



Psychological Impacts of People with regard to Human Rights and Values during COVID-19 Pandemic Situation

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ABSTRACT: For the past few days, all the creatures in this world are freely enjoying their lives without human intervention. But, in contrary, the humans are facing a lot of struggles to lead their everyday life, due to the unprecedented arrival of an infectious disease, named covid-19. As a consequence, the world's biggest lockdown was announced in India, making nearly 1.3 billion people to adhere quarantine in their homes, to achieve its main objective of social distancing and self health care. The director of World Health Organization, TedrosAdhanom, states that, "lockdown measures will not extinguish the epidemic. Aggressive measures to find, isolate, test, treat and trace is not only the best and fastest way out of extreme social and economic restrictions, but they are also the best way to prevent them". Both central and state governments enforce various new measures and laws to safeguard its people. During its course of implementing the measures, whether it infringes or is there any kind of possibility of threat to the basic human rights, which is considered to be very essential to the stability and development of a country is to be scrutinized in this article with various provisions and cases. In addition to this, what are the prevailing issues in the society, the impacts of covid-19 on the people with regard to the mental health and how the executive and judiciary is going to handle the confronting challenges in implementing the measures without affecting the Constitutional rights and others were also discussed.

Keywords: Human intervention, infectious disease, struggle, lockdown, quarantine, human rights, mental health, challenges.

I. INTRODUCTION

The people were living a usual course of life until the first case, reported in Wuhan, China. A huge outbreak was caused due to the advent of an unknown pneumonic virus. It is a new virus of highly contagious and deadly [1] and later on, the World Health Organization named this pneumonic virus as "COVID-19". This virus had spread widely all around the world within weeks. The Governments of different countries have imposed quarantines and travel bans [2]. Finally, it also reached India with the first case reported at Kerala. As a consequence, the Government of India and the State Governments had declared Covid-19 as an epidemic. The Governments are taking enormous steps to combat and to safeguard the people from this situation [3]. But, the question here is that while exercising the functions of the government to prevent and protect the people from the pneumonic virus, whether it infringes the basic human rights or not, is presented in detail.

II. OBJECTIVES AND SIGNIFICANCE

The main objective of this study is to bring to light if there are any violations caused by the Government by manifesting the current Covid-19 pandemic situation and the psychological impacts of the people. The following queries should be taken into consideration:

- 1) Whether the human rights of the individuals are violated in this epidemic situation? What are the impacts on psychology of the people?
- 2) If so violated, whether it can be questioned before court of law?
- 3) In case of insufficiency of legislations to tackle the situation, then what is the remedy?

In addition to this, the article concentrates on various provisions of Constitution, Universal Declaration of Human Rights and some of the penal provisions also. The significance of protecting these rights, can be well understood through various notable cases. In this context, how to preserve our basic human rights and values, which should not be violated at any cost is highlighted.

III. RESULTS AND DISCUSSION

Issue 1: Whether the human rights of the individuals are violated in this epidemic situation? What are the impacts on psychology of the people?

Due to an infectious disease which threatened the entire world, the Central and State Government has declared Covid-19 as an epidemic in India, under the Epidemic Diseases Act, 1897. This act contains only four sections, which didn't define what is an epidemic or how the infectious disease should be medically treated. But, it provides certain powers to the Central and State Governments under section 2 and 2A of the Act,

through which it may take necessary measures and regulations if the prevailing law is insufficient. Moreover, section 3 of the Epidemic Diseases Act, 1897 provides penalties to “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). Once a disease is declared as an epidemic, then it is more so, a disaster under Disaster Management Act, 2005. This Act is a comprehensive legislation than Epidemic Diseases Act, 1897, as it contains 79 sections. It clearly states about the definition of disaster, guidelines to manage such disaster and so on.

The Government declared lockdown on March 21, 2020 in order to protect the people from this infectious disease and it prescribed various guidelines subsequently according to the social needs. During the lockdown period, various difficulties, restrictions and confusions arose. Out of which, the Government made statements clearly that, wearing of facial mask as mandatory in public places under this Act. It also made spitting in public places as a punishable offence under section 51(b) of this Act. Section 54 of the Disaster Management Act, 2005 prescribes punishment for false alarm or warning as imprisonment which may extend to one year or with fine [4]. This section gains importance as more information and updates are circulated with regard to covid-19 to the public due to the increasing use of social media. Among those many of them are fake. Based on that information, people will be misleading.

The impact of media in the minds of the people is huge in our country. Due to the impact caused, they are exposed to Hypochondria (“a mental condition in which somebody believes that he/she is ill, even if there is nothing wrong”) But, this section doesn’t restrict the circulation of facts. A great chaos was prevailing during the past few days that whether volunteers can help the people in need during this pandemic. The answer to this is provided under section 30 of this Act, that NGO’S and other social institution involved in managing the disaster. Humanitarian based programs can also be conducted by following the prescribed rules and regulations. If any individual violates the above provisions or transgresses any order of the public servant, then there are certain penal provisions available in Indian Penal Code to punish the perpetrator. Among those, some of them are, Section 188 of the Indian Penal Code, 1860, deals with the “Disobedience to the order duly promulgated by public servant”. If any person who fails to follow this lawful order passed by a public servant, then he shall be punished for 6 months imprisonment and with fine. Section 269 of the Indian Penal Code, 1860, states that the “Negligent act likely to spread infection of disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both”. Section 270 of the Indian Penal Code, 1860, states that “Malignant act likely to spread infection of disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

Apart from the steps taken by the Government, the Judiciary has also taken steps to protect the basic structure of the Constitution. One such happened in

Madras high court, in a case which came before a bench last week, held that publication of newspapers is an asset for a democratic country and it can’t be stopped based on a mere apprehension that it would cause the spread of infectious disease, and thereby upheld one of the fundamental rights, which is envisaged under Article 19(1)(a) of the Indian Constitution [5]. Thus, the Government and other sectors in numerous ways tries to protect its subjects from this infectious disease and to promote the welfare of the people without affecting their rights. But, in one way or the other, there is a threat or check to the Constitution, especially to the fundamental rights.

When the human beings started civilization, the rights came into being as an essential component for them to lead a social life. Out of such rights, the human rights are very essential, inalienable, interdependent, interrelated and irrevocable. This is the only right to which a person is entitled simply because he is a human being. This human rights benefitted each and every person without any distinction or discrimination. These human rights were first adopted by the United Nations General Assembly in 1948 after the second world war [6]. When we speak about the rights, automatically it is interrelated with duties, so everyone is responsible for everybody else’s wellbeing. This is termed as “collective conscience”.

Section 2(1)(d) of the Protection of Human Rights Act, 1993 says, “human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”. Article 14 of The Constitution of India, 1949 states about equality before law, “The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”. Article 15(1) of the Indian Constitution deals with, “the prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth”. Article 21 of The Constitution of India, 1949, gives protection of life and personal liberty. This provision says, “No person shall be deprived of his or her personal liberty except according to the procedure established by the law”. This Article looks very precise but it is not. This provision inherently possesses multiple dimensions of it.

The most important function of Judiciary is to interpret the laws. Based on this fact, the court interpreted the Article 21 of the Indian Constitution in a notable case known as “Pavement Dwellers Case, where the court opined that right to life under Article 21 includes right to livelihood because, without which a person cannot live [7]. This decision is based on the opinion that the objective of life and human rights is to distinguish human from other animals and to develop himself with the basic necessities and facilities like food, clothing, shelter, good environment, health care and others.

In another renowned case of Justice. K.S. Puttaswamy and ors. V. Union of India, the court clearly stated that right to privacy is a fundamental right and it is part and parcel of Article 21, which guarantees right to life with dignity [8].

Hence, this provision not only includes right to life and right to personal liberty, but also includes right to health, right to privacy, right to livelihood and right to food. But,

our question is that whether these guaranteed rights are still prevailing?

Generally, there are certain basic necessities like food, clothing, shelter, medical care and others.

But, due to this lockdown announced by the government, more than half population of the people's livelihood is entirely affected, because most of them are migrant workers. The plight of migrants have been further increased due to the extension of lockdown till May 3rd, 2020. This can be visualized through various media forums, where they display their sufferings clearly. Even though the government has taken measures, it didn't satisfy the day to day requirements of the people and it also didn't reach all the vulnerable. The migrant workers, who came from various parts of the country for work to lead their lives face numerous challenges and struggles for their livelihood, which lead to the feeling of insecurity and exposed to financial constraints.

In addition to this, the disclosure of details of the victims of covid-19 and tracing the quarantine individuals through their mobile app is a clear violation of right to privacy which is intrinsic to Article 21 of the Indian Constitution. The health care workers, who work for the people are also not an exception. They don't have proper Personal Protection Equipment to protect themselves [9]. The health care workers should be taken care off properly, otherwise it will be violating the right to health for healthcare workers. They too face fear and they are all depressed as they working for the people, leaving their families apart [10]. This can be visualized through the media, telecasting the videos of the sufferings of the healthcare workers, isolated persons and their families.

We have already seen the measures taken by the executive and judiciary for the betterment of their people. But, there is an aspect, called psychology which has to be dealt seriously. This is highlighted because, it may cause any kind of severe effects in the society as that coronavirus. The psychology of the people gets affected due to the unprecedented outcome of an epidemic, which is prevailing today. This is caused to many due to various kinds of circumstances, which they face. Among those, some are listed below,

- The infected persons or the persons quarantined or isolated, healthcare workers, doctors adhere to various kinds of emotions like, fear, anger, depression and so on.
- Agriculture is considered to be the backbone of our country. But today, the products which were produced in their lands, was expected to earn them profits. Despite, their dreams got shattered, as everything went as a waste, due to the lack of transportation facility. This made them feel so exhausted.
- The difficult thing ever among these is that, no one can attend the funeral of a person if he died out of such infectious disease. This causes huge stress, rage, depression and pain to the deceased kith and kin.
- Due to the sudden outbreak of coronavirus, the government has declared lockdown and it was recently extended till May 3rd, 2020. This was done all of a sudden, so people are very much worried

that how to tackle and overcome their financial constraints, as they were all unprepared to handle the situation. This also became one of the most important factors for affecting the mental health of the people.

- As an impact of the pandemic, many lost their jobs and the rate of unemployment got increased. Based on this, they all feel depressed and they are afraid to face the normal life after the pandemic is over. A report in US states that the rate of unemployment is one percent. Likewise, the suicide rate in US is also one percent. Thus, it shows that the depression caused due to the unemployment will lead to suicide. Experts say that, this is a crucial period in which the Government should take proper steps to avoid the unpleasant consequences out of serious psychological factors and due to an infectious disease [11]. To prevent this in India, the psychology of the people must also be given importance and some serious efforts should be taken to gain confidence in the minds of the people. Hence, with huge courage, positivity and confidence, I believe we will be successful in overcoming this pandemic.

Issue 2: If so violated, whether it can be questioned before the court of law?

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948. The basic essence of UDHR is that, "All beings are born free and equal in dignity and in rights". The violation of the provisions under Universal Declaration of Human Rights is not questioned before court of law, because it is just an ideal but not a legislative text. Though it is an ideal which deals with the human rights, it can be questioned only when it is incorporated into the state's internal law. Dr.B.R. Ambedkar, the father of Indian Constitution, was a great humanitarian. So, he incorporated the human rights in the Indian Constitution under part III and part IV, which deals with the fundamental rights and directive principles of state policy [12]. Thus, the violation of provisions of the fundamental rights can be questioned directly before the Supreme of India under Article 32 of the Indian Constitution.

Issue 3: In case of insufficiency of legislations to tackle the situation, then what is the remedy?

There are various legislations prevailing in India. The State Government as well as Central Government if it feels that the prevailing legislations are insufficient to control the spread of disease then they can frame rules and regulations accordingly as per section 2 and 2A of the Epidemic Diseases Act, 1897, respectively to meet the unforeseen contingencies.

IV. CONCLUSION

Covid-19 Lockdown period is a crucial period for every one of us. The impacts of Covid-19 on the people with regard to the mental health and in which the executive as well as the judiciary face a huge challenge in preserving the human rights envisaged in the Constitution and the human values like dignity, fairness, non-discrimination and equality were discussed.

"All humanity is one undivided and indivisible family, and each one of us is responsible for the misdeeds of all others. I cannot detach myself from the wickedest soul".
- Mahatma Gandhi.

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