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Analysis of life and livelihood crises during Pandemic

Dr. Rajshree Chaudhary* & Pooja Mandora •

Methodology:

The present work is based on current news, articles, genuine websites and newspapers.

Hypothesis:

Life is prioritized over livelihood when there is no other way.

Abstract

The research paper aims to put a glance on the problems emerging during pandemic COVID-19 , to what extent the government is taking steps to resolve them and the Constitutionality of government actions. It is well-known that since last year this pandemic caused the huge economy fall in our country. Millions of people lost their livelihood especially the lower middle class people, labors, farmers, employees of small and big industries etc. Poverty is always a major drawback of our country even before the pandemic but according to data there is a mass increase after the pandemic as the government pronounced lockdown to safeguard people. The situation became worse when the second wave of corona virus came. Thousands of people died because of this pandemic and the massive financial loss suffered by families. Government started various schemes to secure their livelihood. Research work is aiming to understand the legal aspects of the government actions in the times of pandemic.

Keywords: pandemic, COVID-19, poverty, Constitution, lockdown etc.

Introduction:

Till the WHO recognized COVID-19 as Pandemic, it had spread in many developed countries. Besides being equipped with the highest level of scientific research on virology, types of disease as well as medical systems, they were unable to get diagnosis as what kind of virus it is. Control and treatment of this was far away. They were helpless stop spread of this and save the lives of its population. Spreading nature of this pandemic was recognised as uncontrollable and the first possible step was to isolate one another and strictly forbid Physical contact with a minimum distance of two yards and covering of nose and mouth by mask.

Every country deal with this situation in their own suitable way. Some imposed full lockdown, some partial and the U.S. did not opt for any lockdown. Loss of human beings was proportional to their measures. Boundaries of international borders were sealed by almost all the countries.

Soon India too recognised the gravity of this world wide situation. It was able to decide at once as what could be done. It has not faced this type of situation before, though some said it is a kind of repetition of a pandemic after every 100 years. Inspection of available medical facilities was nowhere near to meet the challenge. The only measure available was to impose nationwide lockdown with zero mobility of human beings. The aim was to save the life of individuals.

No medication was available worldwide to cure this pandemic as it could not be diagnosed. We did not foresee this situation. Observing the situation in suffering countries India stood nowhere to meet the requirement of personal protective gears, hospital facilities, oxygen and ventilators, and preliminary medicines. Our indigenous production was nowhere near the base line and had dependency on imports.

Announcement of Lockdown 2020:

Prime Minister Narendra Modi announced the first 21 days of India's lockdown on 24 March 2020. The lockdown was ordered under section 6(2)(i) of the Disaster Management (NDMA) Act, 2005. During his address to the nation he said, "Jaan hai toh jahaan ha" which is interpreted as Life is more important than other things. On 11 April 2020, in a meeting

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with the Chief Minister's of India, the Prime Minister said "Our mantra earlier was jaan hai toh jahaan hai but now the mantra is bhijahaan bhi . The intention was to bring life and livelihood together. On 14 April 2020, another address to the nation was made by Modi in which he extended the lockdown, with adjustments, to 03 May 2020.

In the Prime Minister's fifth meeting with the Chief Ministers on 11 May, the Prime Minister said that Indians must prepare for the post coronavirus pandemic world; just as the world changed after the world wars. During the meeting Modi said "se lekar jag tak" Which means to explore the whole world by starting from an individual, would be the new principle of life.

On 12 May 2020, the Prime Minister addressed the nation saying that the corona virus pandemic was an opportunity for India to develop self-dependency in every situation. He proposed the Atmanirbhar Bharat Abhiyan (Self-reliance Mission) economic package.

Effects of Lockdown:

The abrupt order of lockdown has a direct impact on the livelihood of lower class people. They opted to move out from their native place instead of dying due to starvation and homelessness.

The measures to meet daily life needs were closed so abruptly that people did not bother about the pandemic and rushed on the mess of God.

Constitutional rights and Lockdown :

The question arises about the Constitutionality of lockdown, that is the lockdown is violating the fundamental rights of citizen?

Article 19(1) (d) gives freedom to move everywhere throughout the territory of India but there are also reasonable restrictions given under article 19(2) which provides that the freedom can be restricted for public interest. And in the Article 21 includes right to livelihood which cannot be abrogated at any circumstances. But the unforeseen situation has the stone in the path. People cannot go out to earn for their livelihood. Eventually the Government protects the life of citizens.

The dilemma:

The dilemma became larger when the labour class started to migrate to their village as they lost their survival. Even though there was no transportation due to lockdown rules, they moved thousands of kilometers on foot. To overcome this complete Lockdown was declared which put the country's economy at risk. Millions of people lost their livelihood. Consequently, The huge decline of the economy and the livelihood of the people was a massive issue that arose in the government of the country. that is, "life versus livelihood".

It is not proper to take it in this way to save lives of the people in one hand and save livelihood in the other hand. Protecting lives and preserving livelihoods are peremptory since both the factors are to be taken together for the wellbeing of society and it is the duty of the government to establish a balance between these objectives not to put the people in false dilemma and for this government started the task of recovery which blowed the burden on poor. However the food and distribution schemes were announced at the same time.

Question of life versus livelihood:

Government intended to save lives. Individuals intended to find the ways for their livelihood. Their immediate requirement was to save themselves; men, women and children from death due to homelessness and hunger.

Since the virus is intensely virulent that people have to stop to meet with each others to slow the spread of the disease. this, a lockdown is only a way which was recommended to prevent people from meeting each other. Further, distancing is prescribed to maintain and with use of face masks and better hygiene via hand washing and sanitizing the hands as well as objects which can be sanitized. Lockdown meant that people had to stop travelling and isolate themselves if

the chain. Families cannot meet each other and vacations for a long time create difficulty because to meet with each other transportation is required. Closing of restaurants also affects the people since one has to remove the mask in closed spaces and people talk to each other. Similarly, other contact services have had to be stopped during lockdown. All mediums of entertainment were just closed to stop people at home.

Educational impact

Some could work from home (WFH) via the net but most could not. Children had to have classes via the net. The use of telecom services shot up. But the efficiency of work and studies was not what it used to be since people were not used to the new requirements. At home there is distraction and the office or classroom environment cannot be created easily. Parents had to help children in various ways so had to take time out from work and school fees also became a burden on parents as they had no earning at that time simultaneously. Teachers also need a salary because they teach online which is not less than a big task.

Some children committed suicide. Reports suggest that many children simply dropped out of the schools since parents either migrated back to their villages or could not pay the fees. For children to sit in one place for hours and pore over a small screen is difficult – their attention span is limited. Teachers had to devise new ways of teaching online which is not easy. All this has set back learning for many children.

Everyone's earning depends on others, the situation became pathetic especially for the middle class.

Television was one and only way to spend time but due to the closing of the TV industry, the daily soaps also closed. Almost every person, group or industry suffered financial loss.

Migrant workers walk with their children to their villages after India announced a nationwide lockdown due to the coronavirus pandemic

The digital divide impacted the poor. They did not have access to Wi-Fi and/or did not have the devices.

Psychological impact

People need to meet each other for bonding and support. Children learn through socialisation with each other and that affects their social development. Thus, isolation has led to huge psychological effects on people. And oppositely some are forced to live together at home with the family to spend quality time with each other. But, where the problems already existed that one cannot tolerate other, that things reached breaking point and violence increased.

During the year festivals have been low key both because of economic hardship and need to isolate. Sports events stopped or were postponed or held in an unnatural setting without spectators. Visits to religious places stopped for much of the year. Cinema halls and theaters were closed. All this aggravated the psychological impact on people. The result has been that people are frustrated and willing to go back to the pre-pandemic days. Realizing this shocking situation, our government had to take some actions. But in a country of this huge population, no measure could be imposed immediately. Differences between Central and State governments also emerged.

Now the Government had to focus on two main fronts:

Should we save lives or livelihoods? This question becomes the global question that has put policymakers, citizens and govts in a quandary. As well as the other questions include: How long should public health be prioritised over economic prosperity? By temporarily shutting down the economy, is the cure becoming worse than the disease? Until when can we sacrifice the nation's economic potential and reduce GDP growth?

This was equal to snatching a bite from someone's mouth

Assumptions were that any reductions in the current lockdown restrictions in the country will result in much deeper, long-term economic damage.

Life:

Immediate development of medical infrastructure, procurement of consumables and equipments, production of life saving drugs, innovation for development of vaccines, enforcement of protective habits in entire population.

Since the pandemic restricted imports, our industry sector was encouraged to produce the requisite material and equipment with multiplied capacity. They recalled the labors at lucrative offers and facilities. The Pharmaceutical sector encouraged to produce life saving drugs.

Soon after this, the overwhelming result was observed. India became an exporter instead of an importer on the front. Even many friendly countries were gifted with their requirements.

Massive production of life saving drugs achieved. Vaccination producing industries worked for 24 x 7 to improve and produce trustworthy vaccines meeting all the international norms and safety standards. As the result India became the largest manufacturer of vaccination.

It could also cater the immediate need of vaccination as life saving needs to its friendly countries, whereby establishing goodwill globally.

Livelihood:

The very first need was food. Government opened its reserve stock and released dry products to its two-third population free of cost.

The requirement of cash for other need was realised and cash transfer started with disbursement direct to the banking accounts.

Since there is a limit to the time that the lockdown can be extended in India, the government does not have a choice but ensure that the lockdown turns out to be successful. However, if the poor people find it tough to survive themselves during the tenure of the lockdown, they would not refrain from coming out on the streets in search of the livelihood. This may end up that these people are able to survive themselves during the lockdown period. To make it happen, the government had to distribute direct cash to such vulnerable population. Typically, the governments are cautious in distributing cash as such as to ensure that none of the not-vulnerable people get this benefit. However, this time the challenge for the government is different, and therefore, rather than acting smart, the government needs to act fast. Hence, while planning to distribute the government should not mind if even some not-vulnerable people get the advantage. The positive point is that over last ten years or so, majority of such vulnerable people have opened their bank accounts, for instance – through the person Jan Dhan Yojana.

The situation was quite under control and life started to return to normal. Pandemic was under control and economy returned to normal. **India stood winner on both the fronts.** The turbulent era of 2020 ended.

COVID-19 second wave:

Opening of 2021 was quite pleasant and many social, religious and political activities were in full swing. Towards the end of February, 2021 the sign of re-emergence of pandemic observed. This was named as "Second Wave" of pandemic used them casually. But the virus was hidden in the population. As the number of infections declined, people stopped using masks 10,000 new cases a day and the disease has surged since then.

The spread of this virus was very fast as compared to the former one. Infection rate had reached four times higher than last one. *Mortality rate also jumped significantly.*

All available medical infrastructures have fallen short. Almost 80% of infected people require oxygen to sustain life. *Again the government was on war foot. Very soon the requirement was met from in-house resources as well as international resources.*

During this whole episode, people had fear of lockdown once again. Learning the lesson from last year, Central government gave autonomy to State governments to handle the situation as per the local conditions. Central government and

responsibility to cater all the requisites of life saving medicines, oxygen, enhancement of hospital facilities, free ration distribution to almost 70% of population and many more.

Having shouldered with responsibilities of their people, state governments released their modus operandi and acted accordingly with best possible measures.

It was also decided that the only and only step to eradicate this menace was vaccinating the entire population

Conclusion and Suggestion:

There was a perfect balance between life and livelihood. No chaos, no turbulence, no industrial loss, no job-loss. But strict compliance of safety instructions by administration brought the situation well under control.

Governments and people have learnt the lesson from past experiences. Now resources are adequate enough to meet future challenges. People have changed their habits towards individual and social safety. The major relief is that by the time the third wave is expected and our 70% population shall have been vaccinated with achievement of herd immunity. Whereby impact shall be mitigated to large extent.

The challenge to save life and livelihood together could be faced successfully with the contribution of every individual of our country.

The tyranny does not end here.

The massive loss of human lives of the order of more than 4 Lakh people has left behind so many setbacks to our social systems. Family did not remain family with the loss of earning members; even many of these have lost all adult members. No source of livelihood. Orfamily is seen in many families.

Here comes the major role of all the governments, NGO's, entrepreneurs to come forward and extend their hands to shoulder responsibility of such deprived and downtrodden people of society towards leading a reasonable and respectful life. Here also it requires the clarity in approach so that the initiative does not die down in due course of time. It is pleasant to note that all the above elite segments have come forward and extending the wholehearted support generously on long term basis.

References:

1. Kumar (Mar 26, 2021) <https://m.thewire.in/amp>
2. Nayyar (2020) *The Indian Journal of Labour Economics volume 63, pages 53–59*
3. Sharma (2020) *Social Sciences & Humanities Open (Volume 2, Issue 1,100036)*
4. Bhandari (2020) *Constitutional Analysis of Corona Lockdown.*
<https://www.latestlaws.com/>