

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

T

W.P.No.7483/2020 (GM-RES-PIL)

Advocate Sri

Bengaluru Urban District

Between

KUMAR.M.N.

Shri Aniwar A. Aravind

No.60, Ground Floor,
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And

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Union of India and others

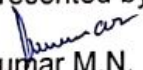
PRESENTATION FORM

Sl.No.	Description of Papers Presented	Court Fee paid
1.	On memorandum of	.....
2.	On the Affidavit of	.....
3.	On memo of	.....
4.	On Certified Copies	.....
5.	On I.A.	.....
6.	On Process Fee	.....
7.	On Copy Application	.....
8.	On application for recalling	.....
9.	On caveat	.....
10.	On Statement of objections respondent Nos'.1,2,3,4,6,7 and 8	.....
Total		.....

Number of Copies furnished

Other side Served

Presented by


Kumar M.N.

Central Government Counsel for
respondent Nos'.1,2,3,4,6,7 and 8

Received papers with
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Advocate's clerk

Date : 06/11/2020

Place : Bengaluru

Receiving Clerk

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

W.P.No.7483/2020 (GM-RES-PIL)

Between:

Shri Aniwar A. Aravind

...Petitioner

And

Union of India and others

...Respondents

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Date : 06/11/2020

Place : Bengaluru


KUMAR M.N.

Central Government Counsel for Respondent
Nos. 1,2,3,4, 6, 7 and 8.

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

W.P.No.7483/2020 (GM-RES-PIL)

Between:

Shri Aniwara A.Aravind

...Petitioner

And

Union of India and others

...Respondents

**Statement of Objections under Rule 21 of the Writ Proceedings Rules,
1977 on behalf of respondent Nos'.1,2,3,4,6,7 and 8**

1. Address of respondent Nos'.1,2,3,4,6,7 and 8, is as shown in the cause title of Memorandum of the Writ Petition and also may be served through Kumar M.N. Central Government Counsel, No.60, Ground Floor, 2nd Cross Road, 2nd Main Road, Ramamohanapura, Bengaluru-560021.
2. Petitioner in the above Writ Petition has prayed for the following;
 - 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;
 - iii-A. Direction to the respondents to delete and destroy the already collected data including the data collected at the time of registration, once the pandemic phase is declared as over by the World Health Organization or the Ministry of Health and Family Welfare;
 - iii-B. Direct the respondents not to transfer or share personal data and sensitive personal data of citizens collected through the Aarogya

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Setu application to third parties, except when it is necessary for the treatment purpose of a patient, and even such shared data should be deleted once the pandemic phase is over.

iii.C. To set aside clause 3(vii) of Annexure 'N' issued by the 8th respondent.

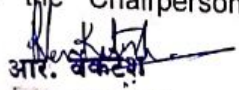
iii-D. To direct the Respondent No.9, not to make it mandatory for commuters to use Aarogya Setu to travel in Bangalore Metro.

3.

i. The spread of COVID-19 initially was detected in the state of Kerala on 30/01/2020 and later the spread was detected in various parts of the country. The coronavirus disease 19 (COVID-19) is a highly transmittable and pathogenic viral infection. The intermediate source of origin and transfer to humans is not known, however, the rapid human to human transfer has been confirmed widely. The disease can spread from person to person through small droplets from the nose or mouth, which are spread when a person with COVID-19 coughs or exhales.

ii. The Government of India vide order dated 24/03/2020, announced the National Lockdown, with a view to curb movement of persons for containment of COVID-19. During the Lockdown period, there were no movement of persons as usual, but limited to the activities permitted in the Lockdown order. A copy of the said order is annexed hereto as **Annexure-R1**.

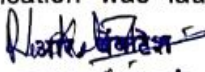
iii. During the unprecedented situation, for effectively addressing issues, constraints and scenarios, a well-planned and coordinated emergency response had become essential. The measures taken hitherto have been effective in containing the pandemic so far. However, considering the gravity and magnitude of the challenges, which are emerging with every passing day, there was a pressing need to augment and synchronize efforts, cutting across various Ministries/Departments. Keeping in view, the need for such comprehensive action and integrated response, in exercise of the powers conferred under the section 10(2) (h) and (i) of the Disaster management Act, 2005 the Chairperson, National Executive


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Committee, Government of India passed an order for the constitution of the Empowered Groups under the Disaster Management Act, 2005 vide order dated 29/03/2020. A copy of the said order is annexed hereto as **Annexure-R2**.

- iv. As per the said order, mandates of the eleven empowered groups i.e., Medical Emergency Management Plan, Availability of Hospitals, Isolation and Quarantine Facilities, Disease Surveillance and Testing and Critical Care Training, Ensuring availability of essential medical equipment such as PPE, Masks, Gloves and Ventilators; Production, Procurement, Import and Distribution, Augmenting Human Resource and Capacity Building, Facilitating Supply Chain and Logistics Management for availability of necessary items such as Food and Medicines, Coordinating with Private Sector, NGOs and International Organisation for response related activities, Economic and Welfare measures, Information, Communication and Public Awareness, Technology and Data Management, Public Grievances and Suggestions, Strategies issues relating to Lockdown for planning and ensuring implementation of COVID-19 Response Activities.
- v. These groups are empowered to identify problem areas and provide effective solutions thereof; delineate policy, formulate plans, strategies operations and take all necessary steps for effective and time bound implementation of these plans/policies/strategies/decisions in their respective areas.
- vi. Mandate of one of the empowered groups is, technology and data management consisting of Secretary, Ministry of Electronics and Information Technology, Secretary, Department of telecommunications, Additional Director General, ICMR, Deputy Secretary, Ministry of Health and Family Welfare, Joint Secretary, Cabinet Secretariat and Deputy Secretary, Office of the Prime Minister of India.
- vii. The Aarogya Setu application was launched on 02/04/2020, which was announced through Press Information Bureau. A copy of the said PIB announcement is annexed hereto as **Annexure-R3**. The Aarogya setu application was launched with features and



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privacy policy with agreement. Copies of the Aarogya Setu Privacy Policy and Terms of Use are annexed hereto as **Annexures-R4 and 5 respectively**. The Privacy Policy contains Information collected, and manner of collection, Use of information, retention of information, rights of registered user, data security, disclosures and transfer of information and grievances. The terms of use contains, service over view, requirements for use, use, privacy and disruption.

viii. Aarogya setu is a technology platform which facilitates the people, the health authorities and the Government in combating the COVID-19 pandemic together. Aarogya setu aids in contact tracing, which plays a very crucial role in the mitigation of COVID-19. Contact Tracing is not something new, it is already being carried out for many decades, albeit in a manual way. Contact tracing has already played an important role in the mitigation of diseases like Polio, Smallpox, HIV AIDS, Tuberculosis and many other contagious diseases. So far Contact Tracing was being carried out in a manual manner, mostly through Human Contact Tracers. But now due to technological advances, we are able to leverage the mobile App to carryout contact tracing on a mass scale. If Aarogya setu was not launched, then we need lakhs of Human Contact Tracers, who need to go door to door, in every nook and corner of the country, to trace and identify the contacts of a COVID-19 positive individual. The contact tracing information may be recorded on a physical register, which needs to be carried by the Human Contact Tracers. If we have lakhs of contact tracers, each one armed with dozens of registers containing contact tracing information, which they obtained through their field trips, then imagine the amount of manual work required, to analyse the collected contact tracing information and convert those information into an actionable intelligence, which can be provided to Health Authorities/Decision Makers, to effect appropriate medical and administrative interventions, to control the spread of the COVID-19. This process is very laborious and one has to take into account the time constraints here, as the contact needs to be identified as quickly as possible, so that they don't end up spreading the infection to more people.


ix. This is where Aarogya setu steps in, what used to take many months and efforts of lakhs of human contact tracers, can be done in a matter of few minutes, using the technology. Once Aarogya setu gets the information about the COVID-19 positive status of an Aarogya setu User from ICMR,


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then the contact tracing information from the User's phone is fetched and it is analysed, within a few minutes, the list of all other Users who has come in close contact with the User (who has tested positive for COVID-19), is identified and these User's health status is also changed accordingly, depending on their duration and proximity of contact and other parameters like self-assessment responses, age etc. The information about the Users, who are identified to be at risk through contact tracing, is also made available to the state authorities for implementing further necessary medical and administrative interventions.

- x. The aim and objects of the said mobile application is for recording the health status of every user in regard to the presence of COVID-19. Developing a single nation-wide technology platform on boarding all citizens, can be a powerful tool in combating the pandemic, in view of the same, to create an enabling mechanism through a public private partnership model to develop and implement a citizen app technology platform, evaluating and converging related technology solutions and suggestions, a committee was constituted by the Government of India vide order dated **03/04/2020**. A copy of the said order is annexed hereto as **Annexure-R6**. Aarogya setu mobile application has crossed 100 million downloads within 40 days from the day of its launch. COVID-19 pandemic has got wide range of impact on the social life of every individual, in order to bring citizens common platform technology. ***Use of a single platform on nationwide is a powerful tool in combating the pandemic.***

- xi. Further, in regard to information circulation and the security for the same, a development in the application has been updated which also includes Hotspot Forecasting i.e. The ITIHAS module of Aarogya setu, which focuses on early identification of potential hotspots across the nation. In the context of Aarogya setu, a hotspot is a geographical area, where there is a possibility in the spread of COVID-19. The potential hotspot is identified based on the Aarogya Setu self-assessment data, blue tooth contact tracing data and number of covid-19 infected persons, in and around the area during



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the last 15 days. The information about the potential hotspots are shared with the respective state governments and district authorities, who then implement suitable medical and administrative interventions (like increased contact tracing, door-to-door health check, declaring the area as a containment zone, etc) to control the spread of COVID-19. Further, a public statement released on 06/05/2020 by Arogya Setu in response to claims of alleged security vulnerability/issue by an ethical hacker. The statement is annexed hereto as **Annexure-R7**.

- xii. The Secretary Ministry of Electronics and Information technology vide office memorandum dated 08/04/2020 and 28/04/2020, constituted an organizational chart for the functioning of Arogya Setu application and its platform ecosystem. The copy of the said office memorandums are annexed hereto as **Annexures-R8 and 9**.

4. **Benefits of the App:** The use of technology in healthcare was never as pronounced. The App ensures the following; Pro-bono App, Alert when any infected person is nearby, Knowledge about the individual Status with respect to infection, Self-Assessment test, COVID-19 updates, E-Pass for travel, Safety Measures against COVID-19, Number of infected/ self-assessed/ App users in vicinity based on criteria, FAQ and Self-Help on the App, Link to additional essential service like PMCARES, ICMR list of authorized labs etc. The App is a step of GOI, to discharge its constitutionally mandated fundamental duty of providing adequate availability of quality health care to the citizens. As has been held time and again by the Supreme Court, receiving timely medical aid by a person is fundamental right under Article 21 of the constitution.

5. As the nation is undergoing various phases of Unlock and as the businesses and economy starts opening up gradually, the inherent fear/risk of a possible COVID-19 infection, still lingers in many people's mind. The Open API Service of Aarogya setu, attempts to address the fear/risk of Covid-19 infection and help the people, businesses and the economy to return to normalcy. Aarogya Setu Open API Service, is offered to organizations/business entities, registered in India. Using the service, the organizations can query the Aarogya Setu App in real-time and get the


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health status of their employees, who has provided their consent for sharing their health status with the organization. The Organizations can integrate the Open API in their respective Applications or services and leverage its benefits. The Open API shall only provide the health status of a User (with User's consent), no other personal data shall be provided through the API. The Open API Service is offered free of cost to the organizations, which was announced in a press release dated 22/08/2020. A copy of the said press release is annexed hereto as **Annexure-R10**.

6. **Prayer No.I** i.e., 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, is misconceived as the Ministry of Home Affairs in its Guidelines dated 17/05/2020, 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 up to 31/05/2020, states the following under the head "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." The said order dated 17/05/2020 is annexed hereto as **Annexure-R11**.
 - iv. As per the said order, it is not at all mandatory to download Aarogya Setu application and various phases of Unlock Orders issued by the National Executive Committee, under the Disaster Management Act, 2005. As per the said orders, no services are denied to the citizens merely on the grounds of not installing the Arogya Setu App. Therefore the statements made by petitioner in this regard are misconceived. The Aarogya Setu application is one of the


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preventive measures for containing spread of COVID-19. The State and/or its instrumentalities will follow the orders of the National Executive Committee. The apprehension of the petitioner that the State and its instrumentalities would deny services if, the Arogya Setu application is not installed, is misplaced and misconceived without any basis.

- v. The SOP dated 04/06/2020, on preventive measures in Shopping Malls to contain spread of COVID-19, issued by Ministry of Health and Family Welfare, in which clause 3 (vii) forms part of Generic preventive measures which states that "installation and use of Aarogya Setu App shall be advised to all". It is very clear that it is only advisory in nature. The said SOP dated 04/06/2020 is annexed hereto as **Annexure-R12** and hence, the prayer No.I does not survive for consideration.

7. **Prayer No.II** i.e., a declaration to the effect that the Aarogya Setu app cannot be mandated for accessing any Government Service or facility, is also misconceived, as the Government has not passed any such orders and hence, the said prayer does not survive for consideration.
8. **Prayer No.III** i.e., a Writ of Mandamus or any other appropriate writ or order, directing respondent Nos'.6 and 7 to release the complete and corresponding source code of the current and future versions of the mobile application i.e. Aarogya Setu, as well as the corresponding application on its server, is rendered infructuous, as the respondents have published the Android App source code on 26/05/2020 and the iOS App Source on 10/08/2020, the source code for KaiOS and Server side app code will be released shortly. Copies of publishing Android App source code on 26/05/2020 and iOS App Source on 10/08/2020 are annexed hereto as **Annexures-R13 and 14, respectively**. Each version of the App is released to the public only after proper security audit clearance and a bug bounty program has also been announced, to encourage the public, to identify and report any security vulnerabilities/bugs/code improvements in the App.


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9. **Prayer No.III-A**, i.e., Direction to the respondents, to delete and destroy the already collected data, including the data collected at the time of registration once the pandemic phase is declared as over, by the World Health Organization or the Ministry of Health and Family Welfare, are misconceived as the Government of India has notified the Aarogya setu data access and knowledge sharing protocol, vide order dated 11/05/2020. The said order contains Sunset clause which reads thus; 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.
10. **Prayer No.III-B**, i.e., Direct the respondents, not to transfer or share personal data and sensitive personal data of citizens collected through the Arogya Setu application to third parties except, when it is necessary for the treatment purpose of a patient, and even such shared data should be deleted once the pandemic phase is over, are also misconceived as the Government of India has notified the Aarogya setu data access and knowledge sharing protocol, vide order dated 11/05/2020. The said order contains Principles for sharing of response data, which reads thus; the response data may be shared by NIC in the following manner;
- 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's, 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 direct formulate or implement an appropriate health response.
 - Response data de-identified form, may be shared with such ministries or departments of the Government of India of the State/Union Territories Governments, local Governments, NDMA, SDMA's and such other public health institutions of the Government of India or State Governments or local Governments, with whom such sharing is


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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 that 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.

11. At the cost of repetition, it is submitted that, the personal information collected from him/her 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 visualizations for the purpose of the management of COVID-19 in the country or to provide his/her general notifications pertaining to COVID-19 as may be required. His/her DiD will only be co-related with His/her personal information, in order to communicate to him/her the probability that he/she 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 him/her in order to be able to do their job. The frequently asked questions and answers, is annexed hereto as **Annexure-R15**. The endeavor of respondents to produce these documents, is to demonstrate that with an intention to meet and to contain the pandemic. One of the measures taken by the Union of India are as follows;

- a. GOI has made Aarogya Setu App for Android and IOs as open source. The Android version is made available to start with as over 90% of the App usage comes from Android. The backend code to be released shortly. The App doesn't violate the privacy of any individual. It is to submit that the right to privacy has not been compromised as adequate privacy protections has been built in the App. The App has built in privacy principles of right to access


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and correct Personally Identifiable information for registered users, use limitation, purpose limitation, data minimization, data retentions and data security. Hence this petition is requested to be dismissed in favour of respondents with cost.

b. Aarogya Setu App (hosted under the NIC e-Gov Mobile Apps Platform on Android Play Store and Apple App Store), is a COVID-19 tracking mobile application, developed by National informatics Centre under direction of Ministry of Electronics and Information Technology and NITI Aayog, in collaboration with Private sector, Academia and Research Organizations. It is a technology-led intervention to battle the COVID-19 pandemic. It aims to map the contact of users, by analyzing GPS data, mobile blue-tooth connectivity, thus making contact tracing easy, if a mobile user gets infected.

c. Other external services linked through the App are the list of the ICMR authorized labs for COVID-19 test, PM CARES (Prime Minister's Citizen Assistance and Relief in Emergency Situation Fund) etc. Over a period of time, the App has become a single point of facilitation for the common citizen looking for any authentic information, help services related to COVID-19 pandemic across the country.

12. **Prayer No.III-C**, i.e., to set aside clause 3 (vii) of Annexure 'N', issued by the 8th respondent, is also misconceived, as at the cost of repetition, it is submitted that as the Ministry of Health and Family Welfare notified Standard Operating Procedures on 04/06/2020 in pursuance to 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 up to 30th June 2020, issued by MHA vide order bearing No.40-3/2020-DM-I(A), dated 30th May, 2020. Clause 15 of annexure-1 of MHA order dated 01/05/2020, pertains to use of Aarogya Setu Application, which reads that ***"Use of Aarogya Setu Application shall be made mandatory for all employees, both private and public. It shall be the responsibility of the respective organizations to ensure 100% coverage of this application among the employees"***, which has


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been superseded by the orders dated 30/05/2020, as advisory and subsequent orders dated 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020 and 27/10/2020 which has not been made mandatory. Copies of the MHA order dated 01/05/2020 and 30/05/2020 are annexed hereto as **annexures-R16 and 17 respectively**. The SOP dated 04/06/2020 issued by the Ministry of Health and Family Welfare, is in terms of MHA's order No.40-3/2020-DM-1(A), dated 30/05/2020. Clause 3 (vii) of the said SOP relating to use of Aarogya Setu app, is in terms of the advisory contained in the said MHA's order. It is intended to help users, have reduced risk of infection with COVID-19. Hence, the apprehension of the petitioner is unsustainable and misconceived.

13. **Prayer No.III-D**, i.e., to direct the Respondent No.9, not to make it mandatory for commuters to use Aarogya Setu to travel in Bengaluru Metro, is also misconceived, in view of the standard operating procedure prescribed by Ministry of Housing and Urban Development, Government of India dated 02/09/2020. Further, the said SOP has been issued in terms of the order of National Executive Committee dated 29/08/2020. The said Standard operating procedure is annexed hereto as **Annexure-R18**.
14. **Prayer No.V**, i.e. For an order permanently injuncting the respondents from proceeding with the Aarogya Setu App and with the data collected, in any manner, whether the collection of data from members of the public is stated to be voluntary or involuntarily, is misconceived, as the respondents have developed Aarogya setu application as one of the measures for containing spread of COVID-19, in the country, by exercising powers conferred under the Disaster Management Act, 2005, Epidemic Diseases Act, 1897, National Disaster Management Plan and Executive Powers. The application is one of the useful tool for the health and other administrative authorities, to adopt mitigating measures by identifying the persons tested positive in a given locality as well as their contacts with non-covid-19 effected persons and also pre-notice to Non-COVID-19 effected persons of their contacts with COVID-19 effected persons, which helps for Non-COVID-19 effected persons for taking preventive measures, including medications etc.

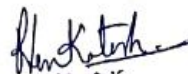

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15. **Prayer No.VI**, i.e. For an order directing the respondents to permanently delete all the data collected through the Aarogya Setu App, including the data transferred to third parties, is misconceived and contrary, to the order dated 11/05/2020, issued by Chairperson, Empowered Group on Technology and Data Management, constituted by National Executive Committee, in exercise of powers conferred under section 10(2) (h) and (i) of the Disaster Management Act, 2005, vide order dated 29/03/2020, which deals with principles for collection and processing of response data, obligations of entities with whom response data is shared and sunset clause.
16. The WHO has announced on 11/03/2020, the COVID-19 as pandemic. As per Section 2 (d) of the Disaster Management Act, 2005, "Disaster" means a catastrophe, mishap, calamity or grave occurrence in any area arising from natural or manmade causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to or degradation of, environment and is of such a nature or magnitude as to be beyond the coping capacity of the community of the Affected area; As per Section 2 (e) of the Disaster Management Act, 2005, "Disaster Management" means a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for-
- i. Prevention of danger or threat of any disaster;
 - ii. Mitigation or reduction of risk of any disaster or its severity or consequences;
 - iii. Capacity-building;
 - iv. Preparedness to deal with any disaster;
 - v. Prompt response to any threatening disaster situation or disaster;
 - vi. Assessing the severity or magnitude of effects of any disaster;
 - vii. Evacuation, rescue and relief;
 - viii. Rehabilitation and reconstruction;
17. As per the National Disaster Management Plan, in the categories of Natural Hazards, as described in Biological Family, the main event exposure to Germs and Toxic Substances, short description/secondary disaster epidemics/viral/bacterial, parasitic, fungal or prion infections.


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COVID-19 is a pandemic, and it is a natural disaster. The data collected for registration are (i) name; (ii) phone number; (iii) age; (iv) sex; (v) profession; and (vi) countries visited in the last 30 days. This information is stored on the Server and a Unique digital ID (DiD) is being pushed to the App. The DiD is used to identify a user, in all subsequent App related transactions and is associated with any data or information uploaded from the App to the Server. At registration, the location details of the user are also captured and uploaded to the server other user. No personal information is used for any future communication or transaction. The personal information provided at the time of registration is paired with DiD assigned to App, and is securely encrypted and stored on the server. The exchange of information between two devices for Bluetooth contact tracing is done using DiD only and is encrypted stored on the device. The results of the Self-Assessment test and the location is paired with DiD assigned to your device, and is securely encrypted and stored on the server. All communications from the Aarogya Setu server, including notifications and update of risk of infection is done using DiD only. It is only when user test positive for COVID-19 or have a high likelihood of risk of infection, related DiD is re-identified with user personal information to administer necessary medical intervention for user.

18. Averments in paragraph Nos'.1 to 5 of the memorandum of Writ Petition, are self-declarations of petitioner.
19. Averments in paragraph Nos'.6 and 7 of the memorandum of Writ Petition, are misconceived. At the cost of repetition, it is reiterated that the National Executive Committee has not passed any order, mandating the use of Aarogya Setu application for availing any Government services. Further, the Governments and Authorities would follow the orders passed by the National Executive Committee, in relation to measures to be taken for containing spread of COVID-19. Respondent Nos'.2, 3 and 4 also have not mandated the use of Aarogya Setu application, for availing travel services. The App doesn't violate the privacy of any individual. The right to privacy has not been compromised as adequate privacy protections have been built in the App. The App has built in privacy principles of right to access and correct personally identifiable information for registered users,



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use limitation, purpose limitation, data minimization, data retentions and data security.

20. Averments in paragraph No.8 of the memorandum of Writ Petition, are self-declarations of Petitioner.
21. Averments in Paragraph No.9 of the memorandum of Writ Petition, are matters of record, needs no reply.
22. Averments in paragraph No.10 of the memorandum of Writ Petition, 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 those family with this person, are alerted are all based on the requirements of each and every countries in the world which has no bearing/application on the requirements of India.
23. Averments in paragraph No. 11 of the memorandum of Writ Petition, are true and matters of record.
24. Averments in paragraph Nos'.12, 13 and 14 of the memorandum of Writ Petition, are matters of record, needs no reply.
25. Averments in paragraph Nos'.15, 16 and 17 of the memorandum of Writ Petition, are matters of record, needs no reply.
26. Averments in paragraph No.17 (a) of the memorandum of Writ Petition, that the deletion of data has been restricted to demographic data only, thereby, stripping a use of the choice to have control over its entire response data i.e. demographic data, contact data, self-assessment data and location data, is **misconceived**, as the Aarogya setu User has been provided the option to request for the cancellation of his/her registration, at any point of time, once the User cancels their registration, all the information provided by the user will be deleted after the expiry of 30 days,


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from the date of such cancellation, the same has been stated in the Aarogya setu's Privacy Policy, as given below:

RIGHTS

- a. 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.
 - b. 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.
27. Averments in paragraph No.18 of the the memorandum of Writ Petition, at the cost of repetition, it is reiterated, that the Aarogya setu mobile application is one of the measures adopted for containing COVID-19 in the country, exercising the powers under the Disaster Management Act, 2005, read with Epidemic Diseases Act, 1897, National Disaster Management plan and Executive Powers, approved by the National Disaster Management Authority. It is submitted that under section 10 (2) (i) the National Executive Committee can lay-down guidelines, directions and the authorities regarding measures to be taken by them in response to the threatening disaster situation. Therefore, it is respectfully submitted that the implementation of the Aarogya Setu App is supported by law. In this connection Aarogya Setu data access and knowledge sharing protocol, 2020, was issued by the order dated 11/05/2020 of Chairperson, Empowered Group on Technology and Data Management. A copy of the same is produced and marked as **Annexure-R19**. As could be seen from the protocol, for the purpose of addressing the pandemic NIC shall collect only such response data as necessary. In the App, specific provisions are also made for maintaining the privacy of App Users. The data in the App are managed as per the said protocols. Here, data retention period of protocol has a Sunset Clause.
28. Averments in paragraph No.19 of the memorandum of Writ Petition, it is misconceived and contrary, to the orders of the National Executive

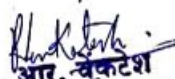

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Committee, dated 30/05/2020 and subsequent orders 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020, including 27/10/2020.


29. Averments in paragraph No.20 of the memorandum of Writ Petition, that the App has been collecting excessive data and this goes against the principle of the data minimization and purpose limitation as enshrined in Puttaswamy Judgement, is **misconceived** and at the cost of repetition, it is reiterated that, the data collected from registration are i. name, ii. Phone number, iii. Age, iv. Sex, v. profession and vi. Countries visited in the last 30 days. This information is stored on the Server and a Unique Digital ID (DiD) is being pushed to the App. The DiD is used to identify a user in all subsequent App related transactions and is associated with any data or information uploaded from the App to the Server. The personal information provided at the time of registration is paired with DiD assigned to App, and is securely encrypted and stored on the server. The exchange of information between two devices for Bluetooth contact tracing is done using DiD only and is encrypted stored on the device. The results of the Self-Assessment test and the location is paired with DiD assigned to your device, and is securely encrypted and stored on the server. All communications from the Aarogya Setu server, including notifications and update of risk of infection is done using DiD only. It is only when user test positive for COVID-19 or have a high likelihood of risk of infection, related DiD is re-identified with user personal information to administer necessary medical intervention for user.
- i. Applying to test of proportionality one way, to see the larger public interest-legitimate state action and no alternative with lesser degree of infection applying the test of balance of act. It is submitted that Arogya Setu is for the benefit of larger public interest. Violation of privacy should not be imaginary. It should be real and it should have reasonable expectation. Applying these tests, it is submitted that the App is in the interest of public at large. There is a rational nexus between objectives sought to be achieved with less impair, maximum benefits are yielded.
 - ii. **Even applying necessity test also, the Aarogya Setu App is valid one.**


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- iii. Apart from this, the App has source of law and it is not mandatory in nature. Aarogya Setu Scheme has got sunset clause mentioned in its Data Access and Sharing Protocol, therefore the present Writ Petition deserves to be dismissed. The Aarogya Setu Scheme has taken sufficient care to preserve privacy. Minimal data is collected and it has been made public, how it will be making use it. The Aarogya Setu Scheme is a valid Scheme. Data protection a complex exercise and more technical in nature. Petitioner has not made any efforts or study in this regard, with oblique motive, petitioner is taking a chance.
30. Averments in paragraph No.21 of the memorandum of Writ Petition are misconceived, as the collection of user's location would be based on demography density of a particular country and hence it cannot be compared with any other country's mode of tracing COVID-19 patients and it was very much necessary for containing spread of COVID-19. Further, averment that Aarogya Setu application was downgraded by a Media magazine called Massachusetts Institute Technology Review, has no bearing on the use of Aarogya Setu. Further, the App is equipped with standard security features to protect the confidentiality and security of 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 is incapable of being accessed by such users.
31. Averments in paragraph No.22 of the memorandum of Writ Petition, that a French Ethical Hacker Robert Baptist's Twitter account posting that he had found a major security issue on the Aarogya setu App is without any basis and contrary, as 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 is incapable of being accessed by such users.


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32. Averments in paragraph Nos'.23, 24 and 25 of the memorandum of Writ Petition, are totally misconceived, as 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 is incapable of being accessed by such users.
33. Averments in paragraph No.26 of the memorandum of Writ Petition, is misconceived and without any basis.
34. Averments in paragraph Nos'.27, 28, 29, 30, 31, 32, 33 and 34 of the memorandum of writ petition, are misconceived, in view of the orders dated 30/05/2020, as advisory and subsequent orders dated 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020 and 27/10/2020, issued by National Executive Committee, Ministry of Home Affairs.
35. With regard to averments in paragraph No.35 of the memorandum of Writ Petition, due to short time and technical limitations, Aarogya Setu application is not designed for the disabled and it is under progress.
36. Averments in paragraph No.36-A of the memorandum of Writ Petition, are misconceived, as the nation enters the unlock phase, organizations/businesses are opening up their work places. In order to facilitate the opening up of businesses/organizations and to kick start the economy, Aarogya setu Open API Service has been introduced. Aarogya setu Open API Service is offered to organizations which are registered and have their operations in India. Using the service, the organizations can query the Aarogya setu Application in real-time and get the health status of their employees (if they are an Aarogya setu User), who has provided their consent for sharing their health status with the organization. The Open API shall only provide the health status (i.e., High/Medium/Low - Risk of the user with respect to COVID-19) of a registered Aarogya setu User (with User's consent). The Organizations availing Open API Service should ensure that, all information accessed through the API will only be used for the purpose of ascertaining the risk that their employees might


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have been exposed to COVID-19 and/or for management of COVID-19, in their extended workplace and shall confirm that they have put in place appropriate organisational and technological measures to ensure compliance with this obligation. The Organizations should also confirm that they are committed to protecting the privacy of their employees, customers, users and persons that they might have come in contact with and confirm that they have put in place appropriate organisational and technological measures, to ensure the same. Consent of the Aarogya setu User is mandatory, for sharing their health status through Open API. Users shall be offered, the option to provide their one-time consent, consent till cancelled or consent up to a specified date range. If any Aarogya setu user does not consent to the sharing of his/her health status, though the Open API, then the Organisation has to ensure that such user is provided with other alternate methods by which he/she can avail of the services offered by the organization. The organizations, availing the Open API service, should agree to abide by these terms, and also the privacy policy, data access and knowledge sharing protocol of Aarogya setu. There is no such data creep functionality built in the Aarogya Setu app. The API service is based on the 'need to use' basis of the organization with the consent of the employee, which is complementing the other methods of lowering the risk of containing the pandemic.

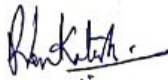
37. With regard to ground Nos'.38 and 39 of the memorandum of Writ Petition, are unsustainable, in view of orders dated 30/05/2020 as advisory and subsequent orders dated 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020 and 27/10/2020, issued by National Executive Committee. Averments in paragraph Nos'.38 and 39 of the Writ Petition, are matters of record and require no answer from Respondent.
38. With regard to ground No.40 of the memorandum of Writ Petition, at the cost of repetition it is reiterated that, due to short time and technical limitations, Aarogya Setu application is not designed for the disabled and it is under progress.
39. Ground No.41 of the memorandum of Writ Petition, is unsustainable in view of orders, dated 30/05/2020 as advisory and subsequent orders dated 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020 and 27/10/2020, issued by National Executive Committee. Further, the provisions of


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Disaster Management Act, 2005, Epidemic Diseases Act, 1897, National Disaster Management Plan and Executive Powers, enables the respondents take all necessary measures for containing the spread of COVID-19 pandemic. In view of the same, contention of petitioner that, there is no enabling law, and provisions of the Disaster Management Act, 2005, cannot empower the respondents to collect necessary information such as location information, health data and personal information of the users, is misconceived and unsustainable in law and on facts.

40. Ground Nos'.42 and 43 of the Memorandum of Writ Petition, in the facts and circumstances of this case, the ratio laid down by the Hon'ble Supreme Court, in the cases of Justice Puttaswami, supports the respondents.
41. Ground No.44 of the Memorandum of Writ Petition, is also unsustainable in view of Privacy Policy of the Aarogya Setu application;
 - a. 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.
 - b. 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.
 - c. 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,


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diagnoses or other medical information generated by medical professionals in the course of treatment.

42. Ground Nos'.45, 45(A), 46, 47, 48, 49 and 50 of the Memorandum of Writ Petition, are unsustainable, in view of orders dated 30/05/2020 as advisory and subsequent orders dated 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020 and 27/10/2020, issued by National Executive Committee.
43. Ground No.51 of the Memorandum of Writ Petition, is unsustainable in view of releasing IOS Version of the Application.
44. Ground No.61 of the Memorandum of Writ Petition, is unsustainable and contrary to National Executive Committee orders and SOP dated 02/09/2020 of Ministry of Housing and Urban Development, Government of India.
45. Ground No.62 of the Memorandum of Writ Petition, is misconceived and unsustainable, in view of orders dated 30/05/2020, as advisory and subsequent orders dated 29/06/2020, 29/07/2020, 29/08/2020, 30/09/2020 and 27/10/2020, issued by National Executive Committee.
46. With regard to Ground No.63 of the Memorandum of Writ Petition, it is submitted that during Lockdown, persons residing at containment zones and Quarantine were to have access for certain needs, to cater such needs the optional extended facilities are provided within the Aarogya Setu app.
47. With regard to Ground No.64, of the Memorandum of Writ Petition, it is submitted that;
 - a. The Source code repository is being shifted to Government's openforge platform. The latest source code is being updated on the openforge platform.
 - b. Aarogya Setu Users have control over, with whom they can share their health status. They can provide or withdraw their consent at any point of time.
 - c. Aarogya setu adheres to the data retention periods, which has already been mentioned in the privacy policy. At any point of time, an Aarogya Setu User can submit a request to cancel his/her


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resignation with Aarogya Setu, upon submission of the cancellation request, the user's data shall be deleted after expiry of 30 days from the date of receiving such request.


48. Ground No.65 of the Memorandum of Writ Petition, is misconceived, as Government has already clarified that the use of Aarogya setu is not mandatory and users of Aarogya Setu has control over with whom they want to share their health status. The users can provide or revoke consent at any point of point. The data of COVID-19 positive Aarogya setu users are retained as per the time lines mentioned in the Aarogya setu's privacy policy.
49. Ground No.66 of the Memorandum of Writ Petition, is misconceived, as the Government, has already published 'Aarogya setu Data Access and Knowledge Sharing Protocol', the data collected by Aarogya Setu are governed by the said protocol. The protocol defines retention periods for the data collected by Aarogya setu and the data is purged after the expiry of the retention period as per the retention period.
50. Ground No.67 of the Memorandum of Writ Petition, is matter of record but, due to the exigencies of the sudden onset of the COVID-19 pandemic, there was an urgent need to develop various medical, administrative and technological interventions, in order to co-ordinate the national level COVID-19 mitigation efforts. In this context, Aarogya Setu is one such intervention, which leverages technology and aids Government and the citizens in combating the COVID-19 pandemic. Aarogya Setu project is an outcome of joint efforts from various volunteers from industry, academia and Government. The external volunteers participated in the Aarogya Setu project in their individual capacity on a pro-bono basis. The assumption that the Aarogya setu data could be shared with the third parties involved in the development of national health stack, is misconceived. The data collected by Aarogya setu is governed by the 'Aarogya Setu Data Access and knowledge Sharing Protocol', which clearly defines what data can be shared with whom and for what purpose.
51. Ground Nos'.68 and 69 of the Memorandum of Writ Petition, are matters of record but, Aarogya Setu project is an outcome of joint efforts from various volunteers from Industry, Academia and Government. The


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external volunteers participated in the Aarogya setu project in their individual capacity on a pro-bono basis. The data collected by Aarogya Setu is governed by the 'Aarogya Setu Data Access and Knowledge Sharing Protocol', which clearly defines what data can be shared with whom and for what purpose. Hence, the concerns raised are misconceived.

52. Ground No.70 (Numbered as 67 at Page No.30) of the Memorandum of Writ Petition, is unsustainable as Aarogya Setu application is one of the preventive measures to contain the spread of COVID-19 in the country, which has been developed and deployed under the orders of National Executive Committee and constituted under the Disaster Management Act, 2005, read with National Disaster Management plan, Epidemic Diseases Act, 1897 and Executive Powers of the Government of India.

Wherefore, it is most respectfully prayed that, the Hon'ble Court be, pleased to reject the Writ Petition with costs, in the interest of Justice.


KUMAR M.N.

Central Government Counsel for Respondent
Nos'.1,2,3,4, 6, 7 & 8

Place : Bengaluru

Date : 06/11/2020


For respondent Nos'.1,2,3,4, 6, 7 & 8

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

W.P.No.7483/2020 (GM-RES-PIL)

Between:

Shri Aniwar A.Aravind

...Petitioner

And

Union of India and others

...Respondents

Affidavit Verifying Statement of Objections

I, R.Venkatesh, son of late K.Ramachander, aged about 58 years, resident of Bengaluru do hereby solemnly state and affirm as follows;

1. I state that, I am working as Scientist-G/Deputy Director General and Head of Office, in the office of respondent No.7, Karnataka Unit. I am authorized to swear this affidavit on behalf of respondent Nos'.1, 2, 3, 4, 6, 7 and 8.
2. I state that, statements in paragraph Nos'.1 to 52 of the accompanying statement of objections are based on case records and legal advice I have.
3. I state that, the annexures annexed to the accompanying statement of objections as annexures R1 to 19 are copies.

Sworn this the Sixth day of November 2020 at Bengaluru.

Identified by me

R.Venkatesh
Deponent

Sworn to before me

Aniwar
Advocate

No. of Corrections :-

SWORN TO BEFORE ME

NAIK KRISHNAMURTHY MANJA
Advocate & Notary
Government of India

57, 2nd Floor, Mathikere Main Road
Gokula 1st Stage, 1st Phase
Bengaluru Urban - 560 054
Mob: 99456 03725



Book: *I* Page: *52*
Reg. No: *119* Dated: *6/11/2020*

No. of Corrections - *Nil*

Press Information Bureau

Government of India

Government of India issues Orders prescribing lockdown for containment of COVID-19 Epidemic in the country

New Delhi, March 24, 2020

The COVID-19 epidemic has affected many countries and the World Health Organisation has declared it 'Pandemic'.

Government of India (GOI) has been taking several proactive preventive and mitigating measures starting with progressive tightening of international travel, issue of advisories for the members of the public, setting up quarantine facilities, contact tracing of persons infected by the virus and various social distancing measures. Several advisories have been issued to States and Union Territories (UTs) for taking necessary measures to contain the spread of this virus. Government have temporarily suspended metro and rail services as well as domestic air traffic.

The situation has been continuously reviewed at the level of the Prime Minister of India. The PM has addressed the Nation on the need for preventive measures and has also held meeting with all the Chief Ministers through video conference.

Experts, keeping in view the global experiences of countries which have been successful in containing the spread of COVID-19 unlike some others where thousands of people died, have recommended that effective measures for social distancing should be taken to contain the spread of this pandemic

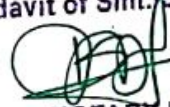
While steps taken by State/UT Governments are in the right direction, lack of uniformity in the measures adopted as well as in their implementation, may not serve the objective of containing the spread of the virus. Considering the situation. The National Disaster Management Authority (NDMA), chaired by Hon'ble Prime Minister Shri Narendra Modi, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, has issued an Order dated 24.03.2020, directing the Ministries/ Departments of Government of India, and the State/Union Territory Governments and State/ Union Territory Authorities to take effective measures to prevent the spread of COVID-19 in the country.

In compliance of the said Order of NDMA, Ministry of Home Affairs (MHA) has issued an Order dated 24.03.2020 under Section 10(2)(l) of the Disaster Management Act, directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures for ensuring social distancing so as to prevent the spread of COVID-19 in the country. The Order shall remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.

The Ministries/ Departments of Government of India and State Governments/Union Territory Administrations, have been directed to ensure strict implementation of these Orders. The implementation of these measures will be monitored by MHA.

VG/SNC/VM

This Document is Referred to As
Annexure RI he
Affidavit of Smt./Sri..... R. VENKATESH



NOTARY PUBLIC

North Block, New Delhi-110001
Dated 29th March, 2020

ORDER


Subject: Constitution of the Empowered Groups under the Disaster Management Act 2005

The pandemic of COVID 19 has engulfed the entire world posing serious challenges for the health and economic security of millions of people worldwide. During this unprecedented situation for effectively addressing issues, constraints and scenarios, a well-planned and coordinated emergency response has become essential.

2. The measures taken hitherto have been effective in containing the pandemic so far. However, considering the gravity and magnitude of the challenges, which are emerging with every passing day, there is a pressing need to augment and synchronise efforts cutting across various Ministries/Departments. Keeping in view the need for such comprehensive action and integrated response, in exercise of the powers conferred under the section 10(2)(h) and (i) of the Disaster Management Act, 2005, the undersigned in the capacity as Chairperson, National Executive Committee, hereby constitute eleven Empowered Groups of Officers (as per Appendix). These Groups are empowered to identify problem areas and provide effective solutions therefor; delineate policy, formulate plans, strategize operations and take all necessary steps for effective and time-bound implementation of these plans/ policies/ strategies/ decisions in their respective areas.

3. In matters involving procurement, the Empowered Group shall take into consideration special instructions given to the Departments vide Department of Expenditure OM No. F.6/18/2019-PPD dated 27th March, 2020 and will take suitable decisions/ make recommendations in this regard. In such matters, the concerned Ministries/ Departments shall take immediate action to implement all the decisions/ recommendations of the Empowered Group.

4. During the deliberations, if any of the Empowered Groups is of the view that a particular aspect is not within the domain of that Group and falls within the scope of any other Group(s), they may seek the guidance of the Cabinet Secretary.

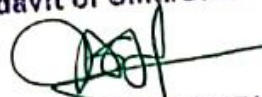

Home Secretary 29/03/2020

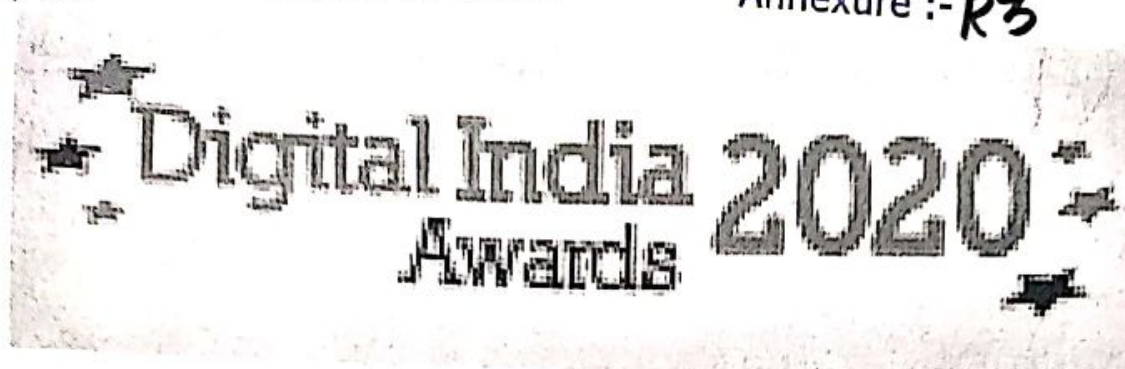
Empowered Groups constituted vide Ministry of Home Affairs Order no No. 40-3/2020-DM-I(A)
Dated 29.03.2020 for planning & ensuring implementation of Covid-19 Response Activities

1	Medical Emergency Management Plan	Dr. V Paul, Member NITI Aayog Dr. Renu Swaroop, Secy, DBT Dr. V.Thiruppugazh, NDMA Lav Agarwal, JS, Health Dr. Amandeep Garg, JS, Cabinet Sect Rajender Kumar, Director, PMO
2	Availability of Hospitals, Isolation & Quarantine Facilities, Disease Surveillance & Testing and critical care training	C K Mishra, Secy, EF&CC Vinod Yadav, Chairman, RB Dr. Randeep Guleria, Director AIIMS Dr. Raman R Gangakhedkar, Head ECD, ICMR Jiresh Nandan, AS, Defence Rachna Shah, AS, Cabinet Sect Vikas Sheel, JS, Health Shrikhar Pardeshi, JS / Mayur Maheshwari, Director, PMO
3	Ensuring Availability of essential medical equipment such as PPE, Masks, Gloves & Ventilators; Production, Procurement, Import & Distribution	P.D.Vaghela, Secy, Pharmaceuticals Guru Mohapatra, Secy, DPIIT Ravi Capoor, Secy, Textiles Dr. G. Satheesh Reddy, Secretary, DRDO M. Ajit Kumar, Chairman, CBIC Naveen Shrivastav, JS, MEA Anu Nagar, JS, DHR Mandeep Bhandari, JS, Health Piyush Goel, JS, Home A Giridhar, AS, Cabinet Sect AK Sharma, AS/ Rohit Yadav, JS, PMO
4	Augmenting Human Resources & Capacity Building	Arun Panda, Secy MSME R. S. Shukla, Secy Parl. Affairs Rajesh Kotecha, Secy, AYUSH Arun Singhal, Spl. Secy, Health Rakesh Kumar Vats, Secretary, NMC Dr. Ravindran, EMR Pankaj Aggarwal, JS, Cabinet Sect V. Sheshadri, JS, PMO
5	Facilitating Supply Chain & Logistics Management for availability of necessary items such as Food & Medicines	Parameswaran Iyer, Secy, DWS Rajender Singh, Member, NDMA Ravi Kant, Secy, F&PD Pawan Kumar Agarwal, Secy, Consumer.Affairs N. N. Sinha, Secy, Border Management Ashok Pandey, Member, CBIC N. Sivasailam, Spl Secy., Logistics & Commerce AVM Jha, JS, Air (Defence) Usha Padhee, JS, Civil Aviation Ashutosh Jindal, JS, Cabinet Sect. Tarun Bajaj, AS, PMO

6	Coordinating with Private Sector, NGOs & International Organizations for response related activities	Amitabh Kant, CEO, NITI Aayog Dr. Vijayaraghavan, PSA Kamal Kishore, Member, NDMA Sandeep Mohan Bhatnagar, Member, CBIC Anil Malik, AS, MHA Tina Soni, DS, Cabinet Sect Gopal Baglay, JS, PMO / Aishvarya Singh, DS, PMO
7	Economic & Welfare measures	Atanu Chakraborty, Secy, DEA T.V. Somnathan, Secy Exp Hiralal Samariya Secy, Labour Rajesh Bhushan, Secy, RD Pankaj Jain Addl. Secy, DFS Amrapali Kata, DS, Cabinet Sect Arvind Shrivastava, JS / Kavitha Padmanabhan, Director, PMO
8	Information, Communication & Public Awareness	Ravi Mittal, Secy, I&B Sunil Kumar, Secy, PR Syed Ata Hasnain, Member, NDMA Punya Salila Srivastava, JS, Home Padmaja Singh, JS, Health Sandeep Sarkar, JS, Cabinet Sect Gopal Baglay, JS / Hiren Joshi, OSD / Pratik Mathur, DS, PMO
9	Technology & Data Management	Ajay Sawhney, Secy, MEITY Anshu Prakash, Secy, DoT G S Toteja, ADG, ICMR N Yuvraj, DS, Health Bharat H Khera, JS, Cabinet Sect Pratik Doshi, OSD/Manharsinh Yadav, DS / Hardik Shah, DS, PMO
10	Public Grievances & Suggestions	Amit Khare, Secy HRD K. Shivaji, Secy, DAPRG Ashutosh Agnihotri, JS, MHA Meera Mohanty, Director, Cabinet Sect. Saurabh Shukla, Director / Abhishek Shukla, DS, PMO
11	Strategic issues relating to Lockdown	Ajay Kumar Bhalla, Secretary, Home Dr. V Paul, Member NITI Aayog V.P. Joy, Secretary, Coordination, Cabinet Sect. A. K. Sharma, AS / Arvind Shrivastava, JS / Abhishek Shukla, DS, PMO

This Document is Referred to As
Annexure R2 he
Affidavit of Smt./Sri..... R. VENKATESH


NOTARY PUBLIC



Ministry of Electronics & IT

AarogyaSetu: A multi-dimensional bridge

Posted On: 02 APR 2020 4:21PM by PIB Delhi

The Government of India today launched a mobile app developed in public-private partnership to bring the people of India together in a resolute fight against COVID-19.

The App, called 'AarogyaSetu' joins Digital India for the health and well-being of every Indian. It will enable people to assess themselves the risk for their catching the Corona Virus infection. It will calculate this based on their interaction with others, using cutting edge Bluetooth technology, algorithms and artificial intelligence.

Once installed in a smart phone through an easy and user-friendly process, the app detects other devices with AarogyaSetu installed that come in the proximity of that phone. The app can then calculate the risk of infection based on sophisticated parameters if any of these contacts is tested positive.

The App will help the Government take necessary timely steps for assessing risk of spread of COVID-19 infection, and ensuring isolation where required.

The App's design ensures privacy-first. The personal data collected by the App is encrypted using state-of-the-art technology and stays secure on the phone till it is needed for facilitating medical intervention.

Available in 11 languages, the App is ready for pan-India use from day-1 and has highly scalable architecture.

This app is a unique example of the nation's young talent coming together and pooling resources and efforts to respond to a global crisis. It is at once a bridge between public and private sectors, digital technology and health services delivery and the potential of young India with a disease-

and healthy future of the nation.

भैसुरक्षित।हमसुरक्षित।भारतसुरक्षित।

RJ/RP

(Release ID: 1610301) Visitor Counter : 4079

Read this release in: Hindi, Bengali, Assamese, Punjabi, Gujarati, Odia, Tamil, Telugu, Kannada

Hon'ble PM Narendra Modi
to Interact with Beneficiaries
of PM SVANidhi on
27th October 2020 at 10:50 am



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PMNRF
PRIME MINISTER'S
National Relief Fund



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Ministry of Textiles

Ministry of Commerce & Industry

Ministry of Defence

Ministry of Finance

Ministry of Health and Family Welfare

<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1610301>



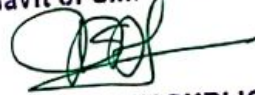
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Last Updated On: 27 Oct 2020 23:04:00 PM

Visitor Counter: 105576

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Affidavit of Smt./Sri... R. VENKATESH



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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 is 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

- 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 the results of your self-assessment and 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 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.

2. USE OF INFORMATION

- a. 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 co-related 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 carry out such interventions.

- b. 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.
- c. 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.
- d. 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 30 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).
- e. The information securely uploaded and stored on the Server under Clause 1(e) will be used to calculate the probability of those who have come in contact with you being infected with COVID-19.
- f. The information collected under Clause 1 will not be used for any purpose other than those mentioned in this Clause 2.

3. RETENTION

- a. 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 if any medical or administrative interventions have been commenced under Clause 2, subject to Clause 3(b) below, for such period thereafter as is required for such interventions to be completed.
- b. All personal information collected under Clauses 1(b), 1(c), 1(d) and 1(e) 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), 1(d) and 1(e) 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), 1(d) and 1(e) 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.
- c. 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

- a. 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.
- b. 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

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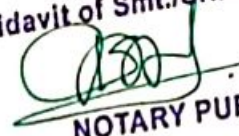
encrypted server. Personal information that is stored in the Apps of other registered users that you come in contact with is securely encrypted and are incapable of being accessed by such user.

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)

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Annexure R.H.he
Affidavit of Smt./Sri..... R. VENKATESH

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Aarogya Setu
एकता | सुरक्षा | समृद्धि

Annexure :- R5



Aarogya Setu Terms & Conditions

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.

1. SERVICE OVERVIEW

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 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 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, that 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 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.

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 to 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 assessed as likely to be infected with COVID-19 or not being assessed as such 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 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 is collected and 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. You can also delete 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,



Aarogya Setu
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for (a) the failure of the App or the Services to accurately identify persons in your proximity who have tested positive to COVID-19;
(b) 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.

7. DISCLAIMER

The App is being made available on an "as-is" basis. 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. DEFECT REPORTING

You can report any defects or bugs in the App or the Services to support[at]aarogyaasetu[at]gov[dot]in. The Government of India will make every endeavour to address all reported bugs and defects.

9. GOVERNING LAW

These Terms shall be governed by the laws of India.

Content owned, updated and maintained by the MyGov, MaitY. Aarogya Setu Platform is designed, developed and hosted by National Informatics Centre, Ministry of Electronics & Information Technology, Government of India.

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Last Updated: July 15, 2020 at 1:47 pm - aarogyaasetu-t69pr

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This Document is Referred to A
Annexure R5
Affidavit of Smt./Sri. R. VENKATESH

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F. No. 101/2/1/2020-CA.IV

भारत सरकार / Government of India

मंत्रिमण्डल सचिवालय / Cabinet Secretariat

राष्ट्रपति भवन / Rashtrapati Bhawan

Annexure :- R6

New Delhi, the 3rd April, 2020

Subject: Constitution of Committee for developing and implementing a Citizen App technology platform for combating COVID-19.

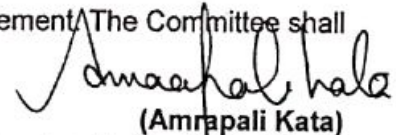
In response to the COVID-19 pandemic, a wide range of technology products and applications have come up to bring citizens onto a common platform. Technology experts, academicians and private companies have also reached out to the Government offering solutions and services. Developing a single nation-wide technology platform on-boarding all citizens can be a powerful tool in combating the pandemic.

2. In view of the above, it has been decided to create an enabling mechanism through a public private partnership model to develop and implement a Citizen App technology platform, on-boarding all citizens in combating COVID-19, evaluating and converging related technology solutions and suggestions. A Committee is constituted comprising of the following:

- i. Shri R.S. Sharma, Chairman, TRAI
- ii. Professor K. Vijay Raghvan, Principal Scientific Advisor to Govt. of India
- iii. Shri Ajay Prakash Sawhney, Secretary, M/o Electronics & Information Technology
- iv. Shri Anshu Prakash, Secretary, D/o Telecommunications
- v. Shri Anand Mahindra, Chairman, Mahindra & Mahindra
- vi. Shri N. Chandrasekaran, Chairman, Tata Sons
- vii. Professor V. Kamakoti, Member, NSAB, IIT Chennai

3. M/o Electronics & Information Technology will provide secretarial support to the Committee. The Committee will be further assisted by Shri Manharsinh Yadav, Deputy Secretary, Prime Minister's Office.

4. The Committee may co-opt any member as per requirement. The Committee shall complete its work within 3 months.


(Amrapali Kata)

Deputy Secretary to the Govt. of India
Tel: 2301 3507

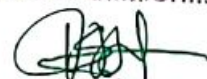
To,

1. Shri R.S. Sharma, Chairman, TRAI
2. Professor K. Vijay Raghvan, Principal Scientific Advisor to Govt. of India
3. Shri Ajay Prakash Sawhney, Secretary, M/o Electronics & Information Technology
4. Shri Anshu Prakash, Secretary, D/o Telecommunications
5. Shri Anand Mahindra, Chairman, Mahindra & Mahindra
6. Shri N. Chandrasekaran, Chairman, Tata Sons
7. Professor V. Kamakoti, Member, NSAB, IIT Chennai
8. Shri Manharsinh, Deputy Secretary, Prime Minister's Office

Copy, for information, to:

1. Dr. Hardik Shah, Deputy Secretary, Prime Minister's Office w.r.t. O.M. No. 5239411/2020 dated 02.04.2020.
2. SO to Cabinet Secretary

Document is referred to
Annexure R6
Affidavit of Smt./Sri... P. VENKATESH



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Annexure :- R7

Aarogya Setu

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WEDNESDAY, 6 MAY 2020

Earlier today, we were alerted by an ethical hacker of a potential security issue of Aarogya Setu. We discussed with the hacker and were made aware of the following:

1. The App fetches user location on a few occasions.

Response: This is by design and is clearly detailed in the privacy policy.

Reproducing the same for everyone's benefit. We fetch a user's location and store on the server in a secure, encrypted, anonymised manner

- At the time of registration
- At the time of self-assessment
- When a user submits their contact tracing data voluntary through the App or when we fetch the contact tracing data of a user after they have turned COVID-19 positive

2. User can get the COVID-19 stats displayed on Home Screen by changing the radius and latitude-longitude using a script

Response: The radius parameters are fixed and can only take one of the five values: 500 metres, 1km, 2km, 5km and 10km. These values are standard parameters, posted with HTTP headers. Any other value as part of the "distance" HTTP header gets defaulted to 1km.

The user can change the latitude / longitude to get the data for multiple locations. The API call though is behind a Web Application Firewall, and hence bulk calls are not possible. Getting data for multiple latitude longitude this way is no different than asking several people of their location's COVID-19 statistics. All this information is already public for all locations and hence does not compromise on any personal or sensitive data.

No personal information of any user has been proven to be at risk by this ethical hacker. We are continuously testing and upgrading our systems. Team Aarogya Setu assures everyone that no data or security breach has been identified.

We thank this ethical hacker on engaging with us. We encourage any users who identify a vulnerability to inform us immediately at support@arogya.gov.in. Your continued support will help us keep the App even more secure.

Affidavit of Smt./Sri.....

NOTARY PUBLIC

Annexure :- R8

Government of India
Ministry of Electronics and Information Technology
Electronics Niketan, 6 CGO Complex,
New Delhi-110003.

No. 2(11)/2020-CLES

Dated: April 08th, 2020

Office Memorandum

Subject: Organisational chart for the functioning of Aarogya Setu app and its platform ecosystem- reg.

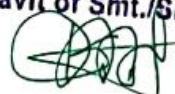
The undersigned is directed to inform that the following organisational set up with individual responsibilities is hereby drawn up in order clearly specify the roles of various persons involved in tasks relating to the development, promotion and functioning of Aarogya Setu app and its platform ecosystem:

- i) Smt. Neeta Verma, DG NIC – Mission Chief for the entire ecosystem
- ii) Sh. R S Mani, DDG, NIC – Project Head
- iii) Sh. Lalitesh Katragadda – Chief Volunteer and Product Head: Responsible for the vision, solution architecture, key platform decisions and direction - evolving the product plan including features, handling bugs, enhancing usability
- iv) Sh. Arnab Kumar – PD NITI Aayog - Programme Manager and Product Marketing Head: Responsible for coordination across departments, messaging, PR, translations, gathering feedback from relevant departments, ensuring platform is aligned with policy. Activating messaging channels to maximise usage and engagement. Stepping up marketing effort towards get the app on every smartphone.
- v) Sh. Vikalp Sahni and Sh. Rahul Goyal - MMT- Volunteers - Technology & Operations : Responsible for coordination & execution of the product roadmap closely with the engineers & to manage the Operations, in consultation with Project Head and Product Head.
- vi) Prof V Kamakoti – IIT Madras - Lead for Security, Privacy and Legal areas, to ensure compliance in all these aspects, put in place clear simple Terms of Service and ensure product is compliant with such Terms of Service, ensure National Security needs are served and at the same time citizens interests and privacy concerns are protected.

2. This issues with the approval of Secretary, Ministry of Electronics and Information Technology.

Vikash Chourasia
Scientist 'C'

This Document is Referred to As
Annexure R8he
Affidavit of Smt./Sri..... R. VENKATESH



NOTARY PUBLIC

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Annexure :- R9

No.M-11013/1/2019-MS(O&M)
Government of India
Ministry of Electronics and Information Technology
Electronics Niketan, 6 CGO Complex

New Delhi-110003.
Dated: 28/04/2020

Office Memorandum

Subject: Organisational chart for the functioning of Aarogya Setu App and its platform ecosystem- amendment reg.

In continuation of this Ministry's O.M. No. 2(11)/2020-CLES dated 08/04/2020 (copy enclosed) on the above mentioned subject, it has been decided to refine the organisational chart for Aarogya Setu App and address the requirement of creatives and content as given under:

Sh. Abhishek Singh, IAS, CEO, MyGov and President & CEO, NeGD: Head - Content and creatives; Responsible for curated content, creatives on proliferation and promotion of Aarogya Setu app, enhancing usage, media strategy.

2. This issues with the approval of Secretary, MeitY.

R9/8/4/2020
(Roop Kishor)
Director (Pers.)
Tel. 24364591

Email: roop.kishor@meity.gov.in

To:

1. All officers concerned
2. All GCs in MeitY
3. Dir.(Pers.)/JD(Finance)/JD(GA)/JD(PG)/RTI/JD(Building)
4. All JDs/DDs in MeitY
5. Intra-MeitY Portal/MeitY Website Cell

Copy to:

1. DG, NIC/DG, STQC Dte.
2. CEO-UIDAI/DG(ICERT)/CCA
3. CEOs of all Autonomous Societies and Companies under MeitY
4. PPS to ME&IT
5. PPS to MOS(E&IT)
6. PPS/OSD to Secretary, MeitY
7. PPS to AS/AS&FA/SEA

This Document is Referred to As
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Affidavit of Smt./Sri..... P. VENKATESH

NOTARY PUBLIC

413

From: Vikash Chourasia <vikash@meity.gov.in>
Sent: Wednesday, 8 April 2020, 23:19
To: Director General NIC; R.S. Mani; kama; lalitesh; Arnab Kumar; vikalp@go-mmt.com;
rahul.goyal@go-mmt.com
Cc: Addl Secretary MeitY; Ajay Sawhney; Ajay Sawhney

Subject: OM for Aarogya Setu App & Platform

Sir/Madam,

The undersigned is directed to inform that the following organisational set up with individual responsibilities is hereby drawn up in order clearly specify the roles of various persons involved in tasks relating to the development, promotion and functioning of Aarogya Setu app and its platform ecosystem:

- i) Smt. Neeta Verma, DG NIC – Mission Chief for the entire ecosystem
- ii) Sh. R S Mani, DDG, NIC – Project Head
- iii) Sh. Lalitesh Katragadda – Chief Volunteer and Product Head: Responsible for the vision, solution architecture, key platform decisions and direction - evolving the product plan including features, handling bugs, enhancing usability
- iv) Sh. Arnab Kumar – PD NITI Aayog - Programme Manager and Product Marketing Head: Responsible for coordination across departments, messaging, PR, translations, gathering feedback from relevant departments, ensuring platform is aligned with policy. Activating messaging channels to maximise usage and engagement. Stepping up marketing effort towards get the app on every smartphone.
- v) Sh. Vikalp Sahni and Sh. Rahul Goyal - MMT- Volunteers - Technology & Operations : Responsible for coordination & execution of the product roadmap closely with the engineers & to manage the Operations, in consultation with Project Head and Product Head.
- vi) Prof V Kamakoti – IIT Madras - Lead for Security, Privacy and Legal areas, to ensure compliance in all these aspects, put in place clear simple Terms of Service and ensure product is compliant with such Terms of Service, ensure National Security needs are served and at the same time citizens interests and privacy concerns are protected.

2. This issues with the approval of Secretary, Ministry of Electronics and Information Technology.

Regards,

Vikash Chourasia | Scientist 'C'

Ministry of Electronics & Information Technology

Electronics Niketan, 6 CGO Complex, Lodhi Road, New Delhi – 110003

Tel : +91-11-24301247 | Mobile: +91- 9311958964 | vikash.c@gov.in

Thank you for considering the environmental impact of printing emails.

Aarogya Setu introduces 'Open API Service', a novel feature to help the people, businesses and the economy to return to normalcy

The service can be availed by organizations and business entities, who are registered in India with more than 50 employees

Open API Service enables organizations to get the health status of their employees or any other Aarogya Setu Users without violating their data privacy

Posted On: 22 AUG 2020 3:08PM by PIB Delhi

As we move on to the new normal of learning to live with COVID19, Aarogya Setu team has worked on a new innovative feature which is called 'Open API Service'. In order to help businesses and economy to start functioning while being safe, the Open API Service enables organizations to check the status of Aarogya Setu and integrate it into its various Work from Home features. The Open API Service of Aarogya Setu, addresses the fear/risk of Covid-19 infections and help the people, businesses and the economy to return to normalcy.

Aarogya Setu has been powering India's fight against COVID-19 since its launch on 2nd April 2020. Aarogya Setu has now emerged as the most downloaded contact tracing App in the world, with more than 15 crore Users. The overwhelming support of the people has enabled Aarogya Setu to aid the efforts of frontline health workers and the Government in COVID-19 mitigation and management efforts. More than 6.6 million Bluetooth contacts have been traced and percentage positive of those who have tested is almost 27%. Thus Aarogya Setu based Bluetooth contact tracing and testing is very efficient and effective. Similarly, many others have been advised for caution and quarantine and it has led to breaking the chain of spread and has been effective in early detection and ensuring that fatality rates in India are amongst the lowest. The Aarogya Setu ITIHAS interface which uses location data and Aarogya Setu analytics to predict emerging hotspots at Sub Pincode levels has been very effective in helping the health officials and administration to take necessary precautionary steps. More than 30,000 hotspots have been identified at a very granular level of 300 m X 300 m and shared with State Governments and Districts.

Since its launch, Aarogya Setu has continuously innovated and introduced more novel features like e-pass integration, QR Code scanning, sharing of Health status with family/known persons - all of which have been very effective in keeping India and Indians safe in line with the motto of Aarogya Setu – Main Surakshit, Hum Surakshit, Bharat Surakshit.

Open API Service


The Open API Service of Aarogya Setu, can be availed by organizations and business entities, who are registered in India with more than 50 employees, and they can use the Open API Service to query the Aarogya Setu Application in real-time and get the health status of their employees or any other Aarogya Setu User, who have provided their consent for sharing their health status with the organization. The Open API shall only provide the Aarogya Setu status and name of the Aarogya Setu User (with User's consent). No other personal data shall be provided through the API.

Registration for Open API Service can be done at : <https://openapi.aarogyaasetu.gov.in>

Technical queries, related to Open API can be addressed to : openapi.aarogyaasetu@gov.in

RCJ/M

(Release ID: 1647866)

This Document is Referred to As
Annexure R10
Affidavit of Smt./Sri. R. VENKATESH

NOTARY PUBLIC

North Block, New Delhi-110001
Dated 17th 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.

This Document is referred to As
Annexure
Affidavit of Smt./Sri.....

NOTARY PUBLIC

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e ID: 4

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 31st May, 2020.

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

1. Lockdown shall continue to remain in force upto 31st 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

- 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.

13/1/2020

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- 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**.


Union Home Secretary

Annexure I

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.

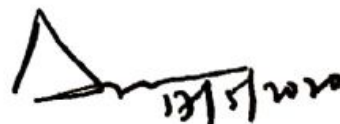

13/5/2020

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 doon) 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.



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.

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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

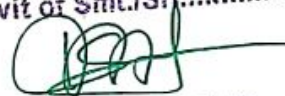
188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, 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
Annexure R.II he
Affidavit of Smt./Sri..... R. VENKATESH



NOTARY PUBLIC

Annexure :- R12

4th June, 2020

Government of India
Ministry of Health and Family Welfare

SOP on preventive measures in Restaurants to contain spread of COVID-19

1. Background

Given the current COVID-19 outbreak in India, it is important that restaurants and other hospitality units take suitable measures to restrict any further transmission of the virus while providing restaurant services.

2. Scope

This document outlines various generic precautionary measures to be adopted in addition to specific measures to be ensured at particular places to prevent spread of COVID-19.

Restaurants in containment zones shall remain closed. Only those outside containment zones will be allowed to open up.

3. Generic preventive measures

Persons above 65 years of age, persons with comorbidities, pregnant women and children below the age of 10 years are advised to stay at home, except for essential and health purposes. Restaurant management to advise accordingly.

The generic measures include simple public health measures that are to be followed to reduce the risk of COVID-19. These measures need to be observed by all (staff and patrons) in these places at all times.

These include:

- i. Physical distancing of at least 6 feet to be followed as far as feasible.
- ii. Use of face covers/masks to be made mandatory.
- iii. Practice frequent hand washing with soap (for at least 40-60 seconds) even when hands are not visibly dirty. Use of alcohol-based hand sanitizers (for at least 20 seconds) can be made wherever feasible.
- iv. Respiratory etiquettes to be strictly followed. This involves strict practice of covering one's mouth and nose while coughing/sneezing with a tissue/handkerchief/flexed elbow and disposing off used tissues properly.
- v. Self-monitoring of health by all and reporting any illness at the earliest to state and district helpline.
- vi. Spitting shall be strictly prohibited.
- vii. Installation & use of Aarogya Setu App shall be advised to all.

- viii.
4. All Restaurants shall ensure the following arrangements:
- i. Takeaways to be encouraged, instead of Dine-In. Food delivery personnel should leave the packet at customer's door. DO NOT handover the food packet directly to the customer.
 - ii. The staff for home deliveries shall be screened thermally by the restaurant authorities prior to allowing home deliveries.
 - iii. Entrance to have mandatory hand hygiene (sanitizer dispenser) and thermal screening provisions.
 - iv. Only asymptomatic staff and patrons shall be allowed.
 - v. All staff and patrons to be allowed entry only if using face cover/masks. The face cover/masks has to be worn at all times inside the restaurant.
 - vi. Posters/standees/AV media on preventive measures about COVID-19 to be displayed prominently.
 - vii. Staggering of patrons to be done, if possible.
 - viii. Adequate manpower shall be deployed by restaurant management for ensuring social distancing norms.
 - ix. All employees who are at higher risk i.e. older employees, pregnant employees and employees who have underlying medical conditions, to take extra precautions. They should preferably not be exposed to any front-line work requiring direct contact with the public. Restaurant management to facilitate work from home wherever feasible.
 - x. Proper crowd management in the parking lots and outside the premises – duly following social distancing norms shall be ensured.
 - xi. Additional patrons to be seated in a designated waiting area with norms of social distancing.
 - xii. Valet parking, if available, shall be operational with operating staff wearing face covers/ masks and gloves as appropriate. A proper disinfection of steering, door handles, keys, etc. of the vehicles should be taken up.
 - xiii. Specific markings may be made with sufficient distance to manage the queue and ensure social distancing in the premises.
 - xiv. Preferably separate entry and exits for patrons, staff and goods/supplies shall be organized.
 - xv. Required precautions while handling supplies, inventories and goods in the restaurant shall be ensured. Proper queue management and disinfection shall be organized.
 - xvi. Maintaining physical distancing of a minimum of 6 feet, when queuing up for entry and inside the restaurant as far as feasible.
 - xvii. Seating arrangement to be made in such a way that adequate social distancing is maintained. In restaurants, not more than 50% of seating capacity to be permitted.
 - xviii. Disposable menus are advised to be used.
 - xix. Instead of cloth napkins, use of good quality disposable paper napkins to be encouraged.
 - xx. Buffet service should also follow social distancing norms among patrons.
 - xxi. Number of people in the elevators shall be restricted, duly maintaining social distancing norms.

- xxii. Use of escalators with one person on alternate steps may be encouraged.
- xxiii. For air-conditioning/ventilation, the guidelines of CPWD shall be followed which inter alia emphasises that the temperature setting of all air conditioning devices should be in the range of 24-30°C, relative humidity should be in the range of 40-70%, intake of fresh air should be as much as possible and cross ventilation should be adequate.
- xxiv. Large gatherings/congregations continue to remain prohibited.
- xxv. Effective and frequent sanitation within the premises shall be maintained with particular focus on lavatories, drinking and hand washing stations/areas.
- xxvi. Cleaning and regular disinfection (using 1% sodium hypochlorite) of frequently touched surfaces (door knobs, elevator buttons, hand rails, benches, washroom fixtures, etc.) to be made mandatory in all guest service area and common areas.
- xxvii. Proper disposal of face covers / masks / gloves left over by patrons and/or staff should be ensured.
- xxviii. Deep cleaning of all washrooms shall be ensured at regular intervals.
- xxix. Adequate crowd and queue management to be ensured to ensure social distancing norms.
- xxx. Staff / waiters should wear mask and hand gloves and take other required precautionary measures.
- xxxi. Contactless mode of ordering and digital mode of payment (using e-wallets) to be encouraged.
- xxxii. Tables to be sanitized each time customer leaves.
- xxxiii. In the kitchen, the staff should follow social distancing norms at work place. Kitchens area must be sanitized at regular intervals.
- xxxiv. Gaming Arcades/Children play areas (wherever applicable) shall remain closed.
- xxxv. In case of a suspect or confirmed case in the premises:
 - a. Place the ill person in a room or area where they are isolated from others.
 - b. Provide a mask/face cover till such time he/she is examined by a doctor.
 - c. Immediately inform the nearest medical facility (hospital/clinic) or call the state or district helpline.
 - d. A risk assessment will be undertaken by the designated public health authority (district RRT/treating physician) and accordingly further action be initiated regarding management of case, his/her contacts and need for disinfection.
 - e. Disinfection of the premises to be taken up if the person is found positive.

This Document is Referred to As
 Annexure R12 he
 Affidavit of Smt./Sri..... R. VENKATESH


 NOTARY PUBLIC

Ministry of Electronics & Information Technology
Electronics Niketan, CGO Complex
New Delhi

Aarogya Setu is now open source

Tuesday, 26 May 2020

On 2nd April 2020, India launched Aarogya Setu mobile App for helping augment the efforts of limiting the spread of COVID19, with an objective of enabling Bluetooth based contact tracing, mapping of likely hotspots and dissemination of relevant information about COVID19. The App has over 114 million users as on 26th May, which is more than any other Contact Tracing App in the world. The App is available in 12 languages and on Android, iOS and KaiOS platforms. Citizens across the country are using Aarogya Setu to protect themselves, their loved ones and the nation. Many youngsters also call Setu as their Bodyguard. The key pillars of Aarogya Setu have been transparency, privacy and security and in line with India's policy on Open Source Software, the source code of Aarogya Setu has now been made open source. The source code for the Android version of the application is available for review and collaboration at https://github.com/nic-delhi/AarogyaSetu_Android.git. The iOS version of the application will be released as open source within the next two weeks and the server code will be released subsequently. Almost 98% of Aarogya Setu Users are on Android platform.

Opening the source code to the developer community signifies our continuing commitment to the principles of transparency and collaboration. Aarogya Setu's development has been a remarkable example of collaboration between Government, Industry and Academia and citizens. It is also a product of the hard work of the talented young technological experts of our country who have worked day in and out to make this world class product. With the release of the source code in the public domain, we are looking to expanding collaboration and to leverage the expertise of top technical brains amongst the talented youth and citizens of our nation and to collectively build a robust and secure technology solution to help support the work of frontline health workers in fighting this pandemic together.

The App offers a comprehensive suite of interventions against COVID-19 and has registered several firsts in the eight weeks since its launch. The App possibly has the most reach and impact when compared to all other COVID-19 contact tracing and self-assessment tools combined globally, while pioneering new data driven epidemiological flattening of the curve through syndromic mapping. Of the more than 114 million registered users, two-thirds have taken the self-assessment test to evaluate their risk of exposure to COVID-19. The App has helped identify about 500,000 Bluetooth contacts. Those who are identified as Bluetooth contacts of COVID19 positive cases or are classified as needing assistance based on their self-assessment, are contacted by National Health Authority. So far, the platform has reached out to more than 900,000 users and helped advise them for Quarantine, caution or testing. Amongst those who were recommended for testing for COVID19, it has been found that almost 24% of them have been found COVID19 positive. Compare this to the overall COVID19 positive rate of around 4.65% - 145380 COVID19 positive from a total of 3126119 tests done as on 26th May 2020. This clearly illustrates that Contact tracing is helping focus efforts on those who need testing and this will greatly augment the efforts of the Government in containing the pandemic. Analytics of Bluetooth contacts and location data has also helped identify potential hotspots with higher probability of COVID cases allowing State Governments and District Administration and Health authorities to take necessary steps for containment of the pandemic, early, which is critical for controlling the spread of the pandemic. This approach of syndromic mapping, a novel approach of combining principles of path tracing and movement patterns of COVID-19 positive people, population level epidemiology modeling and the prevalence of COVID-19 in different regions of the country, the Aarogya Setu team has identified more than 3,500 hotspots across the country at sub-post office level. The Aarogya Setu data fused with historic data has shown enormous potential in predicting emerging hotspots at sub post office level and today around 1264 emerging hotspots have been identified across India that might otherwise have been missed. Several of these predicted hotspots have been subsequently verified as actual hotspots in the next 17 to 25 days. As an example, a district with 3 cases on a particular date when Aarogya Setu engine predicted it as a hotspot registered 82 cases in the next 15 days. The precision achieved by this unique combination of Bluetooth-based contact tracing and identification of hotspots may hold the key to effectively breaking the chain of infection, flattening the curve and saving lives.

nd has releasing the source code of a rapidly evolving product that is being regularly used
s the more than 114 million users, is challenging. Developing and maintaining the source
elf- code is a huge responsibility, both for Team Aarogya Setu and the developer
community. The repository now being shared is the actual production environment. All
subsequent product updates will also be made available through this repository.

The process of supporting the open source development will be managed by National Informatics Centre (NIC). All code suggestions will be processed through pull request reviews. Aarogya Setu's source code has been licensed under Apache License Version 2.0, and is available on "As-Is" basis. Any reuse of the source code with changes to the code requires the developer to carry a notice of change. More details can be found in the Frequently Asked Questions document available at <https://www.mygov.in/aarogya-setu-app/>

While making the code Open Source, Government of India also seeks the developer community to help identify any vulnerabilities or code improvement in order to make Aarogya Setu more robust and secure. Towards this objective, Government has also launched a **Bug Bounty Programme** with a goal to partner with security researchers and Indian developer community to test the security effectiveness of Aarogya Setu and also to improve or enhance its security and build user's trust. Details of the Bug Bounty Programme along with the rewards therein are being shared separately. Details of the Bug Bounty Program is available on the innovate portal of MyGov at <https://innovate.mygov.in/>

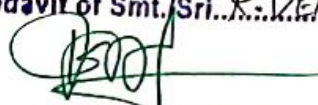
The Government of India, by opening the product design and code, has also demonstrated its strong commitment to contributing to the global good. India is keen to share learnings from our approach to technology to fight COVID-19 and make the benefits of the solution available to the rest of the world and any government can use it for fighting the pandemic. Together we can, and we continue supporting the doctors and frontline health work in helping fight this pandemic.

मैं सुरक्षित हम सुरक्षित भारत सुरक्षित

This Document is Referred to As

AnnexureR13.....ho

Affidavit of Smt. Sri. R. VENKATESH



NOTARY PUBLIC

nic-delhi / AarogyaSetu_Android

Aarogya Setu Android app native code

Annexure :- RH

www.aarogyaasetu.gov.in/[View license](#)

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README.md

Aarogya Setu Android app



Aarogya Setu is a mobile application developed by the Government of India to connect essential health services with the people of India in our combined fight against COVID-19. The App is aimed at augmenting the initiatives of the Government of India, particularly the Department of Health, in proactively reaching out to and informing the users of the app regarding risks, best practices and relevant advisories pertaining to the containment of COVID-19.

Features

Aarogya Setu mobile application provides the following features:

- Minimal and simple user interface, which user can get easily acquainted with
- Scan nearby Aarogya Setu user using BluetoothLE Scanner
- Advertise to nearby Aarogya Setu user using BluetoothLE GATT Server
- Update user about nearby activity using Location Service
- Secure information transfer with SSL Pinning
- Encrypt any sensitive information
- Available in 12 different languages
- Nation wide COVID-19 Statistics
- Self-Assessment as per MoHFW and ICMR guidelines
- Emergency Helpline Contact
- List of ICMR approved labs with COVID-19 testing facilities
- e-Pass integration

The Aarogya Setu App is being widely used by more than 11 Crore Users. The App has been highly successful in identifying people with high risk of COVID-19 infection and has also played a major role in identifying potential COVID-19 hotspots. In the larger public interest and in order to help the international community in their COVID-19 efforts, the Government of India is opening the source code of this App under Apache License 2.0.

If you find any security issues or vulnerabilities in the code, then you can send the details to us at : as-bugbounty@nic.in

If you want to convey any other feedback regarding the App or Code, then you can send it to us at : support.aarogyasetu@nic.in

Setup

Requirements

- JDK 8
- Latest Android SDK tools

https://github.com/nic-delhi/AarogyaSetu_Android

Latest Android platform tools

- Android SDK 21 or newer
- AndroidX

Configure

- ./keystore.properties
- Firebase - google-services.json

keystore.properties

Setup a keystore.properties at the root folder with following sample detail and your configurations

```
# Server SSL Keys
ssl_public_key=<Your Public Key>
ssl_backup_key=<Your Backup Key>
ssl_auth_key=<Your Auth Key>
ssl_auth_backup_key=<Your Auth Backup Key>

aws_api_key=<Your AWS Key>
platform_key=android_key

# Android Keystore details
android_alias=YourAndroidAlias
android_keystore=YourAndroidKeyStore
transformation=AES/GCM/NoPadding

# BLE UUIDs
service_uuid=YOURUUID-1234-ABCD-WXYZ-A12B34C56D78
did_uuid=YOURUUID-1234-ABCD-WXYZ-A12B34C56E78
pinger_uuid=YOURUUID-1234-ABCD-WXYZ-A12B34C56F78

# API URLs
webview_url = <Your Web URL>
webview_host = <Your Web Host>
app_host_url = <Your App Host>
auth_host_url = <Your Auth Host>

# API End Points
bulk_upload_api = /api/v1/end/point/1/
register_user_api = /api/v1/end/point/2/
update_fcm_token_api = /api/v1/end/point/3/
check_status_api = /api/v1/end/point/4/
fetch_config_api = /api/v1/end/point/5/
generate_otp_api = endPoint6
validate_otp_api = endPoint7
refresh_auth_token_api = endPoint8
qr_fetch_api = endPoint9
call_us_url=tel:1075
```


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```

faq_url=<Your URL>
privacy_policy_url=<Your URL>
tnc_url=<Your URL>
verify_app_url=<Your URL>

```

```

# APK sign Keystore details:
key_store_certificate = yourCertificate.jks
key_store_password = yourStorePassword
key_alias = yourAlias
key_password = yourPassword

```

Firestore and google-services.json

Setup Firestore for the different environment. Download the google-services.json for each of the environments and put it in the corresponding folder.

Debug: /app/src/debug/google-services.json

Production: /app/src/google-services.json

Build

```
./gradlew assembleDebug
```

Download App



Releases

No releases published

Packages

No packages published

Contributors 6

https://github.com/nlc-delhi/AarogyaSetu_Android

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Annexure :- R15

Frequently Asked Questions on Aarogya Setu App

1) Aarogya Setu App supports which Mobile OS Versions?

Android Versions 5.0 and Above
iOS versions 10.3 and Above

2) What data does Aarogya Setu collect from me?

When an User registers with the App, the following details are collected : (i) name; (ii) phone number; (iii) age; (iv) sex; (v) profession; and (vi) countries visited in the last 30 days. This information is stored on the back-end Server and it is hashed with a unique digital id (DiD) that is pushed to the User end App. The DiD will thereafter be used to identify the User in all subsequent App related transactions and will be associated with any data or information uploaded from the App to the Server. At registration, the User's location details are also captured and uploaded to the Server.

3) How does the Aarogya Setu App Work? How can it identify any individuals who are at Risk of COVID19 Infection?

When two registered users come within Bluetooth range of each other, their Apps will automatically exchange unique Digital IDs (DiDs) and record the time and GPS location at which the contact took place. The information that is collected from the User's 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. Then this information is used to further carry out the contact tracing and find out all possible persons who may have come in close contact with the person who has tested positive for COVID-19.

4) Does the App collect my location data continuously? Under what condition, is this data uploaded to the server frequently?

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.

5) How does the Government use the information collected from me? I'm concerned with the privacy of my data.

The personal information collected from you at the time of registration will be 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 co-related 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.

- 6) **If I'm tested positive for COVID19, how will the Government use information collected from me?**

In the event you have tested positive for COVID-19, the information collected from you maybe 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.

- 7) **How long does the Aarogya Setu retain the information collected from me ?**

All personal information collected from you 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.

Other personal information collected 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 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 from the 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.

- 8) **What security features have been incorporated in Aarogya Setu? How can I be assured that the information collected from me is safe and secure?**

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.

- 9) **Can I install Aarogya Setu App on a rooted mobile device?**

Rooting disables some of the built-in security features of the Android OS. These features are essential to keep the android operating system safe, secure and also protects the user's data. So, a rooted mobile makes it vulnerable and poses a security risk. This may adversely affect the App. It is not advisable to install the App on any rooted device. If the device is rooted, the App

- 10) **Can Aarogya Setu tell me whether I'm COVID19 positive or not?**

Aarogya Setu, cannot automatically identify whether a person is COVID19 positive or whether he/she is asymptomatic. Proper testing at a Government authorised testing lab is the right way to identify whether a person is COVID19 Positive. If you have any COVID19 symptoms, please take the self-assessment in the App and contact your local Government Hospital/Health Authorities.

- 11) The App is showing that 5 users are identified as 'At-risk' via Bluetooth proximity, what does this mean?**

The App uses Bluetooth based contact tracing to identify potential users who may have come in close proximity (during the past couple of weeks) with a person who has tested positive for COVID-19. These Users may not have been tested for COVID19 yet or their test results may be awaited, But since they have come in close contact with a person who tested positive for COVID19, they are at potential risk. The App just shows the figures on how many such Users are present near you within a radius of 500m/1km/2km/5km/10km km from your location.

- 12) Aarogya Setu App is not supported on my Phone, are there any alternative solutions for me?**

We understand your concern. Aarogya Setu relies on certain vital features and functionalities which are not supported in older versions of Android/iOS. Initially, at the time of release the App supported Android version 6.0 and above. But later on, our team worked on various compatibility aspects and made the App compatible with Android version 5.0 and above. The Aarogya Setu team is continuously working to improve the compatibility of the App across various platforms. In the meantime, the team is also working on another alternative technology solution to reach out the users who were not able to install this App, esp. users with normal feature phones. This new technology solution will be rolled out shortly.

- 13) I would like to volunteer and provide my service to the Government in the COVID19 related efforts, is there any option in the Aarogya Setu App to register my self for offering such volunteer service?**

You interest in volunteering to help in this COVID19 efforts is appreciated. Government of India has already launched an initiative called "COVID Warriors". Various organizations, medical professionals, students, Ex-servicemen, NGOs....etc., across India have already registered themselves as volunteers with this initiative to assist the Government's efforts in fighting COVID19. You can also register yourself as a citizen volunteer, more details are available at : <https://covidwarriors.gov.in/>

- 14) How can Aarogya Setu protect me if a person who tested positive for COVID19 has not installed the App on his/her phone?**

The App has already crossed 8 Crore downloads. Government has also made the App to be mandatory for all persons (Government and Private) who are commuting to their office/work. More people are downloading the App each day and the user base is expected to grow further. As more people download and start using the App, the more effective it will be in helping us combat the COVID-19 together. We hope that more citizens would realize the potential benefits of this App and will voluntarily come forward and install this App on their phones. Please do continue to support the App and spread the word about the App amongst your social circles.

- 15) Why there is a mismatch between the nation-wide COVID19 infection figures shown on the App and the Media?**

The information provided through the Aarogya Setu App, are published only after proper verification by the Govt. We're undertaking every effort to bring you the latest information in this regard. For the official information regarding the COVID 19, you can refer Aarogya Setu App or the Ministry of Health and Family Welfare's Website : <https://www.mohfw.gov.in/>

16) What is the e-pass feature? When will it be available for the Users?

e-pass is the lockdown pass, which has been made mandatory in many states for facilitating the movement during the lockdown. Many states have already setup a website for accepting and issuing the e-pass for any essential services or emergency movements during lockdown. The e-pass issued by the states shall be integrated and made available through the Aarogya Setu App. The e-pass feature shall be rolled out shortly.

17) I have some suggestions for adding new features or for improving the App, how can I provide my suggestions to the Aarogya Setu Team?

You can mail your detailed suggestions directly to the Aarogya Setu Team through the following mail id: support.aarogyaasetu@gov.in

18) The APP is frequently Crashing or showing a blank screen or behaves erratically. What - should I do to fix this?

Please follow the following steps:

- Ensure that the Aarogya Setu App is updated with the latest version.
- Please check whether your Operating System (Android/iOS) is updated with the latest patches and updates.
- Ensure that you have provided all necessary permissions to the App.
- Ensure your phone is connected to the internet.
- Check whether any third-party Antivirus or security App or Phone Cleaner App or Battery optimization App is interfering with the functioning of the Aarogya Setu App. If required Whitelist Aarogya Setu App in such third-party applications.
- Go to the settings-> Under Applications select Aarogya Setu and force stop the Application. Then Clear the Application Cache. Now restart the Application.
- If the problem still persists, then please mail the details of the problem, along with screenshot to : support.aarogyaasetu@gov.in

19) I would like to report some issues or security bugs in the Aarogya Setu App. How can I report this?

please mail the details of the issue, along with screenshot to : support.aarogyaasetu@gov.in

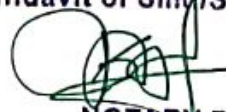
20) The App is showing "You are Safe" on my mobile, But it is showing "Low risk of infection" on my parent's phone. We are staying in the same house and we have not gone out of our house during the last 2 weeks. How's this possible that it shows different risk levels for different members of the family?

The risk status is calculated based on various factors, including the age, pre-existing medical condition and other responses which has been provided by the User during the self-assessment. It also correlates this with the proximity of the User near any potential COVID19 hotspots. As you and your parents may have provided different responses in the self-assessment questionnaire, it is quite possible that you both may get different risk status.

----- This Document is Referred to As -----

Annexure R15 he

Affidavit of Smt/Sri... R. VENKATESH



NOTARY PUBLIC

North Block, New Delhi-110001

Dated 1st May, 2020

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)(l) 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)(l) 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.

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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 4th May, 2020.

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

1. With the extension of the Lockdown period for a further period of two weeks with effect from 4th 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 4th 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 doori) 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**
 - i. All activities are permitted in Green Zones, except those activities that are prohibited under Para 4.
 - ii. Buses can operate with upto 50% seating capacity.
 - iii. 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:
 - i. SOP on transit arrangement for foreign national(s) in India and release of quarantine persons, 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.
 - v. 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:**
 - i. 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**.
 - ii. 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.
 - iii. 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 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

Annexure R16 in

Affidavit of Smt/Sri..... R. VENKATESH



NOTARY PUBLIC

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

North Block, New Delhi-110001
Dated 30th May, 2020

ORDER

Whereas, an Order of even number dated 17.05.2020 was issued for containment of COVID-19 in the country, for a period upto 31.05.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to extend the lockdown in Containment Zones upto 30.06.2020, and to re-open prohibited activities in a phased manner in areas outside Containment Zones;

Now therefore, in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines, as *Annexed*, will remain in force upto 30.06.2020.


30/05/2020
Union Home Secretary

and, Chairman, National Executive Committee (NEC)

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 for Phased Re-opening (Unlock 1)

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 30th May, 2020]

3. Night
Nr

1. Phased re-opening of areas outside the Containment Zones

In areas outside Containment Zones, all activities will be permitted, except the following, which will be allowed, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health and Family Welfare (MoHFW), in a phased manner:

Phase I

The following activities will be allowed with effect from 8 June, 2020:

- (i) Religious places/ places of worship for public.
- (ii) Hotels, restaurants and other hospitality services.
- (iii) Shopping malls.

Ministry of Health & Family Welfare (MoHFW) will issue Standard Operating Procedures (SOPs) for the above activities, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase II

Schools, colleges, educational/ training/ coaching institutions etc., will be opened after consultations with States and UTs. State Governments/ UT administrations may hold consultations at the institution level with parents and other stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken in the month of July, 2020.

MoHFW will prepare SOP in this regard, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase III

Based on the assessment of the situation, dates for re-starting the following activities will be decided:

- (i) International air travel of passengers, except as permitted by MHA.
- (ii) Metro Rail.
- (iii) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
- (iv) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in Annexure I, shall continue to be followed throughout the country.

30/5/20

3. Night curfew

Movement of individuals shall remain strictly prohibited between 9.00 pm to 5.00 am throughout the country, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

4. Lockdown limited to Containment Zones

(i) Lockdown shall continue to remain in force in the Containment Zones till 30 June, 2020.

(ii) Containment 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. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.

(iv) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.

5. States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.

6. Unrestricted movement of persons and goods

(i) There shall be no restriction on inter-State and intra-State movement of persons and goods. No separate permission/ approval/ e-permit will be required for such movements.


(ii) However, if a State/ UT, based on reasons of public health and its assessment of the situation, proposes to regulate movement of persons, it will give wide publicity in advance regarding the restrictions to be placed on such movement, and the related procedures to be followed.

(iii) Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.

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

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 are advised to stay at home, except for essential and health purposes.

 30/5/20

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8. **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.

9. **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.

10. **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 Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


Union Home Secretary

and, Chairman, National Executive Committee

National Directives for COVID-19 Management

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet (2 gaz ki doori) in public places.
Shops will ensure physical distancing among customers and will not allow more than 5 persons at one time.
3. **Gatherings:** Large public gatherings/ congregations continue to remain prohibited.
Marriage related gatherings : Number of guests not to exceed 50.
Funeral/ last rites related gatherings : Number of persons not to exceed 20.
4. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.
5. **Consumption of liquor, paan, gutka, tobacco etc.** in public places is prohibited.

Additional directives for Work Places

6. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
7. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
8. **Screening & hygiene:** Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.
9. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.
10. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.



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Annexure II

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
Annexure R17he
Affidavit of Smt./Sri..... P. VENKATESH


NOTARY PUBLIC

Metro Operations to Resume in a Graded Manner from 7th September 2020

Shri Hardeep Singh Puri Announces SOP Guidelines

Masks Mandatory for Metro Passengers And Staff

Only Asymptomatic Persons to be Allowed

Heating, Ventilation and Air-Conditioning (HVAC) System to be Used

Posted On: 02 SEP 2020 6:56PM by PIB Delhi

Shri Hardeep S Puri, MoS, (I/C), Ministry of Housing and Urban Affairs has announced the SOP guidelines for metro operations in a media interaction today. As per MHA order No 40-3/2020-DM-I(A) dated 29.8.2020, metro services will resume from 7th September, 2020 in a graded manner. For this purpose, SOP guidelines have been prepared by Ministry of Housing and Urban Affairs, which have been concurred by the Ministry of Home Affairs.

Broad features of the same are as below: -

- a. Metro operations to be resumed in graded manner. Metros having more than one line should open different lines starting from 7th September, 2020 onwards in a graded manner so that all corridors become operational by 12th September 2020. Daily hours of operations may be staggered initially, which needs to be increased gradually with resumption of full revenue service by 12th September, 2020. Frequency of trains to be regulated to avoid passenger crowding at stations and in trains.
- b. Stations/ entry-exit gates in containment zones to be closed.
- c. In order to ensure social distancing, suitable markings at stations and inside trains to be done.
- d. Wearing of face mask to be mandatory for all passengers and staff. Metro rail corporations may make arrangements for supply of masks on payment basis to the persons arriving without mask.

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f e. Only asymptomatic persons to be allowed to travel after thermal screening at entry into the stations. Symptomatic persons should be advised to go to nearby COVID Care Centre/Hospital for testing/medical attention. Use of Aarogya Setu App to be encouraged.

g. Provision of sanitizers to be made at entry into the stations for use by passengers. Sanitization of all areas having human interface viz. equipment, train, working area, lift, escalators, handrail, AFC gate, toilets etc. needs to be done at regular intervals.

h. Use of Smart Card and cashless/online transactions to be encouraged. Tokens and paper slips/ticket to be used with proper sanitization.

i. Adequate dwell time at stations to be provided to enable smooth boarding/deboarding ensuring social distancing. Metro rail corporations may also resort to skipping of stations to ensure proper social distancing.

j. Passengers to be advised to travel with minimum luggage and avoid carrying metallic items for easy and quick scanning.

k. Operation of Heating, Ventilation and Air-Conditioning (HVAC) system as per the Central Public Works Department (CPWD) & Indian Society of Heating, Refrigerating and Air Conditioning Engineers (ISHRAE) guidelines. Intake of fresh air in air-conditioning system to be increased to the extent possible.

l. Information, Education and Communication (IEC) campaign to be launched for passenger and staff through electronic/print/social media, poster, banner, hoarding, website etc.

m. Metro rail corporations to keep close liaison with state police and local administration for regulating crowd outside station and to deal with contingencies.

Based on above guidelines, Delhi, Noida, Chennai, Kochi, Bangalore, Mumbai Line-1, Jaipur, Hyderabad, Maha Metro (Nagpur) Kolkata, Gujarat and UP Metro (Lucknow) have prepared their SOPs. Government of Maharashtra has decided not to resume operation of metro during September, 2020. Hence, Mumbai Line-1 and Maha Metro operations shall commence from October, 2020 or as State Government may decide further.

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

Dated : 11th May, 2020

ORDER

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

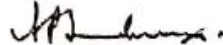
WHEREAS, the Aarogya Setu mobile application is a useful technological solution developed to facilitate contact tracing of persons infected with COVID-19, inform persons at-risk of precautions to be taken, and allow health departments to take effective actions to mitigate the spread of the pandemic and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

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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

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(e) 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.

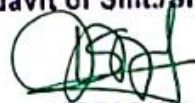
10. Sunset Clause:

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.

This Document is Referred to As

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Affidavit of Smt./Sri..... P. VENKATESH,



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