

Transportation of Essential Goods, People, and Services during the COVID-19 Coronavirus lockdown in India

written by Smita Paliwal | March 24, 2020



Essential Services and Goods During COVID 19 Lockdown

Covid-19 has brought forth a lot of challenges to the Government of India. One of the primary challenges is to make people stay at home, at the same time ensuring that there is no shortage of essential goods and services. For this to be achieved, the government has issued a lockdown in major parts of the country and granted powers to the police and magistrates to ensure a lockdown under the Epidemic Diseases Act and the Indian Penal Code, along with other legislations.

While ensuring the availability of essential goods and services for the locked-in population, there is a dependency on people, certain IT services, manufacturing and related infrastructure, and of course, a lot of goods and their transportation to different locations. The government has identified these goods and services as 'Essential Services'. It ought to be called essential goods and services and hopefully, the government will make amends this late when we are not in such an emergency situation.

We are providing below certain legal positions that the companies can take if encountered roadblocks from the police or municipal or health or other enforcement authorities. Each city has its own set of rules and there can be multiple interpretations. Since this is only a general legal and commercial partake, it is always advisable to take expert legal advice, customized as per your goods and services.

Transportation of People/Employees:

It is pertinent to force

employees and companies to follow the below-mentioned guidelines for the transportation

of its employees who provide essential services:

1. Employees shall always carry a letter from their company stating that the company is in the business of providing essential services;
2. Employees shall at all times, whether in, around, or out of their workplaces carry their valid government identification card and shall be ready and willing to display the same to any authority if so asked;
3. Employees shall also be required to be equipped with a letter/notification from the Government of that particular State to be provided to the police

personnel on duty on roads and public places who are responsible to ensure no large gatherings of crowds occur and people do not move about unnecessarily in public places;

4. Transportation facilities for the employees must be provided in hygienic vehicles, which must be cleaned and sanitized periodically.

Transportation of Goods:

Companies dealing with the transportation of essential goods may follow the below principles in line with the Government orders in each respective State:

1. The vehicle shall have a poster/sticker/notice pasted stating that the goods being transported fall within the purview of essential goods in that particular state [*if the same is intrastate*] and shall have the names of other States mentioned as well should the transport of goods be provided between other States [*if the same is interstate*]. Some of the wordings that can be used include "ESSENTIAL MEDICAL SUPPLIES", "EXEMPTED GOODS AS PER ORDERS", "STAFF FOR ESSENTIAL SERVICES", etc;
2. The driver and any other person accompanying the driver of the vehicle shall carry with them a valid Government identity proof and a letter from the company, to be presented when required by any authority;
3. The driver shall keep a letter from the company stating that the company is engaged in the business of manufacturing, selling, procuring, and transporting exempted essential goods as per the respective State Government's order;
4. The vehicle shall be equipped with all other documents necessary in the normal course of transport of goods, whether interstate or intrastate as may be necessary; and
5. Vehicles shall be required to also maintain hygiene, and sanitation and strictly follow social distancing norms while in transit.

Transportation of Services:

Many companies are

involved in services required for providing essential goods and requiring transportation of people for accomplishing the same. Such industries, especially IT and ITES companies that provide backend services shall consider the following measures in light of the Government's order in respective States

and as precautionary measures for its employee and services:

1. Such establishments as mentioned above may paste a poster/sticker/notice that clearly states that the company is involved in providing essential services as per the Government's orders in that respective state, at the entrance, and also paste a copy of the government notification;
2. Companies/establishments providing such essential services shall track the latest regulations to check if they are required to obtain a 'curfew pass', in their respective States as implemented in Delhi.

Conclusion:

While the Government is taking steps to ensure that the COVID 19 crisis is managed and is releasing norms and regulations, it is also equally important for the companies to carry out the responsibility to be proactive and help ensure the safety of employees and goods/services while being transported.

This too shall
pass. Stay safe.

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