

AJAY BHALLA, IAS



गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O. 40-3/2020-DM-I (A)

Dated: 19th April, 2020

Dear **Tow**,

Please refer to MHA Order No. 40-3/2020-DM-I(A) dated 15th April 2020, vide which consolidated revised guidelines on the measures to be taken by the Ministries/ Departments of the Government of India, State/UT Governments and State/UT Authorities for containment of COVID-19, has been circulated for the strict implementation in all parts of the Country.

2. I would like to draw your kind attention to clause 4 (i) and (ii) of these guidelines which, *inter alia*, mentions that (i) State/UT Governments shall not dilute these guidelines under the Disaster Management Act, 2005 in any manner and shall strictly enforce the same and (ii) State/ UT Governments, may, however, impose stricter measures than these guidelines as per requirement of the local areas.

3. Your attention is also drawn to the Order dated 31.03.2020 in the Writ Petition (Civil) No 468 of 2020, in which the Hon'ble Supreme Court is pleased to observe that (quote) "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" (unquote). The observations, which must be treated as directions of the Apex Court, was conveyed in my DO letter of even no dated 1st April 2020 to all States/ UTs Governments.

4. The Government of Kerala (GoK) vide their Order No. 78/2020/GAD dated 17.04.2020 has circulated revised guidelines for lockdown measures to all Departments, District Collectors, Superintendent of Police and other Heads of Department of Kerala. On examining the said Order, it is observed that the GoK has allowed opening of activities which are prohibited in the aforesaid Order dated 15.04.2020 of MHA. Such additional activities allowed by GoK, *inter alia*, includes opening of local workshops; Barber shops; restaurants; book stores; MSMEs in municipal limits; bus travel in the cities/ towns for shorter distance (upto 60 km); two passengers in the back seat of four

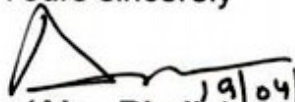
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wheeler; pillion riding on scooters. This amounts to dilution of guidelines issued by MHA and violation of MHA Order dated 15th April 2020 issued under the Disaster Management Act 2005.

5. I would urge you to rectify the guidelines of GoK in line with the consolidated revised guidelines dated 15th April & 16th April 2020 without any dilution and to ensure strict compliance of lockdown measures.

With regards,

Yours sincerely


(Ajay Bhalla) 19/04/2020

To

Shri Tom Jose
Chief Secretary
Government of Kerala
Thiruvanthapuram.