

## IMPORTANT MHA CLARIFICATIONS

---

Our earlier news alert [Note On Commencement Of Business Lockdown Guidelines](#) analysed the impact of the Order bearing No. 40-3/2020-DM-I(A) dated 15<sup>th</sup> April 2020 and revised guidelines issued on 16<sup>th</sup> April 2020 (collectively referred to as “**Orders**”) issued by the Ministry of Home Affairs, Government of India. In Annexure II to these Orders, standard operating procedures (“**SOPs**”) were enlisted. The establishment which resumed operations from 20<sup>th</sup> April 2020 had to comply with the said SOPs for social distancing.

From certain media reports it appeared that the Orders were being misinterpreted by a few companies having manufacturing facilities giving rise to the following apprehensions:

- i. That the State could take legal action, including imprisonment of the CEO in the event a COVID-19 employee is found in the factory premises;
- ii. In such a situation, the premises of the factory would have to be sealed for 3 months;
- iii. In case of non-compliance, the factory will be closed for a period of 2 days and may be allowed to restart after complete compliance is shown.

In view thereof, the Home Secretary, Government of India on 23<sup>rd</sup> April 2020 expressly clarified that (i) there was no such clause in the Orders and (ii) the apprehensions were misplaced. It has also been categorically stated that the Orders should not be misused to harass the management of any manufacturing/commercial establishment.

Additionally, the letter dated 23<sup>rd</sup> April 2020 also clarifies and emphasizes on the following:

- i. Workplaces and industrial commercial establishments are required to follow the Orders and the standard health protocols notified by the Ministry of Health and Family Welfare. All workplaces also have to take measures to ensure social distancing;
- ii. The Orders do not curtail the exemptions already provided prior to 15<sup>th</sup> April 2020 unless the exempted activity falls under a containment zone. Therefore, no fresh permissions are required from authorities for industries already permitted to operate prior to 15<sup>th</sup> April 2020 falling outside the containment zone;
- iii. Subject to compliance of the SOP on social distancing, no fresh license or statutory approval is required for resumption of permitted activity during the lockdown period.

### DISCLAIMER

*This note has been prepared by Hitesh Jain (Managing Partner) [hitesh.jain@parinamlaw.com](mailto:hitesh.jain@parinamlaw.com), Pooja Tidke (Senior Partner) [pooja.tidke@parinamlaw.com](mailto:pooja.tidke@parinamlaw.com), Anuja Kedia (Partner) [anuja.kedia@parinamlaw.com](mailto:anuja.kedia@parinamlaw.com) and Mallika Noorani (Partner) [mallika.noorani@parinamlaw.com](mailto:mallika.noorani@parinamlaw.com). You may reach out to us should you have further queries.*

*If you wish to stop receiving emails from this mailroom, please click on [unsubscribe](#) to send the request.*



**MUMBAI**

4<sup>TH</sup> Floor Express Towers, Ramnath Goenka Marg, Nariman Point, Mumbai - 400 021

Tel - 022 42410000

**NEW DELHI**

4 Todarmal Lane, Bengali Market, New Delhi 110001

Tel - 9810400283

**PUNE**

2nd Floor, Kundan Chambers, Thube Park, Next to Sancheti Hospital, Shivajinagar, Pune- 411 005.

Tel - 020 2553 0711

[www.ParinamLaw.com](http://www.ParinamLaw.com)