

BLATANT DISREGARD OF HUMAN RIGHTS DURING THE TIME OF THE GLOBAL PANDEMIC - A STUDY

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ABSTRACT

Literates and illiterates are classified in the whole world when education is to be considered. At least if a person knows how to put his signature on paper in any form and any language, he is called literate. Mother is the first teacher to the child in the house later teachers of the class will start. It is the responsibility of the parents to give compulsory education to his/her child/children. The Government of India established an Act in the year 1993 as the Human Rights Act, 1993 India wherein we have to come across several fundamental rights. The author is an emphasis on the Right to Education in India. During the COVID-19 pandemic the nation India declares emergency lockdown to save the lives of the citizens whether child or adolescent or an adult Article 26 says Right to Education, Article 3 clarifies the Prohibition of torture and inhuman or degrading treatment, Article 4 says Prohibition of slavery and forced labour the government hired the services of Doctors, Nurses who are commonly employed in Government Sectors, Article 5 relates to the Right to liberty and security of person, Article 11 focuses on the Right to freedom of peaceful assembly and to form united decisions for any work also if you want to start a new family life with marriage our constitution given provision in Article 12.

KEYWORDS: *COVID-19 Pandemic in India – Human Rights Act, 1993 India– Article 3 – Article 4 – Article 5 – Article 11 – Article 26 – Right to Education – Prohibition of Torture and Inhuman or Degrading–Prohibition of Slavery and Forced Labour–Right to Liberty and Security of Person – Right to Freedom of Peaceful Assembly and Freedom of Association–Right to Marriage and Start a Family*

Article History

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INTRODUCTION

COVID-19 is considered a global pandemic that is leading to the death of several lakhs in the global and India as on 24-05-2020 the total affected is exceeding 1,31,868 and death mounts to 3867 which includes the Karnataka tally 2089 and death 43. Everyone is entitled to have the right to live as per the provisions of the Human Rights Act, 1993 (India) in the region where they want but It cannot for the reason beyond the control. Assuming that the person is affected by the Corona and he cannot live with his family members since it spreads others too and leads to death. Social distance is compulsory to overcome the problem. The Government has failed to adhere to this for the reason beyond their control and non-co-

operation from the public. These fundamental rights of the Indian constitution cannot be amended by any law even in an emergency. In the year 1973, the Supreme Court has given a clear direction in the case of Shri Kesavananda Bharati Swami Case rules that the basic structure of the Indian Constitution is unaltered by any law either by passing the bill in the assembly or the parliament or not. It is worthy to remember at this point. Government has to follow the said procedures as laid down in the constitution of India and at the same time have to take care to protect the citizens of India. COVID-19 is declared as a disaster to the country not only to our country but also to the entire globe. The viruses are spreading by touching each other and hence there was no alternative unless to curb to form the groups and assemblies. Education is just what to do if the children go to school or colleges, they get Corona infected and they will die. And hence the government has searched for an alternative as online education through internet facilities, mobile applications by using Google Meet, Cisco Webex, and TCS iON, etc. To fulfil the fundamental rights. The first teacher started online education is Sara Devi and her disciple Sharanya Mathaji also started at the same time in their regions and they are the model examples in imparting education through online

Article 26: Right to Education all Education institutions are closed during the COVID-19 pandemic. From March 14, 2020, in India and lockdown imposed till today. No examinations and no classes for students. However online classes were introduced. All the teachers have to learn and apply the special applications in their mobile, laptop, or desktops to run the classes. How effective it is? What about rural area people having fewer privileges, no internet, and current in many places? Needs an additional expenditure of DATA in mobile applications. All people are not technically sound enough to tackle this situation. How they will conduct practicals? If one student in the house attends class online, the sound produced by the mobile can be tolerable if two or more students in the same house how do you think it will not disturb the other students? Can this give justification at par with traditional education?

Article 3: Prohibition of Torture and Inhuman or Degrading Treatment the Corona affected person even he gets cured the people in the surrounding area ill-treats them and other basic necessity materials are not available. They cannot come out of the house also since the police officials and other concerned authorities will beat them without asking why they are coming out of the house. There is a provision to purchase food ingredients to fulfil their hunger otherwise they will die with starvation. If they go out Corona will attack due to close contact with another person who has infected by Corona. In other countries, people were beaten until their death in the public places some country has not given any treatment for the people above the age of 60 years. At the same time for the sake of money, they killed the older people in the name of COVID-19. The older people were targeted for torture.

Article 4: Prohibition of slavery and forced labour the government hired the services of Doctors, Nurses who are employed in government sectors. They are not allowed to go to their houses as emergency demands their presence. It was made compulsory to attend the duties and cannot take any leave. They got afraid of the Corona but no excuse. This is nothing but slavery and forced labour they could not get sufficient safety measures equipment.

Article 5: Right to liberty and security of person. The government to take care of the pandemic situation, given a high alert to the nation for the lockdown compulsory all the activities such as Trades, Cinema Halls, Marriage Halls, Shopping Malls, Transportation which includes Airways, Roadways, and Waterways to reduce the spread of the Corona. At the same time no work no payment rules violate, and many people Auto Drivers, Taxi Drivers, Ola, or Cab Drivers have no work and their earnings are zero and difficult to sustain the life itself as they have to earn every day and then to eat. It is their bread and butter to lead their family members. Building Construction labourers have no shelters and they have

temporary sheds they live together. During this pandemic period, they could not get food and no work, and hence they wanted to go back to their native places. Unfortunately, no transportation to commute to their native places and they cannot stay also in the same place as there was no food for their survival. Even if you purchase the raw food materials where and how to and where to cook? how to get protected from rain and hot burning sun where is the security, they too have human rights neither they permitted to go to their native place nor give security and food for survival And All Hotels were also closed people not permitted to eat in the hotels.

Courier service is also blocked since the spread of Corona is very high with the person and the materials he brought and distributes. The patients who suffer ordinarily with common diseases go to hospitals regularly and the other unknown person meets will get diseases hence he will avoid disclosing.

The Persons Who are Infected or Having Symptoms will be Quarantined in two Different Parts

- High-quality hotels with frugal comforts
- In ordinary places where there are no facilities like beds, bed sheet, proper food protection from mosquito's people have to spend money on accommodation and food which is an additional burden if only one person somehow can be manageable if the family consists of two or three expenditure are nearly one lakh. Where to arrange this additional expenditure. Neither they can stay in their house nor meet the expenditure. Where is the security? Hence, they escape from the quarantine houses and spread the pandemic Corona which increases the infected people.

Article 11: Right to Freedom of Peaceful Assembly and freedom of Association: social distance is to be maintained to control the COVID-19 spread but freedom of assembly and association is curbed during the pandemic period. All functions, meetings, and temples are also closed where a lot of people assemble even though it is a blatant disregard of human rights the situation leads to helpless conditions.

Article 12: Right to Marriage and Start a Family: COVID-19 has affected even marriages which involve a lot of people gathering together and also unknown person involvement. The scheduled date and time have to postpone because marriage is a social gathering and also ego because to look good in front of others.

FUNDAMENTAL RIGHTS

Six fundamental rights of the Indian Constitution along with the constitutional articles related to them are as follows:

- Right to Equality (Article 14-18)
- Right to Freedom (Article 19-22)
- Right against Exploitation (Article 23-24)
- Right to Freedom of Religion (Article 25-28)
- Cultural and Educational Rights (Article 29-30)
- Right to Constitutional Remedies (Article 32)

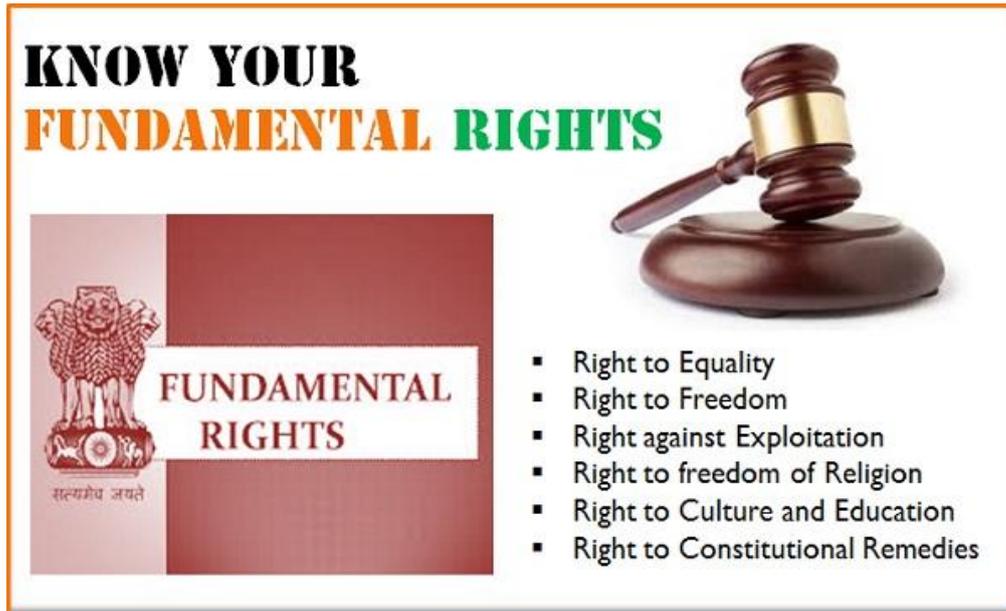


Figure 1

Article 14: Equality Before the Law: Nobody is exempted before law and punishments are also equal and no special priorities irrespective of Caste Creed, Gender, male or female is it really happening in India even though the concepts brought from British and also from America. The COVID-19 operates this law impartially whether he is a minister, or VIP, or an ordinary government official or Street beggar. Hence government has to take priority for all at the same time to save the life the students of rural villages and urban metropolitan city students cannot be combined together for competition but the same area called rural village students should be treated as same as other villages students in entire India. For example, I cannot ask 16-year-old students to run with 80-year-old. This is not quality. Under the same conditions and situations, the law has to take care of. This is not applicable for the President of India and Governor of the State while they are in powers and whenever an article is in force article 31 c will disappear.

Article 15: Prohibition of Discrimination: The state shall not discriminate against any citizen. During the period of COVID -19 people are not supposed to come out of their houses. How to get food materials for their daily service irrespective of higher cast or lower cast, community, male or female, older, younger, or adult or child, place of original birthplace, etc. The government extended a helping hand to each and every person irrespective of their states.

Article 16 Equality of Opportunity in Matters of Public Employment: Appointment, impartially equal opportunity to be extended to everybody DURING THE PERIOD OF covid-19 NO FESH APPOINTMENTS. To retain the job it is difficult. Some people are working online and work from home especially in the field of education online course completed.

Article 17: Abolition of Untouchability: The government is given clear instructions to ouch anybody and maintain the distance in order to avoid the spread of the Novel Corona Virus. Even after the death of their own family members government has not handed over the dead body to the family members. Warriors they themselves cremated the bodies in the pits. Where is untouchability abolition rules? What the ancient people have practices are good for today and coming future days.

Article 18: Abolition of Titles: Titles which is nothing to do with the pandemic period.

Article 19: Protection of Rights: regarding freedom of assembly is one of the 6 freedoms of rights mentioned therein and especially during COVID-19 pandemic assembling is prohibited this virus is disasters to the country and human beings and animals. Hence banned.

Article 20: Protection with Respect to Conviction of Offense: The corona becomes positive in human being then the people will think that he has committed a big mistake and offense and the people of the society treat them as a stranger. Is it right on the part of society? We have to give hope for them to come back without the coronavirus quickly then it returns to normalcy, thereby we have to give full respect to the concerned persons.

Article 21: Right to Life and Personal Liberty: What it means? The person who is infected by corona has the right to live and he cannot take it into a grant that he can move freely to spread corona law says liberty but that liberty is curtailed here for the said period.

Article 21(A): Right to Elementary Education: Students have to learn the basic things even in the COVID-19 Pandemic. Therefore online classes started even for kindergarten elementary Schools, up to Post Graduation classes.

Article 22: Protection Against Arrest and Detention in Certain Cases: The Corona positive person will not respond to the officials of the warriors they forcibly will take to the hospital and bill heavily and hence he will be absconding from their visions and hence warriors made a complaint to the Authorities and they will arrest the person and will be detained in the hospital for quarantine can we follow this article strictly? Definitely not.

Article 23: Prohibition of Traffic in Human Beings and Forced Labour: During the period of COVID -19 pandemic as the migrant workers they could not get any material to purchase anything and due to lockdown, they lost their job. And all the casual jobs stopped totally. Literally, they became homeless and the transport was also stopped, and hence they left with no alternatives except to loitering in the streets which is not a violation during an emergency. The government has made an arrangement of distribution of cooked foods in the streets for the benefits of the traffic humans.

Article 24: Prohibition of Employment of Children in Factories: This situation will never arise as total work stopped in all the places. Hence children's work supervision will not arise.

Article 25: Right to Freedom of Religion: Even during the corona pandemic period Tabitha's from foreign countries started to propagate their Muslim religion and started to give speeches at Masjids and other places where we have to observe that social distance has not maintained and the spread of corona was easy and spreads 2nd and 3rd contacts also which was very dangerous to the society.

Article 26: Freedom to Manage Religious Affairs: Corona has stopped all activities during the pandemic period. People have no money and no earnings and the reason stopped.

Article 27: Freedom As To Payment of Taxes for Promotion of Any Particular Religion: Normally there was no tax payable by religious institutions for promotional activities but the government of India as extended to the entire nation the said time period to December from March especially this year 2020.

Article 28: Freedom as to Attendance at Religious Instruction or Religious Worship in Certain Educational Institutions: Separate from religion. India is a secular country and maintained even in the covid-19 pandemic. Treats equally at par with our own citizens during the pandemic period. Just like a guest.

Article 29: Cultural and Educational Rights: All cultural activities are totally stopped during the period of corona because they have to maintain social distance, which includes marriages. They restricted to 50 consisting of 25 from the bride side and 25 from the bridegrooms' side and anybody violates have to face the legal consequences which are curtailed the rights.

Article 30: Right of Minorities to Establish and Administer Educational Institutions: As there were no grants for the financial year due to the pandemic whether it is minority institutions or in general intuitions disclaimers Is not here.

Article 31: Right to Property: This is abolished when article 14 exists.

Article 32: Right to Constitutional Remedies: Any person deprived of the fundamental rights they may move to court even to the Supreme Court. Here one question arises even courts are also closed how they can contact but certain provisions provided even for that to get some remedies.

Type of Writs

The Constitution is the final authority in the nation which gives special powers to jurisdiction consisting of Supreme Court and High Courts regarding WRITS.

The Types of Writs are

- Habeas Corpus
- Certiorari
- Prohibition
- Mandamus
- Quo Warranto

Article 33: Even Though they Said Article Gives Full Force to Parliament To Modify the Rights Other Than the Basic Fundamental Rights Etc.

Article 34: When Martial Law is in Force Even Though the Rights Conferred Will Have Restrictions

Article 35: Legislation to Give Effect to the Provisions of This Part

Article 39(B): Equal Distribution of Material Resources: Food items are very much essential for the survival of human being including animals. And hence during the lockdown, period distribution of food materials to all is essential as per the law. Otherwise, the imbalance will affect the country.

CONCLUSIONS

At the outset of this COVID-19 Pandemic, cooperation from each and every person is essential and without that the project of controlling the Virus is impossible. The organizations such as Hospitals, Doctors, Sisters, Corporates, MLAs, MPS, corporations, Ministry, and government agencies District in-charge person. Administrators will take possession of the districts to control the emergency exits. During this period "Blatant disregard of human rights even during the time of global pandemic".

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