



Pandemic: Legal and Social Response

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ABSTRACT

The Covid-19 pandemic changed the world and accelerated processes that could have taken decades without a pandemic. In this paper, the authors discuss the public and government responses to the new normal, nowadays reality, and most importantly, the legal regulations that have been enacted in different countries in response to the challenges. The paper discusses in detail issues related to security measures, social distance, gender issues, abortion, education and student mobility, employment, and entrepreneurship.

A pandemic that has survived more than a year needs to be addressed. The decision-makers made efforts to create a provision for the influenza virus after it became prominent in society. The intention is not to be pessimistic but to be optimistic enough to create provisions for the future.

Countries are aiming to achieve their commitments to recover from the pandemic. A pandemic demands a legal response as well as a social response. The research paper aimed to divert the attention of the readers to the untouched aspects of the law that are related to emergency situations, including pandemics. In the paper, we discuss the paradox of the pandemic, lockdown, and post-lockdown situations, as well as protests/riots, gender-based violence, healthcare, and education topics related to the changes that have taken place due to the pandemic.

INTRODUCTION

Global Mobility pressed a pause button. The outbreak of the pandemic led to the closure of businesses; from buying groceries to flights across the country and the world, leaving individuals behind the doors of their homes. The risk of global mobility harmed individuals to big corporate firms, the intensity might differ, but the economy faced some serious repercussions. Countries like Malaysia had tourism as a major source of income. The world has experienced numerous pandemic situations from the American Plague in the 16th Century, Spanish Flu in 1918 to the recent pandemic outbreak of COVID-19 in the 21st Century. The outbreak shifted the focus of all the national and international organizations from peace and well-being of the nations at large to upended COVID-19. Not only the current pandemic situation but also the earlier pandemics experienced by humanity, follow a similar pattern of flaws starting from the ignorance of the politicians and executives to the ignorance of the natives of the country.

International law influences self-determination in the hearts of people aligned with the radiant choices made by them. For example, the global social distancing has been an effective means of preventing the widespread of COVID-19 in the regions where the natives took the step seriously, while on the other hand the radiant choices of not practicing global social distancing lead to a drastic increase in the number of patients suffering from the same.

A pandemic is generally a situation where the upsurge of a communicable disease adversely affects the whole world. The origin of such a disease may be from a very small place or restricted to a country but transmits to the world at large creates the situation of the pandemic. The World Health Organization has further defined the term pandemic as “an epidemic occurring worldwide, or over a very wide area, crossing international boundaries and usually affecting a large number of people.”¹

Pandemic laws are all about individuals and jurisdiction, where the executives of any country take the outbreak of the situation seriously and take measures cautiously to prevent greater harm to mankind. Where we have leaders that worked

hard to prevent the global transmissions, country-men of the USA, China was amongst the last to take precautionary measures. The pandemic originating country/countries are questioned as they fail to disclose the severity and the appropriateness of the disease that leads the world to a worldwide “public health emergency”². The dread of death, fear of outbreak of a new corresponding disease such as the new variants arising out of COVID-19, the ever-increasing fear of economic loss ended up creating a psychological fright amongst the natives worldwide.

There have been mass waves of protest in various countries, generally against vexed or contentious gatherings, flash mobs, mass hiring of doctors and personnel of the health sector, etc. The logic to such protests did not suffice much when the protest against masks was initiated and to the utter surprise, the government earned millions by imposing the fine for not wearing masks. Accordingly, wearing masks for persons affected from lung disease or any breathing ailments, for the individuals belonging to the senior citizen's group found it difficult to breathe in the masks that are in addition to the outbreak of coronavirus.

The doubt arises as to who is liable to take measures of preparedness in the situations of the pandemic. Is it the law or the ethics? The governmental systems of the countries worldwide are divided into a unitary system of government and a federal system of government. The scope and functions of the central government and the state government determine the effectiveness of the implementation of rules and policies. The role of the judiciary, civil society, and ethical values adds up for the same. If the laws of a country are stringent upon the area of action a particular authority is responsible to a person, the chances of errors tend to reduce.

The basic way to overcome the pandemic is through the management and distribution of the resources available. The poor and the rich must be able to avail the basic immediate necessities of food, clothing, shelter, and most importantly health-care. Recently, the news highlighted the fact that the rich developed countries are country-specifying

1 Last JM, editor. A dictionary of epidemiology, 4th edition. New York: Oxford University Press; 2001.

2 World Health Organization. COVID-19 Public Health Emergency of International Concern (PHEIC) Global research and innovation forum, [https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-\(pheic\)-global-research-and-innovation-forum_](https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-(pheic)-global-research-and-innovation-forum_)

the COVID vaccines whereas the developing or the poor nations are way behind to meet the minimum required vaccines. The disparity between developing and developed nations continues even in the worst times i.e. pandemics.

It is prayed that there is no such outbreak of pandemic again worldwide, yet destiny surprises us with something more dangerous or probably out-of-human control. Relating pandemic as a force majeure is partially correct. The correlation between pandemic and force majeure will be discussed in the latter half of the research. The main aim of having an insight of pandemic and the legal and social response related to the same is necessary as one never knows when is the next outbreak of some other deadly virus and the research would help the readers to get a sense as to how one could survive a pandemic if any.

The impulse to withdraw from actions and commitments ensued and the shift of blame is common. The statement is explained by the “Paradox of Pandemic.”

1. PARADOX OF PANDEMIC

A paradox in normal parlance is defined as a statement that is deemed to be self-contradictory or ludicrous but at times expresses the possible truth. The pandemic paradox is classified into three categories viz. Patriotism, Border Paradox, and Equality paradox.

Considering the first paradox that is **Patriotism**³, the major lag in any pandemic relates to the absence of a global leader. Where there is no single authority available to make rules and regulations to overcome a pandemic, there is a miscommunication of the tasks assigned and the performance of the same. The unwillingness and the incapacity to give just orders to prevent greater harm (from the disease) and the parallel repulsion from the common people makes it even worse. Another key factor is the disengagement from international organizations. Certain countries try to mold laws and facts

as per their convenience and ignore the common good. This leads to self-doubt in the minds of natives as to which entity is oriented towards the welfare of the natives.

The **Border Paradox**⁴ relates to the closure of the borders to prevent the outbreak of the disease from spreading worldwide, which to a certain extent is justifiable. The Border Paradox in a certain way favors patriotic sovereignty and tends to ignore global sovereignty. Meaning thereby, the home country is given preference, but the non-residents, tourists, refugees who get struck due to the closure of borders fail to return to their native country and are deprived of due care in the foreign country. This further creates a conflict between the concept of rights and the need for due order but results in nothing but a shutdown. The freedom of individuals is no doubt violated and the government of the country fails to ensure the due enforcement of human rights, peace, and law.

The third paradox relates to the **Equality Paradox**⁵ where it is openly stated that the pandemic affects not one but all. Equality must assure social and welfare securities. It has been quite evident that there has been a drastic increase in domestic violence when individuals are stuck in lockdowns. The individuals who didn't have a suitable environment to live in or those who could not afford to reside but lived on pavements suffer the most from the pandemic. The unequal effect is evident even when out of two individuals working in the same factory in the same position, one is laid off based on pandemic times. The individuals are left with no option to either suffer from poverty or the disease spreading like fire across the world.

Every country faces a blend of all the three paradoxes discussed above. Where certain countries focus more on preventing themselves are the ones who end up hurting themselves. The fact being, individuals who suffer from the disease are outcasts until the sufferer is from one's own family. The equilibrium to all the three paradoxes could be

3 Danchin, P., Farrall, J., Rana, S., & Saunders, I. (2020). The Pandemic Paradox in International Law. *American Journal of International Law*, 114(4), 598-607. doi:10.1017/ajil.2020.69

4 Danchin, P., Farrall, J., Rana, S., & Saunders, I. (2020). The Pandemic Paradox in International Law. *American Journal of International Law*, 114(4), 598-607. doi:10.1017/ajil.2020.69

5 Danchin, P., Farrall, J., Rana, S., & Saunders, I. (2020). The Pandemic Paradox in International Law. *American Journal of International Law*, 114(4), 598-607. doi:10.1017/ajil.2020.69

the “Concept of Right⁶.” It is firmly believed providing freedom to express one’s needs and requests, equality, respect, etc. that the ills of a pandemic can be negated by focussing on the normative concept of rights by.

2. LOCKDOWN AND POST LOCKDOWN SITUATIONS

Hoarding/ Panic Buying

As soon as the lockdown is declared, there is a sense of fear of being deprived of basic amenities which leads to the issue of hoarding/panic buying. The individuals fear that they might not have ready access to their daily bread, apprehending that they might die of hunger before the virus hits them. The unpredicted callout to implement lockdown invites rage and oppression from the natives, the planned lockdowns lead to hoarding, overcrowding, and overspending on the essential items. The hoarding of goods further leads to an increase in prices, as the demand for the commodities tends to rise, the supply is limited and availability declines. The same was commonly found in the prices of hand wash, hand sanitizers, bread, and even toilet paper. Hoarding damages the concept of equality. Rather than every individual having sufficient availability of essential items, a few over-purchase the goods, and the rest are left with no option but to suffer from the unavailability of resources.

Price Hike

Another factor that is a matter of concern is over-pricing. Where the seller takes undue advantage of the severity of the pandemic situation by overcharging for the sale of basic commodities like food items, sanitation items like toilet papers, pads, etc. leads to unequal access of the commodities of every stratum of individuals be it vulnerable strata or not so vulnerable strata. It must be assessed that pandemics are not the time to make huge profits but to sell at a usual or even a lesser price. A similar “extortionate” step by a pharmaceutical company by increasing the price of Calpol that was used for re-

ducing mild pain, headache, nausea, etc. by a local Jhoots Pharmacy in the midWest lands.⁷ To control the competition-affected price hike, the responsible government bodies believe to warn the retailers against such illegal and inhumane price hikes by establishing Competition and Markets Authorities. Another ill activity included a temporary pause at supplies of essential items like sanitizers and masks due to which the customers agreed to pay any amount to get access to such commodities. In addition to this, the National Pharmaceutical Pricing Authority vigilantly declared that the justifiable price hike in any medicinal product(including equipment) could not exceed 10 percent.⁸

Air Pollution

It is a prolonged concern of the ever-increasing pollution causing breathing ailments, respiratory disease like asthma, etc. Before the lockdown, the National and International Air Quality Index (AQI) showed drastic figures relating to the increasing figures of Air pollution. With the declaration of lockdown and during the lockdown phase it was analyzed that the air pollution along with the noise pollution reduced. The main reason being, there was a pause in transportation, to the manufacturing process in the manufacturing unit, reduced consumption of non-renewable resources, etc. There was a significant reduction of up to 50 percent PM10 and PM2.5 in Delhi, India which was the least in the past many years.⁹ Parallely, the restriction on the human movement led to an estimated 12 percent rise in the Air Quality Index in a few cities of China.¹⁰ It is observed that the lockdown policies made by the executives helped

6 Rainbolt G.(2006).The Concept of Rights. Springer

7 19 March 2020. Coronavirus: Price-hike pharmacy offers Calpol for £19.99.BBC News

8 Joe, C Mathew. (20 July 2020). More than 10% price hike not allowed for COVID-19 medical devices; to be under strict regulatory watch. Business Today.

9 Susanta Mahato, Swades Pal, Krishna Gopal Ghosh. (2020). Effect of lockdown amid COVID-19 pandemic on air quality of the megacity Delhi, India. Science of The Total Environment, <https://doi.org/10.1016/j.scitotenv.2020.139086>.

10 Meichang Wang, Feng Liu, Meina Zheng. (2020). Air quality improvement from COVID-19 lockdown: evidence from China. <https://link.springer.com/article/10.1007%2Fs11869-020-00963-y> Springer.

in pollution-related mortality (i.e. deaths caused by the harmful effects of pollution).

Layoff

One of the fears most of the individuals had was a lack of optimum savings. The restriction of mobility led to individuals sitting home idle rather than going to their workplace. Where the feasibility existed, the employers shifted the course of employment to “work-from-home.” Contrary to the former statement, the individuals having the field job of the carpenter, factory worker, etc, the employers started to lay off the workers to reduce the costs incurred in production to earn sufficient profits in a crashing economy. The arbitrary layoff is a violation of the concept of rights. The layoff made them vulnerable section more vulnerable leaving them with no source of income from the employment. Not only the vulnerable section but even the managerial level employees were laid off.

Force Majeure

Contracts have been used majorly as a binding agreement between two parties, generally where one is a buyer and the other is the seller of the said commodity. Many termed COVID-19 and other similar pandemic outbreaks as an act of god. The major difference between an act of god and force majeure is that as per the act of god, the uncertainty occurs due to some natural force making the performance impossible, for example, earthquake, floods, hurricanes, etc. but force majeure is applicable where the uncertain event is other than an act of god, for example, war, riots, terrorist attacks, etc. The difference between the act of god and force majeure holds importance because, where the impossibility of a contract arises due to an act of god, the loss is borne by both parties to the contract. On the contrary, force majeure is applicable if the parties have in their agreement a clause addressing force majeure, else, the parties will be bound to perform. Performance of contract was successfully evaded by the parties creating a vicious circle of loss in the market to waive their liability. To prevent this, the law framers opined that rather than straight away

canceling a contract based on impossibility, the parties to the contract can ask for discounts or for some extra period to complete the said contract.

Author's Suggestion

Here, the government needs to ensure that before imposing a lockdown for even at least a month, there must be the proper calculation of the resources in hand. Based on the availability of resources, the government must set a figure as to how much an individual can purchase the said commodity. This would ensure that there is no over-purchase of goods and the price is quoted reasonably by the sellers.

3. PROTESTS/ RIOTS

In the research ahead we will be discussing certain protests or riots that took place in the pandemic times along with the views of the protesters, government, and parallel to that which was legally correct. The protests would be analyzed from the legal perspective and how various countries reacted to the same.

The riots that are analyzed are as follows:

1. Anti – Mask Protest
2. Social Distancing
3. Rent-free accommodations

1. ANTI MASK PROTEST

Amongst the few protests that the world faced in the pandemic was the protest against “masks.” The demand for masks hit the topmost point when the individuals were very actually under the comprehension of the danger from the coronavirus pandemic. However, the rising questions about the very existence of coronavirus lead to the protest against wearing masks.

Legal Aspect

The government and the executives worldwide can make a compulsion to wear masks. The basic example is, “no smoking zones.” An individual at certain public places is restricted to smoke to prevent the public at large from the harmful effects

of inhaling the smoke. Similarly, the pandemic being arisen from a communicable disease, wearing masks acts as a precautionary measure to break the link of communication of disease.

Legal Mandates

India:

Section 2(d) of the Disaster Management Act,¹¹ defines “disaster” as a situation where, if in case of any grave occurrence; arisen from natural or man-made causes, that is probable to cause substantial risk to the environment and the life of the living beings. The executives to prevent disaster from spreading can impose justified restrictions such as the compulsion to wear masks, referring to Section 2(e)(iv) that deals with “preparedness to deal with any disaster.”¹² Further, preparedness under Section 2(m) the readiness to take actions or precautionary measures to deal with a disaster is elaborated.¹³

There is a penalty imposed for non-wearing of masks under Section 188 of the Indian Penal Code.¹⁴ The section states that if an order is imposed/promulgated by any public servant, the individuals have to abide by such orders to prevent risk to human life and safety, in case of disobedience; one shall be imprisoned for one month or fine. In addition to the said provision, the Epidemics Diseases Act¹⁵ and the COVID-19 Regulations 2020 create a mandate for all individuals to wear a mask in public.

Europe:

The European Centre for Disease Prevention and Control was of the suggestion that wearing masks in public would reduce the transmission of communicable diseases. Further, in the early 2020s, the prime minister of Czech Andrej Babiš advised that nearly 80 percent of the spread could be controlled by wearing a mask.¹⁶

New York:

A disaster emergency was imposed in New

York in respect of the increase in transmission of COVID-19 and the wearing of masks was made compulsory for the individuals aging more than two and the individuals who could tolerate a face covering.¹⁷

Views behind the Protest

It was believed by the individuals that wearing masks is a violation of human rights as the executives are forcing the individuals to abide by a rule which is not effective. Wearing masks becomes dangerous for those suffering from respiratory diseases, therefore the degree of harm is greater than the good caused. The views to not accept the masks include the harassment women face when they are confronted by abnormal strangers, which to an extent is a real problem. In the end, the need of the hour is to overcome the fear of pandemic that overrides all the aspects discussed. It is rightly coined by the UN Body that a mask becomes the barrier in getting affected by the infectious droplets of influenza.¹⁸

2. SOCIAL DISTANCING

Social distancing commonly termed as physical distancing means keeping a minimum distance of 6 feet (2 arm-distances) between two individuals so that the transmission of influenza via cough, sneezing, talking, etc through the droplets launched in the air from the mouth are prevented from causing infection to the other individual.

The outbreak of the pandemic was treated as a hoax which led to numerous protests, one of them being 'social distancing.' Countries like Israel lawfully implemented the practice of social distancing through the Emergency Regulations (Novel Coronavirus).¹⁹ The laws have been stringent to assess the risk that can be prevented from various precautionary measures like social distancing. However,

11 Disaster Management Act.2005.IN.s.2(d).IND

12 Disaster Management Act.2005.IN.s.2(e)(iv).IND

13 Disaster Management Act.2005.IN.s.2(m).IND

14 The Indian Penal Code.1860.IN.s.188.IND

15 Epidemics Diseases Act.1897.IN.IND

16 European Centre for Disease Prevention and Control. (February 2021). Using face masks in the community: first update – Effectiveness in reducing transmission of COVID-19. <https://www.ecdc.europa.eu/en/publications-data/using-face-masks-community-reducing-covid-19-transmission>

17 New York Codes, Rules and Regulations. 2021. N.Y.s.66-3.2.NY.

18 17 April 2021, No. 202.17: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency. <https://www.governor.ny.gov/news/no-20217-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

19 Emergency Regulations (Novel Coronavirus – Limitations on Activity). 5780-2020. ISR. Amendment No. 2. IL

the fear and lack of clarity of facts led to a situation where individuals defy following rules. In a pandemic situation, it is legally allowed to implement new rules and policies for the welfare of society at large. Non-compliance with rules thus would lead to strict repercussions that are "arrestable actions". The arrestable actions are the apprehension where the individual for a commission or apprehends to commit a crime, is put to the police or judicial custody to prevent the act from repetition.

3. STRIKE FOR RENT-FREE ACCOMMODATION

With the closure of the economy, the individuals were left with the bare minimum of resources to survive, the major being the monetary income to pay rents. America experienced a huge coordinated strike to waive off the liability to pay rent as over 3.8 million Americans lost their jobs in mid-2020. Throughout the world, many students also demanded a waiver in rental accommodation in pandemic situations. The discussion focused on the contention that the strike was not initiated because the tenants lacked the willingness to pay the rent but due to the lack of sources of income.

Legal Mandates

New York:

New York instead of the issue arising from the inability to pay rent, passed a Senate Bill S8125A that would suspend the tenants and the small business owners from the obligation to pay rent in the pandemic outbreak as notified by the executives.²⁰

India:

In the case of Ramanand and Others v. Dr. Girish Soni and Others²¹, the Delhi High Court was of the view that the pandemic cannot be adjudged as the reason for non-payment of rent. Accordingly, many individuals survive based on rental income, waiving rent obligations on the tenants would pose a problem to the former. Therefore, the court suggested that the rent percentage should be decreased by a mutual negotiation until the lockdown ends.

District of Columbia:

The District of Columbia issued strict policies related to the payment of rents. It was observed that no landlord could force the tenant to evict the property during the period of ongoing public health emergencies. Further, it was clarified in the rules that a tenant has to pay the rent but where the tenant was unable to pay the rent could either ask for the concession from the landlord or seek support from the government.²²

Views concerning protests

One must duly consider the fact that pandemic affects all. The lawmakers made a neutral decision by promoting negotiations amongst the tenants and the landlords to waive a certain proportion of rent or the full rent as is deemed fit by the parties to the rent agreement. In respect to the rent waiver by the college students, the government opined that no other fee except for the tuition fee is charged as there is a full closure of schools and universities.

4. PANDEMIC AND COMMUNALISM

The belief of strong belongingness for a particular community, the community generally being related to a specific religious sect, often experiences extreme behavior. Parallely, communalism can be termed as a concept of political philosophy as the affinity of an individual towards his/her community at times promotes orthodox principles and hatred in the society. Pandemic inspires various other evil acts such as giving rise to political and religious communalism. The major communalism events of the recent influenza pandemic are discussed further.

AMERICA: Black Lives Matter

The 2020 COVID-19 pandemic experienced the death of Afro-American George Floyd who was brutally murdered by a Minneapolis police officer. This event of racial death and police violence spread anger all across the world.²³ The country favored all

20 The New York State Senate. 2019-2020. NY. S8125A.NY

21 Ramanand and Others v. Dr. Girish Soni and Others, RC Rev. 447/2017. https://www.livelaw.in/pdf_upload/pdf_upload-375186.pdf

22 Eviction Moratorium Public Safety Exception Emergency Amendment Act of 2021.2021. (COL). B24-0163.(DC)

23 Elbaum A. (2020). Black Lives in a Pandemic: Implications of Systemic Injustice for End-of-Life Care. The Hastings Center report, 50(3), 58-60. <https://doi.org/10.1002/>

the medical facilities of healthcare to treatment in the pandemic times by prioritizing Americans over the Afro-Americans. The executives of the country deny the partiality but the conclusion could not favor them as the brutal killing of Mr. Floyd was well known to the world. The racial disparity across the world has shaken the girth of the society, where on one hand everyone is trying to overcome influenza, individuals are forced to take a stand for racial disparity.

Legal Mandates

Article 7 of the Universal Declaration of Human Rights mentions that a law must be equal for anyone and must not discriminate against individuals based on color, race, caste, gender, etc. Every country under the home fundamental rights ensures the same, yet, the orthodox beliefs have been stagnant for ages. The Human Rights Council whilst taking the matter in their consideration reaffirmed the purpose and the principles laid by the Charter of Human Rights. The Council ensured the affected people that resolutions on a comprehensive World Conference that is aimed to consider racial discrimination, racism, and color-based intolerance. Article 1²⁴ of the declaration laid the basis to justify the actions to prevent the human dignity of Afro-Americans or any other person who faces such discrimination.

INDIA: Hindu-Muslim Differences and the Kumbh Mela Communism

Another trace of Communalism during the pandemic was found in India, where it was alleged that their anti-muslim protest took place in Delhi. The anti-Islam plethora accused the “Tablighi Jamaat,” a Muslim missionary of spreading the pandemic influenza in late March 2020. The news flamed like fire when one of them was found spitting over the policemen to spread influenza. However, it was then clarified that the video was an old one and the hatred was communal disbelief.

Another communalism trace in India is the recent Kumbh Mela 2021, which generally takes place once every 12 years. More than 240 million people attended the mela-cum-festival amid the second wave of COVID-19 in India. The natives of

India then believed that the outbreak of influenza is a mere hoax and refrained from not following the pandemic guidelines, whereas the government assured that COVID tests were done for every individual attending the festival.

Legal Mandates

The country was attacked with false news which certainly did create a sense of fear amongst the natives. The Preamble of the Indian Constitution duly mentions the country to be a “Secular’ nation, that is the countrymen could profess any religion and the country has no religion of its own.²⁵ Strict actions were taken against the person behind the spread of such hatred. In regards to the Kumbh Mela, the government affirmed that the individuals who are tested influenza-negative would be allowed to attend the fest.

5. GENDER-BASED VIOLENCE

The lockdown restricted the individuals in their own four walls i.e. their homes. Where some were happy to be with their counterparts and families, certainly lost all hopes of survival. It was difficult for the women facing domestic violence to judge between the vulnerability caused by the virus and their counterparts.

The pandemic not only infused helplessness but also anxiety and aggression. The news across the globe talks about how women are being sexually harassed, raped (mostly marital rape), tortured, and over-burdened. Various countries experienced activists fighting for the rights of women amidst the pandemic times.

The United Nations for Women delivers a much-needed awareness worldwide about the rising violence during the pandemic.²⁶ To provide women a home to shelter and to live fear-free, women's rights were elaborated on a national as well as international level.

24 ^{hast.1135} Universal Declaration of Human Rights. Article 1. <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

25 The Constitution of India.1950. Fundamental Rights.IN. Article 25-28. IN

26 UN Women. The Shadow Pandemic: Violence against women during COVID-19. <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

INDIA

Legal Mandates

The laws in India have been stringent to provide justice to the women of the country. Various acts have been duly implemented for the welfare of aggrieved women. The following are the laws in India that protect the rights and provide justice to women:

- **Prevention from Domestic Violence Act²⁷:** The act through various provisions prevents women from domestic violence. The term domestic violence is defined as any sort of physical or mental abuse that either harms, threatens, or endangers the life, health, or any limbs of the woman.²⁸ The term “abuse” has been explained in detail and it includes; verbal, sexual, emotional, and economic abuse.²⁹ The women who face any such violence or abuse have the right to file a complaint under this act.
- **Indian Penal Code³⁰:** The Indian Penal Code provides for various provisions relating to Rape, Harassment, Abetment to commit suicide³¹, cruelty³² on women by her husband or the relatives of the husband, etc. The before mentioned provisions act as a blanket for the security of the rights of women against any kind of domestic violence. The provisions of Rape under section 375 of the Indian Penal Code fail to cover the crime of “marital rape” as of now, but the Law Commission is reviewing the offense and hopefully, the offense would be duly categorized.³³ However, if any woman/wife feels harassed or abused can get a remedy through the provisions of the Prevention from Domestic Violence Act, 2005.

- **Criminal Procedure Code³⁴:** Section 174 (2) of the Code provides for punishments wherein a woman dies within seven years of the solemnization of marriage. Section 198 makes it a mandate for the courts to take suo motu consideration and action on the complaints and cases based on domestic violence. Further, the Code ensures that the women are provided a safe environment even in situations of investigation, detention, etc.

Actions during the pandemic

The National Commission for Women reported a hike in the complaints related to domestic violence in the country within weeks after the imposition of the first lockdown in March 2020. The Commission was concerned about the increasing complaints and therefore launched a helpline Whatsapp Number as 7217735372. Further, a need to create awareness amongst the women was affirmed.³⁵

EUROPE

Legal Mandates

Violence against women is deemed to be a violation of Human Rights. Europe, over the years, has been successful in improving its legislation relating to any discrimination or violence faced by women.

- **EU guidelines on Violence against Women:** These guidelines would combat and provide safeguard to women/girls from any sort of discrimination faced by them. These guidelines would be in alignment with the European Instrument for Democracy and Human Rights.³⁶

Actions during the pandemic

WAVE i.e. Women against Violence Europe and many such feminist networks that aid to protect women from discrimination provided exuberant services to women facing abuse during the pandemic of 2020.³⁷

27 The Protection Of Women From Domestic Violence Act.2005.IN.IN

28 The Protection Of Women From Domestic Violence Act.2005.IN.s.3.IN

29 The Protection Of Women From Domestic Violence Act.2005.IN.s.3(Explanation I)IN

30 The Indian Penal Code.1860.IN.IN

31 The Indian Penal Code.1860.IN.s.306.IN

32 The Indian Penal Code.1860.IN.s.498A.IN

33 Raveena Rao Kallakuru & Pradyumna Soni.(2018). CRIMINALISATION OF MARITAL RAPE IN INDIA: UNDERSTANDING ITS CONSTITUTIONAL, CULTURAL AND LEGAL IMPACT. <http://docs.manupatra.in/newsline/articles/Upload/8787A55C-D93F-4589-8A68-A9A032AFAF0E.pdf>

34 The Code of Criminal Procedure.1973.IN.IN

35 My Gov Blog.(2020).NCW during lockdown: Commission’s way of addressing challenges of COVID-19. <https://blog.mygov.in/new-during-lockdown-commissions-way-of-addressing-challenges-of-covid-19/>

36 EUR-Lex.(2016).Violence against women and girls: EU guidelines. <https://eur-lex.europa.eu/legal-content/EN/TEXT/?uri=LEGISSUM%3Adh0003>

37 Wave Network & European Info Centre Against Violence.(May 2020). Press Release: WAVE Policy Statement on COVID-19

THE UNITED STATES OF AMERICA

Legal Mandates

- **The Violence Against Women Reauthorization Act of 2021³⁸:** The Violence against Women Act provides a safeguard to women from domestic violence as well as intimate partner violence. Intimate Partner as the term suggests means any sort of physical or emotional violence by the current or a former partner/spouse in a relationship.

Actions during the pandemic

Considering the rise in domestic violence during the pandemic, the Violence Against Women Reauthorization Act (VAWA) of 2021 would enable better governance and protection of a woman who still is the victim of domestic violence, intimate partner violence, or even dating violence. This act would take into consideration the protection of the LGBTQ+ community as well as providing financial as well as house-protection securities.³⁹

6. ABORTION AND PANDEMIC

Pandemic infuses the risk to the health of the mother as well as the unborn child. The adverse situation of pandemics delays the medical treatments or care the expecting mother is supposed to get and the delays if any that lead to unsafe abortions. Due to these, many countries like the USA, Netherlands, etc believed to categorize abortion as “not essential commodity’ that would reduce the access to abortion and ultimately refrain more unwanted pregnancies⁴⁰ and would refrain these women from taking “mifepristone and misoprostol.” The outbreak of the Zika Virus had similar situations where the women self-managed to perform an abortion that has repercussions on their health.

and Violence against Women and Girls. <https://www.wave-network.org/2020/05/12/press-release-wave-policy-statement-on-covid-19-and-violence-against-women-and-girls/>

38 Violence Against Women Act Reauthorization Act.2021. US.H.R.160.US

39 Violence Against Women Act Reauthorization Act.2021. US.s.208.US

40 Guttmacher Institute.(2020). The COVID-19 outbreak: potential fallout for sexual and reproductive health and rights sexual-and-reproductive-health-and-rights. <https://www.guttmacher.org/article/2020/03/covid-19-outbreak-potential-fallout->

However, the World Health Organization categorized reproductive healthcare as one of the “essential’ items amongst the services provided for healthcare during the pandemic of 2020.⁴¹ It is evident that due to the lockdown there lies a possibility of an increase in the number of unwanted pregnancies due to the lack of supply or the diminishing availability of contraceptives. Further, domestic violence added to the unwanted pregnancies wherein women are compelled to abort the child. Therefore, in cases where the mother is forced/compelled to abort a child is a violation of human rights.⁴²

Legal Mandates

- **The United Nation Human Rights Committee:** The committee affirmed to support the Centre for Reproductive Rights that abortion is a human right.⁴³ The committee was of the view that if an abortion is performed where the life of the expecting mother is at grave risk, there is no violation of any legal provisions.⁴⁴ Adding further, it was also justified that abortion must not be illegal for the pregnancy of unmarried women as it promotes unsafe abortion.⁴⁵
- **Medical Termination of Pregnancy Act, 1971⁴⁶:** Earlier, Indian laws have legalized abortion for married women. However, the horizon of abortion will now be widened after the approval of the proposed amendment of

41 WHO.(2020). WHO releases guidelines to help countries maintain essential health services during the COVID-19 pandemic. <https://www.who.int/news-room/detail/30-03-2020-who-releases-guidelines-to-help-countries-maintain-essential-health-services-during-the-covid-19-pandemic>

42 Human Rights Committee.(2018). General Comment No. 36: para 26. UN Doc. CCPR/C/GC/36; 2018. https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf

43 Centre for Reproductive Rights.(October 2018). UN Human Rights Committee Asserts that Access to Abortion and Prevention of Maternal Mortality are Human Rights. <https://reproductiverights.org/un-human-rights-committee-asserts-that-access-to-abortion-and-prevention-of-maternal-mortality-are-human-rights/>

44 Human Rights Committee. (October 2018). General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life. https://www.ohchr.org/Documents/HRBodies/CCPR/CCPR_C_GC_36.pdf

45 Concluding Observations: Equatorial Guinea. (2004)

46 Medical Termination of Pregnancy Act.1971.(IN).(IN)

2020 which suggests increasing the upper limit of termination of pregnancy medically from 20 weeks to 24 weeks for women that includes rape survivors, disabled women, and minors.⁴⁷

- **Abortion laws in the United State of America:** The landmark judgment of *Roe v Wade*⁴⁸ has magnificently enumerated the decision of the US Supreme Court that pregnant women would be provided the liberty to opt for abortion without much government intervention. The case of *Gonzales v. Carhart*⁴⁹ declares the Partial-Birth Abortion Ban Act, 2003 as the act failed to consider the health of the expecting mother. The court then concluded that medical jurisprudence is secondary to the health of the women.
- **Abortion Laws in South Korea:** Abortions have been considered illegal since 1953 as per the Korean Criminal Code. However, in the Mother and Child Health Act, 1986,⁵⁰ self-induced abortions were termed to be punishable and exceptions for abortion are duly provided under Article 14 of the Act. Over the years, after many debates, the Constitutional Court of Korea legalized abortion in 2019 wherein the medical practitioner aborted the child of the expecting mother with the latter's consent.⁵¹ Thereafter, a bill was introduced to decriminalize abortion for expecting mothers within 14 weeks of the pregnancy and in case of victims of rape, the time frame must be extended to 24 weeks. The bill got its assent in 2021, thereby making all the previous laws on abortion redundant.

47 Medical Termination of Pregnancy (Amendment) Bill, 2020.(IN).s.3(IN)

48 Jane Roe, et al. v. Henry Wade, District Attorney of Dallas County. 410 U.S. 113 93 S. Ct. 705; 35 L. Ed. 2d 147; 1973 U.S. LEXIS 159. <https://tile.loc.gov/storage-services/service/ll/usrep/usrep410/usrep410113/usrep410113.pdf>

49 Alberto R. Gonzales, Attorney General, Petitioner v. LeRoy Carhart, et al.; Alberto R. Gonzales, Attorney General, Petitioner v. Planned Parenthood Federation of America, Inc., et al. 550 U.S. 124F 127 S. Ct. 1610; 167 L. Ed. 2d 480; 2007 U.S. LEXIS 4338; 75 U.S.L.W. 4210. <https://www.law.cornell.edu/supremecourt/text/05-380>

50 Mother and Child Health Act.1986.(KOR).(KR)

51 2017Hun-Ba127. (April 2019). <https://perma.cc/D7CB-WZ42>

7. HEALTHCARE AND EDUCATION

Where health keeps the body fit, education, on the other hand, keeps the mind fit. However, due to pandemics health and education are adversely affected as people are not able to avail the services as efficiently as they would in a normal situation.

7.1. Pandemics and Mental Health

It is rightly said that “a man is a social animal” and due to the pandemic, men were deprived of being in a society, thereby creating a sense of anxiety and stress in addition to the fear of pandemic. The restrictions such as social distancing, a temporary ban on social gatherings, isolation of individuals, closure of restaurants, educational hubs, etc. made the men in this frightening situation all alone. Such a series of events have contributed to the negative impact on the mental health of the countrymen worldwide.

Every household had to go through a roller-coaster ride of emotions from adjusting to the change in the routine of work from the office to working online sitting at your home, the exuberant attention demanded by their children, the burden of doing all the households themselves to increased sadness of not living a normal routine due to a deadly outbreak. All these factors not only contribute to the unpleasant effect on mental health but also affect the relationship with their family members.⁵²

Pandemic frustration amongst the individual due to long working hours and bare minimum breaks decreased the efficiency and the effectiveness.

Legal Mandates

- **European Convention on Human Rights⁵³:** Article 5 of the Convention provides for inserting reasonable restrictions on the liberty

52 Moukaddam N, Shah A.(2020). Psychiatrists beware! The impact of COVID-19 and pandemics on mental health. *Psychiatric Times* 2020. <https://www.psychiatrictimes.com/psychiatrists-beware-impact-coronavirus-pandemics-mental-health>

53 European Court of Human Rights Council of Europe. Convention for the Protection of Human Rights and Fundamental Freedoms. https://www.echr.coe.int/documents/convention_eng.pdf

and security of an individual. In the case of *Guzzardi v Italy*,⁵⁴ It was clarified that Article 5(1)⁵⁵ aims to analyze the situation in-depth, where the criteria must consider the duration, effect of the measure, the intensity, or degree of risk before imposing any restriction on a liberal movement. The measures taken by the government relating to isolation, social distancing to reduce transmission of the contagious disease are stated to be a valid restriction as mentioned under Article 2. These restrictive obligations provide a reasonable power to the executives to prevent a greater risk of human life.

- **Constitution of India, 1950:** Article 21 of the Constitution of India, 1950 provides for personal liberty and the right to life except where the procedure of law provides otherwise. The term “procedure established by law”⁵⁶ explains the enactment of law via a procedure that is duly provided in the provisions/statutes of the country. Further, the term allows the executives to make laws that violate one’s civil liberties. Article 21 is also based on similar guidelines as mentioned under the European Convention on Human Rights. In the case of *Bandhua Mukti Morcha v Union of India*⁵⁷ that declared “healthcare” to be a subset of Article 21 that provides for the right to life and liberty. Furthermore, the right to health is enshrined in the Directive Principles of State Policies⁵⁸ available under Part IV of the Indian Constitution.
- **The Mental Capacity Act, 2005:** The act provides for the making decisions on behalf of an individual who “lacks capacity.” The act aims to make decisions that are in the “best interest” of such individuals.⁵⁹ At times courts are required to interfere in such de-

cision-making for the greater good of the countrymen and prevention from greater harm.

- **The Coronavirus Act, 2020:** The act directs to emphasize increasing the availability of a healthcare workforce that supports people especially the vulnerable group severely affected by the outbreak of the virus on pregnant women, individuals suffering from mental conditions, etc. The government has taken precautionary measures to:
 - a) *Reduce the spread of the virus*⁶⁰
 - b) *Provide key services readily available to the person affected such as hospitals, medical care, etc.*

*Under this act, police are assured with the power to keep a check on the functioning of the country and further restrict the movement of the individuals. The act further states that in case of breach of any orders, the act would amount to a criminal offense. However, reasonable justification is termed to be an exception to this act. The act tries to strike health protection with the help of police and strict rules and regulations.*⁶¹ The views regarding the same have faced many contradictions, however, if this helps to reduce the transmission of the virus, such temporary rules must be accepted. Furthermore, the activity levels up to take due care of elderly people, children, and people suffering from any other ailment.⁶²
- **The Health Protection (Coronavirus) Regulations 2020:** The United Kingdom implemented the law soon after the outbreak of coronavirus was declared. The act was on similar guidelines to the Coronavirus Act, 2020. The act justifies the protection of public health by imposing reasonable restrictions on the individuals on the movement except for “necessities” and taking measures to protect the mental health of people.⁶³

54 *Guzzardi v Italy*.7367/76 [1980] ECHR 5

55 European Court of Human Rights Council of Europe. Convention for the Protection of Human Rights and Fundamental Freedoms.art.5(1). https://www.echr.coe.int/documents/convention_eng.pdf

56 The Constitution of India.1950.(IN).art.21(IN)

57 *Bandhua Mukti Morcha v Union of India*.1984 AIR 802, 1984 SCR (2) 67. <https://main.sci.gov.in/judgment/judis/9643.pdf>

58 Directive Principle of State Policies.Part IV.(IN).art.36-51. (IN)

59 The Mental Capacity Act.2005.(UK).s.2-4.(WLS)

60 The Coronavirus Act.2020.(UK).s.1.(ENG.WLS.SCT.)

61 The Coronavirus Act.2020.(UK).s.11.(ENG.WLS.SCT.)

62 The Coronavirus Act.2020.(UK).s.48-49.(ENG.WLS.SCT.)

63 The Health Protection (Coronavirus) Regulations.2020. UK.s.5.(ENG.WLS.SCT.)

- The Mental Healthcare Act 2017 and Centre for Mental Health Law and Policy: The Mental Healthcare Act tries to ascertain quality treatment of individuals who are suffering from mental illness, provide rehabilitation opportunities and promote positive mental health among the natives, especially the youth of the country.⁶⁴ In the case of *Rhea Chakraborty v State of Bihar*⁶⁵ unfolded the need to normalize and accept the mental illness due to stress, anxiety, or any such mental health disorders. The National Institute of Mental Health and Neurosciences, Bengaluru, soon after the declaration of pandemic lockdown, the ministry proposed management and community care for patients with severe mental disorders.
- **The Emergency Volunteering Leave Scheme**⁶⁶: The scheme was launched by the United Kingdom to secure the quality of healthcare. To provide social and healthcare to eligible employees to avail the Emergency Volunteering Leave. The volunteering period granted ranges from two weeks to sixteen weeks.

7.2. Online Education and Teaching

So far we discussed how the pandemic has affected the life and health of individuals. Hereafter, the issue that needs a legal and social concern is online teaching and education. Education has always been an indispensable element of society. A constraint that assembled the society to strive for development and public welfare. Before the outbreak of the pandemic, online teaching or education was limited. The most widely used medium of online teaching was "YouTube." However, various universities/educational institutes used the online mode in distant learning courses. Soon after the outbreak

was declared, the online education portals started to gain popularity. YouTube Live, Zoom, Google Meet, Webex, etc were the commonly used online portals for conducting seminars and periodic lectures.

Both the students and the teachers faced certain issues that related to technology, privacy, ethics, and most importantly law. Adaptability from traditional learning methods to e-learning was noted to be one of the major concerns. Technological issues such as lack of connectivity/ internet connection and lack of smartphones in every household restricted the acceptance for the shift to an electronic mode. According to the data provided by OECD, in countries like Austria and Switzerland, approximately 95% of students have access to computers or smartphones as compared to students in Indonesia where the accessibility percentage is 34 percent.⁶⁷

Legal Issues

- **Intellectual Property Rights:** Intellectual Property Rights are the rights that are provided to creative minds for the creation of a certain thing. The World Trade Organization defines Intellectual Property Rights as protection given in the form of rights to creative minds. Online teaching faced issues such as permissions required for using the accredited material shared by the teachers. Though some scholarly works are out of the ambit of Intellectual Property Rights(Copyrights), it cannot be straight away denied that the resources owned by one are used in an unauthorized manner.
- **Online Harassment and Cyber-Crimes:** Online Harassment or Online abuse is defined as the unlawful or pervasive targeting of an individual that intends to demean or harm the individual. The access of personal information online gave a backdoor to the stalkers and cyberbullies to target innocent students. The rise in cyberbullying and cyberstalking was proposed to be controlled by taking stricter actions not only by the educational institutions but also the government.

Legal Mandates

- **The Indian Penal Code, 1908:** Indian Penal Code gives protection to individuals ag-

64 The Mental Healthcare Act, 2017 (IN), Preamble (IN)

65 *Rhea Chakraborty v State of Bihar*. Transfer Petition (Crl.) No.225 of 2020. https://main.sci.gov.in/supremecourt/2020/15928/15928_2020_36_1501_23473_Judgement_19-Aug-2020.pdf

66 Practical Law Employment.COVID-19: Emergency volunteers. [https://uk.practicallaw.thomsonreuters.com/w-024-8600?originationContext=document&transitionType=DocumentItem&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-024-8600?originationContext=document&transitionType=DocumentItem&contextData=(sc.Default)&firstPage=true)

67 OECD.(2020). Programme for International Student Assessment. <https://www.oecd.org/pisa/>

grieved of online harassment. It is evident to mention that IPC does not specifically define the term “bullying” but provides a blanket provision that can help fight against such acts. Cyber Stalking⁶⁸ is termed to be an extended form of physical stalking, the commission of which is through an electronic mode. The Ministry of Women and Child Development, in a press release duly stated that Section 354A and 354D of IPC⁶⁹ will provide for the punishment in case of “Digital Exploitation of Children.”

- **Convention 108+**⁷⁰: Convention 108 regarding the Children’s Data Protection in the educational arena discussed the intricacies of the digital environment and what measures are required to provide parallel respect and protection of the data. Article 8 of the European Convention on Human Rights safeguards human dignity and the fundamental rights of individuals in matters related to data protection. The legitimacy and the principles of data processing are enshrined in Article 5 of the Convention. Further, Article 6 of the Convention aims to strengthen the protection by categorizing data into genetic and biometric data, sensitive data, data relating to origin, sexuality, or vulnerability. The Convention aims to outrightly provide rights to children for using the digital environment and to provide a child-friendly digital environment.

7.3. Increase in Student Drop-Out Ratio

Another concern the policymakers face in the current situation relates to the increasing drop-out ratio among the students in their formative years as well as in their later years. The pandemic affected numerous students that forced them to opt out from studies. The sudden increase in the drop-out ratio is

68 Information Technology Act, 2000, (IN), s. 67, (IN)

69 The Indian Penal Code, 1860, (IN), s. 354A, 354D, (IN)

70 Convention 108 +, Convention for the protection of individuals with regard to the processing of personal data. https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/DV/2018/09-10/Convention_108_EN.pdf

a matter of huge concern as substantial human resources are required by the economy to overcome the harmful effects of any pandemic.

Japan faced a major decrease in the enrollment of students for the ongoing classes/courses.⁷¹ The main reasons that were linked to the issue were the economic/financial position of the families amidst the pandemic and the decline in the mental health of the students. The pandemic situation had its obvious after-effects which was the duty of the policy-makers to anticipate in advance and make provisions or take necessary steps in regards to the same.

Similarly, India also experienced an elevation in the drop-out ratio, majorly in students pursuing higher education as they were morally obligated to take care of their families financially and mentally. However, the executives and the education board are taking into consideration the postponement of the major examinations of UPSC but also the Class 10th and Class 12th Board Exams. The executives aimed to prioritize student healthcare over any academia.

Another issue that popped up was in regards to the hike in tuition fees. The universities and the educational institution not only charged tuition fees but also demanded hostel fees, development fees, etc. A reduction in levy of such fees was demanded by the students as they were not getting access to any facilities of the hostel, etc due to the pandemic. It was suggested to reduce the college fees so that the students can be retained.

7.4. Decrease in Student Enrollment Ratio

With the pandemic hitting hard and getting severe day by day, education has faced a serious setback. It is not denied that with the pandemic in hand one must emphasize the essentials for survival and better health, but education is the core of every individual. To overcome such a pandemic, we need healthy minds along with healthy bodies.

The steeping decline in the student enrollments was experienced in both the national as well as in-

71 University World News. Student dropout rate on the rise due to pandemic impact. <https://www.universityworldnews.com/post.php?story=2021031006383627>

ternational students. The students planning to study overseas did not enroll themselves majorly due to economic instability, recession in certain countries, and pandemic. The President of the American Council on Education states such a decrease as “staggering unfortunately but not surprising.”⁷² It was further clarified that the disruptions in international mobility have worsened the situation. The right to education is a fundamental right guaranteed by most countries in the world. In the case of *Faheema Shirin R. K. vs the State Of Kerala*,⁷³ The High Court of Kerala, India duly recognized that the right to access the internet will be included in the right to education provided by the Constitution of India and the Right to Education Act, 2009.⁷⁴ Considering the situation, the executives have tried to implement various policies so that education is provided to at least the students of their own country. It was observed that education can not be treated as a casualty, therefore laws must ensure that education is granted to the students.

The influence of pandemics on the education sector and the students urged the government to come up with measures and ideas to curb these problems, one such being the initiatives taken by the United States of America. The American government initiated schemes for student loans. A presidential memorandum was assented to and signed by the then President, Mr. Donald Trump, that mentioned the suspension of payment of the installments or the accrued interest thereon from August 2020 to September 2020.⁷⁵ The initiative was further extended by the Secretary of Education, the United States of America to waive off the interest accrued and allow temporary cessation of installments till December 2020.

Even in the worst pandemic situations the government, executives, and analysts have tried to

minimize the burden on its natives by emphasizing the promotion and protection of better healthcare and education.

8. UNEMPLOYMENT AND ENTREPRENEURSHIP

8.1. Unemployment

Pandemic outbreaks in every nature have drastically impacted human life. The detrimental effect was noticeable in various sectors such as the stock market, tourism, fashion industry, etc. Before the pandemic was experienced, the fashion industry and tourism industry were flourishing immensely and faced a serious crash. Similarly, many other professionals were laid off because of the slump in the global economy.⁷⁶ This disruption in the world economy led to an overall contraction by 4.4 percent in 2020 which is believed to be worse than the financial crisis experienced by the world in 2008-2009. A report proved that the European economy experienced a 0.5 percent inflation rate which subsequently led to an increase in the unemployment rate to 8 percent.⁷⁷

The term unemployed as elaborated by the International Labor Organization provides for the economically active population who are willing or seeking work but are not able to get a corresponding job. The term also includes individuals who have left their jobs voluntarily. Unemployment is classified into various heads such as seasonal unemployment, hidden unemployment, and hardcore unemployment. Such categorization of unemployment may vary in magnitude but tend to have a similar effect.⁷⁸

Unemployment amidst pandemic was a serious matter of concern. The pandemic spared none. From petty daily wage workers to some of the resilient jobs such as fashion models, real-estate, etc.

72 Congressional Research Service. (August 2020). President Trump's Executive Actions on Student Loans, Wage Assistance, Payroll Taxes, and Evictions: Initial Takeaways. <https://crsreports.congress.gov/product/pdf/LSB/LSB10532>

73 *Faheema Shirin R. K. vs State Of Kerala*. W.P(C). No.19716/2019-L. [https://services.ecourts.gov.in/ecourtindiaHC/cases/display_pdf.php?filename=%2FE3WiyNUWFlaR1oBGE62WvDdM5tqrq4xjH30NZ2RXB2kdxpFibAxlj41X7Bjr5uF&caseno=WP\(C\)/19716/2019&cCode=1&appFlag=](https://services.ecourts.gov.in/ecourtindiaHC/cases/display_pdf.php?filename=%2FE3WiyNUWFlaR1oBGE62WvDdM5tqrq4xjH30NZ2RXB2kdxpFibAxlj41X7Bjr5uF&caseno=WP(C)/19716/2019&cCode=1&appFlag=)

74 Right to Education Act.2009.(IN).(IN)

75 The Higher Education Act.1965.(IN)s.455(f)(2)(D).(IN)

76 Congressional Research Service. (May 2021). Unemployment Rates During the COVID-19 Pandemic. <https://fas.org/sgp/crs/misc/R46554.pdf>

77 COVID-19 pandemic and unemployment dynamics in European economies. https://www.researchgate.net/publication/351532735_COVID-19_pandemic_and_unemployment_dynamics_in_European_economies

78 Sullivan, A. and Sheffrin, M.S. (2003) Economics: Principles in Action. Pearson Prentice Hall, Upper Saddle River.

failed to cope up with the pandemic situation. Such well-paying jobs were deemed to be of “no worth” in the current situations and it was felt that the demand for these jobs won't rise or remain constant in the coming years.

Unemployment Insurance

Unemployment was used as a blanket term to give a cushion to the birth of a financial crisis in the economy. Unemployment soon became one of the most prominent reasons for disruption in the supply chain management of commodities, including the essentials. To prevent the situation from deteriorating, countries came up with various policies and regulations. One such policy being, “unemployment insurance.”

Unemployment Insurance(UI) was much thought of the concept. Unemployment Insurance aims to provide income assistance to individuals who are not employed or are in search of job opportunities. The UI Scheme strives to provide social protection to individuals. The scheme interacts with the labor market policies where the insuring institutions provide for the cover of risk and loss related to unemployment. (ILO, 2019a).

Legal Coverage

The UI Schemes focus on providing a cover to the unemployed strata of the society yet the scheme varies from country to country based on the inclusion of self-employed individuals, the addition of public sector workers in the category of unemployed individuals, and the requirements related to contribution for social security or other employment records for availing the Unemployment Insurance Scheme.⁷⁹ The inclusion of self-employed individuals is highly debated by many countries because of the nature of employment relations. (Boeri and van Ours, 2009)

Other Legal Mandates

The COVID-19 times led to relaxations or amendments in the current provisions by the governments to reduce the impact of the pandemic on an individual's pocket. Various countries extended

the due dates for maintaining accounts and paying taxes as well. The brief changes government initiated to fight the pandemic includes:

- **France:** France opted for a partial unemployment scheme that ensures that a company is supposed to pay its employees compensation that must be equal to 70 percent of the gross salary. The employees which were entitled to receive wages (at the minimum wage rate) would be granted a 100 percent compensation. Emmanuel Macron, the President of France, gave relaxation to small business owners by postponing the payments related to taxation, water and electricity bills, etc.⁸⁰
- **Netherlands:** Netherlands implemented the Emergency Fund Bridging Employment also known as Noodfonds Overbrugging Werkgelegenheid (NOW). The scheme intends to provide a cover by compensating the individuals who suffered turnover losses.⁸¹ The NOW Scheme aims to provide for a temporary reduction of payment of taxes and the collection of interest for three months starting from April 2020.⁸²
- **United Kingdom:** The United Kingdom implemented a scheme related to job retention named the Coronavirus Job Retention Scheme to provide salary to the employees that were laid off due to the shortage of funds during the pandemic. A sum of 80 percent of the allotted to the unemployed individuals was allowed up to £2,500 per month.⁸³
- **Spain:** Spain was amongst the few countries to initiate advance payment benefits to the unemployed employees. The State Public Employment Service on the aid and advice

80 Ministry of the Economy, Finance and Recovery. Coronavirus COVID-19: support for businesses. <https://www.economie.gouv.fr/covid19-soutien-entreprises>

81 UWV.(March 2020). The temporary Emergency Measure Bridging Employment (NOW). <https://www.uwv.nl/werkgevers/actueel/naw.aspx?friendlyurl=/werkgevers/actueel/noodfonds-overbrugging-werkgelegenheid-now.aspx>

82 Belastingdienst. (2020). <https://www.belastingdienst.nl/wps/wcm/connect/nl/ondernemers/content/coronavirus-belastingmaatregelen-om-ondernemers-te-helpen>

83 McDermott Will & Emery.(March 2020). UK Coronavirus Job Retention Scheme Details Announced.<https://www.mwe.com/insights/uk-coronavirus-job-retention-scheme-details-announced/>

79 Antonia Asenjo and Clemente Pignatti.(October 2019). Unemployment insurance schemes around the world: Evidence and policy options. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_723778.pdf

of The Ministry of Labor and Social Economy came into agreement with the banking sector to provide benefits of advance payment to their unemployed clients.⁸⁴

- **Italy:** A total of €4 billion was allocated by the Italian Finance Ministry of Economy and finance to provide for unemployment funds.⁸⁵ Further, the limits were revised under the Wage Integration Fund to support the employees by suspending the taxation obligations, providing credit support, etc.

8.2. Entrepreneurship

Pandemic is not always a zero-sum game, some entrepreneurs fail to succeed while some work hard to bring innovation and laurels to their business. The reasons for the success of some entrepreneurs include the risk-mapping abilities of the managers. Many philosophers and researchers believed that the Coronavirus pandemic was not the first pandemic ever experienced by the world, though it is agreed that the recent past experienced comparatively small pandemic situations such as H1N1, Ebola, and Zika viruses, etc. Yet, many entrepreneurs failed to create a provision for such unexpected risk.⁸⁶

Pandemic has certain implications on the economy. If an entrepreneur has imperfect knowledge about the functioning and working of real markets, the growth of the business becomes stagnant or worse, starts to decline.⁸⁷

Some success stories were redefined by adapting to the consumer needs and by reshaping their entrepreneurial activities such as equating needs and requirements to a steady supply, etc. Where

the U.S faced a total of 163,735 business shut-downs,⁸⁸OTT (Over the top) Platforms such as Netflix, Amazon Prime, Youtube made a swooping business during the lockdown by investing millions to attract the prime subscribers by providing the best content in terms of thriller, drama, and the recent inclusion of sports content by Jeff Bezos's Amazon Prime. The transition from traditional trading methods to the online mode also adds up as a factor to success in the pandemic.⁸⁹ The substantial gains from online selling added to a 40 percent increase in Amazon's business.

It is pertinent to note that the Financial Times, 2020 ranked a total of 1000 international entrepreneurs/companies for showing commendable performance in terms of growth and profits made during the COVID-19 situation.⁹⁰

Legal Mandates

The measures taken by various countries are listed as below:

- **Belgium:** Tax exemptions, remission of fines, and a two-month extension of VAT payments were allowed by the Belgium government as social security contributions.⁹¹
- **Singapore:** Singapore aimed to boost its economy by providing benefits to entrepreneurs. From April 2020 to December 2020, the grants to support enterprise development rose to 70-80 percent.⁹² The executives focused on improving the cash flow by granting a rebate of 25 percent of the tax payable that limits to \$15,000 for the assessment year 2020.⁹³

84 Presidencia Del Gobierno. (April 2020). Work reaches an agreement with banks to advance the payment of unemployment benefits. <https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/trabajo14/Paginas/2020/010420-desempleo.aspx>

85 Italian Government Presidency of the Council of Ministers.2020. <http://www.governo.it/it/articolo/comunicato-stampa-del-consiglio-dei-ministri-n-37/14324>

86 Schoenfeld, J. (2020). The invisible business risk of the COVID-19 pandemic. VoxEU, <https://voxeu.org/article/invisible-business-riskcovid-19-pandemic>

87 Anca Elena LUNGU, Ioana Andreea BOGOSLOV. 2020.ENTREPRENEURSHIP IN PANDEMIC: HOW TO SUCCEED? <http://economice.ulbsibiu.ro/revista/economica/archive/72204lungu&bogoslov.pdf>

88 Yelp: Local Economic Impact Report. September 2020. <https://www.yelpeconomiccoverage.com/business-closures-update-sep-2020.html>

89 Columbus, L. (2020, April 28). How COVID-19 Is Transforming Ecommerce. Retrieved from Forbes: <https://www.forbes.com/sites/louiscolumbus/2020/04/28/how-covid19-is-transforming-e-commerce/#2b4ee2803544>

90 FinancialTimes. (2020, June 19). Prospering in the pandemic: the top 100 companies. Retrieved from Financial Times: <https://www.ft.com/content/844ed28c-8074-4856-bde0-20f3bf4cd8f0>

91 Service public fédéral finances.(2020). <https://finances.belgium.be/fr/entreprises/mesures-de-soutien-dans-le-cadre-du-coronavirus-covid-19>

92 Ministry of Finance Singapore. Budget (2020). https://www.singaporebudget.gov.sg/docs/default%20source/budget_2020/download/pdf/supplementary_annexb9.pdf

93 Ministry of Finance Singapore. Budget (2020). https://www.singaporebudget.gov.sg/docs/default%20source/budget_2020/download/pdf/supplementary_annexb9.pdf

- **Hong-Kong:** Hong-Kong was directed to formulate anti-epidemic funds. To ensure that business houses have adequate job opportunities to stimulate job opportunities, a total of \$30 billion was established.⁹⁴
- **Germany:** A tax-free bonus was allowed to the employees up to €1,500 to promote social security. Further, advance payments were allowed to be adjusted for income and corporate tax to the companies and self-employed individuals.⁹⁵ Germany's Federal Government targeted a large-scale economic stabilization by the state guaranteeing 400 billion euros instead of liabilities and 100 billion euros for investments.⁹⁶ The job market was cushioned by eliminating the liquidity and supporting the small companies through refinancing. A short-term work allowance was also guaranteed by the legislation for the companies having a minimum 10 percent affected workforce.⁹⁷
- **Canada:** Canada ensured a temporary wage subsidy, where the small employers were eligible for a 10 percent remuneration up to \$1,375 in case of employee and \$25,000 in case of the employer.⁹⁸ The subsidy was provided for three months. The government also implemented tax remittance schemes for small businesses, big corporations as well as non-profit organizations.

www.singaporebudget.gov.sg/docs/default-source/budget_2020/download/pdf/supplementary_annexb4.pdf

94 The Government of the Hong Kong Special Administrative Region. (2020). Anti-epidemic Fund. <https://www.coronavirus.gov.hk/eng/anti-epidemic-fund.html>

95 The Federal Government. (2021). Special payments up to 1,500 euros now tax-free. <https://www.bundesregierung.de/breg-en/search>

96 FEDERAL MINISTRY FOR ECONOMY AND ENERGY.(2021).Business information and support. <https://www.bmwi.de/Redaktion/DE/Coronavirus/coronahilfe.html>

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98 Government of Canada.(2020). Canada's COVID-19 Economic Response Plan: Support for Canadians and Businesses. <https://www.canada.ca/en/departement-finance/news/2020/03/canadas-covid-19-economic-response-plan-support-for-canadians-and-businesses.html>

Author's Note

The countries were efficient enough to implement new rules and policies. The most common being the tax deductions. Exemptions from payment of taxes is indeed a smart option as every country levies tax to invest the same in the welfare of its citizens. These exemptions created a provision for the corporates as well as individuals, the monetary benefits till the time the lockdown was not uplifted. However, the author applauds the other schemes initiated by various countries as it showed that the government works for the welfare of the people.

9. RESPONSE-RECOVERY-REDESIGN FRAMEWORK

The economic slowdown majorly due to pandemics and the lockdown became a global concern as in the last three decades global poverty was at its peak and this acceleration was referred to as the "deepest recession since World War II." (United Nations 2020; World Bank 2020). It is a matter of appreciation that the policymakers have paced their economy by adapting to the needs of the society and invested trillion dollars to improve the condition of the economy and by adopting the path of sustainable development.⁹⁹

So far various countries have formulated laws, policies, and schemes that are country-specific. The question in the wake of pandemic arises as to whether these policies bring a change in economic development. To derive a conclusion we need to explore the 3R Framework viz. Response-Recovery and Redesign.

9.1. Response

The term "Response" here refers to the reaction to the question addressing the safety of the people suffering and the interventions formulated to address such emergencies.¹⁰⁰ The treatment of

99 Youth and COVID-19, Response, Recovery and Resilience. OECD. 2020. https://read.oecd-ilibrary.org/view/?ref=134_134356-ud5kox3g26&title=Youth-and-COVID-19-Response-Recovery-and-Resilience&_ga=2.136783608.918675779.1622702520-1852279966.1621145638

100 Zusman, E., Kawazu, E., Mader, A., Watabe, A., Takeda,

medical waste is one such emergency. Pandemic assorts to medical waste, be it SARS, H1N1, Ebola Virus, or Coronavirus. People in masses have been infected by these viruses. From disposing of the masks to the disposal of medical syringes and equipment, treatment of medical waste is of utmost importance.¹⁰¹ The COVID-19 pandemic in the first half majorly focused on finding the cure of the virus, however, the second half faced issues of waste management. A 102.2 percent increase was recorded in medical waste disposal by both the public and private hospitals or medical care centers. In addition to this, the infectious waste discarded by the hospitals during the pandemic increased by 9 percent.¹⁰² Countries like India have been the major victims of negligence and improper medical waste management as the country now suffers from variants of black fungus, yellow fungus, and white fungus which in addition to coronavirus has become critical. The main cause of these fungus variations is the lack of proper sanitation and medical waste management.

The response is generally related to short-term problems that are to be resolved by immediate decisions by the expert group, therefore not much government intervention is required. To cater to this unexpected response of an already existing society, certain measures were listed by the medical board. It was suggested that the COVID-19 patient wards must be separated from the other wards to prevent transmission of the virus. Further, the procedure laid down for the disposal of infectious, sharp, and pathological waste must be followed by every hospital or medical care center treating the COVID-19 patients.¹⁰³ The sanitization of all the medical equipment was also advised.

9.2. Recovery

The term “Recovery” here refers to retrieving control over the decisions that stimulated a dismissive economy and employment opportunities. A green recovery is essential for the sustainable development and growth of any economy. Many philosophers and researchers admitted that nature healed itself during the lockdown situation as there was a comparative decline in carbon dioxide emission. Randolph Bell, Director of the Global Energy Center, after reviewing NASA's satellite images reported that there was a 25 percent decrease in carbon emissions during the lockdown in Europe and China.¹⁰⁴ Further, according to Marshall Burke, the Department of Earth System Science at Stanford University asserts that there were an overall reduction in the death rate of children (below the age of 5) and adults(aged 70 years or more) due to lockdown in China.¹⁰⁵ These statistics prove that a mere pause in the functional economy led to a price-less improvement in the Climate Change of the world at large.

The recovery requires a broader allocation of stimulus and policy and aims to have a long-term impact on society.¹⁰⁶ Amidst the pandemic many countries were struggling to have ready access to oxygen cylinders for the COVID-19 patients, the executives, as well as the society at large, realized the need to conserve nature. It was admitted that the liability of both the lawmakers and individuals is “joint and several.”¹⁰⁷ Therefore, it is expected that measures would be taken to protect the environment and climate change.

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- 101 Amani Maalouf, Hani Maalouf. (April.2021). Impact of COVID-19 pandemic on medical waste management in Lebanon. <https://doi.org/10.1177%2F0734242X211003970>
- 102 Kalantary, R.R., Jamshidi, A., Mofrad, M.M.G. et al. Effect of COVID-19 pandemic on medical waste management: a case study. *J Environ Health Sci Engineer* 19, 831–836 (2021). <https://doi.org/10.1007/s40201-021-00650-9>
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9.3. Redesign

The term redesign here refers to the improvement or reformulation of the policies, infrastructure, etc. to uplift the economy and society. The redesign can be equated with innovation. The existing resources with certain modifications become best suited for the present situation. The response that catered to the issue of increasing medical waste was restructured with innovation. The traditional disposable masks were made of plastic fibers that were prone to a much worse breakdown as compared to the microplastics and water bottles. A Dutch designer, Marianne de Groot designed biodegradable masks worth €15 which once buried have the ability to sprout into a flower. Innovation can do wonders. A 3rd Year engineering student, P Mohan Aditya was conferred copyright for his innovation of making a biodegradable face shield “Pavitarapati¹⁰⁸”, that consists of; nanofibers and acts as an anti-bacterial, antifungal, and antiviral property that aids in fighting the virus. It is pertinent to consider that the above-mentioned innovations were pocket-friendly and assisted in conserving the environment from becoming a huge garbage dump of microplastics.

10. CONCLUSION

The world has faced many pandemics, not one. A pandemic that has survived more than a year in the world needs to be addressed. Resilience can be achieved through appropriate public governance. The decision-makers invested efforts to create a provision for an influenza virus after it became prominent in society. However, the need of the hour is to “anticipate.” The upcoming technological advancements and the frequent inventions of science create an obligation on lawmakers to contemplate that a much worse pandemic can hit pretty soon. The intention is not to be pessimistic but to be optimistic enough to create provisions for the future. The reinforcement of the crisis requires trust that the economy will build itself better.

Approximately Eight Trillion Dollars have been accounted for the fiscal measures for the liquidity injections.¹⁰⁹ The International Monetary Fund

(IMF) is expected to disburse the demand raised in this emergency. Countries are aiming to achieve their commitments to recover from the pandemic. For example, the European Union strategizes on bringing substantial improvement in the environment. The Green Recovery Alliance¹¹⁰ commits to intergenerational justice. The Welsh Government of the United Kingdom through the Future Generations Act, 2015¹¹¹ evaluates measures to recover from the effects of a pandemic to conventionalized intergenerational justice. A similar approach was followed by Switzerland to incorporate intergenerational justice by focusing on sustainable development, environmental protection, etc. Further, certain OECD countries such as Greece, Slovenia, Canada, etc. focus on accomplishing administrative strategies to shape a better future and vision for the youth.¹¹²

Similarly, the research paper aimed to divert the attention of the readers to the untouched aspects of the law. Pandemic demands a legal response as well as a social response. Laws are formulated, now it is on the individuals to tighten up their seat belts and analyze the importance of unity, trust, and cooperation.

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Fiscal Policies to Contain the Damage from COVID-19. <https://blogs.imf.org/2020/04/15/fiscal-policies-to-contain-the-damage-from-covid-19/>

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111 Well-being of Future Generations (Wales) Act. 2015. WLS.WAL

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