

To counter the current pandemic, orders under Section 144 have been issued, prohibiting the gathering of four people or more in public spaces. Schools, colleges, non-essential private offices etc. have been directed to remain closed for preventing the spread of COVID-19.

Curfew

Section 144 generally prohibits public gatherings. A order of curfew directs the public to stay indoors for a specific time. Curfew orders are enhancement of an order passed under Section 144 requiring everyone to stay at home for a fixed duration. Outdoor activities/visits are restricted/prohibited during a curfew.

DO YOU KNOW THE ORIGIN OF THE TERM LOCKDOWN?

The origin of the term 'Lockdown' is from Britain. Just like almost everything else, we also inherited this term from another place. The current situation resembles the situation of Spanish Flu of 1918 which involved the H1N1 virus that came to be known as swine flu in a subsequent phase. That was the first time that a lockdown was initiated to prevent over-crowding and to ensure social distancing.

In India, our Government used the term "Jantata Curfew" to give an Indianized tinge to lockdown although the word 'curfew' is also not found in any legal statute.

The IMF's Economic Counsellor has named it the 'Great Lockdown', estimating the cumulative loss to global GDP over 2020 and 2021 at around 9 trillion US dollars – greater than the economies of Japan and Germany, combined.

THE APPLICATION OF THE FOUR LAWS FOR THE LOCKDOWN

Therefore, the above discussion on the four laws shows that the lockdown in our country is dealt by not any one law but at least four major laws and other regulations by the union and states.

THEN THE QUESTION ARE?

1. Why one law alone has not been invoked?
2. What are the differences between them, especially the NDMA and the EDA?
3. What is the role of the provisions of the Constitution?

Let's understand them.

The provisions of the Constitution in general can be as follows:

1. Emergency provisions
2. The provisions related to directions issued by the union executive for states
3. The provisions of the Schedule 7
4. Other miscellaneous provisions

Both the union government and the state governments are constitutionally empowered to legislate on matters related to public health.

The Union List: The union law deals with port quarantine, including in connection with seamen's and marine hospitals, and interstate quarantine.

The State List: State legislatures may provide for matters relating to public health and sanitation, hospitals, dispensaries, and prevention of animal diseases.

The Concurrent List: The union government and states have concurrent jurisdiction to prevent transmission from one state to another of infectious or contagious diseases or pests affecting humans, animals, or plants.

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