

[Working Paper Series: Pandemic Crisis and Democratic Governance in Asia – Part I]

Governance in India During the Pandemic

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Introduction¹

The COVID-19 pandemic has shaken the foundation of governance in India as in many parts of the world. The lessons emerging from the pandemic reveal that a capable, accountable, inclusive, and participatory state is essential for effectively addressing the challenges posed by the pandemic that will have long-lasting ramifications. Since the end of January, when India identified its first COVID-19 case, over 10,858,300 cases of infections and 155,280 deaths have been recorded. A total of 10,559,604 persons have recovered which means nearly 99 percent of all the people who got infected have recovered (as of February 10, 2021)². The COVID-19 pandemic has immensely impacted the lives and livelihood of millions of people in India. The pandemic-induced lockdown has added to unprecedented misery and suffering of the poor, vulnerable, and informal workers including the migrant workers. The economy which was already on a weak footing even before the pandemic has suffered the most. The weak and unprepared health system in the country proved to be grossly inadequate to handle a pandemic of this magnitude. The pandemic provided a pretext to the ruling dispensation to restrict dissents and civic engagement.

Pandemic and Indian economy

The COVID-19 pandemic hit India at a time when the Indian economy was going through one of its worst phases with growth in the gross domestic product (GDP). The GDP fell to an 11-year low of 4.2 percent from 2019 to 2020. The economy grew by 3.1 percent in the January-March quarter of 2019-2020, against 5.7 percent at the same time frame the year prior, marking the slowest growth in at least eight years (Sahoo, 2020). Decelerating GDP growth, a significant decrease in industrial output, a fall in tax revenues, and a massive reduction in power demand were all recorded well before the impact of the lockdown was recorded (Radhakrishnan et. al, 2020).

Jobless growth in India was already a major concern among many economists who had repeatedly

¹ Throughout the year, ADRN members will publish a total of three versions of the Pandemic Crisis and Democratic Governance in Asia Research to include any changes and updates in order to present timely information. The first and second parts will be publicized as a working paper and the third will be publicized as a special report. This working paper is part I of the research project.

² Worldometer, Retrieved from <https://www.worldometers.info/coronavirus/country/india/> on 10 February, 2021.

questioned why employment was not growing as fast as the country's GDP. They warned that the rate of jobless growth could severely impact India's economy which depends heavily on the middle-class population that is primarily employed in salaried jobs and entrepreneurship (Das, 2020). The demonetization imposed by the previous National Democratic Alliance (NDA)³ government in November 2016 slowed down the economy resulting in unemployment all over the country, a trend that the government emphatically denied.

The concern over unemployment was reinforced by the findings of a National Sample Survey Office (NSSO) study. The survey was the first of its kind on employment by a government agency since the 2016 demonetization. The government delayed the publication but the report was purportedly leaked to the media. The government eventually published NSSO's annual report (July 2017-June 2018) of the Periodic Labor Force Survey (PLFS) which reported the All India Unemployment Rate at 6.1 percent in the given year. This unemployment figure was a 45-year high (Patel, 2019). Facing vociferous criticism from the opposition political parties and prominent economists, the government issued a statement that the comparison of the recent and past employment data was faulty as that the study had used a new design methodology for the survey. In other words, the government maintains the virus slowed down the economy all around the world and there was nothing particularly unique or alarming about India's recession (Scroll, 2020).

Government Response to Public Health Governance

Public healthcare infrastructure in India has long suffered from neglect and has a chronic lack of funding. Between 2009 and 2019, India invested less than 2 percent of its GDP in public health. This percentage has continued to drop, with barely 1.1 percent of the GDP going towards public health last year (PRS, 2020). This lack of investment has come home to roost, with India unable to cope effectively with the ongoing COVID-19 pandemic. The handling of this crisis has exposed the weaknesses of the public healthcare system in the country and raised questions on the decades of neglect and abdication of responsibility by the successive governments, both at the center and in the state.

According to the National Health Profile in 2019, there were a total of 713,986 government hospital beds available in India, amounting to 0.55 beds per 1000 population. This is an abysmally low amount that could lead to complications during a pandemic like COVID-19. According to Singh et al. (2020), many states had even less than the national level average of 0.55 beds per 1000 population. It is also estimated that 5-10 percent of total patients require critical care in the form of ventilator support. Although no official figures on the number of ventilators available in the public sector are available, the same analysis by Singh et al. estimated that India possesses 17,850 to 25,556 ventilators. Even in the best-case scenario where all ICU beds were equipped with ventilators, India had a maximum of 57,000 ventilators to cater to the rapidly growing number of COVID-19 patients.

Human resources are the most important building block of public health. Availability of an adequate number of personnel with a suitable mix of skill-sets and their appropriate deployment at different levels of health

³ The National Democratic Alliance is a coalition of political parties led by the Bhartiya Janata Party which rules the central government in India.

care setup is essential for providing effective health care services to the citizens. WHO recommends a ratio of one doctor for every 1,000 patients; however, India only possesses one government doctor for every 10,000, according to the 2019 National Health Profile.

Therefore, at the onset of the pandemic, the country's healthcare system was ill-equipped to cope with the avalanche of patients with contagious respiratory infection in the same manner as China and other developed economies like Italy (Krishnan, 2020). The need for a universally available and holistic healthcare system became more prominent than before due to COVID-19. Such a system was made possible in India through a synergic approach by the central and state governments. This approach had been used in the past in efforts to eradicate polio or to replicate successful healthcare systems in states such as Kerala, Goa, or Chhattisgarh.

In the wake of the pandemic, the Government of India sanctioned Rs.15,000 crore⁴ for the India COVID-19 Emergency Response and Health System Preparedness Package, as a response to fund facilities dedicated to treatment, to increase the number of testing facilities, and to procure personal protective equipment (PPE), isolation beds, ICU beds, ventilators, and other essential equipment for treating Covid-19. India designated specific public health facilities for COVID-19 case management. According to the Union Health Minister (Economic Times, 2020), as of December 2020, there were 15,359 facilities across the country. In total there were 15,000,000 isolation beds, 270,000 oxygen-supported beds, 80,727 ICU beds and 40,575 ventilators. For contact tracing, the government of India launched the 'Aarogya Setu' app to enable people to assess themselves for contamination based on their social interaction. COVID-19 testing is free for all at government public facilities, and since April 4, both testing and treatment have been made available free of charge under India's Pradhan Mantri Jan Arogya Yojana (PMJAY), a publicly funded health insurance program that benefits the poorest households in India.

The single-minded focus on COVID-19 had other adverse implications on the overall health services as other diseases and their treatment was ignored or given less attention. According to Ghosh (2020), many Tuberculosis patients did not receive the required treatment; immunization of children suffered because of the lockdown; cancer patients and those requiring dialysis suffered neglect; important operations have been indefinitely postponed for many people, and; the number of babies delivered in medical institutions decreased 40 percent during lockdown compared to the same period of the previous year.

Pandemic, Lockdown, and Governance Response to Informal Migrant Workers

According to the 2011 Census, India has over 400 million migrants; a large proportion of which are internal migrants. This includes inter-state migrants as well as intra-state migrants. Some of these migrants move seasonally from one state to another during the agricultural offseason to sustain livelihoods by finding employment in urban areas. The circular migrants are permanently settled in urban destinations but return to their rural homes during festivals, marriages, and other ceremonies. These two categories of migrants constitute a large portion of the rural migrants, who are highly mobile between the places of origin and destination cities.

COVID-19 has exposed the glaring inequalities that exist in society and unsafe and undignified migration

⁴ 1 crore is equivalent to 10 million

often exacerbates such inequalities. Informal migrant workers in India were the hardest hit group during the pandemic. To arrest the spread of the pandemic the Indian government imposed one of the most stringent lockdowns in the world. The lockdown resulted in a complete shutdown of economic activities throughout the country for almost 10 weeks between the end of March and early June 2020. In India, most of the migrant workers were not paid their wages during the lockdown; they had no access to food and cash to pay for rental accommodation, nor did they access social welfare due to the lack of flexibility of welfare services. Many did not have bank accounts or identification documents as they were valid only in their state of origin. Language barriers in any case add to the discrimination they face; this stigma worsened when urban locals began calling them “Corona Carriers”, thereby reducing their chances of becoming employable in the future.

According to the International Labor Organization, the pandemic is expected to push 400 million informal workers in India into deeper poverty. The migrant crisis has made it clear that no government authority, at the center or in states, has any comprehensive understanding of the scale and type of migrant workers. In response to the multifaceted crises of the migrant workers, the government announced several reliefs, welfare, and recovery measures. However, as the most recent GDP figures show a sharp contraction of the economy, there were doubts on whether or not these measures will be implemented at all. The state governments have fewer resources to implement many of these public programs which brings further uncertainty about migrant workers’ return to urban locations. With such grave challenges faced by migrants regarding livelihoods, the need for government accountability and urgent migrant welfare interventions have become crucial.

Despite having policies and legislations in place, COVID-19 uncovered the institutional, legal, and socio-cultural cracks in the unorganized labor economy. Migrants faced different sets of problems in the source and destination states. In destination states, most of the welfare schemes for migrants remained ineffective during the pandemic due to registration gaps; lack of transferability of benefits, and the absence of infrastructural and informational support provided to the migrants. Migrant workers who live away from their homes do not have access to their bank accounts that were opened in their home states, which meant that they could not access any cash benefits transferred to their bank accounts. As they did not have access to their ration cards, they did not have access to food benefits from ration shops where they resided in. Daily wage earners lost their employment overnight and had to turn to neighborhood retail shops that lent them money and food throughout the lockdown. Migrant workers in destination states have faced the challenge of housing and sanitation for decades. These migrants live in “jhuggis,” or densely populated informal settlements, controlled by powerful landlords. The landlords started harassing migrants for rent during the lockdown by cutting their electricity and threatening them to pay or leave. Maintaining hygiene and physical distancing was a distant reality in these informal settlements where houses are tightly packed right next to each other and common toilets and water were used. The message to protect people from COVID-19, namely “Social Distancing” only facilitated stigmatization of migrants. Language, religion, and cultural values played a huge role in enhancing this stigmatization of the workers, especially in urban centers.

Returning migrants faced a different set of barriers. They had families to feed, but no access to food, jobs, health facilities, and education. They also faced stigma by the administration and neighbors in their home states. The government decided to expand the funding for Mahatma Gandhi National Rural Employment Guarantee

Scheme (MGNREGS), a scheme guaranteeing hundred days of wage employment in a single fiscal year to rural households whose adult members seek unskilled manual work. There have been over 8.3 million new households who have been issued job cards under the scheme during the first five months of the current fiscal year. The government, however, has yet to provide a permanent solution for skilled and semi-skilled migrants, who are not being employed for jobs that match their skill sets.

Public Policymaking and Protest Movements During the Pandemic

The political landscape of India was shaped by instances of popular protests while the country was grappling to flatten the COVID-19 curve. While the Indian electorate continues to invest their faith in the Hindu majoritarian ruling party and Prime Minister Narendra Modi's popularity remains unshaken, the opposition political parties are on the back foot. Yet the protests and assertion of rights represent a critical juncture in Indian politics. The possibilities and limitations of the Indian Government should be analyzed by the following critical events.

Crackdown on Anti-Citizenship (Amendment) Act (CAA) protests

The year 2020 began with protests against the Citizenship (Amendment) Act (CAA). This popular uprising was a beacon of secularism. According to Ghosh (2020), just before the lockdown in March, there were many peaceful protests across the country, against the attempt of a new citizenship law that would effectively give lower status to Muslims. Some of these had been met with violence on the part of police and armed supporters of the ruling party. The central government used the opportunity presented by the lockdown not just to prohibit any kind of public protest but to arrest those who had participated in peaceful protests while protecting supporters of the ruling party. Women peacefully protesting the new citizenship law at the protest site in Shaheen Bagh in New Delhi were forced to move from the site on March 24, 2020, as lockdown has been imposed (Firstpost, 2020).

Amidst the COVID-19 lockdown, the government resorted to the use of draconian laws, divisive media reporting, and jail terms for students, lawyers, human rights activists, journalists, and academics. The Delhi police, controlled by the central government searched homes and offices; confiscated phones and documents; and questioned, detained, and arrested many people. It was instructive that these arrests were made when the Supreme Court directed governments to decongest jails to prevent the spread of COVID-19 (Mander and Verma, 2020). The charges leveled against the arrested were allegedly due to their role in organizing protests against the discriminatory amendments to India's citizenship law, the proposed National Register of Citizens, and the National Population Register. They were further accused of instigating and participating in the violent communal carnage that engulfed working-class settlements in Northeast Delhi in February, the gravest Hindu-Muslim riots in the capital since Partition of 1947. They have been charged under the draconian Unlawful Activities Prevention Act. This rise in detention and arrests – after a brief respite following the imposition of the lockdown – has reportedly come after the Home Ministry's instructions to the Crime Branch at the end of March (Marnal, 2020). In almost every month in the last year, several activists and academics have been either arrested or booked under counter-terrorism law, sedition, and other laws, for merely expressing their discontent against the current dispensation.

The purpose of such continued repression during a period of national calamity appears to act as a form of punishment to those who had interrogated the government's intentions and actions and also to intimidate. Unfortunately, this also means that the government's own ability to create widespread social consensus and atmosphere of trust to combat the pandemic is correspondingly reduced.

Amendment of labor laws during the monsoon session

The passing of the three crucial labor bills during the Monsoon Session of the Parliament in September – in the absence of the opposition who were away protesting against the farm bills – had been called into question by the workers' rights groups. Both the Lok Sabha (lower house) and Rajya Sabha (upper house) passed the Occupational Safety, Health, and Working Conditions Code of 2020, the Industrial Relations Code of 2020, and the Code on Social Security of 2020, while the opposition was not present (Sharma, 2020).

Analysts have pointed out that the bills are significantly different from earlier ones introduced in 2019, and should thus be again referred to a standing committee. The workers' rights groups have claimed that these bills are anti-worker as they paved the way for a "hire and fire" policy and restricted the right to strike and protest. The new norms were said to adversely affect the workers by allowing easy retrenchment and exempting certain categories of companies from adherence to the laws that safeguard their rights. The rights groups and opposition have alleged that under the pretext of the Covid 19 pandemic, the government has resorted to fast-tracking the passage of such bills without any democratic debate in the parliament. Opposition leaders have raised the issue of the limited time given to Members of Parliament to consider the provisions of the bills and to debate them. They sought to have these bills referred to a Standing Committee. It has been pointed out that the bills were introduced on Saturday, September 19, and the Business Advisory Committee of the Lok Sabha allocated three hours for them to be discussed before it was passed in the following week despite these bills having 411 clauses and 13 schedules totaling to 350 pages.

The Rushed Passage of the Foreign Contribution (Regulation) Amendment Bill

The passing of the Foreign Contribution (Regulation) Amendment Bill in September 2020 in both Houses of Parliament, without any real deliberations, poses deeply troubling and ominous messages for civil society and democracy in India. The said bill was introduced in the Lok Sabha, on September 20, 2020. No one in the parliament was aware that the bill would be discussed until that afternoon. The bill was passed by the Lok Sabha on the next day and, on September 23, it was passed by the Rajya Sabha. The bill received the President's assent on September 28 and by September 29, in just over a week, it was formulated into a law (ICJ, 2020).

According to Behar (2020), there was a perceived narrative that foreign-funded NGOs and civil society groups 'misused' the funds for development by investing them in religious conversions. However, no data was shared to substantiate this perception. It is crucial to note that, this perception is far from the truth as most foreign funding neither has a church origin nor do an overwhelming majority of the receiving entities have anything to do with religion. This is because their work is completely dedicated to people's issues like education, health, and livelihood. More nuanced discussion, in a select committee, for instance, would have thrown light on their potential hazards to development and democracy. The amendment reflects a deeply flawed understanding of

democracy in which it has been reduced to electoral democracy or quest for state power, and any other form of democratic action is seen with suspicion and deemed as illegitimate.

According to Srinath (2020), the timing of the FCRA Bill was bewildering as it was tabled during an unprecedented pandemic, in which civil society has played a stellar role. The civil society reached out and supported millions of poor Indians by providing food, clothing, shelter, transportation, and other basic necessities. This praise has come from the highest quarters, including Prime Minister Narendra Modi as well as NITI Aayog, a policy think tank of the Government of India.

Farmer Protests

The standoff between India's government and its farmers began in September 2020 following the passage of new regulations designed to open up the country's enormous agricultural sector to private investment (a move that would enable farmers to sell directly to companies instead of the government marketplace, which guaranteed a minimum price for certain crops). Although the authorities have framed the reforms as necessary to modernize India's farming industry, which employs more than half of the country's 1.35 billion people, and is rife with mismanagement and waste, many farmers feared that the changes would ultimately drive down crop prices, devastating their livelihoods (Mohan, 2019). The farm bills were thought to disempower the farmer, forcing them to sell at prices that would eventually be dictated by large corporates who buy the produce (Parsai, 2020). Farmers will also have to switch to farming crops that are in demand by the big buyers. In addition, they will have little or no legal recourse in the case of a dispute – a local bureaucrat will decide the result of the case (Sainath, 2020). The current system of selling through the Agricultural Produce Market Committees (APMCs) is flawed, but the so-called reforms were thought to be worse by the farmers.

These fears have prompted tens of thousands of farmers, predominantly from the northern states of Punjab and Haryana, known as India's "food bowl," to set up makeshift barricades of tractors and trailers across roads, railway lines, and highways leading to Delhi. More than 450 farmers' unions and organizations expressed their support in a nationwide strike, and the protests have attracted the backing of the opposition. However, BJP-led governments in Haryana and Uttar Pradesh had tried to prevent the farmers from crossing state boundaries. When the farmers burst through the barricades, they were met with police batons, tear gas, and water cannons (Lalwani, 2020).

By bringing in three highly contentious farm laws without draft bills for discussion, then mooting the final bill discreetly during the peak of the pandemic, and then eventually bulldozing the passage of the laws in the Parliament, the central government left no room to gather support from the farmers (Mahaprashasta, 2020).

Policy Implications and Ways Forward

Social and economic security of the migrant workers

The dire situation of the migrant workers calls for immediate steps to ensure conducive working conditions for the informal workers and to protect their lives and livelihoods. A renewed approach must be developed to create Inter-State Migration Policies, to encourage greater cooperation and coordination between state governments to

promote the welfare of migrants. Strengthening information channels, securing housing and sanitation, financial inclusion through bank linkages, and incentivizing self-employment in peri-urban and urban areas will create a stimulus for the working conditions of migrant workers. Digitalizing registration, recognizing the prior learning (RPL) and upgrading the skills of migrants, promotion of health of workers, legal counseling services dedicated to migrant workers, and heightened coordination in migration corridors between states is imperative for ensuring the protection of migrants.

Massive improvement to the healthcare system

Adequate investments in strengthening the public health system are needed to deliver universal health coverage (UHC) and ensure system preparedness to withstand any kind of public health emergency. As experienced during the COVID-19 pandemic, many government facilities were converted into hospitals dedicated to COVID-19. Therefore a large number of non-COVID-19 related patients were unable to have access to facilities and medical providers to take care of their needs. A higher level of budget allocation is urgent to increase health infrastructure, equipment, and properly trained human resources.

Enhance democratic spaces

The democratic spaces for public deliberation and dissent on public policies and independent functioning of democratic institutions must be restored within the constitutional provisions and values. The self-regulation of media and civil society is critical in instilling faith in rule of law and democratic governance. The civic space characterized by freedoms of expression, assembly, and associations need to be nurtured within a secular fabric. The aspiration of “*sabka sath, sabka vikas, and sabka vishwas*” (together with all, development for all, the trust of all – a slogan used by the Prime Minister) cannot be achieved with a parochial majoritarian view of India’s democracy and pro-people governance. ■

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