

CGD AUTHORISED AREAS: DISTRICT WISE COVID 19 TRACKING

(Update Based on Notifications as of May 29, 2020)

- On 17.05.2020 the Ministry of Home Affairs, Government of India (“**MHA**” or “**GOI**”) extended the national lockdown till May 31, 2020 (“**MHA 17 May Order**”) and also issued new guidelines on measures to be taken for containment of Covid-19.¹ The said MHA 17 May Order stipulated that: (a) the delineation of “red”, “orange” and “green” zones will be undertaken by the respective States and UTs taking into consideration the parameters shared by The Ministry of Health and Family Welfare, Government of India (“**MHFW**”)² and (b) within the Red and Orange Zones, the Containment and Buffer zones will be demarcated by the district authorities after taking into consideration MHFW guidelines³. However no time period has been given within which period such zonal classification will be undertaken by the States.
- On 17.05.2020 MHFW issued guidelines regarding categorizing “red”, “orange” and “green” zones and stated: (i) States may categorise districts/ municipal corporations as “red”/”orange”/”green” zones, (ii) States may also choose to categorize a sub-division/ward or any other appropriate administrative unit as “red”/”orange”/”green” after detailed analysis, (iii) there has to be identification of containment zones and buffer zones inside red/orange zones and (iii) states have to take into consideration parameters provided by MHFW.
- However, since the earlier zonal classification made by MHFW had not been set aside by MHFW; since that had been issued under the Disaster Management Act, 2005, the MHFW zonal classification will continue till such time as either the requirement for a zonal classification is itself removed or the relevant State Government notifies the revised classification pursuant to the delegation of power undertaken on May 17, 2020.
- It will be critical for the stakeholders in the CGD sector to track the classification of the individual districts that comprise each authorised area and changes to the classifications that occur.
- Pursuant to the MHA 17 May Order, Our Firm has restructured the CGD COVID-19 Tracker State wise. However, as of May 29, 2020 not all states have undertaken the exercise of notifying the “red”/”orange”/”green” zones.

¹ Ministry of Home Affairs, Government of India Order no. 40-3/2020-DM-I(A) and New Guidelines dated 17.05.2020 accessed at Ministry of Home Affairs Website https://www.mha.gov.in/sites/default/files/MHAOrderextension_1752020_0.pdf

² See Para 5(i) of Ministry of Home Affairs, Government of India Order no. 40-3/2020-DM-I(A) and New Guidelines dated 17.05.2020

³ See Para 5(ii) of Ministry of Home Affairs, Government of India Order no. 40-3/2020-DM-I(A) and New Guidelines dated 17.05.2020

APPROACH OF STATES (HAVING CGD G.A.) PURSUANT TO MHA 17 MAY ORDER, AS OF 29.05.2020

In light of the delegation provided by the MHA 17 May Order, not all states had, as of 29.05.2020 declared the “red”, “orange” and “green” zones and not all States are following the prescribed guidelines to declare districts or municipal corporation level zones and then identify containment and buffer zones within the red and orange zones. Only six (6) states that have CGD authorised areas have classified districts into “red”, “orange” or “green” zones and a number of the states have officially taken the stand not to notify district level classification but only identify containment zones and buffer zones. *Thus, effectively the district level demarcation has not been effectively undertaken and the vast majority of the states have adopted containment and buffer zone approach, which creates greater uncertainty for business and operations having requirements of inter-district or inter-state movement as at any time any area within the district could be imposed with restrictions without any notice. The uncertainty causes disruptions to project activities and supply chains that require inter-state or inter-district movements. There have been cases of cross district movement being curtailed to essential services without any notice.*

The following table provides an overview of the approaches being taken by various States who have declared zones pursuant to the MHA 17 May Order (as of 29.05.2020):

Sl. No.	STATE/U.T. (With CGD G.A.)	APPROACH ADOPTED BY THE STATE RELATING TO “RED”, “ORANGE”, “GREEN” ZONES
1.	Andhra Pradesh	The Government of Andhra Pradesh, vide the Order of the Health and Family Welfare Department dated 18.05.2020 ⁴ has notified that it would identify only containment zones and buffer zones and thereafter has <i>not notified district level zoning</i> . It has identified containment areas in Guntur district and Krishna district ⁵ . Andhra Pradesh <i>is not undertaking</i> district level zonal categorisation.
2.	Assam	The Government of Assam, vide Order Ref No. HLB. 111/2020/95 dated 21 st May 2020 ⁶ has notified that it would notify containment zones and buffer zones which collectively will

⁴ COVID Instant Order No. 50/COVID-19/2020 dated 18.05.2020 of Health Medical & Family Welfare Department, Govt. of AP.

⁵ See <https://covidindia.org/andhra-pradesh/>

⁶ See <https://covid19.assam.gov.in/wp-content/uploads/2020/05/Containment-zone-buffer-zone-and-red-zone-order.pdf>

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		comprise a “Red” category and may depending on situation notify a district as a “Red” category. As of 29.05.2020 <i>no zones have been notified</i> .
3.	Bihar	The Government of Bihar has notified that all Block Headquarters in the state are “Red” zone while all other areas are “equal”. ⁷ Bihar <i>is not undertaking</i> a district wise zonal classification.
4.	Chandigarh (U.T.)	The Office of Adviser to the Administrator, UT-Cum-Chairperson, State Executive Committee of State Disaster Management Authority, UT, Chandigarh, has vide order dated 18.05.2020, notified Chandigarh as a “Red” Zone. ⁸
5.	Chhattisgarh	The Government of Chhattisgarh <i>has not undertaken</i> district wise zonal categorisation but has instead identified “Red”, “Orange” and “Green” zones and containment areas at a block wise and town wise level ⁹ . Official Notification is not yet available on Government website.
6.	Dadra, Nagar Haveli, Daman and Diu (U.T.)	Administration of Dadra, Nagar Haveli, Daman and Diu has only identified specific containment zones as of 29.05.2020 and <i>has not undertaken</i> “Red”, “Orange”, “Green” categorisation. As of 26.05.2020, one of the containment zones has been classified as a “Green Zone”. ¹⁰
7.	Delhi (National Capital Territory)	Government of NCT Delhi has only identified containment zones and buffer areas. It <i>had not identified</i> district level categorisation as of 29.05.2020.

⁷ The Bihar Government’s order dated 18.05.2020 is available at https://twitter.com/PIB_Patna/status/1262375432525090825. The order has not been uploaded on the Government website yet.

⁸ The Office of Adviser to the Administrator, UT-Cum-Chairperson, State Executive Committee of State Disaster Management Authority, UT, Chandigarh, order dated 18.05.2020 available at <http://chdcovid19.in/uploads/1589808994-home20-5087-1805.pdf>.

⁹ <https://www.hindustantimes.com/india-news/chhattisgarh-health-dept-notifies-red-green-orange-and-containment-zones/story-OnsYv2tXhcdPKHs132eYvK.html>

¹⁰ See <http://dnh.nic.in/Docs/COVID19/2028.pdf>

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8.	Goa	The Government of Goa <i>has not classified</i> any “Red”, “Orange”, or “Green” zones as of 29.05.2020.
9.	Gujarat	The Government of Gujarat has classified the districts into “Red” and “Green” zones and the data is available on the Gujarat Government’s website under the COVID19 Dashboard. ¹¹
10.	Haryana	The Government of Haryana has classified the districts into “Red”, “Orange” and “Green” zone. As of 29.05.2020 all districts in Haryana are “Orange” zone ¹² .
11.	Himachal Pradesh	The Government of Himachal Pradesh has only identified the districts of 1) Shimla; 2) Sirmaur; 3) Solan; 4) Hamirpur for extension of curfew till 30.06.2020. It has <i>not identified</i> “Red”, “Orange”, “Green” zones.
12.	Karnataka	The Karnataka Government has classified the districts into “Red”, “Orange” or “Green” zones and the data is available on the Karnataka Government’s website under the Karnataka COVID19 Dashboard. ¹³
13.	Kerala	The Chief Minister of Kerala in press conference on 18.05.2020 stated that except in the notified containment zones <i>there will be no restrictions within the district</i> ¹⁴ . Kerala is <i>not undertaking</i> district level zonal categorisation.

¹¹ The Gujarat COVID19 Dashboard can be accessed at <https://qujccovid19.gujarat.gov.in/>

¹² Government of Haryana, Memo No. 3PM(COVID)/2020/6142-6334 dated 20.05.2020 available at http://csharyana.gov.in/WriteReadData/Covid%2019-Health/COVID-19/e_11024.pdf

¹³ The Karnataka COVID19 Dashboard can be accessed at <https://covid19.karnataka.gov.in/covid-dashboard/dashboard.html>

¹⁴ See Press Release of 18.05.2020 at <https://www.keralacm.gov.in/category/media-updates/press-release/>. A list of the containment zones in Kerala is available at <https://dashboard.kerala.gov.in/hotspots.php>.

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14.	Madhya Pradesh	The Government of Madhya Pradesh has notified only specific areas of certain districts as red zones ¹⁵ . Thus, <i>Madhya Pradesh is not classifying districts into zones.</i>
15.	Maharashtra	The State of Maharashtra vide order dated 19.05.2020, has notified areas under the jurisdiction of the municipal corporations in Mumbai Metropolitan Region, including BMC, and the municipal corporations of Pune, Solapur, Aurangabad, Malegaon, Nashik, Dhule, Jalgoan, Akola and Amravati ¹⁶ as Red Zones and the remaining areas as “Non Red Zones”. ¹⁷ Maharashtra <i>is therefore not undertaking</i> district zonal categorisation presently.
16.	Odisha	The Government of Odisha has classified the districts into “Red”, “Orange” or “Green” zones and the data is available on the Odisha Government’s website under the COVID Dashboard Government of Odisha. ¹⁸
17.	Puducherry	No “Red”, “Orange” or “Green” zone classification as of 29.05.2020.
18.	Punjab	The Government of Punjab, vide a Press Release dated 18.05.2020, has decided not to demarcate districts as “Red”, “Orange” or “Green” zone but instead notify only containment areas ¹⁹ . Punjab <i>is not undertaking</i> district level zonal categorisation.

¹⁵ Home Department, Government of Madhya Pradesh, Order No. 164/2020/C-2 dated 18.05.2020 accessed at http://home.mp.gov.in/sites/default/files/Covid-19_Lockdown%20extention%20related%20Order-Guidelines_18.05.2020.pdf

¹⁶ <https://indianexpress.com/article/cities/mumbai/maharashtra-reclassifies-lockdown-zones-curbs-eased-in-non-red-zones-6417850/>

¹⁷ Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Government of Maharashtra Order No. DMU/2020/CR.92/DisM-1, dated 19.05.2020 is available at <https://www.maharashtra.gov.in/Site/Upload/Government%20Resolutions/Marathi/202005191028540119.pdf>. Also at <https://cdn.s3waas.gov.in/s3013d407166ec4fa56eb1e1f8cbe183b9/uploads/2020/05/2020052217.pdf>

¹⁸ The COVID Dashboard of the Government of Odisha can be accessed at <https://statedashboard.odisha.gov.in/>.

¹⁹ <https://dgrpg.punjab.gov.in/wp-content/uploads/2020/05/DPR-All-Press-Notes-dt.-18.05.2020.pdf>

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19.	Rajasthan	The Government of Rajasthan has notified areas in the State as “Red”, “Orange” or “Green” zone. However, this is not a district level classification but each district is divided into “Urban” part and “Panchayat Samiti” area within the district and categorisation has been done at urban and panchayat samiti level in each district. Thus, within a district certain areas may be red and certain orange or green ²⁰ .
20.	Tamil Nadu	The Government of Tamil Nadu has been notifying only containment zones.
21.	Tripura	No “Red”, “Orange” or “Green” zone classification as of 29.05.2020
22.	Uttarakhand	The Government of Uttarakhand has demarcated districts as “Red”, “Orange” and “Green” ²¹ . Uttarakhand has notified all its districts as “Orange” zones.
23.	Uttar Pradesh	The Government of Uttar Pradesh has, vide notification dated 20.05.2020 notified that only urban areas of Agra, Meerut, Kanpur, Ghaziabad and Gautam Budh Nagar will come under “Red” zone and the district in which no case is reported for 21 days will automatically become “Green”. The ones which do not come under “Red” and “Green” will be considered as “Orange”. ²²
24.	West Bengal	The Government of West Bengal has issued a list of containment zones and buffer areas only. ²³

²⁰ <http://home.rajasthan.gov.in/content/dam/homeportal/homedepartment/pdf/CercularNotificationOrder/Gr9/Lockdown%204.0%20Order%2018-05-20.pdf>

²¹ <https://twitter.com/ANI/status/1264568365193936896>

²² Chief Secetary, Government of Uttar Pradesh, Order No. 1132/5-2020 dated 20.05.2020 accessed at http://www.dgmhup.gov.in/DocumentsCovid19/1132-RED_ORANGE_GREEN_ZONE.pdf

²³ <https://wb.gov.in/containment-zones-in-west-bengal.aspx>

ADDITIONAL NOTES:

- The limitations on the activities that were applicable during the National Lockdown have been eased in phases commencing from April 20, 2020, and under the notification of May, 17 2020 all activities are permitted other than those prohibited and subject to the restrictions imposed in containment and buffer zones by the relevant district administrations. Thus, the impact of the national lockdown, although being sought to be eased has not resulted in return to normalcy and the economic activities permitted are subject to shutdown in the event the relevant area reports COVID-19 infections.
- Earlier it was for the State Governments to operationalise the permitted activities under the MHA notifications within the State but now since all activities are permitted other than those specifically prohibited (and which cannot be changed or allowed by the State), the State notifications are now important for determining the extent of work limited within the various districts. Thus, the notifications of each State Government and each District Administration identifying containment zones and buffer zones will provide the final applicable framework.

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