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# The Covid-19 Crisis: A Legal Analysis

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## ABSTRACT

*Human rights play an essential role in determining how the pandemic response is shaped, both for the public health emergency and for the wider effects on people's life and means of subsistence in the wake of COVID-19. In order to bring about peace, progress, and prosperity in India's diverse society, the paper will defend the rights and obligations of the populace and the government. The study aims to identify the most susceptible members of our society to this deadly pandemic and the failure of government's response to provide social, economic, political justice. The presentation will also address the current state of affairs in order to emerge from this crisis with right to life and personal liberty.*

**Keywords:** *Human Right, Covid-19, Personal liberty, Political Justice.*

## I. INTRODUCTION

The world is facing an unprecedented crisis. At its core a global public health emergency on a scale not seen for a century, requiring a global response with far-reaching consequences for our economic, social and political lives.<sup>2</sup> The priority is to save lives.

The governments are forced to take extraordinary steps in order to save life in light of the extraordinary circumstances. Widespread lockdowns, designed to impede the virus's spread, inevitably limit people's ability to move around and, consequently, their ability to exercise many other human rights. Such actions may unintentionally have an impact on people's security and means of subsistence, as well as their access to jobs, education, food, water, and sanitation, leisure, and health care (not just COVID-19). It is necessary to take action to lessen any such unforeseen effects.<sup>3</sup>

Human rights are one of the most potent weapons the UN has at its disposal for enabling States and entire society to respond to threats and disasters in a way that prioritizes people. By seeing the crisis and its effects through the prism of human rights, we can better understand how it is impacting those on the ground, especially the most vulnerable members of society, and what

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<sup>2</sup> Rumki Basu, "The Indian State, Democracy and the Citizen: Public policy challenges in the post-COVID-19 era" *Democracy and Public Policy in the Post-COVID-19 World* (Routledge India, 2020).

<sup>3</sup> Neethi Varadaraja Rao, N. S. Prashanth and Pragati Bhaskar Hebbar, "Beyond numbers, coverage and cost: adaptive governance for post-COVID-19 reforms in India," 6 *BMJ Global Health* e004392 (2021).

immediate and long-term solutions are available. While this paper offers suggestions, it is important to emphasize that States have a duty to uphold human rights.

Guaranteeing human rights for everyone poses a challenge for every country around the world to a differing degree.<sup>4</sup> The crisis in public health is rapidly merging into a problem involving the economy, society, human rights, and protection. Some persistent crises, particularly those involving armed conflict, increase the burden on international legal protections for human rights and other rights. The most vulnerable members of society are now more vulnerable as a result of the COVID-19 pandemic. As part of the public health response, it is drawing attention to severe economic and social inequality as well as insufficient social safety and health systems. Every group is being impacted differently, including men and women, kids, young people and the elderly, refugees and migrants, the impoverished, those with disabilities, those incarcerated, minorities, and LGBTI individuals. It is our duty to make sure that everyone is safe and involved in the crisis response.

International human rights law guarantees everyone the right to the highest attainable standard of health and obligates governments to take steps to prevent threats to public health and to provide medical care to those who need it.<sup>5</sup> Human rights law also acknowledges that limitations on some rights may be justified in the event of grave public health risks or public emergencies endangering the life of the country if they are supported by law, strictly necessary, grounded in scientific data, non-discriminatory in their application, temporary, considerate of human dignity, subject to review, and commensurate with the goal. One of the tenets of the Indian Union's constitution is human dignity, making it a welfare state. The concept of a welfare state, as defined by Article 38 of the Indian Constitution, which aims to create a just social order in terms of social, economic, and political aspects, serves as the foundation for Indian governance. The welfare state's social structure aligns with the rights-based concept of social justice, which strives to improve everyone's quality of life, but particularly that of the marginalised. The foundation for guaranteeing social justice is the fundamental rights. The Indian constitution's fundamental rights are designed to safeguard its inhabitants' human dignity. The constitution guarantees its citizens' dignity through the seven fundamental rights viz. the right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational

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<sup>4</sup> Manjeet Paintal, "Shift toward Civil Federalism: COVID and the Post-COVID Era" *The Impact of the Covid-19 Pandemic on People and their Lives* (Routledge India, 2023).

<sup>5</sup> Nany Suryawati, "Criticize the Constitutional Rights of Citizens on Era and Post Pandemic Covid 19 in State of the Republic of Indonesia" 554–64 (presented at the The 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020), Atlantis Press, 2020).

rights, right to property and right to constitutional remedies.<sup>6</sup>

Dignity is a status idea of sorts; it has to do with a person's standing in a society and in her interactions with other people, be it formal legal standing or, more colloquially, her moral presence. He has even gone so far as to describe this concept of "dignity" as follows: "A person's status is determined by whether or not she is acknowledged as having the capacity to control and regulate her behaviour in line with her own interpretation of the rules and circumstances that apply to her; this implies that the person is capable of providing an account of herself (as well as an explanation of how she is managing her life and controlling her behaviour)," according to the definition of dignity a story that people should listen to; it also indicates that she has the capacity to demand that her agency and her presence among us as a human being be respected and accommodated in other people's lives, in other people's opinions and behaviours towards her, and in social interactions in general."<sup>7</sup>

## II. THE IDEA OF WELFARE STATE

A class of people who frequently have their human dignity violated are migrant labourers, and the pandemic exposed some of the most severe instances of these breaches. Equal opportunity, equitable economic distribution, and public responsibility for the marginalised are the cornerstones of a welfare state.<sup>8</sup> The promotion of the social and economic well-being of its residents is a right of a welfare state. The Indian Constitution's Directive Principles of State Policy prioritise social, economic, and political fairness in their effort to advance citizen welfare. The constitution's concept of social, political, and economic justice includes a demand to uphold human dignity. The migrant workers' dignity was violated by blatant instances of political, social, and economic injustice. They experienced dehumanisation, instrumentalization, humiliation, and other types of aggression against their dignity. The pandemic's severe incidents of violations of human dignity were only the surface of deeper issues with society's and the system's inner workings. Migrant labourers are a group of people with their dignity under threat in modern India. It raises the question of the dignity of the marginalised in a so-called welfare state.<sup>9</sup>

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<sup>6</sup> Jyoti Rattan and Vijay Rattan, "The COVID-19 Crisis - The New Challenges before the Indian Justice and Court Administration System' The COVID-19 Crisis - Lessons for the Courts: Professional Article," 12 *International Journal for Court Administration* 1–14 (2021).

<sup>7</sup> Charis Vlado and Dimos Chatziniolaou, "Mutations of the emerging new globalization in the post-COVID-19 era: beyond Rodrik's trilemma," 10 *Territory, Politics, Governance* 855–75 (2022).

<sup>8</sup> Amit Tiwari, "Gandhian Development Model as an Alternative Development Model in Post-COVID-19 Indian Economy," 9 *International Journal of Science and Research (IJSR)* 348–54 (2020).

<sup>9</sup> Malcolm Golightley and Margaret Holloway, "Social Work in the Time of the COVID-19 Pandemic: All in This Together?," 50 *The British Journal of Social Work* 637–41 (2020).

### **(A) Right to Health and the Government**

Since the start of the pandemic, medical professionals have criticised the government for not making more investments in the nation's inadequate healthcare system. While the government has promoted mask use and other public health measures, they have sent mixed messages by declaring victory over the virus and permitting and taking part in large-scale events, such as political rallies.

In order to stop the rising rates of infection worldwide, including in closed facilities like prisons and detention centres, the government has disregarded requests from the UN Office of the High Commissioner for Human Rights for governments to release "every person detained without sufficient legal basis, including political prisoners, and those detained for critical, dissenting views." Rather, even in the midst of the pandemic, the government has been filing more politically motivated lawsuits against journalists, human rights advocates, nonviolent protestors, and other opponents, imprisoning them under harsh sedition and counterterrorism laws.<sup>10</sup>

All individuals imprisoned for peaceful dissent on politically motivated charges should be released right away, and the government should think about lowering the jail population by implementing adequate supervision or releasing low-risk detainees early. Human Rights Watch stated that detained individuals who are very susceptible to significant consequences from the virus, such as the elderly, disabled, or those with underlying medical issues, ought to be given the same consideration for release.<sup>11</sup> Therefore, even if the government regularly organises political rallies and keeps political dissidents behind bars, it must act immediately to address any pandemic catastrophe and improve the health infrastructure.<sup>12</sup> It should be the collective responsibility of government as well as opposition and the citizen to handle such crisis.

## **III. VULNERABLE GROUPS**

### **1. People living in poverty**

Poor individuals are disproportionately affected by this crisis because they are more likely to have health issues, live in cramped housing, lack the means to spend extended amounts of time at home, and have low-paying occupations that need them to choose between endangering their

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<sup>10</sup> "India's Leaders Obsessed with Criticism, Not Medical Shortages | Human Rights Watch," 2021 *available at*: <https://www.hrw.org/news/2021/05/05/indias-leaders-obsessed-criticism-not-medical-shortages> (last visited May 16, 2024).

<sup>11</sup> India: Protect Rights, Dignity Amid Covid-19 Crisis | Human Rights Watch' (28 April 2021) <<https://www.hrw.org/news/2021/04/28/india-protect-rights-dignity-amid-covid-19-crisis>> accessed 16 May 2024.

<sup>12</sup>"Human Rights Watch," *available at*: <https://webarchive.archive.unhcr.org/20161012034915/https://www.hrw.org/asia/india> (last visited May 16, 2024).

health and losing money.’<sup>13</sup> Limiting the transmission of Covid-19 necessitates practicing basic cleanliness, which includes having access to water and soap. Governments must allocate funds to guarantee the availability of basic healthcare, sanitation, and water services, particularly in informal settlements where social separation is unfeasible. The identification of necessary steps for legislators, civil workers, ministers, and local government representatives can be facilitated by a human rights response. Given the necessity of cross-border initiatives, civil society and monitoring organisations can hold governments accountable by using the human rights framework.<sup>14</sup> Wealthy States should direct support to governments that need it, suspend or cancel foreign debt, and stop monopolising medical equipment and corona virus tests.’<sup>15</sup>

## **2. Children**

The most vulnerable children's circumstances could worsen because to the epidemic, and many of them will have less access to schooling.<sup>16</sup> At the international level, the Food and Agricultural Organization (FAO), UNICEF and WHO have all issued recommendations.<sup>17</sup> The principles are referenced in the Convention on the Rights of the Child and other regional instruments and national laws:

- particularly for children with mental or physical disabilities;
- Non-discrimination in the quality of education,
- Children's participation, particularly in decision-making;
- Proportionality: not expressly stated in the Convention, but indirectly, insofar as any deviation from the Article 28 right to education is subject to the principle of proportionality, for example in considering quarantine and school reopening;
- Freedom of expression and the right to information about education, particularly in areas with limited access to schools.

## **3. Older People**

The elderly have the greatest COVID-19 mortality rates. Disadvantages overlap; for instance, loneliness is exacerbated by isolation, and dementia patients find it difficult to comprehend social separation.<sup>18</sup> "Effective enjoyment of the right to life and the right to live with dignity in

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<sup>13</sup> Former UN Special Rapporteur on Extreme Poverty and Human Rights Philip Alston

<sup>14</sup> Alston went on: ‘the coronavirus is poised to wreak havoc in poorer countries.

<sup>15</sup> Joss Saunders, “La COVID-19 y los derechos humanos: Obligaciones de los estados y responsabilidades de las empresas en la respuesta a la pandemia.”

<sup>16</sup> Koulla Yiasouma, Chair of the European Network of Ombudspersons for Children

<sup>17</sup> International, regional and national human rights laws safeguard children’s rights.

<sup>18</sup> Carole Cox, ‘Older Adults and Covid 19: Social Justice, Disparities, and Social Work Practice’, *Gerontological Social Work and COVID-19* (Routledge 2021) 19.

old age" are protected at the regional level by the Inter-American Convention on Protecting the Human Rights of Older Persons. States should, to the maximum extent feasible, ensure the concept of participation, whereby senior citizens are completely and dignifiedly involved in decisions regarding their assistance.<sup>19</sup> States should implement the principle of proportionality in any exceptional measures, such as measures restricting visitor access, physical constraint, and surveillance, whether in hospitals, residential care, or jail, as the virus has decimated senior care facilities.<sup>20</sup>

#### 4. People with disabilities

The CRPD specifies state obligations to persons with disabilities. According to Article 11, states are required to take "all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies, and the occurrence of natural disasters." PPE for carers and financial assistance to guarantee that care needs may be satisfied in cases where the pandemic has increased the difficulty and cost of caring are essential actions under Article 11. According to the participation principle, states must involve individuals with disabilities in the creation of pandemic mitigation strategies through representative organisations.<sup>21</sup> Information access is emphasised by the UN Special Rapporteur on the rights of people with disabilities: "National health authorities' public health campaigns and information must be made available to the public in accessible means, modes, and formats, including accessible digital technology, captioning, relay services, text messages, easy-to-read, and plain language, as well as sign language."<sup>22</sup>

#### 5. Indigenous peoples

Every day, I receive fresh stories on how the COVID-19 pandemic is affecting indigenous people from all over the world<sup>23</sup> and the fact that it's not always about health concerns disturbs me a great deal.<sup>24</sup> The marginalisation of indigenous people is being made worse by states of emergency, particularly in the worst cases,<sup>25</sup> Their regions are becoming more militarised. The

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<sup>19</sup> Suhita Chopra Chatterjee and Debolina Chatterjee, *Covid-19, Older Adults and the Ageing Society* (Taylor & Francis, 2022).

<sup>20</sup> Gordon L. Flett and Marnin J. Heisel, "Aging and Feeling Valued Versus Expendable During the COVID-19 Pandemic and Beyond: a Review and Commentary of Why Mattering Is Fundamental to the Health and Well-Being of Older Adults," 19 *International Journal of Mental Health and Addiction* 2443–69 (2021).

<sup>21</sup> Renu Tyagi, "Elderly Women During COVID 19" *Handbook of Aging, Health and Public Policy: Perspectives from Asia* 1–13 (Springer Nature, Singapore, 2022), at p. 19.

<sup>22</sup> Elana Buch and Jessica Robbins, "Age, Isolation and Inequality in the Time of COVID-19," 12 *Anthropology Now* 24–33 (2021).

<sup>23</sup> Mary Menton et al., "The COVID-19 pandemic intensified resource conflicts and indigenous resistance in Brazil," 138 *World Development* 105222 (2021).

<sup>24</sup> Article 21: Understanding The Right to Life and Personal Liberty from Case Laws-Academike Explainer August 12, 2021

<sup>25</sup> Research Scholar, Sikkim University, 6th Mile Samdur, Gangtok, Sikkim, INDIA and Numa Limbu, "COVID-

rights of indigenous peoples to free speech and association are being violated, and their lands, territories, and resources are being invaded and destroyed by commercial interests.<sup>26</sup>

#### IV. HUMAN RIGHTS CONTENTIONS AGAINST VACCINATION

There are individuals who contend that mandatory vaccination programmes may infringe upon fundamental human rights and freedoms. In essence, human rights protect people's freedom of choice, action (or inaction), and thought. Human rights in the context of health emphasise a person's inherent right to behave and think as they like with their health, free from external and state interference, coercion, hindrance, or restraint.<sup>27</sup> A number of international, regional, and national human rights laws, treaties, and legal instruments provide a legally binding commitment on the part of states and responsibility bearers to guarantee, safeguard, enforce, and protect human rights as they are understood. From the standpoint of human rights, it is argued that laws and regulations requiring vaccinations violate fundamental human rights and freedoms.<sup>28</sup> The claims related to human rights are investigated further.

##### (A) Freedom to Make Health-Related Decisions and Choices

Everyone has the right to make their own decisions about their health and treatments. Like all human rights, the right to health places emphasis on "freedoms" and "entitlements." "The entitlement component of the right to health relates to equal rights and opportunities for everyone to access a sufficient healthcare system, including medical services, facilities, and medications, while freedom includes the ability to make decisions and manage one's own health and body."<sup>29</sup> Many human rights agencies and instruments have recognised the significance of people's choices, freedoms, and opportunities to do and be what they deem valuable and lead the kinds of lives they choose to lead.<sup>30</sup> Orders for mandatory vaccinations may undoubtedly affect a person's capacity to act, refrain from acting, or decide how to proceed with their health.<sup>31</sup>

Scholars have also made the point that the nature of human rights underlies "wills," or "choices." Accordingly, "wills" or "choices" underscore an individual's personal liberty, freedom of choice

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19 AND ITS IMPACT ON THE RIGHTS OF INDIGENOUS COMMUNITIES," SP-1 *ENSEMBLE* 129–38 (2021).

<sup>26</sup> José Francisco Cali Tzay, UN Special Rapporteur on the rights of indigenous peoples 66.

<sup>27</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 31, the *Right to Health*, June 2008.

<sup>28</sup> Tuija Takala, *Concepts of "Person" and "Liberty," and Their Implications to Our Fading Notions of Autonomy* 33 *J. MED. ETHICS*, 225, 225-28 (2007).

<sup>29</sup> Orsolya Reich, *Mandatory COVID Vaccines and Human Rights: Questions and Answers*, LIBERTIES (2021), <https://www.liberties.eu/en/stories/mandatory-covid-vaccines-humanrights/43918>.

<sup>30</sup> Louis Henkin, *Human Rights*, In *Encyclopedia of Public International Law* 286 (1981); Louis Henkin, *The Age of Rights* (1990); Sienho Yee, *Towards An International Law Of Co-Progressiveness* (2004).

<sup>31</sup> Jennifer Heaven Mike, "Carrots, Vaccines and Sticks: Critical Reflection of Compulsory Vaccination from a Human Rights Perspective," 3 *Rutgers International Law and Human Rights Journal* 47–98 (2022).



and actions. Advocates of the "wills" right contend that the goal of the law is to provide people with the most freedom to express and assert their identities. Thus, philosopher Hart defines rights as the equal liberty of "all men to be free" and promotes the idea of rights that are predicated on autonomy, freedom, and will.<sup>32</sup> This rights perspective is essentially characterised by people's freedom to be who they are and do what they want, even if that means refusing to do something. In this regard, the philosopher Mills contends that a mentally sound adult has complete control over both his body and intellect. The state must facilitate people's ability to make healthy decisions, but ultimately, it is up to the person to decide whether to consume a nutritious diet, engage in physical activity, take care of their sexual health, or seek medical attention. The same logic applies to vaccinations: people should have the freedom to choose whether to subject their bodies to medical treatments, regardless of the vaccination's potential health advantages. This civil liberties organisation encapsulates this viewpoint in the following statement:

*"It is important to note that while governments are obliged to protect individuals from external dangers, they do not have a right to protect them from their own choices. To illustrate, states may be justified in introducing mandatory vaccination schemes to protect the vulnerable members of the community who cannot be vaccinated, but vaccination mandates aiming to keep individuals healthy even against their own choices would not be justified. To clarify, a mandatory vaccination regime with the sole purpose of keeping individuals who would not want to get vaccinated healthy cannot be justified."*

Accordingly, therefore, individuals should be allowed reasonable control over their human body, manage their own affairs, and make decisions about medical treatments.<sup>33</sup>

- ***Principle of Informed Consent, Refusal to Medical Treatments, and the Right to Self-Determination in Matters of One's Health***

Another argument in support of this is that people need to be allowed to select their own healthcare providers and to decide for themselves whether conditions need their assent. This argument on informed consent refers to a person's inalienable right to select medical treatment, whereas the previous point is more focused on a person's general medical decisions and lifestyle,<sup>34</sup> such as whether or not to protect one's health through vaccination. Patient

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<sup>32</sup> "Global Health Jurisprudence: COVID-19 Pandemic and Pharmaceutical Patents - Jagdish Wamanrao Khobragade, 2022," available at: <https://journals.sagepub.com/doi/abs/10.1177/23220058221084031> (last visited May 19, 2024).

<sup>33</sup> Marie-Helen Maras and Wendy O'Brien, "Discrimination, stigmatization, and surveillance: COVID-19 and social sorting," 32 *Information & Communications Technology Law* 122–48 (2023).

<sup>34</sup> Rana Fatima and Swarnalata Gowrishankar, "Myoglobinuria-Induced Acute Kidney Injury Secondary to

autonomy—the idea that a person has the freedom to choose how to be treated for their own health and medical conditions—is the foundation for informed consent, including rejection.<sup>35</sup> This fundamental tenet of moral biomedical practice acknowledges the "moral permissibility of an intervention" for an independent individual. The erosion of an individual's ability to consent or oppose to medical interventions, even if a medical expert deems that decision to be beneficial or damaging, is a major reason in favour of the opposition to obligatory vaccination.<sup>36</sup> This argument may find support in the pithy dictum of Justice Benjamin Cardozo in the *United States case of Schlendorff v. The Society of the New York Hospital*,<sup>37</sup> that "every human being of adult years and sound mind has a right to determine what shall be done with his body." Permission is implied by consent, and free consent requires that the consent be acquired without pressure or manipulation. Therefore, whether or not the decision to forgo medical treatment will seriously hurt oneself, any coercion by the state or manipulation by corporations to obtain a vaccination will infringe upon the right to free and informed consent to medical treatment.<sup>38</sup> A strong justification for refusing a medical operation is typically found in the individual's right to consent to any medical intervention. Pugh states that unless there is a stronger moral argument or a higher legal justification to override this negative responsibility to desist from doing a medical operation without consent, it offers a "trumping" or "exclusionary moral reason" to refuse a non-conceptual therapy.<sup>39</sup> In other words, unless the right conflicts with a competing equal or stronger right, it should not be interfered with.<sup>40</sup> This begs the question of whether the state has a stronger moral or legal basis to trump individuals' rights by enforcing a vaccination programme.<sup>41</sup>

The 2002 decision of the Nigerian Supreme Court on a patient's freewill in the case of *Medical and Dental Practitioners Disciplinary Tribunal v. Nicholas*<sup>42</sup> strengthens the argument of the anti-vaxxer on the basis of human rights. The patient's consent is paramount... the patient's

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Covishield™ Vaccination," 32 *Indian Journal of Nephrology* 484 (2022).

<sup>35</sup> Lisa Forman, Carly Jackson and Kaitlin Fajber, "Can we move beyond vaccine apartheid? Examining the determinants of the COVID-19 vaccine gap," 18 *Global Public Health* 2256822 (2023).

<sup>36</sup> "Global Health Jurisprudence: COVID-19 Pandemic and Pharmaceutical Patents - Jagdish Wamanrao Khobragade, 2022," available at: <https://journals.sagepub.com/doi/abs/10.1177/23220058221084031> (last visited May 19, 2024).

<sup>37</sup> *Schoendorff v. Soc'y of N.Y. Hosp.*, 211 N.Y. 125 (1914).

<sup>38</sup> Sambid Pant, "Non-Traditional Security Challenges for Nepal: A Case of Covid-19," 3 *Unity Journal* 278–91 (2022).

<sup>39</sup> Centre for Health Equity (c-Help), "Digital Technology, Health & The Law Implications for Universal Health Coverage" (Rochester, NY, 2023).

<sup>40</sup> Robert S. Olick, 'Ethical Issues in Mandating COVID-19 Vaccination for Health Care Personnel', 96 MAYO CLINIC PROCEEDINGS 2958, 2958-62 (2021).

<sup>41</sup> Koen Byttebier, "Covid-19 Vaccines and Medicines," in K. Byttebier (ed.), *Covid-19 and Capitalism: Success and Failure of the Legal Methods for Dealing with a Pandemic* 859–1029 (Springer International Publishing, Cham, 2022).

<sup>42</sup> *Medical and Dental Practitioners Disciplinary Tribunal v. Okonkwo* [2001] 1 AHRLR 159 (Nigeria).

relationship with a doctor is based on consensus... the choice of an adult patient with a sound mind to refuse informed consent to medical treatment, barring state intervention through judicial process, leaves the practitioner helpless to impose a treatment on the patient.

## V. CONCLUSIONS

Human rights are founded on the ideas of liberty, freedom from arbitrary compulsion, and freedom of the body and mind. As a result, one of a person's fundamental individualistic rights is the right to personal liberty. In essence, the right to personal liberty is the freedom or autonomy to do as one pleases (as long as one stays within the bounds of the law) free from excessive interference from the state or other parties. It is the freedom to live your life as you like, free from undue restrictions or demands from the government, its agencies, or outside parties. It includes a number of things, such as the freedom to develop, select, and assiduously pursue one's own particular life objectives, values, and passions.

The concept of constitutionalism helps us understand how to handle any emergency or human crisis with great passion, an intellectual mind, and a judicial mind by looking at the history of human civilization and its activities.

*Francis Coralie v. Union Territory of Delhi*<sup>43</sup> the court observed: *"The right to basic necessities the right to basic necessities of life and also the right to carry out functions and activities that constitute the bare minimum expression of human self" are both essential components of the right to live with human dignity and all that goes along with it, such as adequate nutrition, clothing, and shelter over one's head, as well as facilities for reading, writing, and expressing oneself in diverse forms, as well as the freedom to move about and mingle with other people.*

*Bandhua Mukti Morcha v. Union of India.*<sup>44</sup> The court characterising Article 21 as the heart of fundamental rights, the Court gave it an expanded interpretation. Bhagwati J. observed: *"It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity*

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<sup>43</sup> 1981 AIR 746, 1981 SCR (2) 516

<sup>44</sup> 1984 AIR 802, 1984 SCR (2) 67

*relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State neither the Central Government nor any State Government has the right to take any action which will deprive a person of the enjoyment of these basic essentials.”*

Therefore, the government will be more willing to carry out its obligations to uphold an individual's right and dignity to assist in the service of humanity as a result of the two cases mentioned above.

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