



COVID 19 CRISIS AND JURISPRUDENCE

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ARTICLE INFO

Article History:

Received 06th January, 2021

Received in revised form 14th

February, 2021

Accepted 23rd March, 2021

Published online 28th April, 2021

ABSTRACT

This working paper aims at hypothesizing as to whether the present covid-19 crisis originated on 31st December 2019 from the Wuhan laboratory Institute of Virology, a province of the People's Republic of China, shall be the turning point of global socio-economical jurisprudence causing deaths of millions citizens worldwide along with its disastrous impact on human, social and economic levels and now is spinning on the point of need of International Court of Justice(ICJ) under Article- 75 of the Constitution of world health organization (WHO) as many more members countries have lodged complaints and lawsuits against the Govt. of China before the said ICJ

Key words:

Covid-19, Socioeconomics, WHO -
Constitution, Article – 75 Wuhan province of
china, Virology

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INTRODUCTION

The Chinese Health authorities by 31December 2019 informed the World Health Organization (WHO) about the several cases of respiratory failures ,reasons not known and thereafter on 20 January 2020 confirmed the transmission of Covid 19 corona virus beyond control. The WHO declared it a pandemic on 11th March 2020, epi-centred in the Wuhan Laboratory institute of Virology. The Govt of India imposed Lockdown and social distancing w.e.f 21st March 2020 in order to arrest its spread and the periodicity thereof being continued as yet. The whole world seems to be stagnated owing to mounting death-dance of population worldwide originated in the Wuhan province of the peoples Republic of China of which the number figures more than 11 Lacs 70thousands till date (eleven Lacs seventy thousands). No proper vaccines are yet found administrable under clinical trials.

Many international countries have filed lawsuits and complaints against the China Republic before the International Court of Justice at Hague over Covid -19 and the Novel corona virus. SARS-COV-2 on the conduct of China violating Articles 21, 24 and 64 of WHO –constitution. But the Jurisdiction under Article 75 of the WHO-constitution is being vehemently argued by the Chinese defence lawyers with the standpoint of Lack of Jurisdiction and Lack of Enforcement power. Conclusively, by the conjoint study of WHO-Constitutional Articles 21,22,75,64,63,18 etc there appears to be a preliminary impediment and Conflict of

Articles in between in general and in particular whether ICJ could enforce its order and thus the socio-Economic – Jurisprudence across the world constitution shall be subject to a greater interpretative conclusion and curvatures. In our Indianism-concept, the Goddess of Learning, Maa Saraswati, is the ‘Pure –Science’ while her glamour-sister, the Goddess of Wealth, Maa Laxmi is the ‘Applied –Science, Likewise the Articles of any constitution (WHO or its constituent-Basic Document 49th Edition upto 31 May 2019 Annexure I. Members of WHO individual constitutions, Articles are pure science and Rules applied Science within the encompassment of the New Jurisprudence ,the pristine glamour of Law, still needs a reversal radical study in view of arousal of come tic. Covid 19 crises as to whether it was plan demic or Pandemic or both.

Preface

After going through the introductory part of Covid -19 Potential legal actions against China Vide William Julie. Attorney Law, Paris Bar Wj@ Wy advocate.com and Sophie Menegon DM@ wjavocate.com and Peter Tzeno, a recipient of the diploma of the Hague and WHO –constitution, chapter (I)(to XIX) Article 1 to Article 79 read with World Health Assembly WHA Resolutions 51.23 (15 September 2005) and WHO –Basic Documents 49 th Edition 2020 up to 31 May 2019 Rules 224 paged and Annexure altogether up to paged 238 and time Line of the Covid -19 pandemic Chronology detailed in the Languages. downloaded (Vide https://en.m.wikipedia.org/wiki/Timeline_of_Covid-19_pandemic in January 2020 72/72,IT appears that Now the higher time has come to introspect the fate of International Legal actions

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taking China to the International court of Justice over Covid -19 already initiated at the instance of various international Member states of WHO under Annexure1 of the said Rules of Procedure of World Health Assembly ,WHO –BD -49th Edition. The Jurisdiction of ICJ /Article 75 of WHO constitution under chapter XVIII – contemplates ‘any question on dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health assembly shall be referred to the International Court of Justice in Conformity with statue of the Court unless the parties concerned agree on another mode of settlement.

Now the question arises ,if the Respondent –China does not agree/to be in ad-idem, then the Verb and Vibrancies of Functions Article No2 under chapter 11 of the WHO (i.e Jurisdiction of settlement to ICJ) constitution can’t achieve its objective as envisaged [(a) to (v)= at Article-2 (i a ,22 sorts of functions)

As perArticle-76 of WHO constitution ICJ can provide an advisory opinion on any Legal question arising within the competence of organization/WHO if the Director –General on behalf of organization appears before the ICJ as prescribed in Art 77 .As such an advisory opinion does not equate to any directive order if any dispute be referred to court under Art 70 .Out of altogether XIX-Chapter in WHO Constitution, despite Chapter VI (The executive Board ,Art24 to 37 +committees chapter VIII Art 38 to 42) there exists no any Executive Enforcement of ‘ICJ’ advisory opinion on any Legal issue or dispute redressal mechanism by and between the member of the WHO at ANNEXES –I at page 227 constitutional Basic Documents 49 the Edn. The Chapter IV Art 9 ,supplement 2006 categories the Organs (a)Health Assembly (b) Executive Board (c) The Secretariat Art 9 to 37 but the most pertinent functions under Ary.18 of the Health Assembly nowhere empowers to any executive power instead shall have the Authority to make recommendations as per Art.23/CH.V to members with respect to any matter within the competence of WHO

The overall survey of functions of Health Assembly Art 18 /ch V only to recommendations .Even the legal capacity privileges and immunities under Chap .XV/Art 66in the territory of each member though to supervised by organization, but only subject to any advisory opinion by the ICJ with regard to any competence of the organization Art 74 to 77 of Chapter XVIII. Thus WHO does not acquire any absolute autonomy from the constitution Even the amendments adopted up to 31 May 2019 /contents page 1 to 223 nowhere provides to the Executive Board of WHO in its Procedural Rules begins at page 207 Board subject to its constitutional mandate /though the Director-General shall ex-officio to the Board on the technical ,administrative and financial implications vide page 213 of 49th EDN Basic documents but lost at ART 75 if dispute arises .Etymologically the New Jurisprudence, the grammar of Modern Law ,takes and includes within its sweep the political social economic and cultural behaviouristic study of global populations and henceforth the Covid 19 crisis falls. Within the purview of New Jurisprudence ,the philosophy of Law. The China has violated the WHO-IHR at 23May 2005 (Health Regulations) as to public Health Emergency of international arena as envisaged in Article 64 of WHO Constitution by not promptly providing exactly and timely official statistical and epidemiology reports to the organization WHO as an obligation under Article 63to65 chapter XIV ,WHO-

Constitution. As such, the ICJ &ICC &PCA International Court of Justice, International Criminal court ,Permanent Court of Arbitration are competent to apply their Jurisdiction power to such unprecedented Covid -19 crisis.

Findings of Covid 19 crisis and Jurisprudence

1. To assess and ascertain the tectonics of Covid 19 crises transformation impacts on socio economic Jurisprudence.
2. It needs the social research to man to man interactions while dealing with certain trade matter. But the problematic opaque is to strictly follow the physical distancing and social distancing.
3. To study the impact of Judiciary-enforcement-power
4. Practically if any judicial finding is not enforced then it becomes at length an absolute inertia of rest and no third force can be applied there too.
5. To study the verb and vibrancy of the legal proceedings already initiated against China and its Remedial Measures since the human Race on the verge of perditions. It is observed that any legal proceedings without any enforcement of its order are but a futile exercise.
6. To study the Remedial strength of Judiciary on sociological fronts of the human population if any since highly affected by Covid -19 crisis.
7. To study the changeability in Economic fronts, if any and to study of changes if any in General Jurisprudence
8. To study the enforcement –Executive power of International Court of Justice
9. To study enforcement-power of International criminal court
10. To study the power of PCA (Permanent court of Arbitration)
11. Whether the Covid 19 crisis is a plan-demic or pandemic or both at the instance of super-power-conflicts?
12. Whether the world populations are in the Laboratory Experimentation for the 3rd world war between the virological weapons &Atomic weapons enriched superpower and supremacy Establishment of Super power by 2030+ ?
13. Whether the 122 members in WHO Annexure I are silent Litigants against China before International court of Justice without any Executable Judicial Judgement against such Sino visible crime against global Humanity
14. Whether the Covid 19 crisis comes under the purview of Force –Majure clause beyond the human control?
15. Whether the virtual world shall engulf the physical world? (Covid -19 Social Distancing consequences)

CONCLUSION

In conclusion, it is inferentially surmised that the mounting disastrous decline of global homogeneous socioeconomics owing to Sino created covid-19 crisis shall be definitely adjudicated by the International Court of Justice by a historical executable poetic judgment in favour of the suffering WHO-members countries like USA, Australia, Italy, France many more law suitors /complainants under WHO-Constitution in order to enshrine the multiculturalism ethos of increasing global contracts and interactions(exhortation to love thy neighbour) in terms of consolidating global composite cultures so that the excess Sino cupidity of becoming the only

singular superpower of the world by 2030 be eliminated. It is the firm belief of Indian Philosophy that the beautiful mind concept of co-existence among global nations including China shall be again at status-quo-ante and the earth planet shall get rid of Covid-19 panic and the socioeconomically equilibrium shall be restored in the least possible time. Above all the triumph of beautiful human mind.

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How to cite this article:

Bhattacharyya P K *et al* (2021) 'COVID 19 Crisis and Jurisprudence', *International Journal of Current Advanced Research*, 10(04), pp. 24180-24182. DOI: <http://dx.doi.org/10.24327/ijcar.2021.24182.4793>
