

1. Record Nr.	UNINA9910855376503321
Titolo	Human Rights During the COVID-19 Pandemic : The South Asian Experience // edited by M. Ehteshamul Bari, Uday Shankar
Pubbl/distr/stampa	Singapore : , : Springer Nature Singapore : , : Imprint : Springer, , 2024
ISBN	9789819714803
Edizione	[1st ed. 2024.]
Descrizione fisica	1 online resource (0 pages)
Disciplina	323.0954
Soggetti	Human rights Public law Political science Asia - History Human Rights Public Law Governance and Government History of South Asia
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	1. Human Rights in South Asia during the COVID-19 Pandemic: An Overview -- Part I The COVID-19 Emergency and the Executive Response: Reinforcing the Necessity of Institutional Reforms -- 2. The Executive Response to the COVID-19 Emergency and the Issue of Protecting Rights: The Same Old South Asian Story -- 3. Oversight and Monitoring of Executive Actions in India during the Pandemic: A Case of Absentee Parliament -- 4. Evaluation of the Functioning of the National Human Rights Commissions of India and of Other South Asian Nations during the COVID-19 Pandemic -- 5. Looking beyond Constitutional Institutions during an Emergency: Exploring the Role of the Civil Society in Protecting Rights -- Part II The Adverse Impact of the Pandemic Response on Fundamental Rights -- 6. Criminalisation of Media Reporting on the Government Response to the COVID-19 Pandemic in India, Pakistan and Bangladesh: Freedom of Press in Peril -- 7. Protecting Free Speech and Curbing the Spread of Disinformation in the Age of COVID-19: Did the South Asian Nations Get the Balance Right?

-- 8. Right to Health during the Pandemic: A South Asian Perspective
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Sommario/riassunto

This book sheds light on the fact that the proclamation of an emergency can be a legitimate constitutional method to take prompt preventative measures in protecting the interests of the society in times of grave crises. However, the exercise of emergency powers should not undermine a nation's commitment to democratic values, such as maintaining the rule of law and upholding fundamental human rights. The COVID-19 pandemic has posed grave threats to the lives and health of individuals. However, since the constitutions of South Asian nations do not permit the proclamation of an emergency on health grounds, executives of these nations were constrained to rely, among other things, on ordinary legislation to tide over the threats posed by the pandemic. Although these statutes entrust the executive with extensive emergency powers, they do not simultaneously stipulate any safeguards subjecting the exercise of such powers to a reliable system of checks and balances. Accordingly, this book critically examines the exercise of emergency powers in the South Asian nations to tide over threats posed by the COVID-19 pandemic, which had a profoundly adverse impact on the human rights of individuals. Such exercise of powers was consistent with the general tendency demonstrated by succeeding generations of the executives in these nations to use emergency situations as the convenient means for imposing long-lasting limitations on the rights of individuals. Consequently, this book identifies the flaws, deficiencies, and lacunae of the legal framework in these nations, which permit the executive to assume unfettered power in the exercise of emergency measures at the expense of the liberty of individuals. Consequently, based on these findings, recommendations will be put forward for initiating reforms in these nations aimed at ensuring the maintenance of a delicate balance between the necessity to respond to grave threats and to simultaneously prevent undue intrusion on the fundamental human rights of individuals.
