



COVID CRISES AND THE LAW IN INDIA: AN OVERVIEW

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Abstract

This study gives an overview of Covid 19 crises in India. It focuses on how this pandemic has rapidly spreading in our country and how it is affecting the people and our country at economic level. This study also states that how this crisis has an impact on mental health of our people, which is a cause of concern. At the same time, it has touched the aspect of Indian Legal machinery which is dealing with the crises and how it can be made stronger to deal with this unprecedented scenario.

I. Introduction

II. Economic Struggle

III. Mental Health Struggle

IV. Laws Dealing with Covid 19 In India

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I. Introduction

The covid-19 crises have taken a worldwide shape now. It has crossed all boundaries whether of caste, creed, religion, race, demographic status etc. It has been declared as a pandemic by WHO, which is rapidly engulfing the entire globe. It has a rapid spread ratio due to which it is imposing a serious threat to countries countering it. In today's time there is currently no vaccine available for it, as a result Lockdown is only solution available to the states countering it, due to which many are facing economic constraints. In India also the nationwide lockdown is done from 25th of march 2020, which is still sustaining with partial opening in essential sectors to maintain drowning economy.

If we talk about Indian scenario the first Covid case occurred in January 2020 and now the numbers are more than four laces. It is widely spreading in entire country but timely lockdown has still reduced its spread, seeing the density of our population. At state level efforts are being made to educate people about value of social distancing through media campaigns. The central and state government are making efforts to lower the economic burden of migrant labourer, daily wage earners and lower classes by distributing the food and ration among them. Still there is lot to be done to lower the economic constraints faced by people at large, who are at risk of losing their jobs.



However, if we spare economy for a while, then health is above all human needs. So, it is responsibility of not only states but each individual to work in this direction so that we all can defeat this virus by our sustained effort by practicing social distancing and following all the directions given by government in this regard. We all have to work in coordination with police, medical staff and other governmental agencies.

The time has come that we should maintain a balance among our economic situation and in handling this disease that is the reason behind easing out the lockdown in different phases. There should be increase in testing for covid cases so that no one is left unidentified. Our medical system needs a boost and proper steps should be taken to strengthen it.

As we are in beneficial position, we can see what happened in other countries, we can take their experiences to deal with this crisis effectively. Likewise, we can see merits and demerit in their approach and build a concrete strategy in our country so that there is minimum loss of life and resources in dealing with this pandemic. At the same time, we also need a strong legal framework which can help to fight this situation efficiently. The old laws governing the epidemic situation earlier in India needs a reconstruction, seeing the changed dynamics of today's time. An efficient legal framework will definitely help in dealing with this crisis firmly.

II. Economic Struggle

The World Bank assessment states that India is expected to grow 1.5 percent to 2.8 percent.¹ The Indian Monetary Fund projected 1.9 percent GDP growth in 2020 as this is the worst hit crises after the great depression of 1930.²

According to a Bloomberg survey of economists there is 1.9% contraction in GDP in fiscal year throughout march 2021 and a rebound to 7.1% in the following next year. The expansion of 7% would be good in most places but that will not be enough for 10-12 million Indians seeking jobs every year. It also hits the prime minister's aim for \$5 trillion economy.³

¹"PM reviews impact of COVID-19 on economy; 2nd stimulus in consideration", *The Economic Times*, April 16, 2020, Available at <https://economictimes.indiatimes.com/news/economy/policy/pm-reviews-impact-of-covid-19-on-economy-2nd-stimulus-in-consideration/articleshow/75181012.cms?from=mdr> (last visited on June 20, 2020)

² ibid

³Anirban Nag, "The road ahead turns darker for India, Asia's virus hotspot", *The Economic Times*, June 04, 2020, Available at https://economictimes.indiatimes.com/news/economy/indicators/the-road-ahead-turns-darker-for-india-asias-virus-hotspot/articleshow/76187293.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last visited on June 20, 2020)



There are various sectors including MSME, civil aviation, hospitality, agriculture and allied sector are worst hit by this pandemic and consequent lockdown.

To give boost to economic growth policy makers have extended support in form of credit guarantees and removed bottlenecks in supply side in various sectors. However, the direct cash transfers to people are modest whereas the central banks sharp interest rate cuts and billion dollars liquidity have very little impact on overall demand so far.

According to Bloomberg's Economist⁴:

Our baseline scenario assumes the nationwide restrictions are rolled back by end-June, step by step. That would leave GDP contracting 4.5% in fiscal 2021, followed by a sharp V-shaped recovery to growth of 12.8% in fiscal 2022. This still results in a cumulative economic loss of 17.6% of GDP over fiscal years 2020-2022 relative to the pre-virus level.

Abhishek Gupta, India economist⁵:

Regarding the time taken by the countries to reach the pre-virus growth levels, the country-wise past recession experience suggests that the recovery in economic activity and the capital formation tends to be slow and it typically takes roughly five to 10 years for real economic activity to reach its former peak level, said Soumya Kanti Ghosh, chief economic adviser at State Bank of India in Mumbai.

III. Mental Health Struggle

India has witnessed a nationwide lockdown which has contained 1.3 billion people which has given rise to new crises, mental illness. According to survey by Indian Psychiatry Society, there is 20% rise in mental illness cases reported in India.⁶

India's mental health system is limited to 9000 psychiatrists for 1.3 billion people. Shekar Saxena who is WHO's for director at Mental health division has stated "Mental health systems have always been very scanty in India and during this time, the gap between what is needed and what is available has widened markedly."⁷

⁴ ibid

⁵ ibid

⁶ Ashwin Naik, "A huge mental health crisis awaits India post-Covid, but only the power of community will help", May 23,2020, Available at <https://theprint.in/india/a-huge-mental-health-crisis-awaits-india-post-covid-but-only-the-power-of-community-will-help/427146/> (last visited on June 20,2020)

⁷ Ashwin Naik, "A huge mental health crisis awaits India post-Covid, but only the power of community will help", May 23,2020, Available at <https://theprint.in/india/a-huge-mental->



However, it has been estimated that incoming months India will suffer from severe Mental Health crises as there will be rise in unemployment, economic hardships, there will be alcohol abuse, rise in domestic violence followed by indebtedness.

Nelson Vinod Moses who is a leading suicide prevention advocate in India says “At-risk populations include the 150 million with pre-existing mental health issues, Covid-19 survivors, frontline medical workers, young people, differently abled people, women, workers in the unorganized sector, and the elderly,”⁸.

IV. Laws Dealing with Covid 19 In India

The lockdown has been carried out in 25th march 2020 on the direction of Union Ministry of Home affairs under the Disaster Management Act 2005 which was carry forward by State Governments and District Authorities. By following this act National Disaster Management Authority was formed under the chairmanship of Prime Minister and National Executive Committee was chaired by the Home Secretary. On the date of 24th March these two authorities passed various orders directing the Union Ministries, State governments and other authorities to contain the spread of covid 19 by adopting effective measures and given elaborative guidelines explaining which services would be suspended and which establishments would be closed during this period.

The state governments and district level authorities started exercising the power under Epidemic Diseases Act 1897 by taking cue from the guidelines issued. For example, the Tamil Nadu Health and Family Welfare Department imposed measures to follow social distancing and staying at home strictly. District level authorities eg. The Commissioner of Police, in Chennai, have subsequently issued orders to impose Section 144 of the Criminal Procedure Code in public places.

These are the provisions that helped the government to deal with this pandemic however these has also raised some serious questions like disaster management act is sufficient to deal with this pandemic and whether the age-old Epidemic Diseases Act which was age old law can deal with this 21st century problem. Another problem is that if there is violation of this rule then the punishment is given under section 188 IPC which is really ineffective and under a general provision of disobeying any public servant.

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(last visited on June 20,2020)

⁸ Ashwin Naik, “A huge mental health crisis awaits India post-Covid, but only the power of community will help”, May 23,2020, Available at <https://theprint.in/india/a-huge-mental-health-crisis-awaits-india-post-covid-but-only-the-power-of-community-will-help/427146/>
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However if we look at other countries then we can see that they have actively dealt with the pandemic by doing the necessary changes in their legislative policy like for example United Kingdom has enacted Coronavirus Act 2020 which is a comprehensive legislation which is dealing with issues like restriction on gatherings, audio and visual facility for criminal proceedings, emergency registration of health care professionals etc.⁹ Singapore has also passed Infectious disease Act 2020¹⁰ which has power to send the higher risk individual to government specified accommodation facility.

If we see the legal provisions in other countries like e.g. Singapore there is strict penal sanctions for violating the Covid law where there is imprisonment of six months and fine up to \$10000.¹¹ And seeing the Indian scenario section 188 IPC has been liberal in that sense where the fine amount ranges up to 1000 rupees and imprisonment is from one to six months. The proceeding under 188 IPC can only be initiated through private complaint and not through First Information Report. Therefore we can say that offences that arise during the lockdown does not have strong footing of law thus it weakens the objectives of lockdown.

Earlier when this disease started spreading in India , the traveller from corona hit countries and people coming in contact with these people are kept under strict medical supervision to ascertain their health status. There are instances where people tend to avoid health screening at airports, fleeing from quarantine places, they hide travel history and do not obey the rules of self-isolation.

They are unaware from the law for the acts done by them. The law governing the quarantine is given in 271 IPC where imprisonment can reach upto six months or with fine or with both. Sections 269 and 270 of Indian Penal Code also come in picture where somebody unlawfully and negligently spread the infectious disease. However there is no stricter law to deal with this pandemic in India. In section 269 IPC when Section 269, “whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description up to six months or fine or with both fine and imprisonment.”¹² Under section 270 IPC “Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be

⁹ Manuraj Shunmugasundaram, “India needs to enact a COVID-19 law”, *The Hindu*, May 8, 2020, Available at <https://www.thehindu.com/opinion/lead/india-needs-to-enact-a-covid-19-law/article31529036.ece> (last visited on June 20,2020)

¹⁰ Manuraj Shunmugasundaram, “India needs to enact a COVID-19 law”, *The Hindu*, May 8, 2020, Available at <https://www.thehindu.com/opinion/lead/india-needs-to-enact-a-covid-19-law/article31529036.ece> (last visited on June 20,2020)

¹¹ Manuraj Shunmugasundaram, “India needs to enact a COVID-19 law”, *The Hindu*, May 8, 2020, Available at <https://www.thehindu.com/opinion/lead/india-needs-to-enact-a-covid-19-law/article31529036.ece> (last visited on June 20,2020)

¹² Indian Penal Code 1860 (Act 45 of 1860), s.269.



punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”¹³

We can say that seeing the present position of Covid-19 in India if somebody disobey the norms of social distancing, coughing and sneezing in public with malicious intention, loitering on streets in group, not following norms of social isolation are all punishable under section 270 IPC.

In India Epidemic Disease Act 1897 has been invoked to curb the Covid 19 Crises. This legislation is 123 years old with just four provisions which allow the state to inspect people travelling by railways, ships,(aeroplanes were not included , as air travel was not there at that time), segregate the suspects in hospitals and other places.¹⁴ According to the provisions of this act , where the part of country or state is faced with imminent danger of epidemic and present law is insufficient in dealing with that situation then the central and state government is bestowed with powers to take necessary measures to deal with that situation. However, the subject of Public Health is covered in State List of our Constitution and Centre has an advisory role and the prime responsibility lies with the state government to invoke and impose the laws.

V.CONCLUSION

It can be said on the basis of above analysis of situation that, a more severe situation is waiting for our country on post covid scenario, so there is need to build a proper strategy foreseeing the future. At economic front, there should be a robust policy to help those who have lost their jobs, labourers who work on daily wages, and for various sectors who has suffered inconsiderably during the lockdown. We also cannot at the same time ignore the health of people both mental and physical, as covid19 situation is deteriorating day by day so our medical system needs a boost at infrastructural level and efficient plan of action is needed to contain the spread of this disease. The private hospitals who are charging improper amount of money in the name of this disease which is widely happening should be brought under strict control. At last the laws that are dealing with this pandemic situation in India need to be changed as they are inefficient and does not contain strict legal sanctions. So, in the end we can hope that we will come out with victory.

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¹³ Indian Penal Code 1860 (Act 45 of 1860), s.270.

¹⁴Vageshwari Deswal, “Covid-19: Laws related to quarantine in India”, *The Times Of India*, March 26,

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