

ISSN: 2582 - 2942



# LEX FORTI

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LEGAL JOURNAL

VOL- I ISSUE- V

JUNE 2020

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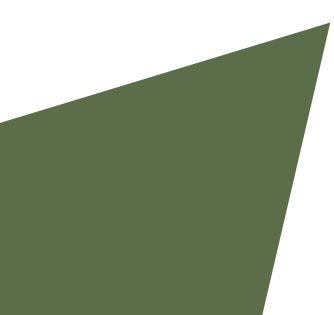
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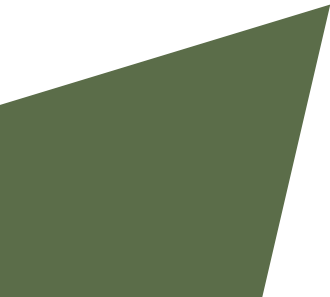
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**COVID-19: THE INVISIBLE WEAPON**

**Shreeaa Singh**

## INTRODUCTION

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The Corona virus threat has been spreading its legs globally. As this invisible walking enemy has rapidly resulted into a “pandemic”<sup>1</sup>. Lack of information, vaccination, and most importantly its contagious nature has started an unprecedented struggle. The loss of human resource and economic slumps are some of its practical consequences seen globally.

Through this, we can clearly draw a picture that the man-made corona virus which is actually a biological weapon created intentionally by China in order to destroy the stronger economies of the world by affecting their vital human resource factor. This global threat is the worst adversary that the humanity could have ever imagined but the parody of the situation is that the source of the disease itself, instead of holding back the charges shuns its responsibilities over the American army for carrying the virus into China. This aggressive propaganda efforts to pin the blames for the Corona Virus pandemic is nothing more than undermining diplomacy and finger pointing which isn’t saving any lives. In fact, more of it seems like both the governments hope to distract masses from their own glaring mishandling of the pandemic. All the countries across the globe now have an aggressive approach towards China for its heinous virus discovery.

Stigmatising China has become certainly obvious when a \$20 Trillion lawsuit<sup>2</sup> was filed against the Chinese authorities in the US by Larry Klayman and his advocacy group *Freedom*. He consistently points out that the Biological weapon<sup>3</sup> were outlawed in 1972 and hence, such a biological weapon is terrorist related weapon created to destroy masses.

Anyhow India is no way behind. Another similar legal suit was filed by the International Council of Jurists (ICJ) and All India Bar Association (AIBA) recently, in the United Nations Security Council seeking unspecified amount as reparations from China.

Whereas, French president Emmanuel Macron has spoken of the country being “at war” against the invisible enemy coronavirus.

The whole world is fighting an unprecedented struggle against the shared enemy, which is ravaging humanity. There is a danger of an economic slump<sup>4</sup> on the scale of the Great Depression of the 1930s,

The effects of this “war” can be compared with those of a nuclear bomb. Already, 20, 00,000 people have lost their lives worldwide and the total number of victims, whether deceased or hospitalised, can be expected to grow into the hundreds of thousands in coming months.

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<sup>1</sup> Prevalent over the world/widespread

<sup>2</sup> <https://www.thehindu.com/>

<sup>3</sup> <https://www.nti.org/>

<sup>4</sup> The great depression

If we compare COVID 19 to an Atomic Bomb attack the consequences of both are inevitably similar.

#### WHAT DOES A NUCLEAR WEAPON DO?

1. It is a weapon of mass destruction.
2. It is made from radioactive material.
3. It physically destroys everything like: buildings, monuments, and people.
4. It has immediate results.
5. The destruction is evident through eyes.

#### WHAT DOES COVID-19 (A BIOWEAPON) DO?

1. Its effect on human race is similar to that of 'Slow-Poison'.
2. It is a virus that causes disease and spreads swiftly.
3. It is a biological weapon created in china.
4. It is a widespread and currently out of control globally.
5. Only deaths are evident.

Ipsa facto<sup>5</sup> of the virus being contagious in nature and spreading through bats somehow seems mala fide<sup>6</sup> intention of China. Recalling the SARS<sup>7</sup> epidemic of 2002-2004 which originated at Guangdong Province, China which was potentially fatal infectious viral disease somehow similar to that of Covid-19. It is incredibly important to pinpoint the source of infection and the chain of cross-species transmission and hence, there are various secondary data which states that when the laboratory tested animals are sold out from the labs of china into its markets which further consumed by people causes irreparable damage to people globally. Corona, SARS, Hanta and many more have caused sick. However, it is an old tendency of virus being immensely attracted towards the Chinese bats from decades.

### **CONSPIRACY, CORONA AND CHARGES**

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China might try to claim its innocence by denying it to be a manmade virus it seems more like a conspiracy of China towards the world by following the current stats.

The biggest question arises that one of the most populated country- China, which is also the source of virus has only 90,000 infected people and observed as mere as 2000+ deaths whereas, country like Italy which has globally one of the best medical services institutes observed more than 150,000 case and more than 13,000 deaths, whereas, USA observed more than 1000 deaths every day due to corona virus. (For current data click [COVID-19 update](#))

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<sup>5</sup> By the very fact.

<sup>6</sup> Bad faith

<sup>7</sup> Severe Acute Respiratory Syndrome.



Even under the severe circumstances, the country was well equipped with the essentials in order to not only fulfil the demand of its citizens, but also to export ample amount of vaccines all over the world .Was damaging other economies and trading medicines, masks and gaining profits a conspiracy? Netherland, Turkey and Spain which have highest number of corona cases were supplied with Chinese made equipments like, testing kits and medical masks, designed to combat the coronavirus outbreak which were not sufficiently accurate i.e. were defective<sup>8</sup> and below standard. Note that Spain was supplied masks at \$467 million. Was profit making the only objective of china?

### 1. **China can be held liable for PRODUCT LIABILITY<sup>9</sup>.**

- ❖ Whoever cheats or dishonestly induces a person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security shall be punished with imprisonment of either description of a term up to 7 years or shall also be liable for fine. In other words, wrongful or criminal deception intended to result in financial or personal gain.
- ❖ A product is defective when it does not provide the safety which a person is entitled to expect.
- ❖ China supplied Spain with Chinese made equipment like testing kits and medical masks, designed to combat the coronavirus outbreak at \$467 Million USD, which were not sufficiently accurate i.e. were defective and below standard due to which people who used the masks were infected by COVID-19 whereas people who neither bought nor used the product but were nevertheless were tested COVID-19 positive because of the people using defective product were eventually affected by the product and hence ‘Bystander’, a product liability law is observed and therefore that person has right to have ‘Cause of Action’.
- ❖ CASE LAW-
  - Stella Liebeck V/S McDonald’s Restaurants. (1994) Extra LEXIS 23<sup>10</sup>
  - BMW of North America Inc. V/S Gore. 517 US 559 (1996).<sup>11</sup>
- ❖ In these landmark cases the liability of defendant was held for not supplying/providing the plaintiff with the same goods as per their demand and expectation. Here both the defendants of the following cases had to compensate as per their product liability.

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<sup>8</sup> Torn, imperfect and faulty masks and other essentials were exported by china

<sup>9</sup> MANUFACTURER OR SELLER BEING HELD LIABLE FOR PLACING A DEFECTING PRODUCT TO CONSUMER ARE HELD RESPONSIBLE FOR INJURIES.

<sup>10</sup> COMPENSATORY DAMAGES AND PUNATIVE DAMAGES AWARDED IN THE CASE.

<sup>11</sup> PUNATIVE DAMAGE CASE

A number of Chinese populations were observed to intentionally spit and sneeze in public gatherings and were also found licking and spitting on and into the eatables.

- How can we believe that these people were not paid by the Chinese government and sent to other nations with the sole intention?

Such heinous<sup>12</sup> mistakes committed by these people at various public places globally, in order to spread the virus among the maximum population *ex parte*<sup>13</sup> China clarifies the malicious intention of the country. Although there is a possibility of them being coerced<sup>14</sup> by their supreme authority in order to commit the assault AOE/COE<sup>15</sup>.

As per the Epidemic Diseases Act, 1897<sup>16</sup>, state has the power to take special measures and prescribe regulations as to dangerous epidemic diseases which shall deem necessary to prevent the outbreak of such disease or the spreads thereof, may determine in what manner and by whom any expenses incurred shall be defrayed<sup>17</sup> and any person disobeying any regulations or order made under this act shall be deemed to have committed an offence punishable under Section 188 of Indian Penal Code (45 of 1860) shall be imprisoned up to six months or fined up to rupees 1000 or both.

Hence, there are general criminal laws to prosecute people who have intentionally spread or threatened to spread the virus with assault and battery or making criminal threats or for reckless endangerment and sentence enhancements, nexus, if these people were employees by the Chinese authorities for the same purpose then the Chinese authorities shall be held liable vicariously and for offences like- Liability, Strict Liability Offence, Product Liability and for Duress, Undue Influence, Coercion, Infringement of human rights and others. Last but not the least, “**ACTUS NON FACIT REUS NISI MENS SIT REA**”<sup>18</sup> / **OMMISSION**”,<sup>19</sup> If we keenly observe the situation, except negligence, if it is held that it was the intention of the state to spread the virus among the masses globally then the guilty mind and guilty act will together make the country guilty for the consequences of its acts. Omission is the moral legal obligation which China was unable to fulfil as it was expected from the country although it is not criminally punishable but tortious liability shall be imposed. Ergo, Comparative Negligence and Demurer<sup>20</sup> aren’t defence to be taken

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<sup>12</sup> A person of wrongful act, specially a crime.

<sup>13</sup> On behalf of

<sup>14</sup> Forced to do something unwillingly.

<sup>15</sup> Arising Out of Employment and Occurring in the Course of Employment

<sup>16</sup> EPIDEMIC DISEASES ACT 1897 (ACT 3 OF 1897), Indian Code.(amendment 2020)

<sup>17</sup> Provide money to pay

<sup>18</sup> An act does not makes one guilty unless the mind is also guilty

<sup>19</sup> Failure to fulfil moral or legal obligation

<sup>20</sup> Allegation not enough to prove liability.

as *circumstantial evidences*<sup>21</sup> prove the strict liability anyhow. Legally, for strict liability, the inheritance of dangerous substance and its escape from one's property which is under any non-natural use is compulsory. Since, Biological weapons were banned in 1972 and Chemical Weapons in 1992. COVID-19 which is an effective and catastrophic biological warfare weapon originated in the virology of Wuhan, China, it is illegal to manufacture such dangerous substances and even if china produced the virus the country was not prudent enough to study its cons and failed to control its escape.

Some precedents are-

- Ryland's V. Fletcher UKHL 1(1868) LR 3 HL 330<sup>22</sup>
- Crowhurst V. Amersham Burial Board (1878) LR 4 Ex D 5<sup>23</sup>
- Union Carbide Co. V. Union of India (1989) (Bhopal Gas Tragedy)<sup>24</sup>

Since, the virus was released from its chemical laboratory proves (*similar to MIC leakage in Bhopal Gas Tragedy*) that the state was unable to take due care of and was incapable for preventing the escape of the deadly virus which turned out to be a global pandemic. Henceforth, the compensatory damages are the remedy needed to be covered by China for the people who have and are paying a very high price of losing lives, suffering permanent injuries and most of them might also face future damages for its Negligence.

## CONCLUSION

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President Obama<sup>25</sup>, Bill Gates<sup>26</sup> are the prominent personalities who predicted about the greatest threat to humanity, 'a nuclear war'. They have addressed the challenges from proliferation of biological weapon or their use by terrorists.

The whole human race now stands against the invisible enemy COVID-19 with its utmost patience. The frontline fighters are the doctors, fighting for humanity, saving people and risking their lives. Billions of people are confined to their homes globally and the society as whole feels paralysed, the economy is frozen and hearts silent.

Gandhi Ji once quoted "I remain an optimist, not that there is any evidence that I can give that right is going to prosper, but because of my unflinching faith that right must prosper in the end."

Therefore I would like to conclude by saying it that Hope that things will get better and strength to hold on until it does. Both of these virtues have power to make a difference. Hundreds and

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<sup>21</sup> Tends to prove the fact by chronological events.

<sup>22</sup> STRICT LIABILITY CASE. DEFENDANT PAID DAMAGES.

<sup>23</sup> ACTION LIED AGAINST NON NATURAL USE OF LAND. Strict liability case.

<sup>24</sup> VICTIMS WERE COMPENSATED FOR COMPANY'S NEGLIGENCE.

<sup>25</sup> President's dec.2009 speech at white house.

<sup>26</sup> 2015 TED talks

thousands of homes are destroyed and worst of all is that no one can predict the intensity of damage suffered by individuals and society at large. The duration of this 'war' with a virus has unknown consequences. But humans have always been victorious in their will of existence. Henceforth, patience is the key and quarantine a way.