

Law Enforcement and Judiciary during COVID-19 Pandemic: A Study on Smart Cities of Eastern India

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Abstract

The precedent year that was engulfed by the COVID-19 pandemic and the resultant lockdown and shutdown, has had a huge catastrophic effect on economics, governments, and civil societies. No city is spared, thus, putting hefty pressure on local authorities and policymakers to respond swiftly and proficiently. The conceptualization of "Smart Cities" that varies from country to country, city to city, depending on the level of development have mitigated the challenge of the COVID-19 pandemic is a matter to be evaluated. Therefore, the current study aimed to explore the approaches and the course of action undertaken by the law enforcement officials and the judiciary in the smart cities of Eastern India to cushion against the adverse effects of the pandemic from the citizens' perspective. The study was conducted in December 2020 via a comprehensive questionnaire that was sent to the respondents living in the smart cities of Eastern India through the electronic platform for their response. The collected data were analyzed using the conventional analysis approach. According to the results, though the respondent's respective cities have had taken adequate measures to address the issues related to the pandemic, but still there exist many loopholes which should have been addressed. Given that the COVID-19 pandemic has a long-lasting effect on the structure and order for the smooth functioning of the cities, how the "Smart Cities" have shown their mettle as far as fighting of COVID-19 is concerned, thus, standing up to the tag that has been given to them is the main area of study in this paper.

Keywords: Judiciary, Pandemic, Policing, Smart Cities.

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I. INTRODUCTION

With the unfolding of time, COVID-19 opened up the Pandora's box that has caused a massive economic and social disruption decelerating the global economy. COVID-19 has precipitately affected day-to-day life, businesses, trade, and movements. The pandemic has highly gauged upon practicing social distancing, wearing masks, avoidance of face-to-face interaction, and other hygiene protocols. With the exponential rise in the spreading of the virus, many countries are going for lockdowns and shutdowns, and imposing firm quarantine protocols to curb the spread of this highly communicable disease. The pandemic has resulted in large scale adverse implications related to the strained healthcare system, distorting the education system, job losses, disrupted judiciary and other redressal system has thrown the public service and public servants into a blaze, playing a dual role to combat the pandemic as well as managing the socio-economic fallout.

In the context of India, the challenges posed by the pandemic were heightening by the hassle of healthcare competence and the vulnerability of the population in facing economic hardships. As part of emergency retaliation against the pandemic, the Indian government anchored its Smart Cities Mission, an initiative launched in 2015 to enable cities to constructively leverage technology in improvising citizen services and enhance the quality of life. The recent events concerning the global health disaster have brought up numerous questions regarding how outbreaks can be "detected, altered, and mitigated." The hotspot cities illustrate not just the melting pots of culture and connected communities, but they also stand on the front foot when it comes to innovation and technology to combat any situation. The Indian Government funded Smart Cities Mission, 45 cities have their Integrated Command and Control Centers (ICCC), which form the "brain and nerve center" for the operation and management of the cities, otherwise

famously termed as the "COVID-19 War Rooms" to make emergency decisions, manage contact tracing and monitoring the state of lockdown efficiency. The articulation of smart city infrastructure through social networks and communities, legal and cultural systems, and various forms of socially inclusive principles is endorsed by smart city policies for social sustainability.

In this paper, the authors have specifically analyzed the Smart Cities of Eastern India and the impacts of the pandemic in daily life, the sudden change in the lifestyle of the citizens, and its far-reaching consequences specifically focusing on the policing techniques adopted by the police to ensure there is adherence to the COVID protocols, the functioning of the judiciary and the rise in online court hearings and its implications.

In the transition towards modernity and a technologically oriented world, effective public service mechanisms in the context of Smart Cities need a multidisciplinary study by the researchers. Therefore, there is an immense need to research deeper understanding and exploring how the law enforcement officials and the judiciary specifically in the Smart Cities of Eastern India has undertaken the measures to combat the pandemic. Thus, this study was carried out to study and observe the achievements and at the same time the loopholes that happened while combating pandemic from citizen's perspective in Eastern India Smart Cities settlement.

II. CONCEPTS ADDRESSED

The World Health Organisation (WHO) taking into consideration the health crisis and the serious impacts of the novel coronavirus on almost every nation across the globe, has declared the COVID-19 to be a global pandemic, which is said to have originated in Wuhan, a city in China. The COVID-19 is an infectious disease that is triggered by a newly discovered coronavirus. These viruses are zoonotic, affecting both people and animals, and cause illness which ranges from the common cold to more severe and complicated diseases such as Severe Acute Respiratory Syndrome (SARS-CoV) and Middle-east Respiratory Syndrome (MERS-CoV). But this novel coronavirus is a new strain that has not been previously identified in humans. Covid-19, the official name given by WHO to the new coronavirus strain, is a serious global infectious disease that causes symptoms like dry cough, fever, chills, fatigue, nasal congestions, shortness of breath, body aches, and pains, loss of taste or smell. Several cases were also reported where people infected with the deadly virus showed no symptoms. The severe cases have led to pneumonia and other serious respiratory diseases. This virus is transmitted through close contact, direct or indirect, with infected people through infected discharges like saliva and respiratory discharges or through the respiratory droplets of infected Covid-19 victims which are expelled when the person coughs,

sneezes, or even talks. People with underlying medical ailments and elderly people are most at risk. But the younger people also acquired the virus and required immediate hospitalization. As the pandemic shifted, the situation worldwide worsened and became more severe leading to the deaths of millions.

As part of the larger agenda, India's smart cities vision creates Industrial Corridors betwixt India's major metropolitan cities. Since liberalization and globalization, the cities of our country have witnessed accelerated social and economic development, which has attracted millions from all parts of the country. Hence, urban India is now combating certain issues like overpopulation, lower sanitation and hygiene standard, poor healthcare system, strained infrastructure, loopholes in the education system, defects in the judicial system, urgent police reforms, which have disturbed the quality of life. The ability to face matters related to urbanization and its associated economic, social, and environmental issues by holistic methods whilst capitalizing on future opportunities. The smart cities mission can be regarded as a foundation for implementing the vision of modern, progressive, and advanced as well as contemporary urbanization. To accommodate the massive urbanization, the country needs to look for smarter ways to deal with complexities, manage expenses, augment efficiency and ameliorate the quality of life. Taking into context the massive urbanization, the Government of India has visioned "Digital India" that has set up a challenging plan of building 100 smart cities across India. Smart cities always aim to put people first. To enhance governance and improve infrastructural deficiencies plaguing Indian cities, the Government of India inaugurated the Smart Cities Mission (SCM), an urban regeneration programme in 2015. This mission provides no particular definition of a 'smart city' but implies fathomless liberty for the cities to self-define their perception of 'smartness'. Smart cities tap a variety of approaches like policy change, digital technologies, information technologies, public-private partnerships, and urban planning practices to make a difference. The main focus is on inclusive, long-lasting, and sustainable development and the goal is to observe compact areas and design a replicable model which will in turn act as a lighthouse to guide other aspiring cities. In chosen cities in India, the mission could skew urban inequality. It focuses on urban renewal schemes to generate revenue. The mission recentralizes power to state government from local bodies. The mission endeavors citizen participation which may offer urban elites a greater voice in the process. In this paper, the authors have specifically dealt with the Smart Cities of Eastern India viz Kolkata, Jamshedpur, Ranchi, Guwahati, Patna, Agartala, and Bhubaneswar.

III. REVIEW OF RELEVANT LITERATURE

The world is struggling against the destructive effect of the COVID-19 pandemic, governments and

organizations are looking forward to the exploration of new technologies to lessen the impact and mitigate the probable future pandemics. Among the potential solutions that have been envisaged, the development of a more effective and well organized smart city mission can upgrade and enhance the way critical data is gathered, screened, retained, and communicated, possibly making a progress in detecting and mitigating the outbreaks while lessening the implementation time when taking important actions (Costa & Peixoto, 2020). To curb the spread of the virus, imposing lockdown/shutdown directly affects the urban economies on a multi-lateral level which includes both social and economic aspects. (Richards *et al.*, 2020). The complex, interconnected, and interdependent characteristic of smart cities raises significant political, technical, and socio-economic challenges for designers, integrators, and organizations involved in administrating these new cities (Ismagilova *et al.*, 2020).

As the pandemic put the world into a situation of precariousness, the government puts its faith in the justice system to ensure community safety and protecting the people from the perils of the pandemic, they were vested with additional powers by the government (Jones, 2020). One of the difficult challenges in pandemic policing is upholding good and fruitful relations with the community to ensure there is compliance with the new rules and regulations. There can be some tussle if the citizens disregard the government guidelines, do not adopt the safety measures like wearing masks and PPE, or deliberately break measures (Laufs & Waseem, 2020). At the same time, the pandemic has also revealed the humanitarian and empathetic aspect of the police personnel, which has led to a growing realization that the components of training for police personnel must also include “soft skills” so that police personnel can deal better with the community (Priyadarshini, 2020).

The pandemic has reduced the demand for traditional policing by allowing the police resources to get diverted and respond to the crisis and support of health services, support from third sectors and military, inter agency collaborations has become vitally important to effectively respond the pandemic

crisis(Walton & Falkner, 2020). The pandemic has led to the first global police event. The transnational and comparative study of police and policing reveals the contours of the emerging system of world power more clearly in a moment of crisis(Sheptycki, 2020). The study has shown a great deal of heterogeneity in the degree of changes in the policing system, the use of policies to implement those changes and the perceived consequences of those changes(Maskály *et al.*, 2021).

The rise in the concept of "virtual courts" during the pandemic has to a certain extent increased the access to justice, result in speedy and enforceable justice, to protect the litigators, public, and other judicial actors from the risk of the virus (Insights & Services, 2020). The efforts made by the Indian judiciary in proposing a roadmap of how the existing Information and Communication technology can help the judiciary to evolve as more technology-driven in this tech-oriented world (Golder, 2020). Although there are many advantages, the Online Court has some critical drawbacks, including enabling frivolous lawsuits, for some, it can be a costly affair, lack of fluid, and face-to-face interaction, to name a few (Menashe, 2018).

IV. METHODOLOGY ADOPTED

Empirical research via questionnaire was adopted as a research methodology. It is a suitable method to reach a vast population, scattered in a wide geography sample. Total 7 cities from 6 different states of Eastern India were surveyed in the research. The sample size of the research (n) is 100 that mainly consists of youth ranging between 18-25 years of age. The female respondents were more (56%) as compared to male respondents (42%). Collecting information via questionnaire made collecting real-time feedback and information. The data collected was quantified which allowed us to interpret and visualize the data and further give the results. The researchers have also sourced information from articles, media reports, and other publicly available documents to contextualize relevant information.

V. POLICING DURING PANDEMIC

A) The Humanitarian aspect of the Police:

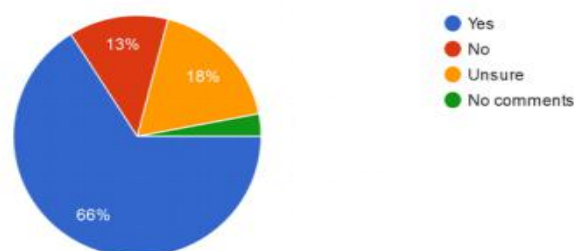


Fig-1: The pie chart represents the response of the participants regarding the effectiveness and efficiency of the police performing COVID duties

Findings

- New methodologies were adopted by the police to educate and enforce national lockdown and complying with COVID-19 protocols;
- Police placed their concern beyond "the call of duty" such as supplying groceries, vegetables, and other essentials in containment zones, arranging food and transport for migrant works
- Policing during the pandemic has emphasized the need for soft skills
- Women police personnel played an active role to address the issues of women who are economically disadvantaged and who were living in containment zones
- The majority of participants believed that the change in the policing technique by showing humorous and quirky sides was effective.

Amidst the pandemic, the police personnel have efficiently performed their duties in enforcing the lockdown without having adequate preparatory knowledge or a clear protocol against the virus. The

police have been involved in various benignant and altruistic endeavors such as distributing sanitizers, face masks, medicines, food, vegetables, and other essentials. Women's police force even took the initiative to distribute free sanitary napkins in slum areas and other containment zones to safeguard and not to compromise with the menstrual hygiene of the women. These benevolent efforts of the police personnel can be considered as policing by instinct, and not by training. Police training, as it prevails presently, fails to impart and imbibe the realm of emotions that is necessary to carry out sensitized policing. Police training is dominantly entrenched in regimentation, militarization, and weaponization. Further, it also lacks constitutional conditioning, community orientation, and democratic sensitization. The key takeaway was that the humorous and kind gestures of the police officials revealed the instances of trust and solidarity nurtured between them and the citizens.

B) The Other Facet of Police Response During the Pandemic

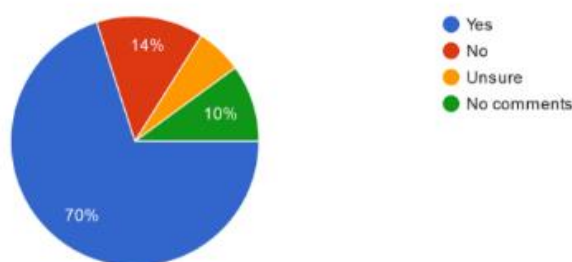


Fig-2: The pie chart represents the response of the participants about their awareness of police brutality during the pandemic

Findings

- As per the response of the participants, the duality in the role of police can be seen; one is the coercive and authoritative approach and the other being the humanitarian aspect;
- There have been instances of inadequate staffing of the police personnel to contain the pandemic, thus leading to a lot of workload with no weekly offs
- Amidst the pandemic, the nature of police's duties also increased the risk of their exposure to the virus
- As per the majority of the participants, the police staffing was not adequate to take cognizance of other crimes apart from performing COVID duties
- The state government had also granted special powers to the respective state police force for effective enforcement of lockdown
- The majority of the participants noted that it was beyond the authority of the police to adopt such coercive forms of punishment like hitting the public, making them sit-ups that reveals the brutality of the police

In the pandemic when the police need to operate new legislation concerning public health, ensure public protection and security while basing on the public's disposition to adhere the social distancing norms or lockdowns in a way that they never had done before, there is a certain degree of probability that the population does not perceive the laws as obligatory, puts the police force on a crossroad as to whether to act sensibly in an empathetic manner or to adopt coercive methods. The further responsibility is that the police approach of using "procedural justice" many a time shrinks with negative manners and behaviour of the public, the consequence of which is cognate seeing the police working in a manner that society would not accept as procedurally just, thereby further increasing the gap between police and the community. On the other hand, the police may embrace a "guardian mindset" and work with the communities and strengthen their role with benign and companionable conversations and facilitate in solving community problems.

C) Adequacy in Police Staffing

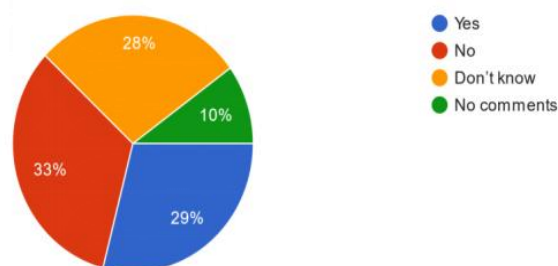


Fig-3: The pie chart represents the response of the participants regarding the adequacy of police staffing while taking cognizance of other crimes apart from performing COVID duties

Findings

- A majority of the police personnel were engaged in COVID-19 duties
- The COVID related staffing measures were adequate
- The police staffing was comparatively not adequate to take cognizance of other crimes apart from performing COVID-19 duties unless until the case demands urgency

The unprecedented pandemic posed a major challenges for the police as they were overwhelmed with by a wide range of arduous duties due to the pandemic. From enforcing public health laws and order

including lockdown/shutdown, traveling restrictions, controlling crowds, to assisting in handling mass fatalities had added another layer to the complexity of the police response. The requirement of the police staffs and the capacity of the organization have also changed during the pandemic. This stringent situation can be seen as a window of opportunities to assess the efficiency of the police system was handling emergency situation and to introduce reforms like digital transformation of police management, innovative ways of investigation, that can have a viable and effective impact on development of police.

VI. Functioning of Judiciary Amidst Pandemic

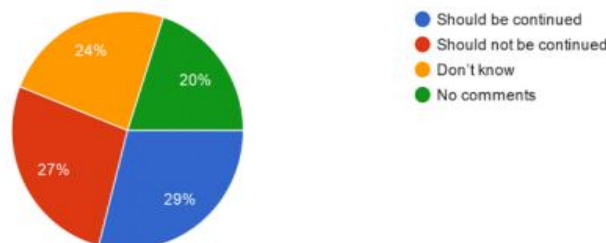


Fig-4: The pie chart represents the response of the participants regarding continuation with the virtual courts post-pandemic

Findings:

- The courts were operating via an online platform in the respective regions of the respondents
- The onset of COVID-19 led the courts to adopt online hearings to ensure the safety of lawyers, litigants, and public
- The majority of the respondents were aware of the online court proceedings
- As per the survey only “extremely matters” were being heard
- E-filing facility was used for all matters
- One of the important advantages of online proceeding is the decline in pendency of cases digitization of records and geographical flexibility

In recent times, video conferencing is not a new concept when it comes to dispute resolution. While

the video conferencing or online proceedings in its current form requires many changes and improvements concerning infrastructural facilities and accessibility by all, it is important to consider this present step as the first one in a series of many. Adding to this, other positive aspects of video conferencing include cost-effectiveness, reduction in carbon footprint, and many time-saving advantages. There may be varying complexities concerning legal cases which may not be compatible via video conferencing, there can be a situation of less fluid and strategic discussion, more difficulty in reading body language, lack of regulation and guidelines, and can be disadvantaged for those who are not "tech-savy." Thus, from the survey, it can be noted that virtual hearings cannot be negated completely but at the same time they cannot replace a physical court hearing.

VII. DISCUSSION: COMPARATIVE ANALYSIS

The advent of COVID-19 pandemic has affected the police organization across the world, demanding different organizational behaviors depending upon the differing social landscapes. One study has found that the police agencies in United States and Canada provided formal trainings to their respective police officials on how to maintain social distance and adhere to other safety protocols when responding to in-person CFS. Whereas France is divided into police and gendarmerie and the population is equally distributed between these two forces. To combat the pandemic, France saw the “pluralization of the police forces” where the main police forces were also joined by the municipal police officers to control the citizens to ensure there is compliance to the confinement. In Netherlands, the Public Prosecution Agency published a “circulaire” for enforcement of emergency ordinance which was based on both administrative and criminal law. The police in Netherlands adopted an enforcement strategy by three successive steps: firstly “we start a conversation, if that would not work, we warn, if still the people did not change the behavior we may intervene and put sanctions.” Police agencies have also adopted to new policing technologies like using drones for surveillances, apps to support self-control, which was subjected to criticism as it intruded into the privacy of the citizens.

In United States, the police system is linked by a widely-channeled communications grid, further layered by a system of intelligence organizations and federal law enforcement agencies, atop with another network of high police agencies. In United States there has been conflictual relations between the police and the public that has adversely shaped the ability to provide policing services concerning the violence against the vulnerable. North America, Europe and China have entered into techno-policing mechanism that has enhanced the surveillance capacity which has helped to enforce social distancing in the wake of contagious COVID-19 disease. In United Kingdom, the Government is drawing up a contingency plan for the military to provide additional guidance and support to the police and health services, such as using medical military staff and military medical hospital facilities, and other mobilization plans. In Scandinavian countries, it has been seen that the governmental capacity looks more robust with low policing techniques for the general good that seems possible even in the time of COVID-19 crisis.

Whereas when it comes to the functioning of judiciary. The United Kingdom government’s Coronavirus Bill provided for a greater use of video hearings for criminal proceedings and magistrate court appeals. Measures were adopted to urge the parties in postponing non-urgent hearings. In France the Justice Minister said that only “essential” litigation will

proceed. In United States, the Federal Courts are coordinating with state and local health officials to obtain information about the pandemic and have issued orders concerning the court businesses, operating status and safety of the public employees. Many countries have shifted to online mode of hearing and working to deal with the lockdown and rules on physical distancing.

VIII. CONCLUSION

The pandemic has made an adverse impact on all countries across the globe, significantly affecting the economy and our day to day lives. Even though, the economic consequences and final death toll are not yet revealed, with difficult news still coming from this crisis, it is clear and accepted that humanity will have to manage new outbreaks. On that account, countries and cities should gird loins and gear up to face the upcoming pandemic in a best possible manner. Despite, the minuscule resources being available among the humblest, yet most uncredited corona warriors- the Indian police have risen to the ultimatum of promoting community health and enforcing the Covid-19 protocols. The role of the front-line agency extends to the implementation of police domain participating in crowd control, management of public order, investigating crimes, and deterring law breaking conducts. In our fight against the global disasters, the police are one of the greatest resources and the need of the hour is to implement policies ensuring their health and safety and maximizing their efficiency. ‘Data’ is a critical and determining element to speculate, trace and alleviate a pandemic. Data can be recuperated from various sources and multiplication of data sources should be sought by the cities. In reality, the requisite action for creation of smart cities can emanate from different areas, but in this procedure the leading role should be played by the government, particularly focussing on laws and budget for it. The outbreak, a “black swan” event has taken a toll on the judiciary of our country affecting the physical as well as the psychological well-being of the judges and the court staffs, disturbing the legal landscape. In these critical times, virtual court hearing and IT-based virtual platforms have come to the rescue, flourishing the virtual technology. Undoubtedly, the effect of the pandemic is going to be long-standing, paving the way for a digital court system which may be considered as a turning point in the landscape of the Indian judiciary as online dispute resolution will be extensively implemented and executed. At this stage, the extraordinary reach of the internet will ensure access to justice as well as address the health concern at the same time. In these difficult times the legal system must harness the challenges as a golden opportunity to revamp and reinforce the operating procedure, mitigating the effects of the crisis at the earliest.

Consequently, when the repercussions of the raging pandemic are assuaged, the nations have to start gearing up for the next global health crisis. The surveyed works connoted optimistic and favourable solutions to be endorsed by the cities, yet there are no golden rules. In the concrete, every city has to appraise its particularities during the implementation of the most pertinent technologies and systems. The cities discussed in this paper furnished some hints on how to achieve that, however each urban zone will create particular challenges which must be addressed accurately. Nonetheless, the reward conceivably is compensatory. In our concluding remarks we can say that pandemics are real and globally, scientists are anticipating that the world will witness more frequent and deadly pandemics in future. To tackle such situation, preparedness is the need of the hour and the administration must take it seriously. Nonetheless, establishment of more well planned and coherent smart cities can remarkably reinforce better responses to pandemics, which may be pivotal when protecting lives.

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