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Crime, justice and legal remedies during COVID-19 pandemic

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Abstract--The article addresses the significant impact on the reduction of criminal activities such as robbery, murder, rape, molestation, kidnapping, thefts, thefts of motor vehicles, burglaries, snatching phones and jewelry, and so on, as opposed to an increase in cybercrime, domestic violence, fraud and racketeers, hoarders, hate crimes, and so on. Unemployment and, as a result, poverty were the driving forces behind criminal activity. The article also reveals how few religious congregations have led to the spread of covid-19 virus. It also discusses various measures implemented to efficiently regulate the prison system. New police force guidelines were issued, including instructions on social distancing, sanitizing, micro-grouping; beat patrolling, crowd control, crime hospital spot visits, and arresting protocol. Coronavirus has called for a mixed response in India. The answer includes a host of regulations, guidelines, services, and administrative structures, as well as public and government warnings. As the demands of government action grow, the Passivence Sicknesses Act has become a topic of discussion. Instead of establishing a comprehensive health care system, the Pestilence Infections Act allows states to take special measures in response to serious infectious diseases.

Keywords--COVID-19, crime, law, pandemic, SARS-CoV-2 corona virus, lockdown, cybercrime, prisons, criminal justice system, laws, acts.

Introduction

The SARS-CoV-2 corona virus causes COVID-19, a disease. A zero-stroke patient, thought to be from Wuhan, China, has not been confirmed. Kerala was the first state in India to register a case of infection with COVID-19. A 20-year-old woman with a one-day history of dry cough and sore throat was introduced to the Emergency Department of Trissur General Hospital, Kerala, on January 27, 2020. No fever, rhinitis, or shortness of breath. He announced that he had returned to Kerala on January 23, 2020, from Wuhan, China, due to the COVID-19 explosion there. Since then, there have been 17,636,307 confirmed cases of COVID-19 in India, with the deaths of 197,894 people registered with WHO between 3 January 2020 and 27 April 2021.¹

The most common symptoms of COVID-19 are fever, dry cough and fatigue. Loss of taste or smell, respiratory inflammation, conjunctivitis (also known as red eyes), sore throat, fever, muscle or joint discomfort, various skin rashes, nausea or vomiting, diarrhea, cold, or dizziness are all conditions that can cause some patients. Severe COVID19 disease is characterized by shortness of breath, loss of appetite, confusion, chronic pain or discomfort in the abdomen, and high temperatures (above 38 ° C). Most of those with symptoms (about 80%) live without the need to go to the hospital. About 15% are seriously ill, in need of intensive care, and 5% are seriously ill, in need of oxygen. People over the age of 60, as well as people with chronic medical conditions such as high blood pressure, heart and lung disease, diabetes, obesity, or cancer, are more likely to suffer from serious illness.¹

Simple precautions like physical isolation, using a mask when separation is difficult, keeping rooms well ventilated, avoiding crowds and close contact, constantly washing your face, and coughing into a bent elbow or tissue will keep you healthy. Consequentially, India experienced its first lockdown on March 25, 2020. People were frantically stockpiling food and other supplies after the previous day's tragedy. The frenzy of toilet paper buying in foreign nations is worth mentioning but a significant impact was seen on the decrease of few criminal activities/street crimes like robbery, murder, rape, molestation, kidnapping, thefts, thefts of motor vehicle, burglaries, snatching phones, and jewelry, etc. Whereas, there was an increase in cybercrimes, domestic violence, fraud and racketeers, hoarders, terrorism.¹

Materials and Methods

A search on the internet was conducted for information on the status of laws and criminal activities in India during the Covid-19 pandemic. The search was conducted until April 27th, 2020. Numerous articles were studied to format a comprehensive article.

Results

We deduced that the increasing and decreasing percentages of criminal activity were caused by unemployment and poverty. We also inferred how few religious congregations have contributed to the virus's spread. Conclusions were reached regarding various measures put in place to efficiently regulate the prison and policing systems. New challenges to the criminal justice system have also been mentioned. Laws that aided the nation during the pandemic and made it easier to prosecute violators have been highlighted.

Discussion

Lockdown

In certain areas, citizens were seen breaking the lockdown and not adhering to social distancing by swarming vegetable markets ². March 27, 2020, police in Hardoi arrested eight people and filed a lawsuit against 150 others for assembling at a mosque ³. Huge numbers of people defied the lockdown on April 2, 2020, to gather at temples across West Bengal to celebrate Rama Navami⁴. On the 5th of April 2020, 12 members of the Tablighi Jamaat were imprisoned in Muzaffarnagar for disobeying the lockdown and organising a function ⁵. In Andhra Pradesh, a priest was arrested after defying the lockdown and holding a 150-person meeting in a church ⁶.

Cybercrime

The entire globe went online, from schools to shops to court proceedings, everything was done on screens. People were exposed to the world of cyber-crime through unrestricted access to notorious websites. A surge in online hate speech dividing religions, regions could be seen. Banking frauds ensued with the fake reactivation of debit and credit cards. Several scams online booking and shopping sites did not deliver the requested service even after payment. The scammers did not even leave WHO alone, they were observed impersonating WHO personnel. Fake international job offers duped people into spending the majority of their savings. Fraudsters are asking for personal details in exchange for free covid tests. Sextortion victims were coerced by their assailants to provide unreasonable favors and if the victim disagreed they were threatened on the grounds of exposing their sexual images or information. Most people ended up as victims due to their lack of knowledge about cyber-attacks and cyber safety.

Domestic violence

A significant increase in domestic violence against women in the last year has been attributed to the lockdown imposed because of rising cases of covid. Women are subjected to abuse, rape, mental and physical torture, and harassment. The lockdown diminished the possibility of women being able to seek help due to restricted movement, reduced contact with natal family, and reduced access to services. The National Commission for Women had launched a Whatsapp helpline number for women in distress ⁷. The aim was to address this issue by providing a space where women could report their issues without any hesitation but the

authorities did not realize that only 38% of Indian women owned mobile phones and even a smaller fraction had an internet connection to use Whatsapp ⁸.

Counterfeiting, frauds

Never seen before counterfeiting and fraud cases have risen. The central crime branch police seized around 12,000 fake N95 masks in Bengaluru ⁹. The Mumbai police busted a warehouse hoarding around four lacks masks which valued a total of rupees one crore ¹⁰. A man was booked by Mumbai police for selling used masks under IPC section 269^[11]. Hoarding of sanitizers and masks, Personal Protective Equipment (PPE), medicine, etc has become a common crime.

Hate crimes

Hate crimes against Asians were on a toll during the pandemic as the origin of the virus was from Asia. They were spat on, verbally abused, and even physically assaulted in some cases ¹².

Policing

New police guidelines were released includes standard self-defense measures at police stations. From six feet [6 m] from the victim's place to the scene of the crime, to administer corrective action, clean weapons, grant bail as soon as possible, to all staff wearing masks and gloves, disinfection weapons, anti-violence equipment, flashing lights, lights dragon, computers, printers and housekeeping, furniture, toilets, kitchens, marches and cars twice a day. It also said that a Steam / electric machine should be used to disinfect the uniform and various documents. It also spoke of the recruitment of small groups of police station staff and that the various task teams should have as little communication as possible to avoid infection. Each group should be rounded up in such a way that 15-20% of employees remain separated for a fixed period and are fired and available for jobs whenever needed. It was reported that because the guard was the first contact point for all police stations, he should be dressed in a face mask, face shield, full arm gloves, sanitizer, and additional masks. At police stations, a thermometer will be fitted with a transmitter to take the temperature of each person entering the area. Only one person should be allowed to contact the investigating officer / SHO, and the others should stay outside. Package workers should have as little contact with the public as possible, and barriers and reflectors brought for use should be cleaned up. In addition, strict patrol orders were issued. Beat employees are expected to be aware of any Covid-19 cases in the area and should be provided with protective clothing. When riding a motorcycle, only one officer should be on one bike, and the bike should be cleaned. Regulations regarding protest sites were also instituted. Protesters should be warned of the threat of a virus that spreads in advance in such cases as protests, unanticipated crowds, and processions. Crowd control, crime and hospital visits, as well as legal compliance are also discussed.¹³

Prisons

India's jails are overburdened, with nearly 70% of inmates awaiting trial. According to the World Prison Brief, India ranks fifth in the world in terms of the prison population. It is important to note, particularly in light of the COVID 19 situation, that the number of people who pass through the prison system in a year far exceeds the prison population on any given day. According to the PSI Report 2019, about 75% of inmates were released during the year, meaning a high floating population in jails, with new admissions and releases occurring daily. Given this fact, there's a good chance the Coronavirus will spread within jails, with released inmates and prison workers being carriers. According to the PSI Report 2019, 1775 prisoners died in detention as a result of various illnesses such as heart, lung, liver, and kidney-related diseases, as well as tuberculosis and cancer, due to inadequate sanitation and healthcare facilities. In Indian jails, there is one medical staff for every 243 prisoners. India only spends 4% of its prison budget on medical care (Government of India 2019). These problems have clear and significant consequences for the health and mental well-being of inmates and prison personnel. The threat that prison populations pose to public safety and order was assessed by authorities. Establishment of interim prisons to accept new prisoners and hold them in isolation for 14 days before returning them to regular prisons, relocation of prisoners from overcrowded prisons to less crowded prisons, making prisoners aware of the pandemic, setting up Covid treatment centers inside or outside prisons, etc are some of the steps taken by prison departments. The Supreme Court of India undertook suo moto cognizance of the matter and directed state governments to form High-Powered Committees to classify groups of inmates who could be released. The main concern of the prison and judicial authorities was to handle the situation without upsetting the perception about prisoners' "dangerousness" and "threat to peace and justice." It seems that the danger and risk to public order, rather than the community health element, affected prison authorities and the courts ¹⁴.

Laws That Supported The Nation During The Lockdown And Helped In Combating The Violators Are As Follows:

S. No.	Law and Offence	Punish-ment	Cognizance	Bail	Triable	Remark
1	SECTION 144 IPC- Joining unlawful assembly with deadly weapon	2 Years or Fine or Both	Cognizable	Bailable	Any Magistrate	This section protects the most effective prevention action against corona by restricting people's gatherings as well as preventing congregation, which in turn supports social distancing.
2	SECTION 188 IPC- (i)Disobedience to order duly promulgated by	(i) Simple Imprisonment for 1 Month or Fine or Both	(i) Cognizable	(i) Bailable	(i) Any Magistrate	This rule applies to defaulters who disobey public servants' commands and wander aimlessly during the

	public servant (ii) If such disobedience causes danger to human life, health or safety, etc.	(ii) 6 Months or Fine or Both	(ii) Cognizable	(ii) Bailable	(ii) Any Magistrate	lockout.
3	SECTION 269 IPC-Negligent act likely to spread infection of disease dangerous to life	6 Months or Fine or Both	Cognizable	Bailable	Any Magistrate	This segment refers to those who unwittingly help the virus spread.
4	SECTION 270 IPC- Malignant act likely to spread infection of disease dangerous to life	2 Years or Fine or Both	Cognizable	Bailable	Any Magistrate	The rule applies to those who are aware that their activities can result in the spread of the virus but still continue to do so.
5	SECTION 271 IPC-Disobedience to quarantine rule	6 Months or Fine or Both	Non-Cognizable	Bailable	Any Magistrate	Whoever disobeys the quarantine law will be fined, according to the section.

*IPC=Indian Penal Code *Source= Indian Penal Code.¹⁴

Thus the aforesaid provisions of Law have helped the State in maintaining peace and rule of law during the prevailing testing times when patience is running out and there is a surge of covid-19 cases and resultant deaths. Disaster Management Act, 2005 & National Disaster Management Guidelines, 2008 deals with the management of biological disasters. The Disaster Management Act's objective and aim, as its name implies, is to handle disasters. Given that a disaster is typically synonymous with (and even described in the Act as) a natural calamity, mishap, or catastrophe (such as an earthquake or cyclone), the Central Government has classified the Novel Coronavirus as a "sensitive medical condition or pandemic situation." The law also specifies the creation of administrative agencies such as the National Disaster Management Authority, as well as their powers and the actions that must be taken in the event of a disaster.¹⁵

The provisions of the Disaster Management Act have been invoked as exceptional steps to alleviate and control loss of life during the present distressing periods of the COVID19 pandemic. The State Disaster Response Fund is being used to set up quarantine centers, new laboratories, thermal scanners, ventilators, purifiers, consumables, and personal protective equipment for healthcare personnel, among other things. These funds are also being used to cover the costs of collecting

samples, screenings, and tracing individuals that have tested positive for Coronavirus¹⁵. THE EPIDEMIC DISEASE ACT, 1897 provides for taking special measures and prescribes regulations regarding dangerous epidemic disease.

The British enacted this antiquated law to counter the Bubonic Plague, which wreaked havoc in Mumbai in 1896. The 123-year-old Act is now regularly applied to prevent diseases like cholera, swine flu, and dengue fever from spreading. This Act, which has four parts, is used when the government believes that the existing legal provisions are insufficient to control and mitigate an outbreak. When the State Government determines that the State or any part thereof is at risk of a serious infectious disease, the State Government may take, or compel or authorize any person to take, such action and, by public notice, recommend such interim measures if it believes that common legal provisions exist at that time. not enough for the purpose. Without limiting the norms, the State Government may take steps and prescribe regulations for the inspection of travelers by train or otherwise, and the segregation of persons suspected by a probation officer, hospital, temporary accommodation, or otherwise.¹⁶

The essential services maintenance ACT, 1981

Its main objective is to provide for the maintenance of certain essential services and the normal life of the community. Section 3 of the said Act gives the central government the power to issue a special order prohibiting the strike of any essential service. The government would be required to mention the essential service industry in the said order. Although the central government has the authority to issue such an order in the public interest or if it is necessary. As a result, anybody who goes on strike after the central government has issued the special order is breaking the law. Section 5 of the Act states that someone who starts a strike can be sentenced to a maximum of six months in prison or a fine of one thousand rupees or a combination of the two. Section 6 of the act states that someone who initiates or incites a strike that is unlawful under Section 3 of the act may be sentenced to one year in prison or a fine of two thousand rupees, or both. Section 7 of the Act states that anybody who provides financial assistance to such a strike will be sentenced to one year in prison or a fine of two thousand rupees, or both.¹⁷ Thus in nutshell, this Act provides for safeguards against the health care personnel going on strike against the public interest especially during these trying and testing times when the COVID-19 pandemic is wreaking havoc.

The drugs and cosmetics ACT, 1940:

This Act regulates the import, manufacture, distribution and sale of drugs and cosmetics. It also provides for manufacture, distribution and sale of drugs and cosmetics by qualified persons as also for preventing substandard drugs, presumably for maintaining high standards of medical treatment. The act's section 16 establishes prescription consistency requirements. "Misbranding" is specified in Section 17. If a drug appears to have more medicinal efficacy than it really does, it is deemed misbranded. Under Section 18, the maker of such a drug can be asked to stop producing it. Fake and adulterated medications are dealt with in Section 27. More of the drug's ingredient must be printed on the packaging, according to the act. Sections 22 and 23 specify the powers of drug

inspectors, as well as the stringent protocol that inspectors must observe during all raids. Certain fines are also specified in the Act. Thus the said Act prevents adulteration of drugs, charging exorbitant price for the drugs especially the drugs used for treating Corona virus ailment, in the present scenario and provides for a robust mechanism for checking the contraventions of the said Act by unscrupulous drug dealers.¹⁸

Conclusion

Coronavirus has called for a mixed response in India. The answer includes a host of regulations, guidelines, services, and administrative structures, as well as public and government warnings. As the demands of government action grow, the Passivence Sicknesses Act has become a topic of discussion. Instead of establishing a comprehensive health care system, the Pestilence Infections Act allows states to take special measures in response to serious infectious diseases. The law gives the public a broad mandate to participate in oppressive actions against citizens within this limited framework.

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