (Annexure P-2 Colly) all non-essential industrial and commercial activities continue to remain prohibited. According, the offices of the all enterprises including that of the respondent companies nos. 2 and 3 namely SAIL and NBCC carrying out non-essential commercial and industrial activities remained closed.

To mitigate hardships caused to the public due to prolonged lockdown conditions certain additional activities were allowed w.e.f. 20.04.2020 on fulfilment of pre-conditions, subject to final decision to be taken in this regard by the State Governments / UTs / District administration as per ground realities prevalent in area under their administration and jurisdiction.

Under para 18(ii) aforesaid Consolidated and Revised Guidelines, the Central Ministries and their Department and offices under their control were allowed to resume their limited functioning and officers including and above the rank of Deputy Secretaries of the Govt. of India were directed to attend their offices with

33% of the assistance officers and staff in attendance to assist them. But no such relaxation was granted for the offices, officers, and staffs of PSEs/Government Companies.

17.04.2020 The respondent companies namely SAIL and NBCC and other such central PSEs/government companies decided on their own to open their office and resume their operations and issued orders/circulars (**Annexure P-3 and Annexure P-4 Colly**) to most of their employees to start attending office w.e.f 20.04.2020, under the garb and shadow of para 18(ii) of the Guidelines (Annexure P-2 Colly) deliberately and wrongly equating and identifying Government owned Companies as the Government Department and office under the control of the Ministries and/or departments of the Central Government, overlooking the health safety concerns of the employees and their family members.

18.04.2020 The petitioners practicing as advocates started getting calls and messages either from the employees or spouses of the employee of such PSEs/companies with serious concern regarding health safety of their family and raising queries and seeking advice and opinion whether such orders are lawful and not contrary to the Consolidated Revised



Guidelines (Annexure P-2 Colly) on Lockdown issued by the Ministry of Home Affairs on 15.04.2020 for containment of COVID-19 in the country.

- 20.04.2020- In order to provide proper advice and opinion to  
21.04.2020 clients/callers the petitioners-advocates conducted their own research and investigation over the official websites of the respondent ministries searching for any order/circular issued by any appropriate and competent authority permitting the central PSEs/companies to open their offices w.e.f. 20.04.2020 but found no such order/direction was found.
- 22.04.2020 The petitioner-advocates also contacted Dr. Nitin Aggarwal, Jt. Director of Dept. of Public Enterprise appointed as nodal officer to deal with public grievance relating to COVID-19 and also shared with him over WhatsApp message the Order dt. 17.04.2020 (Annexure P-3) issued by SAIL to its employees to attend their offices w.e.f. 20.04.2020. But instead of taking any immediate corrective action at the level of his department/ministry the Jt. Director directed the petitioners to file a public grievance complaint on a link provided on the website of Department of Public Enterprises.

Having exhausted all non-judicial avenue and means for redressal of grievance of their clients and callers, the petitioners-advocates advised their clients/callers to file writ petition, but since on 20.04.2020 most of the employees of PSEs/government companies while travelling to their offices were stopped by the administration at barriers and barricades erected on the road within Delhi and State borders, they having found good excuse for not attending office during lockdown and also out of fear of retributive punitive action by their employer companies desisted to take the matter to the court.

However, since the matter involved larger public interest of grave importance relating to health safety and lives of citizen, and impugned action of the respondent companies amounted to manifest disobedience and violation of Guidelines/regulations imposed by the Central Government to somehow contain the spread of deadly COVID-19 infection in the country and entailed serious danger to the entire Nation the petitioners-advocates preferred to file the present petition as Public Interest Litigation.

23.04.2020 Hence present petition has been filed seeking immediate judicial intervention to compel the respondent to recognise inherent risk and

danger to the health safety and lives of public and the people/ employees who are being forced to move out of their house and to attend the office of the PSE/Govt. Companies such as SAIL and NBCC dealing in non-essential and unexempted goods and services, during the lockdown period in manifest violation and disobedience of statutory Orders/ Guidelines issued by the Central Government under the Disaster Management Act, 2005, breaching the lockdown restrictions and frustrating the prohibitory measures taken by the Central Government to somehow contain the spread of deadly Covid-19 infection in the country, causing immense risk and danger to health safety and lives of such employees and their family members by exposing them to coronavirus infection.

HENCE THE PRESENT PETITION.

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.      OF 2020**

IN THE MATTER OF:

1. **Anil K Aggarwal, Advocate**  
 C-142, National Apartments, Plot 4  
 Sector 3, Dwarka  
 New Delhi – 110078
  
  2. **K.S. Wahi, Advocates**  
 E-004, Purvasha Apartments,  
 Mayur Vihar Phase-I  
 Delhi-110091
- ..... Petitioners

*Versus*

1. **Union of India**  
 Through Cabinet Secretary
  
- Also through
  
- 1-A. The Home Secretary  
 Ministry of Home Affairs  
 North Block  
 New Delhi – 110001.
  
- 1-B. The Secretary  
 Department of Public Enterprises  
 Ministry of Heavy Industries &  
 Public Enterprises  
 Public Enterprises Bhawan, Block 14  
 CGO Complex, Lodhi Road  
 New Delhi – 110003.
  
- 1-C. The Secretary  
 Ministry of Steel  
 Udyog Bhavan  
 New Delhi – 110011.
  
- 1-D. The Secretary  
 Ministry of Housing and Urban Affairs  
 Nirman Bhawan  
 New Delhi – 110011.

2. The Chairman & Managing Director  
Steel Authority of India Limited  
Ispat Bhawan  
Lodhi Road, New Delhi – 110003.
3. Chairman & Managing Director  
NBCC (India) Limited  
NBCC Bhawan, Lodhi Road  
New Delhi – 110003. .... Respondents

**A WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA INTERALIA CHALLENGING  
THE CONSTITUTIONAL VALIDITY, LEGALITY AND  
RATIONALITY OF IMPUGNED ORDERS ISSUED BY  
THE CENTRAL PSEs DIRECTING THEIR EMPLOYEES  
TO RESUME DUTY AND ATTEND OFFICES DURING  
THE LOCKDOWN PERIOD IN ABJECT  
CONTRAVENTION AND MANIFEST VIOLATION OF THE  
STATUTORY ORDERS AND GUIDELINES ISSUED BY  
THE CENTRAL GOVERNMENT DIRECTING PEOPLE  
TO STAY AT HOME AND CLOSING OF ALL OFFICES,  
ESTABLISHMENTS AND ENTERPRISES INVOLVED IN  
MANUFACTURING, DISTRIBUTION, SUPPLY AND  
SALE OF NON-ESSENTIAL AND UNEXEMPTED GOOD  
AND SERVICES**

To

THE HON'BLE CHIEF JUSTICE AND HIS LORDSHIP'S  
COMPANION JUDGES OF THE HON'BLE SUPREME  
COURT OF INDIA

The humble Petition of Your Petitioners abovenamed

MOST RESPECTFULLY SHOWETH:

1. THAT the present petition filed under the Article 32 of the Constitution, has been preferred by the Petitioners, who are advocates registered as such with the Bar Council of Delhi under registration nos. D-389/09 and PAN No. AAAPA1118M and D-4731/14 and PAN No. AAJPW6843Q and ordinarily practicing before the Hon'ble High Court of Delhi and this Hon'ble Court and have deep rooted interest in law and justice. The petitioner Anil K Aggarwal is a qualified and experienced Structural Engineer and petitioner K.S. Wahi is a retired IAS officer, who once held the post of Health Secretary in the NCT of Delhi. The petitioners-advocates having persuasive interest in public interest matters have been appointed as *amicus curie* by the Hon'ble High Court in various PIL cases.

2. THAT the present petition has been preferred by the advocates named above in larger public interest, having received calls / WhatsApp messages from various employees/ officers of Central Public Enterprises / companies or their spouses, who have been ordered to resume duties w.e.f. 20.04.2020 in the offices of PSEs situated within NCT of Delhi, raising queries and seeking opinion and advise whether such orders are lawful and not contrary to the Consolidated Revised Guidelines on Lockdown issued by the Ministry of Home Affairs on 15.04.2020 for containment of COVID-19 in the country.

3. THAT background facts in brief relevant for the present petition are as follows:

3.1 WHEREAS on 24.03.2020, the Hon'ble Prime Minister Sh. Narendra Modi ordered a nationwide lockdown for 21 days, limiting movement of the entire 1.3 billion population of India as a preventive measure against the 2020 coronavirus pandemic. It was ordered after a 14-hour voluntary public curfew (*Janta Curfew*) on 22.03.2020 and was followed by statutory order issued by the Ministry of Home Affairs and enforcement of a series of regulations/guidelines to contain spread of COVID-19 in the country. The true copy of the Order and Guidelines both dated 24.03.2020 issued by the respondent no. 1-A namely the Ministry of Home Affairs are annexed herewith and marked as **Annexure P-1 Colly**.

3.2 WHEREAS in terms of the aforementioned Guidelines (Annexure P-1 Colly) the entire Nation was put under strict lockdown conditions for 21 days till 14.04.2020 and including all offices of the Central/State Government, their autonomous bodies and Corporations, with certain exception *inter alia* to maintain law and order and defence, public utilities and disaster mitigation and treasuries etc., were allowed to remain closed during lockdown period. In terms of para 4 of the said Guidelines, all commercial establishment, with certain obvious exceptions to maintain supply of essential good and services were ordered to remain closed during lockdown.

- 3.3 WHEREAS in due compliance of the aforesaid Guidelines, all Central Public Enterprises/ Government companies, including Steel Authority of India Limited and NBCC India Limited, the respondent nos. 2 and 3, carrying out commercial activities in manufacturing, distribution or supply and sale of non-essential and unexempted goods and services closed down their offices and operations and granted leave to their all employees till 14.04.2020.
- 3.4 WHEREAS during the lockdown period from 24.03.2020 to 14.04.2020 the respondent no. 1-A / Ministry of Home Affairs revised and issued certain further additional guidelines; and as per media reports, on 12.04.2020 a decision was taken by the respondent no. 1 to scale up the government activities at ministry level and directions were issued to the officers above the level of and including Joint Secretaries of Central Government's Ministries to attend their respective offices and assist the Ministers in policy matters and for effective administration and governance of the country, while observing standard operating procedures of social distancing and protective measures. But no relaxation whatsoever was granted to the PSEs and the respondent/companies nos. 2 and 3 who continued to keep their offices and operation closed for all purposes.



- 3.5 WHEREAS on 14.04.2020 during a televised public address the Hon'ble Prime Minister extended the lockdown till 03.05.2020 and on 15.04.2020 the respondent Ministry of Home Affairs issued an order and Consolidated Revised Guidelines / measures / regulation for further containment of spread of COVID-19 in the country. The true copies of the aforesaid Order and Guidelines both dated 15.04.2020 issued by the respondent no. 1-A Ministry of Home Affairs are annexed herewith and marked as **Annexure P-2 Colly**.
- 3.6 WHEREAS in terms of clause (vii) of para 1 of the Guidelines (Annexure P-2 Colly) all industrial and commercial activities except those specifically exempted under para 14 of these guidelines shall continue to remain prohibited. According, offices of the all enterprises including the respondent companies nos. 2 and 3 carrying out commercial activities shall remain close during the extended period of lockdown till 03.05.2020.
- 3.7 WHEREAS in terms of the aforesaid Guidelines (Annexure P-2 Colly) all commercial establishments, offices, enterprises, whether private or government companies including state and central PSEs including the respondent nos. 2 and 3 carrying on commercial and business activities in non-essential/unexempted commercial goods and services shall continue to remain closed.

3.8 WHEREAS in terms of the aforesaid Guidelines to mitigate hardships caused to the public due to prolonged lockdown conditions certain additional activities were allowed w.e.f. 20.04.2020 with certain pre-conditions, however subject to final decision to be taken in this regard by the State Governments / UTs / District administration as per ground realities prevalent in area under their administration and jurisdiction.

3.9 WHEREAS in continuation of the decision taken by the respondent no. 1 i.e. Central Government on 12.04.2020 to scale up government activities at ministry level in policy matters and for effective governance and administration, under the para 18 (ii) of the Consolidated Guidelines dated 15.04.2020, the officers including and above the rank of Deputy Secretaries of the Govt. of India were directed to attend their offices with 33% of the assistance officers and staff in attendance to assist them. But no such relaxation was granted for the offices, officers, and staffs of PSEs.

4. THAT since 20.04.2020 the petitioners, who are practicing advocates, got several calls / WhatsApp messages from various clients, who themselves or their spouses are employees of a central Public Sector Enterprise and have received order to resume their duties and attend the office of their respective central PSE w.e.f. 20.04.2020 (Monday). The true copies of the Office Orders passed by the respondent no. 2 i.e. Steel Authority of

India, a central PSE under Ministry of Steel and another such order/circular issued by the by the respondent no. 3 i.e. NBCC (India) Ltd., a central PSE under the Min. of Housing and Urban Affairs, both dated 17.04.2020 are annexed herewith and marked as **Annexure P-3** and **Annexure P-4 Colly** respectively.

5. THAT the clients/callers being immensely concerned of their own health and of their family members due to probable exposure of themselves or their family members, who are employees of PSEs, to corona inflicted persons while travelling and attending office and bringing infection to their home, raised several queries and sought legal opinion of the petitioners questioning the legality, correctness and rationality of the impugned orders/circular (Annexure P-3 and Annexure P-4 Colly) issued by the respondent nos. 2 and 3 during the lockdown period imposed by the Hon'ble Prime Minister as a last and important measure to contain spread of corona pandemic in the country.

6. THAT on a cursory examination of the impugned orders/ circulars (Annexure P-3 and Annexure P-4 Colly) it is clear that the respondent no. 2 and 3 / companies issued the impugned order analogous to para 18(ii) of the Guidelines (Annexure P-2 Colly) permitting the Central Government's Ministries / Department and other offices under their control to resume their limited functioning by allowing 100% attendance of Deputy Secretaries and levels above that, to be assisted by lower level officers and staff in attendance up to 33% of their total strength.

7. THAT before rendering any advice and opinion to their clients, the petitioners/advocates decided to examine the issue in hand at detail. In doing so, the petitioners first searched the official website of the respondent no. 1-A i.e. the Ministry of Home Affairs for any further or additional orders/guidelines that may have been issued by it granting relaxation in terms of the para 18(ii) of Guidelines dt. 15.04.2020 also to the Central PSEs.

8. THAT since the role of the majority/sole shares holder in the aforementioned PSEs i.e. Steel Authority of India Limited (SAIL) and NBCC (India) Limited (NBCC) is performed on behalf of the Central Government by the Ministry of Steel and Ministry of Housing and Urban Affairs respectively, the petitioner also searched the official websites of the said ministries to find out whether any relaxation or permission has been granted at the level of the said ministries i.e. respondent nos. 1-C and 1-D on their own. But the petitioner could not find any order/circular/OM etc. allowing the respondent companies to open their offices and attendance of their officers and staff in any manner for any purpose whatsoever during the lockdown period extended up to 03.05.2020.

9. THAT since the Department of Public Enterprise under the Ministry of Heavy Industries and Public Enterprise, also performs some role of the majority shares holder i.e. the Central Government in the PSEs/ companies, it also has some regulatory control over the functioning of the PSEs including the respondent nos. 2

and 3 companies namely SAIL and NBCC involved in the present case, the petitioner also searched the official website of the Department of Public Enterprises, the respondent no. 1-B, but no order/circular/OM etc. allowing the PSEs/companies including the respondent nos. 2 and 3 to open their offices and attendance of their officers and staff in any manner for any purpose whatsoever during the lockdown period extended up to 03.05.2020 was found. Rather it was found that immediately on 16.04.2020 the respondent No. 1-B i.e. the Department of Public Enterprises has issued an OM to all Secretaries of the Ministries/Departments enclosing copy of MHA's Order and Guidelines dated 15.04.2020 (Annexure P-2 Colly) with a request to instruct the central PSEs under their jurisdiction for compliance thereof. The true copy of the OM dt. 16.04.2020 issued by the Department of Public Enterprises is annexed herewith and marked as **Annexure P-5**.

10. THAT on the official website of the respondent no. 1-B, the name of Dr. Nitin Aggarwal, Jt. Director and his landline/mobile and email-ID has been mentioned as Nodal Officer appointed for dealing with any public grievance related to COVID-19. When the petitioners contacted Jr. Director Dr. Nitin Aggarwal over his mobile number mentioned on the website and apprised him of the issue, he denied any knowledge and information with the Ministry / respondent no. 1-B regarding opening of offices by the respondent companies and instead of taking any

action at the level of the respondent no. 1-B directed the petitioners to lodge a public grievance complaint on the link given on the website. Even after the petitioners shared the copy of the impugned order (Annexure P-3) issued by SAIL with Dr. Nitin Aggarwal, he did not respond to the queries raised and clarifications sought by the petitioners, advocates on behalf of the clients. The screen shots of the WhatsApp messages sent to Jt. Director of the respondent no. 1-B are annexed herewith and marked as **Annexure P-6 Colly**.

12. THAT in the aforesaid facts and circumstances, the petitioners having left with no efficacious remedy against the impugned orders/circulars (Annexure P-3 and Annexure P-4 Colly) and inasmuch as a large number of people who are either employees or family members of the employees of the central PSEs are affected due to opening of the offices by central PSEs in country, preferred to file the present petition in larger public interest. The callers/clients of the petitioners/advocates fearing retributive punitive action by their employer PSEs refused to join as the petitioners.

13. THAT in view of the urgency to contain the spread of coronavirus inflicted infection in the country, the petitioners challenge the impugned orders/circulars (Annexure P-3 and Annexure P-4 Colly) on the following:

**G R O U N D S**

- I. BECAUSE Steel Authority of India Limited (SAIL), the respondent no. 2 and NBCC (India) Limited (NBCC), the respondent no. 3 and other such public sector companies having been incorporated under the Companies Act have a separate juristic entity distinct from the Central/State Government, who own sole/majority shares holding in such public companies, but this does not make the incorporated company as Government or Government Department or an office controlled by the Government or Government Department. Unlike the Government Department which is not only completely controlled and financed by the Government and does not have any identity of its own and money earned by such a department goes to the exchequer of the Government and losses incurred by the department are losses of the Government, in the case of incorporated companies, it has its own separate juristic entity distinct from Government and the Government has control over and interest in the functioning of the incorporated companies owned by it not as a Government but ordinary as mere promoter and sole/majority shares holder and in its such capacity Government is paid dividend from the profits earned by the incorporated companies. [A.K. Bindal & Anr. vs Uoi & Ors. (2003) 5 SCC 163; National Textile

Corporation Ltd. vs Naresh Kumar Badri Kumar Jagad & Ors. (2011) 12 SCC 695; Mhmd. Hadi Raja vs State of Bihar & Anr., (1998) 5 SCC 91]; and

- II. BECAUSE the PSEs including the respondent nos. 2 and 3, the incorporated companies, are not Government or Government Department or Offices controlled by the Government Ministries/ Government Department, they cannot claim the relaxation granted under para 18(ii) of the Order and Guidelines dt. 15.04.2020 (Annexure P-2 Colly) for partial functioning of other Ministries and Department and offices under their control, further to full liberty granted to the Ministries and Department discharging sovereign and regal functions or/and involved in fight against coronavirus and disaster mitigation and having control over the institution listed at para 18 (i); and
- III. BECAUSE the relaxation under para 18(ii) of the Order and Guidelines (Annexure P-2 Colly) have been granted to other Ministries, Department and offices under their control only to facilitate policy formation/ decisions and effective governance and administration of the country, as is evident from the fact that only officers including the Deputy Secretaries and above level have been called to resume their duties with the assisted of only 33% of the other staff and employees in attendance; and



- IV. BECAUSE the respondent nos. 2 and 3 namely SAIL and NBCC and all such other PSEs/incorporated companies of the Government carrying out commercial activity like any other private enterprise in manufacturing, distribution, supply or sale of non-essential and unexempted goods and services are not permitted to open their office and/or resume their operations under the shadow of the relaxation restricted only to other Ministries, its department and offices under their control; and
- V. BECAUSE in the prevalent emergency situation to contain the spread of COVID-19 in the country, the Orders and Guidelines issued by the Central Government imposing country wide lockdown and prohibitions or restrictions need not only be strictly complied but also need to be liberally construed and interpreted to not allow any perceived threat to escape regulations and likewise the relaxations granted time to time need to be strictly construed and interpreted to not allow any misuse and misapplication thereof by anyone to escape regulation thereby endangering the health safety and life of the people; and
- VI. BECAUSE the provisions of and relaxations granted under para 18(ii) are by no means intended to be made applicable to Central/State PSEs / state owned companies; and

- VII. BECAUSE the respondent nos. 2 and 3 namely SAIL and NBCC are bound to strictly comply with statutory regulations issued by the Central Government and being Government Companies have even greater responsibilities and duty to do so; and
- VIII. BECAUSE in the present case, the respective Chairman and Managing Directors of the respondent nos. 2 and 3 failed to comply with the Guidelines issued by the Central Government despite the order dt. 31.03.2020 passed by this Hon'ble Supreme Court in W.P. (C) 468/2020 observing that *"we trust and expect that all concerned viz. State Governments, Public Authorities and Citizens of this country will faithfully comply with the directives and orders issued by the Union of India in letter and spirit in the interest of public safety"*; and
- IX. BECAUSE in the present case, the respective Chairman and Managing Directors of the respondent nos. 2 and 3 failed to comply with, rather disobeyed the direction issued by the respondent no. 1-B on 16.04.2020 (Annexure P-5) to all central PSEs to comply with the statutory Order and Guidelines dt. 15.04.2020 (Annexure P-2 Colly); and

- X. BECAUSE in the present case, the respective Chairman and Managing Directors of the respondent nos. 2 and 3 deliberately misconstrued para 18(ii) of the statutory Order and Guidelines dt. 15.04.2020 (Annexure P-2 Colly) with personal motive to protect and earn Performance Related Bonus (PRB) the CMD and entire Board of Director of PSEs are entitled to, at the risk to health safety and life of the sub-ordinate officer/staff/ employees and impairing all the measures taken by the Central Government to contain the spread of COVID-19 by ordering national wide lockdown in the country as a last and necessary measure; and
- XI. BECAUSE in the case of NCT of Delhi, the Hon'ble Chief Minister Sh. Arvind Kejriwal declined to grant any relaxation in the lockdown conditions w.e.f. 20.04.2020 and restrictions and prohibitions as before continued to prevail in Delhi, and public transport system remained inoperative and also since the boarders with adjacent State remained sealed for public movement, the PSEs employees who were directed to attend office and resided within Delhi or outside Delhi were stopped and got stranded at many barriers point placed within Delhi and at borders, and could not reach their offices, leading to massive jam of traffic on roads within Delhi and at boarders as has been reported by television media; and

- XII. BECAUSE many callers/clients of the petitioners/ advocates reported back that they could not reach their respective PSEs' office because they were stopped at barriers and blockades placed within Delhi and at State borders, as the police and district and state administration personnel manning barriers and blockades refused to recognise the impugned order/circular (Annexure P-3 and P-4 Colly) issued by the respondent nos. 2 and 3 companies, causing immense anxiety and concern amongst the employee, fearing disciplinary action for not being able to attend their office; and
- XIII. BECAUSE the CMDs and Board of Directors of the respondent nos. 2 and 3 illegally got the impugned orders/circular (Annexure P-3 and Annexure P-4 Colly) issued mis-assuming themselves as Government Officers having power, authority and jurisdiction to pass such orders without need of any prior consultation, approval or permission from the appropriate authority appointed under the Disaster Management Act, 2005 and without informing the local administration i.e. concerned Deputy Commissioners/Sub-Divisional Magistrates of the area; and
- XIV. BECAUSE the CMDs and Board of Directors of the respondent nos. 2 and 3 also did not sought permission from the appropriate authority appointed under the Disaster Management Act, 2005 and also did not inform the local administration i.e.

concerned Deputy Commissioners/Sub-Divisional Magistrates of the area, knowing full well that in terms of para 4 of the Guidelines directing the State/UT Governments not to dilute the Guidelines in any manner and shall be strictly enforced, no permission was likely to be granted; and State and District Administration will not co-operate with them to contravene and violate the Guidelines by diluting the same in favour of the respondent nos. 2 and 3; and

- XV. BECAUSE the impugned orders/circular (Annexure P-3 and Annexure P-4 Colly) forcing the employees of PSEs to move out of their home and attend office during lockdown period in violation of the Guidelines besides frustrating the restrictive measures taken by the Government/s to contain spread of COVID-19, also endangered the health safety and life of the employees and their family members, resulting in violation of fundamental right to life protected under Article 21 of the Constitution of India; and
- XVI. BECAUSE the impugned action of the respondent nos. 2 and 3 and such heads of other PSEs, who opened their offices in violation of the Guidelines, instead of purportedly protecting the economic and other interest of the Government and the Nation has in fact impaired the economy and health infrastructure of the country by exposing a large number of people to coronavirus infection; and

- XVII. BECAUSE the impugned order/circular dt. 17.04.2020 (Annexure P-3 and Annexure P-4 Colly) cannot be held to be issued in larger public interest and safety; and
- XVIII. BECAUSE the respondent nos. 2 and 3, the respective Chairman and Managing Directors of Steel Authority of India Limited and NBCC (India) Limited by disobeying and refusing to comply with the directions and restrictions imposed by the appropriate authority under the Disaster Management Act, 2005 have committed offence punishable under section 51 of the said Act and are liable to be prosecuted in terms of the section 58 of the Act; and
- XIX. BECAUSE the respondent nos. 1-A to 1-D despite knowledge and information have deliberately ignored the illegal act of the respondent nos. 2 and 3 and failed to take any corrective steps; and
- XX. BECAUSE the respondent nos. 1-A to 1-D did not issue necessary and immediate direction to the respondent nos. 2 and 3 to close down offices because such an action would have entailed punitive action to be taken against the offending CMDs of respondent nos. 2 and 3 under the provisions of Disaster Management Act, 2005; and

XXI. BECAUSE in the event the respondents are not immediately compelled to recognise inherent risk and danger to the health safety and lives of people who being the employees of the respondent nos. 2 and 3 and of all other such like central PSEs are being forced to move out of their house and to attend the office of the respective PSEs during the lockdown period, not only health safety and lives of such employees and their family members will be impaired by exposing them to coronavirus infection but the whole Nation will entail serious danger due to probable spread of coronavirus infection in the country and net effect will be to set back the people rights to safety and health as intrinsic to the right to life guaranteed as a fundamental right under Art.21 of the Constitution of India, but will also have devastating effect on meagre and overloaded health infrastructure of the country entailing further hardship and dander to the entire country which is being attempted to avoid by the Central Government by imposing national level lockdown as a last and necessary measure.

13. That above grounds are being taken without prejudice to one another and the petitioner craves leave to add or to amend the above grounds.

14. That the present petition is being preferred bona fide, in the interests of justice, public propriety of law, and in public interest and safety.

15. That no other writ petition or proceeding has been initiated by the petitioners in any High Court or in Supreme Court of India on the aspects that may be subject matter of the present petition as well in the present context.

16. That the petitioners have no alternative equally efficacious remedy in law for the cause of action being agitated herein.

### P R A Y E R

In the above premise amongst others, the petitioner is confident that Hon'ble Court will be pleased to award the following prayer(s) of its duty-bound petitioners to

- A. issue writ of or in the nature of mandamus and/or any other appropriate writs, orders quashing impugned orders/circulars dt. 17.04.2020 (Annexure P-3 and Annexure P-4 Colly) issued by the respondent Nos. 2 and 3 respectively being constitutional and illegal for being violative of the statutory Order and Guidelines both dt. 15.04.2020 (Annexure P-2 Colly) issued on behalf of the Central government by the respondent no. 1-A namely the Ministry of Home Affairs under the Disaster Management Act, 2005 as emergency measures taken to contain the spread of pandemic COVID-19 infection in the country and the respondent nos. 2 and 3 also



be directed to immediately close down their all offices and operations and keep the same closed during the entire lockdown period till 03.05.2020 or till such period extended by the Central Government and also grant paid leave to their employees for entire period of lockdown; and

- B. issue writ of or in the nature of mandamus and/or any other appropriate writs, orders directing the respondent no. 1 to find out such other central PSEs/companies, involved in manufacturing, distribution, supply or sale of non-essential and unexempted goods and services and opened their offices and operations during lockdown period and initiate disciplinary action against CMDs and Board of Directors of all such PSEs/companies i/c the respondent nos. 2 and 3 and to lodge FIR against the offending CMDs in terms of Section 58 of the Disaster Management Act, 2005 for committing offence punishable under Section 51 of the said Act and Section 188 of the Indian Penal Code, 1908; and
- C. pass such other writ, orders or directions as this Hon'ble Court deems fit in the circumstances of the case and in the interest of justice including the costs of this petition.

FOR WHICH ACT OF KINDNESS, THE PETITIONERS  
SHALL AS INDUTY BOUND, EVER PRAY.

Filed by:

Dt.:23.04.2020 Anil K Aggarwal & K.S. Wahi, Advocates  
New Delhi (Petitioners in Person)

C142, National Apartments, Plot 4  
Sector 3, Dwarka, New Delhi – 110078

Ph: 9871228998; 9810260148

Email: [adv.anil.agg@progressivelaw.in](mailto:adv.anil.agg@progressivelaw.in)

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.            OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**

**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**AFFIDAVIT**

I, Anil K Aggarwal, Advocate registered with the Bar Council of Delhi (D-389/09) and having his law office at 305, DDA LSC, Block C, Vikaspuri, and resident of C-142, National Aptt., Plot 4, Sec. 3, Dwarka, N.D.-78 do hereby solemnly affirm and declare as under:

1. That I am one the Petitioner in the accompanying Writ Petition (Civil) preferred under Article 32 of the Constitution of India and am well conversant with the facts and circumstances of case, as such I am competent to depose this affidavit.
2. That the accompanying Petition and List of Dates has been drafted by me and I say the contents of the same are true and correct.
3. That the deponent petitioner has no personal gain, private motive or oblique reason in filing the accompanying petition.
4. That the Petition contain 1 to 23 pages and 16 paragraphs and Synopsis and List of Dates contain Pages A to F and Annexures P-1 to Annexure P-6

Colly are true copies of their originals and no part of the affidavit is false and nothing material has been concealed therefrom.

5. That the contents of accompanying petition be read as part and parcel of this affidavit as the same have not been repeated here for the sake of brevity.



DEPONENT

#### VERIFICATION

Verified at New Delhi on this 23<sup>rd</sup> day of April 2020 that the contents of the above affidavit are true and correct, and nothing has been concealed therefrom.



DEPONENT

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.            OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**

**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**AFFIDAVIT**

I, K.S. Wahi, Advocate registered with the Bar Council of Delhi bearing Registration No. D-4731/14 and having my law office and residence at E-004, Purvasha Apartments, Mayur Vihar Phase-I, Delhi-110091 do hereby solemnly affirm and declare as under:

1. That I am one the Petitioner in the accompanying Writ Petition (Civil) preferred under Article 32 of the Constitution of India and am well conversant with the facts and circumstances of case, as such I am competent to depose this affidavit.
2. That the accompanying Petition and List of Dates has been drafted by me and I say the contents of the same are true and correct.
3. That the deponent petitioner has no personal gain, private motive or oblique reason in filing the accompanying petition.
4. That the Petition contain 1 to 23 pages and 16 paragraphs and Synopsis and List of Dates contain Pages A to F and Annexures P-1 to Annexure P-6

Colly are true copies of their originals and no part of the affidavit is false and nothing material has been concealed therefrom.

5. That the contents of accompanying petition be read as part and parcel of this affidavit as the same have not been repeated here for the sake of brevity.

U. S. K. K. K.  
DEPONENT

#### VERIFICATION

Verified at New Delhi on this 23<sup>rd</sup> day of April 2020 that the contents of the above affidavit are true and correct, and nothing has been concealed therefrom.

U. S. K. K. K.  
DEPONENT

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.            OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**

**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**AFFIDAVIT OF URGENCY**

I, Anil K Aggarwal, Advocate registered with the Bar Council of Delhi (D-389/09) and having his law office at 305, DDA LSC, Block C, Vikaspuri, and resident of C-142, National Aptt., Plot 4, Sec. 3, Dwarka, N.D.-78 do hereby solemnly affirm and declare as under:

1. That I am one the Petitioner in the accompanying Writ Petition (Civil) and am well conversant with the facts and circumstances of case, as such I am competent to depose this affidavit.
2. That the present petition has been preferred by the advocates named above raising grave and immediate concerns and issues of utmost urgency in larger public interest and safety, arising on opening of offices and resumption of their operations by some of the Central Public Enterprises/ Government Companies such as SAIL and NBCC, directing their officers/employee to step out of their houses during LOCKDOWN PERIOD and resume their duties w.e.f. 20.04.2020 in the offices of companies.

3. That there is grave urgency in the matter to immediately compel the respondents to recognise inherent risk and danger to the health safety and lives of public and the people / employees who are being forced to move out of their house and to attend the office of the PSE/Govt. Companies such as SAIL and NBCC dealing in non-essential and unexempted goods and services, during the lockdown period in manifest violation and disobedience of statutory Orders/ Guidelines issued by the Central Government under the Disaster Management Act, 2005, breaching the lockdown restrictions and frustrating the prohibitory measures taken by the Central Government to somehow contain the spread of deadly Covid-19 infection in the country, causing immense risk and danger to health safety and lives of such employees and their family members by exposing them to coronavirus infection. Unless the matter is immediately listed and heard the whole Nation will entail serious danger due to probable spread of coronavirus infection in the country and net effect will be to set back the people rights to safety and health as intrinsic to the right to life guaranteed as a fundamental right under Art.21 of the Constitution of India, but will also have devastating effect on meagre and overloaded health infrastructure of the country entailing further hardship and danger to the entire country which is being attempted to be avoided by the Central Government by imposing national level lockdown as a last and necessary measure.



4. That the said Companies though involved in manufacturing, distribution, supply and sale of non-essential and unexempted goods and services have issued the impugned orders (Annexure P-3 and P-4 Colly) dt. 17.04.2020 to open their offices in the garb and shadow of para 18(ii) of the statutory Guidelines dt. 15.04.2020 issued by the Ministry of Home Affairs by wrongly equating and identifying themselves as the Government Department and office under the control of the Ministries and/or departments of the Central Government, deliberately overlooking the health safety of their employees and their family members.
5. That the impugned orders for opening of the offices and resumption of their operation have been passed by the said Companies in manifest violation and disobedience of the statutory Order/Guidelines dt. 15.04.2020 issued by the Central Government (Annexure P-2 Colly) extending country wide lockdown and continuing restrictions and prohibitory measures to contain spread of pandemic COVID-19 infection in the country.
6. That inasmuch as the said Companies decided to open their offices in contravention of Guidelines/Regulations, several of their employees traveling illegally to their offices were stopped by the administration at barriers and barricades erected at several point on road within Delhi and at state borders and got stranded there leading to traffic jam on road during lockdown period.

7. That the matter and issue raised by the petitioners is of utmost urgency to be immediately heard and decided during the lockdown period to prevent breach and disobedience of the lockdown Guidelines/Regulations and imminent danger and risk to the public health safety and lives, therefore the accompanying petition and applications may kindly be listed before the Hon'ble Court during the lockdown period and for the same the deponent-petitioner shall remain deeply obliged to this Hon'ble Court for ever.



DEPONENT

## VERIFICATION

Verified at New Delhi on this 23<sup>rd</sup> day of April 2020 that the contents of para 1 to 7 of the above affidavit are true and correct, and nothing has been concealed therefrom.



DEPONENT

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

North Block, New Delhi-110001  
Dated 24<sup>th</sup> 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)(I) 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.

  
Home Secretary 24/3/2020

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.

  
//TRUE COPY//

**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.

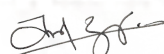
9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.

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



//TRUE COPY//



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



//TRUE COPY//

**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, 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 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.

*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.



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

North Block, New Delhi-110001  
Dated 15<sup>th</sup> 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 14<sup>th</sup> 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 3<sup>rd</sup> 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 20<sup>th</sup> 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 15<sup>th</sup> April, 2020]**

- 1. With the extension of the lockdown period, the following activities will continue to remain prohibited across the country until 3<sup>rd</sup> 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.**

  
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**3. Select permitted activities allowed with effect from 20<sup>th</sup> April, 2020:**

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- i. To mitigate hardship to the public, select additional activities have been allowed which will come into effect from 20<sup>th</sup> 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 disbursal 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.




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**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.



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- 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.

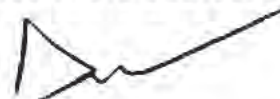


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- ix. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew
  - x. Establishments used/ earmarked for quarantine facilities.
  - xi. Services provided 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

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- 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.





- 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 20<sup>th</sup> 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

  
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**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.

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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 III**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.

  
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(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— (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.



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**B. Section 188 in the Indian Penal Code, 1860**

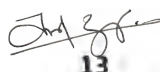
**188** Disobedience to order duly promulgated by public servant.—Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his 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.

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**STEEL AUTHORITY OF INDIA LIMITED**  
**NEW DELHI**

No. PER/ESS/3427

17.4.2020

**OFFICE ORDER**

**Subject : Reporting of Employees in SAIL Corporate Office during lockdown period**

1. Vide Order No. 40-3/2020-DM-I/(A) dated 15.4.2020, Ministry of Home Affairs (MHA) have issued detailed guidelines with regard to activities which are to come into effect from 20.4.2020 and measures for containment of COVID-19.
2. In terms of para 18.ii) of the consolidated revised guidelines on the measures to be taken – *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.*
3. Accordingly, it has been decided that all employees at SAIL Corporate Office in the level of **Manager & above** are required to attend office from 20.4.2020 onwards till the end of the lockdown period.
4. For employees in the level of Dy. Manager & below including Non-Executives, respective HoDs may prepare a roster of such employees so that upto 33% attend office as per requirement and are available in the office during office hours. Rest of the employees who are not on duty as per the roster will work from home and will be available on telephone & electronic means of communication at all times.
5. However, those residing in the Hotspot areas/Containment zones as demarcated by the State/District administration shall not attend office. They will work from home and will be available on telephone & electronic means of communication at all times.
6. All employees attending office are advised to travel in their own vehicles/staff cars/hired vehicles as applicable, with their official ID cards which may be shown to the police personnel wherever required. The drivers of vehicles provided by the Company are also allowed to pick up & drop concerned executives from their residence to office & back. However, the employees coming to office on 2-wheeler should not bring along any pillion rider, and those coming in 4-wheelers may bring along only one additional passenger with them.
7. Consolidated guidelines as issued by MHA as well as contained in the Annexure-I & II of MHA's order dated 15.4.2020 are also to be strictly adhered to by all the employees, especially SOPs and measures for social distancing at office/work-places.
8. Normal working of Corporate Office with full attendance by all the employees will be resumed after the lockdown is declared over.
9. This communication shall be in effect till further order and will be subject to any revised direction/guidelines that may be issued by the Government/concerned authorities.

  
(Gautam Bhatia)  
CGM (Pers.)



//TRUE COPY//

**NBCC (INDIA) LTD**

(A Government of India Enterprise)

**CORPORATE H.R.M. DIVISION****C I R C U L A R**

**SUB: Permitted activities w.e.f. 20.04.2020 (Consolidated guidelines issued by Ministry of Home Affairs) - reg**

Reference is drawn towards Order and revised consolidated guidelines issued by Ministry of Home Affairs dated 15.04.2020 and addendum thereof, MoHUA OM No. A-142021/16/20202-Admn.I-UD dated 15.04.2020 and DPE OM No. 10037/2014-GM-FTS-1867 dated 16.04.2020 (copy enclosed).

In view of revised guidelines issued by Government of India, following activities will be carried out from 20.04.2020 to 03.05.2020:-

- a) All Officers of rank AGM (E5) and above are required to attend office regularly.
- b) Remaining Employees (Executives, Non Executives, Consultant and Contractual) of the Company will attend Office/Site in a roster manner so that max upto 33% of such employees to attend Office/Site in staggered timing everyday as under:-
  - i. 09:30 am to 5:30 pm
  - ii. 10:00 am to 6:00 pm
  - iii. 10:30 am to 6:30 pm
- c) Accordingly, all the RBG/SBG/Zonal Incharge(s)/HODs to decide the roster of manpower in respect of their projects/units/departments clearly indicating employees who are to work from office/site (up to 33% of all remaining manpower) in aforesaid staggered time slot.
- d) Employees who are residing under the territorial limits within identified 'Containment Zones' within the Hotspots are required to observe Work from Home. Such employees are required to intimate their residence proof falling under such Containment Zones to their RBGs/SBGs/Zonal Incharge(s)/HODs.
- e) Employees who are allowed to work from home are to remain available on phone and other electronic means of communication at all times. They may be called for, in case of any exigencies of work.



- f) Works of various Construction sites of NBCC will be in operation as per Clause 16 of Consolidated revised guidelines of MHA order dated 15.04.2020 (enclosed).
- g) Wherever notice/advisory pertaining to containment of Covid-19/ Lockdown is issued by the State/UTs Government, their guidelines/ instructions is to be followed as per extent rules as issued by the Government from time to time.

Further, in view of present pandemic situation in the world, following guidelines should be strictly observed:-

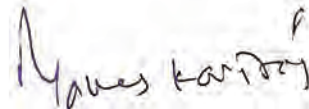
1. Employees who are asked to report for duty are required to self satisfy themselves that they are healthy and have no symptoms (fever, cough, vomit, diarrhoea, sore throat, breathing difficulty etc) as prescribed prognosis of Covid – 19. In case they have such symptoms, they must intimate the same to their Controlling Officer for alternative arrangement.
2. Employees are compulsorily required to wear Mask while entering in the Office premises and they are expected to wear mask full day. Employees may remove their mask only while having water or food.
3. Employees are desired to keep their NBCC ID card while commuting in their personal vehicle from residence to their posting locations.
4. All employee should download in their mobile and register themselves in the **Aarogya Setu app** as advised by GOI.
5. Office premises including all critical areas such as Washrooms, Lifts, Staircase, etc to be well sanitised/fumigated before 20.04.2020.
6. Adequate Hand Sanitisers, Hand Wash, Soap in sufficient quantity to remain available all the time in the Office premises/Sites for its effective use.
7. Digital IR Thermo scanner to be made available at all entry points of Office premises and Sites.
8. Compulsory thermal scanning of all employees irrespective of their grade and status entering in the premises.
9. Social distancing (minimum of 6 ft) is to be maintained while working at Office premises. No two employees should sit together facing each other while working at Office. Employees are required to work only from their workstation and avoid going to other seats as far as possible.
10. Employees to observe Social distancing protocols during the lunch break.
11. Physical meetings/gatherings to be avoided.



12. Movement of Hard Copies of files/papers are to be avoided to the maximum possible extent.
13. Lifts wherever available are required to be plyed only with 2 employees at a time. Employees of lower floors are encouraged to use staircase for movement.
14. Keeping present public transport suspended situation in view, employees having four wheelers are urged to carry one employee from their nearby location with themselves while coming to office. They are further requested to observe social distancing and sit diagonally in the car i.e. one at driving seat while another at diagonal position near window in backseat.
15. All commodities (DAK/Tools/Newspapers/etc) to be disinfected by spray before allowing its entry in the premises.
16. Stict ban on gutka/tobacco and spitting is imposed in the Office premises and site.
17. Effective dialogues to be made with various stakeholders/contractors/agencies to ensure that their workers are made aware of precautionary measure to curb spread of Covid-19.
18. Unnecessary visitors to the Offices/Sites are required to be avoided.

The above instructions are applicable with effect from 20.04.2020.

This issues with the approval of Competent Authority.



**[MANAS KAVIRAJ]**  
**EXECUTIVE DIRECTOR (HRM)**

No.: NBCC:HRM:2020

Dated : 17.04.2020

Distribution (Through ERP Only)

1. All employees.
2. All RBG Heads/SBG Heads/HODs
3. OSD/TO to CMD /TO to D(C) /TO to D(P) /DGM(HRM) to D(F) /SEO to CVO

**Encl:**

1. **MHA Order dated 15.04.2020 with Annexure – II : for compliance**
2. **MHA Addendum Order dated 16.04.2020**
3. **MOHUA OM dated 15.04.2020**
4. **DPE OM dated 16.04.2020**




//TRUE COPY//

North Block, New Delhi-110001  
Dated 16<sup>th</sup> April, 2020

**ORDER**

In continuation of Ministry of Home Affairs's Order No. 40-3/2020-DM-I(A) Dated 15<sup>th</sup> April, 2020 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 orders to include the following in the consolidated revised guidelines for strict implementation by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities:

- I. **Sub-clause (viii) under Clause 6 'A' on All Agricultural and horticultural activities:**
  - viii. Collection, harvesting and processing of Minor Forest Produce (MFP)/ Non Timber Forest Produce (NTFP) by Scheduled Tribes and other forest dwellers in forest areas.
- II. **Sub-clause (iii) under Clause 6 'C' on on Plantations:**
  - iii. Bamboo, Coconut, Arecanut, Cocoa, spices plantation and their harvesting, processing, packaging, sale and marketing.
- III. **Sub clause (v) & (vi) under Clause 7 on Financial Sector:**
  - v. Non-Banking financial institutions (NBFCs) including Housing Finance Companies (HFCs) and Micro Finance Institutions (NBFC-MFIs) *with bare minimum staff.*
  - vi. Cooperative Credit Societies.
- IV. **Clause 16 (i) on construction activities in rural areas, includes, water supply and sanitation; laying/erection of power transmission lines and laying of telecom optical fiber and cable along with related activities.**

  
Home Secretary 16/04/2020

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.

  
//TRUE COPY//

Government of India  
Ministry of Housing & Urban Affairs  
(Admn Section-I)

Nirman Bhavan, New Delhi  
Dated the 15/04/2020

**OFFICE MEMORANDUM**

Subject: Lockdown on account of spread of COVID 19 - consolidated guidelines issued by Ministry of Home Affairs - regarding

The undersigned is directed to refer to Ministry of Home Affairs Order No. 40-3/2020-DM-I (A) dated 15.04.2020 on the above mentioned subject and to say that in compliance with para 18 (ii) of the said order, all Deputy Secretary and above level officers of the Ministry are requested to attend office with effect from 20.4.2020. Remaining officers/staff are required to attend up to 33% of the strength as per requirement.

This O.M. will remain in force upto 3<sup>rd</sup> May, 2020 or till further orders.

This issues with the approval of the Competent Authority.



**(Ram Singh)**

Under Secretary to the Government of India

To

1. PS to MOS(I/C), Ministry of HUA
2. Sr. PPS to Secretary (HUA)
3. All Additional Secretaries
4. All Joint Secretaries and equivalent level officers
5. All Directors and Deputy Secretary level Officers
6. All Divisions/Sections
7. Incharge CR Section to ensure opening / cleaning of rooms
8. IT Cell to upload in the e-office

Copy to :



All Attached Offices, Subordinate PSU's and Statutory and Autonomous Bodies under the administrative control of this Ministry for similar necessary compliance.



F. No. 10037/2014-GM-FTS-1867  
Government of India  
Ministry of Heavy Industries & Public Enterprises  
Department of Public Enterprises  
\*\*\*\*\*

Block No. 14, CGO Complex,  
Lodi Road, New Delhi-110003

Dated: 16<sup>th</sup> April, 2020

**OFFICE MEMORANDUM**

**Subject: 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 15<sup>th</sup> April, 2020 & 16.4.2020]**

The undersigned is directed to enclose a copy of MHA's Order No. 40-3/2020-DM-I(A) dated 15.04.2020 and amendment dated 16.4.2020 along with the Consolidated Revised Guidelines with a request to instruct the CPSEs under the jurisdiction of the concerned Ministries/Departments for the compliance thereof.



(Pavanesh Kr. Sharma)

Deputy Secretary to the Government of India

To

All Secretaries of Ministries/Departments concerned with CPSEs

CMDs of all CPSEs



//TRUE COPY//

F. No. 10037/2014-GM-FTS-1867  
Government of India  
Ministry of Heavy Industries & Public Enterprises  
Department of Public Enterprises  
\*\*\*\*\*

Block No. 14, CGO Complex,  
Lodi Road, New Delhi-110003

Dated: 16<sup>th</sup> April, 2020

**OFFICE MEMORANDUM**

**Subject: 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 15<sup>th</sup> April, 2020 & 16.4.2020]**

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(Pavanesh K. Sharma)  
Deputy Secretary to the Government of India

To

All Secretaries of Ministries/Departments concerned with CPSEs  
CMDs of all CPSEs



//TRUE COPY//



**TYPED COPIES OF WHATSAPP MESSAGES SENT BY MR. K.S. WAHI FROM M: 9810260148 TO DR. NITIN AGGARWAL, JT. DIRECTOR, DEPT. OF PUBLIC ENTERPRISES, NODAL OFFICER FOR PUBLIC GRIEVANCE IN COVID-19 M: 987153751**

**21 APRIL 2020**

**2:58PM**

In continuation of our telephonic conversation of today about 2 hours ago I confirm having mentioned a Lots of our clients who themselves or their spouse are Central PSU employees, having received order to resume their duties immediately i.e. ignoring the fact that nearly 85 areas of the NCT of Delhi have been sealed by the authorities.

In short our clients are seeking legal advice and opinion whether the MHA has authorised opening of the central PSU offices situated within NCT of Delhi. In case the answer to above question is in affirmative how the employees cross the barriers or move to reach their offices or return in the absence of movement passes.

To our knowledge except for the officers in the rank of Deputy Secretary GOI and above in who have been directed to attend their respective Ministries/Department/offices, no relaxation has been ordered for opening of the offices of central PSU.

We are expected, by law to give correct advice to all those who seek it from us. With that purpose in mind I KS Wahi Advocate had approached you and sought requisite clarification in furtherance of public interest on your mobile. You instead of providing me any clarification had directed me to lodge a public grievance complaint on Min. of HI & PSE portal. I could not find any such link, except your landline/mobile/email-id.

As the subject matter relates to performance public duties by the public servants it cannot be left unattended. Request please consider this matter urgent. On the one side matter relates to performance of public duties by the PSU employees living under contonung threat to risk of being exposed to COVID.

On the other hand their family members are immensely worried regarding imminent risk to their health or life during the period they



//TRUE COPY//

move out uncared while NCT of Delhi is under complete lockdown upto May 3, 2020.

KS Wahi, Advocate.

2:59pm

**10:02 PM**

In furtherance to my earlier I message regret to say that we have not received clarification on points raised.

In the meanwhile I have been provided a copies of two specific orders issued by NBCC and SAIL. The same are enclosed herewith for your urgent examination

**10:02 PM**

We shall be happy to listen from you so that we can render advice to clients in overall national interest

With Regards

KS WAHI



//TRUE TYPED COPIES//

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**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**

**I.A. NO. \_\_\_\_\_ OF 2020**  
**IN**  
**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**  
**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**APPLICATION FOR PERMISSION TO APPEAR AND  
 ARGUE THE CASE AS PETITIONERS-IN-PERSON  
 UNDER RULE 1 OF ORDER LV OF THE SUPREME  
 COURT RULES, 2013**

To,

The Hon'ble Chief Justice of India and his  
 companion Judges of the Supreme Court of India.

The humble application  
 of the abovenamed petitioners

**MOST RESPECTFULLY SHOWETH:**

1. That the petitioners in the aforementioned petition are advocates, on the roll of Bar Council of Delhi, and ordinarily practicing before the Hon'ble High Court of Delhi and before this Hon'ble Court, are well versed in law, having vast experience and interest in Public Interest and constitutional matters and fully competent to appear and argue the matter and assist Your Lordships.

**PRAYER**

For the reasons stated above, the applicants most respectfully pray that Your Lordships may kindly permit the applicants-petitioners to appear, argue and assist the Hon'ble Court during hearing of the petition.

**For which act of Your Lordships kindness the applicant shall for ever remain obliged.**

New Delhi  
Filed on 23.04.2020

Drawn and filed by:



Anil K Aggarwal, Advocate  
Applicant (Petitioner-in-Person)

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.            OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**  
**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**AFFIDAVIT**

I, Anil K Aggarwal, Advocate registered with the Bar Council of Delhi (D-389/09) and having his law office at 305, DDA L.S.C., Block C, Vikaspuri, and resident of C-142, National Aptt., Plot 4, Sec. 3, Dwarka, N.D.-110078, do hereby solemnly affirm and declare as under:

1. That I am one the Petitioner in the accompanying Writ Petition (Civil) preferred under Article 32 of the Constitution of India and am well conversant with the facts and circumstances of case, as such I am competent to depose this affidavit.
2. That the accompanying application for permission has been drafted by me and I say the contents of the same are true and correct.
5. That the contents of accompanying application be read as part and parcel of this affidavit as the same have not been repeated here for the sake of brevity.



DEPONENT

## VERIFICATION

Verified at New Delhi on this 23<sup>rd</sup> day of April 2020 that the contents of the above affidavit are true and correct, and nothing has been concealed therefrom.



DEPONENT

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**

**I.A. NO.            OF 2020**  
**IN**  
**WRIT PETITION (CIVIL) NO.            OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**  
**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**APPLICATION FOR EXEMPTION FROM FILLING DULY  
AFFIRMED AFFIDAVIT AND TYPED COPIES OF  
ANNEXURES/DOCUMENTS THE UNDER RULE1 OF  
ORDER LV OF THE SUPREME COURT RULES, 2013**

To,

The Hon'ble Chief Justice of India and his  
companion Judges of the Supreme Court of India.

The humble application  
of the abovenamed petitioners

**MOST RESPECTFULLY SHOWETH:**

1. That the petitioners who are advocates ordinarily practicing before the Hon'ble High Court of Delhi and before this Hon'ble Court have laid before the Hon'ble Court the aforementioned Writ Petition in larger public interest raising issues and concerns of health and safety of lives of the people having arisen during the lockdown period due to illegal opening up of their offices and resumption of operation by some of the central PSEs/government owned companies

dealing in non-essential and unexempted goods and services and directing their officers and staff to step out of their houses and attend office and resume their duties during the lockdown period in abject and manifest violation of the statutory order and regulatory guidelines issued by the Central Government declaring country wide lockdown and imposing restriction and taking preventive measure to somehow contain the spread of deadly COVID-19 infection in the country.

2. That due to sheer and grave urgency for judicial review and intervention the matter is liable to be urgently listed and heard during the lockdown period.
3. That however due to lockdown conditions presently prevalent in the country confining the petitioners-applicants to their respective houses and disallowing the functioning of Oath Commissioner/Notary, the petitioners-applicants are unable to file duly affirmed affidavits in support of the aforementioned petition and supporting interlocutory applications.
4. That in the aforesaid facts and circumstance the petitioners-applicants have filed signed copies of the affidavits in support of the present petition and the accompanying/supporting applications.
5. That also due to non-availability of clerical and secretarial staff and assistance during the lockdown period, the applicants are unable to file typed copies of the Documents annexed with the Petition and in



lieu thereof have filed true photo copies of the annexed documents without meeting the requirement of margins and line spacing.

6. The petitioners-applicants undertake to file duly affirmed affidavits and types copies of the annexures soon after the lockdown is lifted or as and when this Hon'ble Court directs the applicant to do so.

#### PRAYER

For the reasons stated above in this application, the applicants most respectfully pray that Your Lordships may kindly exempt the applicants-petitioners from filling duly affirmed affidavits and typed copies of the annexures/ documents.

**For which act of Your Lordships kindness the applicant shall for ever remain obliged.**

New Delhi  
Filed on 23.04.2020

Drawn and filed by:

  
Anil K Aggarwal, Advocate  
Applicant (Petitioner-in-Person)

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.            OF 2020**

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..... Petitioners

Versus

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..... Respondents

AFFIDAVIT

I, Anil K Aggarwal, Advocate registered with the Bar Council of Delhi (D-389/09) and having his law office at 305, DDA L.S.C., Block C, Vikaspuri, and resident of C-142, National Aptt., Plot 4, Sec. 3, Dwarka, N.D.-110078, do hereby solemnly affirm and declare as under:

1. That I am one the Petitioner in the accompanying Writ Petition (Civil) preferred under Article 32 of the Constitution of India and am well conversant with the facts and circumstances of case, as such I am competent to depose this affidavit.
2. That the accompanying application for exemption has been drafted by me and I say the contents of the same are true and correct.
5. That the contents of accompanying application contained in para 1 to 6 be read as part and parcel of this affidavit as the same have not been repeated here for the sake of brevity.



DEPONENT

## VERIFICATION

Verified at New Delhi on this 23<sup>rd</sup> day of April 2020 that the contents of the above affidavit are true and correct, and nothing has been concealed therefrom.



DEPONENT

(S.C.R., Order XIX Rule 9)

**IN THE SUPREME COURT OF INDIA AT NEW DELHI**

ORIGINAL CIVIL JURISDICTION

**WRIT PETITION (CIVIL) NO.        OF 2020**

IN THE MATTER OF:

**Anil K Aggarwal & K.S. Wahi**  
**Advocates**

..... Petitioners

Versus

**Union of India & Ors.**

..... Respondents

**MEMO OF APPEARANCE**

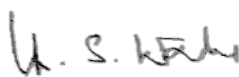
To

The Registrar,

Please enter our appearance as petitioners-in-person  
in the abovementioned petition/case

Dated this the 23<sup>rd</sup> day of April 2020

  
Anil K Aggarwal, Advocate

  
K.S.Wahi, Advocate

(Petitioners-in-person)  
C-142, National Apartment, Plot 4  
Sector 3, Dwarka, New Delhi-78  
Ph: 9871228998; 9810260148  
Email: adv.anil.agg@progressivelaw.in