

CHAPTER IV

COVID-19: Your Rights During Quarantine

"Authored By - Vikas Kumar Rathour"

• INTRODUCTION

Not only a single county but the whole world is suffering from a pandemic disease and this contemporary globally formidable situation is arisen just because of the infectious disease Covid-19(A name announced for Coronavirus disease by the World Health Organization on 11 Feb 2020). As per the World Health Organization report, the number of confirmed cases of affected people by the novel virus SARC-CoV-2 (Severe acute respiratory syndrome corona virus 2) across the world are more than 1,214,466 and confirmed deaths are 67,767(till 7thApril,2020) and the number is continuing to rise at an alarming rate. The World Health Organization called for government to take urgent and stringent action to prevent the spread of novel corona virus.

• QUARANTINE:

Quarantine used as a method to separate and restrict the movement of well persons who may have been exposed to a communicable disease to see if they become ill. In quarantine restrictions on the movement of persons imposed in order to prevent the spread of virus. For the first time, law pertaining to medical isolation was passed

by the Great Council in 1377, when the plague was rapidly spreading in European countries. Detention for control over the spreading disease was justified and disobedience of such law made a punishable offence.

The law prescribed isolation for 30 days, called a 'Trentino'. Subsequently, many countries adopted similar laws to protect the people. When the duration of isolation was enhanced to 40 days, the name also changed to 'quarantine' by adopting the Latin 'Quadragesima', which referred to a 40-day detention placed on ships. In year 1824(196 years ago), the U.S. Supreme Court in an en banc sitting led by Chief Justice John Marshall held that it is power of state to enact quarantine laws and impose health regulation.

Quarantine is considered as an oldest tool in order to reduce the rapid spread of infectious disease and viral onslaughts. It has been legally sanctioned by all jurisdictions in the whole world for the maintenance of public at large and to prevent the rapid growth of viral disease. Since ancient time, societies have practiced quarantine, and ban on travel or all modes of transportation and resorted to maritime quarantine of persons.

In India, Central governments invoked the 123-year-old legislation named THE EPIDEMIC DISEASE ACT, 1897, a law of colonial vintage, to combat COVID 19. This act is a special law empowering the Central government as well as state government to adopt special precautions and measures and enforce stringent policies including inspection of passengers, segregation of people, ban on public transport, screening of travelers and other special steps in order to prevent the outbreak of any dangerous pandemic disease.

- ***LEGAL RIGHTS OF A PERSON IN QURANTINE:***

As the public health threat is rising day by day because of spread of corona virus. As, it is the obligation of government to protect the health of citizens, the government in order to prevent it imposed certain restrictions on the certain rights of the individual, such of those that result from the imposition of quarantine limiting the freedom of movement of individual. These are the following rights of individual during quarantine:

- ***RIGHT AGAINST DISCRIMINATION:***

During this pandemic, there must be no discrimination among the citizen on the basis of race, sex, caste, religion or place of birth or on the basis of any of them to access the medical facilities or to access the basic needs required to during the quarantine. As the Article 14 of Indian Constitution guaranteed the right to equality and Article 15 of the Indian constitution clearly state that any person should not be discriminated on the basis of the race, caste, greed, religion or place of birth. There must be no discrimination in providing medical facilities and basic requirement.

- ***RIGHT TO HEALTH:***

Every citizen has right to health guaranteed under the right to life, Article 21 of the Constitution of India and it is an obligation and duty of the government to protect the life of the people and take all necessary measures and precaution for the safety of the people. During these terrible circumstances where whole world is suffering from

the corona virus crisis, every individual has right to access the medical and health facilities

- ***RIGHT TO FREEDOM OF EXPRESSION AND GET INFORMATION:***

During this critical situation of Corona outbreak, every citizen has right to expression and the government has obligation to protect the right to freedom of expression including the right to see, perceive, and impart the information. The government is responsible to provide accurate and updated information about the virus, access to services, service disruptions, and other important information related to the corona virus outbreak.

- ***RIGHT TO EDUCATION:***

The educational institutions are closed because of Covid-19 pandemic as a result the education of the students is disrupted. The government must ensure the right to education of the student, and recommend the educational institutions to use high-tech method to provide education to students without access the classroom. Teachers should use online learning platform to conduct the regular classes.

- ***RIGHT TO GET NUTRITION:***

Every person has right to get proper food and nutrition to an adequate standard living. Because of complete lockdown in the country it is not possible for the people to earn for their livelihood and fulfill the basic essential needs like food. So it is duty of the government to provide basic needs such as food to the citizen.

• CONCLUSION

There is no doubt that it is a very critical situation. The government declared the complete lockdown in country. As a result there is a contradiction between the obligation of the government and rights of an individual. But it is well stated that the rights and duties both goes hand in hand. During these circumstances, it is also the duty of the citizen to ensure the safety of the every citizen follow the instructions of the government and support the health care personnel to fight with the corona outbreak.

• REFERENCES:

1. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>
2. <https://www.thehindu.com/>
3. <https://indiankanoon.org/doc/1005961/>
4. THE EPIDEMIC DISEASE ACT, 1897
5. THE CONSTITUTION OF INDIA, 1950

• • •

