

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

PRESENTATION FORM

WP NO.

/ 2020(GM-PIL)

Serial No. \_\_\_\_\_

Advocates:

Gangadhar J M and Sidharth Baburao  
M/s Sidharth Baburao Associates  
No. 1/1, 2<sup>nd</sup> Floor, Chakravarthi  
Iyengar, Layout, 2<sup>nd</sup> Main Road,  
Sripuram, Kumara Park West,  
Sheshadripuram, Bengaluru- 560020,  
Ph: 9964850617

Between

Sri Anivar A Aravind

And

The Ministry of Home Affairs and  
Others

SL. No.	Description Of Papers Presented	Court Fee
1.	Cavate Petition	
2.	Memo of Writ Appeal	
3.	I.A. No. 1/2018 for dispensation	
4.	Vakalath with NOC for Petitioner	
5.	Certified Copies	
6.	Process Fee	
7.	Copy Application	
8.	Statement of Objections	
	Total .....	

Number of copies furnished:

Presented by advocate for:

Petitioner/ Appellant /  
Respondent/ Applicant

Date: 28.05.2020

Bangalore  
Clerk

Other side served:

Received papers with  
court fee as stated above

Receiving

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**  
**W.P.No. \_\_\_\_\_/2020 (GM-PIL)**

**Between**

**Sri Anivar A Aravind**

**Petitioner**

**AND**

**Ministry of Home Affairs**

**And Others**

**Respondents**

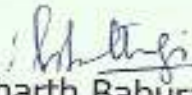
**INDEX**

<b>Sl. No.</b>	<b>Description</b>	<b>Page No.</b>
1.	Synopsis	1- 4
2.	Memorandum of Writ Petition	5 - 33
3.	Affidavit	34
4.	<b>Annexure-A</b> Copy of the terms of service of the Aarogya Setu application as downloaded from the web-link <a href="https://web.swaraksha.gov.in/ncv19/tnc/">https://web.swaraksha.gov.in/ncv19/tnc/</a>	35 -36
5.	<b>Annexure-B</b> Copy of the privacy policy of the Aarogya Setu application as downloaded from the web-link <a href="https://web.swaraksha.gov.in/ncv19/privacy/">https://web.swaraksha.gov.in/ncv19/privacy/</a>	37- 38
6.	<b>Annexure-C</b> Copy of the order No. 40-3/20202-DM-1(A) dated 01-05-2020.	39-50
7.	<b>Annexure-D</b> Copy of Order No. 40-3/2020-DM-I(A) dated 17-05-2020.	51-59
8.	<b>Annexure-E</b> Copy of Order No. 2(10)2020-CLeS dated 11-05-2020 issued by the Chairperson, Empowered Group on Technology and Data Management, Ministry of Electronics and Information Technology	60- 65
9.	<b>Annexure-F</b> Copy of the paper published by Subhashis Banerjee, Bhaskaran Raman and Subodh V. Sharma titled 'Apps for COVID: to do or not to do	66-68
10.	<b>Annexure-G</b> Copy of the Joint Statement on Contact	69-78



		Tracing dated 19th April 2020 issued by a group of scientists and researchers from across the globe	
11.	<b>Annexure-H</b>	Copy of the Brookings Institution study authored by Ashkan Soltani, Ryan Calo, and Carl Bergstrom	79-82
12.	<b>Annexure-J</b>	True Copy of the tweet made by the official Twitter handle of the Ministry of Railways dated 12.05.20	83
13.	<b>Annexure-K</b>	Copy of Guidelines released by Ministry of Railways for train journeys commencing from 01.06.2020.	84-88
14.	<b>Annexure-L</b>	Copy of Ministry of Civil Aviation Order No. AV. 29017/5/2020-DT dated 21.05.2020.	89-105
15.	<b>Annexure-M</b>	Copy of Standard Operating Procedure released by Airports Authority of India dated 21.05.2020.	106-112
16.	<b>Vakalath</b>		113

Place: Bangalore,  
Date: 27/05/2020

  
(Sidharth Baburao)  
ADVOCATE FOR PETITIONER

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**W.P.No. \_\_\_\_\_/2020 (GM-PIL)**

Between

Sri Anivar A Aravind

Petitioner

AND

Ministry of Home Affairs  
And Others

Respondents

**SYNOPSIS**

SI	Date	Event
1.	31.12.2019	China alerted the World Health Organization regarding an unusual number of cases of an unusual kind of pneumonia in Wuhan. The Coronavirus had not been attributed its name back then.
2.	30.01.2020	First case of COVID-19 was reported in India. The WHO declared COVID-19 as a global emergency.
3.	11.03.2020	The WHO declares COVID-19 as a pandemic.
4.	21.03.2020	The Central government imposes a lockdown for 21 days, rendering a complete restriction on movement of goods and individuals except for those relating to "essential services"
5.	02.04.2020	The National Informatics Centre (NIC) launched a mobile application called "Aarogya Setu" which has been downloaded by more than 100 million users.
6.	19.04.2020	Joint statement on Contact Tracing pointing out the dangers of contact tracing applications issued by a group of scientists.
7.	01.05.2020	Order issued by the Ministry of Home Affairs on lockdown measures guidelines making use of the "Aarogya Setu" app mandatory for all employees, both private and public.
8.	04.05.2020	The aforementioned MHA guidelines came into force.
9.	05.05.2020	French ethical hacker Robert Baptiste who uses the pseudonym Eliot Alderson, posted on his twitter account that he had found a major security issue on the Aarogya Setu

*Shubh*



		App.
10.	11.05.2020	Chairperson, Empowered Group on Technology and Data Management issued an order no. 2(10)2020-CLeS notifying the Aarogya Setu Data Access and Knowledge Sharing Protocol, 2020.
11.	12.05.2020	The Ministry of Railways made it compulsory for all passengers boarding the special trains to download the Aarogya Setu app. It was also stated that those who did not have the app installed would be asked to download it after their arrival.
12.	17.05.2020	The Ministry of Home Affairs released a new set of guidelines extending the lockdown till 31.05.2020. Clause 9 of the Guidelines requires employers to ensure installation of Aarogya Setu on "best effort basis", and requires district authorities to advise individuals to install Aarogya Setu on their compatible devices.
13.	20.05.2020	The Ministry of Railways through a Press Information Bureau release stated that for train services beginning on 1st June, 2020, it will be mandatory for passengers to download the Aarogya Setu application.
14.	21.05.2020	The Ministry of Civil Aviation via its order no. AV.29017/5/2020-DT released a set of guidelines requiring domestic airline passengers to either fill a self-declaration form or download Aarogya Setu in order to avail airline services.
14.	21.05.2020	The Airports Authority of India released its Standard Operating Procedure for Recommencement of Domestic Flights. Point 5 of the SoP made it mandatory for passengers to download Aarogya Setu with an exception of children below 14 years of age.

#### **BRIEF FACTS OF THE CASE**

The first case of COVID-19 was reported in India on January 30, 2020. Many countries across the world launched mobile applications for contact tracing of persons who test

*Shob Arif*



positive for COVID-19. The applications launched by all democratic countries across the world are voluntary.

National Informatics Centre launched a mobile application called Aarogya Setu on April 2, 2020 for contact tracing. The app uses location services and Bluetooth to track users. The app was promoted as a voluntary application.

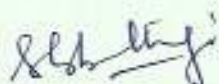
The 2nd respondent, Ministry of Railways, by a tweet dated 12-05-2020 mandated the use of Aarogya Setu app for all passengers who were to avail rail services. In addition to this, vide guidelines dated 20.05.2020, the 2nd respondent stated that for train services beginning on 1st June, 2020, it will be mandatory for passengers to download the Aarogya Setu application.

The 3rd Respondent, the Ministry of Civil Aviation, issued an order dated 21-05-2020 stating the air passengers could either fill out a self-declaration form or download Aarogya Setu.

The 4th Respondent, the Airports Authority of India, released a Standard Operating Procedure for Recommencement of Domestic Flights on 21.05.2020 which made it mandatory for air passengers to download Aarogya Setu in their compatible devices with an exception of children below 14 years of age.

This mandatory order by Respondent-2, Respondent-3 and Respondent-4 discriminates against persons who do not have a smart phone and also affects the right to privacy of citizens by mandating the use of an app that has access to the location of the user on the user's mobile phone. As the right to movement of persons who do not have the app are restricted it affects their right to carry on a profession, their right to life and their right to education.

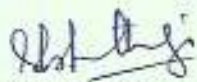
The Aarogya Setu app which has been developed by National Informatics Center, Respondent-7, is not accessible to differently abled population either and has therefore led to exclusion of this section of population as well. The mandatory nature of the order affects the right to privacy of citizens and



goes against the directions of the Apex Court in Justice K.S. Puttaswamy v. Union of India) (2017) 10 SCC 1.

Being aggrieved by the acts of the Respondents in mandating the use of the Aarogya Setu app, the Petitioner prefers this petition as a Public Interest Litigation.

Place: Bangalore,  
Date: 27/05/2020

  
(Sidharth Baburao)  
ADVOCATE FOR PETITIONER



**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**  
(Original Jurisdiction)

**W.P.No. \_\_\_\_\_/2020 (GM-PIL)**

**BETWEEN:**

Anivar A Aravind  
S/o Aravindakshan A K,  
Occ: *Software Engineer.*  
Aged about 36 years,  
F1, SAI RAM, 10,  
Sundara Murthy Road,  
Cox Town,  
Bangalore 560005

... **Petitioner**

**AND:**

1. Ministry of Home Affairs  
Jai Singh Marg,  
Hanuman Road Area,  
Connaught Place,  
New Delhi- 01
2. The Ministry of Railways  
Through the Secretary,  
Rail Bhawan, Rafi Marg,  
New Delhi, 110001
3. Ministry of Civil Aviation  
Through the Secretary,  
Rajiv Gandhi Bhawan, Block B,  
Safdarjung Airport Area,  
New Delhi 110003.
4. Airports Authority of India  
Through the Secretary,  
Rajiv Gandhi Bhawan, Block B,  
Safdarjung Airport Area,  
New Delhi 110003.
5. State of Karnataka  
Represented by The Secretary,  
Home Department,  
II Floor, Vidhana Soudha,

*Sh. Aravind*



Bangalore- 560001

6. Ministry of Electronics and Technology  
Represented by the Secretary,  
Electronics Niketan,  
6, CGO Complex,  
Lodhi Road,  
New Delhi- 110003

7. National Informatics Centre  
through its Director General,  
A-Block, CGO Complex,  
Lodhi Road, New Delhi - 110 003

### **Respondents**

### Memorandum of Writ Petition under Articles 226 of the Constitution of India

The Petitioner named above respectfully submit as hereunder:

1. The Petitioner herein is a public interest technologist, working at the intersection of technology, politics and digital rights. He has significant expertise in global technology policy, language technology, identity, digital Payments etc. He is part of many Free and Open Source Software(FOSS) community projects and Internet Governance initiatives. He currently serves on the advisory board of SFLC.in, a Non-profit society based in New Delhi that works for protecting the rights of citizens in the digital space.
2. That, the Petitioner is filing the present Petition on his own and the litigation cost is being borne by the Petitioner.
3. That, a thorough research has been conducted in the matter raised through the present Public Interest Litigation and the relevant available matters in this regard are being annexed herewith.

*Shubh*

4. That, to the best of the Petitioner's knowledge and research, the issue raised herein was not dealt with or decided by this Hon'ble Court and that a similar or identical petition was not filed earlier by the Petitioner.
5. That, the Petitioner has understood that in the course of hearing of this petition, the court may require any security to be furnished towards costs or any other charges and the Petitioner shall comply with such requirement.
6. That the nature of injury caused to the public is that the orders passed by the Respondent 2, 3 and 4 mandating the use of Aarogya Setu application discriminates against persons who do not have a smartphone and also affects the right to privacy of citizens by mandating the use of an app that has access to the location of the user on the user's mobile phone. As the right to movement of persons who do not have the app are restricted it affects their right to carry on a profession, their right to life and their right to education.
7. That there is violation of fundamental rights such as the right to equality, right to privacy, right to freedom of trade, right to life, right to food, and right to education, guaranteed under Articles 19, and 21, of the Constitution of India while mandating the use of the Aarogya Setu application.



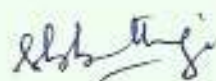


8. The Petitioner is filing the present PIL before this Hon'ble Court *bona fide* for the welfare and benefit of society as a whole and doesn't have any personal interest in the subject-matter herein. Further, the Petitioner is not involved in any pending civil, criminal or revenue litigation, which has or could have a legal nexus with this petition.

9. That the first case of COVID-19 was reported in India on January 30, 2020. The number of cases in India have steadily increased after the first week of March.

10. That many countries across the world launched mobile applications for contact tracing of persons who test positive for COVID-19. The applications launched by all democratic countries across the world are voluntary. Most of these applications use only Bluetooth and do not access the location of the user. These apps work by signaling other phones that also have the app installed using wireless technology like Bluetooth. When a person is tested positive for COVID-19, the persons who came in close proximity with this person are alerted.

11. The National Informatics Centre, Respondent-7, launched a mobile application called Aarogya Setu on April 2, 2020 for contact tracing. The application has been downloaded more than 100 million times by users. The app uses location services and Bluetooth to track users. The mobile application has a terms



of service and privacy policy that binds the users of the app. A true copy of the terms of service of the Aarogya Setu application as downloaded from the web-link <https://web.swaraksha.gov.in/ncv19/tnc/> is annexed herewith and marked as **Annexure A**. A true copy of the privacy policy of the Aarogya Setu application as downloaded from the web-link <https://web.swaraksha.gov.in/ncv19/privacy/> is annexed herewith and marked as **Annexure B**.

12. That the Terms of Service of the app states that "*The App is part of a service designed to (i) enable registered users who have come in contact with other registered users who have tested positive for the severe acute respiratory syndrome Coronavirus 2 (COVID-19) to be notified, traced and suitably supported . (ii) to function as an indication of whether or not a user has been infected or is likely to have been infected. (iii) provide users useful information in relation to COVID-19, (iv) to allow users to access convenience services in relation to COVID-19, and (v) to display a government issued ePass (Services). When the App is installed on your mobile or handheld device, it detects when your device comes within Bluetooth range of any other registered user's device and initiates a protocol by which the information specified in the Privacy Policy (including location information) about that other registered user is collected. In the*

*Shashank*

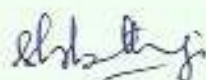


*event you test positive for COVID-19, the Government of India will contact and/or inform such registered users you have come in contact with you over the past 30 days who have a risk of being infected, to administer the appropriate medical intervention. Similarly, you will be notified if, as a result of having come in contact with any persons who have tested positive for COVID-19, you have a risk of being infected. The App also allows users to conduct a self-assessment test to assess whether their symptoms combined with other relevant factors affects their risk of being infected. The App will also serve as a digital representation of an e-Pass where available. The App will also provide links to convenience services offered by various service providers. Accessing the links will take users to external sites from where these convenience services will be provided. "*

13. That Annexure B states that

*"1. INFORMATION COLLECTED AND MANNER OF COLLECTION*

*a. When you register on the App, the following information is collected from you and stored securely on a server operated and managed by the Government of India (**Server**) – (i) name; (ii) phone number; (iii) age; (iv) sex; (v) profession; and (vi) countries visited in the last 30 days. This information will be stored on the*



*Server and a unique digital ID (DiD) will be pushed to your App. The DiD will thereafter be used to identify you in all subsequent App related transactions and will be associated with any data or information uploaded from the App to the Server. At registration, your location details are also captured and uploaded to the Server.*

*b. When two registered users come within Bluetooth range of each other, their Apps will automatically exchange DiDs and record the time and GPS location at which the contact took place. The information that is collected from your App will be securely stored on the mobile device of the other registered user and will not be accessible by such other user. In the event such other registered user tests positive for COVID-19, this information will be securely uploaded from his/her mobile device and stored on the Server.*

*c. Each time you complete a self-assessment test the App will collect your location data and upload it along with your DiD to the Server.*

*d. The App continuously collects your location data and stores securely on your mobile device, a record of all the places you have been at 15 minute intervals. This information will only be uploaded to the Server along*

*Shirley*



*with your DiD, (i) if you test positive for COVID-19; and/or (ii) if your self-declared symptoms indicate that you are likely to be infected with COVID-19; and/or (iii) if the result of your self-assessment test is either YELLOW or ORANGE. For the avoidance of doubt, this information will NOT be uploaded to the Server if you are not unwell or if the result of your self-assessment test is GREEN. "*

*e) If you have tested positive for COVID-19 or if there is a high likelihood of you being infected, you have the option to press the Report button on the App which will allow you to either request a test or report that you have tested positive for COVID-19. When you press the Report button the data collected under Clauses 1(b) and (d) and securely stored on your device will be uploaded to the Server with your consent.*

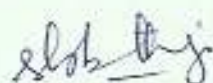
Thus, the application needs access to Bluetooth administration as well as location. The app sends the location data to the server on registration and also when a person is unwell.

14. That it is further stated that *"This Privacy Policy may be revised from time to time and you will be notified of all such*

*Shah*

*changes. In order to use the App, you will be required to consent to the terms of the Privacy Policy as revised from time to time".* Thus, the privacy policy could be changed after the data has already been obtained by the Government or any third party.

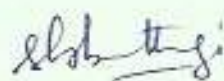
15. The 1st respondent by an order dated 01-05-2020 issued guidelines on lockdown measures which came into effect from 04-05-2020. Annexure I of these guidelines titled "National Directives for COVID-19 management" mandated that "use of Aarogya Setu app shall be made mandatory for all employees, both private and public." It is further stated that it shall be the responsibility of the Head of the respective organizations to ensure 100 % coverage of the app among the employees. Clause 16 of the Guidelines provides for Penal Provisions and states that "Any person violating these lockdown measures and the National Directives for COVID-19 management 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. A true copy of the order No. 40-3/20202-DM-1()A dated 01-05-2020 issued by the 1st respondent is annexed herewith and marked as **Annexure C.**





16. On 17.05.2020, the Respondent 1 released another set of Guidelines. This marked a shift from the previous guidelines dated 01.05.2020. Clause 9 of Guidelines dated 17.05.2020 requires the employers to ensure installation of Aarogya Setu on "best effort" basis. The district authorities are to advise individuals to install Aarogya Setu in their compatible devices. A true copy of the order No. 40-3/20202-DM-1()A dated 17-05-2020 issued by the 1st respondent is annexed herewith and marked as **Annexure D**.

17. That the Chairperson, Empowered Group on Technology and Data Management has issued an Order No. 2(10)2020-CLeS dated 11-05-2020 notifying the Aarogya Setu Data Access and Knowledge Sharing Protocol, 2020. The protocol lists the principle for collection and processing of response data; Principles for sharing of response data; Obligations of entities with whom response data is shared; Principles for sharing of response data for research purposes and a Sunset clause. A true copy of Order No. 2(10)2020-CLeS dated 11-05-2020 issued by the Chairperson, Empowered Group on Technology and Data Management, Ministry of Electronics and Information Technology is annexed herewith and marked as **Annexure E**.

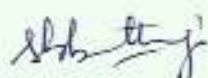


18. That Aarogya Setu Data Access and Knowledge Sharing Protocol, 2020 issued as per Annexure E is not in the nature of a law and this protocol cannot be an excuse to mandate the use of Aarogya Setu without any enabling law. There is no clarity on the constitution of the empowered groups or their authority to come up with such a protocol. Thus, the legal basis for issuing such a protocol itself needs to be established by the respondents 1 to 3.

19. That, no other democratic country has made a contact tracing application mandatory for travel and access to public services. Although countries like Singapore, Austria, Australia and the Czech Republic have launched contact tracing apps, these apps are only voluntary and not mandatory.

20. That the app has been collecting excessive data and this goes against the principles of data minimisation and purpose limitation as enshrined in *Puttaswamy judgment*.

21. Aarogya Setu app collects both GPS and Bluetooth data. Similar applications like Singapore's TraceTogether, France's StopCovid, Australia's COVIDSafe operate on Bluetooth only. Considering that the aim of a contact tracing application is only to inform the user if it came in contact with someone who has been tested positive for COVID-19, the requirement of seeking location every 15 minutes along with continuous Bluetooth data





is excessive. Even Apple and Google's joint effort on Privacy Preserving Contact Tracing is based on Bluetooth technology.

(<https://www.apple.com/covid19/contacttracing>).

In simpler terms, the purpose of Aarogya Setu which is a contact tracing application is to only inform a user if they came in contact with someone who has been tested positive for COVID-19. This purpose can be served by basing the App on Bluetooth only. There is no need to track the user's location in such a case. Therefore, the requirement to collect a user's location is excessive in nature.

The Aarogya Setu app was recently also downgraded by the Massachusetts Institute Technology's Technology Review. While it was earlier rated 2 on 5, it was downgraded to a score of 1 on 5. The MIT Technology Review compares the contact tracing applications on the basis of voluntary nature, data destruction, data minimisation, data limitation and transparency.

22. That a French ethical hacker Robert Baptiste who uses the pseudonym Eliot Alderson, posted on his twitter account that he had found a major security issue on the Aarogya Setu App. Such vulnerabilities can expose the location and details of citizens who are COVID positive. The location of a user can be extrapolated by a technique known as "triangulation". Keeping the security concerns in mind, it is reiterated that the requirement to seek location is excessive in nature.

*Shruthi*

23. That there are many studies which suggest that contact tracing apps are not effective. These apps have the risk of registering false-positives, i.e, a person may be flagged as infected or risky, when he has very chance of getting an infection. eg., A person who is traveling in a car could be flagged to have come in contact with a person sitting in another car at a traffic signal as their digital IDs were exchanged using Bluetooth. Similarly persons staying in nearby apartments could be flagged although there was no direct contact. A paper published by Subhashis Banerjee, Bhaskaran Raman and Subodh V. Sharma has flagged these concerns. The authors of the paper state that

*"It appears that the COVID infection spreads either by direct inhalation of droplets carrying the virus, or by inadvertently picking it up from contaminated surfaces. In the former case the victim needs to be in proximity of an infected person. Hence, avoiding false positives requires contact tracing at a resolution higher than what is offered by GPS or Google maps, especially in dense gatherings, and neither of them can work indoors. Geolocation from cellular data offers even lower resolution, and, for mobiles to interact with each other to record proximity - for example with Bluetooth (ET Online) - the app use must be universal. Also, since the virus can survive on*

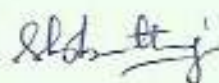
*Subhashis*



*contaminated surfaces for several hours, the intersection of smartphone trajectories will need to be computed not only in space but also over large temporal windows. For this, proximity sensing will be ineffective. Proximity sensing using Bluetooth can also generate too many false positives, for example across large distances in open spaces, across walls or across floors.”.*

A true copy of the paper published by Subhashis Banerjee, Bhaskaran Raman and Subodh V. Sharma titled 'Apps for COVID: to do or not to do' is annexed herewith and marked as **Annexure F.**

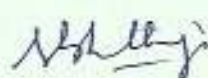
24. That a group of scientists and researchers from across the globe published a joint statement pointing out the dangers of contact tracing applications. One of the recommendations is that “The use of contact tracing Apps and the systems that support them must be voluntary, used with the explicit consent of the user and the systems must be designed to be able to be switched off, and all data deleted, when the current crisis is over”. A true copy of the Joint Statement on Contact Tracing dated 19th April 2020 issued by a group of scientists and researchers from across the globe is annexed herewith and marked as **Annexure G.**



25. That a publication by the Brookings Institution has flagged the ineffectiveness of contact tracing apps and the dangers posed by its use. The authors state that :

*"Studies suggest that people have on average about a dozen close contacts a day—incidents involving direct touch or a one-on-one conversation—yet even in the absence of social distancing measures the average infected person transmits to only 2 or 3 other people throughout the entire course of the disease. Fleeting interactions, such as crossing paths in the grocery store, will be substantially more common and substantially less likely to cause transmission. If the apps flag these lower-risk encounters as well, they will cast a wide net when reporting exposure. If they do not, they will miss a substantive fraction of transmission events. Because most exposures flagged by the apps will not lead to infection, many users will be instructed to self-quarantine even when they have not been infected. A person may put up with this once or twice, but after a few false alarms and the ensuing inconvenience of protracted self-isolation, we expect many will start to disregard the warnings"*

Thus, these apps have a huge risk of false positives and false negatives resulting in the users losing trust of the application.





When such an app is made mandatory it has the potential to discriminate against a whole section of the population. A true copy of the Brookings Institution study authored by Ashkan Soltani, Ryan Calo, and Carl Bergstrom is annexed herewith and marked as **Annexure H**.

26. Annexure H study further finds that

*"Taken with the false positive and "griefing" (intentionally crying wolf) issues outlined above, there is a real risk that these mobile-based apps can turn unaffected individuals into social pariahs, restricted from accessing public and private spaces or participating in social and economic activities. The likelihood that this will have a disparate impact on those already hardest hit by the pandemic is also high. Individuals living in densely populated neighborhoods and apartment buildings—characteristics that are also correlated to non-white and lower income communities—are likelier to experience incidences of false positives due their close proximity to one another."*

27. This is a serious concern in a country like India where the persons from the low income groups are already at a disadvantage because of the lock-down. Considering that merely 35% of India's population has access to smartphones, these lower income groups will be further excluded from using railway

*Ashkan Soltani*

or air services. The imposition of the Aarogya Setu app on this population will further worsen their situation.

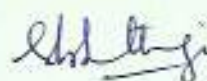
28. That the Ministry of Railways has now mandated that passengers using special trains should install the Aarogya Setu app for traveling in trains. A true copy of the tweet made by the official Twitter handle of the Ministry of Railways dated 12.05.20 is annexed herewith and marked as **Annexure J**.

29. That the Ministry of Railways vide guidelines dated 20.05.2020 for train services beginning on 1st June, 2020 make it mandatory for passengers to download Aarogya Setu. The Guidelines state:

*"all passengers must download and use the Aarogya Setu application."*

A true copy of the tweet made by the official Twitter handle of the Ministry of Railways dated 20.05.20 is annexed herewith and marked as **Annexure K**.

30. That the Ministry of Civil Aviation has released an order no. AV.29017/5/2020-DT dated 21.05.2020 on 'Recommendation of Domestic Air Travel'. Annexure I of this Order is on 'General Instructions for Commencement of Domestic Air Travel'. Point (f) of Annexure I states:





*"a self-declaration / Aarogya Setu App status (for compatible device) would also be obtained that the passenger is free of COVID-19 symptoms. Passengers with "Red" status in Aarogya Setu App would not be permitted to travel.*

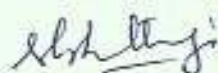
In Annexure II which stipulates "Detailed Guidelines to be followed by air passengers", Clause 2(a) on "Entering the terminal building", point (iii) states:

*"he should get himself/herself checked for temperature. This will be done by a designated staff of the Airport. The status of "Aarogya Setu" should be displayed to the staff".*

Point (iv) provides:

*"in case of non-availability of Aarogya Setu, the passenger should be facilitated to go a counter provided by the airport where Aarogya Setu can be downloaded. Children below fourteen years of age would be exempt from this requirement".*

On reading the aforementioned provision, it is unclear if a passenger with a compatible device but unwilling to download Aarogya Setu will be forced to download Aarogya Setu at such counter. On a bare reading of Point (iv) of Annexure II, it appears that it is mandatory for passengers to download Aarogya Setu in their compatible services. A true copy of the order has been annexed herewith and marked as **Annexure L**.



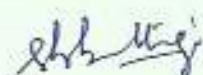
32. That the Airports Authority of India released a Standard Operating Procedure (hereinafter "*the SoP*") for Recommencement of Domestic Flights dated 21.05.2020. Clause 5 of the SoP provides:

*"all the departing passengers must compulsorily be registered with 'Aarogya Setu' App on their mobiles and the same shall be verified by CISF/Airport Staff at the entry gate. However, Aarogya Setu is mandatory children below age of 14 years".*

There is a conflict between the Ministry of Civil Aviation Order and the Standard Operating Procedure released by the Airports Authority of India. The SoP makes it mandatory for the passengers to download Aarogya Setu App, thereby excluding large number of passengers who do not use compatible devices or do not have cell phones. A true copy of the SoP has been annexed herewith and marked as **Annexure M**.

31. That, the mandatory use of the app could result in excluding many persons who do not have a smart phone or who have been categorised incorrectly as belonging to the risk category by the app. Thus, a right of a person to travel or work will be determined by a "green badge" on the Aarogya Setu app.

32. This mandatory order discriminates against persons who do not have a smart phone and also affects the right to privacy



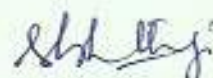


of citizens by mandating the use of an app that has access to the location of the user on the user's mobile phone. As the right to movement of persons who do not have the app are restricted it affects their right to carry on a profession, their right to life and their right to education.

33. That, these mandatory orders by Respondent 2, 3 and 4 have the effect of forcing the terms of service(Annexure A) and privacy policy (Annexure B) on citizens. The Aarogya Setu application that was promoted by the Government as voluntary has now become de-facto mandatory.

34. That, the algorithm behind the Aarogya Setu app which is closed source will determine the right of a person to travel or to earn a living. The app is thus much more than a contact tracing app and is an entry pass or a passport for enjoying fundamental rights.

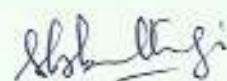
35. That the Aarogya Setu app is not designed for the disabled. Social Justice Ministry had asked NIC & MeitY to address accessibility concerns. The Aarogya Setu is not accessible to persons with disabilities (PwD), particularly those with hearing and visual impairment. Considering that the use of the App has been made mandatory for all government and private staff, employees with hearing impairment and visual



impairment will be at a disadvantage. Aarogya Setu app does not have a separate section with specific information for persons with hearing impairment with sign language interpretation/ close captioning. There are no features of audio guide for navigation, audio description of colour used, proper colour contrast etc. These were highlighted in a letter by Social Justice Ministry's Department of Empowerment of PwD (DEPwD) on April 27 (as claimed by news reports). An NGO, Smarthyam, in a report to Social Justice Ministry had stated that the Aarogya Setu is in contravention of the Rights of Persons with Disabilities Act, 2016. The screen reader in the App does not announce the purpose of all controls or the type of control, whether a link or button. Users cannot identify the number of slides in a carousel, so after receiving the information in the first slide, they might miss out on information on other slides.

36. The Petitioner have not filed any other writ petition or any other petition either before this Hon'ble Court or any other Court/Forum on the same cause of action.

37. Since the petitioner have no other alternative remedy, they have approached this Hon'ble Court on the following among other:



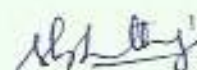


### **GROUND**

38. BECAUSE the action of the 2nd, 3rd and 4th respondents in mandating the use of Aarogya Setu app has resulted in excluding the vast majority of population who do not own a smartphone running Android or iOS operating systems from accessing public services and from being employed. Thus, the action of respondents 2, 3 and 4 in issuing orders mandating the use of Aarogya Setu app are arbitrary and illegal.

39. Because, only about 35 % of the adult population in the country have access to smart phones. Thus, when an application is mandated to be installed on a phone for traveling and for being employed, this will adversely affect a large population of the country. Thus, these orders are discriminatory and violative of Art.14 of the Constitution of India.

40. Aarogya Setu app is not designed considering the requirements of the disabled and hence cannot be used by the disabled. This will exclude a large section of the population resulting in services like transport facilities and employment being denied to them. Thus, the orders by Respondent 2, 4 and 4 making the Aarogya Setu app mandatory is discriminatory and violative of Art.14 of the Constitution of India.



41. Because the Aarogya Setu app collects location information, health data and personal information of users. Such mandatory collection and processing of information cannot be carried out without an enabling law. The law in this case cannot be the broad provisions of the National Disaster Management Act, 2005. Annexure C order is issued as per Section 6(2)(l) of the National Disaster Management Act, 2005. The Hon'ble Supreme Court has held in *Bijoe Emmanuel v State of Kerala (1987 AIR SC 748)* that *"The law is now well settled that any law which may be made under clauses (2) to (6) of Art. 19 to regulate the exercise of the right to the freedoms guaranteed by Art. 19(1)(a) to (e) and (g) must be 'a law' having statutory force and not a mere executive or departmental instruction."* Annexure C order so far as it mandates the use of Aarogya Setu app is thus arbitrary and illegal.

42. Because the Hon'ble Supreme Court had in **the Puttaswamy (Privacy) judgment** deduced principles which govern the permitted circumstances and requirements when the state can legally infringe the right to privacy. The principles deduced were *the principle of legitimate state aim; the principle of necessity; the principle of adequacy; and the principle of proportionality*. The Hon'ble Supreme Court held that:

*Abhinav*



" 1) *There must be a law in existence to justify an encroachment on privacy by the State.*

*2) There must be a legitimate state aim.*

*3) The means which are adopted by the legislature must be proportional to the object and needs of the legislation/provision."*

Thus, there should be a law in existence to justify an encroachment on privacy. In this case there is no such law which mandates the installation of an app that tracks a citizen.

Expanding on the test laid down by Chadrachud, J., Kaul, J. articulated:

*"The concerns expressed on behalf of the petitioners arising from the possibility of the State infringing the right to privacy can be met by the test suggested for limiting the discretion of the State:*

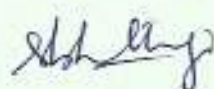
*(i) The action must be sanctioned by law;*

*(ii) The proposed action must be necessary in a democratic society for a legitimate aim;*

*(iii) The extent of such interference must be proportionate to the need for such interference;*

*(iv) There must be procedural guarantees against abuse of such interference."*

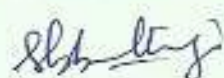
The **principle of necessity** requires the employment of the least intrusive means of attaining the legitimate state



aim. In this case, instead of using decentralised methods, the Aarogya Setu app has used for the most intrusive method of collecting both location as well as Bluetooth data.

43. Because the **Proportionality** was another test established in the **Privacy Judgment** to determine the validity of State's collection of citizen's private information. Going by the 'proportionality test', any such measures should only be resorted to following extensive contemplation of the benefits sought to be derived in contrast with the costs associated in the form of compromise of privacy. In this case, the collection of location data is not at all proportional and violates the principle of data minimisation.

44. Data privacy laws, like the EU General Data Protection Regulation and the U.S. Health Insurance Portability and Accountability Act, have exceptions applicable in a pandemic that may allow processing of personal data. At the same time, guidance from the European Data Protection Board makes clear this data still should be protected. In its statement, the EDPB highlighted the principles of purpose limitation, transparency, security and confidentiality, and accountability. Industry guidance led by Microsoft has published seven privacy principles "for governments, public health authorities, academics, employers and industries to consider as we collectively move forward into this next phase of tracking, tracing and testing"



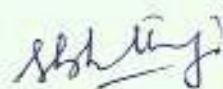


during COVID-19. The Microsoft principles are similar to those referenced by the EDPB and focus on consent, transparency, data minimization, security, deletion and limiting data collection for public health purposes only. The Indian authorities have failed to adhere to any of these principles.

45. The direction issued by the Ministry of Railways, Ministry of Civil Aviation and Airports Authority of India mandating all passengers to install Aarogya Setu app is discriminatory and violative of Art.14 of the Constitution of India. This direction results in denying the benefit of public service to the vast majority of citizens who do not have a smart phone installed with the Aarogya Setu application.

46. The terms of service and the privacy policy of the Aarogya Setu app are forced on the people as the app has been made mandatory by Respondent 2, 3 and 4.

47. Various studies as evidenced by Annexures F, G and H have shown that contact tracing applications are not effective and this could lead to false positives thus incorrectly denying citizens the right to access transport services and even the right to work. The action of the respondents in mandating the use of Aarogya Setu app is thus illegal and unjustified.



48. Annexure F study has found how false positives could have a damaging effect on the poor people. This would be more so for a country like India where the daily wage earners and the labour force have been impoverished by the lockdown. The mandatory imposition of the Aarogya Setu app is thus violative of the right to life guaranteed under Art. 21 of the Constitution of India.

49. The direction issued by the Ministry of Railways, Ministry of Civil Aviation and Airports Authority of India mandating all passengers to install Aarogya Setu app is violation of Article 19(1)(d). Article 19(1)(d) of The Indian Constitution guarantees to all Citizens of India the Right "to move freely throughout the territory of India." This Right is, however subject to reasonable restrictions mentioned under Article 19(5). *in absence of law Restriction cannot be imposed Under Article 19(5).* Therefore, the same is in violation of <sup>the</sup> the Article 19(1) (d) of the Constitution of India.

50. The mobile phone is a personal device owned by an individual and the Government does not have any authority to direct the installation of any application on such a device. Such a direction violates the personal autonomy of the citizen and same is in violation of the law declared by Hon'ble Supreme Court in *In Maneka Gandhi vs the Union of India (1978 AIR SC 597)*,

*Sh. H. T. G.*

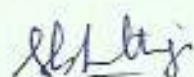


51. Though the Central Government has a prevailing policy on adoption of open source software titled '*Policy on Adoption of Open Source Software for Government of India*', which is mandatory, the Aarogya Setu app's code has not been made open source. Making the source code available enhances transparency and this also improves security as the code is open to community audit. The app primarily collects personal data from user cellphones and cellphones are an immense repository of personal data of users and sometimes, of a user's contacts and acquaintances. In this scenario, keeping the source code of such an app proprietary is unjustified.

60. The Petitioner craves leave to add or rely on additional grounds at the time of arguments;

#### **GROUND FOR INTERIM PRAYER**

61. The Petitioner submits that the mandatory nature of Annexure C order results in citizens who do not have a smart phone installed with Aarogya Setu app being denied the right to travel or work affecting their right to equality, right to privacy, right to freedom of Movement, trade, right to life, right to food, and right to education, guaranteed under Articles 14, 19, and 21 of the Constitution of India.



### **PRAYER**

WHEREFORE, the Petitioner in the above case most respectfully pray this Hon'ble Court be pleased to issue:

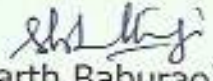
- I. A writ of mandamus or any other appropriate writ or order directing the Respondent authorities to make the use of Aarogya Setu application by citizens voluntary;
- II. A declaration to the effect that the Aarogya Setu app cannot be mandated for accessing any Government service or facility;
- III. A writ of mandamus or any other appropriate writ or order directing respondents 6 and 7 to release the complete and corresponding source code of the current and future versions of the mobile application Aarogya Setu as well as the corresponding application on its server;
- IV. Grant any other relief that this Hon'ble Court deems fit in facts and circumstances of the case, in the interest of justice.

### **INTERIM PRAYER**

The Petitioner prays that this Hon'ble Court be pleased to grant an interim order:

1. staying Clause 15 of National Directives for COVID-19 Management included as Annexure 1 in Annexure-E order; and
2. directing the respondents not to deny any service to a citizen for not installing the Aarogya Setu application, pending disposal of this Writ Petition.

Place: Bangalore,  
Date: 27/05/2020

  
(Sidharth Baburao)  
ADVOCATE FOR PETITIONER



IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
W.P.No. \_\_\_\_\_/2020 (GM-PIL)

Between

Sri Anivar A Aravind

Petitioner

AND

Ministry of Home Affairs  
And Others

Respondents

**AFFIDAVIT**

I, Anivar A Aravind, S/o Aravindakshan A K, aged about 36 years, F1, SAI RAM, 10, Sundara Murthy Road, Cox Town, Bangalore 560005, do hereby solemnly affirm and state on oath as under:

- 1) I am the Petitioner in the above case and I know the facts of the case.
- 2) I submit that the averments made at paragraphs 1 to 16 in the accompanying writ petition are true and correct to the best of my knowledge, information and belief.
- 3) I state that Annexure - A to - M are the true copies of their respective originals. *ass*

Identified by me,

ADVOCATE

*[Signature]*

*[Signature]*  
DEPONENT

Place: Bangalore,

Date: 27/05/2020



Solemnly Affirmed/ Sworn to before  
me on this the 28/05/2020  
at Bengaluru Metropolitan Area  
SURENDRA.G B.A.L, LL.M.,  
Advocate & Oath Commissioner *[Signature]*  
# 28/2, 26th Main, Vihayanagar, B-40  
Sl. No. 26623 PG. No. 186  
No. of Corrections One



## Aarogya Setu TERMS OF SERVICE

These terms of service (**Terms**) govern your use of the Aarogya Setu application for mobile and handheld devices (**App**) and the services provided thereunder. Please read these terms and conditions (**Terms**) carefully before you download, install or use the App. By clicking on the "I Agree" button, you signify your acceptance of the Terms, and your agreement to be bound by them. The Terms may be amended from time to time with notice to you. In order to continue using the App, you will be required to accept the revised Terms. Failure to comply with the Terms can result in suspension of your ability to use the App.

### 1. SERVICE OVERVIEW

The App is part of a service designed to enable registered users who have come in contact with other registered users who have tested positive for the severe acute respiratory syndrome Coronavirus 2 (**COVID-19**) to be notified, traced and suitably supported (**Services**). When the App is installed on your mobile or handheld device, it detects when your device comes within Bluetooth range of any other registered user's device and initiates a protocol by which the information specified in the Privacy Policy (including location information) about that other registered user is collected. In the event you test positive for COVID-19, the Government of India will contact and/or inform such registered users you have come in contact with you over the past 30 days who have a risk of being infected, to administer the appropriate medical intervention. Similarly, you will be notified if, as a result of having come in contact with any persons who have tested positive for COVID-19, you have a risk of being infected. The App also allows users to conduct a self-assessment test to assess whether their symptoms combined with other relevant factors affects their risk of being infected.

### 2. REQUIREMENTS FOR USE

You agree to turn on and allow the App access to the Bluetooth and GPS services on your mobile or handheld device. You acknowledge that if your device is switched off or in airplane mode, if Bluetooth and GPS services on your device are turned off or if you revoke the App's access to Bluetooth and GPS services on your device, it will not be able capture all necessary information which will impair the completeness and accuracy of the Services. You agree to keep the mobile or handheld device on which the App is installed in your possession at all times and to not share it with or allow anyone else to use it. You acknowledge that if you do so it could result in you being falsely identified as being COVID-19 positive or not being identified when you are.

### 3. USE

You agree that you will only use the App in good faith and will not provide false or misleading information about yourself or your infection status. You agree that you will not do anything to throttle, engineer a denial of service, or in any other manner impair the performance or functionality of the App. You agree that you will not tamper with, reverse-engineer or otherwise use the App for any purpose for which it was not intended including, but not limited to, accessing information about registered users stored in the App, identifying or attempting to identify other registered users or gaining or attempting to gain access to the cloud database of the Service.

### 4. PRIVACY

You hereby consent to the collection and use of your personal information for the provision of the Services. The details of the personal information collected and the manner in which it collected and Draft Version by whom as well as the purposes for which it will be used is more fully set out in our privacy policy which is [available here](#). You are free to choose not to provide this information at any time by revoking the App's access to Bluetooth and GPS services or by deleting the App from your mobile or handheld device. However, should you do so, you acknowledge that you will no longer be able to avail of the Services.

### 5. DISRUPTION

You agree that you have no expectation of, or right to permanent and uninterrupted access to the Services. While the Services are intended to be accessible to you from everywhere on a 24x7 basis, from time to time and without prior notice of downtime, access to the App or the Services or to any part



thereof may be suspended on either a temporary or permanent basis and either with respect to all or a certain class of users.

## 6. LIMITATION OF LIABILITY

You agree and acknowledge that the Government of India will not be liable for any claims in relation to the use of the App, including but not limited to (a) your inability to access or use the App or the Services; (b) the failure of the App or the Services to accurately identify persons in your proximity who have tested positive to COVID-19; (c) the accuracy of the information provided by the App or the Services as to whether the persons you have come in contact with in fact been infected by COVID-19; (d) any unauthorised access to your information or modification thereof.

## 7. DISCLAIMER

The App is being made available on an "as-is" basis and the Government of India makes no warranties of any kind, whether express, implied, statutory or otherwise, with respect to the functioning of the App or its ability to accurately identify those who have tested positive to COVID-19. All services such as those provided by this App are never wholly free from defects, errors and bugs, and the Government of India provides no warranty or representation to that effect or that the App will be compatible with any application, or software not specifically identified as compatible. The Government of India specifically disclaims any implied warranties of fitness for a particular purpose or non-infringement. The functioning of the App is dependent on the compliance by all registered users of the App with these Terms. Accordingly, the Government of India disclaims all liability on account of such non-compliance by other registered users. The Services that are being provided (including the self-assessment test, its results and any notifications sent by the App) are not a substitute for common prudence, medical diagnosis, or specific therapeutic and epidemiological measures necessary to combat COVID-19.

## 8. GOVERNING LAW

These Terms shall be governed by the laws of India.

This document is hereby read and  
 understood by the undersigned  
 and is a true and correct copy of the  
 original document.  
 Anwar A Anwar  
 Director General of Health Services  
 Government of India

T.C. sb



## PRIVACY POLICY

When you use Aarogya Setu (**App**), some personal information is collected from and about you. We are committed to protecting the security of this information and safeguarding your privacy. This privacy policy sets out the details of the personal information collected, the manner in which it collected, by whom as well as the purposes for which it is used. At registration you accepted the terms of this Privacy Policy and your use of the App signifies your continued acceptance thereof. This Privacy Policy may be revised from time to time and you will be notified of all such changes. In order to use the App, you will be required to consent to the terms of the Privacy Policy as revised from time to time.

### 1. INFORMATION COLLECTED AND MANNER OF COLLECTION

1. When you register on the App, the following information is collected from you and stored securely on a server operated and managed by the Government of India (**Server**) – (i) name; (ii) phone number; (iii) age; (iv) sex; (v) profession; and (vi) countries visited in the last 30 days. This information stored on the Server will be hashed with a unique digital id (**DiD**) that is pushed to your App. The DiD will thereafter be used to identify you in all subsequent App related transactions and will be associated with any data or information uploaded from the App to the Server. At registration, your location details are also captured and uploaded to the Server.
2. When two registered users come within Bluetooth range of each other, their Apps will automatically exchange DiDs and record the time and GPS location at which the contact took place. The information that is collected from your App will be securely stored on the mobile device of the other registered user and will not be accessible by such other user. In the event such other registered user tests positive for COVID-19, this information will be securely uploaded from his/her mobile device and stored on the Server.
3. Each time you complete a self-assessment test the App will collect your location data and upload it along with your DiD to the Server.
4. The App continuously collects your location data and stores securely on your mobile device, a record of all the places you have been at 15 minute intervals. This information will only be uploaded to the Server along with your DiD, (i) if you test positive for COVID-19; and/or (ii) if your self-declared symptoms indicate that you are likely to be infected with COVID-19; and/or (iii) if the result of your self-assessment test is either YELLOW or ORANGE. For the avoidance of doubt, this information will NOT be uploaded to the Server if you are not unwell or if the result of your self-assessment test is GREEN.

### 2. USE OF INFORMATION

1. The personal information collected from you at the time of registration under Clause 1(a) above, will be stored on the Server and only be used by the Government of India in anonymized, aggregated datasets for the purpose of generating reports, heat maps and other statistical visualisations for the purpose of the management of COVID-19 in the country or to provide you general notifications pertaining to COVID-19 as may be required. Your DiD will only be correlated with your personal information in order to communicate to you the probability that you have been infected with COVID-19 and/or to provide persons carrying out medical and administrative interventions necessary in relation to COVID-19, the information they might need about you in order to be able to do their job.
2. The information collected from any other user's mobile device and uploaded and stored on the Server in accordance with Clause 1(b) will be used to calculate your probability of having been infected with COVID-19.
3. The information collected under Clause 1(c) will be used by the Government of India to evaluate, based on the self-assessment tests and the GPS locations from where they are being uploaded, whether a disease cluster is developing at any geographic location.
4. The information collected under Clause 1(d) and securely uploaded and stored on the Server will, in the event you have tested positive for COVID-19, be used to map the places you visited over the past 14 days in order to identify the locations that need to be sanitised and where people need to be more deeply tested and identify emerging areas where infection outbreaks are likely to occur. Where, in order to more accurately map the places you visited and/or the persons who need to be deeply tested, your personal information is required, the DiD associated



with the information collected under Clause 1(d) will be co-related with your personal information collected under Clause 1(a).

5. The information collected under Clause 1 will not be used for any purpose other than those mentioned in this Clause 2.

### 3. RETENTION

1. All personal information collected from you under Clause 1(a) at the time of registration will be retained for as long as your account remains in existence and for such period thereafter as required under any law for the time being in force.
2. All personal information collected under Clauses 1(b), 1(c) and 1(d) will be retained on the mobile device for a period of 30 days from the date of collection after which, if it has not already been uploaded to the Server, will be purged from the App. All information collected under Clauses 1(b), 1(c) and 1(d) and uploaded to the Server will, to the extent that such information relates to people who have not tested positive for COVID-19, will be purged from the Server 45 days after being uploaded. All information collected under Clauses 1(b), 1(c) and 1(d) of persons who have tested positive for COVID-19 will be purged from the Server 60 days after such persons have been declared cured of COVID-19.
3. Nothing set out herein shall apply to the anonymized, aggregated datasets generated by the personal data of registered users of the App or any reports, heat maps or other visualization created using such datasets. Nothing set out herein shall apply to medical reports, diagnoses or other medical information generated by medical professionals in the course of treatment.

### 4. RIGHTS

1. As a registered user, you have the right to access your profile at any time to add, remove or modify any registration information that you have supplied.
2. You cannot manage the communications that you receive from us or how you receive them. If you no longer wish to receive communications from us, you may cancel your registration. If you cancel your registration, all the information you had provided to us will be deleted after the expiry of 30 days from the date of such cancellation.

### 5. DATA SECURITY

The App is equipped with standard security features to protect the confidentiality and security of your information. Data is encrypted in transit as well as at rest. Personal information provided at the time of registration is encrypted before being uploaded to the cloud where it is stored in a secure encrypted server. Personal information that is stored in the Apps of other registered users that you come in contact with is securely encrypted and are incapable of being accessed by such user.

### 6. DISCLOSURES AND TRANSFER

Save as otherwise set out in Clause 2 with respect to information provided to persons carrying out medical and administrative interventions necessary in relation to COVID-19, no personal information collected by the App will disclosed or transferred to any third party.

### 7. GRIEVANCES

If you have any concerns or questions in relation to this Privacy Policy, you may address them to the Grievance Officer whose name and address are as follows: Mr. R S Mani, Deputy Director General (DDG) NIC (support.aarogyasetu@gov.in)

This document is released to the  
Responsible Officer B to the  
Minister of Health, Government of India  
Dr. G. S. Arund  
T.C. 1/1/2021

**ORDER**

Whereas under directions of the National Disaster Management Authority (NDMA), guidelines on lockdown measures to contain the spread of COVID-19 in all parts of the country were issued vide Order of even number dated 24.03.2020 under the Disaster Management Act 2005 for a period of 21 days with effect from 25.03.2020. Under further directions of NDMA, the lockdown period was extended upto 03.05.2020 vide Order of even number dated 14.04.2020 and consolidated revised guidelines were issued vide Order of even number dated 15.04.2020;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020-PP dated 01.05.2020 directing the Chairperson, NEC that lockdown measures be continued to be implemented in all parts of the Country, for a further period of two weeks with effect from 04.05.2020;

Whereas under directions of the aforesaid Order of NDMA dated 01.05.2020, and in exercise of the powers, conferred under Section 10(2)(i) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the lockdown period is extended for a further period of two weeks with effect from 04.05.2020;

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, NEC, hereby issues new guidelines on lockdown measures, as annexed, which will come into effect from 04.05.2020 for a period of two weeks, for strict implementation.

  
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)

**Copy to:**

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.



New 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 for the extended period of National Lockdown for a further period of two weeks with effect from 4<sup>th</sup> May, 2020.

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 1<sup>st</sup> May, 2020]

1. With the extension of the Lockdown period for a further period of two weeks with effect from 4<sup>th</sup> May 2020, new guidelines, as under, will be applicable based on the risk profiling of the districts into Red (Hotspot), Green and Orange zones.
2. **Identification of Red (Hotspots), Green and Orange Zones**
  - i. Based on their risk profile, the criteria for dividing the districts of the country into three zones, viz., **green, red and orange**, will be as follows:
    - a. **Green Zones:** Green Zones shall be defined as per the following criteria: districts with zero confirmed case till date; or, districts with no confirmed case in the last 21 days.
    - b. **Red Zones or Hotspot Districts:** Districts shall be defined as Red Zones or Hotspot districts, by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI), taking into account total number of active cases, doubling rate of confirmed cases, extent of testing and surveillance feedback.
    - c. **Orange Zones:** Districts, which are neither defined as Red nor as Green Zones, shall be Orange Zones.
  - ii. MoHFW will share the list of Red Zone (Hotspot), Orange Zone and Green Zone districts and related information with State/ UTs on a weekly basis or earlier as required. States/ UTs, on review, may consider inclusion of **additional districts** as Red Zone (Hotspots) and Orange Zone districts depending on the extent of spread of COVID-19 infection. **However, States and UTs may not lower the classification of any district, that is included in the list of Red Zone (Hotspots) and Orange Zone districts by MoHFW.**
  - iii. Districts classified either as Red or Orange Zones, may have one or more Municipal Corporation (MC) areas. In such cases, States/ UTs and District administrations may make an assessment of the distribution of cases - within the jurisdiction of the MC(s); and the area falling outside the MC(s) boundaries. In such cases, the classification of zones shall be as follows:
    - a. In case the district is classified as a Red Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as an Orange Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
    - b. In case the district is classified as an Orange Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as a Green Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
    - c. In case in the area of the district outside the limits of the MC (s) does have one or more confirmed case(s) in the last 21 days, this part of the





district shall continue to be labeled as a Red or Orange Zone, as per the classification of the district.

- d. While assessing the classification of a zone, cases should be registered in the zone where the case originates, rather than where it is treated.

### 3. Identification of Containment Zones

- i. Containment Zones shall be demarcated within **Red (Hotspots) and Orange Zones** by States/ UTs and District Administrations based on the guidelines of MoHFW. The boundary of the Containment Zone shall be defined by District Administrations taking into account the following factors: mapping of cases and contacts; geographical dispersion of cases and contacts; area with well demarcated perimeter; and enforceability.
- ii. The boundary of the Containment Zone will be a residential colony, *mohalla*, municipal ward, municipal zone, Police Station area, towns etc., in case of urban areas; and, a village, cluster of villages, Gram Panchayats, group of Police Stations, blocks etc., in case of rural areas.

#### Protocol within Containment Zones:

- iii. Intensive surveillance mechanism as outlined in the Standard Operating Protocol (SOP) issued by MoHFW is to be established within the Containment Zone. **The local authority shall ensure 100% coverage of Aarogya Setu app among the residents of Containment Zones.**
  - iv. In the Containment Zone, following activities shall be undertaken by the local authorities:
    - a. Contact Tracing.
    - b. Home or Institutional quarantining of individuals based on risk assessment by medical officers. This risk assessment will be based on symptoms, contact with confirmed cases, and travel history.
    - c. Testing of all cases with Severe Acute Respiratory Infection (SARI), Influenza Like Illness (ILI) and other symptoms specified by MOHFW.
    - d. House to house surveillance by special teams constituted for this purpose.
    - e. Clinical management of all cases as per protocol.
    - f. Counselling and educating people; and establishing effective communication strategies.
  - v. In these **Containment Zones**, within Red (Hotspots) and Orange Zones, **where maximum precaution is required**, there shall be strict perimeter control to ensure that there is no movement of population in or out of these zones except for medical emergencies and for maintaining supply of essential goods and services. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.
- ### 4. The following activities will continue to remain prohibited across the country, irrespective of the Zone, for a period of two weeks with effect from 4<sup>th</sup> May, 2020:
- i. All domestic and international air travel of passengers, except for medical services, air ambulance and for security purposes or for purposes as permitted by MHA.
  - ii. All passenger movement by trains, except for security purposes or for purposes as permitted by MHA.



- iii. Inter-State Buses for public transport, except as permitted by MHA.
  - iv. Metro rail services.
  - v. Inter-State movement of individuals except for medical reasons or for activities as permitted by MHA.
  - vi. All schools, colleges, educational/ training/ coaching institutions etc. However, online/ distance learning shall be permitted.
  - vii. Hospitality services other than those used for housing health/ police/ Government officials/ healthcare workers, stranded persons including tourists, and those used for quarantine facilities.
  - viii. All cinema halls, shopping malls, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
  - ix. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.
  - x. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
5. **Measures for well being and safety of persons**
- i. The movement of individuals, for all non-essential activities, shall remain strictly prohibited between 7 pm to 7 am. Local authorities shall issue orders under appropriate provisions of law, such as prohibitory orders [curfew] under Section 144 of CrPC, for this purpose, and ensure strict compliance.
  - ii. In all zones, persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for meeting essential requirements and for health purposes, as per the National Directives.
  - iii. In Containment Zones, Out-Patient Departments (OPDs) and Medical clinics shall not be permitted to operate. However, these may be permitted to operate in Red, Orange and Green Zones, with social distancing norms and other safety precautions.
6. **Activities in Containment Zones**
- i. Strict perimeter control.
  - ii. Establishment of clear entry and exit points.
  - iii. Movement of persons only for maintaining supply of goods and services; and for medical emergencies.
  - iv. No unchecked influx of people and transport.
  - v. Recording of details of people moving in and out of perimeter.
7. **Activities in Red Zones (Hotspots) [Outside Containment Zones]**
- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall not be permitted:
    - a. Cycle rickshaws and auto rickshaws.
    - b. Taxis and cab aggregators.
    - c. Intra-district and inter-district plying of buses.
    - d. Barber shops, spas and salons.
  - ii. The following activities shall be permitted with **restrictions** as specified:
    - a. Movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the vehicle driver; for two wheelers, pillion rider is not allowed.

- b. Industrial establishments in urban areas: Only Special Economic Zones (SEZs), Export Oriented Units (EOUs), industrial estates and industrial townships with access control; Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates; Production units, which require continuous process, and their supply chain; Manufacturing of IT hardware; Jute industry with staggered shifts and social distancing; and, Manufacturing units of packaging material are permitted.

All industrial activities are permitted in rural areas.

- c. Construction activities in urban areas: Only in situ construction (where workers are available on site and no workers are required to be brought in from outside) and construction of renewable energy projects are permitted.

All construction activities are permitted in rural areas.

- d. All malls, market complexes and markets shall remain closed in urban areas, i.e., areas within the limits of municipal corporations and municipalities. However, shops selling essential goods in markets and market complexes are permitted.

All standalone (single) shops, neighborhood (colony) shops and shops in residential complexes are permitted to remain open in urban areas, without any distinction of essential and non-essential.

All shops in rural areas, except in malls, are permitted to remain open, without any distinction of essential and non-essential.

Social distancing (2 Gaz ki door) will be maintained in all cases.

- e. E-commerce activities will be permitted only in respect of essential goods.
- f. Private offices can operate with upto 33% strength as per requirement, with the remaining persons working from home.
- g. All Government offices shall function with officers of the level of Deputy Secretary and above to the extent of 100% strength. The remaining staff will attend upto 33% as per requirement. However, Defense and Security services, Health and Family Welfare, Police, Prisons, Home Guards, Civil Defence, Fire and Emergency Services, Disaster management and related services, NIC, Customs, FCI, NCC, NYK and Municipal services shall function without any restrictions; delivery of public services shall be ensured and necessary staff will be deployed for such purpose.

8. **Activities in Orange Zones [Outside Containment Zones]**

- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:
  - a. Inter-district and Intra-district plying of buses.
- ii. The following activities shall be permitted with **restrictions** as are specified:
  - a. Taxis and cab aggregators, with 1 driver and 2 passengers only.
  - b. Inter-district movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the driver.



9. **Activities in Green Zones**
- All activities are permitted in Green Zones, except those activities that are prohibited under Para 4.
  - Buses can operate with upto 50% seating capacity.
  - Bus depots can operate with upto 50% capacity.
10. **All other activities will be permitted activities, which are not specifically prohibited/ permitted with restrictions in the various Zones, under these guidelines. However, States/ UTs, based on their assessment of the situation, and with the primary objective of keeping the spread of COVID-19 in check, may allow only select activities from out of the permitted activities, with such restrictions as felt necessary.**
11. All States/ UTs shall allow inter-state movement of goods/ cargo, including empty trucks.
12. No State/ UT shall stop the movement of cargo for cross land-border trade under Treaties with neighbouring countries.
13. No separate/ fresh permissions are required from authorities for activities already permitted to operate under the guidelines on Lockdown measures up to May 3, 2020. The following Standard Operating Protocols (SOPs) issued by MHA will continue to operate:
- SOP on transit arrangement for foreign national(s) in India and release of quarantine persons, issued vide Order dated April 02, 2020.
  - SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.
  - SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.
  - SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020.
  - SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons by train, issued vide Order dated May 01, 2020.
14. **Strict enforcement of the lockdown guidelines**  
State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
15. **Instructions for enforcement of above lockdown measures:**
- All the district magistrates shall strictly enforce the above lockdown measures and the National Directives for COVID 19 Management, for public and work places, as specified in **Annexure I**.
  - 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.
  - 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.

16. **Penal provisions**

Any person violating these lockdown measures and the National Directives for COVID-19 Management 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 II**.

  
Union Home Secretary



## National Directives for COVID-19 Management

## PUBLIC PLACES

1. Wearing of face cover is compulsory in all public places.
2. All persons in charge of public 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. Marriages related gatherings shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.
5. Funeral/ last rites related gatherings shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.
6. Spitting in public places shall be punishable with fine, as may be prescribed by the State/ UT local authority.
7. Consumption of liquor, *paan*, *gutka*, tobacco etc. in public places is not allowed.
8. Shops selling liquor, *paan*, *gutka*, tobacco etc. will ensure minimum six feet distance (2 gaz ki doori) from each other, and also ensure that not more than 5 persons are present at one time at the shop.

## WORK PLACES

9. Wearing of face cover is compulsory in all work places and adequate stock of such face covers shall be made available.
10. All persons in charge of work places shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare, both within the work places and in company transport.
11. Social distancing at work places shall be ensured through adequate gaps between shifts, staggering the lunch breaks of staff, etc.
12. Provision for thermal scanning, hand wash and sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. In addition, sufficient quantities of handwash and sanitizer shall be made available in the work places.
13. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., shall be ensured, including between shifts.
14. Persons above 65 years of age, persons with co-morbidities, pregnant women and children below the age of 10 years shall stay at home, except for meeting essential requirements and for health purposes.
15. Use of *Arogya Setu* app shall be made mandatory for all employees, both private and public. It shall be the responsibility of the Head of the respective Organizations to ensure 100% coverage of this app among the employees.
16. Large physical meetings to be avoided.
17. 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. Employees showing any symptom of COVID-19 should be immediately sent for check up to such facilities. Quarantine areas should be earmarked for isolating employees showing symptoms till they are safely moved to the medical facilities.



18. Arrangements for transport facilities shall be ensured with social distancing, wherever personal/ public transport is not feasible.
  19. Intensive communication and training on good hygiene practices shall be taken up.
- 





**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.

(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—

- i. "company" means any body corporate and includes a firm or other association of individuals; and
- ii. "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.



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.

\*\*\*

This document is returned to us  
 as C  
 in the  
 of Amurk.avid  
 9  
 9/11/2011

7.1  
 8/11

North Block, New Delhi-110001  
Dated 17<sup>th</sup> May, 2020

**ORDER**

**Whereas**, the National Disaster Management Authority (NDMA) in exercise of their powers under section 6(2)(i) of the Disaster Management Act, 2005, vide their Orders dated 24.03.2020, 14.04.2020 and 01.05.2020 had directed the National Executive Committee (NEC) to take lockdown measures so as to contain the spread of COVID-19 in the country;

**Whereas**, Chairperson NEC, in exercise of the powers conferred under Section 10(2)(i) of the Disaster Management Act, 2005, has issued Orders of even number on lockdown measures dated 24.03.2020, 29.03.2020, 14.04.2020, 15.04.2020 and 01.05.2020;

**Whereas**, save as otherwise provided in the guidelines annexed to this Order, all Orders issued by NEC under Section 10(2)(i) of the Disaster Management Act, 2005, shall cease to have effect from 18.05.2020;

**Whereas**, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020 - PP dated 17.05.2020 directing the Chairperson, NEC that lockdown measures to contain the spread of COVID-19 be continued to be implemented in all parts of the Country, for a further period upto 31.05.2020;

**Now therefore**, under directions of the aforesaid Order of NDMA dated 17.05.2020, and in exercise of the powers, conferred under Section 10(2)(i) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions for strict implementation, to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities that lockdown measures to contain the spread of COVID-19 will continue for a period of upto 31.05.2020, as per the guidelines annexed to this Order, which will come into effect from 18.05.2020.

  
17/05/2020  
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)

**Copy to:**

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

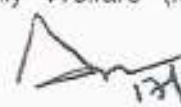


Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT Authorities for containment of COVID-19 in the country upto 31<sup>st</sup> May, 2020.

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 17<sup>th</sup> May, 2020]

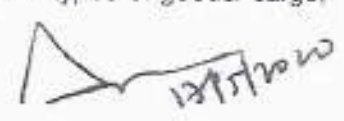
1. Lockdown shall continue to remain in force upto 31<sup>st</sup> May, 2020.
2. The following activities shall continue to remain prohibited throughout the country:
  - i. All domestic and international air travel of passengers, except for domestic medical services, domestic air ambulance and for security purposes or purposes as permitted by MHA.
  - ii. Metro rail services.
  - iii. Schools, colleges, educational/ training/ coaching institutions etc. will remain closed. Online/ distance learning shall continue to be permitted and shall be encouraged.
  - iv. Hotels, restaurants and other hospitality services, except those meant for housing health/ police/ Government officials/ healthcare workers/ stranded persons including tourists and for quarantine facilities; and running of canteens at bus depots, railway stations and airports. Restaurants shall be permitted to operate kitchens for home delivery of food items.
  - v. All cinema halls, shopping malls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places. Sports complexes and stadia will be permitted to open; however, spectators will not be allowed.
  - vi. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings and large congregations.
  - vii. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
3. The following activities shall be permitted with restrictions, except in the Containment Zones:
  - i. Inter-State movement of passenger vehicles and buses, with mutual consent of the State(s)/ UT(s) involved.
  - ii. Intra-State movement of passenger vehicles and buses, as decided by the States and UTs.
  - iii. Standard Operating Procedures (SOPs) for movement of persons, as mentioned in Annexure I, shall continue to operate.
4. **National Directives for COVID-19 Management**

National Directives for COVID 19 Management, as specified in Annexure II, shall be followed throughout the country.
5. **Containment, Buffer, Red, Green and Orange Zones**
  - i. The delineation of Red, Green and Orange Zones will be decided by the respective State and UT Governments, after taking into consideration the parameters shared by Ministry of Health & Family Welfare (MoHFW), Government of India (GoI).

 17/5/2020

52

- ii. Within the Red and Orange Zones, Containment Zones and Buffer Zones will be demarcated by the District authorities, after taking into consideration the guidelines of MoHFW.
  - iii. In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. Guidelines of MoHFW shall be taken into consideration for the above purpose.
  - iv. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required.
6. **Night curfew**
- The movement of individuals shall remain strictly prohibited between 7.00 pm to 7.00 am, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as prohibitory orders [Curfew] under Section 144 of CrPC, and ensure strict compliance.
7. **Protection of vulnerable persons**
- Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for essential and health purposes.
8. **All other activities will be permitted, except those which are specifically prohibited.**
- However, in Containment Zones, only essential activities shall be allowed, as mentioned in para 5(iii) above.
- Further, States/ UTs, based on their assessment of the situation, may prohibit certain other activities in the various zones, or impose such restrictions as deemed necessary.
9. **Use of Aarogya Setu**
- i. *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
  - ii. With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.
  - iii. District authorities may advise individuals to install the *Aarogya Setu* application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.
10. **Special directions to ensure movement of persons and goods in certain cases**
- i. All States/ UTs shall allow inter-State and intra-State movement of medical professionals, nurses and para medical staff, sanitation personnel and ambulances, without any restriction.
  - ii. All States/ UTs shall allow inter-State movement of all types of goods/ cargo, including empty trucks.

 13/5/2020



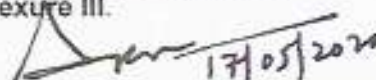
- iii. No State/ UT shall stop the movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries.

**11. Strict enforcement of the guidelines**

- i. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- ii. All the District Magistrates shall strictly enforce the above measures.
- iii. In order to implement these measures, the District Magistrates 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.

**12. Penal provisions**

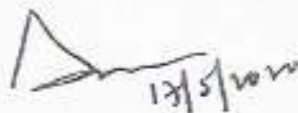
Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at Annexure III.

  
17/05/2020  
Union Home Secretary

**Standard Operating Procedures (SOPs) issued by MHA**

- i. SOP on transit arrangement for foreign national(s) in India issued vide Order dated April 02, 2020.
- ii. SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.
- iii. SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.
- iv. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020 and Order dated May 01, 2020.
- v. SOP on movement of Indian Nationals stranded outside the country and of specified persons to travel abroad, issued vide Order dated May 5, 2020.
- vi. SOP on movement of persons by train, issued vide Order dated May 11, 2020.

\*\*\*

  
13/5/2020



## Annexure II

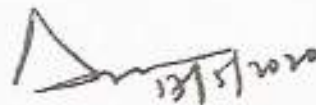
**National Directives for COVID 19 Management**

- i. Wearing of face cover is compulsory in all public and work places.
- ii. Spitting in public & work places shall be punishable with fine, as may be prescribed in accordance with its laws, rules or regulations by the State/ UT local authority.
- iii. Social distancing shall be followed by all persons in public places and in transport.
- iv. Marriage related gathering shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.
- v. Funeral/ last rites related gathering shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.
- vi. Consumption of liquor, *paan*, *gutka*, tobacco etc. in public places is not allowed.
- vii. Shops will ensure minimum six feet distance (2 gaz ki door) among customers and shall not allow more than 5 persons at the shop.

Additional directives for Work Places

- viii. As far as possible, the practice of work from home should be followed.
- ix. Staggering of work/ business hours shall be followed in offices, work places, shops, markets and industrial & commercial establishments.
- x. Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.
- xi. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., shall be ensured, including between shifts.
- xii. All persons in charge of work places shall ensure social distancing through adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

\*\*\*

A handwritten signature in black ink, appearing to be 'D. Singh', with the date '13/5/2020' written below it.

### 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.

(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 anybody 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.

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 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.

---

This document is referred to as  
Administrative Document D  
Residence of Amir A. Amir  
Amir A. Amir  
Birth Certificate

T.C. lly



60

No: 2(10)/2020-CLeS  
Government of India  
Ministry of Electronics and Information Technology  
Electronics Niketan, 6 CGO Complex,  
New Delhi

Annex - E

Dated : 11<sup>th</sup> May, 2020

**ORDER**

**Subject: Notification of the Aarogya Setu Data Access and Knowledge Sharing Protocol, 2020 in light of the COVID-19 pandemic**

**WHEREAS**, the Aarogya Setu mobile application is a useful technological solution developed to facilitate contact tracing of persons infected with COVID-19, inform persons at-risk of precautions to be taken, and allow health departments to take effective actions to mitigate the spread of the pandemic and enhance their preparedness;

**WHEREAS**, vide Orders No. 40-3/2020-DM-1(A) dated 29.03.2020 and 01.05.2020, the Central Government has constituted Empowered Groups under the Disaster Management Act, 2005 to identify problem areas and provide effective solutions therefor, delineate policy, formulate plans, strategise operations and take all necessary steps for effective and time-bound implementation of these plans/policies/ strategies/ decisions in relation to the Covid-19 pandemic;

**WHEREAS**, under these Orders, the National Executive Committee of the National Disaster Management Authority has created the Empowered Group 9 on Technology and Data Management ("Empowered Group");

**WHEREAS**, the functioning of the Aarogya Setu mobile application relates to technology and data management and certain necessary steps are required to be taken to ensure its effective operation to detect and mitigate the spread of the COVID-19 pandemic and enhance government preparedness at all levels;

**NOW THEREFORE**, in order to ensure secure collection of data by the Aarogya Setu mobile application, protection of personal data of individuals, and the efficient use and sharing of personal or non-personal data for mitigation and redressal of the COVID-19 pandemic, the undersigned, in his capacity as Chairperson, Empowered Group 9 on Technology and Data Management, after a decision of the Empowered Group 9 to this effect, hereby issues the following directions - Aarogya Setu Emergency Data Access and Knowledge Sharing Protocol, 2020 (enclosed) for necessary compliance.



(Ajay Sawhney)

Chairperson, Empowered Group on Technology and Data Management

## The Aarogya Setu Data Access and Knowledge Sharing Protocol, 2020

### Rationale for this Protocol:

1. Owing to the COVID-19 pandemic, guidelines have been issued by the Ministry of Home Affairs (vide Orders dated 24.03.2020, 25.03.2020, 28.03.2020, 1.04.2020, 2.04.2020, 14.04.2020, 16.04.2020, 1.05.2020) on the measures to be taken by the Central Government as well as the State/Union Territory Governments. Various advisories and statements have been issued by the Ministry of Health and Family Welfare, Government of India and other Ministries of the Government of India and State/ Union Territory Governments on precautionary measures such as social distancing and treatment of individuals who are affected or at-risk. In order to ensure their effective implementation, there is a need to ensure efficient data and information sharing among the different Departments and Ministries of the Government of India as well as those in the State/Union Territory Governments.
2. At present, the Government of India and State/Union Territory Governments are tasked with formulating appropriate health responses to not only contain the epidemic but also protect the health and safety of the community at large. Here, appropriate health responses include prevention and management of the COVID-19 pandemic, syndromic mapping, contact tracing, communication to an affected or at-risk individual's family and acquaintances, performance of statistical analysis, medical research, formulation of treatment plans or other medical and public health responses related to the redressal and management of the COVID-19 pandemic.
3. In order to formulate appropriate health responses for addressing the COVID-19 pandemic, data pertaining to individuals is urgently required. Here individuals means persons who are infected, at high risk of being infected or who have come in contact with infected individuals. This data includes demographic data, contact data, self assessment data and location data (collectively called 'response data' in this document). Here, demographic data means the name, mobile number, age, gender, profession and travel history of an individual. Contact data means data about any other individual that a given individual has come in close proximity with, including the duration of the contact, the proximate distance between the individuals and the geographical location at which the contact occurred. Self assessment data means the responses provided by that individual to the self assessment test administered within the Aarogya Setu mobile application. Location data means data about the geographical position of an individual in latitude and longitude.

### 4. Implementation of the Protocol:

Keeping in view of the above, the Ministry of Electronics and Information Technology, Government of India ("MeitY") is designated as the agency responsible for the implementation of this Protocol and its developer, the National Informatics Centre shall, under this Protocol be responsible for collection, processing and managing response data collected by the Aarogya Setu



mobile application. Any reference to MeitY under this Protocol is a reference to its supervisory role in relation to the Aarogya Setu mobile application and its developer, the National Informatics Centre (NIC) and not in any other capacity. For the purpose of this Protocol, MeitY shall act under the overall direction of the Empowered Group 9 on Technology and Data Management.

**5. Principles for collection and processing of response data:**

- a. Any response data and the purpose for which it is collected by NIC shall be clearly specified in the Privacy Policy of the Aarogya Setu mobile application.
- b. NIC shall collect only such response data as is necessary and proportionate to formulate or implement appropriate health responses. Further, such data shall be used strictly for the purpose of formulating or implementing appropriate health responses and constantly improving such responses.
- c. NIC shall process any data collected by it in a fair, transparent and non-discriminatory manner.
- d. Contact and location data shall by default, remain on the device on which the Aarogya Setu mobile application has been installed after such data has been collected. It may be uploaded to the server only for the purpose of formulating or implementing appropriate health responses.
- e. Contact, location and self assessment data of an individual that has been collected by NIC shall not be retained beyond the period necessary to satisfy the purpose for which it is obtained which, unless a specific recommendation to this effect is made in the review under Para 10 of this Protocol, shall not ordinarily extend beyond 180 days from the date on which it is collected, after which such data shall be permanently deleted. Demographic data of an individual that has been collected by NIC shall be retained for as long as this Protocol remains in force or if the individual requests that it be deleted, for a maximum of 30 days from such request, whichever is earlier.
- f. The response data shall be securely stored by NIC and shall only be shared in accordance with this Protocol.

**6. Principles for sharing of response data:**

The response data may be shared by NIC in the following manner:

- a. Response data containing personal data may be shared with the Ministry of Health and Family Welfare, Government of India, Departments of Health of the State/Union Territory Governments/ local governments, NDMA, SDMA, such

other Ministries and Departments of the Government of India and State Governments and other public health institutions of the Government of India, State Governments and local governments, where such sharing is strictly necessary to directly formulate or implement an appropriate health response.

- b. Response data in de-identified form may be shared with such Ministries or Departments of the Government of India or the State/Union Territory Governments, local governments, NDMA, SDMA and such other public health institutions of the Government of India or State Governments or local governments with whom such sharing is necessary to assist in the formulation or implementation of a critical health response. Here, de-identified form means data which has been stripped of personally identifiable data to prevent the individual from being personally identified through such data and assigned a randomly generated ID.
- c. NIC shall, to the extent reasonable, document the sharing of any data and maintain a list of the agencies with whom such data has been shared. Such documentation shall include the time at which such data sharing was initiated, the persons or agencies who are being provided access to such data, the categories of data that are being shared and the purpose for which such data is being shared.

**7. Obligations of entities with whom response data is shared:**

An entity with whom response data is shared under this Protocol shall have the following obligations:

- a. Any entity with whom response data has been shared under Para 6 of this Protocol shall use such data strictly for the purpose for which it is shared. Such Ministry, Department of the Government, NDMA, SDMA or public health institution shall process response data in a fair, transparent and non-discriminatory manner. The data accessed and used by such entities should not be retained beyond the period necessary to satisfy the purpose for which it is shared. In any circumstance, such data shall not ordinarily be retained beyond 180 days from the date on which it was accessed, after which such data shall be permanently deleted. Any Ministry, Department of the Government, NDMA, SDMA or public health institution shall also implement reasonable security practices and procedures as prescribed under any law for the time being in force.
- b. Any response data accessed under para 7(a) shall ordinarily not be onward shared with any third party. However, response data may be shared with such third parties only if it is strictly necessary to directly formulate or implement appropriate health responses. The Ministry or Department of the Government of India or State/ Union Territory Government/ local government, NDMA, SDMA or public health institution of the



Government of India/ State Governments/ local governments referred to in Para 6 that is sharing such information shall remain responsible for adherence to this Protocol by any other entity with which it shares information. Any third party with whom data is onward shared under this para shall be subject to the same obligations as under para 7(a) of this Protocol. In addition they shall not re-use the data for any other purpose or disclose the data to any other entity and remain subject to audit and review of their data usage by the Central Government.

**8. Principles for sharing of response data for research purposes:**

Response data may be made available for research purposes by NIC in the following manner:

- a. Hard anonymisation refers to a series of technical processes which ensure that any individual is incapable of being identified from the response data through any means reasonably likely to be used to identify such individual. This anonymisation shall be done in accordance with anonymisation protocols that are to be developed, reviewed and updated on a periodic basis by an expert committee appointed by the Principal Scientific Advisor to the Government of India. Such review shall have regard to the nature and sensitivity of the data being processed, the robustness of the anonymisation protocol and advances in technology.
- b. Response data which has undergone hard anonymisation, as under para 8(a), may be made available to Indian universities and research institutions / research entities registered in India.
- c. Any university or research institution / entity seeking to access response data under para 8(b) shall make a request for such data to the expert committee referred above at para 8(a), who may approve of such request and provide access to this data only if it is of the view that such access is sought for the purposes of statistical, epidemiological, scientific or any other form of academic research, on such terms as may be stipulated by the expert committee in this behalf.
- d. Any university or research institution/ entity which accesses anonymised response data under Para 8(b) shall not reverse anonymise such data or re-identify individuals in any manner. If any person knowingly or unknowingly, takes any action which has the effect of such data no longer remaining anonymised, any rights granted to them under this Protocol shall stand terminated, and they shall be liable for penalties under applicable laws for the time being in force.
- e. Any university or research institution/ entity which accesses anonymised response data under this Para may share such anonymised response data with other Indian universities or research institutions/ research entities registered in India only if such sharing is in furtherance of the same purpose for which it has sought approval to access such data from the expert committee. Any such third party with whom data is shared under this

65

Para shall be subject to the same obligations and penalties under this Protocol as the university/ research institution/ entity which has shared the data with it. Any such sharing must be pursuant to a contract between the two entities, which shall state the nature of data shared, the purpose of such sharing, the duration of such sharing and other relevant details as may be specified by the expert committee. Such contracts, intimation of the fact of sharing and other relevant documentation as may be specified by the expert committee shall be submitted by the approved university/ research institution/ entity to the expert committee for review and compliance.

- f. Any university/ research institution/ entity with whom hard anonymised data has been shared under Para 8(a) or Para 8(c) shall remain subject to audit and review by the Central Government. Further, if the Expert Committee finds any non-compliance with this protocol by such university/ research institution/ entity, it can terminate any rights granted to them under this Protocol at any time.

#### 9. Violations:

Any violation of these directions may lead to penalties as per section 51 to 60 of the Disaster Management Act, 2005 and other legal provisions as may be applicable.

#### 10. Sunset Clause:

The Empowered Group shall review this Protocol after a period of 6 months from the date of this notification or may do so, at such earlier time as it deems fit. Unless specifically extended by the Empowered Group on account of the continuation of the COVID-19 pandemic in India, this Protocol shall be in force for 6 months from the date on which it is issued.

T.C  
8/5

This document is referred to as  
Annexure/Document E to the  
Affidavit of Amrit K. Anand  
Amrit K. Anand  
Oath Commissioner



Annex - F

## Apps for COVID: to do or not to do

Subhashis Banerjee\*

Bhaskaran Raman<sup>†</sup>

Subodh V. Sharma\*

April 14, 2020

The COVID virus crisis has brought out some much required public spiritedness in the Indian science and technology community, and there is now a strong urge to contribute meaningfully. A popular response among technologists has been to develop surveillance apps on smartphones, for contact tracing to keep tab on the disease spread, for geofencing to enforce quarantine, and for gathering data for modelling the spread of the contagion. Indeed, there are several reports of efforts and successes of such endeavours from all over (Krishnan, Servick, Strickland, Hamilton, Heaven), and several commentators have alluded to the possibility of pervasive under-the-skin surveillance in a post-COVID world (Harari, Mehta, Macaulay).

There has also been a spurt of indigenous efforts to build such apps (Singh, Johnson, Money Control News, Sengupta, ET Online), and there is unbridled enthusiasm among our students of technology to pitch in. It is indeed true that contact tracing is crucial for effective combating of the spread of the contagion, but can it be done accurately and reliably with such hurriedly engineered apps? Some caution perhaps is in order, especially related to the risks and reliability.

The implicit sentiment in developing and deploying such technology is that privacy concerns should take a backseat in this health emergency. This has two dangers. The first is that the invasive technology could continue well beyond the health emergency. The second, and perhaps more important, is that violation of privacy is *especially* a problem in the context of a health crisis where fear of the virus and the associated stigma spreads much faster than the virus itself.

### The apps are not risk free, especially in India

Privileging utility over privacy for such crucial applications is indeed typical, but the balancing requires careful examination (Pratap), especially when the details and whereabouts of corona-affected people are revealed to authorities and public.

The authorities in India are not known for their discretion, and there have been instances where they have leaked information about quarantined people through WhatsApp (Vatyan). In a society prone to prejudice, discrimination and attaching stigma to ailments, the cost of false positives can be significant. Indeed, there are reports about ostracising airline staff (Vaid), denying houses on rent to doctors and other health workers or asking them to leave (Sharma), and refusing service to people from the northeast (Rakesh), on the basis of mere suspicion that they may be carriers of the contagion. Denial of services and facilities to persons flagged by such apps, and persecution, especially if they belong to marginalised communities, are real possibilities.

Technology deployment always has to be society and culture specific. Some solutions developed in the west are reported to have features for informing others of the locations of COVID-positive individuals (Khanna). Such features have also found their way into apps planned by Indian groups

\*Computer Science and Engineering (also associated with the School of Public Policy), IIT Delhi

<sup>†</sup>Computer Science and Engineering, IIT Bombay

(Express Computer, ET Online). Public dissemination of such information can be hugely counter-productive in our society where there is stigma associated with the virus. With self-declared social vigilantes taking law into their own hands, such information can be downright dangerous.

And, in the absence of any data protection standards, there is always the possibility that the collected data along with location traces may be used for other purposes after the current threat of the virus is over. Such unchecked uses, over which individuals who participated in the data collection process may have no control, may pose serious threats to privacy and civil liberty.

Moreover, errors in data collection, whether in the estimate of the number of infected persons within a space or time limit, or high rates of false positives or negatives in estimates of the transmission of infection, will inevitably result in unreliable contact tracing and modelling of the disease spread. Network and compartmental models of epidemiology are parametric, and errors in parameter estimation can result in inaccurate and misleading models. Unstructured collection of data with imprecise understanding of future use and unmodelled errors can make the data untrustworthy for any serious epidemiological application.

### Reliability is an issue

It appears that the COVID infection spreads either by direct inhalation of droplets carrying the virus, or by inadvertently picking it up from contaminated surfaces. In the former case the victim needs to be in proximity of an infected person. Hence, avoiding false positives requires contact tracing at a resolution higher than what is offered by GPS or Google maps, especially in dense gatherings, and neither of them can work indoors. Geolocation from cellular data offers even lower resolution, and, for mobiles to interact with each other to record proximity - for example with Bluetooth (ET Online) - the app use must be universal. Also, since the virus can survive on contaminated surfaces for several hours, the intersection of smartphone trajectories will need to be computed not only in space but also over large temporal windows. For this, proximity sensing will be ineffective. Proximity sensing using Bluetooth can also generate too many false positives, for example across large distances in open spaces, across walls or across floors.

In either case it will require data aggregation from multiple smartphones to compute intersections of trajectories. Such aggregation will be hard to implement decentralised at scale, and centralisation will require additional infrastructure. Even with centralised aggregation, rigorously estimating the dynamic network parameters and the associated error models will be a non-trivial task, especially without near universal participation. Modelling disease spread accurately at the micro-level with data collected through such apps appears to be a research problem that offers considerable challenges. It is entirely unlikely that any reliable model can be rigged up in a hurry, even for contact tracing. At best, mobility data (Fitzpatrick) may be used for modelling macro-level patterns of infection spread, that too with several simplifying assumptions with uncertain error models.

Besides, making such apps universal, and centralised aggregation with support from mobile service providers, Google and indoor WiFi providers, will certainly be beyond individual app developers and will require governmental support. China did a lot of it with face recognition technology, with a very high density of camera deployment, and the infrastructure was already in place (Krisnan). It is unlikely that such complex surveillance can be implemented in a hurry, in the middle of a pandemic spread. And, for such large scale centralised surveillance there are serious privacy and data protection concerns that need to be addressed - in terms of legitimacy and proportionality, regulatory oversight, access control and purpose limitation (Pratap, Banerjee and Sharma).

On the whole it may be unproductive to develop such systems without expert epidemiological and disease control advice. The risks of false positives are too many. Deploying a large number of



unreliable systems may divert useful resources and actually detract from the main effort.

Geofencing of smartphones will certainly be easier to develop (Money Control News). However, the efficacy for enforcing quarantine is doubtful with simplistic solutions, both because majority do not have smartphones and because smartphones can be switched off and solutions like 'take a selfie at prescribed times' are too easy to bypass. Moreover, the continued presence of a smartphone within a quarantine zone does not necessarily imply the quarantine compliance of the owner. Breaking some of the defence mechanisms may be possible, and protections against breaking them are also possible. One needs to think through all this and desist from hurried app rollouts.

### There can be simpler solutions

In the context of contact tracing, a simple app in which users can voluntarily switch on recording of Bluetooth-based contact trace, and perhaps manual entry and geolocation too, may be useful. The app can also locally maintain a list of contacts they meet, anonymized as random tokens, such as in the approaches taken by TraceTogether (Government Singapore, Canetti et al.). The user may then *voluntarily* choose to inform people in the contact list in case she tests positive, and may even voluntarily disclose the location tracks (Heaven). While the reliability may still be low, but so may be the risks.

The usefulness of contact tracing is maximized if a large number of people install the app. This can in turn happen only if users *trust* the system. If users fear that they may be victimized due to information sharing by the app, they are unlikely to install the app in the first place. This stresses the importance of aspects like *anonymity* and *voluntary disclosures* in any contact tracing system. Most importantly, the operational and design details of all such apps (ET Online) must be made public.

While one must be cautious in the use of technology for any purpose, in the current situation there are indeed various other technology needs which do not involve tracking and tracing people at large (ISRC). Some examples include remote patient advice by doctors for non-emergency situations, appointment systems, queue management to avoid crowding at hospitals or the local grocers, management of ration distribution and home delivery of ration for those who need it etc. However, all such apps need to be developed, if at all, in consultation with people working on the ground.

### Avoid techno-determinism

On the whole, self-compliance through education and sensitization may be a more productive approach than enforcement. Working towards building community resources and community empowerment may turn out to be more fruitful than building apps. A fetish for technological fixes for everything may actually come in the way of looking for simpler solutions. It may also preclude developing a comprehensive understanding of the complex problem involving dimensions in biology, modelling and data analysis, epidemiology, sociology, economics, politics, and, above all, human compassion.

**Acknowledgement:** We thank Manoj M. Prabhakaran for bringing us together, and for several useful suggestions and pointers.

This document is referred to:

Reference Document: DE

Signature of Author: Anurag A. Anand

Date: 2020-04-09  
 Date of Approval: 2020-04-09

T.C. shy



The undersigned represent scientists and researchers from across the globe. The current COVID-19 crisis is unprecedented and we need innovative ways of coming out of the current lockdowns. However, we are concerned that some "solutions" to the crisis may, via mission creep, result in systems which would allow unprecedented surveillance of society at large.

Contact tracing is a well-understood tool to tackle epidemics, and has traditionally been done manually. However, manual contact tracing is time-consuming and is limited to people who can be identified.

In some situations, so-called "contact tracing Apps" on peoples' smartphones may improve the effectiveness of the manual contact tracing technique. These Apps would allow the persons with whom an infected person had physical interaction to be notified, thus enabling them to go into quarantine. The Apps would work by using Bluetooth or geolocation data present in smartphones. Though the effectiveness of contact tracing Apps is controversial, we need to ensure that those implemented preserve the privacy of their users, thus safeguarding against many other issues, noting that such Apps can otherwise be repurposed to enable unwarranted discrimination and surveillance.

Research has demonstrated that solutions based on sharing geolocation (i.e., GPS) to discover contacts lack sufficient accuracy and also carry privacy risks because the GPS data is sent to a centralized location. For this reason, Bluetooth-based solutions for automated contact tracing are strongly preferred when available.

Some of the Bluetooth-based proposals respect the individual's right to privacy, whilst others would enable (via mission creep) a form of government or private sector surveillance that would catastrophically hamper trust in and acceptance of such an application by society at large. It is crucial that citizens trust the applications in order to produce sufficient uptake to make a difference in tackling the crisis. It is vital that, in coming out of the current crisis, we do not create a tool that enables large scale data collection on the population, either now or at a later time. Thus, solutions which allow reconstructing invasive information about the population should be rejected without further discussion. Such information can include the "social graph" of who someone has physically met over a period of time.

With access to the social graph, a bad actor (state, private sector, or hacker) could spy on citizens' real-world activities. Some countries are seeking to build systems which could enable them to access and process this social graph. On the other hand, highly decentralized systems have no distinct entity that can learn anything about the social graph. In such systems, matching between users who have the disease and those who do not is performed on the non-infected users' phones as anonymously as possible, whilst information about non-infected users is not revealed at all.

To aid the development of contact tracing without a centrally controlled database that holds private information on individuals, Google and Apple are developing infrastructure to enable the required Bluetooth operations in a privacy protective manner. Teams building the privacy



protective schemes fully support this effort as it simplifies—and thus speeds up—the ability to develop such Apps. We applaud this initiative and caution against collecting private information on users. Some who seek to build centralized systems are pressuring Google and Apple to open up their systems to enable them to capture more data.

It is worth noting that the European Parliament on April 17th gave their support to the decentralized approach, pointing out by overwhelming majority "that [...] the generated data are not to be stored in centralised databases, which are prone to potential risk of abuse and loss of trust and may endanger uptake throughout the Union" and demanding "that all storage of data be decentralised".

There are a number of proposals for contact tracing methods which respect users' privacy, many of which are being actively investigated for deployment by different countries. We urge all countries to rely only on systems that are subject to public scrutiny and that are privacy preserving **by design** (instead of there being an expectation that they will be managed by a trustworthy party), as a means to ensure that the citizen's data protection rights are upheld

The following principles should be at least adopted going forward:

- Contact tracing Apps must only be used to support public health measures for the containment of COVID-19. The system must not be capable of collecting, processing, or transmitting any more data than what is necessary to achieve this purpose.
- Any considered solution must be fully transparent. The protocols and their implementations, including any sub-components provided by companies, must be available for public analysis. The processed data and if, how, where, and for how long they are stored must be documented unambiguously. Such data collected should be minimal for the given purpose.
- When multiple possible options to implement a certain component or functionality of the app exist, then the most privacy-preserving option must be chosen. Deviations from this principle are only permissible if this is necessary to achieve the purpose of the app more effectively, and must be clearly justified with sunset provisions.
- The use of contact tracing Apps and the systems that support them must be voluntary, used with the explicit consent of the user and the systems must be designed to be able to be switched off, and all data deleted, when the current crisis is over.

#### Signed:

##### Australia

Prof. Dali Kaafar  
Prof. Vanessa Teague  
Dr. Yuval Yarom

Macquarie University  
Thinking Cybersecurity and Australian National University  
The University of Adelaide and Data61

##### Austria

Prof. Daniel Gruss  
Prof. Stefan Mangard  
Prof. Elisabeth Oswald

Graz University of Technology  
Graz University of Technology  
University of Klagenfurt

Prof. Christian Rechberger      Graz University of Technology

**Belgium**

Prof. Claudia Diaz	KU Leuven	
Prof. Mireille Hildebrandt	VU Brussels	
Prof. Wouter Joosen	KU Leuven	
Prof. Nele Mentens	KU Leuven	
Prof. Bart De Moor	KU Leuven	Fellow IEEE and SIAM
Prof. Yves Moreau	KU Leuven	Fellow ISCB
Prof. Olivier Pereira	UC Louvain	
Prof. Frank Piessens	KU Leuven	
Prof. Bart Preneel	KU Leuven	Fellow IACR
Prof. Jean-Jacques Quisquater	UCLouvain	Fellow IACR, Member of Belgium Royal Academy
Prof. Nigel Smart	KU Leuven	Fellow IACR
Prof. François-Xavier Standaert	UC Louvain	
Prof. Joos Vandewalle	KU Leuven	Fellow IEEE, IET, Eurasip, Member Royal Academy of Belgium and Academia Europaea
Prof. Ingrid Verbauwhede	KU Leuven	Fellow IEEE and Royal Academy of Belgium
Prof. Frederik Vercauteren	KU Leuven	
Dr. Mathias Vermeulen	VU Brussels	

**Brazil**

Prof. Mário S. Alvim      Universidade Federal de Minas Gerais

**Canada**

Prof. Vijay Ganesh	University of Waterloo	
Prof. Ian Goldberg	University of Waterloo	
Prof. Sergey Gorbunov	University of Waterloo	
Prof. Xi He	University of Waterloo	
Prof. Florian Kerschbaum	University of Waterloo	
Prof. Marc-Olivier Killijian	Université du Québec à Montréal	
Prof. Ali José Mashtizadeh	University of Waterloo	
Prof. Alfred Menezes	University of Waterloo	
Prof. Bessma Momani	University of Waterloo	
Prof. Michele Mosca	University of Waterloo	
Prof. Paul van Oorschot	Carleton University	Fellow ACM, IEEE and Royal Soc. Canada
Prof. Douglas Stebila	University of Waterloo	
Prof. Charles Taylor	McGill University	

**Denmark**

Prof. Ivan Damgård	Aarhus University	Fellow IACR
Prof. Claudio Orlandi	Aarhus University	

**Estonia**

Dr. Dan Bogdanov      Cybernetica

**Finland**

Prof. Chris Brzuska      Aalto University

**France**

Prof. Davide Balzarotti	EURECOM
Prof. Karim Belabas	University of Bordeaux
Dr. Olivier Blazy	University of Limoges
Dr. Jean-François Couchot	University of Franche-Comté
Prof. Aurélien Francillon	EURECOM
Prof. Nadia El Mrabet	HDR Mines Saint-Etienne
Dr. Rémi Géraud-Stewart	CentraleSupélec



Prof. Jean-Gabriel Ganascia	Sorbonne University	Fellow EURAI
Prof. Louis Goubin	University of Versailles St-Quentin-en-Yvelines	
Prof. Stefan Haar	INRIA (Mexico Team)	
Prof. David Kohel	Aix-Marseille University	
Dr. Pascal Lafourcade	University Clermont Auvergne	
Dr. Benoît Libert	ENS Lyon and CNRS	
Prof. François Morain	LIX, Ecole Polytechnique	
Prof. David Naccache	ENS Paris	
Prof. Melek Önen	EURECOM	
Dr. Pascal Paillier	Zama	
Prof. Benjamin Nguyen	INSA Centre Val de Loire	
Prof. Michaël Quisquater	University of Versailles	
Prof. Damien Stehlé	ENS Lyon	
Prof. Jacques Stern	ENS Paris	Fellow IACR
Prof. Massimiliano Todisco	EURECOM	
<b>Germany</b>		
Prof. Michael Backes	CISPA Helmholtz Center for Information Security	Fellow IEEE
Prof. Eric Bodden	Heinz Nixdorf Institute at Paderborn University & Fraunhofer IEM	
Prof. Georg Börges	Saarland University	
Dr. Sven Bugiel	CISPA Helmholtz Center for Information Security	
Prof. Stefan Brunthaler	Universität der Bundeswehr München	
Prof. Cas Cremers	CISPA Helmholtz Center for Information Security	
Dr. Jean Paul Degabriele	TU Darmstadt	
Dr. Alexander Dix	European Academy for Freedom of Information and Data Protection	
Prof. Christian Djedjal	TU München	
Prof. Hannes Federrath	University of Hamburg	President of German Computer Society
Prof. Bernd Finkbeiner	CISPA Helmholtz Center for Information Security	
Dr. Michael Friedewald	Fraunhofer ISI	
Prof. Mario Fritz	CISPA Helmholtz Center for Information Security	
Prof. Sascha Fahl	Leibniz University Hannover	
Prof. Nils Fleischhacker	Ruhr-Universität Bochum	
Prof. Dominik Hermann	University of Bamberg	
Prof. Jeanette Hofmann	Wissenschaftszentrum Berlin für Sozialforschung	
Prof. Thorsten Holz	Ruhr-Universität Bochum	
Prof. Albert Ingold	Johannes Gutenberg Universität Mainz	
Dr. Swen Jacobs	CISPA Helmholtz Center for Information Security	
Prof. Tibor Jäger	University of Wuppertal	
Dr. Ghassan Karame	NEC Laboratories Europe	
Dr. Christian Katzenbach	Humboldt Institute for Internet and Society, Berlin	
Prof. Eike Kiltz	Ruhr-Universität Bochum	
Dr. Dennis-Kenji Kipker	European Academy for Freedom of Information and Data Protection	
Prof. Teresa Koloma Beck	Universität der Bundeswehr München	
Dr. Katharina Krombholz	CISPA Helmholtz Center for Information Security	
Prof. Jörn Lamla	Universität Kassel	
Prof. Gregor Leander	Ruhr-Universität Bochum	
Prof. Anja Lehmann	Hasso-Plattner-Institute and University of Potsdam	
Ms. Ninja Marnau	CISPA Helmholtz Center for Information Security	
Prof. Mira Mezini	TU Darmstadt	Member Nat. Acad. of Engineering Sciences
Prof. Patrizia Nanz	University of Potsdam	
Prof. Paul Nolte	Freie Universität Berlin	
Prof. Christof Paar	Max Planck Inst. CyberSec. and Privacy	Fellow IACR and IEEE
Dr. Sebastian Pape	Goethe University Frankfurt	
Dr. Giancarlo Pellegrino	CISPA Helmholtz Center for Information Security	
Prof. Hartmut Pohl	softScheck GmbH	
Dr. Tina Pollmann	TU München	
Prof. Jörn Müller-Quade	KIT Karlsruhe	
Prof. Kai Rannenberg	Goethe University Frankfurt	Vice President IFIP

Prof. Steffen Reith	RheinMain University of Applied Sciences
Prof. Elisa Resconi	TU München
Prof. Alexander Roßnagel	University of Kassel
Prof. M Angela Sasse	Ruhr Universität Bochum
Prof. Ina Schiering	Ostfalia University of Applied Sciences
Prof. Sebastian Schinzel	Münster University of Applied Sciences
Prof. Stefan Schönert	TU München
Prof. Jörg Schwenk	Ruhr University Bochum
Prof. Juraj Somorovsky	Paderborn University
Prof. Christoph Sorge	Universität des Saarlandes
Dr. Ben Stock	CISPA Helmholtz Center for Information Security
Prof. Thorsten Strufe	KIT Karlsruhe and CeTI TU Dresden
Dr. Nils Ole Tippenhauer	CISPA Helmholtz Center for Information Security
Prof. Jilles Vreeken	CISPA Helmholtz Center for Information Security
Prof. Andreas Zeller	CISPA Helmholtz Center for Information Security

Fellow ACM

**India**

Prof. Subhamoy Maitra	Indian Statistical Institute
Dr. Mridul Nandi	Indian Statistical Institute
Prof. Manoj Prabhakaran	IIT Bombay
Dr. Somitra Kr. Sanadhyia	IIT Ropar
Prof. Sandeep Kumar Shukla	IIT Kanpur      Fellow IEEE

**Italy**

Prof. Rainer Bauböck	European University Institute, Florence
Prof. Carlo Blundo	Università di Salerno
Prof. Dario Catalano	Università di Catania
Prof. Ciro Cattuto	University of Turin
Prof. Giovanni Comandé	Scuola Superiore Sant'Anna, Pisa
Prof. Mauro Conti	Università di Padova
Prof. Giuseppe Persiano	Università di Salerno
Prof. Daniele Venturi	Sapienza University of Rome
Prof. Ivan Visconti	University of Salerno

**Israel**

Prof. Katya Assaf	Hebrew University
Prof. Yehuda Lindell	Bar-Ilan University
Prof. Benny Pinkas	Bar-Ilan University

**Japan**

Prof. Tetsu Iwata	Nagoya University
Prof. Kazuo Sakiyama	UEC Tokyo

**Luxembourg**

Prof. Peter Y A Ryan	University of Luxembourg
----------------------	--------------------------

**Portugal**

Dr. Manuel Barbosa	University of Porto (FCUP) and INESC TEC
--------------------	--

**Mexico**

Dr. Cuauhtemoc Mancillas-López	CINVESTAV-IPN
Dr. Brisbane Ovilla-Martínez	CINVESTAV-IPN
Dr. Francisco Rodríguez-Henríquez	CINVESTAV-IPN

**The Netherlands**

Prof. Lejla Batina	Radboud University
Prof. Peter Boncz	CWI Amsterdam and VU University Amsterdam



Prof. Jos Baeten	CWI Amsterdam and University of Amsterdam	
Prof. Ronald Cramer	CWI Amsterdam and Leiden University	Fellow IACR
Prof. Joan Daemen	Radboud University	
Prof. Arie van Deursen	TU Delft	
Prof. Aaron Ding	TU Delft	
Dr. Leo Ducas	CWI Amsterdam	
Prof. Michel van Eeten	TU Delft	
Prof. Serge Fehr	CWI Amsterdam and Leiden University	
Prof. Tobias Fiebig	TU Delft	
Prof. Natali Helberger	University of Amsterdam	
Prof. Lisa Herzog	University of Groningen	
Prof. Marijn Janssen	TU Delft	
Prof. Tanja Lange	Eindhoven University of Technology	
Prof. Arno R. Lodder	Vrije Universiteit Amsterdam	
Prof. Veelasha Moonsamy	Radboud University	
Prof. Stefanie Roos	TU Delft	
Prof. Peter Schwabe	Radboud University	
Dr. Benne de Weger	Eindhoven University of Technology	
Dr. Philip Zimmermann	TU Delft	
<b>New Zealand</b>		
Prof. Steven Galbraith	University of Auckland	
<b>Norway</b>		
Prof. Kristian Gjøsteen	NTNU	
<b>Slovenia</b>		
Prof. Marko Holbl	University of Maribor	
<b>Spain</b>		
Prof. Manuel Carro	IMDEA Software Institute and Technical University of Madrid	
Prof. Ignacio Cascudo	IMDEA Software Institute	
Gemma Galdon Clavell	Eticas Foundation	
Prof. Dario Fiore	IMDEA Software Institute	
Prof. Ramon Lopez de Mantaras	Artificial Intelligence Research Institute	Fellow of EurAI
Prof. Juan Tapiador	UC3M	
Prof. Narseo Vallina-Rodriguez	IMDEA Networks Institute	
Prof. María Isabel González Vasco	Universidad Rey Juan Carlos	
<b>Sweden</b>		
Prof. Rose-Mharie Ahlfeldt	University of Skövde	
Dr. Matthias Beckerle	Karlstad University	
Prof. Simone Fischer-Hübner	Karlstad University	
Dr. Leonardo Martucci	Karlstad University	
Mr. Linus Nordberg	DFRI	
Dr. Tobias Pulls	Karlstad University	
<b>Switzerland</b>		
Prof. David Basin	ETH Zurich	Fellow ACM
Dr. Peter Berlich	ZHAW	
Dr. Jan Beutel	ETH Zurich	
Prof. Edouard Bugnion	EPFL	Fellow ACM
Prof. Christian Cachin	University of Bern	Fellow ACM and IEEE
Prof. Srdjan Čapkun	ETH Zurich	Fellow ACM
Prof. Bryan Ford	EPFL	
Prof. Dennis Hofheinz	ETH Zurich	
Prof. Jean-Pierre Hubaux	EPFL	Fellow ACM and IEEE
Prof. James Larus	EPFL	Fellow ACM

Prof. Ueli Maurer  
 Prof. Adrian Perrig  
 Prof. Kenny Paterson  
 Prof. Mathias Payer  
 Prof. Kaveh Razavi  
 Prof. Marcel Salathé  
 Prof. Carmela Troncoso

ETH Zurich  
 ETH Zurich  
 ETH Zurich  
 EPFL  
 ETH Zurich  
 EPFL  
 EPFL

Fellow ACM, IACR and IEEE  
 Fellow ACM  
 Fellow IACR

**United Arab Emirates**  
 Prof. Christina Pöpper

New York University, Abu Dhabi.

**United Kingdom**

Prof. Martin Albrecht  
 Dr. Reuben Binns  
 Prof. Lorenzo Cavallaro  
 Prof. Liqun Chen  
 Prof. Carlos Cid  
 Dr. Jennifer Cobbe  
 Prof. Jon Crowcroft  
 Prof. George Danezis  
 Prof. Lillian Edwards  
 Prof. Flavio Garcia  
 Dr. Robert Granger  
 Dr. Jassim Happa  
 Dr. Rikke Bjerg Jensen  
 Dr. Philipp Jovanovic  
 Prof. Aggelos Kiayias  
 Prof. Christopher Marsden  
 Prof. Keith Martin  
 Prof. Ivan Martinovic  
 Dr. Tim Muller  
 Dr. Dan Page  
 Dr. Elizabeth Quaglia  
 Prof. Mark D. Ryan  
 Prof. Burkhard Schafer  
 Prof. Steve Schneider  
 Dr. Jat Singh  
 Prof. Max Van Kleek  
 Dr. Michael Veale  
 Prof. Alan Woodward  
 Dr. Vassiles Zikas

Royal Holloway, University of London  
 University of Oxford  
 King's College London  
 University of Surrey  
 Royal Holloway, University of London  
 University of Cambridge  
 University of Cambridge FRS, FREng Fellow ACM and IEEE  
 UCL  
 Newcastle University  
 University of Birmingham  
 University of Surrey  
 Royal Holloway, University of London  
 Royal Holloway, University of London  
 UCL  
 University of Edinburgh  
 University of Sussex  
 Royal Holloway, University of London  
 University of Oxford  
 University of Nottingham  
 University of Bristol  
 Royal Holloway, University of London  
 University of Birmingham  
 University of Edinburgh  
 University of Surrey Fellow IET  
 University of Cambridge  
 University of Oxford  
 UCL  
 University of Surrey Fellow BCS and InstP  
 University of Edinburgh

**United States of America**

Prof. Alessandro Acquisti  
 Dr. Johanna Amann  
 Prof. Adam Bates  
 Prof. Lujo Bauer  
 Prof. Mihir Bellare  
 Prof. Daniel J. Bernstein  
 Prof. Matt Blaze  
 Prof. Vincent Bindschaedler  
 Prof. Dan Boneh  
 Prof. Kevin Butler  
 Dr. Jon Callas  
 Prof. L. Jean Camp  
 Prof. Ran Canetti  
 Deirdre Connolly  
 Prof. Nicolas Christin

Carnegie Mellon University  
 ICSI  
 Uni. of Illinois at Urbana-Champaign  
 Carnegie Mellon University  
 UC San Diego Fellow ACM and IACR  
 University of Illinois at Chicago  
 Georgetown University  
 University of Florida  
 Stanford University Fellow ACM, IACR, US Nat. Acad. of Eng.  
 University of Florida  
 ACLU  
 Indiana University  
 Boston University  
 Zcash Foundation  
 Carnegie Mellon Uni.



Prof. Lorrie Cranor	Carnegie Mellon Uni. Fellow ACM and IEEE
Prof. Anupam Das	North Carolina State Uni.
Prof. Srinivas Devadas	MIT Fellow ACM and IEEE
Prof. Sven Dietrich	City University of New York
Prof. Marten van Dijk	University of Connecticut and CWI
Prof. Jintai Ding	University of Cincinnati
Roger Dingledine	The Tor Project
Dr. Roel Dobbe	AI Now Institute (New York)
Prof. Manuel Egele	Boston University
Prof. William Enck	North Carolina State Uni.
Prof. Shyam Gollakota	University of Washington
Prof. Matthew D. Green	Johns Hopkins University
Prof. Rachel Greenstadt	New York University
Prof. Giulia Fanti	Carnegie Mellon University
Prof. Dean Foster	Uni. of Pennsylvania Fellow IMS and Game Theory Society
Prof. Michael Franz	UC Irvine Fellow AAAS, ACM, IEEE, and IFIP
Prof. Britta Hale	Naval Postgraduate School
Dr. Mike Hamburg	Rambus
Dr. Helena Handschuh	Rambus Fellow
Prof. Trent Jaeger	Pennsylvania State University
Prof. Somesh Jha	Uni. of Wisconsin, Madison
Prof. Sham Kakade	University of Washington
Prof. Aniket Kate	Purdue University
Prof. Jonathan Katz	George Mason Uni. Fellow IACR
Dr. Hugo Krawczyk	Algorand Foundation Fellow IACR
Dr. Kristin E. Lauter	Microsoft Research Fellow AMS, SIAM and AWM
Prof. Susan Landau	Tufts University Fellow ACM and AAAS
Prof. Tadayoshi Kohno	University of Washington
Dr. John Langford	Microsoft Research President of ICML
Dr. Timothy Libert	Carnegie Mellon University
Prof. Anna Lysyanskaya	Brown University
Prof. David Mazières	Stanford University
Prof. Michelle Mazurek	University of Maryland, College Park
Prof. Patrick McDaniel	Pennsylvania State Uni.
Prof. Prateek Mittal	Princeton University
Prof. Rafail Ostrovsky	UCLA Fellow IACR, IEEE, Member Academia Europea
Prof. Aanjan Ranganathan	Northeastern University
Prof. Bradley Reaves	North Carolina State Uni.
Prof. Franziska Roesner	University of Washington
Prof. Phil Rogaway	UC Davis Fellow IACR
Mr. Gregory Rose	Deckard Technologies, Inc.
Prof. Norman Sadeh	Carnegie Mellon University
Prof. Alessandra Scafuro	North Carolina State Uni.
Prof. Patrick Schaumont	Worcester Polytechnic Institute
Prof. Micah Sherr	Georgetown University
Prof. Thomas Shrimpton	University of Florida
Prof. Dawn Song	Fellow ACM, IEEE
Prof. Philip B. Stark	UC Berkeley Fellow ASA, Inst. Phys. and Royal Astronomy Soc.
Prof. Stefano Tessaro	University of Washington
Prof. Patrick Traynor	University of Florida
Prof. Lyle Ungar	University of Pennsylvania
Henry de Valence	Zcash Foundation
Prof. Mayank Varia	Boston University
Prof. XiaoFeng Wang	Indiana University Fellow IEEE
Mr John Wilkinson	MIT
Prof. Byron Williams	University of Florida
Prof. Laurie Williams	N. Carolina State Uni. Fellow IEEE
Prof. Matthew Wright	Rochester Institute of Technology

## Appendix:

Privacy-preserving decentralized methods of the type referred to in this document include:

**DP-3T:** <https://github.com/DP-3T>

**TCN Coalition:** <https://tcn-coalition.org/>

**PACT (MIT):** <https://pact.mit.edu/>

**PACT (UW):** <https://covidsafe.cs.washington.edu/>

All these teams are committed to working together to make their systems interoperate. They aim to provide different decentralized privacy preserving methods which can be adapted by countries depending on their local situation. By working together they can ensure that using contact tracing in the effort to defeat COVID-19 can be done in a way that protects privacy.

Any media contacts should be sent to one of

US Press:	James Larus:
EU Press:	Kenny Paterson:
UK Press:	Michael Veale:
RoW:	Nigel Smart:
Dutch/French	Bart Preneel:
German:	Cas Cremers:
Spanish:	Carmela Troncoso:
Italian:	Dario Fiore:



Prof. Dongyan Xu  
Prof. Xiangyu Zhang

Purdue University  
Purdue University

78

## Appendix:

Privacy-preserving decentralized methods of the type referred to in this document include:

**DP-3T:** <https://github.com/DP-3T>

**TCN Coalition:** <https://tcn-coalition.org/>

**PACT (MIT):** <https://pact.mit.edu/>

**PACT (UW):** <https://covidsafe.cs.washington.edu/>

All these teams are committed to working together to make their systems interoperate. They aim to provide different decentralized privacy preserving methods which can be adapted by countries depending on their local situation. By working together they can ensure that using contact tracing in the effort to defeat COVID-19 can be done in a way that protects privacy.

Any media contacts should be sent to one of

US Press:	James Larus:
EU Press:	Kenny Paterson:
UK Press:	Michael Veale:
RoW:	Nigel Smart:
Dutch/French	Bart Preneel:
German:	Cas Cremers:
Spanish:	Carmela Troncoso:
Italian:	Dario Fiore:

This document is referred to as

Administrative Document

Approved of Signature: *Arthur A. Abrial*

*Don G*  
Oath Commissioner

*T.C.*  
*8/1*

(79)

TECH

Answer- H

Tomorrow's tech policy conversations today

About TechStream | Stay Informed

## Contact-tracing apps are not a solution to the COVID-19 crisis

April 27, 2020 | Ashkan Soltani, Ryan Celis, and Carl Bergstrom



The unprecedented threat from the novel coronavirus has confined many Americans to their homes, distancing them from one another at great cost to local economies and personal well-being. Meanwhile the pressure grows on American institutions to do something—anything—about the pandemic.

Encouraged by the White House, much of that pressure to act has focused on Silicon Valley and the tech industry, which has responded with a fragile digital solution. Tech companies and engineering departments at major universities are pinning their hopes of returning Americans to work and play on the promise of smartphone apps. Coronavirus? There's an app for that.

We are concerned by this rising enthusiasm for automated technology as a centerpiece of infection control. Between us, we hold extensive expertise in technology, law and policy, and epidemiology. We have serious doubts that





voluntary, anonymous contact tracing through smartphone apps—as Apple, Google, and faculty at a number of academic institutions all propose—can free Americans of the terrible choice between staying home or risking exposure. We worry that contact-tracing apps will serve as vehicles for abuse and disinformation, while providing a false sense of security to justify reopening local and national economies well before it is safe to do so. Our recommendations are aimed at reducing the harm of a technological intervention that seems increasingly inevitable.

We have no doubts that the developers of contact-tracing apps and related technologies are well-intentioned. But we urge the developers of these systems to step up and acknowledge the limitations of those technologies before they are widely adopted. Health agencies and policymakers should not over-rely on these apps and, regardless, should make clear rules to head off the threat to privacy, equity, and liberty by imposing appropriate safeguards.

Proposals to combat coronavirus using smartphones largely focus on facilitating the process of “contact tracing.” Contact tracing involves working backward from infected cases to identify people who may have been exposed to disease, so that they can be tested, isolated, and—when possible—treated. Traditional contact tracing is a labor-intensive process of interviews and detective work. Some countries such as Singapore, South Korea and Israel have enlisted technology, including mobile apps, to facilitate contact tracing of coronavirus cases, and this idea is now catching on in the United States. North Dakota and Utah have released voluntary contact-tracing apps that rely on tracking users’ location as they move about, and the consulting firm PwC has begun promoting a contact-tracing tool to permit employers to screen which employees can return to work. Several American technology companies and institutions of higher learning are developing the infrastructure that would permit automated contact tracing of a sort, while also avoiding certain privacy concerns.

Contact tracing can be an important component of an epidemic response especially when the prevalence of infection is low. Such efforts are most effective where testing is rapid and widely available and when infections are relatively rare—conditions that are currently unusual in the United States. Ideally, manual contact tracing by trained professionals can help identify candidates for testing and quarantine to help contain the spread of coronavirus.

The lure of automating the painstaking process of contact tracing is apparent. But to date, no one has demonstrated that it’s possible to do so reliably despite numerous concurrent attempts. Apps that notify participants of disclosure could, on the margins and in the right conditions, help direct testing resources to those at higher risk. Anything else strikes us as implausible at best, and dangerous at worst.

In response to increased pressure from the Trump administration on technology platforms to share data, Apple and Google have proposed an application programming interface (or “API”) for conducting contact tracing using mobile phones, which they describe as a system to provide “exposure notification” to users once they’ve been diagnosed or self-report as infected. The Apple-Google API supports the specific functionality of warning participants if their phone has been near the phone of a person who reported being COVID-19 positive. To be clear, the companies are not planning to develop an app themselves, which would require addressing some of the more challenging issues around how to verify that a user has been infected and what policies to suggest when individuals are alerted to being “in contact” with an infected individual. Ultimately, they have left it up to public health officials, or whoever else develops the apps, to determine their functionality and uses—subject, of course, to the constraints of the platform.

We and many others have pointed out a host of pitfalls for voluntary, self-reported coronavirus apps of the kind Apple, Google, and others contemplate. First, app notifications of contact with COVID-19 are likely to be simultaneously both over- and under-inclusive. Experts in several disciplines have shown why mobile phones and their sensors make for imperfect proxies for coronavirus exposure. False positives (reports of exposure when none existed) can arise easily. Individuals may be flagged as having contacted one another despite very low possibility of transmission—such as when the individuals are separated by walls porous enough for a Bluetooth signal to penetrate. Nor do the systems account for when individuals take precautions, such as the use of personal protective equipment, in their interactions with others.

Even among true contact events, most will not lead to transmission. Studies suggest that people have on average about a dozen close contacts a day—incidents involving direct touch or a one-on-one conversation—yet even in the





absence of social distancing measures the average infected person transmits to only 2 or 3 other people throughout the entire course of the disease. Fleeting interactions, such as crossing paths in the grocery store, will be substantially more common and substantially less likely to cause transmission. If the apps flag these lower-risk encounters as well, they will cast a wide net when reporting exposure. If they do not, they will miss a substantive fraction of transmission events. Because most exposures flagged by the apps will not lead to infection, many users will be instructed to self-quarantine even when they have not been infected. A person may put up with this once or twice, but after a few false alarms and the ensuing inconvenience of protracted self-isolation, we expect many will start to disregard the warnings. Of course this is a problem with conventional contact tracing as well, but it can be managed with effective direct communication between the contact tracer and the suspected contact.

At least as problematic is the issue of false negatives—instances where these apps will fail to flag individuals as potentially at risk even when they've encountered someone with the virus. Smartphone penetration in the United States remains at about 81 percent—meaning that even if we had 100 percent installation of these apps (which is extremely unlikely without mandatory policies in place), we would still only see a fraction of the total exposure events (65 percent according to Metcalf's Law). Furthermore, people don't always have their phones on them. Imagine the delivery person who leaves her phone in the car. Or consider that the coronavirus can be transmitted via the surfaces on which it lingers long after a person and their phone has left the area. The people in the highest risk groups—the aging or under-resourced—are perhaps least likely to download the app while needing safety most. Others may download the app but fail to report a positive status—out of fear, because they are never tested, or because they are among the significant percentage of carriers who are asymptomatic.

Contact-tracing apps therefore cannot offer assurance that going out is safe, just because no disease has been reported in the vicinity. Ultimately, contact tracing is a public health intervention, not an individual health one. It can reduce the spread of disease through the population, but does not confer direct protection on any individual. This creates incentive problems that need careful thought: What is in it for the user who will sometimes be instructed to miss work and avoid socializing, but does not derive immediate benefits from the system?

Some of the contact-tracing frameworks have been designed with security and privacy in mind, to some degree. The Apple-Google proposal, for example, stores the information about what "contacts" the device has made on each users' device, rather than reporting that information to a central server as is the case with some of the other approaches. This "decentralized" architecture isn't completely free of privacy and security concerns, however, and actually opens apps based on these APIs to new and different classes of privacy and security vulnerabilities. For example, because these contact-tracing systems reveal health status in connection with a unique (if rotating) identifier, it is possible to correlate infected people with their pictures using a stationary camera connected to a Bluetooth device in a public place.

And finally, the issue of malicious use is paramount—particularly given this current climate of disinformation, astroturfing, and political manipulation. Imagine an unscrupulous political operative who wanted to dampen voting participation in a given district, or a desperate business owner who wanted to stifle competition. Either could falsely report incidences of coronavirus without much fear of repercussion. Trolls could sow chaos for the malicious pleasure of it. Protesters could trigger panic as a form of civil disobedience. A foreign intelligence operation could shut down an entire city by falsely reporting COVID-19 infections in every neighborhood. There are a great many vulnerabilities underlying this platform that have still yet to be explored.

Though technologists at Apple, Google, and a number of academic institutions have given some thought in their planning documents to the possibility that their tools could be exploited and abused, they need to be much more candid about the limitations of the technology—including the fact that these approaches should never be used in isolation, if they are used at all. Like thermometers, tires, and many other products that operate safely only within a specific range, these apps should come with a warning about their many points of failure.

There is also a very real danger that these voluntary surveillance technologies will effectively become compulsory for any public and social engagement. Employers, retailers, or even policymakers can require that consumers display the results of their app before they are permitted to enter a grocery store, return back to work, or use public services—is as slowly becoming the norm in China, Hong Kong, and even being explored for visitors to Hawaii.



Taken with the false positive and "griefing" (intentionally crying wolf) issues outlined above, there is a real risk that these mobile-based apps can turn unaffected individuals into social pariahs, restricted from accessing public and private spaces or participating in social and economic activities. The likelihood that this will have a disparate impact on those already hardest hit by the pandemic is also high. Individuals living in densely populated neighborhoods and apartment buildings—characteristics that are also correlated to non-white and lower income communities—are likelier to experience incidences of false positives due their close proximity to one another.

Therefore, we urge developers of contact-tracing apps, as well the companies enabling their development, to be candid about the limitations and implications of the technology. To be ethical stewards of these new public health tools, they must also provide explicit guidelines and "best practice" recommendations for the development of the apps. These should include recommendations for how back-end systems should be secured and how long data should be retained, criteria for what public health entities can qualify to use these technologies, and explicit app store policies for what additional information, such as GPS or government ID numbers, can be collected. They should adopt commonly accepted practices such as security auditing, bug bounties, and abusability testing to identify vulnerabilities and unintended consequences of a potentially global new technology. Finally, app creators—as well as the platforms that enable these applications—should make explicit commitments for when these apps and their underlying APIs will be sunsetted.

There is also a role for law and official policy. If we are to use technology to combat coronavirus, it is critical that we do so with adequate safeguards in place. Here we mean traditional safeguards, such as judicial oversight and sunset provisions that guard against mission creep or limitations on secondary use and data retention that protect consumer privacy. We agree with our colleagues at the Civil Liberties Oversight Board that coronavirus surveillance should learn from the lessons of 9/11. But we also see a role of law and policy in policing against an all too plausible dystopia that technological solutions could enable.

Lawmakers, for their part, must be proactive and rapidly impose safeguards with respect to the privacy of data, while protecting those communities who can be—and historically have been—harmed by the collection and exploitation of personal data. Protections need to be put in place to expressly prohibit economic and social discrimination on the basis of information and technology designed to address the pandemic. For example, academics in the United Kingdom have proposed model legislation to prevent compulsory or coerced use of these untested systems to prevent people from going back to work, school, or accessing public resources. The prospect of surveillance during this crisis only serves to reveal how few safeguards exist to consumer privacy, especially at the federal level.

At the end of the day, no clever technology—standing alone—is going to get us out of this unprecedented threat to health and economic stability. At best, the most visible technical solutions will do more than help on the margin. At a minimum, it is the obligation of their designers to ensure they do no harm.

*Ashkan Soltani is an independent researcher and technologist specializing in privacy, security, and behavioral economics. He was previously a senior advisor to the U.S. Chief Technology Officer, the chief technologist for the Federal Trade Commission, and a contributor to the Washington Post team that in 2014 won a Pulitzer Prize for its coverage of national-security issues.*

*Ryan Calo is a professor of law at the University of Washington, with courtesy appointments in computer science and information science and the co-founder of two interdisciplinary research initiatives,*

*Carl Bergstrom is a professor of biology at the University of Washington with extensive experience in the epidemiology of emerging infectious diseases, which he is integrating into ongoing research on spread of disinformation through social and traditional media channels during the SARS-CoV-2 pandemic.*

This document is referred to as

Signature/Document 11 in the

Appendix of Evidence Annex A. Arnold

Annex A  
Oath Commissioner



Ministry of Railways  
@RailMinIndia

83

Anneer-J ✓

Indian Railways is going to start few passenger trains services. It is mandatory for passengers to download Aarogya Setu app in their mobile phones, before commencing their journey

Download this app now -

Android :

[play.google.com/store/apps/details?id=com.rail.aarogya](https://play.google.com/store/apps/details?id=com.rail.aarogya)

IOS :

[apps.apple.com/in/app/aarogya-setu/id1451660000](https://apps.apple.com/in/app/aarogya-setu/id1451660000)



12:24 AM · May 12, 2020 · Twitter for iPhone

This document is referred to as

Annexure/Document \_\_\_\_\_ in the

Affidavit of Annexure A, Annexure

Annexure A, Annexure  
Oath Commissioner

TC  
X





Press Information Bureau  
Government of India

(84)

Aonema - K

Submit for Fact Check



Ministry of Railways

## Guidelines for Train Services beginning on 1st June 2020

Graded Restoration of Train services .

Move to help migrants as well who wish to travel other than Shramik Trains.

These rules are for trains other than Shramik trains, which will continue to run in bigger numbers.

100 pairs of Trains listed.

Norms made for Booking of Tickets & Charting, Quota, Concessions, Cancellation & Refunds, Health Screening, Catering, Linen etc

Booking of all these trains will commence from 10 am on 21/05/20.

Other regular Passenger services including all mail/express, passenger and suburban services shall remain cancelled until further advice.

There will be no unreserved coach in the train.



Fare shall be as normal and for General (GS) coaches, being reserved, second seating(2S) fare shall be charged and seat will be provided to all the passengers.

Only online E-Ticketing will be done through IRCTC website or through Mobile App. No tickets will be booked across the reservation counter on any Railway Station.

The ARP (advance reservation period) shall be maximum 30 days.

Only passengers with Confirmed tickets shall be allowed to enter the Railway station.

Screening to be done before boarding and only asymptomatic passengers are allowed to enter /board the train.

Concessions for four categories of Divyangjan concession and 11 categories of patient concessions are permitted in these special trains.

On arrival at their destination, the travelling passengers will have to adhere to such health protocols as are prescribed by the destination state/UT

No Linen, blankets and curtains shall be provided inside the train.

Posted On: 20 MAY 2020 10:25PM by PIB Delhi

Ministry of Railways (MoR) in consultation with Ministry of Health & Family welfare (MoHFW) and Ministry of Home Affairs(MHA) has decided that train services on Indian Railways shall be further partially restored w.e.f. from 01st June 2020.



86

Indian Railways will start operations of 200 passenger services as listed in the annexure (attached below). These trains shall run from 1/6/2020 and booking of all these trains will commence from 10 am on 21/05/20.

These special services shall be in addition to the existing Shramik special trains being run since 01st May and Special AC trains (30 trains) being run since 12th May 2020.

Other regular Passenger services including all mail/express, passenger and suburban services shall remain cancelled until further advice.

**Train Type:** Special trains on the pattern of Regular Trains

These will be fully reserved trains having both AC & Non AC classes. General (GS) coaches shall also have reserved seat for sitting. There will be no unreserved coach in the train.

Fare shall be as normal and for General (GS) coaches, being reserved, second seating(2S) fare shall be charged and seat will be provided to all the passengers.

**Booking of Tickets & Charting:**

- i. Only online E-Ticketing will be done through IRCTC website or through Mobile App. No tickets will be booked across the reservation counter on any Railway Station. Booking of tickets through 'agents', (both IRCTC Agents and Railway Agents) shall not be permitted.
- ii. The ARP (advance reservation period) shall be maximum 30 days.
- iii. RAC and Wait list will be generated as per extant rules however waiting list ticket holders shall not be permitted to board the train.
- iv. No unreserved (UTS) tickets will be issued and no tickets will be issued onboard to any passenger during the journey.
- v. No tatkal and premium tatkal booking shall be permitted in these trains.
- vi. First chart shall be prepared at least 4 hours before scheduled departure and second chart shall be prepared at least 2 hours (unlike present practice of 30 minutes) before scheduled departure. Only online current booking shall be permitted in between first and second chart preparation.
- vii. All passengers shall be compulsorily screened and only asymptomatic passengers are allowed to enter /board the train.
- viii. Passengers travelling by these special services will observe the following precautions :
  1. Only passengers with Confirmed tickets shall be allowed to enter the Railway station.
  2. All passengers must wear face covers/masks at the entry and during travel.
  3. The passengers shall reach the station at-least 90 minutes in advance to facilitate thermal screening at the station. Only passengers who are found asymptomatic will be permitted to travel.
4. Passengers shall observe social distancing both at the station and on trains.
5. On arrival at their destination, the travelling passengers will have to adhere to such health protocols as are prescribed by the destination state/UT

(27)

**Quota Permitted:**

All quotas shall be permitted in these special trains as has been permitted in Regular trains. Limited number of reservation (PRS) counters shall be operated for this purpose. However, normal ticket booking cannot be done through these counters.

**Concessions:** Only four categories of Divyangjan concession and 11 categories of patient concessions are permitted in these special trains..

**Cancellation and Refund rule:** Railway Passengers (Cancellation of Ticket and Refund of Fare) Rules, 2015 shall be applicable.

In addition following instructions already issued regarding Refund of fare in case passenger is not found fit for travelling due to symptoms of Corona shall remain applicable.

As per MHA guidelines all passengers shall be compulsorily screened and only asymptomatic passengers shall be allowed to enter/board the train.

If during screening a passenger has very high temperature/symptoms of Covid-19 etc., he shall not be allowed to travel despite having confirmed tickets. In such case full refund shall be provided to passenger as under:-

- (i) On PNR having single passenger.
- (ii) On a party ticket if one passenger is found unfit to travel and also all other passengers on the same PNR do not want to travel in that case full refund shall be granted for all passengers.
- (iii) On a party ticket if one passenger is found unfit to travel however other passengers on the PNR want to travel in that case full refund of fare shall be granted to passenger who was not allowed to travel.

For all the above cases, TTE certificates as per extant practice shall be issued to the passenger at the entry/checking/screening point itself mentioning "Number of passengers not travelled due to symptoms of Covid 19 in one or more passengers"

After getting TTE certificates, online TDR shall be filed for refund of not travelled passengers, within 10 days from the date of journey and the original

TTE certificate issued shall be sent by the passenger to IRCTC as per extant provision and full fare for the part passenger/full who have not travelled shall be refunded by IRCTC in the customer's account.

For the above purpose, CRIS and IRCTC shall make necessary changes for filing of TDR for non-travelling passengers due to covid-19 symptoms. One option 'part/full passenger not allowed to travel by Railways due to very high temperature/covid-19 symptoms' will be available.

**Catering:**

No catering charges shall be included in the fare. Provision for pre paid meal booking, e-catering shall be disabled. However, IRCTC shall make provision for limited eatables and packaged drinking water on payment basis only in limited trains, having Pantry car attached. Information to this effect shall be made available to passengers during time of booking ticket.

Passengers are encouraged to carry their own food and drinking water.

All static catering and vending units (Multi Purpose stalls, Bookstalls, Misc./Chemist stalls



88

etc) at Railway stations will remain open. In case of Food Plaza and Refreshments rooms etc, cooked items may be served as take away only with no sit-down eating arrangements in place.

#### Linen and Blanket:

No Linen, blankets and curtains shall be provided inside the train. Passengers are advised to carry their own linen for the travel. The temperature inside AC coaches shall be suitably regulated for this purpose.

Zonal Railways have been instructed to ensure that there are separate entry and exit gates at Railway stations to the extent feasible so that there is no face to face movement of passengers. Zonal railways will be guided by standard social distancing guidelines on stations and trains and observe the safety, security and hygiene protocols.

All passengers must download and use the Aarogya Setu application. Passengers are advised to travel light.

As per MHA guidelines the movement of the passenger(s) as well as the driver of the vehicle transporting the passenger(s) to and fro the Railway Station shall be allowed on the basis of the confirmed e-ticket.

#### Link of Annexure

\*\*\*

DJN/MKV

(Release ID: 1625585) Visitor Counter : 3551

Read this release in: Punjabi, Marathi, Hindi, Assamese, Kannada, Urdu, Odia, Tamil, Telugu



Contribute in  
India's fight  
with COVID-19



Download  
Aarogya Setu App  
Available on: [Google Play](#)  
[Download Now](#)

**PM CARES**  
FUND  
Donate to PM CARES Fund  
[Donate Now](#)



Download PIB APP



PORTAL FOR  
PUBLIC  
GRIEVANCES

GOI web directory

This document is referred to as  
Annexure Document K

Signature of Secretary, Government of India

23/05/20, 10:09 am

Signature  
Oath Commission

No. AV.29017/5/2020-DT

Government of India  
Ministry of Civil aviation

Rajiv Gandhi Bhawan,  
New Delhi-110021  
Dated 21<sup>st</sup> May, 2020

Order

The Government has decided for recommencement of domestic air travel of passengers with effect from 25th May 2020. In order to ensure safety of the passengers during prevailing circumstances due to COVID19 pandemic, precautionary measures need to be taken by various stakeholders. Accordingly, General Instructions; Guidelines to be followed by passengers; and Specific Operating Guidelines for major stakeholders (Airlines, Airport Operators, Ground Handling Agencies, etc.) are annexed for compliance of all concerned.

This is issued with the approval of Hon MOS (I/C), Civil Aviation.

*Usha Padhee*  
Joint Secretary 21/05/2020

Annexure I: General instructions for commencement of domestic air travel.  
Annexure II: The detailed guidelines to be followed by air passengers.  
Annexure III: Specific operating guidelines for major stakeholders.

To:

1. The Secretaries of Ministries/Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories

Copy to:

1. Secretary, Ministry of Civil Aviation



90



2. PS to Hon MOS (I/C), Civil Aviation
3. DG, DGCA
4. DG, BCAS
5. Other concerned officials and stakeholders (as per standard circulation)

Usha Paul  
21/05/2020

**Annexure-I****General Instructions for commencement of domestic air travel**

Air travel of passengers, both domestic and international, has been prohibited since 25<sup>th</sup> March 2020. Now it has been decided by Government that domestic air travel of passengers shall resume with effect from 25<sup>th</sup> May, 2020 (order of MHA dated 20<sup>th</sup> May, 2020). Accordingly, Ministry of Civil Aviation has developed general instructions and detailed guidelines for air travel of passengers and major stakeholders (Airlines, Airports, Security Agencies, Ground Handling Agencies and Health Authorities, etc.) by incorporating necessary safeguards in consultation with Experts and Stakeholders.

**General Instructions:**

- a. On the day of commencement, limited operations (about 1/3<sup>rd</sup>) would be permitted.
- b. Further augmentation of flights will be done in a calibrated manner.
- c. Vulnerable persons, such as very elderly, pregnant ladies, passengers with health issues are advised to avoid air travel.
- d. No physical check-in at airport counters would be done. Only those passengers with confirmed web check-in shall be allowed to enter the airport.
- e. Airlines should adhere to the lower and upper limits of fares prescribed by the Ministry during the period of COVID-19 pandemic.
- f. A self-declaration/ *Aarogya Setu* App status (for compatible device) would also be obtained that the passenger is free of COVID-19 symptoms. Passengers with "Red" status in *Aarogya Setu* App would not be permitted to travel.
- g. Passengers will be required to wear the protective gear (Face mask).
- h. The airlines shall not provide meal services on board.
- i. The cabin crew are required to be in full protective suit.
- j. Only one check-in bag will be allowed.
- k. No newspaper or magazine shall be provided on board by the airlines.
- l. Use of baggage trolleys has to be minimised.
- m. Passengers should report at least two hours before the departure time.

*Aditya Padhee*  
21/05/2020



92



- n. Airline shall furnish the passengers manifest in the prescribed format to the State / UT Governments as per their requirement.
- o. The detailed guideline to be followed by passengers is at Annexure-II. For the sake of convenience of passengers, the guidelines have been divided into four parts.
  - 1. Origin to airport.
  - 2. At the airport.
  - 3. In the aircraft.
  - 4. From airport to destination.
- p. Specific operating guidelines are communicated for major stakeholders (Airlines, Airports, Ground Handling Agencies, etc.) is at Annexure-III.

*26/5/2020* *Pandit*  
*21/05/2020*

93

2

## Annexure-II

**The detailed guidelines to be followed by air passengers:** Mentioning the movement of a passenger from the origin to the destination.

### **1. From Origin to Airport**

- a. Passengers should familiarize themselves about the new procedures at the airport. Especially, about the norms of social distancing, minimum touch, baggage limitations, COVID-19 declaration, registering on *Aarogya Setu* App, digital payments, use of authorized taxis. Expect slower processes and hence avoid last minute reaching the airport.
- b. Passenger to ensure that he/she has made a web check-in and obtained a boarding pass. He/she should also download the baggage tag /baggage identification number.
- c. In the initial stage passenger would be entitled to carry maximum of one hand baggage and one checked-in baggage as per the specifications by the airline of his travel.
- d. Passengers, before entering the terminal, to ensure wearing of protective gear, as per the prevailing requirement. He will continue to wear the mask throughout the journey.
- e. Passenger to report at the airport as per revised reporting time i.e. D - 2 hours.
- f. Passenger should travel in an authorized taxi/personal vehicle following the norms specified by MHA.
- g. During transit to airport, the passenger should take all precautions to prevent infection.
- h. The passenger shall not travel if he/she is staying in a containment zone. Also, they should not travel if they have been tested positive for COVID-19. The passengers are expected to certify the status of their health through the *Aarogya Setu* app or a self-declaration form.
- i. If a passenger who is not permitted to fly, undertakes an air journey he/she shall be liable for penal action.
- j. The passenger shall give a declaration to the following effect:
  - i. I/we am/are not residing in any containment zone.
  - ii. I/we am/are not suffering from any fever/cough/any respiratory distress.
  - iii. I/we am are not under quarantine.
  - iv. If I/we develop any of the above-mentioned symptoms I shall contact the concerned health authorities, immediately.
  - v. I/we have not tested COVID-19 positive in last two months.
  - vi. I/we am eligible to travel as per the extant norms.

*2/5/20*  
*21/05/2020*



94



- vii. I/we make my mobile number / contact details available to the airlines whenever required by them.
- viii. I/we understand that if I/we undertake the air journey without meeting the eligibility criteria, I/we would be liable to penal action.
- ix. I/we undertake to adhere to the health protocol prescribed by the destination State / UT.
- k. The airlines shall ensure that the boarding pass is issued only after the declaration given above has been made by the passenger. In case of a PNR having more than one passenger, the declaration would be deemed to be covering all the passengers mentioned in the PNR.
- l. The passenger shall print the baggage tag and affix it on the bag at a prominent place. In case he/she is not able to print the baggage tag the PNR number and the name of the passenger (as mentioned in the ticket) should be boldly written on a piece of thick paper and affixed to the bag or tag it with the help of a strong string.
- m. Passengers are advised to carry minimum baggage as use of trolleys would be permitted sparingly.

2. **At the Airport:**

a. **Entering the terminal building.**

- i. The passenger should get down from his/her vehicle with the face mask on and with the required documents/e-documents. He would continue to wear his mask throughout the journey.
- ii. He/she walk in the forecourt area and arrive at the thermal screening facility near the entry gate.
- iii. He should get himself/herself checked for temperature. This will be done by a designated staff of the Airport. The status of "Aarogya Setu" should be displayed to the staff.
- iv. In case of non-availability of *Aarogya Setu*, the passenger should be facilitated to go a counter provided by the airport where *Aarogya Setu* can be downloaded. Children below fourteen years of age would be exempt from this requirement.
- v. The passenger shall, then, move to the CISF counter at the entry check-point. He/she shall display/show his identity card, the boarding pass/-e-boarding pass to the CISF staff. The CISF staff on confirming the identity of the person shall allow him/her in.
- vi. The passenger shall then proceed to the baggage drop counter.
- vii. At the baggage drop counter the passenger shall display the PNR and his/her identification to the staff. The passenger shall also show/indicate the PNR number written/printed on his/her baggage to the staff. Upon confirmation, the staff shall print the baggage tag, attach it on the bag and accept the bag. Instead of issuing a printed receipt to

Under Passes  
21/05/2020

95

the passenger, an electronic receipt in the form of an SMS shall be sent to the passenger.

- viii. Passengers are mandated to adhere to the single baggage policy in the initial phase.
  - ix. Passengers to adhere to the social distancing which would be specified at the airports through markings like circle, square or tensor barrier as specified at the airport to be used by the passenger.
  - x. Passengers to complete the check-in procedure and baggage drop of at least 60 minutes before departure.
- b. **Security**
- i. Arrangements have been made at airports to guide passengers to walk through the pre-embarkation security screening. Passengers should follow the directions as announced by the authorities.
  - ii. Passengers should divest of all metal on their body to facilitate the security screening. Also, bring only one hand luggage as per specified size allowed by the airlines.
  - iii. Security staff will practice 'minimum touch' concept to reduce physical contact with the passengers. Passengers to cooperate with security staff by following the instructions for their own safety and security.
- c. **Security Hold Area including Lounge, Prayer Room, Kids play area etc.**
- i. Passengers to proceed to security hold area after security screening.
  - ii. While waiting in the security hold area they should maintain social distancing and sanitization protocols. Chairs marked 'Not For Use' should not be occupied.
  - iii. While going around F&B, retail outlets, etc., passengers maintain hygiene and should be aware of the social distancing and locations where sanitizer would be available.
  - iv. Passengers should dispose of all the bio hazardous material like used masks, gloves, tissues etc. in the yellow colored disposable bins/bags placed at strategic locations at the airport.
- d. **Boarding**
- i. Passenger should give attention to the various communication materials displayed at the airport about various health advisories relating to pre-boarding and during the flight precautions.
  - ii. Passenger to collect the safety kit (three layered surgical masks, face shield and sanitizer) from the airlines near the boarding gate. They

7. *Usha Paul*  
21/05/2020



96

96

should wear mask, face shield and sanitize their hands before proceeding to the boarding gate for scanning of the boarding pass.

- iii. Passenger should give attention to boarding announcements and reach the boarding queue by following distancing.
- iv. Check-in of the boarding pass would be done by the passenger by self-scanning of e-boarding pass.
- v. Passengers would be required to show their ID card to the airline staff at the boarding gate.
- vi. Passenger to board the aircraft in a sequential manner as per the announcement by the airlines.

### 3. In the Aircraft

- a. Throughout the flight, hygiene and sanitation to be maintained by the passengers. Face to face interaction to be minimized.
- b. Passenger are advised to minimize use of lavatory and to avoid any non-essential movement in the aisles.
- c. No queuing at the lavatory and only one companion for children and the elderly to be allowed.
- d. No meal services would be made available in the aircraft. Water bottle to be made available in the galley area or on the seats.
- e. Passengers would not be permitted to consume any eatables inside the aircraft during the flight.
- f. Passengers to note that No paper / magazine will be available in the aircraft.
- g. There would be no on-board sale of any item to minimize the physical contacts.
- h. If any passenger feels uncomfortable, fatigued or have cough, it should be brought to the notice of the crew for handling the passenger.

### 4. From Airport to Destination

#### a. Arrival

- i. The disembarkation from the airlines would be sequential and passengers are advised to follow the instructions and not to rush to the exit gate.
- ii. Social distance / sanitation should be maintained at the arrival gate, aerobridges, coaches, jet ladders, ramps etc.
- iii. Trolleys in the arrival area to be used sparingly.

*Usha Padhee*  
21/05/2020

(97)

b. **Baggage Collection**

- i. Passenger to wait at the baggage hold area till the baggage arrives in batches.
- ii. Transit passenger will not be allowed to come out of the transit area.

c. **Exit from Airport**

- i. Passenger should use the authorized taxi maintaining the prescribed hygiene protocols.
- ii. Only authorized taxis are allowed for taking the passenger from the airport.
- iii. Passengers are advised to follow the social distancing and hygiene while travelling in any mode of transportation.
- iv. On arrival at their destination, the travelling passengers will have to adhere to such health protocols as are prescribed by the destination State/ UT.

Vishal Poddar  
21/05/2020





### Annexure III

#### Specific Operating Guidelines for Major Stakeholders (Airlines)

##### Measures to be Taken by the Airlines

1. The Airlines shall make all arrangements so as to ensure that the risk of transmission of COVID-19 virus is minimized. Precautionary measures need to be taken within the aircraft as well at the time of check-in, boarding and arrival at the destination. The airlines shall ensure coordination among the other service providers such as the airports, security agencies, ground handling agencies etc. without comprising on the generality of the above, the airlines shall take the following measures:
2. **Pre-Departure Requirements**
  - a. All airlines to disseminate the information regarding the precautionary measures to be taken by the passengers. This should be done through their web-sites, travel agents, call centres, display at airports, assistance booths at the airports. etc.
  - b. Airlines to train/ educate their staff and the staff of the ground handlers about the various measures that need to be taken.
  - c. Airlines to ensure that their aircraft are sanitized after every trip and at the end of the day, as per the protocol prescribed by the DGCA.
  - d. All airlines to take adequate steps to ensure that all tickets are sold electronically. They should build enough redundancy so as to ensure uninterrupted service to the passengers.
  - e. Educate the passenger about the web check-in process. They should provide alternatives if a passenger does not have a computer at home. Facilities of tele check-in should also be provided.
  - f. Inform all passengers that they will have to necessarily follow a web check-in/ tele check-in process.
  - g. Airlines should devise a system that web-check-in or tele check-in is possible only when the passenger certifies the status of their health through the *Aarogya Setu* App or a self-declaration form. The passenger shall give a declaration to the following effect:
    - i. *I/we am/are not residing in any containment zone.*
    - ii. *I/we am/are not suffering from any fever/cough/any respiratory distress.*
    - iii. *I/we am are not under quarantine.*
    - iv. *If I/we develop any of the above-mentioned symptoms I shall contact the concerned health authorities, immediately.*

*Handwritten signature*  
21/05/2020

99

- v. *I/we have not tested COVID-19 positive in last two months.*
- vi. *I/we am eligible to travel as per the extant norms.*
- vii. *I shall make my mobile number / contact details available to the airlines whenever required by them.*
- viii. *I understand that if I undertake the air journey without meeting the eligibility criteria, I would be liable to penal action.*
- h. The airlines shall ensure that the boarding pass is issued only after the declaration given above has been made by the passenger. In case of a PNR having more than one passenger, the declaration would be deemed to be covering all the passengers mentioned in the PNR.
- i. The airlines shall keep a record of the aforesaid declaration and make it available to any Central Government or State Government agency if required.
- j. The airlines shall inform the passenger that only one check-in baggage is allowed apart from the hand baggage. The hand baggage shall be governed by the normal norms of the airlines. The check-in baggage should not exceed 20 kg. beyond which the airlines can charge.
- k. The booking system of the airlines should provide for printing of baggage tag by the passenger himself/herself. An alternative simple mechanism should also be provided to the passengers.

### 3. Arrival at the Airport

- a. Inform the passenger that the reporting time at the airport is at least two hours before the scheduled time of departure.
- b. Provide adequate protective gear to all their staff.
- c. Ensure that all their staff is adequately trained about the various protective measures.
- d. Make adequate staff available at the entry to the airport to assist the passengers.
- e. The body temperature of each passenger to be taken. Symptomatic passengers should not be allowed to enter the airport. Passengers denied travel due high temperature or age to be permitted to change their date of travel without penalty. Airlines to keep all such records.
- f. For passengers with special needs like wheel chair, unaccompanied minor etc., the handling staff to be in full protection gear with pre-sanitized wheelchairs.

26/05/2020



100

#### 4. Baggage Drop Facilities

- a. Airlines should provide enough number of counters to facilitate easy baggage drop by the passengers.
- b. At the baggage drop counter arrangement shall be made such that the passenger displays the PNR and his/her identification to the staff. The passenger shall also show/indicate the PNR number written/printed on his/her baggage to the staff. Upon confirmation, the staff shall print the baggage tag, attach it on the bag and accept the bag. Instead of issuing a printed receipt to the passenger, an electronic receipt in the form of an SMS shall be sent to the passenger.
- c. Frontline staff to wear mandatory Protective gear. Staff at counters and ensure safe distance while accepting baggage.
- d. Only one hand baggage and one piece of checked-in baggage (20 kg) to be permitted in initial phase.
- e. The baggage drop procedure to be completed at least 60 minutes before departure.
- f. The airline should prominently display the precautionary steps to be taken by the passenger.
- g. Any payment made on account of tickets / excess baggage etc. to be accepted through Digital Mode only.
- h. Airline to release passengers for security after check-in / baggage drop off in restricted numbers to ensure social distancing at the security gates.

#### 5. At the Boarding Gate

- a. Airlines to make announcements at the waiting area and educate the passengers.
- b. Boarding to commence 60 minutes before departure and gate to close at D-20 minutes.
- c. Airlines to supply protection kit to each passenger (three layered surgical masks, face shield and sanitizer) near the boarding gate. They should wear mask and sanitize their hands before proceeding to the boarding gate for scanning of the boarding pass. Passengers to continue wearing the mask throughout the journey.
- d. The body temperature of each passenger to be taken at the boarding. Symptomatic passengers should not be permitted to board the aircraft.
- e. Staggered sequential boarding in batches of 10 to be practiced. If possible, self-scanning of paper / e-boarding pass. The passengers to display their ID before boarding.
- f. No passenger to be allowed to board without face mask.
- g. Check-in of the boarding pass would be done by the passenger by self-scanning of e-boarding pass. Passengers would be required to show their ID card to the airline staff at the boarding gate.

24/05/2020

102

- h. Ensure that the passengers board the aircraft in a sequential manner as per the announcement by the airlines.
- i. If a bus is being used for boarding, the airlines shall ensure that the bus is not crowded. Also, the bus should be sanitized continuously.
- j. Airlines should ensure that there is no crowding on the step ladder. The grab rails of the step ladder should be sanitized continuously

6. **Inside the Aircraft**

- a. Throughout the flight, hygiene and sanitation shall be maintained by the passengers. Face to face interaction to be minimized.
- b. Cabin Crew must wear PPE, which includes full body gown, shoe cover, mask, gloves etc. All PPE, its type and its material to conform to the standards and specifications laid down by international bodies like ICAO / WHO / ICMR etc.
- c. All passengers shall wear face mask while in the aircraft.
- d. Hand baggage to be restricted to bare minimum. Stowage bins to be closed as soon as full so as to avoid unwarranted touch. Offload over-sized / excess cabin baggage, if any, as early as possible and send to Cargo hold.
- e. Passenger to be advised to minimize use of lavatory and to avoid any non-essential movement in the aisles.
- f. Ensure that there is no queuing at the lavatory and only one companion for children and the elderly to be allowed.
- g. There shall be no meal services in the aircraft. Water bottle to be made available in the galley area or on the seats. Passengers would not be permitted to consume any eatables inside the aircraft during the flight (except on health grounds)
- h. No paper / magazine will be available in the aircraft.
- i. Repeated announcements to be made w.r.t. COVID-19 safety protocols. Also, passengers to be advised to minimize the use of lavatories, and to avoid any non-essential movement in the aisles.
- j. There would be no onboard sale of any item to minimize the physical contacts.
- k. On arrival at the destination, the passengers should be allowed to exit in a sequence so as to avoid any bunching.
- l. Airplane lavatories to be cleaned / sanitized after every one hour of flight. Sprayed with disinfecting solution from time to time.
- m. Clearance of seat pockets of all items except for safety card, which will be replaced or sanitized after every flight.
- n. All on-board sales to be suspended.

Vslo Padhe  
21/05/2020



102

7. General

- a. Airlines to do health check-up of all crew regularly.
- b. All flying crew to be given full protective suits.
- c. All crew to be sufficiently educated and trained about preventive measures.
- d. As far as practically possible, the same set of cabin and cockpit crew to be rostered together to prevent possibility of cross-contamination.
- e. The norms for cockpit crew entry in cockpit before the flight and exit post flight to be laid down so as to ensure minimum exposure and contact with the passengers.
- f. Strict norms to be put in place to ensure restricted entry of ground staff in the aircraft and particularly the cockpit.
- g. The entry of cabin crew in cockpit during flight to be restricted to minimum possible.
- h. If any crew or other staff comes in contact of COVID-19 patient or exposed to possible infection, the APHO at the airport to be contacted. Airport operators and Health officials to have well defined processes to handle COVID-19 positive cases or any other health emergency.
- i. Cleaning and disinfection of frequently /recently touched surfaces after every flight with alcohol-based cleaning agent. Galley and Lavatories also to be sanitized and disinfected. Approved procedures for disinfection using OEM / DGCA approved chemicals reagents to be used.
- j. DGCA would issue (if not already issued) the COVID-19 specific detailed guidelines, as required, in respect of technical issues, training of crew, and processes related to operations and maintenance including cleaning / sanitizing of aircraft etc. for strict compliance by all concerned.
- k. All aircraft to be sanitized after each trip as per the norms laid down by DGCA.
- l. At the end of the day each aircraft to be fully sanitized as per the norms of the DGCA.
- m. Airlines to have guidelines in place for disinfection during a transit flights having passengers for onward destination. Appropriate air-conditioning inside the aircraft be provided.
- n. In case of COVID-19 related medical emergency on board, aircraft disinfection to be carried with special attention to the affected seats.
- o. Airlines shall furnish the passengers manifest of each flight to the State / UT in the following format:

Seat Number (In Sequence)	Name of the Passenger	Contact Number	Destination Address	Pin code of the Destination Address

Vishal Padhee  
21/03/2020

### Specific Operating Guidelines for Major Stakeholders (Airports)

#### Measures to be taken at the Airports

1. The Airport operators shall make all arrangements so as to ensure that the risk of transmission of COVID-19 virus is minimized. Social distancing measures shall be enforced for the passengers at the airports. The airport operators shall take adequate sanitization measures. The airports shall ensure coordination among the other service providers such as the airlines, security agencies, ground handling agencies etc. Without comprising on the generality of the above the airport operators shall take the following measures:
2. **At Airport Entry**
  - a. Only passengers with departures in the next four hours or less to be allowed inside the airport.
  - b. Prominently display the precautionary measures that need to be taken by all staff and passengers.
  - c. Ensure that no passenger without wearing a mask is allowed entry in the airport.
  - d. Provide adequate disembarkation points for vehicles so as to avoid crowding.
  - e. Temperature screening of the passengers entering in the terminal area and at boarding point to be ensured. (At the boarding point the airlines shall discharge this function)
  - f. Passengers & staff showing any symptoms, *Aarogya Setu* App not showing "green" are not to be allowed to enter the terminal building. If *Aarogya Setu* App is not available then a declaration needs to be taken that the person is not infected with COVID-19. Vulnerable persons such very elderly with co-morbidities, pregnant ladies, passengers with ailments are advised to avoid air travel.
  - g. Mats / carpet soaked with bleach (Sodium Hypochlorite solution) to be placed at entrance for disinfecting shoes.
  - h. Use of trolleys to be discouraged in departure and arrival area. However, select few passengers, requiring the same due genuine reasons, to be provided on request basis only. All trolleys must be disinfected by suitable means like disinfecting spray etc.
  - i. Designate separate entry gates for different airlines to avoid crowding. (to the extent possible).

*21/05/2020*



104

104

### 3. Inside the Terminal Building

- a. Ensure social distance markings and separated seating in the forecourt area.
- b. For passengers with special needs like wheel chair, unaccompanied minor etc., the handling staff to be in full protection gear with pre-sanitized wheelchairs.
- c. Prominently display the precautionary measures that need to be taken by all staff and passengers.
- d. Provide a clear transparent glass shield on a pedestal to act as a barrier between passenger / staff and CISF ASG personnel at the entry gates.
- e. Social distancing norms for all queues to be strictly adhered to at the entry gate.
- f. Airports to earmark areas for isolation and COVID -19 testing for suspected passengers.
- g. Airports to earmark separate areas for change of PPE gear by the staff using it.
- h. Airports to ensure easy Availability of hand sanitizer at all entry points and also to be available at various touch points.
- i. Disinfect all surfaces / touch points every 30 minutes like rails near the entry gate etc.
- j. Keep Hand Sanitizer/ dispensers and social distance markings near self-check-in kiosks / counters.
- k. All wash rooms to be sanitized continuously.
- l. Social distance markings like circle, square or tensor barriers which are easily visible to be ensured in the check-in (baggage drop) area, as and when, the check-in from the counters is permitted.
- m. Ensure sanitization of checked-in baggage.
- n. Check-in (Baggage Drop) counters to open 3 hours before the Scheduled Time of Departure (STD) and close 60 minutes before STD. Adequate allocation of counters for baggage drop to be made.
- o. Provide a clear transparent glass shield on a pedestal to act as a barrier between passenger / staff at the baggage drop counter.
- p. Social distance markings, tensor barriers (queue managers) and separated seating in area before Security to avoid crowding and queuing, to be provided by the airports. Ensure availability of hand sanitizer dispensers at the entry and exit of security check points.
- q. Ensure Availability of adequate number of Personal Protective Equipment (PPE) for Security personnel on duty to be ensured.
- r. Sanitization of trays at the security-check cabin baggage screening area to be done regularly.
- s. Special bins to be placed for disposal of used material like masks etc. All such waste to be handled and disposed as per the prescribed procedures.

21/05/2020

105

(105)

4. **Security Hold Area (After Security Check)**

- a. The entry to lounges, Prayer room, Kids play room, smoking room etc. to be highly regulated. No reading material / non-essential loose items to be kept.
- b. Prominently display the precautionary measures that need to be taken by all staff and passengers.
- c. Passengers to be informed about the precautionary measures through displays, announcements and if required assistance by trained persons.
- d. Social distance markings & continuous sanitization of all possible areas including F&B and retail outlets, boarding gate etc. to be done. Chairs to be marked "Not for Use" to ensure adequate separation. Sanitization of frequent touch point after every departure to be done.
- e. All wash rooms to be sanitized continuously.
- f. All F & B and Retail outlets to be opened with COVID-19 precautions. Take-away to be encouraged to prevent crowding.
- g. Promote digital payments, self-ordering booths at F & B and Retail Outlets.
- h. Safe distance markings to be made by the airport operator on Aerobridges as well as the boarding points.
- i. Provide a clear transparent glass shield on a pedestal to act as a barrier between passenger / staff at the boarding counter.
- j. Ensure sanitization of the buses used by passengers at regular intervals.
- k. Ensure that there is no crowding on the step ladder while boarding the aircraft.
- l. Ensure that the ground handling staff wears masks and other protective gear if the situation so demands.

5. **Upon Arrival at Destination**

- a. Sequential passenger disembarkation in batches to be carried out to ensure social distancing.
- b. Ensure social distance markings in arrival gates, aerobridges, coaches, step ladders, ramps. Availability of hand sanitizers at exit points of aerobridge before baggage collection area.
- c. Put social distance markings like circle, square around the baggage collection carousel.
- d. Take measures to avoid hunching of passengers on travellers.
- e. Ensure staggered placement of baggage on the arrival carousel.
- f. Provide additional separated seating in baggage collection area to avoid crowding.
- g. Transit passengers not to be allowed to come out of transit area.

This document is referred to as

Security Document C in the

Manual of Security

Amrith. Amrith

Amrith. Amrith

Oath Commissioner

21/05/2020

T.C. My





भारतीय विमानपत्तन प्राधिकरण  
AIRPORTS AUTHORITY OF INDIA



DIRECTORATE OF OPERATIONS

STANDARD OPERATING PROCEDURE (SOP) FOR  
RECOMMENCEMENT OF DOMESTIC FLIGHTS

(A) DEPARTURE

1. State Govts and local administration to ensure availability of proper Public transport and private taxis for providing vital connectivity to the Airport for passengers as well as Airport/ Airline staff.
2. Kerb Area/ City side traffic / Car parking area should be strictly monitored in coordination with traffic police/ CISF staff to prevent congestion and to maintain social distancing.
3. For commuting to and from airport, both by staff and passengers, only the personal vehicles or select authorized taxi services /transport services with restricted seating to be permitted.
4. Passengers should reach airport well in advance. They should reach airport 02 hours before the schedule time of departure and the passengers who have departure in next 4 hours will only be allowed to enter the Terminal Building. All passengers should wear required protective gears such as mask, gloves etc.
5. All the departing Passengers must compulsorily be registered with 'Aarogya Setu' App on their mobiles and the same shall be verified by CISF/Airport staff at the entry gate. However, Aarogya Setu is not mandatory for children below age of 14 years.
6. Passengers shall compulsorily walk through Screening Zone for Thermal Screening at a designated place in the city side before entering the terminal building. For this purpose, required number of thermal screening stations to be set at the City side by the airport operator. Passengers not showing "Green" on 'Aarogya Setu' are not to be allowed to enter. Temperature screening needs to be carried out with validated equipment and trained manpower to be provided by Airport Operator



- 107
7. Use of trolleys to be discouraged in departure and arrival area. However, select few passengers, requiring trolley due genuine reasons, to be provided on request basis only. All trolleys must be sanitized by suitable means like disinfecting spray etc. and should be placed at a suitable location.
  8. Airport Operators shall make appropriate arrangement for sanitisation of baggage before entry to the Terminal Building.
  9. All the entry gates of the Terminal Building shall be opened to avoid crowding.
  10. Social distancing markings/stickers at distance of not less than 1 meter shall be provided by airport operator at appropriate places at all check points including entry Gates & Screening Zones to Terminal for passengers as well as for airport staff. Also proper signage's shall be placed for guiding passengers throughout the passage from Entry to Terminal building up to the Boarding Gates.
  11. Mats /Carpet soaked with bleach (Sodium Hypochlorite Solution) to be placed at entrance for disinfecting shoes.
  12. At multiple touch points of interaction with the passengers viz. entry Gate to Departures, Airline Check-in Counters, and Security check etc, the Airport Operator shall as far as possible try to provide counters mounted with a glass or Perspex/Plexiglass sheet with a corner having magnifying area to check the Flight ticket/Boarding Card and identification documents. In case the same is not feasible, the concerned personnel should wear a transparent face shield behind a counter to provide physical barrier.
  13. CISF to depute sufficient staff to manage queue at entry points, frisking booths, boarding gates so as to ensure sufficient distance among passengers is maintained.
  14. For passengers with special needs like wheel chair, unaccompanied minor etc., the handling staff to be in full protection gear with pre-sanitized wheelchairs.
  15. Announcements will be made in the Terminal Building by Airlines/Airport staff for guiding passengers to maintain social distancing and for wearing Masks, Gloves etc.
  16. Airport operator should depute sufficient staff near washrooms, X-Ray machines, Conveyor belts, F&B outlets etc. to guide passengers to maintain sufficient distance
  17. Information regarding social distancing, personal protection, Do's and Don'ts should be displayed on Flight Information Display System (FIDS)/ other display boards apart from required number of standees and posters at frequent locations.



18. Passenger seating arrangement shall be done in such a manner so as to maintain social distancing among passengers using the chairs by blocking those seats that are not to be used, with proper markers/tapes.
19. Airlines to ensure that sufficient staff shall be deployed near Check-in counters and pre security area to guide passengers and to ensure sufficient distance is maintained between them.
20. As far as possible alternate Check- In counters may be used to avoid congestion near counters. Also, Check-In counters may be opened well in advance so as to stagger the crowd.
21. Available CUSS kiosk shall be designated airlines wise as far as possible and airlines to position their staff near the designated CUSS kiosk to help the passengers.
22. All airport staff handling the flight should be provided with Hand sanitizers and all essential Personal Protective Equipment such as face masks etc. as per guidelines issued by MoHFW on rational use of PPEs attached as Annexure-I.
23. Cleanliness & sanitisation of every nook and corner of entire Terminal Building and public areas shall be ensured including washrooms, chairs, counters, trolleys, security trays, X-Ray machines, travellers, escalators, lifts, railings, doors etc on regular basis. Cleaning of waste containers such as trash cans shall be strengthened, and regular disinfection shall be performed.
24. Newspapers/Magazines are not to be provided in the Terminal Building/Lounges.
25. To ensure use of sanitized vehicles with restricted seating for transportation of staff and passengers within the airport including golf carts facility provided for person with reduced mobility (PRM).
26. Safe and Proper disposal of all categories of waste generated at the Terminal Building shall be ensured to limit spread of infection if any. Also, proper disposal facilities of biohazard material through a specialized agency to be ensured. Positioning of yellow coloured disposal bins / bags for disposal of masks etc. (Biohazardous material) at strategic locations and frequent disinfection/removal of the same.
27. Airports shall set up de-gowning area at appropriate location for staff, airline crew and medical personnel to divest and dispose Personal Protective Equipment (PPE) with a protocol for safe disposal of PPEs as bio hazard waste.



28. Use open-air ventilation wherever possible instead of Central air-conditioning. Wherever, the same is not avoidable, ensure change in air circulation as per Technical Instruction no. 39 dated 28.04.2020 issued by Directorate of Engineering.
29. Hand sanitisers shall be made available by airport operator for passengers and airport staff at various locations.
30. Entire terminal disinfection should be performed using duly approved disinfectants through fogging/spraying machines or physical mopping at regular intervals.
31. Employees showing symptoms such as high fever, difficulty in breathing and cough may not be taken on duty & allowed entry into airport/office. Such cases should be reported to appropriate health Authorities.
32. Restrict the gathering of large number of labour/staff at one place near terminal building.
33. All F&B and Retail outlets to be opened with COVID-19 precautions. Take-away to be encouraged to prevent crowding. Promote digital payments, self-ordering booths at F&B and Retail outlets.
34. At Boarding Gates, passengers should be allowed to board in batches as per seating arrangements in the aircraft to avoid crisscrossing inside the aircraft.
35. If any crew or other staff comes in contact of COVID-19 patient or is exposed to possible infection, is to be quarantined as per the advisory of the Health Ministry. Airport operators and Health officials to have well defined processes to handle COVID-19 positive cases or any other health emergency.
36. In case of exposure of a particular area in terminal by the COVID-19 affected patient, disinfection of that area of the terminal to be carried out.

## **(B) ARRIVAL**

1. Announcement will be made in the aircraft by airline for deplaning passengers in batches sequentially so as to maintain social distancing measures.
2. To maintain social distancing norms, passengers shall be disembarked in batches sequentially.
3. Ensure social distance markings in arrival gates, aerobridges, coaches, step ladders, ramps etc. Hand Sanitizers shall be provided at appropriate locations between exit point of aerobridge and the baggage collection area.
4. Information regarding social distancing, personal protection, Do's and Don'ts should be displayed on Flight Information Display System (FIDS), Standees at

*Signature*

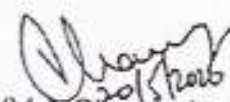


prominent locations, as per the instructions of Ministry of Home Affairs(MHA) and Ministry of Health and Family Welfare (MoHFW).

5. At each point of interaction with the passengers, Airport Operator should try to provide a glass shield or any other transparent separation as far as practically possible, for additional protection of Airport personnel and passengers.
6. To ensure social distance, the markings like circle, square should be provided around the baggage collection carousel for ensuring social distancing.
7. Information regarding social distancing, personal protection, Do's and Don'ts should be displayed on Flight Information Display System (FIDS), Standees at prominent locations.
8. Before handing over luggage to the passengers all luggage to be sanitised by the airport operator in the baggage break up area before putting on conveyer belt.
9. Airlines/ GHA to provide sufficient staff near the conveyer belt to guide passengers to abide by the social distancing norms.
10. Use of trolleys to be discouraged in departure and arrival area. However, select few passengers, requiring trolley due genuine reasons, to be provided on request basis only. All trolleys must be disinfected by suitable means like disinfecting spray etc and should be placed at a suitable location.
11. Airport operator to ensure that sufficient staff shall be deployed near washrooms, F&B outlets to guide passengers to maintain social distance.
12. All airport staff handling the flight should be provided with all essential Protective gears such as face masks, gloves, sanitisers etc as per directives of MoH&FW.
13. Hand sanitisers shall be made available by airport operator for passengers and airport staff at various locations.
14. Airport operator to ensure that cleanliness and sanitisation of every nook & corner of building and public areas including washrooms, chairs, counters, trolleys, railings, doors, lifts, escalator's etc to be done before arrival of the flight and after last passenger leaves the Terminal Building.
15. Kerb Area/ City side traffic/ Car parking area should be strictly monitored in coordination with traffic police/ CISF to prevent congestion and to maintain social distancing. Taxi /cab employees to be trained on maintaining social distancing among themselves and with the customers. Frequent patrolling and monitoring to be carried out to ensure the same. Digital payment is to be encouraged.

- (111)
16. Fumigation of all kerb-side /landside commercial service outlets and associated queueing areas is to be carried out at a regular interval/whenever required to ensure disinfection of the space.
  17. Fumigation of the passenger drop off/pick up zone on the land side, normally used by the taxi/cab operators and private commuters is to be carried out at a regular interval/whenever required.
  18. A dedicated triage / Isolation area in the terminal building/ city side as per area available at respective Airports to be made available as per requirement of health authorities with primary medical facility for suspected/ confirmed COVID-19 patients which can even be located at 'Meet & Greet' area as per availability.
  19. On arrival at their destination airport, passengers will have to adhere to such health protocols as are prescribed by the destination State/UT.

The above are broad guidelines and Airport operators are encouraged to take any additional measures for ensuring hygiene, physical distancing and sanitization to facilitate safe operations through the Airports. Wherever possible the support of technology to be utilised for effective contactless processing of Passengers.

  
 (V.A. Chourey)  
 Executive Director (Operations)  
 Airports Authority of India  
 राजीव गांधी भवन / Rajiv Gandhi Bhawan  
 सफ़दरजंग एअरपोर्ट / Safdarjung Airport  
 ई-5 110003 / New Delhi-110003

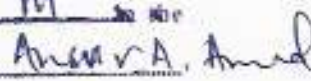
To

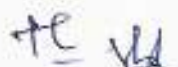
RED -NR/SR/WR/ER/NER (For necessary action and circulation to all Airports in the region for immediate implementation)

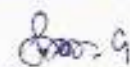
Airport Director  
Chennai/ Kolkata Airport

Copy to:

1. OSD to Chairman
2. PS to Member (Ops)
3. PS to Member (Planning)
4. PS to Member (ANS)

This document is referred to as  
 Advisory Document M in the  
 Affidavit of Scrutiny 

  
 Page 6 of 6

  
 Oath Commissioner



112

**IN THE HIGH COURT OF KARNATAKA AT  
BENGALURU**

Appellant/s, Petitioner's  
Caveator/s, Decree Holder  
Complainant/s

No. NP of 2020 (PIL)

**Vs.**

Respondent/s  
Judgement - Debtor/s  
Opponent/s/ Accused,

Sri. Anivar. A. Aravind

The Ministry of Home Affairs and others

I/We Sri. Anivar. A. Aravind  
the Petitioner

Nos. 1 in the above matter hereby appoint and retain  
Sri/Smt. Gangadhar J.M. and Sidharth Baburao Advocate  
Bangalore

to appear act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein or receive any money which may be payable to me/us.

2. I/We hereby authorise him/her/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree/order/therein and to appeal to act to plead in such appeal in any preferred by any other party from any decree/other/therein.

I/We further agree that, if I/We fail to pay the fees agreed upon or to give due instructions at all stages he/she/they is/are at liberty to retire from the case and recover all amounts due to him/her/them and retain all my/our monies till such dues are paid.

Executed by me/us this 27th day of 205-2020 at Bangalore-20

@anivar

Signature/s  
[ANIVAR. A. ARAVIND]

Executant/s is/are personally known to me/us and he/she/has/they have signed before me/us.

Satisfied as to the identity of executant/s Signature/s [Signature]  
(Where the executant/s are illiterate, blind or unacquainted with the language of vakalath)

Certified, that the contents were explained to the executant/s in my/our presence in English language known to him/her/them who appear/s perfectly to understand the same and has/have signed in the presence.

Accepted

Name Gangadhar J.M Roll No. 1295/03

Name Sidharth Baburao Roll No. 2706/10

Advocate for Petitioner

Place : Bangalore

Date : 27/05/2020

Address for service

**Sidharth Baburao**  
Advocate  
M/s. Sidharth Baburao Associates  
# 1/1, 2nd Floor, Chakravarthi Iyengar Layout,  
2nd Main Road, Sripuram, Kumara Park West,  
Sheshadripuram, Bengaluru-560 020.  
Mobile: 9964850617  
E-mail: [siddharthbaburao@nls.ac.in](mailto:siddharthbaburao@nls.ac.in)