

## AN APPRAISAL OF LEGAL RESPONSE TO PROTECT THE INTEREST OF THE PUBLIC DURING A LOCKDOWN (COVID-19 PANDEMIC)

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### ABSTRACT

Corona virus Decease (COVID-19) pandemic is a type of disease that spreads through virus everywhere, which comes in contact with any person or living being or inanimate objects within a period of 25 hours either knowingly or unknowingly. Corona is originated from neighbouring country China. Now, Corona has spread throughout the world with high intensity resulting in death in a short span. Corona attacks on respiratory systems resulting in suffocation and the supply of oxygen is limited which is essential for survival. This is identified as National disasters. The Government of India viz., Parliament's Chairperson being the administrator of the country, may exercise his judicial power to protect the interest of the public within its jurisdiction. Emergency provisions of the Indian Constitution reduce the disasters of the nation with the direction of National Disasters Authority chairperson; as mentioned in the "The Disasters Management Act 2005", Section 6 has the power to manage, administer and control the damages, which may occur due to the disasters. Emergency relief is undertaken for the benefits of the citizens, which include NRI persons.

**KEYWORDS:** Corona Virus Disease COVID-19 Pandemic, History, Origin, Characteristics Symptoms, Impact, Judiciary Powers, The Indian Constitution, The Disasters Management Act 2005, National Disasters Management Authority, State/District Powers, Relief Measures

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### INTRODUCTION

Corona, Corona, Corona, what is this Corona? Why people are talking about Corona? Is there any importance to this Corona, is this Corona topic is limited to our Village? Or extended to our District? State? Country? Continent Asia or World or Globe?

COronaVIrus Disease COVID-19 Pandemic is the name given by the World Health Organisation (WHO), and the same has been carried out by the entire world.

There is no previous/past history about this Corona. However, before 2019, had the brand name of China.

### Are you aware of the types of Coronavirus?

The virus is the smallest living being, which cannot be seen in naked eyes, but it can be identified with laboratories and declared that this belongs to a very big family. Samples were collected from the people suffering from Corona viruses with symptoms of common cold, fever, and cough. This takes in two different forms.

- Middle East Respiratory Syndrome (MERS)
- Severe Acute Respiratory Syndrome (SARS)

**Occurrence:** It is available freely in the nature of the earth's universe, from September 2019 onward.

**Manufacturing History:** In the continent of Asia, China country, Wuhan city Hubei Province, the laboratory has manufactured and distributed free of cost. Year of manufacturing was 2019 last quarter. And branded as Corona virus 2 (SARS-CoV-2) 2019-nCoV.

**Distribution Channels:** Touching to each other human being or the person who has received this Corona comes in contact with any article, whether an inanimate object or living-being including animal, mammals, birds, reptile, etc., including human being.

**Growth of Corona:** It is in an exponential form, Atomic Number of Corona newly born and waiting for new allotment.

**Atomic Weight:** Heavy unable to imagine.

**Allotropy of Corona:** This is unique in nature; this is the only one in its kind of nature.

### STRUCTURE OF CORONA



Figure 1

**Parasite Activity:** When it enters and gets in touch with the blood, it develops to kill the immune power very easily, and within 14 days spreads in ordinary circumstances and some times.

### **Strategic Objectives**

WHO's strategic objectives for this response are to:

- Address crucial unknowns regarding clinical severity, the extent of transmission and infection, treatment options, and accelerate the development of diagnostics, therapeutics, and vaccines;
- Minimize social and economic impact through multispectral partnerships.

**The Significant contribution of Corona to the Society:** It makes nature to be free from pollution and movement restricted.

**Disadvantages:** Leads to death without any mercy on rich or poor, child or elderly person or middle-aged person, no caste, creed race religion, origin.

**Characteristics:** Breathing problems, sneezing, and coughing & throat infection.

### **THE CHEMICAL REACTION OF CORONA**

1 molecule of Corona + 1 living being reacts to produce Heat energy + infection includes suffocation + death, and this is a non-reversible decomposing reaction and endothermic reaction because of heat energy temperature releases.

### **Definition of Contact**

Joining get together or coming closer and closer to each other. The Factories Act 1948 says, if a person stretches his hand, it shall not touch to each other; otherwise it is called a crowd. This crowd leads to contact. In between 2 to 14 days, symptoms of a probable or confirmed case:

- Face-to-face contact with a probable or confirmed case within 1 meter and for more than 15 minutes
- Direct physical contact with a probable or confirmed case
- Direct care for a patient with probable or confirmed COVID-19 disease without using proper personal protective equipment
- Other situations as indicated by local risk assessments.

### **Definition of COVID-19 Death**

COVID-19 death is happening with a person to avoid the respiratory problem. He skips his breathing itself for a longer period. As of now, nobody found curable medicine.

## THE GEOGRAPHICAL LOCATION IN INDIA SPREAD OF CORONA



Figure 2

## THE CONSTITUTIONAL PROVISION IN RESPECT OF PROTECTING THE INTEREST OF THE PUBLIC

The Constitution of India is the supreme law in India. It has written a set of rules and regulations guiding the administration of a country. Prime Minister is the administrator of our country, who is also Chairman of National Disaster Authority by exercising power laid down in Constitution Part XVIII – Emergency Provisions during, emergency and disasters such as Tsunami, Kargil War, Heavy rain and floods, Plague Calera, etc., now Corona declared as National Disaster in the entire nation. Except for emergency services like Doctors, Nurses, Police, Defence, etc., now declared lockdown to stop all the activities in the entire nation in 3 phases, starting from 24<sup>th</sup> March till 31<sup>st</sup> May 2020, as per The Disaster Management Act, 2005, Act No. 53 of 2005 (to stop the spread of Corona, which is deadly killing the people). At this time, by taking responsibility to provide good air, water, food, cloth, and shelter and security.

The citizens of India, who were abroad for some reason and also for employment purpose, requested the Government to protect them from Corona, by giving permission to come back to India, hence permission accorded by Prime Minister (Constitution Part II Article 5 Citizenship Right to stay) with a restriction of their movement from certain quarantine period.

Nowadays, everybody is having mobile phones and hence using mobile application online classes for students started (Part III Fundamental Rights: Right to education) to maintain the social distance and to avoid the spread of Corona.

Part IV Articles 36 to 51 – Directive Principles of State Policy, Justice, Equality Article 14 moral duties economically empowered, hence asked employees to work from home wherever possible to empower economically and also the distribution of food equally to caste and religions.

Part XVIII – Article 352 Emergency Provisions Financial Emergency Article 360 to eradicate financial problems Government announced several packages as a relief measure to Auto drivers, Saloons, Farmers by waiving off loans, Tax Exemptions, Postponement of time to make payment to electricity, Rent, Tax, etc. deposit of money to Jan Dhan Account, providing loans by SBI upto Rs. 5 lakhs DMACT 2005 chapter 6 by using its power.

The disaster area is entire India section 2b(i) acquiring or creating existing resources, 2e-(ii) mitigation or reduction of risk of any disaster or its severity or consequences; Government orders to maintain the social distance, stay home and safe slogans released (p) “Resources” includes manpower, services, materials and provisions utilized to control the spread. Doctors, Nurses, Administrators, Police Officials, and Asha Karyakarthis, etc. as manpower resources used to curb the spread of Corona. Donations accepted and also distributed.

### **Important Measurements**

Cover the nose and mouth with an N-95 branded mask. Maintain the distance between two personal at least by one meter, wash hands and legs with sanitizer/soap frequently. Do not walk barefoot, avoid attending any functions like birthday, marriage, and other general functions, where a lot of people will participate. Do not travel unnecessarily, avoid to use public transport. Do not touch any material which is touched by Corona infected persons. Do not go to cutting shops and malls.

### **PROBLEMS OF THE GOVERNMENT**

Even though the Government of India declared lockdown, it is difficult to restrict the movement of the 145 Crores people, for want of basic necessary items. On one side, no revenue and on the other side, heavy expenditure to spend emergency purposes, now this deadly spread have cost many lives. As per the statistics, America has lost more than 72000 people in its origin, followed by Italy. In a short span of time, railway bogies converted into hospitals and opened for rehabilitation.

Prime Minister of India Mr. Narendra Modi addressed the nation on how to spend time during lockdown period

- Not to give trouble to Family members
- Wife shall not give torture to husband due to excess work
- Do spend with Yoga and Meditation
- Keep your environment clean and hygienic
- Care for elderly persons
- Spend quality time with your family members

Kumari Sharanya, practices Saradevi meditation for good things to happen in society, in order to keep good health and lead a happy life. And also counsel for the needy, which have acute depressions. This is absolutely necessary during the lockdown period.

India is not exempted from this, according to the statistics. As on 08-05-2020, 59642 were infected and total death mounts to 1904 compared with that of Maharashtra, which stands first with 17974 cases, In Karnataka alone, infection is around 753, death 30, out of which Bangalore urban 172, death 6 (Source: Health Bulletin).

### **During the Period of Lockdown**

No loitering, on the roads, no malls or shops will open. They will completely stop transportation facilities, Auto, Scooter, Car, Train, Helicopter or Airplane or Chartered planes, no shaving and haircutting saloons, or beauty parlours which excludes hospitals, medical shops. Even in this critical situation, to empower financial conditions, the wine shops were opened.

### **THE LEGISLATIVE AND GOVERNMENT MEASURES TO PROTECT THE INTEREST OF PEOPLE**

People, who are identified with Corona infection are advised and put up in quarantine for a period of 14 days. In the entire country, full lock down was declared. The period of curfew Section 144 under the Indian Penal Code 1860 was imposed. The Government permit only 25 people for marriage, not exceeding 25 people on each side of the bride. All the shops to purchase only basic necessary items, and will be permitted to open only for 4 hours in the morning and three hours in the evening. The movements of Metro, Auto Train and Bus (local and interstate) have been curbed. They have to seek permission pass to move out. Local authorities instructed the employers to give work from home facilities to their employees. And, classes for students will take place only through mobile application or computer sources. Many people who have migrated from other states have been supplied food, water for their livelihood. The government permitted to receive donations from the public to distribute food and other ingredients to the public. On one side Corona is troubling; on the other hand, people are dying with starvation without food. The government directed the district in-charge and commissioner to take care of their jurisdiction. Chief Minister is responsible for their states. Any violation in this has been taken seriously and the violators are taken into police custody. The government has put all efforts to find the history of spreading from the infected and advise people to be in quarantine to stop further spreading. Now, we have to install Arogya Sethu application in mobile, which traces the location and safety. The Indian economy has come down drastically, and the opening up of alcohol shops gained 638 Crores Indian rupees, just within a week. The police personnel are working day and night to guard the public. Every day they visit the streets to inspect and ensure that the public follow the law. Further, both the state and central governments have given a lot of relief to the general public to the worth of Rs.1610 Crores relief as announced by the Prime Minister/Finance minister and Chief Minister of Karnataka to barbers, washer men, auto drivers, construction workers (The Hindu dated 07-05-2020).

**Table 1**

<b>Particulars</b>	<b>Units</b>	<b>Amount</b>	<b>Total Amount</b>
Flour culturist	11687	25000	292175000
Washer men	60000	5000	300000000
Barbers	230000	5000	1150000000
Auto & Taxi Drivers	775000	5000	3875000000
MSME electricity Bill	1000000	7500	7500000000
Handloom waivers	54000	2000	108000000
Building Workers	1580000	5000	7900000000

Source The Hindu 07-05-2020

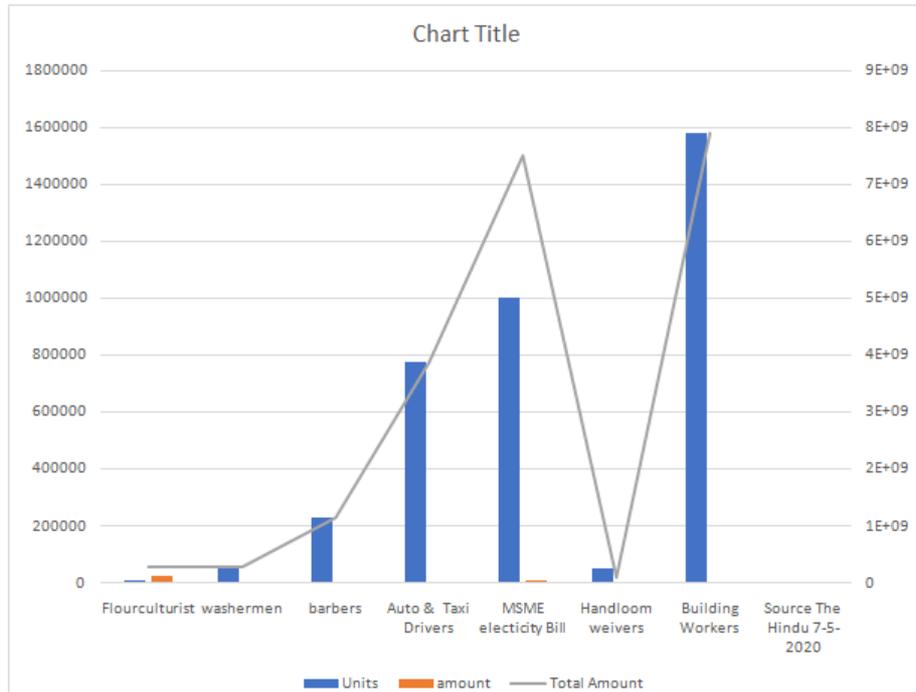


Figure 3

## CONCLUSIONS

The government of India has exercised its judicial powers effectively, as laid down in the Indian Constitution and Disaster Management Act 2005, and protected the interest of the public during the lockdown period. To overcome the economic constraints in the covid-19 situation, the government has sanctioned many relief measurements for the public and corporate including small and medium enterprises.

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