

PANDEMIC DISEASES AND CONSTITUTIONAL PROVISIONS IN INDIA

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Abstract

A natural disaster is a major adverse event resulting from natural process of the earth e.g. floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, storms and other geologic process. A natural disaster can cause loss of life or damages to the property as well as huge economic loss or damage. At the same time different kind of viruses is also one of the natural calamities for human beings. The history of viruses describes the influence of 'viruses' and viral infections on human history. It is caused by a member of the Corona virus family that has never been encountered before. This virus transferred to human from animals. The WHO has declared it a pandemic.

Keyword: COVID, WHO, IPC, Virus, Pandemic.

INTRODUCTION

In Ancient time people were started to worship the nature such as river, plant, earth, sun, moon, sky etc. But sometimes this nature shows the disaster to the human being and which were consider as sacred. A natural disaster is a major adverse event resulting from natural process of the earth e.g. floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, storms and other geologic process. A natural disaster can cause loss of life or damages to the property as well as huge economic loss or damage. At the same time different kind of viruses is also one of the natural calamities for human beings. The history of viruses describes the influence of 'viruses' and viral infections on human history. Around 12000 years ago when human developed more densely populated agricultural communities then epidemics caused by viruses were started. This was allowed virus to spread rapidly and subsequently it becomes endemic. Viruses of plants and livestock also increased as we know that human are more dependent on the agriculture and farming e.g. diseases like pot viruses of potatoes and rinderpest etc. Smallpox and measles virus are among the oldest that infect the humans thousands of year ago these viruses found in Europe and North Africa. Millions of people were died during the epidemics. Another influenza pandemics have been recorded since 1580 and increasing frequency in subsequent centuries. In 1918-19 pandemic disease 40-50 million people were died. HIV is one of the most pathogenic new viruses to have emerged in this century. But some of new viruses are also beneficial which play important roles by transferring genes arose in ecosystem and are essential to the life.

THE ROLE OF WORLD HEALTH ORGANIZATIONS

In 1951 WHO adopted the International Sanitary Regulations which is the product of 19th Century International Sanitary Conference. Later on which were modified in 1969 in 1973 and 1981. The IHR are legally binding set of regulations adopted by WHO as an International Organizations. This is one of the regulatory mechanisms strictly focusing on global surveillance for communicable disease.

INDIAN CONSTITUTION AND RIGHT TO HEALTH

In the Constitution of India fundamental Right chapter has discussed from Article 12 to 35. In this chapter directly the right to health has not been discussed. But the Supreme Court of India in Article-21 liberally interpreted and include the right to health is also important for the dignified life of the human being. The right to health is also one of the important and basic human rights. The right to life and personal liberty includes the right to health and medical assistance. Again one of the important Article is in our Constitution.

Article 21 No person shall be deprived of his life or personal liberty except according to procedure established by law. Following are the case laws which are important relating to right to health. In

- *Parmananda Katara V. Union of India*
- *In Vincent Parikurlangara V. Union of India*
- *Paschim Bang Khet Mazdoor Samiti V. State of W.B.*
- *Consumer Education and Research Centre V. Union of India*
- *Kirloskar Brothers Ltd. V Employs State Insurance Corporation*

Article-42 which directs the state to make provision for securing just human conditions and for maternity relief.

Article-47 Duty to raise the standard of living and improvement of health.

PANDEMIC DISEASES AND LAWS IN INDIA

Epidemic Diseases Act, 1987: Firstly this act was drafted to deal with bubonic plague that swept Maharashtra in 1897. This act prohibited public gatherings and regulated travel, routine screening, segregation and quarantine. Protection to persons acting under Act - No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act. Democratic countries such as Australia, Canada, England, and the United States have in place more comprehensive and updated legislations to deal with public health emergencies such as the ongoing pandemic. These countries continuously adapt their existing laws to contemporary needs, enabling them to customize their responses to evolving emergencies. In contrast, the Indian government appears to have a limited arsenal comprising the colonial-era Epidemic Diseases Act, the battered Section 144 of the Indian Penal Code which prohibits public gatherings, and the Disaster Management Act of 2005.

Provision under Indian Penal Code 1860:

- Section-269 Negligent act likely to spread infection of disease dangerous to life.
- Section-270 Malignant act likely to spread infection of disease dangerous to life.
- Section -271 Disobedience to quarantine rule.

Whoever knowingly disobeys any rule made and promulgated Government for putting any vessel into state quarantine or for regulating intercourse of vessels in a state of quarantine with the shore or with other vessels or for regulating the intercourse between places where an infectious disease prevails and other places shall be punished with imprisonment of either description for a term which may extend six months, or with fine or with both.

COVID-19

The corona virus is one kind of virus which was first time found in December 2019 Wuhan city of China. This virus earlier known to India as like 2003 SARS virus and 2012 MARS virus but this virus somewhat different from both the virus it called novel corona virus and WHO has given name COVID 19. In early stage it has given found that is infectiousness based on an analysis of the first 425 confirmed cases in Wuhan. The comparisons have been drawn with the 1918-19 influenza pandemic.

It is caused by a member of the corona virus family that has never been encountered before. This virus transferred to human from animals. The world health organization has declared it a pandemic. This deadly virus spread more than 200 countries in the World. As on 30th April 2020, 3090445 people have been infected Corona Virus. There have been 217769 deaths globally. Corona virus was first recorded in the city of Wuhan China on 12th January 2020 and he spread in the overall countries in the World. Most affected countries are USA, Spain, Italy, UK, Germany, France, Turkey, Russia, Iran, China, Brazil, Canada, Belgium, Netherlands, India, etc. due to the corona virus. Now a day this becomes one of the challenges before the medical science. So many countries are trying to develop vaccine but till the date no countries get any success in the World.

CONCLUSIONS

1. China has not disclosed the proper tome information to World Health Organization and neighborhood countries about this COVID-19.
2. Within very short period this virus were spread near about 185 countries in the World. The statistical data of WHO were shown this information.
3. Most COVID-19 affected countries like USA, Spain, Italy, England, Germany, France loosed their economic stability as well as loosed their people which is consider as wealth of the nation. Now a day COVID-19 becomes a challenge before the medical science. Each and every country trying to develop the vaccine but no countries succeed. Even India has formed the expert committee to do the research and develop the vaccine as early as possible.

4. To stop the infection of this virus all the countries adopted a lockdown as a tool. Due to lockdown all the countries are facing problem of economic loss. Labour and poor people mostly affected due to total lockdown. Every state Government with the help of NGO'S and trusts they are trying to provide the food and shelter to labour community.
5. COVID-19 death rate is very less but again those patients cured found corona positive. This is one of the challenges before the medical science. That was declared by china. Now a day it becomes challenge before the medical and science department.
6. Due to COVID-19 all the countries will face the financial crisis and it will take 2-3 years or more than that period to achieve their target. In so many countries the situation of financial emergency has arises due to total lockdown. So many people will lose their job means problem of unemployment arises in future.

SUGGESTIONS

1. To avoid the COVID-19 infection everyone has to follow the rule of social distancing. This is one of the ways to save from COVID-19 infection.
2. Without any emergency work or essential services no one has to go outside
3. It should be needed to wear mask whenever going to outside home. Another precaution has to take by everyone that wash frequently hands and avoid contact to eyes and nose.
4. Sometimes those person who have not found any symptom may found COVID-19 positive that is why as a preventive measure door to door campaign should be arranged and compulsory all people's COVID-19 test should be done.
5. There should be separate hospitals for corona positive cases because other person should not get infected.
6. Stringent punishment shall be imposed on wrongdoer who are intentionally spread the infectious disease or not following the lockdown and quarantine rules. At least six month imprisonment and one lakh Rs. Fine shall be imposed.
7. Epidemic Diseases Act-1897 is very old Act it should be repealed and new Act should be passed. There should be special provision of Corona Fast Track Court. These courts will handle only corona cases.
8. There is need to update Disaster Management System in the state and it should be widespread which will helpful in emergency situation. The group of volunteers should be trained and provide them training that they will able to provide the help to the needy person of society.

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