



**STRENGTHENING THE LEGAL
POLICIES TO TACKLE THE
PANDEMIC CRISIS IN INDIA: THE
NEED OF THE HOUR**

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ABSTRACT

In the period of global pandemic, what were the major tools responsible to avoid mass instability across the globe? Health infrastructure, responsive government strategies, efficient food processing supplies and a set of Legal policies. A surviving health infrastructure, responsive government strategies and food processing supplies were all refurbished according to a set of legal policies created by the Government of respective nation-states and were proposed by another set of legal guidelines created by international organizations like World health organization [WHO]. The worst affected nation- states like the United States, India, and Brazil, managed to survive against the worst phases and hardships of the pandemic due to a set of legal policies framed and followed rigorously by the respective government. An early response to the global COVID- 19 outbreak were smoothly driven by a set of executed legal policies to control the level of pandemic. But did such set of legal policies only contribute to stability of the global pandemic, or does it contribute to the process of rehabilitation, post-

availability of vaccines? Legal policies effectively and efficiently contributed to the stability and rehabilitating during the phase of COVID- 19 pandemic. A need of strong and responsive government was required at a global stage when the Global pandemic caused a sense of fear in March 2020, but it was not possible without a set of legal policies. This research article attempts to elucidate on the importance of a set of legal policies amidst the pandemic by expressing through a group of smaller case studies over the importance of legal policies in the pandemic.

Keyword COVID-19, Legal policies, WHO, Government

INTRODUCTION

“Coronaviruses (CoV) are a wide family of viruses that cause illnesses ranging from the common cold to more serious illnesses such as Middle East respiratory syndrome (MERS)-CoV and severe acute respiratory syndrome (SARS)-CoV”¹. The emergence of the most dangerous and life-threatening disease in the history was in December 2019. China reported some cases of the famous Covid-19 to WHO (“World Health Organization”). For a short time, the virus was unknown, but it quickly swept across Europe and Asia in January and February. It gradually proceeded towards the United States, putting the entire globe on alert. Wuhan, China has been identified as the virus's epicenter². The virus is spread by direct contact with an infected person's respiratory droplets (created by coughing and sneezing) and through touching surfaces contaminated with the virus. Although the

¹ Indian J Med Res., M.A. Andrews. 2020. First confirmed case of COVID-19 infection in India: A case report.

² Jurist, Aviral Agrawal and Priyansh Mishra. 2020. Legal Aid in India Amid the COVID-19 Lockdown.



COVID-19 virus may persist on surfaces for several hours, it can be killed with basic disinfectants. Fever, coughing, and shortness of breath are some of the symptoms. In more severe situations, infection might lead to pneumonia or respiratory problems. In rare cases, the illness can be deadly. The World Health Organization declared a public health emergency of worldwide significance and designated the virus as COVID-19.

India was lucky enough to not be the first country to hit by this deadly virus as it announced its first case on January 30, 2020. And due to massive increase in the number of cases, Prime Minister Narendra Modi, announced a nationwide lockdown. COVID-19 killed individuals not only as a result of viral infection, but also as a result of economic and mental breakdown, with developing nations suffering from unemployment and starvation. To cope with COVID-19, India imposed a 68-day four-phased shutdown beginning on March 24th and ending on May 31st³. However, in this present COVID-19 context, the question of whether the virus or famine is more prevalent in India remains unresolved. Thus, the topic of discussion in this work is how India is ready to cope with, dealing with the current scenario, detrimental consequences on the economy, human life, and environment, as well as different measures made to combat this epidemic.

But to tackle this epidemic situation, the lockdown imposed by government caused many losses to businesses, and resulted in the loss of economy. While the lockdown has managed to keep the disease at bay in the neighborhood, a legal and legislative audit of

the operation has thus far escaped probe. Also, due to the lack strict rules and regulations, many lives were at stake and many lost their lives. So, there was a need for legal policies to save lives, to save economy of the country.

THE IMPACT OF THE PANDEMIC

The COVID-19 pandemic has resulted in a significant loss of human life globally and poses an unparalleled threat to public health, food systems, and the workplace. The pandemic's social and economic impacts have been catastrophic! There are millions of people who are on the verge of falling into extreme poverty while there is an increment in the number of the malnourished people due to this pandemic. Coronavirus case increase in India is virtually vertical. According to official government instructions, India is preparing for the COVID-19 breakout, and failing to take particular crisis steps or downplaying the severity of the situation will have highly serious consequences⁴. COVID-19 positive cases have been documented in all of India's bordering nations. To combat the deadly illness, the Indian government has implemented stringent measures, including the establishment of health checkpoints at national borders to determine whether persons entering the country have the infection. Various nations have launched rescue operations and monitoring measures for people wanting to come back from China. There were major health and economic impacts on India. A frail and disjointed healthcare system is collapsing. Hospitals have become overburdened and have been forced to turn away a large number of patients. There are insufficient beds. All types of medical supplies are in desperate

³ Science Direct, Aritra Ghosh. 2020. How is India dealing with COVID-19 pandemic

⁴ Frontiers in Medicine, S. Udhaya Kumar. 2020. The Rise and Impact of COVID-19 in India



demand. The first effect of a timely and one of the most rigorous lockdown measures was found to limit the virus's transmission. Simultaneously, it assisted the government in preparing vital medical infrastructure, human resources, and technical breakthroughs. The issue has exacerbated the country's already-existing concerns of economic downturn, while the country's pandemic management plan has been hampered by an underfunded public healthcare system.

So yet, the international community's response to the disaster unfolding in India has been quiet. A number of Western nations have imposed travel bans, preventing planes from India from taking off. However, other from words of concern, Western leaders have not proposed concrete measures to assist in addressing the current Indian situation. Surely, much can be done to address India's pressing requirements in a short period of time⁵. The current COVID-19 health catastrophe has affected many lives and caused a major economic loss. This crisis has been really an eye-opener for India. This pandemic did come up with a realization of the need for the legal policies to curb up this situation. In a number of nations throughout the world, including India, the Covid-19 epidemic is quickly spreading. The epidemic is obviously far from done. Given the interconnection of the globe, the adage "no one is secure until we are all safe" applies.

NEED FOR LEGAL POLICIES AMIDST PANDEMIC

To combat the Coronavirus (COVID-19) pandemic, numerous measures such as contact tracking, social isolation, and

quarantine are being employed globally. Individual sovereignty, liberty, and dignity are inevitably jeopardized by the State's techniques. We accept these obtrusions, as authorized by law, so that the State can act in the best interests of the general public. There has recently been a need to revise this colonial legislation since it does not give standards for nations to follow in order to avoid and control epidemics. Experts with government expertise, on the other hand, appear to feel that the legislation is adequate and that no modifications are necessary.

There has been a huge role of "The Epidemic Diseases Act" but still, it does not maintain a balance between the right of an individual and the authority of the state. However, the government may still use lessons from its own history as well as current practices to create successful rules. The existing COVID-19 regulations must be amended to eliminate protection from liability for illegal conduct committed by State officials. In order to improve openness and responsibility of the state to the people, a legislative framework for infectious illnesses is required. "The Disaster Management Act, 2005", is an instance of a legislative framework in India that includes such procedural counterbalances⁶. This law establishes authorities at the national, state, and local levels. It then specifies the roles of the federal and state governments through several ministries. The law also includes measures for creating capacity through the establishment of institutes, a finance system, and a human response personnel.

⁵ Forbes, Joshua Cohen. 2021. India Is Experiencing A Devastating Wave Of Covid-19: Impact To Reverberate Around The World

⁶ Bar and Bench, Harleen Kaur. 2020. Can the Indian legal framework deal with the COVID-19 pandemic? A review of the Epidemic Diseases Act.



Rather of giving government officials/departments broad protection, the law expects them to behave lawfully. Legal exoneration is only granted in certain circumstances, such as good faith conduct and warning notification. India's health policy environment is very fractured. "The Epidemic Diseases Act" is one component of a larger public health initiative in India. The law's sole objective is to empower states to adopt exceptional steps in the event of a severe pandemic illness. In the event of a serious pandemic breakout, it does not provide any system for cooperation between states and the union administration. Under this law, the union government's participation is likewise minimal.

Hence, there is a dire need of legal policies in India to win against COVID-19!

A WAY FORWARD

In compared to nations like North Korea, where military law was established to enforce a quarantine following a coronavirus outbreak, our quarantine or isolation regulations are quite modest⁷. To suppress COVID-19, India has invoked powers under the "Epidemic Disease Act of 1897". This statute is 123 years old and has just four clauses that empower the state to examine persons travelling by railroads, ships (air travel was not an option at the time this law was established) and insulate suspects in hospitals, temporary lodgings, or otherwise. However, because public health is included in the state list under the Seventh Schedule of the Indian Constitution, the Centre is limited to an advising role, and the onus of enacting and enforcing the laws and regulations falls mainly on the states. Officers charged with

the task of executing the directives or regulations issued under the "Epidemic Disease Act, 1897" shall be immune from prosecution for everything done in good faith in furtherance of the law's execution.

It's worth noting that when the shutdown was declared, its implementation was not based on any legislation. It is not expressly stated anywhere that the government has the authority to issue such a declaration. It appears that the policy was first proclaimed, and then the administration assessed whether legislation applied. Disseminating the COVID-19 outbreak a "notified catastrophe" is a first-of-its-kind step to broaden the breadth of government authorities available to make rapid administrative actions to combat the illness. As it verifies its activities, the government must back up its policies and judgments with legal requirements.

The Supreme Court ruled in "Paschim Banga Khet Mazdoor Samity v. State of West Bengal" that the government is required to provide appropriate health care to Indian people⁸. However, the current state of medical establishments ("including, but not limited to, testing kits, hospitals, and the number of people trained to combat something of this nature") suggests that India requires more than a "Disaster Management Act" or an "Epidemic Diseases Act" that simply grants the government the authority to take whatever steps it deems necessary. To battle a pandemic of this magnitude, India requires a methodical and thorough structure.

CONCLUSION

The spread of the coronavirus, as well as the unprecedented lockdown, have created

⁷ The Times of India, Vageshwari Deswal. 2020. Covid-19: Laws related to quarantine in India.

⁸ Jurist, Tanay Goyal. 2020. COVID-19: The Law of the Lockdown.



significant problems for governments and organizations throughout the world. COVID-19 rules have been notified by Indian states under this law. State authorities have unrestricted powers of monitoring and use of force under them. While such powers are intended to be utilized for the legal purpose of safeguarding the public's health, neither the legislation nor the rules implementing it include procedural safeguards against misuse of state compulsion. Using instances of Indian states and prior application of the legislations, it is proven that governments may alter their COVID-19 regulations to balance citizens' rights with their own authority. This is critical since extremity public health initiatives need community trust and involvement. This is necessary in order to enhance the government's accountability to its constituents. It is critical that the union government enact such legislation while allowing states to use their existing public health system.

