

Fundamental Rights of Human Beings and Their Violation Due to Covid-19 in India

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Abstract

Fundamental Human Rights are commonly understood as natural rights to which a person is intrinsically entitled simply because he or she is a human being and are universal. Indian Constitution Articles 12-35 deal with the Fundamental Rights of a Human Being. These inviolable rights are conferred upon the citizens of India. Political, Social, Economic and Cultural rights all come under one of the six main fundamental rights.

COVID-19 prevention efforts were challenging for most of the countries worldwide which greatly affected socioeconomic activities. Human rights are particularly affected by this pandemic situation which leads to psychological distress. In this review, we lighten how mental health is affected by the potency of the pandemic and by SOP and mitigation structures put in place to shoot out the disease.

Keywords

Fundamental Human Rights, Human Rights violation, Human Rights violation due to COVID.

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Introduction

The World Health Organization (WHO) declared a public health emergency of international concern on 11 March 2020 in response to the novel Coronavirus disease (SARS-COV-2). To reduce its exponential spread, countries have implemented urgent health emergency measures. These major measures include stay-at-home orders which have led people to reorganize their lives and necessitated changes in livelihood and health services.

In responding to this pandemic situation, authorities have to make the perfect balance between protecting the public's health and safeguarding their innate human rights including education, freedom of movement, and access to health care. Each nation focuses both on minimizing fatalities and protecting human rights.

Mental health is also integral and dependent upon the realization of human rights. In the context of the COVID-19 pandemic, mental health and violations of fundamental rights such as mobility rights, access to accurate information, access to proper protection for health workers, right to education, and discrimination against marginalized populations of individuals are greatly affected. Human rights protection and mental health needs are not always adequately integrated into emergency response policy and management.

Basics of Fundamental Rights

Basic human fundamental rights are the rights that are cherished in the Constitution of India and are guaranteed to all citizens from birth until death. Fundamental rights form the backbone of the country. They are essential for shielding the people's interests. They are applied without favoritism on the basis of race, religion, gender, etc. They are coerced by courts.

Six Fundamental Rights

There are six fundamental rights of the Indian Constitution along with the constitutional articles related to them and briefly describe each of them.

1. Right to Equality (Articles 14 – 18)

The right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.

2. Right to Freedom (Articles 19 – 22)

Freedom is one of the most important ideals enshrined by any democratic

society. The Indian Constitution guarantees freedom to all citizens of India. The freedom right includes many rights such as:

- Freedom of speech
- Freedom of expression
- Freedom of assembly without arms
- Freedom of association
- Freedom to practice any profession
- Freedom to reside in any part of the country

Some of these rights are subject to certain circumstances of state security, public morality and decency and friendly relations with foreign countries. And also the State has the right to impose reasonable bounds on them.

3. Right against Exploitation (Articles 23 – 24)

This right implies the prohibition of traffic in human beings, *begar*, and other forms of forced labor. This law prohibits the employment of children under 14 years in factories and hazardous conditions also.

4. Right to Freedom of Religion (Articles 25 – 28)

It is an integral part of fundamental rights, as anticipated in the Indian Constitution. According to this, Equal respect is given to all religions. There is freedom of conscience, profession, practice and propagation of religion. There is no official religion for a state. Every person has the right to freely practice his or her faith, and establish and maintain religious and charitable institutions.

5. Cultural and Educational Rights (Articles 29 – 30)

Cultural and educational rights provide the rights to each and every section of society and it protects their culture script or language. These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination. Under this Article, two major categories: The protection of interests of minorities and the right of minorities to set up and administer educational institutions are described.

6. Right to Constitutional Remedies (32 – 35)

The Constitution guarantees remedies if citizens' fundamental rights are violated. The government cannot breach anyone's rights. When these rights are violated, the afflicted party can approach the courts. Citizens can even go directly to the SC which can issue a summons for enforcing fundamental rights.

Some of the fundamental rights of IC are available to all citizens while the rest are for all persons (citizens and foreigners).

Fundamental Rights Applicable Only to Citizens

The list of fundamental rights that are available **only to citizens of India** is given below

1. Prohibition of discrimination on grounds of race, religion, caste, gender, or place of birth (Article 15).
2. Equality of opportunity in matters of public employment (Article 16).
3. Protection of freedom of:(Article 19)
 - Speech and expression
 - Association
 - Assembly
 - Movement
 - Residence
 - Profession
4. Protection of the culture, language and script of minorities (Article 29).
5. Right of minorities to establish and administer educational institutions (Article 30).

Early Steps were taken by Indian Authority due to the Pandemic

On March 24, 2020, the Indian Government announced a 21-day nationwide lockdown to contain the spread of coronavirus in the country, which repeatedly goes on up to 30 June with some unlocked facilities.

The lockdown has taken a heavy toll on marginalized communities due to loss of livelihood and lack of food, shelter, health and other basic needs. The government has a responsibility to protect the health and well-being of its citizens, but some of these measures have been a burden due to the closure of rail and bus service by migrant workers. The across-the-board closing of state borders have caused interruption in the supply of essential goods which leads to inflation and fear of shortages. Tens of Thousands are homeless and in other states, people are in need of protection. Police actions to punish those violating orders have purportedly resulted in abuses against people in need.

The Indian government is facing an extraordinary challenge to protect over a billion densely packed people (multiregional, multilinguistic), but ramped-up efforts to prevent the spread of the coronavirus in India.

The central government announced a relief program to provide free food and cash transfers to poor and vulnerable populations, health insurance for health care workers and others. Governments should ensure that those at increased risk, including sanitation workers (safai karamcharis), community health workers (ASHA

workers), care givers of young children (anganwadi workers) and others like lunch workers-of tenlow-paid civil servants-on the frontlines of this crisis, receiving protective equipment, medical benefits and timely wages.

Human Rights violations during the spread of Covid 19

Authorities should immediately order police to act with rest raint while enforcing the lockdown. in some states, photo sand videos show police beating people trying to get essentials. In West Bengal, police allegedly beat to death a 32-year-oldman after he left home to fetch milk. A UP video shows police forcing migrant workers[1] trying to walk home. Maharashtra police are said to have beaten home l ess people to drive them out in to the streets. The police target workers who are paid by the day, such as fruit and vegetable sellers, milkmaids, rickshaw and taxi drivers, and others delivering essential goods. According to there port, the police also harassed doctors and medical staff. Police in several states, including Punjab, Rajasthan, Haryana, Uttar Pradesh, Maharashtra, and Andhra Pradesh have punished people forcing them to hold posters saying “I am an enemy of society because I will not stay at home.”

In Uttar Pradesh, Delhi, Telangana, and Tamil Nadu, health workers and airline staff faced partiality from their neighbors and landlords warned to evict them, fearing they could be carriers of COVID-19. People under quarantine are also discriminated against and threatened with deportation. The National Health Minister has expressed sadness over the discrimination of society to wards doctors, and nurses and medical staff.

The state governments of Rajasthan and Karnataka made the names and addresses of infected people, putting them at risk of assault. In Delhi, Chandigarh, Maharashtra, Rajasthan, West Bengal, and Uttar Pradesh, officials marked the residence of the home quarantine people in some cases displaying their names too - boosting their risk of abuse.

This fear of isolation prevents people from coming forward for testing. It urged the government to stop these measures and respect the privacy and confidentiality of those affected by COVID-19.

The Indian government’s responsibility to protect its people from the outbreak should not come at the expense of human rights violations.

Freedom of Movement vs Quarantine & Lockdown

Quarantines are successful at limiting the spread of infectious diseases, but it causes the side effects of increasing people’s risk for psychological impact including suicide and other behavioral symptoms.

Freedom of assembly without arms vs Lockdown

Government makes restrictions on people gathering in lockdown and in unlock phase too which makes their social relationships negligible.

Child Rights Major impact of the pandemic on children's behavioral health, development and growth, physical health, and educational outcomes, with possible differential impacts by age and gender, which results in reduction of outdoor activities and social interaction among children, out of fear of spreading the virus. This resulted in adverse outcomes in children's mental, social, and behavioral health. Children who felt insecure and anxious, had a significantly higher risk of depressive and anxiety symptoms. Lockdown rattles the learning and educational process. Specifically, families that deal with lockdown and COVID-19-related financial stressors, struggle to provide basic needs and daily supplies, resulting in adverse mental health outcomes for family members such as stress, anxiety, and depression.

Rights of Elderly Individuals

In recent years, many efforts supporting the human rights of older persons including complete respect for their needs, privacy, and health care have been made. During the pandemic situations, elderly people were found to have less access to free movement including in open and public spaces which restricted their ability to exercise and other useful activities—weakening their mental health and well-being.

Impacts on Minorities and Psychiatric Patients

In Covid -19, self-isolation and stay-at-home orders by the Government forced many psychiatric patients to live in unsafe homes which increased their exposure to domestic violence.

Conclusion

For any country's development, the status of its citizens is very important. India is a developing country and is becoming a superpower in every field of technology, science, discovery, medicine and research but still, the majority of the population is facing difficulties to acquire their basic rights.

The situation gets worse during the Covid-19 pandemic, its prevention efforts were challenging for most of the countries which constrict socioeconomic activities. The human rights of individuals must be protected during this pandemic considering that mental health is also one of the fundamental rights. Addressing human rights can be a helpful way to mitigate the impact of mental illness on populations, especially during public health emergencies. Policy and frameworks must be formed to address different aspects of human rights and can complement the various forms of health services to enhance the mental health well-being during pandemics.

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