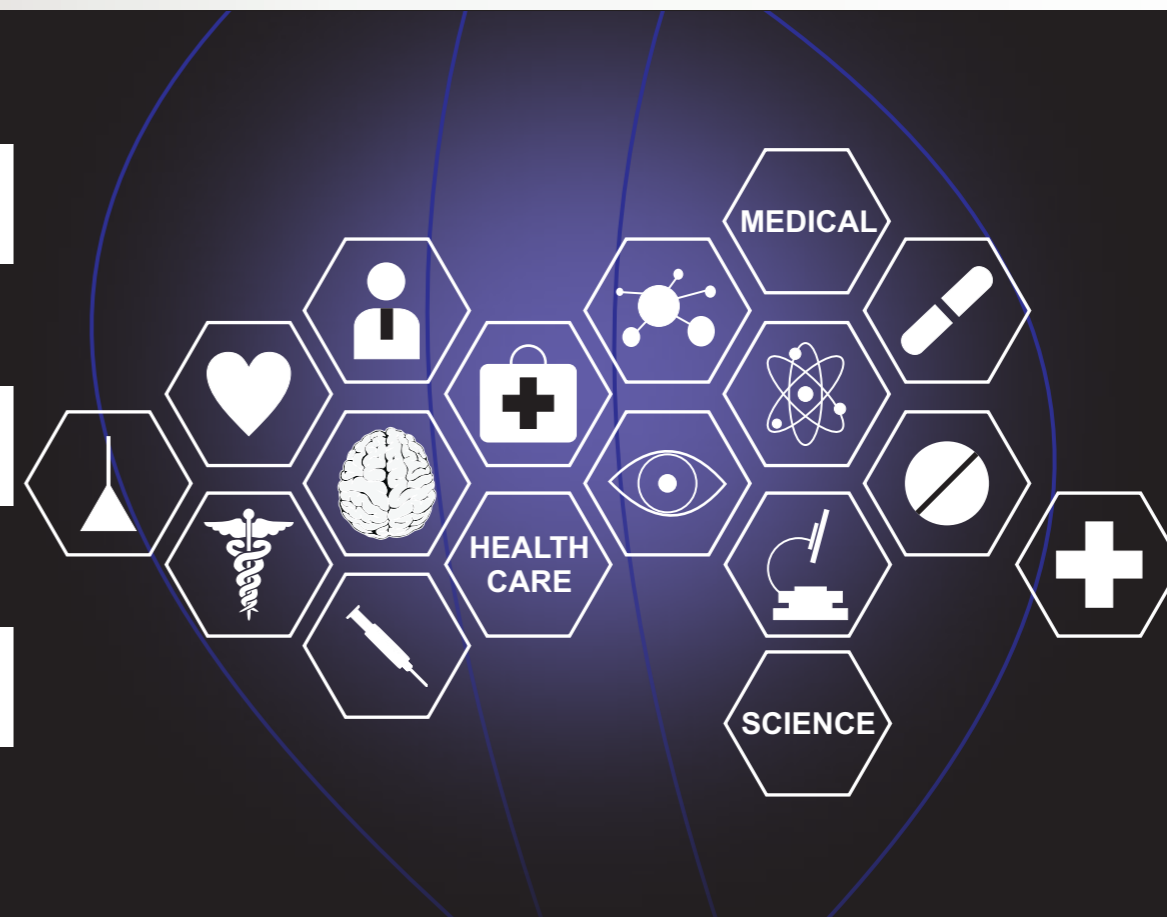


# 'Legal Dimensions of Public Health During Pandemic'



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Hon. Prin. Bhausaheb G. Jadhav  
Executive President,  
Marathwada Mitra Mandals, Pune

### Executive President's Message

We take an immense pleasure in introducing you to Marathwada Mitra Mandal. It is an educational trust established in the year 1967, under the patronage of Late Shri Shankarrao Chavan, Former Home Minister of India. It is a trust, registered under the Bombay Public Trust Act, 1950. The basic objective of trust is to provide hostel or similar accommodation in Pune to the students. This trust is established through the inspiration of socially and educationally charged personalities, with motto 'Yethe Bahutanche Hit'(Welfare of Masses). At its various educational campuses the trust has created excellent facilities of education catering to Management, Law, Commerce, Pharmacy, Engineering, etc, which provide excellent education to more than 12000 students.

In an attempt to carry forward the legacy of social responsibility of its founder president Shri Shankarraoji Chavan, the institute always endeavours to extend helping hand to students from disadvantaged classes. Since its establishment, it has provided free education and hostel facilities to number of students and has played pivotal role in shaping their career. It has contributed significantly in making the dream of better life a reality for thousands of such students. Taking an inclusive approach, the institute has taken initiatives to reach to different geographical regions of Maharashtra such as Marathwada, Konkan and Vidarbha to extend financial and educational support to people suffering from natural calamities and social deprivation.

With the objective of imparting quality legal education, the Mandal has established the Shankarrao Chavan Law College, in 2003. Holistic development of students is the ultimate goal which the college strives to achieve. In its pursuit of achieving excellence in the field of legal education, it intends to cross the barriers of traditional learning methodology with an aim of giving maximum exposure to law students and encouraging their transformation from ordinary to superlative. With this objective the college conducts wide range of activities such as international and national conferences and seminars. 'The Center for Public Health Laws' had organised the national seminar on the topic, "**Legal Dimensions of Public Health During Pandemic**" on 13th April, 2022. The organisers have decided to publish a book with ISBN number containing selected research papers presented in this conference. I am happy to announce that the book is now ready for publication.

My best wishes are with the college for its constant endeavour to develop as premiere legal education institution. I also extend my warm wishes to authors for actively participating and contributing in this publication.



### About Shankarrao Chavan Law College

'Marathwada Mitra Mandal', the charitable trust is established in 1967 in Pune with the objective of providing accommodation facilities to the students. Being established through an inspiration of socially and educationally charged personalities, it serves with a motto 'Yethe Bahutanche Hit' (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Recently, the Marathwada Mitra Mandal's four colleges have been accredited with 'A' Grade by NAAC, Bengaluru.

With the objective of nurturing future lawyers with ideals and values required for playing constructive roles to create a better world, in 2003, Shankarrao Chavan Law College was established. In an attempt to impart quality legal education, the college organizes wide range of co-curricular activities such as Hon'ble Late Justice P. B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial Elocution Competition etc. The college has also established Centre for Advanced Legal Research & Training and Centre for Academic Research, Publication and E-content in Law (CARPEL) for training the students on various legal issues and to inculcate various set of skills among students.

**About Center for Public Health Laws :** The Center for Public Health Laws is established with an objective to create awareness and disseminate the legal knowledge about the Public Health Laws. The Center organizes several activities to sensitize students about burning issues pertaining to public health laws. As a step towards the achievement of this objective, this seminar was organized to discuss several multifaceted legal and social issues relating to public health care systems in India.



## Principal's Message

With the object to edify value based legal education the Marathwada Mitra Mandal, has established the Law College with five years law course in the year June, 2003 & Three years Law course in June, 2004. We determine that the education is purely the psyche of a society as it inflates up on one generation to the other.

The Law College is affiliated to Savitribai Phule Pune University & Approved by the Bar Council of India, New Delhi. The College runs 5 years B.A. LL.B. Law Course, 3 Years LL.B. Course, LL.M.-Post Graduate Course & various Diploma Courses affiliated to the University. The Law College

is a recognized Ph.D. Research Center of the Savitribai Phule Pune University. Shankarrao Chavan Law College, Pune is accredited with 'A' Grade by NAAC Bangalore in its very first cycle in the year 2018.

To impart quality legal education, the college conducts wide range of curricular, co-curricular and extra-curricular activities such as International and national conferences and seminars, Justice P.B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial Elocution Competition etc. To provide specific and focused training in various areas of law the college also has established various centres and cells such as Cell for Human Rights Activities, Centre for Advanced Legal Research and Training, Centre for Public Policy and Governance, Centre for Criminal Justice Administration, Center for Public Health Laws etc.

During the pandemic, public comprehended the significance of public health care system. Central and State Governments have taken several initiatives to prevent the spread of Corona virus. During this period, people caused physical distress, economical loss and mental agony. Pandemic situation exposed state's inherent limitation involved in public health care system which ultimately resulted into the violation of public's right to health. Especially, the vulnerable groups such as women, children, mentally challenged people, older persons, and pregnant women etc experienced the violation of their right to health. Despite of the several special legislations like. The Druge and Cosmetics Act, 1940, The Medical Termination of Pregnancy Act, 1971 Mental Health Act, 2017, Human Transplantation of Organs Act, 1994, Pre-Conception and Pre-Natal Diagnostic Technique Act, 1994, The Consumer Protection Act, 2019, Insurance Laws, Epidemic Diseases Act, 1897 etc, public health care system failed to protect the public's right to health during the pandemic.

Therefore, keeping in mind the broader aspects of the various legal and social issues involved in access to public health care system, it was necessary to discourse the lacunas existing in several public health laws in the context of state's obligation to provide public health care system and public's right to health. This seminar was an attempt to address these issues.

The seminar was benefited by valuable inputs from academicians, judges, advocates and social activists. It received overwhelming response and participants from various prestigious institutes participated and presented their research papers.

I congratulate the organising committee of this seminar for coming up with this publication which consists of quality research papers. I am sure that this publication will give insight to the readers as to legal regime relating of Public Health Laws During Pandemic.

## PREFACE

This edited book is the combined efforts made by the authors and editor which covers various aspects of not only public health laws but also in the contexts of social, economic and political aspects of public health laws. Public health laws mainly cover these issues in tune with the legal obligation and power of the state to guarantee the overall conditions of the people to be healthy. Despite of these several special legislations, during pandemic, people faced numerous issues such as availability of the hospitals either public or private, access to the hospitals by the common person during this pandemic, acceptability of the patient by the hospital as well as patient and the most importantly the quality of medical services offered by the medical practitioners, hospitals etc to the patients during the pandemic etc. These gross violations of right to health was corralled into the research papers. Authors expressed their views on different predominant issues involved in the right to health, biological disaster management during pandemic, right to emergency regarding medical care, public health laws and its various dimensions, medical negligence, rights of the patients and access to medicine, euthanasia and physical assisted suicide, consumer protection laws and right to health, compulsory vaccination for covid-19, legality of surrogacy etc. Attempt is made to cover variety of research papers addressing to the different legal issues faced during pandemic. All the research papers published in this edited book reflects the quality and meaningful content of subject matter.

I have been fortunate to have the support of our beloved mentor Prin. B.G. Jadhav Sir, Executive President, Marathwada Mitra Mandal and our Principal Dr. Kranti Deshmukh, Shankarrao Chavan Law College, Pune for their encouragement and valuable kindness to fulfil this task. Aboveall, I am thankful to my colleagues for their constant motivation which ultimately results into this book.

Dr. Pradip Tambe  
February 2023

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