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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHITE BLACK LEGAL: THE LAW JOURNAL

CORONA- A PETRIFYING CHAPTER

MIMANSA PRAGYA¹

In long spans of time, there comes a phase when the existence of the whole mankind is put at risk as a divine punishment. At present, our life has reached a similar horrifying episode, a pandemic. In 1918, Spanish influenza infected more than half of the world's population and killed more than 50 million humans. The Black Death (14th century) and the SARS Virus in 2003 are some other examples of pandemic outbreaks. COVID-19, a term with which we are now much acquainted, is a disease caused by the Corona virus, a SARS virus.

The outbreak of COVID-19 has caused horrifying effects. It has not only resulted to physical suffering to its victims but every human being is witnessing psychological impacts as well. Coronavirus Disease 2019 is defined as an incurable malady caused by the coronavirus, also known as SARS CoV-2 (Severe Acute Respiratory Syndrome Corona Virus), which was first spotted as an eruption in the Wuhan City of China. The name "COVID-19" has been chosen to avoid pillorying the virus' origins in terms of populations, geography, or animal associations. On 11th March 2020, WHO declared COVID-19 as a pandemic.² Although it has been assumed that corona virus is a laboratory product created as a biological weapon, yet, as of now, research says that the birthplace of Covid-19 is a seafood market of Wuhan, China. Wuhan is currently the business hub of China, a country where the citizens consume variety of animals as a source of food, such as bats, raccoon dogs, snakes, rats, etc; which are assumed to be the cause of birth and spread of COVID-19 and even some other past outbreaks. Hence, there should be a complete ban over consuming the wild animals as a source of food.

The Covid-19 pandemic has escalated to an approximate of 200 nations in the world. But it's a distress to state that no effective cure has been found which could put an end to the transmission of this deadly disease. Hence, it has become exceptionally important to develop an antiserum for coronavirus disease, which could not only be used in today's scenario but in case of the future epidemics as well.

No doubt, the current scenario of Covid-19 is a catastrophe and has caused immense distress in the human existence. But at the same time, it is an irony, how it took a viral pandemic disease

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² David J Cennimo, *Coronavirus Disease 2019 (COVID-19)* (May 26, 2020), <https://emedicine.medscape.com/article/2500114-overview>.

to make us realize the significance of cleanliness and hygiene. We have become more responsible towards the nature, health as well as hygiene. It gave us the leisure time to work towards our hobbies. All are home caged, but still have variety to things to learn. Some are trying their hands in cooking, some are trying their skills in art, etc.

RISK FACTOR APPROACH³

Risk factor means the characteristics, or any hazards, which if present in an individual or a group of people are more likely to develop a disorder. It is something which increases a probability of a person of suffering harm or any kind of hazard. There are four stages of risk factor approach as described by *Mercy and O'Carroll*. The stages are as follows:-

- **Public Health Surveillance**, which deals with the data collection for the analysis affairs.
- **Risk group identification**, which talks about identifying the individuals or group of individuals who are at the greater risk of being affected by any such epidemic. It also states the other circumstances associated with the specific risk factor.
- **Risk factor Exploration**- It talks about critically exploring the causes of risk factor i.e., why are such potential victims more at risk.
- **Program Implementation and evaluation**- It explains about the designing, implementing, and critical analysis of the preventive measures to be taken by the authority, in order to guard the potential victims of such risk factor.

Currently, India is at the 4th stage of risk factor, i.e., the implementation phase. The Govt. has taken various incredibly appreciable measures to protect the citizens from Covid-19, such as nationwide lockdown and has been giving their best efforts to increase the production of health safety products, such as masks, sanitizers, etc. The country is also giving its best efforts to prepare the vaccine for this virus, as soon as possible which is expected to be ready till the end of year.

LAWS OF LOCKDOWN

On 22nd March, 2020, Prime Minister Modi declared nationwide *Janta curfew* in order to encourage the citizens of India to follow the concept of social distancing and instill in their minds, a feeling of respect towards all the Corona Warriors. Also, the *Janta Curfew* functioned as a preparatory pursuit for the lockdown following. Since the first day of lockdown (25th

³ Michael Shader, *Risk Factors for Delinquency: An Overview*

March), and until now, citizens, from different background, have undergone innumerable and major difficulties, especially the lower segment of the society.

Government executed this lockdown by effectively imposing various sections of the Disaster Management Act, 2005. Meaning of the term '*disaster*' is given under Section 2(d) of Disaster Management Act, 2005 which reads as: "*Disaster means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area*". This section is not only limited to the calamities like earthquake, floods, tsunamis, but also include various other mishaps including endemics, outbreaks, epidemic and pandemics. Section 6 of the said act states that government has the power to take steps, set policies and guidelines to effectively respond to any disaster. It also gives the power to state to provide sufficient help or funds to other countries which have also been facing such disaster. It is shocking to see that the Indian acts and codes don't define the terms '*lockdown*' or '*curfew*' anywhere under the law; but it is a relief to say that the fundamental rights under this lockdown has been successfully curtailed under *Article 19* and *Article 21* of the Indian Constitution.

The Epidemic Diseases Act, 1897 gives the provisions for better and convenient prevention of such epidemic diseases. As per this Act, when the state government is satisfied that a deadly disease has been infected in the environment, it can take steps and measures to prevent it. The inspection of the people travelling via railway, airway or by other modes, can be done. It also states that any person disobeying the orders of the state or central government shall be the subject to facing penalty under S188 of Indian Penal Code, 1860. Section 188 of Indian Penal Code, 1860 states the punishment to the person being disobedient to the orders of any public authority.

The fact which must be paid attention to is when the Janta Curfew, or the lockdown, was announced, it wasn't sure if the govt. is authorized to take any such big step. At the later stage when various questions were raised in regard to the authentication of lockdown, the govt. scrutinized the law and clarified its jurisdiction in this matter. In author's opinion, it would be better if the government backs their policies with the laws before implementing them, so that no ambiguity remains.

AAROGYA SETU APPLICATION

To fight the battle against Corona, Govt. of India has taken a technological approach by launching a phone application- Aarogya Setu. This app creates a network of information about its users with regard to their health conditions and travel history. If risk factors are identified, then the ones near the individual are cautioned so that the spread of virus is minimized.

The Aarogya Setu application is easily available on Google Play Store (Android) and App Store (iOS). After downloading, users need to keep their GPS location and Bluetooth switched on. The GPS helps to track the nearness proximity of any potential patient. The app needs the users to update their certain information in the app, the information are in regard to their age, gender, travel history etc. The next step of the app asks for a self assessment test, where it asks few questions about the user's current health condition. This application also gives the updated information about the Covid-19.

This app helps the users to self-identify their risk and self-monitor their health. It would also help people to stay away from the hotspot areas and containment zones. It tells certain measures which the people at high risk are needed to follow and such people as well who have had a travel history and are needed to self-quarantine in order to prevent any risk of transmission.

Various questions have been raised in relation to the privacy issues faced by installing such an app which needs to have the location of the phone turned on. In response to this, the government has assured that no privacy threat is there in this application, also releasing the app's source code as a proof for the same. It is now also rewarding the entity who points out a bug in the software.

SOCIO-MEDICAL IMPACT

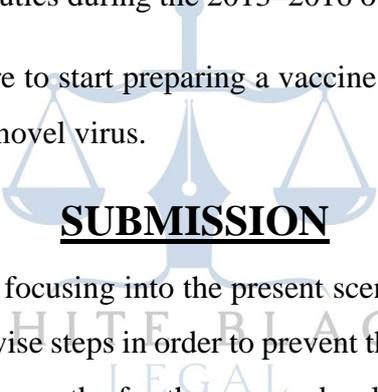
The COVID-19 has been behaving as *once-in-a-century pathogen* of which we have been worried endlessly. It has been a threat in the community for three major reasons: firstly, the ailment is being transmitted through one human to another at a very high rate. An average infected person spreads the disease to five or six others — an exponential rate of multiplication. There is also strong evidence that it can be transmitted by people who are just mildly ill or even pre-symptomatic⁴. Secondly, it is deadly as the mortality rate due to corona is more than the deaths caused by any other influenza. It's destroying really healthy people in addition to the people with weaker immune system and elderly people over the age of 65 yrs. The data so far

⁴Bills gates, *Responding to Covid-19 — A Once-in-a-Century Pandemic?* (February 28, 2020), <https://www.nejm.org/doi/full/10.1056/nejmp2003762>.

suggests that the virus has a mortality risk around 1%; this rate would make it many times more severe than typical seasonal influenza, putting it somewhere between the 1957 influenza pandemic (0.6%) and the 1918 influenza pandemic (2%)⁵

Developing a vaccine is not only an expensive procedure but also a very lengthy process. For quickly developing a vaccine, what is required is to take fast decisions and measures, a proper technical team as well as skipping various steps, or moving forward to another step before waiting for the accurate result of previous stage. Hence, there is a high probability of both financial loss, as well as medical risk. The clinical trials of vaccines include some additional challenges. The vaccine can't be put out in the market before trying it on animals and few human beings. The research says that "It's difficult to predict where and when outbreaks will occur and to prepare trial sites to coincide with vaccine readiness for testing. In addition, if multiple vaccines are ready for testing in the second half of 2020, it will be important not to crowd sites or burden countries and their ethics and regulatory authorities with multiple trials, as happened with Ebola therapeutics during the 2013–2016 outbreaks⁶."

Research says that the procedure to start preparing a vaccine was started the day when China announced the outbreak of this novel virus.



SUBMISSION

In the opinion of the author, by focusing into the present scenario, it can be well inferred that there is need to take quick and wise steps in order to prevent the further transmission of Covid-19. It takes more than a couple months for the proper development of antidote, we have no other option but to abide by the current guidelines of WHO and Govt. i.e., to follow lockdown rules and maintain social distancing. Also, creating havoc won't work in this scenario, so, we need to act patiently and calmly to firmly get out of this deadly situation. It would be a prudent behavior not to spread rumors and not to believe on fake news as well. The Aarogya Setu app, a government innovation product, has undertaken a great role in contact tracing of the patients. This has not only limited the risk factors but has also provided govt. verified information about the matters relating to the pandemic. It also serves as a free cloud storage platform for a corona

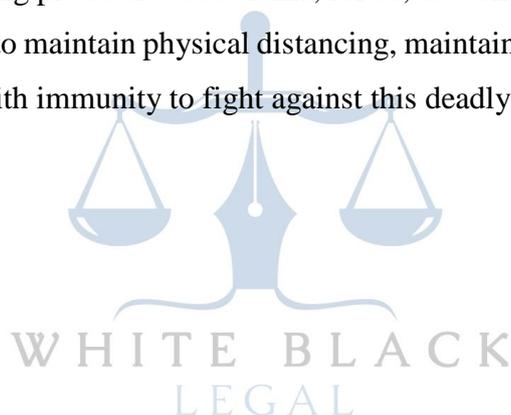
⁵ Pneumonia Emergency Response Epidemiology Team. *The epidemiological characteristics of an outbreak of 2019 novel coronavirus disease (COVID-19) — China, 2020*. China CDC Weekly 2020;2:1-10

⁶ Nicole Lurie, *Developing Covid-19 Vaccines at Pandemic Speed*, (March 30, 2020), <https://www.nejm.org/doi/full/10.1056/NEJMp2005630>.

positive individual. In toto, this app is a highly effective buffer, and so it is highly recommended that this app be a member of every capable phone.

Also, as the statistics suggest, around forty percent of the victims have recovered from this disease. A strong immunity and the zeal to become fit have motivated the infected victims to take this stat to a better level. Hence, it is advised to the members of community to boost their immunity by taking preventive measures as prescribed by the Ministry of AYUSH⁷, and not stigmatize the victims who have recovered from corona caused disease.

With a positive mindset, the author would conclude by saying that whilst everyone is amidst the fear of this virus, it has given us an opportunity to work towards our instincts. The skies right now are less of dust and pollution. The earth has begun to breathe. What is occurring is the reality, and we have to accept it. Our approach must be to get the best out of this. We have got enough time and opportunity for ourselves. Instead of wasting them in ruining our mental health, we can get something productive out of this, for us, as well as for the entire world. Our sole formula must now be to maintain physical distancing, maintain a positive mental approach and be ready and armed with immunity to fight against this deadly virus.



⁷ Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy