

## CM holds discussion with hill leaders on COVID-19

IT News

Imphal, May 27:

Chief Minister N. Biren Singh hosted a discussion session with the leaders of different tribal communities of the State at the Chief Minister's Secretariat today. The discussion mainly revolved around effective tackling of the pandemic COVID-19 and other issues faced by hill people due to the nationwide lockdown. Around 60 leaders representing the apex bodies of different tribal communities took part in the discussion, which was conducted with strict adherence to social distancing and other safety norms.

Speaking at the discussion, the Chief Minister announced that a museum each of all the tribal communities of Manipur would be constructed in their originating villages at the cost of Rs. 10 lakh each. Ancient tools, articles, costumes and other articles of the respective

communities would be kept in these museums, he said. Shri N. Biren Singh also said that a WhatsApp Group of community leaders wherein the Chief Minister and other high ranking officials would also be the members would be made to communicate between the Government and community leaders.

The Chief Minister observed that the COVID-19 pandemic can be dealt with through proper awareness only. He said that the key in time behind holding the discussion is to hear the grievances of our hill brethren in the aftermath of spread of COVID-19 and formulate a strategy to impart the right awareness at the grassroots level. Highlighting the small population of Manipur as compared to other States of India, N. Biren Singh said that the State may face different difficulties due to the pandemic if we are not careful and take up effective steps on

time. The Chief Minister urged the public to ignore rumours and trust only the advisories and guidelines issued by credible agencies like WHO, ICMR, Health Ministry, Home Ministry etc. He also said that as per the advisories of these organisations, persons who have completed 14 days of institutional quarantine or the persons whose test result come out negative may return home. As such, people should never hesitate to allow them to enter their localities, he said.

The Chief Minister further said, he is confident that all the infected persons would be cured because the doctors, nurses and paramedical manpower of the State are capable, and they have been working day and night with full dedication to accomplish it. He also said that the State would overcome the crisis with the support and cooperation from the people.

Regarding unity and integrity of the State, the Chief Minister said that the present Government has been putting in its dedicated efforts to retain the age-old unity among different communities residing in the state. He said that a heritage park would be developed at Keibul Lamjao, where the main venue for the annual Manipur Sangai Festival would be shifted gradually. Informing that traditional house models of all the communities of the State would be kept at the park, the Chief Minister urged the hill leaders to submit the sketch of their traditional houses to the Tribal Affairs and Hills Department.

The leaders expressed their profound gratitude to the Chief Minister for hosting such a fruitful discussion session and hear the grievances of the people residing in different hill districts at the time of hardship given by COVID-19 pandemic and na-

tion-wide lockdown. They opined that it was a rare occasion which had never happened in the past.

COVID-19 awareness leaflets published by National Health Mission, Manipur in Meitei Mayek, English and different tribal dialects like Aimol, Anal, Chothe, Lamkang, Monsang, Moyon, Tarao, Chiru, Kabui, Inpui, Rongmei, Zemei, Liangmei, Gantge, Hmar, Kom, Mate, Paite, Simte, Vaiphei, Zou, Thadoul, Kharam, Koireng, Mao, Maram, Poumai, Thangal, Maring, Tangkhul etc. were handed over to the leaders present at the discussion. The Chief Minister also presented gifts and hosted a lunch in their honour at the CM's Secretariat, Manipur Legislative Assembly Deputy Speaker K. Robindro, Yaiskul AC MLA Th. Satyabrata and high ranking officials of the State Government were also present at the discussion.

## We oppose delimitation base on wrong data – O. Ibobi

IT News

Imphal, May 27:

Congress Legislature Party leader Okram Ibobi Singh today said that the congress party will oppose tooth and nail to any delimitation of parliamentary or Assembly constituency that is based on the wrong data of census report.

Talking to reporters at Congress Bhavan today afternoon, Okram Ibobi said that there has been abnormal growth of population at some areas of the state in 2001 census. And any delimitation conducted based on the 2001 census without increasing the number of assembly constituency will be opposed tooth and nail by the Congress party, he said.

"We have been opposing the delimitation base on the 2001 census and have even went to the court in 2015 to oppose any delimitation base on 2001 census", Ibobi, who is also the 3 times Chief Minister of Manipur said.

The CLP leader however said that if the number of constituency is increase from 60. As for the parliamentary seat, Ibobi opine that the number of LS seat be increased to 3 as there are 7 assembly constituency which are included in Outer Manipur Parliamentary Constituency but voters of the constituency cannot contest the election.

"A number of voters have increase it is okay if two Parliamentary constituencies are delimitated from the 40 Assembly constituencies of valley area", Ibobi opined.

On the other hand President of the MPCC M. Okendro said that the congress party will launch a nationwide campaign on social networking site demanding transfer of Rs. 10,000/- each to the bank account of migrant workers who have lost their jobs due to the nationwide lockdown that has been taken up across the nation to contain the COVID-19 pandemic.

## 2 more tested Coronavirus positive; number reaches 41

IT News

Imphal, May 27:

Two more persons have been tested positive coronavirus at VRDL of RIMS late yesterday evening. The total number of positive Coronavirus reached 41 with the addition of the two and the number of active coronavirus cases is 37 today in the state of Manipur. Both the person tested positive are returnee from outside the state and have been undergoing quarantine at two CQC located at Thoubal district.

Meanwhile, over 500 passengers were landed today at Bir Tikendrajit Airport Imphal in three flight. All the passengers have been quarantine at Community Quarantine centers. On the other hand two trains which were carrying stranded Manipuris from Delhi and Kerala are on the way. Both the trains are expected to be reached by today evening.

## SC seeks report on migrant workers

Our Correspondent

Mumbai, May 27:

The Supreme Court has asked the Union Government to furnish information by Thursday, about steps being taken to help migrant workers stranded due to the nationwide Covid-19 lockdown and has asked Solicitor General Tushar Mehta to assist it on the issue.

Taking a suo motu cognizance of plight of migrant labourers, stranded in different parts of the country, a bench comprising Justices Ashok Bhushan, Sanjay Kishan Kaul and M R Shah issued notice to the Centre, states and Union Territories on Tuesday and sought their replies by Thursday, on the steps taken to redress the situation.

## Rs. 50 lakh life insurance scheme for COVID-19 frontline warriors announced under PMGK

IT News

Imphal, May 27:

Union government of India has announced Rs. 50 lakh life insurance scheme for Health workers fighting COVID-19 under the prime Minister Garib Kalyan Package.

An office memorandum issued by the Deputy Secretary (Health & Family Welfare) of the Government of

Manipur said that the insurance scheme will be available for health workers who have lost their life due to COVID-19 and to those who died accidentally while performing duty related with COVID-19.

The insurance scheme covers public healthcare providers including community health workers, who are directly contacting while taking care of the COVID-19 patients

and who may be at risk of being impacted by it. The insurance also covers private hospital staffs and retired / volunteers/ local urban workers/ contracted / daily wage/ ad-hoc/ outsourced staffs requisitioned by the state/central hospitals/ autonomous hospitals of centers, states or Union territories, AIIMS and INIs / hospital of Central Ministries.

## During lockdown each family in Thanlon AC gets 75 kg of rice plus dal

IT News

Imphal, May 27:

When there are complaints about people not getting their allocated share of rice at various assembly constituency of the state, each family in Thanlon Assembly constituency gets 75 kg of rice plus Dal.

MLA Vungzagim Vaite, who is also the Chairman of Manipur Tribal Development Corporation of the Government of Manipur, in a statement said that during the lockdown due to the COVID-19 Pandemic and other essential items have

been distributed to the people of Thanlon Assembly constituency through district administration of Churanchandpur in coordination with Zomi Youth Association, Hmar Youth Association, Gen. HQ and Young Vaiphei Association Gen HQ.

The statement said that Rise and other essential commodities like dal have been distributed at free of cost at Thanlon Assembly Constituency 3 (three) times to every household (one bag of rice each of 50 Kg in addition to the minimum of 25 Kg of Rice in the first

and second instances.

On the other hand Institutional Quarantine Centre is also running at En Gedi Retreat Centre, Gelzang and as many as 160 persons (32 from Thanlon AC and 128 from Tipaimukh AC) who have return from outside the state have been accommodated at the centre.

Vaite said that he had provided 30 bags of rice and 150 kg of dal, utensils, sanitizers, Masks and transportation cost to the people of his area who remained stranded outside the state due to the lockdown.

## Delayed in picking of COVID-19 positive persons irked MLA

IT News

Imphal, May 27:

Delayed in picking up of the Coronavirus positive case from Community Quarantine center being open at Universal College, Yairpik in Thoubal district has irked MLA K. Meghachandra

prompting him to lambast the government over mismanagement in dealing the COVID-19 pandemic.

Talking to media persons Meghachandra said that a person who have returned from outside the state and have been on quarantine at

Universal College, Yairpik quarantine center was tested Coronavirus positive at around 1 am today. However no government authority or any persons from the state health department had come to pick up the person till 1 pm today afternoon.

## Reduce price of COVID-19 test, ICMR to states

Our Correspondent

Mumbai, May 27:

The Indian Council of Medical Research (ICMR) has advised state governments and UT administrations to negotiate with private laboratories and fix up mutually agreeable prices for samples being sent by the government and also for private individuals desirous of testing by these labs.

"Testing supplies are stabilising and due to the availability of a variety of testing materials and kits, including indigenous ones, the prices are becoming competitive and are undergoing reduction. Considering these developments and the evolu-

tion of the testing kits, the earlier suggested upper ceiling of Rs 4,500 may not be applicable now. ICMR Director-General Dr Balram Bhargava, wrote in a letter addressed to states.

"At the beginning of COVID-19 pandemic, there was a paucity of testing kits as India was heavily reliant on imported products for the detection of the novel coronavirus. Considering the cost of imported kits, the ICMR had suggested Rs 4,500 as the upper limit of a single test," Bhargava wrote. In a letter dated 17 March 2020, the ICMR had suggested Rs 4,500 price cap for private labs testing the

novel coronavirus.

However private laboratories claim that Rs 4,500 price cap for COVID-19 test is one of the reasons behind low testing. According to an analysis, on 16 April, private labs did a little over 15 percent of the total 28,340 tests done that day. And on 23 May, that figure was 19 percent of the total 1,10,397 tests done.

According to ICMR, unlike March, today there's a sample of alternative testing kits and supplies which can be used. Hence, the price should be revised accordingly. In the meanwhile centre is studying whether two lakh tests could be conducted per day.

## Kuki Students' Organisation walks the talk!

By - T S Haokip

Imphal, May 27:

The initiatives, taken by CSOs in the cities outside North-east, to assist stranded individuals to return home and those of the region to assist the Government in the effective implementation of quarantine process are the standout stories that reaffirm the much-needed belief and resolution that 'Coronavirus can take the lives of human but we should not let it take humanity out of our lives.'

One such is the initiative taken by Kuki Students' Organisation through its units

in the region and different cities outside the North East. According to Seiminthang Haokip, Info Secy, KSO Delhi,

'We in collaboration with InSIDE - North East, sponsored by Centre for Advocacy and Research (CFAR) has distributed food items on the 23rd and again on the 25th of May, 2020 at the Railway Station, Delhi to all those heading home irrespective of the community they belong to. A total of 1200 individuals were provided with food items, masks, and water. We also acknowledge the help received from the volunteers of Manipur Naga Forum Delhi for

COVID19 MNFDC, for making the initiative a grand success.'

While KSO Mumbai and KSO Chennai epitomized the Good Shepherd by assisting concerned authorities in finalizing the list of stranded individuals by personally contacting and guiding all the stranded individuals from a week before the journey of the Shramik Train till their arrival in Jiribam, Manipur, the KSO Bangalore in collaboration with InSIDE-North East has distributed food items like dry fruits, water, etc. to more than 2000 passengers heading home from Bangalore under a

project called 'Smile' (Mercy Mission).

Mr. Khaiminlen Dougel, Info, and Publicity Secretary, KSO Ghatr expressed his gratitude to all the units for their untiring efforts and sacrifices so much so that they have even sacrificed their personal obligations at home for the sake of the society. He added, 'it is this exact effort, of helping people when they are in need, which defines the ethos we stood for since the inception of KSO. All KSO units both in and outside Manipur have done tremendous work from providing food grains to the weaker sec-

tion of the society to collection and dissemination of Data and most importantly assisting Govt in the successful arrangement of bringing back stranded individuals outside the region. The KSO volunteers e.g in Churachandpur have volunteered to stay in Quarantine centers for the 14 days displaying true characteristics of the organisation's motto; to learn, unite and serve.'

There are many other stories of the KSO and other CSOs contributing their selfless services in this fight against Coronavirus. While the State Governments with

the co-operation of concerned authorities have taken painstaking efforts for the successful arrangement of the return of stranded brethren outside the region by arranging Special Shramik Trains, the role of the CSOs and individuals both in and outside the region have been tremendous. We can only hope and pray that this partnership of the Government, CSOs and individuals continue in the coming days as we well-aware that this will be a long drawn battle. The fight is far from over, but together we can. And we shall overcome, someday. Together!

## Effects of Covid-19 in Education

By: Sanjenbam Jugeshwor Singh

Even before the Covid-19 Pandemic, the world has living a learning crisis. Before the Pandemic, 258 million children and youth of primary and secondary school age were out of school as per the report of UNICEF. And low schooling quality meant many who were in School learned too little. The learning poverty rate in low and middle income countries was 53% meaning that over half of all 10 year old children couldn't read and understand a simple age appropriate story. Even worse, the crisis was not equally distributed: the most disadvantaged children and youth had the worst access to schooling, highest dropout rates and the largest learning deficits. All this means that the world already far off tracks for meeting Sustainable Development Goal-4 which commits all nations to ensure that among other ambitious targets "all girls and boys complete free, equitable and quality primary and secondary education".

The Covid-19 Pandemic, now threatens to make education outcomes even worse. The Pandemic has already had profound impacts on education almost everywhere in the planet leading to the near-total closure of schools, Colleges and Universities. As of 27th April 2020, approximately 1.72 billion learners are currently affected due to the Pandemic. According to UNICEF monitoring, 186 countries are currently implementing nationwide closure and 8 are implementing local closure, impacting about 98.5% of the world's students population. School closure impact not only students, teachers and families but also have far reaching economic and social consequences. School closure in response to Covid-19 have shed light on various social and economic issues, including students debt, digital learning, food insecurity and homelessness as well as access to childcare, healthcare, housing, internet and disability services. The impact was more severe for disadvantaged children and their families causing interrupted learning, compromised nutrition, childcare problems and consequent cost to families who couldn't work. The damage will become even more severe as the health emergency translates into a deep global recession.

In response to school closures UNESCO, recommended the use of distance learning programs and open education applications and platforms that Schools and teachers can use to reach learners remotely and limit the disruption of education. Needless to say, the Pandemic has transformed the centuries-old, chalk-talk teaching model to one driven by technology. This disruption in the delivery of education is pushing policy makers to figure out how to drive engagement at scale while ensuring inclusive e-learning solutions and tackling the digital divide. A multi-pronged strategy is necessary to manage the crisis and build a resilient education system in the long term especially for India. In India too, sometimes in the second week of March 2020, state governments across the country began shutting down schools and Colleges temporarily as a measure to contain the spread of the novel Coronavirus. It's close to a one & half months and there is no certainty when they will reopen. This is a crucial time for the education sector-board examinations, nursery schools admissions, entrance tests of various Universities and competitive examinations, among other are all held during this period. As the days pass

with no immediate solutions to stop the outbreak of the Covid-19, School and University closures will not only have a short-term impact on the continuity of learning for more than 285 million young learners in India but also endanger far-reaching economic and societal consequences as that of other part of the world. The structure of schooling and learning, including teaching and assessment methodologies was the first to be affected by these closures. Only a handful of private and government schools could adopt online teaching methods. The low-income private and government schools counterparts on the other hand have completely shutdown for not having access to e-learning solutions. The students in addition to the missed opportunities for learning, no longer have access to healthy meals during this time and are subject to economic and social stress.

The Pandemic has significantly disrupted the higher education sector as well, which is a critical determinant of a country's economic future. A large number of Indian students second only to china-enroll in Universities abroad, especially in countries worst affected by the Pandemic like US, UK, Australia and China. Many such students have now been barred from leaving these countries. If the situation persists, in the long run, decline in the demand for international higher education is expected. The bigger concern, however on everybody's mind is the effect of the disease on the employment rate. This situation can be a ringing alarm bell mainly in private sector Universities. May be some faculties and employees may face salary cuts, bonus and increments can also be postponed. Recent graduates in India are fearing withdrawal of job offers from corporates because of the current situation. The Centre of Monitoring Indian Economy's estimates on unemployment shot-up from 8.4% in mid-March to 23% in early April and the urban unemployment rate to 30.9%. The lockdown has generated uncertainty over the exam cycle. Many Universities may face impact in terms of a slowdown in student internship and placements, lower fee collection that can create hurdles in managing the working capital. Another major concern is that it can affect the paying capacity of several people in the private sector, which is catering to a sizeable section of the students in the country. Students counselling operations are also affected. Several institutions may pause faculty hiring plans for existing vacancies, which in turn affect quality and excellence.

The costs of Pandemic crisis are miserable. But it is possible to counter those shocks and to turn crisis into opportunity. The first step is to cope successfully with the school closures by protecting health and safety and doing what they can prevent students learning loss using remote learning i.e. e-learning/online classes. At the same time, countries need to start planning for School reopening. That means preventing dropout, ensuring healthy Schools conditions and using new techniques to promote rapid learning recovery in key areas once students are back in schools. As the school system stabilizes, countries can use the focus and innovativeness of recovery period "build back better". The key: don't replicate the failures of the pre-Covid-19 systems but instead build towards improved system and accelerated learning for all students.

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## Legal framework behind Lockdown, Curfew (sometime 'total curfew'), Quarantine and Isolation in present situation of war against COVID – 19 in India

By - Dr. Yumnam Premananda Singh

Head of Department & Associate Professor, Department of Law, Manipur University

In these difficult time of war against invisible enemy - 'Corona Virus', we continue to hear the words like 'lockdown', 'curfew', 'quarantine' and 'isolation'. In order words now we are under state of 'lockdown' and or 'curfew', now new terminology 'total curfew', 'isolation' or undeclared emergency like situations since many days. Except for lockdown and curfew, all the other terms have legal connotation and definition in various laws in force in India, which have been invoked in the midst of the war against COVID 19. Considering that these terms restrict our fundamental rights guaranteed by the Constitution of India, it is important to understand the true import of these terms.

As a law teacher for last 15 years in different Universities and Law Colleges of India, it is surprising to see that the terms 'lockdown' and 'curfew' have not been defined under Indian law but are still being used to curtail the fundamental rights enshrined under Article 19(1) of the Indian Constitution particularly right to move freely and to assemble peaceably without arms. Legally, this cannot be termed invalid as this right is subject to reasonable restrictions under Article 19(2) of the Constitution itself viz. to maintain public order and in the interest of general public.

To talk about civil liberties like right to life, right to health, freedom of movement, assembly without arms, etc. in the midst of a global total war (no differentiation between of combatant and non-combatant as enemy is invisible, non-discriminatory which cannot be seen by naked eye) may seem out of place. However, I am reminding what Lord Atkin's legendary dictum - "amidst the clash of arms, the laws are not silent" - applies as much to a public health crisis as it does to times of war or to emergencies. In fact, it is precisely because of the sweeping powers that governments arrogate to themselves during times of crises, that it becomes even more important to scrutinize the legality of their actions; and this importance is accentuated by that fact that often, those sweeping powers tend to entrench themselves into the legal landscape even after the crisis has passed.

The most sweeping impact upon rights, of course, is of nation-wide 'lockdown' imposed at the commencement of this war. It is fact that exact scope of the lockdown has been the subject of much confusion. Here, let me clarify that the National Disaster Management Authority's Guidelines do not themselves impose a 'curfew'.

The closest understanding of 'lockdown' can be construed from the Epidemic Diseases Act, 1897 (ED Act). Sections 2 and 2A of the ED Act give power to the State and Central governments to take necessary steps in the situation of an epidemic to control its outbreak, even if the steps are not mentioned in any law practice or theory in the country. Looking to the Disaster Management Act, 2005 (DM Act) which was used to enforce the lockdown, Section 2(d) reads: "Disaster means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area." This section is not meant to deal with epidemics or diseases of any kind but causes such as, but not limited to, tsunamis and earthquakes. However, the Ministry of Home

Affairs, Govt. of India declared the spread of COVID-19 as a "notified disaster", thus bringing into play Section 2(d) of the DM Act. This enabled the State Governments to use a larger part of the State Disaster Response Fund (SDRF) to combat the spread of the virus.

It is interesting to see that when the lockdown was announced, its application was not sourced from any law. It is not explicitly provided anywhere that the government has the power to declare something of this nature. It seems that as if the policy had first been declared, and then the later the government considered which law applied. Declaring the COVID-19 outbreak as a "notified disaster" is a first-of-its-kind measure taken to increase the scope of government powers that can be used in order to make quick administrative decisions to fight this disease. It is important for the government to back its policies and decisions with legal provisions as it validates those actions.

In furtherance of the declaration of a nationwide lockdown, the Ministry of Home Affairs, Govt. of India (MHA) published guidelines using Section 10(2)(d) of the DM Act on the measures State and Central Governments must take during lockdown period. The guidelines established that all types of transport services (air, train, and road travel) will not be operational during this period. Commercial and private establishments shall remain closed, except for ration shops, banks, ATMs, media services, and telecommunication companies. The guidelines also said under paragraph 17 that any person who violates these containment measures will be liable under Sections 51 to 60 (Offences and Penalties) of the DM Act, and under Section 188 of the Indian Penal Code which creates the punishment for disobedience to order duly promulgated by a public servant.

In the case of *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* (AIR 1996 SC 2426), the Supreme Court held that the primary duty of the government is to provide adequate medical for the people. "Article 21 imposes an obligation on the State to safeguard the right to life of every person. Preservation of human life is thus of paramount importance." But the current status of medical facilities (including, but not limited to, testing kits, hospitals, and the number of people trained to combat something of this nature) suggests that India needs something more than a DM Act or an ED Act that only grants powers to the government to take steps they deem necessary. India requires a methodological and comprehensive framework to combat a pandemic of this nature. On this background let me explain in the language of law those terms use as a weapon in the midst of this war.

First the weapon of **Lockdown** - "Lockdown" is not a legal term. A lockdown is a requirement for people to stay where they are usually due to specific risks to themselves or to others if they can move freely. The term is being used by government officials and others to describe a situation where free movement of goods is restricted, with the exception of essential items declared by the Government of India under Section 2, 3, 4 of the ED Act. Certain examples of exercise of lockdown powers of the government can be found after commencement of the war in the *Delhi Epidemic Diseases COVID 19 Regulations, 2020*; the *Maharashtra Epidemic Diseases COVID-19 Regulations, 2020*; the *Punjab Epidemic Diseases COVID-19 Regulations, 2020*; the *Himachal Pradesh Epidemic Disease (COVID-*

*19) Regulations, 2020*, perhaps in Manipur Epidemic COVID-19 Regulations, 2020 (at the time of writing of this article, the regulation is not available in public domain, we know its existence from local newspaper only) etc.

Lockdown is not the same as curfew. One of the foremost differences between the two is that in lockdown, state enforcement authorities like the police cannot arrest persons for not following the lockdown without the permission of the competent court. The State, however, enforce a lockdown through the mechanism provided under Section 188 (disobedience to the directions given by a public servant), Section 269 (negligent act likely to spread infection of disease dangerous to life), Section 270 (malignant act likely to spread infection of disease dangerous to life) and Section 271 (if someone escapes 'quarantine') of the Indian Penal Code.

Secondly the **Curfew** - 'Curfew' again is not a legal term. The word 'curfew' comes from the old French phrase "*couvre-feu*", which means "cover fire". It was later adopted into Middle English as "curfew", which later became the modern "curfew". Its original meaning refers to a law made by William the Conqueror that all lights and fires should be covered at the ringing of an eight o'clock bell to prevent the spread of destructive fire within communities in timber buildings (Bailey's Dictionary, 5<sup>th</sup> Ed.).

Generally, exercise of a power available to the District Magistrate, Sub-divisional Magistrate, or any other executive magistrate under Section 144 of the Code of Criminal Procedure (CrPc) is, in common parlance, referred to as a 'curfew'. Generally order of District Magistrate always says 'do hereby prohibit any type of movement outside their residence'; this phrase is considered as a curfew without using the very words in the order itself. In case of Manipur such phrase is found in Order of District Magistrate, Imphal East District, Manipur of 24<sup>th</sup> March, 2020 (as an illustration) and very surprisingly the order of 19<sup>th</sup> May, 2020 of District Magistrate, Imphal West District, Manipur (as an illustration of the matter) used one phrase i.e. '**total curfew**', in my word it is simply 'non legal' words in 'legal order', which creating more confusion in the sense that in curfew no need to prefix total and curfew cannot be divided into total or partial and like (even using the term 'curfew' in order issued under Section 144, CrPc is not legally proper - emphasis only).

The authorities in these circumstances, for preventing danger to human life, health or safety, disturbance of public tranquility, or a riot or an affray, may issue such orders. If anyone defies such orders issued under Section 144 CrPc, the enforcement agencies have a right to detain/arrest the violators.

Thirdly, **Quarantine and Isolation** - The word *quarantine* comes from *quarantena* meaning 'forty day', used in the 14<sup>th</sup>-15<sup>th</sup> centuries Venetian language and designating the period that all ships were required to be isolated before passengers and crew could go ashore during the Black Death plague epidemic; it followed the *trentino*, or thirty-day isolation period, first imposed in 1347 in the Republic of Ragusa, Dalmatia (modern Dubrovnik in Croatia) [Etymologia: Quarantine, 2013]. Now I come to the legal connotation of the terms 'quarantine' and 'isolation', which have been defined under the *Indian Aircraft (Public Health) Rules, 1954*. Similar restrictions are found under the *Indian Port Health Rules 1955*, framed under the Indian

Ports Act, 1908 for passenger ships, cargo ships, and cruise ships. "**Quarantine**" means the restriction of activities and/or separation of suspect persons from others who are not ill or of suspect baggage, cargo, containers, aircraft or conveyances, facilities, goods and postal parcels in such a manner as to prevent the possible spread of infection or contamination. "**Isolation**" means separation of ill or contaminated persons or affected baggage, containers, aircraft or conveyance, facilities, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination. Though not defined the terms, similar provisions are found in the ED Act, 1897.

Isolation should not be mistaken as the same as quarantine or bio-containment. Quarantine is the compulsory separation and confinement, with restriction of movement of healthy individuals or groups who have potentially been exposed to an agent to prevent further infections should infection occur. Bio-containment refers to laboratory bio-safety in microbiology laboratories in which the physical containment of high pathogenic organisms is accomplished through built-in engineering controls.

In the current health needs of the nation, the Epidemic Diseases Act, 1897 seems to be an archaic framework, owing to the changing priorities in public health emergency management. The first and the basic flaw that can be seen is that the Act is silent on the definition of "dangerous epidemic disease". But however, it is clear that no law can effectively control this epidemic. It is this reason we will find that various provisions of Indian Penal Code, Criminal Procedure Code, the Epidemic Diseases Act and the Disaster Management Act are being invoked to control the current epidemic (or pandemic which means an epidemic that's spread over multiple countries or continents).

I will end this article to stating that lockdown is not a curfew (not allowing powers to enforcement agencies). However, the combined exercise of various laws allows the enforcement agencies to enforce a lockdown like a curfew or total curfew in case of Imphal City and all other District Headquarters of Manipur. The absence of such specificity in the intersecting legal regimes - as discussed above - has led to a lot that has been lost in translation at the implementation and enforcement levels, with reports of policemen physically assaulting individuals for being out on the street. So, therefore, in this war against COVID 19 though it is responsibility of all concerned but proper balance must be made between 'saving lives and saving livelihoods' as well as 'liberties and lives'. In this critical juncture balancing guidance on when and how civil liberties (in wider term human rights) can be restricted to prevent the spread of infectious disease is found in the *Siracusa Principles*, a non-binding document (developed by the Siracusa International Institute for Criminal Justice and Human Rights and adopted by the UN Economic and Social Council in 1984). The *Siracusa Principles* state that restrictions on human rights under the International Covenant on Civil and Political Rights must meet standards of legality, evidence-based necessity, proportionality, and gradualism, noting that public health can be used as grounds for limiting certain rights if the state needs to take measures 'aimed at preventing disease or injury or providing care for the sick and injured.

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