

Epidemic Act & Disaster Management Act – A Pathway To Arbitrariness And Vagueness

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Abstract

The Epidemic Act and the Disaster Management Act governing the same grounds during the COVID-19 situation has led to more chaotic outcomes than solving it. A situation such as the COVID-19 does warrant for immediate and effective solutions but the same need to be lawful and justified. Even though the two statutes were invoked together in order to handle the spread of the virus in a timely manner yet it ended up giving absolute and unchecked powers to the Government. The said article is not aimed towards criticising the actions of the government but warrants for necessary amendments in the Disaster Management Act as well as the Epidemic Act. The said statutes have acted as a shield for the government's unplanned and unreasonable actions during COVID-19, but now it's time to decode the said statutes again and make the necessary amendments so that the statutes fulfil their aims and objectives while also be in harmony with the democratic features of our Constitution rather than having an autocratic outcome and remove any possible arbitrariness and vagueness.

KEYWORDS: Disaster Management Act, Epidemic Act, COVID-19, Arbitrariness, Vagueness.

I. Introduction

In the light of the recent outbreak of the COVID-19 it was observed that the Epidemic Diseases Act, 1897 (hereinafter referred to as "EA") and the Disaster Management Act, 2005 (hereinafter referred to as "DMA") were invoked firstly by a few states followed by a nation-wide invocation of the same. The EA aims to prevent the spread of a dangerous epidemic disease by controlling its transmission; identifying the infected people; giving them proper medical facilities and thereby taking the utmost precautions in order to deter its spread. DMA on the other hand, aims to provide an effective procedure for the management of disaster and other such situations. The feasibility of the same has been paved by giving arbitrary and vague powers to the central and the state governments.

The EA came into force on February 4, 1897, as a preventive measure for the plague epidemic in Bombay. Even though the Act focuses upon a crucial objective yet it can't be denied that the Act was a failure 123 years back and has continued to show the same results due to its restricted language, mischievously derived interpretation and absence of any essential amendments keeping in mind the reformation of the surroundings. An Act, which itself was made in haste so as to prevent the uncontrolled and sudden spread of the plague by the British Government, is being used by the Government to handle a situation of such gravity itself depicts the myopic approach of the present government. The DMA came into force on December 23, 2005, and aims to establish a National Authority at the Centre along with other such State and UT authorities for effective management of disasters. Till date, except for the COVID-19 scenario, the Act has only been invoked for purposes like Uttarakhand floods in 2013 and Orissa cyclone in 2019. For the very first time, this law has been pressed into service on a pan-India basis.

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Though the Acts were formulated to be invoked in cases of medical emergencies or any other similar disastrous situation it has been observed in context to the recent outbreak of COVID-19, the arbitrary use of power and the lack of implementation between the various states as well as the Central government has led to a scenario where the objective behind the implementation of both the Acts itself seems to be lost and contradicted. This poor implementation and absence of any checks upon the power of the authorities has not just cost people their livelihood but also their lives.

Sections 2, 2A² are the main provisions of the EA which accord certain powers to the State and Central Government, which being absolute and vague in nature refute the Preamble of the Act in itself. Section 2 gives power to the State Government in situations such as epidemics where the government can issue notices, formulate temporary regulations, perform inspections, and do any other action as it seems necessary to prevent the said outbreak. The said regulation of notice can apply to the entire state or a class of persons. Section 2A, on the other hand, gives powers to the Central Government to inspect any port or vessel for the purposes of preventing the outbreak of the epidemic.

Section 10³ of DMA is one of the main provisions, which has been cited multiple times by the government as a justification to its acts, lays down the measures that can/ should be taken by the National Executive committee, Government, its Ministries or Departments in cases of disasters for its proper management. Section 10 gives the powers to the National Executive Committee to coordinate, monitor the disaster and prepare a plan for the preventive measures. It further gives power to the committee to issue guidelines for the preparation of disaster management and further provide technical assistance to the States in fighting the epidemic. The committee further has the power to issues directions by monitoring the situation and preparedness for the disaster. The committee even has a duty to promote education and awareness in relation to disaster management. In order for the implementation of the Act to be aligned with its preamble certain amendments and clarifications are required to be introduced within the ambit of the Act.

II. Aspects Needing Clarifications And Reformulation Under The EA And DMA

a. Government as a Duty Bearer

EA & DMA have been constructed in a manner such that it bestows upon the government certain unrestricted powers thereby casting a liability upon the citizens to abide by the said power. It is not debated that in cases of epidemic a central governing body is must and multiple governing bodies would lead to further chaos but the ironical situation arises when the government in the cloak of its power forgets the aspects that the people hold certain rights and it has to act as a duty bearer for the same. The wording of the acts being very restrictive and government-centric, nowhere casts a duty upon the government to make sure that people do not suffer at the hands of the epidemic rather it obliges the governments with the power with an underlying assumption that the same would be used in a prudent and unbiased manner.

The legislature while drafting EA & DMA completely brushed off the aspect of democracy and

² The Epidemic Diseases Act, No. 3, Acts of Parliament, 1897, §§ 2 - 2A.

³ Disaster Management Act, No. 53, Acts of Parliament, 2005, § 10.

social welfare. The governments while giving justifications for not amending the pre-independence statute failed to consider an important point *i.e.*, a country with a population of 138 crores and being the world's strongest democracy cannot be merely controlled by way of applying unchecked control upon them. The citizens need to be given certain justified rights and such control should be administered only after laying down proper guidelines.

Indian Staffing Federation in its report on "Impact of Key Reforms on Job Formalization and Indian Flexi Staffing Industry, 2019"⁴ stated that India has almost 68% casual workforce *i.e.*, people who do not work on a contractual basis but a daily basis at places like construction places, malls, sweeping staff, rickshaw pullers, fruit or vegetable vendors, cobblers, etc. Such people are living on a hand to mouth basis. A 21-day lockdown declared with a four-hour notice was not just inflicting inhumane conditions on them but also the stepping stone for a later chaos the effects of which can be observed even after Lockdown 4. It is petrifying to imagine a situation when a person is made to choose to die by an epidemic or by starvation as he won't be able to earn his living for many coming days. The Apex Court in the recent PIL filed by *Alakh Alok Srivasta*⁵ accepted the contention of the petitioners that in a country like India, panic will destroy more lives than the spread of COVID-19 virus itself and thereby directed the Central government to prevent any such situation.

Such a decision could have been taken by the government with prior notice as though a lockdown seemed important in the present scenario yet its poor implementation deprived people for their right to life and livelihood as guaranteed under Article 21 of the Constitution of India. In the case of *Kharak Singh v. State of Uttar Pradesh*⁶ the Apex court stated that Right to life does not merely mean an animal existence but something more valuable and meaningful. Similar observations can be seen in the case of *Sunil Batra v. Delhi Administration*⁷ where the court held that right to life included many aspects like the right to live a healthy life, right to live, sleep in peace, etc. In the case of *Olga Tellis v. Bombay Municipal Corporation*⁸ the court pointed out the importance of Right to livelihood and stated that, "An equally important facet of the right to life is the right to livelihood because no person can live without the means of livelihood. The State may not by affirmative action, be compelled to provide adequate means of livelihood or work to the citizens. But any person who is deprived of his right to livelihood except according to just and fair procedure established by law can challenge the deprivation as offending the right to life conferred in Article 21." It has been concluded by way of many precedents that though a person can be deprived of his rights under Article 21 the same can only be done by a procedure established by law and the same has to be just, fair and reasonable in the eyes of law.

Even though, COVID-19 being an emergency situation, the government cannot be expected to grant all rights under Article 21 but an absolute deprivation of all rights would not just be blatant but also unconstitutional as per the Constitution of India. The government rather than acting as an autocrat, need to understand the implications of their decision on all sectors of society and not just

⁴ Indian Staffing Federation, *Impact of Key Reforms on Job Formalization and Indian Flexi Staffing Industry 2019*, (May 8, 2020) <http://www.indianstaffingfederation.org/wp-content/uploads/2019/07/ISF-Report-2019-Impact-of-reforms-on-Job-Formalisation.pdf>.

⁵ *Shri Alakh Alok Srivasta v. Union of India*, W.P. (C.) No. 468/2020.

⁶ A.I.R. 1963 S.C. 1295.

⁷ A.I.R. 1978 S.C. 1675.

⁸ A.I.R. 1986 S.C. 180.

one particular group of people which is pertinent in the present case where the lockdown though still comforting for the middle and higher class of the society was severe for the lower class of society. In order to make a lockdown effective the intimation for the same could have been given a week prior to the same which would have helped the people to reach back to their home safely having a sense of security amongst these harsh times.

Keeping in mind the principle of democracy, as stated by Abraham Lincoln “Democracy means of the People, by the People, for the People”, the EA & DMA need to incorporate the aspect of the duty of the government towards the citizens in letter and spirit and not just as a mere assumption so has to act as a limiting factor upon their arbitrary use of powers.

b. Ambit of Power to be Restricted and Defined

During the period of lockdown, the Central Government along with other State Governments issued various directives in its attempt to control the spread of the virus. Many of the directives, though issued aiming at the betterment of the citizens, lacked any substantial backing and were biased and discretionary thus making them vague and arbitrary.

c. Instructing Private Employers to Pay the Workers

The Ministry of Home Affairs vide Order dated 29th March 2020⁹ stated that all the employers, be it in the industry or in Shops and Commercial establishments, shall make full payment of wages to its employees on the due date without any deduction. The government as a governing authority cannot take decisions completely inclined towards one party without tendering a proper rationale or justification for the same. Though the government had a positive intention i.e. the employee whose only source of income is the salary needs the money for their survival. But the government completely forgot the fact that all businesses do not have a big profit margin. In a scenario where one of the biggest business houses like Airtel, Vodafone, Vedanta, PNB, etc. having been facing severe losses,¹⁰ in such a case expecting the small business employers to pay the employee in full when no income is being generated is merely illogical and suppression of a particular sector of people. This itself serves as a violation of Article 14 of the Constitution of India which promises an Indian citizen equality before law as well as equal protection before law, both of which are violated by the Government order. Though Article 14 provides for some exceptions as laid down in the *Justice Tendolkar* case¹¹ i.e., rationale nexus and intelligible differentia both of which have not been complied in the present order. Writ Petition for quashing the said order of the central government has already been filed in the Apex court, in which time has been provided to the Central Government to file a reply.¹²

This further is a violation of Article 19(1)(g) of the Constitution of India as the employers, who

⁹ Ministry of Home Affairs, *MHA Order restricting movement of migrants and strict enforcement of lockdown measures*, 1, 2, (2020),

https://www.mha.gov.in/sites/default/files/PR_MHAOrderrestrictingmovement_29032020.pdf.

¹⁰ Amit Mudgill, *7 worst ever quarterly losses in India Inc's history*, ECONOMIC TIMES (Nov. 15, 2019, 10:38 AM) <https://economictimes.indiatimes.com/markets/stocks/news/7-worst-ever-quarterly-losses-in-india-incs-history/see-red/slideshow/72066019.cms>.

¹¹ *Shri Ram Krishna Dalmia v. Shri Justice S. R. Tendolkar*, AIR 538 SC 1958.

¹² *Ficus Pax Private Ltd v. Union of India*, WP(C) No. 10983/2020.

already are under the burden of huge debts owing to zero income are being forced to further pay salaries or wages of their employees, thereby making them worse off and acting as a major hindrance to conduct their business or carry on with their profession. Article 19(6) lays the reasonable restrictions which can be imposed under Article 19(1)(g) but the said restrictions should be 'reasonable'. In the present case, the government has been misusing its powers under the umbrella of the unlimited powers given u/s. 10 of the DMA and eventually justifying the same under the head of maintaining public order. This is a blatant violation of Article 19(1)(g) as the government has completely ignored the small businesses and has been continuously making their livelihood difficult.

The same has been visible by the announcement made by the Finance Minister – Mrs. Nirmala Sitharaman with respect to the Rs. 20 lakh crore package announced by the PM on 12th May, 2020.¹³ The government has been providing the benefits of the said packages to MSME's and NBFC but has completely forgotten the small and medium businesses. All the waivers have been either for the rich businesses and all the compensation is given to the poor, the small and medium businesses are just made to cooperate and pay the wages of the employees on time, with a waiver of a merely 12% on the PF of the employees along with a condition that the said employees should be having a wage of less than Rs. 15,000. In a state where businesses are deep dug with debts and they are relying on the government to provide them with help, a mandatory order to pay all the worker their entire wages on due dates was the no less than the last nail in the coffin. The same Order was withdrawn by the government via order dated 18th May, 2020.¹⁴ This itself has left a negative remark against the government policy-making process as the said order was passed only after the Apex court had asked the Central Government to file a reply justifying its Order of 29th March i.e. making it compulsory for the employers to pay full wages on due dates to the employee. This is another illustration to show how the government has been changing policies and laws as per its whims and fancies and hence a check on the same is a must.

d. The infamous Aarogya Setu App

Aarogya Setu app was introduced by the government in order to track down the corona virus affected patients or take precautions in cases where the person has been in closer vicinity to any such person who was affected by the virus or has travelled to an affected land or has been quarantined. The app did not just provide information to the government but also to other individuals who had downloaded the app. The information to other individuals was restricted only to aspects such as whether the person is suspected of the virus or not.

Even though the app was introduced with a good motive i.e. precaution and detection it was seen the implementation went haywire owing to the many privacy concerns related to the app. The Ministry of Home Affairs on May 1 issued guidelines¹⁵ stating the mandatory use of Aarogya Setu

¹³ Moushumi Das Gupta & Remya Nair, *Modi announces Rs 20-lakh crore package to revive economy and a 'new look' lockdown 4*, THE PRINT (May 12, 2020, 12:03 AM) <https://theprint.in/india/modi-announces-rs-20-lakh-crore-package-to-revive-economy-and-a-new-look-lockdown-4/420036/>.

¹⁴ Ministry of Home Affairs, *Extension of lockdown till 31.5.2020 with guidelines on lockdown measures*, 1 (2020), https://www.mha.gov.in/sites/default/files/MHAOrderextension_1752020.pdf.

¹⁵ Ministry of Home Affairs, *Extend Lockdown period for 2 weeks w.e.f. 4.5.2020 with new guidelines*, 7, (2020), <https://www.mha.gov.in/sites/default/files/MHA%20Order%20Dt.%201.5.2020%20to%20extend%20Lockdown%20period%20for%202%20weeks%20w.e.f.%204.5.2020%20with%20new%20guidelines.pdf>.

app for all employees, both private and public. The recent protocols¹⁶ governing the app were released by the Ministry of Electronics and Information Technology, Government of India (hereinafter referred to as “MeitY”). The said protocol makes it clear that the government by executive orders wishes to completely wipe off a citizen’s right to privacy as guaranteed under Article 21 and also does not want to have any liability for it.

The landmark case of Justice K.S. Puttaswamy¹⁷ clarified upon the aspect of Right to Privacy and various roots arising from the same. The judgment made it clear that the Right to privacy is a fundamental right which can be curtailed by the application of reasonable restrictions. These reasonable restrictions need to pass the test of Article 21 and 14 and thereby need to fulfil the following conditions:

1. The restriction should not be solely based upon an executive order but should be backed by law, in force, passed by the parliament.
2. The restriction should not be arbitrary.
3. The restriction imposed upon the right should be proportional to the need of such restriction.

In the present case it has been observed that none of the conditions are met are they have been blatantly ignored and violated. Firstly, Aarogya Setu has been made mandatory to be downloaded by the various people and several punishments have been assigned for its non-compliance. The law which has been used as a justification is the DMA, which under no provision gives the Government of India any such authority. The government has been using the wide and an arbitrary power bestowed upon it by the poorly worded legislation and has been messing with the citizen’s fundamental rights. India’s Data Protection Bill is also yet to be passed by the Joint committee and hence the said app being made a mandatory process is purely an executive decision backed by no law and hence does not serve as a reasonable restriction.

Secondly, the app along with its privacy policy and the MeitY protocol governing it, is prima facie arbitrary and vague. The MeitY under Protocol 6¹⁸ has given a general explanation as to, the information collected by the app can be shared with who all? Rather than making the definition specific and limiting its ambit to a few needful authorities, the access has been given to each and every possible Government authority or individuals. In furtherance to the same protocol 8¹⁹ allows for the private information to be shared with the research institutes as well as universities and gives a detailed reason for the same but the same protocol has completely ignored the aspect of the penalty imposed upon such institute or university in case of disobedience of the requirements under Protocol 8. In a case where a person’s personal information is at stake creating ambiguity by merely stating the phrase “liable for penalties” does not suffice. In addition to the same, it has been observed that a detailed process has been given under the protocol as to how and why the information is needed but it has completely put the aspect of getting the information deleted from the government database, once the objective of the information is achieved, on the side-lines. As

¹⁶ *Aarogya Setu Data Access and Knowledge Sharing Protocol*, 2020, (2020), <https://meity.gov.in/content/aarogya-setu-data-access-and-knowledge-sharing-protocol-2020>.

¹⁷ *KS Puttaswamy v. Union of India (II)*, (2019) 1 S.C.C. 1.

¹⁸ *Aarogya Setu Data Access and Knowledge Sharing Protocol*, *supra* note 15.

¹⁹ *Id.*

there are many prevalent ambiguities in the privacy policy governing the app the same cannot be termed as ‘reasonable’.

Thirdly, the restrictions imposed by the app are in no way proportional to the need of the said information and hence not reasonable. The Government has tried to make the app mandatory for everyone but has forgotten the basic aspect that very small portion of the Indian population has Smartphones, the same concern has been raised by the Kerala HC in one of the recent petitions²⁰, challenging the validity of the app. Moreover, even if, with the help of telephone and related services Aarogya Setu is provided to the public, how does the government authorise the information given by the said app. The functioning of the said app is based upon the information stored in it and thereby on the assumption that a person would be entering the right information in the app. In a scenario where the government is itself not sure about the working or the efficiency of the app, making it mandatory is just an overreach of the restriction being imposed and thereby not ‘reasonable’.

Former Supreme Court Judge B. N. Srikrishna, the one who chaired the committee dealing with the aspect of the first draft of the Personal Data Protection Bill, has termed the government’s actions with respect to the use of Aarogya Setu app “utterly illegal”.²¹ From the above-stated contentions it can be easily inferred that the app which has been introduced by the Government by using its powers under the garb of DMA are a violative of Right to Privacy and thereby needed to be struck aside. The surprising fact about the said app is that via 18th May order of MHA²² the usage of Aarogya Setu app which was earlier mandatory has now been made optional after various cases were filed against the constitutionality of the order mandating the app and privacy policy of the app. This is yet another example depicting how the government has moulded the laws and citizens of the nation as per its own desires rather than abiding by the rule of law.

e. Important aspects not defined under the EA or DMA

It is pertinent to note that essential definitions like lockdown, curfew, epidemic, etc. are not defined in either of EA or DMA. Further, it is essential to note that neither the Acts nor any rules lay down any guidelines with reference to how the measures mentioned in Section 2, 2A of EA or Section 10 of DMA need to be regulated. This itself depicts unrestricted and absolute powers given by the legislature to the executive without any checks or regulations upon them. It has been rightly said by the British Politician Lord Acton “Power corrupts; absolute power corrupts absolutely”. Here the term ‘corruption’ is not restricted to monetary corruption, the phrase means that as a person's power increases, their moral sense diminishes.²³ A similar scenario can be seen in the present case where the government, in absence of any regulations has been continuously passing orders under the cloak of COVID-19, whereas the same does not have any legal foundation.

Important terms like “Epidemic” needs to be defined A as to be clear on the aspect as to which law

²⁰ *John Daniel v. Union of India & Ors.*, W.P.(C). 9806 of 2020.

²¹ Apurva Vishwanath, *Mandating use of Aarogya Setu app illegal, says Justice B N Srikrishna*, INDIAN EXPRESS, (May 13, 2020, 11:37 AM) <https://indianexpress.com/article/india/aarogya-setu-app-mandate-illegal-justice-b-n-srikrishna-6405535/>.

²² Ministry of Home Affairs, *supra* note 13.

²³ Gary Martin, *'Absolute power corrupts absolutely' - the meaning and origin of this phrase*, PHRASEFINDER, <https://www.phrases.org.uk/meanings/absolute-power-corrupts-absolutely.html>.

is the appropriate law for which situation. The importance of defining and providing guidelines for the imposition of lockdowns and curfews arises owing to the present haphazard. The lower strata of the society neither have any idea of what a lockdown is nor what are its implications. In such a situation an instant lockdown, where they are left with no shelter, food, money would lead to situations as seen in cases of Maharashtra²⁴ and Delhi.²⁵ Moreover, aspects like pandemic and outbreaks also need to be governed by the same act as they have similar implications and need the same resolutions.

The provisions such as Sec.10 of DMA need to be regulated, defined and specific. S. 10 have been used by the government as per its whims and fancies as its language makes it prone to a much expanded interpretation. S. 10(2)(i) has been cited by the governmental authorities as a justification for every point raised against them. From the aspect of a poorly coordinated lockdown to the various arbitrary actions such as forcing employers to pay wages and downloading of an app which itself is a violation of privacy, the government has used Section 10 to safeguard itself. This is a depiction of a poorly drafted legislation as its simple interpretation gives absolute powers to the government in order to mitigate a disaster. There has been no mention of what would be the type or what aspects can and cannot be governed by the said guidelines. The ambit of the guidelines is itself not stated which has led to this act of absolute autocracy.

In furtherance to the same definition of ‘Disaster’ under DMA, it needs to be more specific and should exclude all those aspects which are governed by other laws in a specific manner. Ideally situations like an epidemic, pandemic, etc. should be excluded from the ambit of DMA and the same should be laid down in the definition of the word disaster under Section 2(d) of DMA.

III. Why the DMA is Needed When There is a Special Law in Force Dealing with Epidemic Situations?

As stated above, the object of the EA was to prevent the spread of a dangerous epidemic disease. When a special act is already in force to deal with an epidemic like situations, why did the need arise to invoke DMA, which has never been used to face a situation like this. A special act is a private statute; an act which operates only upon particular persons or private concerns. When a 123-year old statute is still in place and acts as a special law, isn’t an obligation casted upon the legislature to amend it as per the recent trends and conditions and to make it fulfilling as per the objectives of the statute? In a recent case²⁶ the Apex court has stated,

“The legislature as an elected and representative body enacts laws to give effect to and fulfil democratic aspirations of the people. The procedures applied are designed to give careful thought and consideration to wide and divergent interests, voices and all shades of opinion from different social and political groups. Legislature functions as a deliberative and representative body. It is directly accountable and

²⁴ *Thousands of Migrant Workers Protest at Mumbai Bus Stand Amid Lockdown, Lathi charged by Cops*, NEWS 18, (Apr. 20, 2020, 8:46 PM) <https://www.news18.com/news/india/migrant-workers-gather-at-mumbais-bandra-bus-stand-demand-arrangement-of-transport-to-return-home-2577497.html>.

²⁵ Sanjay Singh, *Migrant workers crowd Anand Vihar bus terminus to return to their villages*, ECONOMIC TIMES (Mar. 28, 2020, 8:57 PM) <https://economictimes.indiatimes.com/news/politics-and-nation/migrant-workers-crowd-anand-vihar-bus-terminus-to-return-to-their-villages/articleshow/74863940.cms?from=mdr>.

²⁶ *Dr Ashwini Kumar v. Union of India & Anr.*, W.P.(C.) NO. 738 of 2016.

answerable to the electorate and citizens of this country.”

The legislature has failed miserably in its duty towards its citizens as it could not understand the need of the hour and the requisite amendments required in the said Acts. The government has used this to its benefit and termed the epidemic situation as a disaster, as the Act provides a very general definition of what is a disaster and thereby invoked DMA. Though the two statutes were formulated to serve completely different purposes, the same have been mixed and confused by the government in order to gain excessive powers in the current scenarios.

The result of the combined effect of the two statutes can be seen in the present case where people like migrant workers, students who were restricted to move earlier had to be allowed owing to various pressures and political agendas. All this has been possible as the uncontrolled power under the two Acts isn't backed by any guidelines or obligations upon the government. It has to be noticed that DMA is a more contemporary law than EA. Various guidelines and provisions have been provided under the ambit of DMA which are completely absent under the EA. In such a case DMA should be the only law in existence thereby repealing EA. In furtherance to the same DMA should be further made to concentrate upon different aspects along with separate guidelines and protocols for each of such situations.

IV. The Coordination Between Centre and The State

India follows a quasi-federal structure i.e. though there is a demarcation of powers between the Centre and State, in cases of conflict the former will prevail over the latter. The various lists i.e. the Union, State and Concurrent lists state the matters which demarcate the powers between the Centre and the State Government. In the present situation, there ought to be a conflict of powers between the Centre and the State hence there should be a proper bifurcation of the same. The Centre should be dealing with the macro aspects such as delegating various tasks and laying down the proper standards. The Centre should also focus upon the aspect of financial aids from other nations as well as trying to maintain stability and cooperation at an international level. In furtherance to the same, the Centre should focus upon aspects such as allocation of budget for the various states depending upon their needs as well as keeping enough reserves for a worse situation. The Centre also needs to focus upon the aspect of providing facilities such as PPE kits as well as safety and security to the people which might be neglected by certain states. The Centre needs to keep a balance between its other duties as well as maintaining the financial stability of the country.

The states, on the other hand, need to focus upon the micro aspects such as maintaining proper and vigilant system which focuses upon all strata of the society. The State Governments should formulate Rules and Regulations governing their state as per the condition in the State. The States need to make sure that the citizens are getting the basic amenities and the various people involved in the health and safety sectors should be given adequate facilities and safeguards. The State Governments further need to maintain proper reports of all the issues the states are facing so that the same can be communicated in a timely manner to the Centre.

In a situation of major chaos where the governments should forget their individual ideologies and enmities, various State Governments and Central Government haven't stopped playing blame games. Due to the lack of coordination in the decision-making process, major incidents happened

in the States of Delhi and Maharashtra which could have been evaded if there was a better understanding between the governments. Governments are failing to understand that it is the need of the hour to stop biting each other and work towards the people. They are continuing their hatred propaganda²⁷ towards each other when thousands of migrant workers are moving here and there fighting and struggling for their lives and in doing so they become a greater danger to the society as they might spread the virus more severely. It is shameful if political leaders have to be called in a meeting together to make them understand that in the present situation, they need to be onboard along with the central government.²⁸

V. Conclusions

The article does not aim to dissuade the attempts of the government in dealing with the present situation, nor does it deny the fact that controlling a large population is different in theory and in practice. The government of India has done a brilliant job of trying to prevent the spread of COVID-19 in India yet the laws do not justify their actions. If the same actions could have been done with proper legal backing and guidelines for the same, the situation would have been much better. In a country like India, the government cannot expect people to go on an instant lockdown without prior information because of the various reasons stated in this article. People living in the biggest democratic country of the world can't be expected to be governed by a dictatorship approach all of a sudden. Decisions which prima facie are inclined towards one sector of society would not be accepted by people. Making people follow aspects which are a clear violation of their fundamental rights does warrant for review and accountability. It's high time that the politicians remember that they are the representatives elected by us for our betterment hence need to keep their party agendas aside and start working together in this need of the hour.

²⁷ Adam Michael Auerbach, *Political parties battle each other in Indian slums by using rumours and violence*, THE PRINT (Mar. 28, 2020, 3:45 PM) <https://theprint.in/pageturner/excerpt/political-parties-battle-each-other-in-indian-slums-by-using-rumours-and-violence/390248/>.

²⁸ Pratul Sharma, *Modi to hold meeting with political parties to bring them onboard in fight against COVID-19*, THE WEEK (Apr. 5 2020, 9:15 PM) <https://www.theweek.in/news/india/2020/04/04/modi-to-hold-meeting-with-political-parties-to-bring-them-onboard-in-fight-against-COVID-19.html>.