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# Socio Economic Impact of Covid-19 Pandemic in India: A Study of Legal, Judicial and Policy Interventions

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## ABSTRACT

*COVID-19 Pandemic caught India off-guard and has wrought havoc in the lives of the people. First national and later local lockdowns had an adverse socio-economic impact. To meet the challenge the government invoked laws, framed policies, and adopted welfare measures to protect people, businesses and economy. The judiciary played a seminal role in ensuring accountability and even giving directions for better legal and policy implementation. The paper analyses the ways in which pandemic impacted Indian society, also the measures taken by the government and role played by the judiciary in meeting and containing the challenges thrown by the pandemic.*

**Keywords:** *Pandemic, socio-economic, disaster, epidemic, law*

## I. INTRODUCTION

The According to Collins English Dictionary Socio-economic circumstances or developments involve a combination of social and economic factors.<sup>2</sup> The economic conditions do impact the quality of life and choices which an individual can make. For example poor economic condition leads to lack of access to quality education and this impact the employability and work choices a person may have. Access to good housing, healthcare, mental health, longevity, wellness and recreation etc. too is influenced by the same. When disaster<sup>3</sup> strikes it has a great impact on the lives of the people. Whether disaster will turn into a humanitarian crisis or not depends on how prepared the country is to meet such a contingency. Natural hazards are inevitable but densely populated and unplanned cities, encroachment on river basins and forest land, denuding of hills, soil erosion, disregarding of safety norms, building norms, rules and regulations turn natural

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<sup>2</sup> Available at <https://www.collinsdictionary.com/dictionary/english/socio-economic>

<sup>3</sup> Section 2 (d) of the Disaster Management Act,2005 defines ‘ disaster’ as ‘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.’

hazards into disasters as they result in loss of human lives and destruction of property, undermining the development gains. Rampant urbanization, increase in international travel the world over, late response in taking preventive and containment measures in many countries, all of these resulted in quick spread of COVID 19 all over the world soon after the first case was detected in Wuhan China in December 2019. As per the advice of International Health Regulations Emergency Committee (IHR) COVID -19 was declared a Public Health Emergency of International Concern (PHEIC) by the Director-General of WHO on 30<sup>th</sup> January 2020.<sup>4</sup> As the cases showed a steady increase the world over, the WHO declared it as a pandemic on 11<sup>th</sup> March, 2020.<sup>5</sup> The world has not been able to come out of its grip even today, though vaccination of the people is going on at war footing in many countries.

In India the first case was reported on 30<sup>th</sup> January in Kerala, when a student who had come home for vacationing from China tested positive. The Government of India invoked its powers as well as directed States to formulate regulations under the Epidemic Disease Act, 1897 for the purpose of containment and enhancing preparedness. Simultaneously, COVID-19 was declared as a 'notified disaster' under the Disaster Management Act 2005.<sup>6</sup> This was done to help States to use funds from State Disaster Response Fund to which 75 percent of the contribution comes from the Centre. It also empowered the States in devising strategies and measures to deal with the pandemic and also give compensation and aid to the victims. Various measures like announcing complete lockdown, testing, contact tracing, gearing up medical infrastructure, sensitizing the public about hygienic practices etc. were taken for containing the pandemic and preventing the spread of disease to different parts of India. All these measures were taken by the Government in the interest of the well-being and health of the people but have on the other hand impacted adversely in socio-economic sphere and India is yet to recover from the setback caused by this pandemic. The paper attempts to study the socio-economic impact of the pandemic in India and the legal, judicial and policy interventions made to manage and meet it. It will help in identifying the weak areas so as to prioritise them for policy making and ensuring better response for meeting the challenges so as to ensure sustainable and equitable development.

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<sup>4</sup> India Situation Report-1, Novel Coronavirus (2019-nCoV), 31 January 2020 available at [https://cdn.who.int/media/docs/default-source/wrindia/india-situation-report-1.pdf?sfvrsn=5ca2a672\\_0](https://cdn.who.int/media/docs/default-source/wrindia/india-situation-report-1.pdf?sfvrsn=5ca2a672_0)

<sup>5</sup> India Situation Report-7, Novel Coronavirus (2019-nCoV) 14 March 2020 available at <https://cdn.who.int/media/docs/default-source/wrindia/situation-report/india-situation-report-7.pdf?sfvrsn=cf4a;> As per WHO a pandemic means an epidemic that has spread worldwide affecting a large number of people.

<sup>6</sup> Ibid

## II. SOCIO-ECONOMIC IMPACT OF COVID-19 IN INDIA

The world was not ready for the pandemic and the same is true for India. It impacted almost all aspects of modern life leading to an unprecedented health, humanitarian and economic disaster. Sudden announcement of lockdown by the Government caught many unawares and led to the migrant crisis. As all economic activity came to a halt the migrant workers in cities started moving back to their homes in villages in different parts of India. They started walking back home as no transportation was available. Many died on way back home or fell ill or simply starved. The magnitude and scale of reverse migration has been compared to the migration of people after partition of India in 1947. It even caught the government by surprise and the relief packages announced by the government just could not meet the enormity of the crisis. The plight of migrant workers was finally addressed by the Supreme Court as it gave directions to the Government to provide them transport, food, shelter, water on their way back to their native places.<sup>7</sup> The states were directed not to charge any fare from the migrant workers. Moreover, they were to be made aware of the welfare schemes announced by the Centre as well as the concerned States by establishing the help desks and counseling centers at block and district level. It was suggested that the cases registered under Section 51 of Disaster Management Act, 2005 for violating lockdown restrictions be withdrawn as the workers had no option but to go back to their native places after losing their jobs in the cities.<sup>8</sup>

Thus, a big humanitarian crisis hit India with the onset of the pandemic. The government succeeded in keeping the fatalities low and by announcing lockdown also bought time to ready and prepare the medical infrastructure and sensitize and educate the masses to meet the impending crisis. The initial strategy of announcing lockdown, border restrictions, travel restrictions etc. did help in flattening the curve, containing the disease and buying time for preventing the overwhelming of the health infrastructure and readying it to meet the challenge. Still, the normal life was completely upended by the pandemic. As everything came to a standstill it threw new challenges on socio-economic front like loss of income, rise in poverty,

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<sup>7</sup> Problems and Miseries of Migrant Labourers, In re, (2020)7SCC226, 181

<sup>8</sup> Ibid. Section 51 of the DM Act states that, ' (1) Whoever, without reasonable cause-

- (a) Obstructs any officer or employee of the Central Government or the State Government, or a person authorized by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) Refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,  
Shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

inflation, digital divide in education, increase in out of school children, domestic violence, rise in cyber-crime, inequity in access to healthcare etc. These challenges increased manifold after second wave hit India badly in April-May 2021.

### **Economic Impact**

Pandemic had adverse impact on all the three sectors of economy i.e. primary, secondary and service sector. Millions of Indians lost their jobs with the announcement and continuance of the lockdown and so the poverty level increased too. The household incomes declined as many business establishments, factories, construction businesses etc. either shut down or decreased their operations. The consumption of goods suffered too and there was an overall decline in the economic activity which hit the economy hard. Pandemic resulted in double whammy for the economy which was already going down in pre-lockdown phase. It affected the achievements in development and poverty reduction immensely. However, with the unlock process and announcement of economic stimulus packages by the government the economy started recovering and is reaching the pre-lockdown level. According to action aid report about 80 percent of workers in the informal sector lost their job during the pandemic and out of those who migrated about 53 percent remain unemployed in the unlock phase as compared to 43 percent who did not migrate.<sup>9</sup> About 58 percent had to borrow money to meet their daily needs and health expenditure. With low incomes and high unemployment rate or underemployment and underpaid or unpaid work, the families of informal workers stare at poverty and are getting sucked into it. Many risk becoming bonded labourers as they are not able to repay debts given to them at very high interest rates. It's a vicious cycle as their children lose out on health, nutrition, education and all this has long term impact on their quality of life and future employability. It's becoming difficult for them to break this cycle of poverty and come out of it. Only 60 percent have been able to have two meals a day after lockdown.<sup>10</sup> As per official data, post unlock too the retail inflation rose to three month high in February, 2021 as industrial output decreased and fuel and food prices hardened. Urban inflation rose by 6% and widened the gap with rural inflation which stood at 4.2%.<sup>11</sup> Many efforts have been made by the government for the welfare of the vulnerable and marginalized section of the society. Around 331 million people, namely women, farmers, senior citizens and construction workers benefitted from Pradhan Mantri Garib Kalyan Yojna. In mid-May (2020) fiscal support was

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<sup>9</sup> Available at [https://www.actionaidindia.org/wp-content/uploads/2021/02/WORKERS-IN-THE-TIME-OF-COVID-19-I-Report-of-Round-2\\_Final-V2.pdf](https://www.actionaidindia.org/wp-content/uploads/2021/02/WORKERS-IN-THE-TIME-OF-COVID-19-I-Report-of-Round-2_Final-V2.pdf)

<sup>10</sup> Ibid.

<sup>11</sup> Times of India, 'Retail Inflation Rises to 3 –month High in Feb, IIP dips 1.6% in Jan.' P.1, 13 March, 2021.

announced to help small businesses during the pandemic.<sup>12</sup> For children from poor economic background mid-day meal scheme is a lifeline for meeting their nutritional needs especially during lockdown when their parents have lost their livelihood. India has a large population of undernourished children and the pandemic has increased the percentage of such children because of many factors like loss of livelihood of parents and closure of schools which provided mid-day meals to the children. To manage this grim scenario door step delivery of ration kits has been resorted to by many state governments to ensure that children are not deprived from the benefit of mid-day meal scheme. Surprisingly, as compared to urban areas the rural areas have succeeded in ensuring the continuity of the mid-day meal to children during the pandemic. The Government needs to strengthen the social security measures for the workers in the informal sector for meeting the challenges of increase in poverty, unemployment and inequity created by the ongoing pandemic. The Finance Minister in her budget speech for the year 2021-22 talked of extending Employee State Insurance (ESI) and other social security mechanisms to the informal sector but the implementation on ground and resultant positive impact will become clear with the passage of time. Plans to launch a common portal for collecting information on informal sector workers and using it to for making health, housing, skill, insurance, credit and food schemes for them were announced too, which is a progressive step and needs to be implemented at the earliest.<sup>13</sup> The Government has announced Aatmanirbhar Bharat Financial Package and is providing a fiscal stimulus of more than twenty seven lakh crore for making India self reliant and for creating employment opportunities for all sectors and regions. Various long term schemes/ policies and programmes have been envisioned for the same. For workers in the unorganized sector, Aatmanirbhar Bharat Rozgar Yojana (ABRY) Scheme has been launched for creating new employment opportunities besides providing social security benefits and restoration of loss of employment during the pandemic.<sup>14</sup> It is a big challenge to implement the scheme through the Employee provident Fund Organisation (EPFO) and it encourages the employers of various sectors and industries including the MSMEs to hire workers.<sup>15</sup> Similarly, PM-SVANidhi Scheme facilitates collateral free working loan capital upto Rs.10,000/- to street vendors for resuming their businesses. For giving relief

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<sup>12</sup> Statista Research Department, COVID 19 Impact on Unemployment Rate in India, 19 Feb 2021, available at <https://www.statista.com/statistics/1111487/coronavirus-impact-on-unemployment-rate/>

<sup>13</sup> Nishanth K., Formalising social security for the informal sector, *Economy, The Hindu*, (February 4, 2021) <https://www.thehindu.com/business/Economy/formalising-social-security-for-the-informal-sector/article33742343.ece>

<sup>14</sup> Financial support to Unorganised Sector, press Information Bureau, Government of India, Ministry of Labour and Employment, 10 March 2021, available at <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1703744> (accessed on 4 March, 2021)

<sup>15</sup> Ibid

to the construction workers the Centre has directed the States to use the Building and Construction Workers Welfare Fund. An additional sum of Rs.40,000crore has been earmarked by the Government under MGNREGS to generate about 300 crore person days for catering to the work requirement by migrant labourers and other marginalized sections of the society.<sup>16</sup>

Many policy decisions were taken by the Government of India for granting various reliefs during COVID-19 pandemic like issuing guidelines to banks and financial institutions for waiver of compound interest or 'interest on interest' for a six month period between March and August 2020. However, the Supreme Court, had to intervene and give further directions in **Gajendra Sharma v Union of India and another**<sup>17</sup> for ensuring that all steps be taken to implement the decision dated 23.10.2020 regarding waivers, of the Government of India, Ministry of Finance so that the benefit envisaged by the Government of India percolates to those for whom they were contemplated and extended. Similarly, recognizing that the pandemic had adversely impacted both the employers as well as the employees the Supreme Court adopted a balanced approach and directed that no coercive action should be taken against the employer for failing to pay full salary during the lockdown period. The Hon'ble Court exhorted the stakeholders to settle the matter of payment of wages by negotiations and reach an amicable settlement in this regard. It directed the industries to allow the workers/employees to work in their establishment and the same was to be without any prejudice to their rights regarding unpaid wages of above 50 days.<sup>18</sup>

COVID-19 pandemic enforced work from home culture. Though the vast majority of Indians i.e. about 464 million are in jobs which cannot be done from home viz agriculture and retail trade, still 5% of the workforce can work from home and an additional 15% can work remotely for one or two days a week. This had an adverse effect on commercial real estate and low-wage support jobs. The office rentals in metros fell to 13.7million sq.ft in first half of 2020 against 32 million sq. ft in the previous year (2019). With many firms continuing the policy of work from home the revival of office space leasing has not picked up fast. Automation and redesigning has been done by firms for cost cutting and so the maintenance and related staff has lost jobs and decline in low wage professions is gaining pace whereas STEM professions continue to expand. This has impacted other occupations too as there is less footfall at eateries and retail stores. The shift in demand for nature of work mandates that about 1.8cr workers in India will need to transition into new jobs by 2030.

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<sup>16</sup> Ibid.

<sup>17</sup> 2020 Indlaw SC 567

<sup>18</sup> Ficus Pax (P)Ltd. V Union of India (2020)4SCC810

On the other hand ed-tech and e-commerce showed exponential increase as more and more people started ordering online. As people prioritized safety, hygiene, convenience and personalized service, ecommerce grew despite the odds during the pandemic. The online retailers too focused on personalized, consumer centric services and this led to popularization of online retailers. What demonetization could not do was achieved as a result of pandemic as people started making a shift to online payments. Making a uniform, holistic mechanism for ecommerce in India is the need of the hour as at present it is governed by various regulations under different ministries and this leads to delay in addressing the grievances. To address the emerging issues and to discourage digital monopolization by providing a level playing field for all the Government needs to formalize the draft policy on ecommerce in the year 2021 as soon as possible.

### **Education**

The pandemic has impacted the education sector adversely. It has increased the existing inequities in society with respect to access to education. The digital divide is obvious for everyone. The number of out of school children has increased and even after unlock the gap is far from being filled. This has far reaching future consequences as it will lead to increase in child labour, child marriages and other evils associated with the same. Gains made in universalization of education, education of the girl child have been lost in just one year. Even the health and nutrition of these children has been impacted as they could no longer get the mid-day meal which they used to get in their schools and their parents too were unable to provide them two meals a day because of loss of employment. The government has made many initiatives for online education and used other media too but in a country where there are so many poor people who do not have mobile phones, television or even electricity, the initiatives fall short of addressing the educational requirement of the most poor and vulnerable sections of the society. The right to education has become a distant reality for many children. The second wave of COVID -19 has further increased these vulnerabilities as people have not been able to come out of the vicious cycle of poverty.

The judiciary did take notice of the grave scenario especially with respect to education of the children falling within the purview of the Juvenile Justice Act, 2015. The Supreme Court took suo moto cognizance of the plight of children in protection homes across the country. **In re Contagion of COVID 19 Virus in Children Protection Homes**,<sup>19</sup> the Apex Court issued a number of directions for protecting the interests of children in Child Care Institutions (CCIs)

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<sup>19</sup> 2020 SCC OnLine SC 354



i.e. children in need of care and protection (CNCP) and children in conflict with law (CiCWL) in Observations Homes. These directions also applied to children in foster and kinship care. The child welfare committees, Juvenile Justice Boards and Children's Courts were directed to decide in best interest of children, their health and safety concerns, the steps to be taken for conducting inquiries/inspections and adopting measures for ensuring prevention of all forms of violence against children during pandemic in observation homes, children's home or place of their residence. As far as the education of children was concerned directions were given to the State governments to provide the necessary infrastructure, stationary, books, printers along with the other equipment required for attending online classes as recommended by the District Child protection Units. With respect to children who were restored to their parents the directions were given to the State governments to give financial assistance to poor parents for their children's education. The District Care protection Units were directed to organise a guide or teacher for each group of 25 children in particular geographical localities where children were living with their parents.<sup>20</sup>

The digital divide is ruining the lives of marginalized children and shockingly no increase in allocation for education sector was made in the Union Budget 2021. The Finance Minister announced only Rs 93,224 cr. and reduced 6 percent of allocation of funds for the education sector.<sup>21</sup> In these testing times a special package was required for the education sector for making right to education a reality for the children but the low priority given in the budget for education will make it rather a distant dream. India spends only about 3% of GDP on education though out of 10.8 lakh government schools in the country about 42,000 lack drinking water supply and 15,000 have no toilets.<sup>22</sup> Unless we make education a priority and increase allocation for education, attaining sustainable development goals especially goals 3,4,5,6,8 and 10 will be a distant reality.

## **Health**

Pandemic exposed the weaknesses of India's healthcare infrastructure and preparedness and warned us about dangers of following archaic policies and antiquated approach. The extremities vis a vis healthcare presented a paradox waiting to be addressed. On the one hand India boasts of world renowned immunization programme and on the other it spent even less than most poor countries on healthcare by allocating just over 1percent of GDP on healthcare

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<sup>20</sup> 2020 SCC OnLine SC 1026

<sup>21</sup> See, <https://smefutures.com/union-budget-2021-22-6-cut-in-fund-allocation-for-education-termed-as-rationalisation-by-education-officials/>

<sup>22</sup> Times of India, 42k of 11L govt schools lack drinking water,15k toilets, P.11, New Delhi, 19<sup>th</sup> march 2021.

since the last 15 years. We need to bring it to the level of world's average of 6 percent of GDP. Its only then that gains can be made in improving the doctor patient ratio in the country which is way below the WHO standards. Same is true with respect to the availability of number of beds per 1000 people in the hospitals. Moreover, it's the private sector which has greater presence as compared to the government hospitals and so the access to healthcare is not within the reach of the poor, vulnerable and marginalized sections of the society. Pandemic has been an eye opener for the governments. Prior to the pandemic India did not manufacture Personal Protective Equipment (PPE) and other consumables but with the onset of the pandemic the Government has given thrust to the production of PPEs and other products in India and now India even exports them. Moreover, realizing that health crisis can become an economic crisis the government of India has increased the budget allocation for healthcare by 137 percent this year (2021-2022) as compared to the previous year. It will boost economy, lead to job creation, stabilize and improve public healthcare, invigorate pharmaceutical industry, speed up vaccination programme. Capacity building and strengthening of healthcare is now the Governments top priority. Allocation of Rs.64, 180 crore under Aatmanirbhar Swasthya Bharat Yojana for the next six years will certainly improve and meet the healthcare needs of India's vast population. It will also help the Nation face any future pandemic or epidemic effectively. Social determinants of healthcare have been given attention too in the new budget which emphasizes on Mission Poshan 2.0 for improving nutritional health of children. Other laudable initiatives include Urban Swachh Bharat Mission and Urban Jal Jeevan Mission for improving public health. All these measures will help in achieving at least five Sustainable Development goals (Good health and Wellbeing, Climate Action, Clean water and Sanitation, Zero Hunger, Sustainable cities and Communities).<sup>23</sup>The budget 2021 focuses on strengthening present institutions and provides for setting up new institutions like four new National Institutes of Biology, National Institutuon for One Health, Bio-Safety Level III Laboratories and Regional Institutes for Virology, Rural and Urban Health and Wellness Centers, Integrated public Health Labs. All these measures are aimed at sprucing up the healthcare sector and providing access to healthcare for all till the last mile. Scaling up these efforts with digitization is a very laudable step as the Integrated Health Information Portal is to be extended to all States and Union Territories for connecting all health labs.

The grim reality is that people's irresponsible behavior is causing a spurt in cases all over India.

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<sup>23</sup>See Md. Wasim Ghori, Union Budget 2021 recognises the importance of health in India's growth story, ET Healthworld.com, <https://health.economicstimes.indiatimes.com/health-files/union-budget-2021-recognises-the-importance-of-health-in-india-s-growth-story/4793>

In the month of March, 2021 active cases have risen by nearly 48% after a slowdown in cases in February, 2021.<sup>24</sup> Out of 36 States and Union Territories at least 21 showed an increase in the active cases, and to mention a few, Chandigarh saw a rise of 505%, Maharashtra 229%, Haryana 220%, Punjab 338% and Delhi 92%. This led to second wave peaking in April and May 2021. There was shortage of essential medicines, medical supplies, oxygen, hospital beds and this led to a very high death toll. About 1.5 lakh (appx.) people lost their lives during the second wave. The Supreme Court had to intervene and set up a national task force for looking into allocation of precious medical resources. Now, to meet the challenge which has been posed by the second wave and possible third wave in the country the Government needs to scale up the vaccination drive and implement the preventive measures strictly. At present the ratio of public to private vaccination sites is 4:1 though the private sector accounts for two third of the healthcare infrastructure. Greater involvement of private sector is called for meeting the vaccination needs of the people. Testing too is needed to be taken up on a war footing to contain the spread of virus. A lot needs to be achieved in the area of contact tracing, testing and ensuring the wearing of mask and adoption of other preventive measures on the part of the people. There is leadership failure in these areas.

### **III. LAW AND ORDER**

Lockdown had a positive impact as far as occurrence of violent street crime, heinous crime and property related crime is concerned. They showed a steep decline and do provide a lesson in crime prevention and control. However, cyber-crimes increased exponentially and so did domestic violence cases. As children were confined to home, cases of violence and crime against children also increased especially the girl child. Many girls were married off by the parents or entered the labour market after dropping school. Post-lockdown slight increase in petty crime has been witnessed by the police. Arrest of a young person aged 34 years, who had lost his job during lockdown, in Chandigarh for bank robbery pointed out the need for rehabilitating those who had lost their livelihoods. A spurt in petty crime is predicted as people still are emerging from the Post-COVID impacts and a few under the influence of Traumatic Stress Disorder and Post Traumatic Stress Growth do end up committing crime or suicide.<sup>25</sup>

Caste and gender related crimes increased during lockdown. In Tamil Nadu the caste related

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<sup>24</sup> Amit Bhattacharya, Active Cases Cross 2 Lakh After 53 days, Friday's count Close to 25K, The Times of India, P1, 13 March 2021.

<sup>25</sup> See, Saurabh Prashar, Crimes will rise, govt must introduce rehabilitation policy for people who lost livelihoods: Psychiatrists, The Indian Express, (Chandigarh, 13 Feb 2021) <https://indianexpress.com/article/cities/chandigarh/crimes-will-rise-govt-must-introduce-rehabilitation-policy-for-people-who-lost-livelihoods-psychiatrist>

crimes increased fivefold.<sup>26</sup> Developing mechanisms whereby counseling, medical help and legal aid is made available to the victims of gender and caste violence will go a long way in containing these crimes. The United Nations has called the spike in violence against women during the pandemic as ‘shadow pandemic’ which needs to be addressed by providing safe shelters, counseling and legal aid to the women. In some states like Assam, women self-help groups and trained volunteers are engaged in providing counseling services to the women in case of violence at home against the women. As the experience of some states has shown providing safe shelters for women in distress will go a long way in ensuring their safety and access to justice.

In case of cybercrime, both individuals and companies were targeted and showed a steep increase. Cases of cyber stalking, bullying etc increased in case of women and children; whereas cyber frauds increased with respect to the companies. In fact India became the second most cyber attacked country in Asia.<sup>27</sup> As pandemic progressed, crime against frontline healthcare workers increased. The government responded promptly by criminalizing attacks on healthcare workers and provided for strict punishment for such offences against them.<sup>28</sup>

For ensuring access to justice during the pandemic the Supreme Court while exercising its

<sup>26</sup> See, Priya Ramani, Water to love and other caste crimes in a pandemic, *The Quint*, 24Feb2021, available at <https://www.bloomberqint.com/opinion/water-love-and-other-caste-crimes-in-a-pandemic-by-priya-ramani>

<sup>27</sup> India was the second most cyber-attacked country in Asia-Pacific in 2020 available at <https://www.newindianexpress.com/nation/2021/feb/25/india-was-the-second-most-cyber-attacked-country-in-asia-pacific-in-2020-2268658.html>

<sup>28</sup> Section 2B of The Epidemic Disease Act, 1867 (EDA) provides, “ Prohibition of violence against healthcare service personnel and damage to property.—No person shall indulge in any act of violence against a healthcare service personnel or cause any damage or loss to any property during an epidemic.”

Section 3 of EDA provides for the penalty by stating, “ 3[(1)] Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code (45 of 1860).

3[(2) Whoever,—

(i) commits or abets the commission of an act of violence against a healthcare service personnel; or

(ii) abets or cause damage or loss to any property,

shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years, and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.

(3) Whoever, while committing an act of violence against a healthcare service personnel, causes grievous hurt as defined in section 320 of the Indian Penal Code (45 of 1860) to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees Section 3E provides for Compensation for acts of violence.—(1) In addition to the punishment provided for an offence under sub-section (2) or sub-section (3) of section 3, the person so convicted shall also be liable to pay, by way of compensation, such amount, as may be determined by the Court for causing hurt or grievous hurt to any healthcare service personnel.

(2) Notwithstanding the composition of an offence under section 3B, in case of damage to any property or loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property or the loss caused, as may be determined by the Court.

(3) Upon failure to pay the compensation awarded under sub-sections (1) and (2), such amount shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890 (1 of 1890).]

extraordinary jurisdiction, issued directions for conducting hearings by videoconferencing at different levels so that the mandate of social distancing is followed and it is ensured that court premises do not contribute to the spread of virus.<sup>29</sup> Suo motu cognizance was taken of the conditions of prisoners in prisons and directions given for protection of their health and welfare e.g. Creation of isolation wards, quarantine of new prisoners, sanitization and cleaning exercise of prison campus and wards, ensuring availability of medical assistance, releasing eligible prisoners on bail or parole for reducing overcrowding etc.<sup>30</sup>

#### **IV. MISCELLANEOUS**

The Supreme Court of India played a seminal role in ensuring access to various government schemes, health care and dignified treatment to the poor, marginalized and vulnerable sections of the society. A series of judgments delivered by the Supreme Court during the pandemic upholding the human rights of the people amply demonstrate this. **In Ashwani Kumar v Union of India**<sup>31</sup> the Apex Court considered the challenges faced by the elderly during the pandemic and directed that pension should be regularly paid to the eligible elderly and they should be provided necessary medicines, masks, sanitisers and other essential goods by the respective states. They should be given priority in admission in the government hospitals as they are more vulnerable to COVID-19.

As the pandemic enveloped the country the Supreme Court in **Shashank Deo Sudhi v Union of India**<sup>32</sup> recognizing the plight of economically weaker sections of the society directed the testing to be done free of cost for those covered by Ayushman Bharat Pradhan Mantri Jan Aarogya Yojana. The Government was left free to notify any other economically weaker sections of the society. Private labs were directed to charge from persons who are able to make payment of testing fee fixed by ICMR. The Government was directed to reimburse the Private labs the cost of free testing done by them.

#### **V. LESSONS LEARNT**

There is an urgent need for urban planning in India as it is in high population density areas the disease has spread more and mortality rate too is very high. Affordable housing is one area which needs to be worked on to resettle people living in the slums and extremely unhygienic conditions. Social distancing, frequent washing of hands, using sanitisers, isolating and quarantining the diseased is very difficult to achieve in these areas and we need to address these

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<sup>29</sup> Guidelines for Court Functioning Through Videoconferencing During Covid-19, (2020)6SCC686

<sup>30</sup> In Re: Contagion of Covid 19 Virus in Prison 2020 SCC OnLine 344; 2020 SCC OnLine SC 365

<sup>31</sup> (2020)8SCC808

<sup>32</sup> (2020)5SCC134

concerns for successfully handling the present as well as any future pandemic.

Developing and revamping the health Infrastructure in both rural and urban areas and in all districts of a state is another imperative step that needs to be taken up by the concerned Governments. Majority of the small towns and states in India lack a well-developed health infrastructure and educational, institutional facilities in this sphere. There is an urgent need to scale up measures in this regard. We need to increase the number of Epidemic or infectious diseases hospitals in all states to meet any future contingencies.

The Governments need to focus on enhancing preparedness for such pandemics and contingencies in future and make our urban infrastructure, cities, health infrastructure etc resilient and sustainable. The second wave caught us unguarded and ill prepared as far as health infrastructure and medical supplies was concerned and we need to be better prepared for facing the third wave. We need to enhance testing and do genome sequencing so as to gain knowledge about the new variants. Vaccination too needs to be done on a war footing.

New ways of learning need to be adopted across the education sector and at all levels. For this the Union Government needs to increase allocation for education in our budget and need to prioritise education for realizing the constitutional goal of right to education. Instead of digital divide in education we need to use technology to reduce inequities.

The pandemic has egged on the authorities to look into hybrid model of court hearings whereby both physical and online courts will be handling the daily influx of hundreds of citizens especially in consumer courts as citizens themselves generally argue and fight cases in person in consumer courts. This approach will also address the issues of inadequate infrastructure and lack of sufficient funds for revamping the infrastructure.

COVID -19 has reemphasized the importance of sustainable growth. The UN has now adopted new method of calculating prosperity and human well-being by including 'contribution of nature' in its new framework (The System of Environmental Economic Accounting Ecosystem SEE-EA) adopted by UN Statistical Commission. So the 'natural capital' i.e. forests, wetlands and other ecosystems will be counted while assessing the wealth of the countries. Thus, environment protection and conservation has been made an important component of economic development.<sup>33</sup> The UN -Environment-Chief has aptly stated "We are intimately connected with nature, whether we like it or not. If we do not take care of nature, we can't take care of ourselves. And as we hurtle towards a population of 10 billion people on this planet, we need

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<sup>33</sup> Times Nation, Vishwa Mohan, UN's new Framework to Include nature's 'Contribution' in measuring prosperity, The Times of India, New Delhi 12 March, 2021.

to go into this future armed with nature as our strongest ally”<sup>34</sup> We need to prioritise caring for our environment and need to have robust environmental law and policy as 75 percent of all infectious diseases come from wildlife. And its human interference with the wild life in a negative manner that causes it and threatens to repeat in new ways in future unless we change our behavior. Thus, a new One Health- transdisciplinary, multi-sectoral approach involving professionals from many disciplines like health professionals, veterenary professionals, environment specialists, social scientists etc is advocated for prevention and holistic response to infectious zoonotic diseases.

## VI. CONCLUSION

Pandemic impacted the lives adversely but differentially in India as the existing socio-economic inequities resulted in making the poor, marginalized sections of the society bear the brunt of it at a much larger scale than others. Loss of livelihood, jobs, lack of any other option during lockdown, difficulty in getting reemployed post lockdown, increased the poverty and vulnerability. Though Government of India has reached out to millions through various schemes and programmes but we need to have long term policies for stopping this downward spiral and start moving in the direction of achieving sustainable development goals by 2030. Recent spike in cases in many of our cities is posing a tough challenge on our road to recovery. Increase in budget allocation for healthcare is a very progressive step taken by the government for meeting our present and long term goals of access to healthcare for all and building a strong economy. Now we need to implement in the right spirit to achieve the goals stated therein. Adoption of technology in meeting healthcare need by encouraging telemedicine, video/tele-conferencing by the hospitals will improve access to healthcare as well as reduce overcrowding in hospitals.

Pandemic has opened up our eyes to the violence which women and children face at home and given us a wake up call to address these issues with urgency. Government needs to give impetus to safe city project and take assistance of NGOs and civil society organisations in spreading awareness about violence against women and sensitizing the general public. Only police cannot be expected to address this issue alone as it can't keep a watch over all households. Community involvement in ensuring zero tolerance for violence against women is the need of the hour. Schools, colleges, universities and communities can be trained and enrolled for spreading the message of ensuring safe places for women at home, work and streets.

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<sup>34</sup> Coronavirus: 'Nature is sending us a message', says UN environment chief. The Guardian. Damian Carrington, Environment Editor, 25 March 2020 <https://www.theguardian.com/world/2020/mar/25/coronavirus-nature-is-sending-us-a-message-says->

India is marching ahead with vaccination programme and is managing it smoothly and professionally. However, the efforts to contain the pandemic can be marred by unsafe behavior on the part of our large population. Implementing the law and sensitizing the public has to hand in hand. To meet future pandemics we need to be prepared and start working on reducing the inherent inequities in our country. Implementation of right to education has to be done on a war footing. Only an army of educated, aware and sensitized citizens can ensure that such biological hazards do not become epidemics and undermine the progress made by the country in various spheres.

The pandemic also brought to the fore the fact that we need a single, holistic, all inclusive legislation to meet health emergencies and revamp the existing structures, institutions for better surveillance and monitoring. The need for coordination between different stakeholders and agencies is needed too for prompt response and handling of crisis situations. The present budget does visualize setting up of institutions which will work for preventing, protecting, controlling and directing public health response to medical emergencies and this is line with the mandate of the International Health Regulations.

Thus, the socio-economic challenges thrown by the pandemic are not new but just the scale at which we faced them magnified beyond our capacity to manage them. Being a developing Nation, our gains in many sphere like education, poverty reduction, universal immunization, child health and nutrition received a setback during pandemic. The Government has introduced relief packages, many schemes to deal with the economic setback and it is hoped that they will ease our journey towards full recovery. The economy has already started inching towards pre-COVID times and it is hoped that successful implementation of the COVID vaccination programme will lead to gains in other spheres too. Biocoin Chairperson Kiran Mazumdar Shaw aptly stated:

“Ultimately, the greatest lesson that COVID-19 can teach humanity is that we’re all in this together, that what affects a single person anywhere affects everyone everywhere, that as homo sapiens we need to think and act unitedly rather than worrying about race, ethnicity, nationality, religion, economic status, and such artificial groupings.”<sup>35</sup>

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<sup>35</sup> Kiran Mazumdar Shaw. Times of India, Sacred Space, Friday, March 12, 2021.