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# Judiciary's Role during Health Emergency: a Protector or Auxiliary Supporter

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## ABSTRACT

*The role of Judiciary, as watchman of common freedoms and defender of the standard of law, can be intensely important during general public health emergency when courts may need to ensure or controlling general activities that are resolved to unduly meddling with social equality. Legitimate readiness for health emergency is a basic component of the legal executive.*

*In this article, we quickly depict the Judicial arrangement of India first and afterwards discuss around what our judiciary need to think about the legal framework during a public health emergency, including the courts' jobs and the need to keep courts open during any kind of crisis.*

**Keywords:** *Public health emergency, Social equality, Judicial arrangement.*

## I. INTRODUCTION

India, being probably the greatest nation on the planet with a huge population of around 138 crores has an extremely solid legal framework which comprises of the structure of the courts, its chain of importance and the legal framework. This framework gives a job to a colossal number of experts connected with the arrangement of our legal system in various structures and subsequently, serve the country with the administration. On the off chance that we talk about the role of our judiciary during a public health emergency, at that point we can say it's a matter of concern since we need to take striking choice during a health emergency and our courts must be open during this time of an emergency.

We have to understand the fact that judiciary is one of the most essential elements of a country as we have the legislative, the executive and the judiciary. so, our judiciary's role is very important for solving the disputes and the cases that arise in our country.

## II. JUDICIAL SYSTEM OF INDIA

Legal System or the Judiciary System has the ability to settle on disputes and authorize the

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law, comprehend debates. The legal system of India comprises of Judges and different justices, they structure the seat or the centre of the legal system of India. The element Indian legal system framework is its progressive structure of courts. There are various degrees of the legal framework in India comprises of different kind of courts. The courts are organized with solid legal executive and various levelled framework, according to the forces presented to them. This framework is sufficiently able to make restriction of court with its purview and exercise of the force. The Supreme Court of India is put at the highest point of the various levelled position followed by High Courts in the local level and lower courts at smaller scale level with the task of intensity and practising of the equivalent for the individuals of India.

On 26 January 1950, the Indian Constitution was written and it is the world's biggest written constitution. The constitution is the source of law in India and also the supreme law of India. Judicial of India comprises of Supreme Court, High Court, District Court or Subordinate Court. We will talk about everything in this article in a systematic manner.

### **III. SUPREME COURT OF INDIA**

Supreme Court of India is the highest level of the court of Indian judicial system which was built up according to Part V, Chapter IV of the Constitution of India which supports the idea of Supreme Court as the Federal Court to assume the job of the guardian of the esteemed constitution of India with the status of the most significant level of court in the status of appeal cases.

There are at present 32 judges (including the Chief Justice of India) and most extreme possible strength is 34. According to the Constitution of India, the retirement age of high court judges is increased from 62 to 65 by a bill<sup>2</sup>

Justice S.A Bobde is the 47th Chief Justice of India. He was sworn on 18 November 2019.

### **IV. HIGH COURT OF INDIA**

High courts of India are second-level courts of India. They are mentioned in the constitution of India.<sup>3</sup>

As of now, there are 25 high courts in India, and Kolkata high court is the oldest high court of India.

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<sup>2</sup>The constitution (114th Amendment) Bill, 2010.

<sup>3</sup> INDIA CONST.art.141.

## **V. LOWER COURTS OF INDIA**

### **(A) DISTRICT COURTS**

The district courts of India are the local courts of the state government in India and they are for each district or one or more district together, they oversee justice in India at a district level.

### **(B) VILLAGE COURTS**

Village courts are the top of the line name of Lok Adalat or Nyaya panchayat, which we as a whole think about as their administration of equity is just stretched out to the locals of India. This is the system for settling disputes in the micro-level. The need for these courts is justified through the madras village court act of 1888. This act is followed by the development post-1935 in various provisions, which are renamed as various states after the independence of 1947.

## **VI. PUBLIC HEALTH EMERGENCY**

We all know that any kind of health emergency can be occurred naturally or as a result of an intentional act, widespread outbreaks of severe infectious diseases potentially pose some difficult challenges for the judicial system. An infectious disease outbreak may cause public health officials to subject individuals or groups to civil confinement, such as isolation, quarantine, or other compulsory steps to promote “social distancing”. We all are well acquainted with these term as we have heard these terms recently during the COVID-19 pandemic

## **VII. COURTS AND PUBLIC HEALTH EMERGENCIES**

Legal System or the Judiciary System has the ability to make decisions and also enforce the law, solve disputes. Our judiciary system comprises of Judges and other magistrates, they structure the seat or the core of the judiciary system.

Courts are in action generally for the entire year solving different kinds of disputes, cases and many other types of conflicts, but the courts and magistrates must understand this fact that the country needs them at the time of some kind of emergency. As at that time, our country would be experiencing something terrible and citizens of our country would be all baffled at that time so the court must solve any kind of dispute or case during that time of emergency too. Let's take the current scenario, that we all are aware of the COVID'19 pandemic. It is kind of a headache for all the countries because of this deadly virus and if we talk about the numbers, The united states of America have already 11,44,734 active cases and our India has

82,172<sup>4</sup> as of on 27th may 2020 so we can say that it's a huge number and it's not the only number, it's the number of people that are suffering from this deadly virus in our country.

Till now, we have only talked about the people who are suffering from this virus but how can we forget about the ones who are stuck somewhere away from their homes, they are also suffering and we must say the only thing which could help them is the government and our legal system because they need help.

Our government and the legal system should understand the fact that these people need us as this is the situation of health emergency and then we come to know that the courts are not in action as our courts are dealing legal matters virtually but these people need us at this time. In my opinion, courts should be in action at this time as the country needs the support of our legal system.

### **VIII. COURTS MUST REMAIN OPEN DURING EMERGENCIES**

To play out their significant job, courts must stay open during the hour of a health emergency because around then the entire nation would require our judiciary, according to the world health organisation(WHO) on 30th march determined that the outbreak of COVID-19 constitutes a public health emergency. During this time our country and its people need the full hand support of our judiciary and many relevant disputes are arising during this emergency, as there was a complete lockdown in our country and many workers and labours are travelling from one place to other by their means, everything is misplaced and many landlord-tenant disputes<sup>5</sup> are arising due to the payment of rent by the tenant to the landlord, it comes under the provisions of Indian contract act,1872.

So, our judiciary must understand the consequences if the courts will not remain open during the public health emergencies and our judiciary take an action to deal with all the disputes and solve them as fast as possible because the people of our country need the help of the judiciary during this health emergency.

### **IX. CONCLUSION**

I too feel that the role of the judiciary during some public health emergency is far more important than the role in usual times.

So judiciary must understand the fact that on what level people of our country need the support of judiciary during this crucial time.

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<sup>4</sup>Jacob Koshy, *No WHO bar on India testing HCQ as preventive*, THE HINDU, May,27th,2020,1.

<sup>5</sup> The Rajasthan Rent control Act,2001,No.1.

And if we talk about the opening of courts, yes it is very necessary for our country that our courts remain open during the time of public health emergency.

As we have discussed earlier, the disputes that are arising during the COVID-19 pandemic in our country. So we must understand the fact that how much we need our judiciary to act upon that, we have to realise the importance of judiciary.

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