Promises
&
Reality

Civil Society Initiative

Coordinated by
Wada Na Todo Abhiyan

WADA NA TODO ABHIYAN

Wada Na Todo Abhiyan (WNTA) is a national campaign focused on promoting Governance Accountability to end Poverty, Social Exclusion & Discrimination, through tracking government promises and commitments at the national and international levels.

WNTA emerged from the consensus among human rights activists and social action groups who were part of the World Social Forum 2004 (Mumbai). The purpose was to create an environment through focused and concerted effort and try to make a difference in India where one-fourth of the world's poor live and experience intense deprivation from opportunities to learn, live and work with dignity. In this regard, WNTA highlights the aspirations and concerns of the most marginalized sections of the society – Dalits, Adivasis, Nomadic Tribes, Minorities, Women, Sexual Minorities, Children, Youth and the Person with disability to the government through People's Manifestoes before elections. Further, WNTA reviews and monitors the performance of the government on its promises and plans towards the marginalized sections on the framework of Constitutional mandates, National development goals and International commitments set in the UN Millennium Declaration (2000) / The 2030 Agenda for Sustainable Development Goals. We work to ensure that the concerns and aspirations of the marginalized sections are mainstreamed across programs, policies and development goals of the central and state governments.

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Citizens' Report on Year Two of the NDA II Government
2020-2021

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PREFACE

Wada Na Todo Abhiyan (WNTA) is a national campaign consisting of 3500 CSOs, working together to promote governance accountability to end Poverty, Social Exclusion and Discrimination. WNTA provides a multi-stakeholder platform for civil society organisations and networks to jointly review government promises and performance across multiple sectors.

An important piece of this process is the Annual Citizens' review of the Union Government to document an assessment against its promises to the people and Constitutional mandates. The first review was held in 2005 of UPA I followed by annual reviews every year. In addition to the annual reviews, a consolidated review of the 9 years of UPA (I&II), 100 days of UPA II, 100 days of NDA-I and 4 years NDA-I were also done. All these reviews incorporated people's voices and expert opinions on various development themes.

In our continuous efforts to mirror the concerns and voices of the marginalized people/communities in the process of Governance, **WNTA is anchoring the civil society assessment of year two of the NDA-II Government (2020-21**). The review examines some of the key government policies and interventions in their impact on the lives of India's marginalized sections, especially in the context of the COVID-19 pandemic and the devastating impact it has had on the country.

"Promises & Reality – Citizens' Report on the Year Two of the NDA II Government, 2020-21" is a collective work by eminent members and organisations of the Indian civil society. The report covers a wide array of concerns and issues in thematic areas including health, education, employment, human rights, freedom of expression, as well as a focus on marginalized and vulnerable communities such as Dalits, Adivasis, women, migrant workers, urban homeless, farmers, religious minorities, to name a few. Each chapter provides an assessment of the government's initiatives and actions relating to addressing the challenges posed by the pandemic, and includes a set of critical policy asks for each sector/issue/community.

This Citizens' Report on the year two (2020-21) of the government holds a mirror to how people's lives, particularly that of the marginalized and vulnerable, have been impacted over the past tumultuous year. The pandemic, which spiralled from a health to a socio-economic crisis, has had a multifaceted impact on the economy and society, furthering and creating even more vulnerabilities. In this context, the report becomes particularly important for people, communities and civil society organisations to bring their concerns to the forefront and engage with their elected representatives and administration in order to pursue the objective of inclusive sustainable development for all people everywhere.

As the union Government enters its third year of the second term, we hope this report contributes to strengthening governance accountability towards deepening our democracy, and facilitates an inclusive recovery from the pandemic in order to build forward better.

—Annie Namala, Roshni Nuggehalli, AK Singh and Amitabh Behar

OBITUARY

The COVID-19 pandemic has officially claimed over four lakh lives in India. The accuracy of these figures aside, the pandemic has also affected and caused deep personal losses to all of us. Among those we lost, are also names of eminent friends, peers and mentors from the civil society sector.

Civic leaders, community champions, community volunteers and staff of community-based organisations and other big and small non-governmental organisations were quick to respond and come to aid of different vulnerable communities as pandemic hit and lockdown started in March 2020.

From relief measures of providing ration, shelter, water, soap, sanitizer and more to spreading awareness about the virus, its spread, COVID-19 appropriate behaviour and entitlements – civil society came strongly forward for the communities and voluntarily shouldered the responsibility to help everyone battle the pandemic irrespective of the resources at their disposal.

Unfortunately, as has been the case for front-line workers in all sectors, civil society too had to bear a significant loss of our peers and associates in both waves of the pandemic. As we remember them in our thoughts and continue to take forward the work done by all of them, we would also like to preserve their memory in the pages of this report.

The names given below have been published after clear consent of the mourning families. This list is also, by no means, an exhaustive depiction of all civil society members who departed in the pandemic – but just the humble result of our efforts to commemorate each of them.

Remembering those not with us any more in our hearts and our work,
Wada Na Todo Abhiyan

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CONTENTS

EXECUTIVE SUMMARY

'Promises & Reality 2020-21' report is an important document in WNTA's milestone of activities. As in previous years, this year's annual review and report monitoring the Union Government's performance is done in partnership with several civil society organisations and expert contributors. It examines some of the key policies of the government and interventions made during May 2020- April 2021 through the impact these have had on the lives of India's citizens, and particularly marginalized sections. As a very special exception this year, the report also centers its assessment of governance during the past year on COVID-19 – the spread of the pandemic in the country, the lockdown imposed to contain it and the second, sheer deadly wave.

While the first year of the second term of the BJP-led government was replete with expressions of intent to reduce poverty and take on the global pandemic, the second year has been a tumultuous one – exhibited first by the introduction of the Citizenship Amendment Act and later, by the lockdown to contain the spread of COVID-19. The year has also been tough on human rights defenders and also for civil society organisations working selflessly to ameliorate the suffering of the people.

COVID-19 only catalysed the process of the economy's de-acceleration

The pandemic struck in India at a time the process of de-development was under way for a few years. Few, if any, serious policies and rectification measures had been taken, with virtually all growth and development indicators declining rather dramatically. As the chapter on the economy points out, the pre-pandemic economic scenario had already witnessed a fall in ranking in almost all growth and development indicators including India's ranking on the global hunger index; nourished children; inequality index; gender equality index; environment performance; water and air quality (*De-development catalysed*).

This scenario after the pandemic has actually worsened in the absence of policy responses that need to take into account demand factors focusing especially on those who have been impacted the most at all levels both economic and extra-economic. The pandemic has created a humanitarian crisis and socio-economic inequalities, severely affecting the disadvantaged section of the population. The most detrimental effects impacted the vast majority of the citizens, with in fact, resulting in the reversal of whatever progress that had been attained – massive rise in income inequality, with the top one per cent population holding more than four times the wealth held by lowest 70 per cent. India's high unemployment rate goes in tandem with the country's least monthly minimum wage in South Asia at ₹ 4300.

As the authors argue, India also recorded the lowest female work participation rate in South Asia, the maximum fall impacting the most vulnerable sections covering Adivasi, Dalit and OBC sections besides other minorities. This process of gender de-equalisation has been further exacerbated by a rise in the gender wage gap at three per cent between 2011-12 and 2017-18. Three out of every four rural households could not afford a nutritious diet, combined with a decrease in demand and consumption expenditure. Subsequently, the proportion of persons below the poverty line rose for the first time in 42 years by five per cent.

As if on cue, the Finance Minister's budget speech did not discuss specific interventions on generating employment and boosting consumption expenditure. The Union Budget 2021-22 was presented in the face of low consumption demand and high unemployment due to the pandemic and the subsequent lockdown. The negative impact of the pandemic resulted in the Gross Domestic Product (GDP) witnessing the sharpest decline since 1952. The pandemic has also made the situation worse at the revenue collection front which has a direct impact in terms of budget cuts on economic and social sector services.

Inequality

The chapter on Inequality (*Inequality in the Minds of the Executive*) points out, the wealth of the top 11 Indian billionaires increased by ₹ 7 lakh crores in just six months – enough to run the health ministry for 10 years. Clearly, COVID-19 was anything but 'the great equalizer' – as it has been touted as due to its ability to impact lives to a certain degree, transcending the divides of wealth, fame, prestige, age, or social privilege.

Our authors argue that efforts to reduce inequalities should have been guided by values of equity, justice and fraternity. The first step to move towards equality is to acknowledge that inequities exist. Instead, the government devoted the annual Economic Survey to argue why India should focus on growth and not addressing inequality. The Union Budget 2021-22 did not take any

new measures to reintroduce wealth tax or introduce inheritance taxes and the government had introduced a 'COVID-19 fiscal stimulus' that claimed to account for 10 per cent of GDP. However, this was calculated to be actually close to being one per cent in terms of actual public spending.

COVID-19 and the stringent lockdown that followed destroyed the economy and forced millions of India's poor into poverty and hunger, while leaving the elites largely unscathed. Little wonder, billionaires cheered the stimulus package announced during the lockdown. Policy responses to COVID-19 only served to intensify existing class, caste and gender inequalities.

Marginalised pushed further to the margins

While still on the issue of inequality, the authors address that, seven per cent men who were employed prior to the lockdown lost work during the lockdown and remained unemployed even after the lockdown (i.e. they followed the no-recovery trajectory), the corresponding share for women was much higher at 37 per cent (*Bad for Workers. Worse for Women Workers*). This flies in the face of '*Sabka Saath, Sabka Vikas*' in a developing country that was ranked the world's fifth largest economy in 2019 and attests more to the fact that it featured as the five worst performing country in terms of economic participation according to the World Economic Forum's Global Gender Gap Report 2020.

Also, the allocation to most of the central sector schemes and projects for the welfare of Persons with Disabilities (PwDs) has either decreased, remained the same or received no allocation at all (*Persons with Disabilities: Doubly Challenged*). The guidelines for supporting PwDs during the pandemic issued by the government were initially inaccessible, and left several without support of ration and social security provisions. Further in implementation too, several loopholes kept relief measures out of reach for many in the community.

A chapter on bonded labour essays the lives of indentured workers in the brick kilns of Varanasi – Prime Minister Narendra Modi's Lok Sabha constituency (*The Unending Trap of Servitude*). "Women workers are deprived of all statutory benefits and amenities like maternity benefits, crèche, fixed working hours, etc. They face sexual abuse, violence and exploitation. They are too vulnerable to defend themselves. There are numerous instances of rape and even of women enslaved for sex."

Unfortunately, there is still a section of India's population who are made to feel they belong to a bygone era of violent discrimination. One would like to imagine that, given the need for physical distancing and spread of the virus impacting so many, violence against the Dalit community would have reduced during a pandemic. This, however, was not the case as atrocities continued unabated against Dalits (*Exacerbated Vulnerabilities of Dalits*). There is an equally alarming facet of violence against Dalit Christians who are denied redress under the SC/ST Prevention of Atrocities Act (*Religious Persecution immune to COVID-19*). The authors call for an increased allocation of funds in the Union Budget under the welfare of Scheduled Caste (AWSC) for the effective implementation of the SC/ST Prevention of Atrocities Act.

COVID-19 also came as a double whammy for the tribal people. For instance, tribal women had to face an aggravated State machinery during the lockdown. Cases of rape of tribal women in rural areas, unnecessary intimidation, extortion etc. have been beyond records during the lockdown period. Simultaneously, tribal lands in Bastar and Surguja districts of Chhattisgarh were grabbed by industries and mining companies with the help of the State during the lockdown. The lockdown conditions were approached as an opportunity for those in authority to evict tribal people from their land (*Confusion and Chaos in Tribal Areas*).

The report also voices the need to prepare an official categorisation for people from De-Notified and Nomadic Tribal communities across the country as a first step to enable them access their entitlements. They are among the most voiceless of Indians. The Habitual Offenders' Act, 1952 should be abolished towards de-criminalisation of DNTs and prevention of atrocities by police (*COVID-19 exacerbates vulnerabilities of the marginalised*).

From lynching to stigmatising Muslims for the spread of COVID-19, the year gone by has been a tough one for Indian Muslims. Authors recommend that the pending demand for enactment of a law against communal riots and persecution should be fulfilled as soon as possible which may now include lynching and spreading of fake news as heinous crimes (*COVID-19 added to the burden of stigma*).

Yet another section of people who need the government's attention in these tough times are people living with HIV/AIDS – the lockdown meant that the services being provided to them came to a standstill. India needs to stay on course to achieve its commitments to reduce HIV/AIDS. It is appalling that NACO, the nodal agency for combatting the menace of HIV/AIDS, has not published its annual report since 2016 (*PLHIV left to fend for themselves*).

A Diminishing Civic Space

Arbitrary arrests, excessive force, unfair trials and impunity of the perpetrators have scarred the rule of law in India while voices countering hate and discrimination have found themselves being hounded rather than protected by law enforcement agencies. (*2020-21 saw the State Hound Civil Society*).

The amendments to the FCRA in September 2020 which crippled the civil society response to the second wave of the pandemic have also had a huge impact on the morale of civil society in India. Civil Society Organisations mobilised resources and supported government efforts to fight the pandemic by providing services to the affected. Ironically, however, the government restricted their activities and voices, further shrinking their civil space (*Disempowered, Yet Committed to Serve*).

The atmosphere of fear that has been created has led to unprecedented self-censorship. Unsurprisingly most of the critique and resistance to state policies at a broader societal level is now from the non-institutional spaces – students, youth, celebrities and social media influencers – rather than NGOs (*Dissent Must be Curbed. Even Crushed*).

The most marginalised sections have had to bear the brunt of the heavy hand of the State on civil society organisations. As the chapter on Adivasi people notes, "The lockdown conditions came as an opportunity for those in authority to evict tribal people from their land. In Dang district of Gujarat, for instance, forests officials torched the huts of six tribal villagers accusing them to be living there illegally. In East Sikkim, forest official served a notice to 90 tribal families of Dzuluk to evict the area" (*Confusion and Chaos in Tribal Areas*).

Life was equally cruel for the Dalit communities during the lockdown. Data from a survey conducted during the past year revealed that many of the schemes announced during the pandemic last year were not being fully accessible by the Dalit communities. Many of the community members were unaware of the schemes and even if they were aware, they were not able to access these schemes (*Exacerbated Vulnerabilities of Dalits*).

Even children were not spared of the cruelty of the lockdown that exposed the huge gaps that already existed in the child protection system in the country. 'Childline India', a government-led helpline, received over 92,000 SOS calls on child abuse and violence in just 11 days of the country's shutdown (*Low public investments aggravate inequalities*).

Health, Environment, Education a casualty

Universal access to healthcare is a global health goal and also included in the SDGs, but in the case of India, it has faced budgetary neglect (*Healthcare: A broken promise?*). The review advocates for the government to enact a National Health Rights Act, enabling right to healthcare and mandate health as a public good. This should be enforced with a budgetary commitment of at-least 2.5 per cent of Gross Domestic Product.

A beginning could be made with upgrading existing health infrastructure to a minimum level as specified by the Indian Public Health Standards (IPHS) norms, requiring the strengthening of Health and Wellness Centres (HWCs) through creation of mid-level healthcare providers and upgrading primary health centres (PHCs) and strengthening of the sub-district hospitals (Community Health Centres) as per IPHS and upgrading the district hospitals to teaching hospitals.

The chapter argues that there is a deficit of Governance and implementation, especially in view of the centralisation of all decision making in health going against the spirit of participatory governance. "Top-down decision making cannot work in a sector like health which is highly local-oriented. Decision-making and management has to be left to the local institutions and governments and not a top-down bureaucratic mechanism." The authors say that the Constitutional provision of District Planning Committees under the 73rd and 74th Amendment need to be made effective for robust local governance.

Health and the environment are closely related and this is where this year's Governance Review makes a mark: It argues that, contrary to the prevailing perception, the lockdown year 2020 was not a breather for climate and the environment. Indeed, 2020 was hottest year on record tied up with 2016 – as ice melted quicker; oceans accumulated heat faster; wildfires raged more dangerously; heatwaves became more severe; and carbon emissions hardly saw any thawing. According the WMO's State of the Climate Report 2021 released on 19 April 2021, "there was a relentless intensification of climate crisis, increasing occurrence of extreme events, and severe loss and damage affecting people communities and economies."

The chapter *Industry Before Environment* argues that India has witnessed bad environmental governance in recent years. The government, motivated to improve its record on the 'ease of doing business' index, is trying to change environmental and forest regulations. The authors argue, "in the race to (re)gain economic strength, environmental standards were relaxed, monitoring reduced, penalties for environmental violation waived and fossil fuel and other businesses having profound adverse impacts of environment and climate were rescued with huge bailouts."

The sustainability question is as important as ever: What are we doing for the next generation and the generations to come? Education could be an answer, one might argue, but with COVID-19 not allowing our young citizens to attend school for an entire academic year (and more), there is much that the government could do. In the chapter, *Still A Long Way to Go*, authors argue that framers of the National Education Policy 2020 alienated themselves from the needs of children, particularly children from historically marginalized groups and communities. Children faced unequal access and outrageous inequalities.

That is bringing us back to where we began – citizens being heaped with the indignities of inequalities, as it were a policy of the State. This is what the intent came to resemble in 2020-2021 as COVID-19 exacerbated what was an already agonising pain.

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Contributing organizations

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De-development catalysed

The economic outlook does not appear to be bright for the majority. India is one of the few countries in the world experiencing high inflation, and that too at the highest-ever wholesale inflation rate of 12.69 per cent

The pandemic struck in India at a time when the process of de-development had already begun, and in fact had gained momentum in the last few years. Few if any serious policies and rectification measures had been taken, with virtually all growth and development indicators declining rather dramatically. This scenario has not only continued after the pandemic but has actually worsened in the absence of policy responses that need to take into account demand factors focusing especially on those who have been impacted the most at all levels both economic and extra-economic.

The fundamentals of the Indian economy began disintegrating several years ago. GDP has witnessed a secular decline since the third quarter of 2016-17, reaching a 42-year low of 4 per cent in FY20. Per Capita GDP was already low before the pandemic at ₹ 99,694. Other indicators too underwent a fall especially after the demonetization of 2016 and the flawed and hastily implemented GST. Combined with these is an unresponsive fiscal architecture; reduced public provisioning; massive rise in NPAs; sharp rise in inflation; industries functioning at less than 40 per cent capacity.

The most detrimental effects impacted the vast majority of the citizens, with, in fact, resulting in the reversal of whatever had been attained: massive rise in income inequality, with the top one per cent holding more than four times the wealth held by lowest 70 per cent; fall to 21.3 per cent in the share of salaried jobs even though the economy grew by four per cent in 2019-20; unemployment rates of seven per cent at a 45-year high; a 9-million decline of employed persons; the least monthly minimum wage in South Asia at ₹ 4300 per month. India recorded the lowest female work participation rate in South Asia, the maximum fall impacting the most vulnerable sections especially ST, SC, OBC and minorities. This process of gender de-equalisation has been further exacerbated by a rise in the gender wage gap at three per cent between 2011-12 and 2017-18. 76 per cent of rural households could not afford a nutritious diet, combined with a decrease in demand and consumption expenditure. Subsequently, the proportion of persons below the poverty line rose for the first time in 42 years by five per cent. The pre-pandemic economic scenario had already witnessed a fall in ranking in almost all growth and development indicators including global hunger index; nourished children; inequality index; gender equality index; environment performance; water and air quality.

Pandemic Year: 2020-21

Real GDP or Gross Domestic Product (GDP) at constant (2011-12) prices in the year 2020-21 is estimated at ₹ 135.13 lakh crore, as against the First Revised Estimate of GDP for 2019-20 of ₹ 145.69 lakh crore. Nominal GDP or GDP at current prices in the year 2020-21 is estimated to attain a level of ₹ 197.46 lakh crore against the First Revised Estimates of ₹ 203.51 lakh crore in 2019-20. By official figures, India's GDP contracted by 23.9 per cent in 2020-21. Economists however assert that this is a huge underestimation, and that the fall is actually much greater at about 50 per cent if the informal sector is taken fully into account. This decline was across all sectors and sub-sectors, only agriculture being able to sustain itself in spite of no State support. What is quite startling is, that profits of listed manufacturing companies actually rose by 19.8 per cent between

April-September 2020: this somewhat perverse occurrence can be explained by two factors – non-payment of dues to MSMEs and smaller units, and the fall in wage share by 17 per cent. The huge fall in employment and livelihoods has been documented extensively though not in official data systems. This decline has been across all categories, exceeding 300 million: salaried, daily wage, self-employed, own-account. It is estimated that 79 per cent of all women and 75 per cent of men lost their livelihood. The 63.4 million MSMEs in India which account for 45 per cent of manufacturing output, 40 per cent of exports and employ 120 million underwent supply disruption, domestic demand shock and external demand decline.

The monthly minimum wage which was already the least in South Asia fell further by 22.6 per cent, averaging merely about ₹ 3,000. Also, 52 per cent of women and 46 per cent of men did not receive the wages due to them. The poverty rate rose sharply over 2020-21: for women from 13.3 per cent to 14.7 per cent. and for men from 12.1 per cent to 13.7 per cent. Women in extreme poverty, predictably, are the worst impacted, their numbers rising from 73 million in 2019 to 87 million in 2020 to 110 million in 2021. The Household Savings Rate halved to 10.4 per cent of GDP in Q2 of FY21, compared to 21 per cent in Q1 of FY21. More than half of Fixed Deposits were reduced in order to make up for fall in income. Similarly, the number of Provident Fund accounts fell by 66.7 lakhs in the first nine months of 2019-20, falling further by 71 lakhs between April-December 2020. Withdrawals also rose by more than 33 per cent.

One would have expected that given the desperate economic situation of the majority of India's citizens, budgetary allocations for FY 2020-21 would have not only been fully utilised but in fact should have expanded beyond the revised estimates. It is true that Central Government Revenue fell by 25 per cent between April-September 2019 versus April-September 2020, from ₹ 6.1 lakh crore to ₹ 4.6 lakh crores. This fall, however, as the Government itself admits, is due primarily to the corporate bonanza of ₹ 1.5 lakh crores, wherein corporate tax rates were slashed to 22 per cent for domestic companies and 15 per cent for new domestic manufacturing companies.

Central expenditure, on the other hand, actually fell by one per cent. Capital expenditure was less than 48 per cent of FY21 target up to October, compared to almost 60 per cent during the same period a year-ago. Expenditure by states however rose by ₹ 0.20 trillion. In this context it is important to note that given the sharp decrease in the disbursement of the due share of GST collections to the states especially at a time when they need it the most, which by itself is a crucial constitutional issue, the impact reduction is on development expenditure.

What is quite inexplicable if not disquieting is the fall in spending by crucial ministries and departments if viewed from a year-on-year perspective: April-September 2019 versus April-September 2020. Major subsidies fell by a disproportionately high proportion at 26 per cent and food subsidies by an astounding 33 per cent. Ministries and Departments crucial to ameliorating economic distress actually showed a huge decline during this period: Statistics and Programme Implementation by 72 per cent; Law and Justice by 62 per cent; MSMEs by 59 per cent; Textiles by 58 per cent; Power by 56 per cent; Skill Development and Entrepreneurship by 51 per cent; Tribal Affairs by 51 per cent; Commerce and Industry by 47 per cent.

The various 'relief' measures and packages as well as the 2021-22 budget focus not on the ethically and logically necessary demand-side policies, but on loans and 'easy' credit. A large stimulus is urgently required, irrespective of whether the already large fiscal deficit existing before the pandemic increases or not. In this context it must be noted that the tax-GDP ratio is almost the same: 9.8 in 2020-21 versus 9.9 in 2019-20. The most efficient and just way would be to increase direct taxes, because as is well accepted, indirect taxes disproportionately affect the poor. This is especially true of the current unprecedented increase in fuel prices. The result is that India is one of the few countries in the world experiencing high inflation, and that too at the highest-ever wholesale inflation rate of 12.69 per cent. The immediate impact is on the already low and in fact declining nutrition levels, with the massive increase in prices of cereals and pulses, among other items of mass consumption.

The economic outlook does not appear to be bright for the majority of the people of India. The impacts of an austere and rather haphazard policy response, combined with monetization of the nation's assets and also common property resources both urban and rural, are not merely short and medium term. The long-term results are consequently reduction if not reversal of enhancement of development indicators and attainment of SDGs.

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3. RBI (2020): Monetary Policy Report - October, 2020. Available at:
   ps://m.rbi.org.in/Scripts/PublicationsView.aspx?id=19980)

4. IMF World Economic Outlook (April 2021)

Marginalised further in the pandemic

The Finance Minister's budget speech mainly focussed on creating heavy infrastructure in poll bound states, privatisation of public sector institutions and vaccination for COVID-19. She did not discuss specific interventions on generating employment and boosting consumption expenditure

A large section of the India poor entirely depend on public sector provisioning for availing the essential services such as food, healthcare, education, nutrition, drinking water and sanitation. The most marginalised – women, transgender persons, children, Dalit, tribal people, Muslims, and persons with disabilities have been disproportionately affected due to the poor availability of these service during the pandemic.

It was expected that the Union Budget 2021-22 would respond to such expectations adequately. However, addressing the strengthening public provisioning of essential public services for groups such as Dalits, Adivasis and Muslims does not figure as a priority. Further, a lot of hope was expressed from different stakeholders in terms of bold policy measure and adequate budgetary allocation from the Union Budget 2021-22. The Finance Minister, focussed on creating heavy infrastructure in poll bound states, privatisation of public sector institutions and COVID-19 related vaccination programme in her budget speech.. She did not discuss the specific intervention pertaining to generating employment and boosting the consumption expenditure among general population at all.

The Union Budget 2021-22 was presented in the wake of the worsening economic condition, low consumption demand and high unemployment due to pandemic and subsequent lockdown. The negative impact of pandemic has resulted in the Gross Domestic Product (GDP) witnessing the sharpest decline since 1952. In 2020-21, GDP would shrink by 7.7 per cent. During the pandemic, Union Government had already announced *Pradhan Mantri Garib Kalyan Yojana* and *Atmanirbhar* package. Both the packages committed to provide the additional amount of 3-4 lakh crore to address the several challenges during the pandemic. However, these packages have not achieved much desired result on the ground level. The pandemic has created a humanitarian crisis and socio-economic inequalities, severely affecting the disadvantaged section of the population. The pandemic has also made the situation worse the revenue collection front which has a direct impact in terms of budget cuts on economic and social sector services.

A neglected social sector

The level of budgetary support for the various social sectors has been lagging behind not only in the case of a number of developed countries, but also in a number of large developing countries. Budgetary allocations for rural areas in this budget have shown a declining trend as compared to the budget provisions for the last year. Both agriculture and rural development have witnessed a budget cut as compared to the previous year's budget estimates. Like all previous Union Budgets, this year's budget too has not given much focus to allied services, despite the fact that allied services contribute a significant share of rural income especially, in rainfed/dryland regions. The Union Budgetary support towards schemes such as PM-KISAN is an example. Support for this scheme has been reduced by ₹ 10,000 crore (in the figures for 2021-22). It was expected that

PM-KISAN would be made more inclusive for landless farmers, tenants and women farmers. Likewise, MGNREGA has witnessed a reduction in budget provision for FY 2021-22 by ₹ 38,500 crore, compared to the ₹ 1,11,500 crore allocation in the RE for 2020-21.[1] Similarly, the implementation of major programmes for SCs and STs and minorities has been badly affected due reduction of budget in 2020-21, provided through the Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs and Ministry of Minority Affairs. Budget 2021-21 has also not given adequate budgetary priority for these communities who have faced severe challenges during COVID-19.

Through its key policy document, 'Strategy for New India @ 75', the Union Government has made a renewed commitment to accelerate the socio-economic development of Scheduled Castes (SCs), Scheduled Tribes (STs) and *safai karamcharis*. It has promised to have focused affirmative action to bring these deprived communities on par with the rest of the population as far as key human development indicators are concerned. According to the Strategy document, there is a high incidence of poverty and low educational attainment faced by the weaker sections which is a major challenge before the government. Further, these communities have high levels of malnutrition and have limited opportunities for meaningful economic engagement.

Isolation, exclusion, occupational subjugation and poor governance have been major impediments to socio-economic development of groups belonging to the Scheduled Castes (SCs) and Scheduled Tribes (STs). The benefits of resource distribution of the scheduled caste sub-plan (SCSP) and tribal sub plan (TSP) have reached few, mainly due to problems of convergence, poor scheme design and lack of an adequate institutional mechanism for implementation and monitoring of SCSP and TSP.

The large section of religious minorities, particularly Muslims, in India has been lagging behind on certain indicators pertaining to educational attainment, gender equality and workforce participation. It is found that Muslims account for the highest proportion of out of school children (4.43 per cent) in the country. The large proportion of Muslim households in urban areas working as casual labour, along with self-employed people comprise the dominant income source in the community at 15 per cent and 50 per cent, respectively (68th Round of the National Sample Survey). In the face of such development challenges, the following section have highlighted the budgetary priorities for SCs, STs and minorities in terms of improving their education and livelihood opportunities.

Scheduled Castes: A low 8.8 per cent allocation

In Union Budget 2021-22, the outlays earmarked for SCs (as per statement 10A) account for only 8.8 per cent of the total budgetary allocation under Centrally Sponsored Schemes (CSS) and Central Sector Schemes (CS). This is the total allocation reported for SCs in statement 10A is ₹ 1,26,259 crore in 2021-22 (BE). Compared to the previous year, there has been a substantial jump owing to the strategy of Allocation for Welfare of Scheduled Castes. The total allocation for the Department of Social Justice and Empowerment has seen a marginal increase.

Post Matric Scholarship for SCs (PMS-SC)

PMS-SC is an important scheme implemented by the Department of Social Justice and Empowerment. The scheme provides financial assistance to Scheduled Caste students to enable them to pursue post matric education. Budget 2021-22, has announced that ₹ 35,219 crore will be provided for the next six years until 2025-26. While the expectation was there would be a significant annual increase in the outlays, the amount of ₹ 3,415.62 crore allocated for 2021-22 is below expectations. This is also less than the ₹ 3,815.87 crore budgeted in 2020-21(RE). It must also be pointed out that there are various issues affecting the implementation of PMS-SC, such as accumulated arrears, absence of an annual action plan, non-revision of the income ceiling, low disbursal of funds in certain components of the scholarship, inadequate scrutiny and processing of applications, and poor disbursal of scholarships to students.

Self-Employment Scheme for Liberation and Rehabilitation of Scavengers (SRMS)

The Central Sector scheme called 'Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)' was revised in November, 2013, to work in consonance with the provisions of the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (MS Act, 2013). SRMS has to provide: (i) one-time cash assistance of ₹40,000 to the identified manual scavenger; (ii) loans up to ₹ 15 lakh at a concessional rate of interest; (iii) a credit-linked back-end capital subsidy up to ₹ 3,25,000', and, (iv) skill development training up to two years with a stipend of ₹3,000 per month.

An examination of the trends shows there was zero utilisation against the allocations from 2014-15 to 2016-17. However, a gradual increase in fund utilisation was observed from 2017-18 to 2019-20. Though the allocation has increased after the National Survey on Manual Scavengers in 2018, yet, it remains inadequate with reference to the number of manual scavengers identified in 2018.

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1   https://www.cbgaindia.org/wp-content/uploads/2021/02/Budget-in-the-Time-of-Pandemic-An-Analysis-of-Union-Budget-2021-22.pdf

Table 4 : Status of Budget Allocation and Fund Utilisation under SRMS (₹ Crore)

Major Schemes	2017-18 (BE)	2017-18 (A)	2018-19 (BE)	2018-19 (A)	2019-20 (BE)	2019-20 (A)	2020-21 (BE)	2020-21 (RE)	2021-22 (BE)
Self-Employment Scheme for Rehabilitation of Manual Scavengers	5	5	20	85.8	110	84.8	110	30	100

Source: Compiled by CBGA from Union Budget Documents, various years

Complete and credible identification of manual scavengers has been among the biggest challenges in the scheme. Furthermore, there are about 26 lakh unsanitary latrines in the country (Census, 2011). This suggests the existence of a sizeable number of manual scavengers. As per revised SECC-2011 data, there are 168,066 self-declared manual scavengers in rural areas. However, there is no SECC-2011 data relating to urban areas has been made available. The latest National Survey on manual scavengers was conducted in 2018. This had identified 42,303 manual scavengers - which is just about 25 per cent compared to RGI and SECC data.

Of the total identified manual scavengers, only 62 per cent have received the One Time Cash Assistance (OTCA). Further, only three per cent of the total number received any form of skill development training and 0.4 per cent have been given a capital subsidy. This is the situation after two years of the completion of the national survey. The abysmally low achievement against skill development training and capital subsidy disbursal indicates that the government has not been able to fulfil the long-term objectives of rehabilitation of manual scavengers in terms of enabling sustained livelihoods.

Scheduled Tribes: No monitoring system for TSP

In Union Budget 2021-22, the outlays earmarked for the Scheduled Tribes (as per statement 10B) account only for 5.5 per cent of the total budgetary allocation under Centrally Sponsored Schemes and Central Sector Schemes. This is the allocation reported for STs in statement 10B is ₹ 79,941.62 crore in 2021-22 (BE). Compared to the previous year, there has been a substantial jump owing to the strategy of Allocation for Welfare of Scheduled Tribes. The total allocation for the Ministry of Tribal Affairs has seen a marginal increase. In this budget the Finance Minister has made an announcement on establishing 750 *Eklavya* model residential schools in tribal areas. There is an increase in the unit cost of each such school from ₹ 20 crore to ₹ 38 crore, and for hilly and difficult areas to ₹ 48 crore. This can create a robust school infrastructural facility for tribal students. However, given the scale of the proposition, allocation of ₹ 1,418 crore for the scheme is inadequate.

The Tribal Welfare Department, the nodal Department for welfare of STs, as well as institutional development initiatives such as the Integrated Tribal Development Project (ITDP)/Integrated Tribal Development Agency (ITDA) and Tribal Research Institutes (TRI) are weak in terms of human resources and financial powers. Further, there is no robust mechanism for inter-departmental coordination and convergence of resources with line departments.

The Integrated Tribal Development Project (ITDP)/Integrated Tribal Development Agency (ITDA) and Tribal Research Institutes (TRI) are not headed by a dedicated senior officer but someone performing these duties as an additional charge. There is no monitoring system for TSP through a dedicated monitoring unit in the states (Ministry of Tribal Affairs, Standing Committee on Social Justice and Empowerment – 2018-19).

Religious minorities

For development of minorities, there have been two policy strategies, namely the Prime Minister's New 15 Point Programme (15 PP) for welfare of minorities and the Area Development Programme or Multi Sectoral Development Programme (MSDP), since 2006 and 2008, respectively. MSDP was renamed Pradhan Mantri Jan Vikas Karyakram (PMJVK) in 2018. With regard to activities, the 15-point programme for the welfare of minorities focuses on enhancing opportunities for education, an equitable share in economic activities and employment, improving living conditions, and prevention and control of communal riots. Except MSDP/PMJVK, all the schemes run by the Ministry of Minority Affairs (MoMA) are also part of 15 PP, and meant entirely for the development of minorities.

In Union Budget 2021-22, the Finance Minister made no mention about the budgets for welfare of minorities and no new scheme has been announced for their development. A Ministry of Education scheme, known as Scheme for Madrasas and Minorities, has been shifted to MoMA with a reduced allocation of ₹ 174 crore. The Ministry of Education has reported a figure of ₹ 310.22 crore in the RE of 2020-21 for the scheme. This was meant to provide financial assistance to introduce modern subjects in Madrasas, train teachers, and augment school infrastructure in minority institutions. Only ₹ 70.94 crore of the funds allocated to the scheme was utilised against ₹ 120 crore in 2019-20, affecting the education of children in Madrasas due to non-payment of honorarium to teachers.

Availability of total financial resources for minorities

With regard to availability of resources for minorities, the Ministry of Finance has not allocated the same in accordance with the MoMA demand. For 2019-20 and 2020-21, ₹ 4,700 crore and ₹ 5,029 crore were allocated as against the demand of ₹ 5,795.26 crore and ₹ 6,452 crore, respectively, made by MoMA. The reduction in the budget demanded by MoMA has affected the scholarship schemes for students from the minority communities. The budget for minorities accounts for 0.14 per cent of the total Union Budget in 2021-22, whereas religious minorities constitute 21 per cent of the total population. Further, there is a decline of 4.5 per cent in this budget from the previous year's budget. Also, the MoMA budget has been reduced from ₹ 5,029 crore (BE) to ₹ 4,005 crore (RE) in 2020-21. In this budget, Merit Cum Means Scholarships, Post-Matric Scholarship for Minorities and the Maulana Azad Fellowship have declined from the previous year's budget, while the rest of the schemes have received a marginal increase.

Poor quality of fund utilisation

Religious minorities, particularly Muslims, require special attention in the area of educational and economic empowerment. The Pre-matric, Post-matric and Merit-cum-Means scholarship schemes face implementation issues with poor coverage of beneficiaries and low unit cost. The Union Government promised to give one crore scholarships to minorities annually under an umbrella scholarship programme. However, only 66 Lakh students received the scholarships in 2018-19 by MoMA. During the year 2018-19 approximately 73.37 lakh applications were received only for fresh Pre-matric scholarships. For the same years, 17.45 lakh applications were received for fresh Post-matric scholarships.

Although utilisation of the budget under the scholarship scheme improved by the end of the 2019-20 financial year, the following table shows that the percentage of utilisation until January 2020 was poor. Large amounts were utilised only in the months of February and March. It thus becomes clear that students are receiving the scholarships only at the very end of the academic year. Further, the number of scholarships given to the students was found to be inadequate for meeting their educational expenses. The unit cost for scholarship schemes for minorities should be increased and inflation-indexed. Further, the scholarship should be made demand driven along with the additional financial resources.

Table 2 : Status of Budget Allocation and Utilisation of Select Scholarship Schemes (₹ crore)

Scheme	Budget Estimates 2019-20	Expenditure made till 31.1.20	Balance till 31.1.20	% of Utilisation
Pre-matric Scheme	1220.3	379.05	841.25	31.06
Post-matric Scheme	496.01	89.06	406.95	17.96
Merit-cum-Means Scheme	366.43	65.75	300.68	17.94
Maulana Azad National Fellowship	155	100	55	64.52
Support for Overseas Studies	30	9	21	33.3

Source: Departmentally Standing Committee on Social Justice- Demand for Grants, Ministry of Minority Affairs -2020-21.

Recommendations

1. There is a need to focus on allied services that contribute a significant share of rural income especially, in rainfed/dryland regions and an increased budgetary support towards schemes such as PM-KISAN will benefit farmers.

2. Enhance the budgetary provision for MGNREGA. This has been drastically cut by ₹ 38,500 crore in FY 2021-22.

3. Strengthen public provisioning of essential public services for groups such as Dalits, Adivasis and Muslims.

4. The allocations to the Department of Social Justice and Empowerment and Ministry of Tribal Affairs need to be increased for the economic and educational empowerment of SCs and STs. The implementation challenges persisting in SCSP and TSP must be addressed urgently.

5. Furthermore, there is a need to increase the allocation for PMS-SC to clear the arrears accumulated over many years. There is a need for Identification of all the manual scavengers in the country. The government has to make necessary changes in the SRMS Guidelines to address the bottlenecks constraining utilisation of the allocated budgets.

6. Further, an Increase in demand can be created by raising awareness about the scheme among potential beneficiaries as well as within the government apparatus.

7. It is suggested that the total budget allocation for MoMA should be significantly increased, given the level of deprivation in the educational attainment of minorities. The hike in total budget allocation of MoMA would help increase the coverage of students and raise the unit cost in Pre-Matric, Post Matric and Merit Cum Means Scholarship.

HUMAN RIGHTS

2020-21 saw the State hound civil society

Arbitrary arrests, excessive force, unfair trials and impunity of the perpetrators have scarred the rule of law in India while voices countering hate and discrimination have found themselves being hounded rather than protected by law enforcement agencies

Introduction

The story of repression increased and resistance sustained in 2020-21. The story of 84-year-old Human rights Activist, Fr. Stan Swamy who fought for the rights of the Tribal people and Dalits throughout his life, was arrested and denied bail. (*Fr. Stan Swamy died in the State's custody at the time of writing this report*).

During the year, freedom of expression was guaranteed selectively as a continuing pattern, and dissent was repressed through unlawful restrictions on peaceful protests and by silencing critics. Human rights defenders, including students, academics, journalists and artists, were arbitrarily arrested, often without charge or trial. Despite a Supreme Court ruling to reduce prison overcrowding to curb the spread of COVID-19, the authorities continued to incarcerate many who were critical of the government. The authorities failed to adequately investigate or punish perpetrators of caste, sex and gender-based violence, and carried out reprisals against those who reported rape and caste-based crimes. Swift and extreme restrictions were placed on freedom of movement and peaceful protests led by millions of farmers, students, activists who protested against the farm laws brought in by the government.

Arbitrary arrests and detentions

Seven human rights activists – Father Stan Swamy, Jyoti Raghoba Jagtap, Sagar Tatyaram Gorkhe, Ramesh Murlidhar Gaichor, Hany Babu, Gautam Navlakha and Anand Teltumbde, were arrested in 2020 by the National Investigation Agency (NIA), India's main counter-terrorism agency, for their alleged involvement in violence during the Bhima Koregaon celebrations near the city of Pune in 2018, making the total number of persons arrested in the case to 16 so far. Those arrested worked with marginalized groups, including Adivasi (Indigenous) communities, and had criticized government policies. The government accused them of breaching the Penal Code by "waging war against the country" and having links with the banned Communist Party of India (Maoist).

Many arrested activists were elderly and in poor health. However, they were held in overcrowded prisons where several inmates had either tested positive or died from COVID-19. Varavara Rao, an 80-year-old poet arrested in the Bhima Koregaon case in 2018, tested positive for COVID-19 in July 2020 while in prison. Nevertheless, the courts continued to reject the bail pleas of the activists.

At least nine students peacefully protesting against the Citizenship Amendment Act (CAA) were arrested and jailed under counter-terrorism and sedition laws. Many other anti-CAA protesters were subjected to intense intimidation and harassment from the police. Meanwhile, the authorities ignored violence and hate speech by the supporters of the CAA against those protesting draconian counter-terrorism laws, including the Unlawful Activities (Prevention) Act and National Security Act. Safoora Zargar, a research scholar who was three months pregnant at that time, and Umar Khalid, a former student union leader, were among those arrested. Safoora Zargar was later released on bail.

In December 2020, Uttar Pradesh police arbitrarily arrested 10 Muslim men under a proposed law that targets consensual interfaith marriages, and allegedly tortured them. The legislation, which has been termed the "love jihad" law by right-wing nationalists and leading politicians, had not been approved by the Indian Parliament or the state legislature

On 26 June 2020, the UN High Commissioner for Human Rights called on India to immediately release human rights defenders who had been arrested for protesting against the Citizenship Amendment Act. However, the majority remained in detention.

Freedoms of expression and assembly

New restrictions were imposed on freedoms of expression and assembly in response to the COVID-19 pandemic. Even before the pandemic, freedom of assembly was restricted, including by burdening civilians with recovering the cost of damages to public property after peaceful protests turned violent.

The clampdown on civil liberties and restrictions on communications services continued in Jammu and Kashmir, a year after the government revoked the special status of the state and split it into two union territories. Political leaders such as Farooq Abdullah, Omar Abdullah and Mehbooba Mufti, who were administratively detained in 2019, were released in 2020. However, the union government continued to silence those who demanded accountability and imposed a harsh media blackout.

At least 18 journalists in Kashmir were physically attacked by the police or summoned to police stations. Dissent was further suppressed when a new media policy was introduced by the Jammu and Kashmir government to create "a sustained narrative on the functioning of the government in media" by checking "anti-national activities".

On 20 October 2020, the Jammu and Kashmir government closed the office of the *Kashmir Times*, without prior notice, after its editor, Anuradha Bhasin, had challenged the communications blockade in the Supreme Court. The NIA also raided the offices and residences of civil society activists including Khurram Parvez and three of his associates, and Parveena Ahanger, who had reported extensively on human rights abuses in Kashmir. The NIA alleged that the activists had raised funds for "carrying out secessionist and separatist activities" in Jammu and Kashmir.

More than 50 journalists were arrested or charged under emergency laws for spreading "misinformation" or "fake news" during the nationwide lockdown imposed after the outbreak of COVID-19. On 7 April 2020, Uttar Pradesh police lodged a First Information Report (FIR) against journalist Prashant Kanojia for allegedly making "objectionable remarks" about Prime Minister Modi and Chief Minister Yogi Adityanath on social media. Shortly afterwards, the Uttar Pradesh police registered another FIR against The Wire, a daily news website, and its editor Siddharth Varadarajan for reporting that Yogi Adityanath had attended a public religious event after the nationwide lockdown was announced. A little later, journalists covering the brutal Hathras gang rape and murder of a Dalit girl were threatened and charged under UAPA and National Security Act (NSA). A Kerala journalist, Siddique Kappan, along with his three colleagues, was in fact arrested for trying to cover the rape and murder case and charged under the UAPA. NewsClick, an independent and progressive voice, whose editor-in-chief Prabir Purkayastha and author Githa Haraharan's residences were raided by the Enforsement Direcgtorate to stifle yet another voice of the vulnerable.

On 28 September 2020, the government amended the Foreign Contribution (Regulation) Act (FCRA), banning large NGOs from passing to grassroots NGOs funds received from foreign donors. The new amendments also required all FCRA-registered non-profit organizations to limit their administrative expenses to 20 per cent of donations (from the earlier 50 per cent). This amendment was likely to force NGOs to reduce staff, potentially reducing human rights work.

On 30 September 2020, Amnesty International India was forced to halt its operations after the government froze its bank accounts without notice. This occurred shortly after Amnesty International India had published briefings demanding accountability for grave human rights violations carried out by the Delhi police and the government during the Delhi riots and in the Jammu and Kashmir region.

In November 2020, farmers marched towards Delhi to peacefully protest against three laws on farming which were passed by Parliament in August. The police indiscriminately used water cannons and fired tear gas shells, killing more than 40 farmers and injuring others.

Since then, it has become perhaps the largest farmer protest the world has seen in recent years, with hundreds of thousands of farmers barricaded around Delhi borders. In November 2020, farmers from Punjab and Haryana marched with 'Dilli Chalo' slogan. Centre and state police, particularly in Haryana and Delhi were deployed to stop them. Massive barricading and baton charging along with water cannons were used against the marching farmers repeatedly. Even when they successfully managed to reach Delhi borders, another march took place on 26th January 2021, part of which went inside Delhi including the Red Fort. Again, large scale repression took place. Police arrested hundreds of protesters a nd even the journalists covering the event, and charged them under several punitive laws. While the farmers continue to protest at the Delhi borders and in many parts of the country, there is a deadlock between the government and the protesters with no end in sight.

Unfair trials

The courts, particularly the Supreme Court, failed to monitor the government's response to the COVID-19 crisis in a timely manner.

On 13 March 2020, even before the national lockdown was imposed, the Supreme Court declared that the courts – for public health reasons – would function at reduced capacity. Between 23 March and 4 July 2020, the Supreme Court only took up cases of "extreme urgency", barring physical hearings and relying on video conferencing facilities.

However, no qualifying criteria or definitions were laid down for cases of "extreme urgency", leaving judges with wide discretion, resulting in many significant cases involving grave human rights violations either not being heard or being seriously delayed.

The Supreme Court routinely undermined its own impartiality and independence. In August 2021, it convicted Prashant Bhushan, a lawyer and human rights defender, under the outdated provisions of criminal contempt laws. Prashant Bhushan had criticized on Twitter the court's functioning since 2014. In the meanwhile, it failed to conduct hearings on critical pending issues like the CAA, Aadhar, and arrests of journalists charged under UAPA.

Excessive use of force

The police used unlawful force and committed various other human rights violations, abusing laws to intimidate people and silence dissent on behalf of the union government. Civil society organisations countering hate and discrimination have often found themselves being hounded rather than protected by law enforcement agencies.

As the COVID-19 pandemic unfolded, the discriminatory enforcement of the lockdown restrictions by the police heightened human rights concerns. The majority of those arrested for violating the lockdown guidelines belonged to marginalized communities such as Scheduled Castes, Scheduled Tribes, De-notified Tribes, Muslims or low-income workers. On 19 June 2020, low-income workers P. Jayaraj and his son J. Bennicks were picked up for questioning by the Thoothukudi police in Tamil Nadu for keeping their small shop open during lockdown. The two men were allegedly tortured to death in police custody.

Impunity

The police continued to carry out unlawful killings – some amounting to extrajudicial executions – with impunity. In July 2020 in Kashmir, three young labourers were unlawfully killed by Indian army soldiers in an apple orchard. The Armed Forces (Special Powers) Act, which governs the use of force by security personnel in Kashmir, grants virtual immunity to members of the security forces from prosecution for alleged human rights violations. In another extrajudicial execution in July 2020, Vikas Dubey was allegedly killed while being escorted to the city of Kanpur after his arrest by Uttar Pradesh police. Four of his associates were also killed unlawfully by the Uttar Pradesh police. Uttar Pradesh police had earlier claimed in a tweet that since 2017 it had killed 103 "criminals" and injured 1,859 others in 5,178 "police engagements" – a common euphemism used by state actors for alleged extrajudicial executions. The state's Chief Minister, no less, has often articulated his message of thok-do, meaning shoot them dead.

In September 2020, a Dalit woman was allegedly raped and murdered by a group of dominant-caste men in Hathras district in Uttar Pradesh, and cremated by the Uttar Pradesh police without her family's consent in the dark of night. The accused men were arrested only after nationwide protests. Later, several FIRs were registered by the Uttar Pradesh police against protesters for criminal conspiracy and sedition.

Right to health and state accountability

The handling of the COVID-19 pandemic exposed weaknesses in the public health care system, especially with the ongoing second wave. While there was a slight lull during the latter part of the year in the coronavirus cases, the government showed extreme incompetence, to say the least, by pushing ahead with state elections in four states and advancing the Kumbh fair by one year to be held in Feb-March this year (where more than 3.5 million devotees are supposed to have gathered). Politicians went ahead with mass public rallies well into the second wave of the coronavirus, leading to a swift and exponential increase in new infections. Infrastructure collapsed, hundreds of people died (and continue to die as these words are being written) simply for want of lack of oxygen, hospital beds, ventilators and life-saving medicines. People were left to fend for themselves. Citizens organised themselves through social media and other means to organise and provide relief to each other. Many lives were lost. Governments, instead, continued to defend themselves over the tragedy and actually denied that supplies were missing. The Chief Minister of Uttar Pradesh threated to seize the property of those indulging in 'rumour making over lack of health facilities.'

Conclusion

While it has been a continuation of unforeseen tragedies for millions of people, what seems to be clear is that the State, over and again, has turned out to be extremely selective in its response. While it seems to have abdicated its basic responsibilities as a purveyor of basic goods like education, health and livelihoods, to name a few, it seems to have over-emphasized its role as the rights holder to organised violence. This selective interpretation of governance, the stifling and incarceration of the human rights voices has meant that while the state seems to have withered away in certain aspects, it seems to be omnipresent in others. At the same time, people from different walks of life, have time and again, shown amazing resilience, coming together in times of repeated crisis to ensure an embodied vision of solidarity. This, in essence, is the story of the ongoing human rights situation in India.

INDIAN CIVIL SOCIETY

Dissent must be curbed. Even crushed

The right to dissent, an entitlement to disagree with the government or any other authority that comes under the purview of the state, is a fundamental right given to every citizen under Article 19 of the India Constitution. Lately, India has witnessed several events where the right to dissent has been curbed by the authorities and sometimes have been proved as sedition against the state

The right to dissent, an entitlement to disagree with the government or any other authority that comes under the purview of the state, is a fundamental right given to every citizen under Article 19 of the India Constitution. Lately, India has witnessed several events where the right to dissent has been curbed by the authorities and sometimes have been proved as sedition against the state.

The targeting of Amnesty International[1] and Greenpeace and the continuing prosecution against Lawyers Collective[2] and a slew of legal cases against a range of organisations over the last few years exemplify the zeal of the government to curb all dissent.

There is a popular misconception doing the rounds that only civil society is under threat in India. Nothing could be farther from the truth. As a matter of fact, much of Indian society is under threat, with no section of the population or society left unmolested from State action in the past few years. Besides the usual suspects that authoritarian regimes go after - human rights activists and journalists - India has in the recent past added students, farmers, artists, writers, businesses, historians, academics, cartoonists, lawyers, youth, tech companies and every other person next door to the list!

A humourless State in India now prosecutes stand-up comics for jokes they did not crack[3], files cases on fact check tweets that do not break the law and puts young people behind bars in conspiracy cases on crimes that were never committed. There is once in a lifetime fervour in institutional take over, from the higher judiciary to the Election Commission of India, in several events, have been seen lowering their credibility and neutrality. Combine all of this with gross economic mismanagement in

1   https://thewire.in/rights/amnesty-international-india-shuts-down-inquiries-investigating-agencies-ed-cbi
2   https://thewire.in/rights/lawyers-collective-anand-grover-indira-jaising-cbi-fir
3   https://www.livelaw.in/top-stories/supreme-court-to-consider-contempt-cases-against-comedian-kunal-kamra-after-4-weeks-170210

the middle of a raging global pandemic with an estimated[4] 97 per cent of Indians having lost a part of their income in the last two years, and the context for any commentary on where civil society finds itself in India is set.

To get a sense of the increased frequency of repressive measures, the data on internet shutdowns[5] is particularly instructive. In comparison with 12, five and six internet shutdowns in 2012, 2013 and 2014 respectively, the last three years have had 134, 106 and 129 instances respectively. More than 70 per cent of all internet shutdowns globally are now in India.

A more chilling dataset[6] is the egregious misuse of the sedition law (Section 124 A) in India, fittingly described by Mahatma Gandhi as, "the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen". In the past decade, the Indian State has filed 816 cases against 11,000 individuals, with 65 per cent of the cases filed between 2014- 2019. Nearly 96 per cent of the sedition cases (405) filed for criticisms against politicians were for "critical" or "derogatory" remarks against the Prime Minister Modi (149) and the UP CM, Yogi Adityanath (144).[7] Unsurprisingly a vast majority of sedition cases in India follow citizen mobilisation against State policies like the farmers movement and the anti-CAA/ NRC protests.

Blow Upon Blow

The repeated targeting of civil society activists and organisations thus forms part of a broader leitmotif of state repression in India which needs to be seen from this wider perspective. The continued incarceration under a draconian pre-trial detention law (UAPA) of the Bhima Koregaon 16 and the accused in the Delhi riots cases exemplify the extent to which the state can go after individual activists with the alleged planting of fabricated evidence on their personal devices[8] or foisting false cases.

The amendments to the FCRA in September 2020 which have crippled the civil society response to the second wave of the pandemic has also had a huge impact on the morale of civil society in India. it would severely impact collaborative research in critical fields in India as organisations receiving foreign funds will no longer be able to transfer them to smaller NGOs working at the grassroots level.[9] The atmosphere of fear that has been created has led to unprecedented self-censorship.

Unsurprisingly most of the critique and resistance to state policies at a broader societal level is now from the non-institutional spaces – students, youth, celebrities and social media influencers – rather than NGOs. Organisations are not only wary of the interventions they make in the field, but also of what they publicly articulate. Many organisations have tightened their internal social media policies to ensure that the digital activities of their staff do not bring them into the regulatory cross-hairs. In this respect, the government has succeeded in ensuring that the chilling impact that the measures against civil society over the past few years have had their impact.

The longer-term impact of this will not just be seen in the reduced vibrancy of the sector but also on the programmatic interventions in the field with a significant reduction in the work on rights, democracy, constitutionalism and minorities issues. Those organisations that persist with opposing anti-poor policies of the government or projects that are not in the interests of the people including on environmental grounds, might have the state apparatus used against them for prosecution and other regulatory measures being initiated, including the cancellation of FCRA licences.

Dissent is essential to both, civil society and democracy. In his book *Why Societies Need Dissent*, Cass Sunstein noted that dissent propels societies to be productive, innovative and creative by regenerating energies that enable societies to thrive. Yet, the Prime Minister contemptuously coined the word *'andolanjeevis'* for dissenters during his address in Parliament in the first year of his current term in office.

The message from the State in the last seven years has been clear. Those in civil society who oppose their ideological project will find themselves by the wayside. NGOs that toe the line will continue to reap the benefit of state patronage. This is not to suggest that the government is not cognizant of the important role that civil society plays in India. It is acutely aware of the impact that civil society can bring upon a nation and hence wants civil society to restrict itself to service delivery roles. Any advocacy on right- based issues, mass mobilisations against state's repressive actions and advocacy with global institutions is likely to be met with punitive state action. This is the contested terrain that civil society in India is destined to negotiate over the next three years and possibly beyond.

4   CMIE June 2021
5   www.internetshutdowns.in
6   https://www.article-14.com/post/our-new-database-reveals-rise-in-sedition-cases-in-the-modi-era
7   https://scroll.in/latest/985724/96-sedition-cases-filed-against-405-people-after-bjps-2014-victory-shows-new-article-14-database
8   https://thewire.in/rights/bhima-koregaon-arrests-activists-arsenal-report
9   https://thewire.in/government/foreign-contribution-regulation-act-ngos-aid-ministry-of-home-affairs

INDIAN CIVIL SOCIETY

Disempowered, yet committed to serve

Civil society organisations mobilised resources and supported government efforts to fight the pandemic by providing services to the affected. Ironically, however, the government restricted their activities and voices, further shrinking their civil space

The COVID-19 crisis has overwhelmed the government with extreme performance pressure and high hopes. These expectations are centre justified. It is, after all, a matter of life and death! In addition, this global crisis has not only impacted the governments, but all sections of society. It has had equally detrimental effects on the government, community and civil society. Amidst the extreme focus on the government's response to the pandemic, the need for an organized civil society engagement also gained importance. As India marks a year since the havoc created by COVID-19, it has served as a litmus test to measure our society's capacity to stand together in solidarity, the effectiveness of our systems, the ability of those in power to deal with such emergencies and their knack for understanding democracy.

In light of the above, this article elucidates the shifts in the relationship between the state and the Indian civil society brought about by the pandemic.

The bungling and the ruse

COVID-19 may have struck India slowly, but it was rather critical. India became the hotspot for the disease when the country recorded a ground-breaking one-day spike of 379,257 COVID-19 cases by April 2021[1]. Multiple factors played a significant role in India's failure to contain the pandemic. It was not just because of India's large population. It was also about poor implementation of social distancing norms due to a densely populated geography; and, a large proportion of Indians living below the poverty line could not afford the luxury of sitting at home to avoid the virus infecting them.

At the very outset, the government had enough time to take necessary steps and issue guidelines for general public, after the very first case of COVID-19 was detected in January 2020[2]. There was delay in reacting, building remedial strategies and a

1 https://www.hindustantimes.com/india-news/in-biggest-one-day-spike-india-records-379-257-covid-19-cases-daily-toll-again-at-all-time-high-of-3645-101619667839128.html
2 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7530459/#:~:text=We%20present%20here%20the%20first,dry%20cough%20and%20sore%20throat.

plan of action in case of emergency. Mass gatherings, marriages, religious assemblies were still permitted. No medical screenings were advised for international passengers arriving in India. In fact, a massive roadshow was organized in Gujarat to felicitate former US President, Donald Trump, when he visited India in late February 2020[3]. This was followed by a complete lockdown in March 2020, throughout the country when cases started to increase. As a result of this delayed response, the government of India quickly resorted to dictatorship as a rescue. The central government took a slew of measures invoking its power under the provisions of the Disaster Management Act, 2005. Acts and laws were amended and enforced without any prior consultation or dialogues. More than 11.4 million migrant workers from all over India started long walks to their hometowns, as there was no provision to support their livelihood or transportation from the government[4].

Huge media campaigns were launched to deflect public attention from the failures of the government. A religious congregation was blamed for the spread of the virus, with the blame being put at the doors of the Tablighi Jamaat[5] and the Citizenship Amendment Act (CAA) protests it was given a communal colour. Indian civil society was also a victim of this dictatorship. All these protests were used by the government to overshadow their failures to curb the pandemic[6,7,8].

Indian civil society — an ally or the enemy?

It was in these trying times that the civil society stepped in. With their ears to the ground, the various civil society organisations could foresee the unfolding humanitarian crisis and geared up to ameliorate the suffering of the people. Their major actions included arranging for ration, medical supplies, transportation, shelter, support for senior citizens, and creating awareness regarding all the important guidelines and safety measures vis-à-vis COVID-19. All civil society organizations (CSOs), big or small, repurposed themselves to provide relief and emergency services to the needy. Civil society also continuously monitored the actions of the government that were enforced proscribing any discussions or dialogues in the Parliament.

A major positive development that took place during this time, was the establishment of an "Empowered Group" by Prime Minister's office under the convenorship NITI Aayog. This group was formed with an objective of engaging with civil society organizations operating in India, so that synergy could be created by avoiding duplication. The Empowered Group provided a unified platform for mobilising all the key stakeholders in coming together and collaborating all the sector specific efforts in mitigating COVID-19, at both micro and macro levels. This inter-sectoral collaboration majorly helped in minimizing the challenges posed by the pandemic[9].

It must be noted that the government appreciated the role of the civil society in mitigating COVID-19. The government of India appealed around 100,000 registered CSOs under Darpan to collaborate and cooperate with them in this fight. NITI Aayog, as the coordinating agency for NGOs, also wrote to district collectors and state chief ministers to engage and collaborate with CSOs at local level.

CSOs from across the country played a pivotal role in mobilising resources and supporting the efforts of the government to fight the pandemic by providing services to those affected. Ironically, however, it was painful to observe the attacks on CSOs, with the government restricting their activities and voices and further shrinking their civil space. Draconian laws and legislations were passed, and the government's measures were more about establishing control rather than providing relief[10]. These actions had detrimental effects on the relationship between the government and the civil society.

Contrary to the contribution of the civil society, the government did not quite stop complicating things for the CSOs after the enforcement of the amended Finance Bill and the Income Tax Act. The Foreign Contribution (Regulation) Act (Amendment) Bill was introduced in late September and passed on 29 September 2020, without even a debate in the Parliament. This came as a blow to the civil society sector. The Act prohibited sub-granting of FCRA funds, lowered the cap of administrative expenses and allowed receiving FCRA funds only in the Parliament Street, New Delhi Main Branch (NDMB) of the State Bank of India (SBI).

India has 22,447 registered CSOs under FCRA, out of which 21,915 of them successfully filed their annual returns in 2018-19, reflecting a compliance rate of 97.6 Per cent. Aadhar card, (UID, unique identity card) of the office bearers was made compulsory, which also does not have any relation with increasing transparency. Similarly, stipulating SBI NDMB as the only bank in which FCRA funds can be received, will only increase the transaction costs for the CSOs. In light of the above, it is established that

3   https://economictimes.indiatimes.com/news/politics-and-nation/presenting-gujarat-as-symbol-of-achievement/articleshow/74275478.cms?
     from=mdr
4   http://164.100.24.220/loksabhaquestions/annex/175/AU1056.pdf
5   https://www.aljazeera.com/opinions/2020/4/18/how-the-coronavirus-outbreak-in-india-was-blamed-on-muslims
6   https://www.thehindu.com/opinion/op-ed/an-anatomy-of-anti-caa-protests/article30446145.ece
7   https://www.aljazeera.com/news/2020/7/17/minority-body-faults-police-role-in-anti-muslim-riots-in-delhi
8   https://frontline.thehindu.com/cover-story/article29618049.ece
9   https://pib.gov.in/PressReleasePage.aspx?PRID=1620908
10 https://igsss.org/wp-content/uploads/2020/05/Analysis-of-Informal-Sector-Circulars_COVID.pdf

non-compliance is not a concern. Similarly, mandating Aadhaar Cards will only give the government a chance to use the unique identities. These elements make it hard to believe that the government sees the Indian civil society as an ally[11]. The 'Elephant and Blind Men' syndrome continued in all matters concerning the regulatory framework the government designed for CSOs. The colonial approach of considering everyone criminal unless proven otherwise is still applied on CSOs even after 75 years of independence.

CSOs help facilitate and provide services to people living on the margins, who otherwise are not able to pay to access the same services. Their services are subsidized by a third party – foreign, local, government or a private donor. However, civil society organisations also faced massive challenges in generating financial resources during this time. The impact of sustained efforts towards making foreign funding restrictive made many donors to either leave India or directly fund the government. It has been five years since CSR had been introduced in India. This year, the Ministry of Corporate Affairs reviewed the provisions and contribution of CSR in India. However, all the available CSR funds were diverted to the PM CARES Fund from public and private sector companies. Interestingly, on one hand there was surge of demand and expectation from the grassroots but, on the other hand, these came with increased restrictions. It must be said however, that the local population and business community came forward to support CSOs in their locality.

As India battles the second wave of the deadly virus and prepares for the third, CSOs must be supported and valued by the government. Just as the Prime Minister recently stated, "not all expertise sits within the government", the perspectives and assets of the Indian civil society must not only be acknowledged but also supported in every way possible to overcome this exodus. Strengthening the external environment of civil society and providing opportunities to expand their horizons will aid the civil society organisations deliver their services to the most marginalised and vulnerable. The strategy must aid building strong partnerships, both vertical (within an organisation) and horizontal (between the government and other stakeholders).

In conclusion, the CSOs of India look forward to a stronger foundation for future collaboration. The COVID-19 crisis and the humanitarian work CSOs have undertaken should help achieve increased trust between all the pillars of growth. We are all in this together!

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11 https://thewire.in/government/foreign-contribution-regulation-amendment-bill-2020

The missing judiciary

The past year was the bleakest year for the Supreme Court in particular, and the judiciary in general, in terms of performance of their role as guardians of fundamental rights of citizens and of the Constitution

The past year created a very challenging environment for the judiciary. COVID-19 hit the country and a national lockdown was declared with barely four hours notice, leading to loss of jobs for crores of migrant labourers who were stranded away from their homes without any jobs, food or shelter. Even MGNREGS works came to a standstill. Schools were shut, exams cancelled, and the economy was devastated.

All of this came on top of a human rights crisis created by the discriminatory Citizenship Amendment Act (CAA), leading to nationwide protests and thereafter engineered riots in Delhi, and incarceration of a large number of outstanding human rights activists in the guise of an investigation by the police. Kashmir had been festering for almost 10 months due to conversion of the state into three union territories, the abrupt removal of Article 370 of the Constitution and the arrest of hundreds of political leaders. This led to dozens of petitions challenging the change of status of Kashmir and removal of Article 370 as well as *habeas corpus* petitions.

Three anti farmer laws were passed by the Centre, designed to hand over the agriculture sector to large corporates. This led to large-scale protests by farmers who were stopped at the borders of the national capital, where they then sat in for months. Finally, in February this year, there was a crackdown on Rohingya refugees in Jammu and other parts of the country as well, where they were rounded up, arrested and threatened to be deported. All this in the midst of a military coup in Myanmar, due to which more refugees were trying to enter India and were being pushed back at the borders.

As year two of the second term of the Modi government came to a close, the next wave of COVID-19 swayed across the country in March 2021. Reports came in of thousands of people dying for lack of oxygen, a dearth of hospital beds and the sheer deficiency of basic health care. The poor working in the informal unorganized sector were further marginalized and pushed to the brink, with new lockdowns and restrictions.

Judiciary dithers

An independent Constitutional judiciary which is tasked to protect fundamental rights and the rule of law, must rise to these challenges and it is in such challenging times that its mettle and independence is tested. For most of the period under review, the judiciary remained under the stewardship of Chief Justice S.A. Bobde, and under his leadership much of the judiciary, especially the Supreme Court was found severely wanting in its response to the challenges before it. For the entire period in review, the Supreme Court remained in lockdown with virtual hearings replacing physical hearings, a fourth of the regular benches sitting on an average and, half of the regular cases listed before each bench. As a result, even extremely urgent cases failed to get hearings, such as *habeas corpus* petitions, the challenge to the CAA, the challenge to the electoral bonds or to the change in the status of Kashmir.

The court initially did not respond to the cries for help on behalf of the stranded migrant workers, dismissing petitions moved on their behalf, for food, wages and transport facilities to reach back home. Instead, the court accepted the bald submissions of the government that there were "no migrant workers on the road", that they had all either reached home or had been packed into shelters. The Supreme Court displayed an apathy towards the suffering faced by this community while the reality of starvation deaths and destitution due to the impact of the lockdown on migrant labourers, was covered by the media nationally and internationally. The Chief Justice remarked infamously during one of the hearings, "If they are being provided meals, then why do they need money?"[1]

Faced with much criticism, the court on the 26 May (nearly two months after the lockdown), registered a *suo motu* petition taking cognizance of the problems and miseries of migrant labourers, in which some orders were issued regarding provision for transportation, at a time when most of the migrant workers had already reached home walking and all faced extreme hardship. The pending *habeas corpus* petitions of detenues of Kashmir and the anti CAA activists were either not heard, or delegated back to the lower courts by the Supreme Court after dilly-dallying.. During this period, may more journalists and activists were also arrested, especially by the government of Uttar Pradesh for covering news which the government did not like or for being critical of it. And even there, *habeas corpus*/bail petitions came up before the courts and again the courts, especially the Supreme Court, did not, by and large, respond in the manner in which it was expected to. There were exceptions though, as when it came to favourites of the central government, like some television anchors[2] or actors. Far from being a custodian of the rights of citizens rights, Chief Justice Bobde, during the *Habeas corpus* petition of Kerala journalist Siddique Kappan noted that the court had been discouraging people from approaching it under Article 32.

The harassment, detention and threatened deportation of Roghinya refugees in Jammu in early February came at a time when Myanmar was gripped by a bloody military coup. The International Court of Justice had ordered that the human rights abuses and ethnic cleaning of Rohingyas in Myanmar amounted to genocide and a crime against humanity[3]. The main challenge against the deportation of these refugees remained unheard by the Supreme Court, during the period under review. An application to prevent their detention and deportation was disposed off by Chief Justice Bobde, with complete disregard to Constitutional and international law norms, on the basis that their fleeing genocide in Myanmar did not concern the court!

In the run up to the assembly elections in five states in March/April 2021, the government again came out with a fresh tranche of electoral bonds which allowed anonymous large donations to political parties (which are largely suspected to be bribes), since they almost always went to the ruling party. Though the Reserve Bank and the Election Commission had both initially opposed these bonds as facilitating money laundering, the challenge to the fresh issue of these bonds was rebuffed by the Chief Justices Court on the ground that they had been around for several years (while the court did not list the main challenge for a hearing).

Citizen's faith

Witnessing the attitude of the Chief Justice Bobde led Supreme Court to the government, the farmers did not think it worthwhile to approach the court for challenging the farm laws.

On the other hand, it was some non-descript persons who went to the court seeking removal of the farmers from the borders, where they were sitting in protest. On this, Supreme Court while not ordering their eviction and temporarily staying the implementation of the farm laws, formed a so-called expert committee to examine the laws[4]. This committee consisted of people who had already taken a public position in support of the farm laws. After that however, the case went into cold storage.

This year under review was the bleakest year for the Supreme Court in particular and the judiciary in general, in terms of performance of their role as guardians of fundamental rights of citizens and of the Constitution. It showed an almost complete surrender to the government.

It was only when the second COVID-19 wave hit the country in March 2021 that several High courts such as Allahabad, Karnataka, Delhi and Bombay, sat up and began to haul up the central government for its handling of the crisis, especially in relation to supply of oxygen and availability of oxygen-enabled beds. During all this time, while the Supreme Court had surrendered its independence, there were some High Courts, that did show some spark of independence. The Delhi High Court granted bail to some anti- CAA protestors. The Manipur High Court restrained the state government from taking adverse action against seven Myanmarese refugees, holding the principle of *refoulement* or forcible return of refugees to a country where they are liable to be subjected to persecution can prima facie be read into Article 21 of the Constitution. The Madras High Court in May 2020 sought an action taken report from the Centre and States on migrant relief at the same time when the Supreme

1   https://indianexpress.com/article/opinion/columns/letting-down-liberty-7286546/
2   https://www.barandbench.com/news/litigation/arnab-goswami-bail-hearing-in-sc-live
3   https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23582&LangID=E
4   https://farmer.gov.in/sccommittee/

Court had dismissed petitions seeking relief for this community. The Allahabad High Court in December 2020, held dissent to be a "hallmark of democracy" while quashing an FIR against a man held for his tweet against the Yogi government.

During this year, very few appointments were made to the higher judiciary since the government stalled all recommendations which were not to their liking, by just sitting on them and even when they were unanimously reiterated by the collegiums, by refusing to issue a notification for the appointment. Even in these circumstances the Supreme Court did not push the government by way of a mandamus or contempt proceedings to issue a notification, as required by law.

However, the Supreme Court seemed to have stirred and woken up after the departure of Chief Justice Bobde. The court took *suo motu* notice of the COVID-19 crisis and began passing some tough orders, much to the displeasure of the government. The previous year has shown the importance of the independence of the higher judiciary in protecting fundamental rights and the Constitution and in particular the role of the Chief Justice.

Recommendations

1. If the Chief Justice surrenders his independence he takes much of the judiciary with him because of the role he plays as master of roster in selecting benches for hearing important cases, as well as being the prime mover in the selection of judges to the High Courts and the Supreme Court. Thus, it is of critical importance to secure the independence of the Chief Justice. It is important thus, to insulate CJIs from any post retirement jobs in which the government plays any role whatsoever.

2. These jobs, as well as judicial appointments themselves should be controlled by a multi member independent and transparent judicial appointments commission. Such a commission should also facilitate the appointment of more robustly independent judges.

3. In addition, there must be an independent, high powered judicial complaints authority which can investigate complaints against judges which cannot be left to the government or its agencies. No permission of the Chief Justice can be required for such investigations as is the present law because of the Supreme Court judgment in the Veeraswami case.

4. There has been a pending proposal to allow live streaming of court proceedings. This will have a salutary effect on the transparency of functioning of the courts and therefore on the conduct and independence of the judiciary. These reforms are essential for the independent and robust functioning of the Supreme Court, as custodian of fundamental rights of citizens.

MEDIA

Gagged media, jailed journos

The State is controlling the media by employing draconian laws to intimidate journalists not toeing the government's line. Article 19 of the Constitution of India guarantees the freedom of speech and expression

The Editors Guild of India, representing the major media organisations in the country in a statement in June 2021 said it was "shocked by the cavalier manner in which Uttar Pradesh Police is treating the mysterious death of TV journalist, Sulabh Srivastava, in Pratapgarh. Srivastava, who had been threatened by the liquor mafia for exposing their wrongdoings, had recently written a letter to the police expressing grave apprehensions for his life. Srivastava died a couple of days after he wrote the letter…"[1] The police claimed that the reporter caused his own death ramming his motorcycle into a hand-pump. He was not the only journalist to meet a violent death in these months.

This is not the only suspicious death of a newsperson in recent months. There are more such cases from UP and elsewhere. The victims have been district reporters. Statistics are hard to come by in the silence of the two waves of COVID-19, but groups such as the Editors Guild, the Delhi Union of Journalists, the Broadcasters associations, and even the Indian Catholic Press Association have attempted to collate data on government restrictions on freedom of expression, as well as coercive action on the media by state and non-state actors.

As the representative associations of media professional noted, the last several months have seen Indian media "facing increasing pressures from central and state governments who insist that they follow the official narrative regarding the administration's handling of the pandemic." The police and the local authorities have used laws such as sedition and UAPA to file charges and arrest journalists. This, they note, is against the spirit of the judgment given by the Supreme Court in Kedar Nath Singh case and re-iterated in the recent sedition case against celebrated TV journalist Vinod Dua who was charged with sedition.

A resident of Himachal Pradesh had filed a case with the police in 2020 alleging that Dua, in his YouTube show, had accused Prime Minister Narendra Modi of using "deaths and terror attacks" to get votes. The apex court threw out the complaint, holding that journalists were "entitled to the protection under the Kedar Nath Singh judgment (which defined the ambit of offence of sedition under Section 124A IPC)", the bench consisting of Justices U U Lalit and Vineet Saran observed.[2]

The judgement led the Indian Catholic Press Association (ICPA) to appeal to the Union and state governments to review all sedition charges and cases slapped on media persons and social activists in the country.

The Supreme Court's assurance came at a time when targeting of journalists, and in particular field reporters and cartoonists critical of the government, had peaked. Media persons were being targeted by friends of the ruling party on social media. The Union government even mounted pressure, especially on Twitter and Facebook platforms to remove "critical journalists".

1   https://thewire.in/media/up-police-passing-off-death-of-tv-journalist-as-an-accident-editors-guild
2   https://www.livelaw.in/top-stories/supreme-court-quashes-sedition-case-against-vinod-dua-175128

India's ratings in the annual World Press Freedom Index have been continuously sliding down. The 2020 index, put together by Paris-based Reporters Without Borders, has placed India in 142nd position among 180 countries, below neighbours Nepal, Bhutan and Sri Lanka[3]. In 2019, India was at the 140th place.

The report "India: Media's Crackdown During COVID-19 Lockdown" collated and published by the Delhi-based Rights and Risk Analysis Group (RRAG), states that as many as 55 journalists "faced arrest, registration of FIRs, summons or show cause notices, physical assaults, alleged destruction of properties and threats" for reporting on COVID-19 or "exercising freedom of opinion and expression during the national lockdown between March 25 and May 31, 2020."[4]

The highest number of attacks on media personnel during the period was reported from Uttar Pradesh (11), followed by Jammu and Kashmir (6), Himachal Pradesh (5), four each in Tamil Nadu, West Bengal, Odisha and Maharashtra. Two cases each have been reported from Punjab, Delhi, Madhya Pradesh and Kerala, and one each from Assam, Arunachal Pradesh, Bihar, Gujarat, Chhattisgarh, Nagaland, Karnataka, Andaman and Nicobar Islands and Telangana.

As many as 22 FIRs were filed against various journalists during the period while at least 10 were arrested "and four others were saved from being arrested by the Supreme Court" while summons or show cause notices were issued to seven journalists during the period.

At least nine journalists were subjected to beating, including two in police custody. While, one journalist was held hostage by a village sarpanch in Odisha, the house of another journalist was allegedly demolished because of a (COVID-19 related) report he had filed which involved a ruling party MLA in Telangana. A journalist in Arunachal Pradesh was threatened for publishing a story on a 'wildlife hunting spike' during the lockdown.

It was not just the government. As frontline professionals, journalists paid a heavy price for covering the ravages of COVID-19. By the end of May, 2021, at least 474 Indian journalists fell to the virus, according to a database compiled by the Network of Women in Media India (NWMI)[5].

Among the most severe case of government wrath is the case of Kerala journalist Siddique Kappan, who has been in custody since October 2020 under the draconian UAPA, for trying to report on the rape and death of a Dalit girl in Hathras, Uttar Pradesh. His wife has alleged that her husband has been tied to a bed and is neither able to take food nor access toilet[6], while undergoing treatment at a Mathura Hospital for COVID-19.

Another case was of Fahad Shah, editor-in-chief of The Kashmir Walla, a Srinagar based publication, who was detained for the third time.

In fact, journalism in Kashmir, like the people of the Valley, continued to suffer a double whammy. The Kashmir Police issued an advisory forbidding journalist from reporting live encounters with militants saying it is "likely to incite violence" or that it can promote "anti-national sentiment". Journalist groups condemned this outrightly, calling it an attempt by the security forces to escape from any kind of media scrutiny about the flow of events behind the violence[7].

As it did against political opponents, the ruling dispensation used the full might of its police and quasi-police agencies to show its power to the media. The offices of NewsClick.in, a wire news agency, and the residence of its Editor and senior journalists were raided by the Enforcement Directorate (ED). The news portal had been at the frontline of reporting on the farmers' agitation, the anti-CAA protests.

Freelance journalist Mandeep Punia who was reporting on the farm protest from Singhu border, was arrested by the police. Uttar Pradesh and Madhya Pradesh Police registered FIRs against senior editors and journalists, including office bearers of the Editors' Guild, for reporting on the farmers' protest rallies and the violence that took place in the national capital on 26 January 2021. A point that riled the police was the reportage of death of a farmer-protester.

Senior journalist Paranjoy Guha Thakurta had non-bailable arrest warrant issued by a court in Gujarat's Kutch district, for an article he had co-authored against the Adani group in 2017.[8]

And in Manipur, two editors of the website The Frontier Manipur faced charges of sedition and the Unlawful Activities Prevention

3   https://rsf.org/en/ranking/2021
4   http://www.rightsrisks.org/banner/india-medias-crackdown-during-covid-19-lockdown-2/
5   Journalists we lost.docx (google.com)
6   https://www.theweek.in/news/india/2021/04/24/exclusive-kappan-handcuffed-to-hospital-bed-not-allowed-to-use-toilet-says-wife.html
7   https://editorsguild.in/statements-issued/
8   https://www.livelaw.in/news-updates/adani-defamation-case-against-paranjoy-guha-thakurta-gujarat-court-issues-arrest-warrant-against-journalist-168699

Act (UAPA).The Manipur police arrested the Editor in Chief Sadokpam Diren, Executive Editor Paojel Chaoba and the writer of the reportedly offending article M. Joy Luwang.

In Assam, Padma Shri awardee and Editor of Shillong Times, Patricia Mukhim, was dragged through a cumbersome criminal charge for a social media post in July 2020 over a skirmish between tribal and non-tribal youth in Lawsohtun at a basketball court.

And in the national capital, on 16 October 2020, Mr. Ahan Penkar of the newsmagazine The Caravan, reporting on the alleged rape and murder of a teenaged Dalit girl in North Delhi, was detained while covering protest by the girl's relatives at a police station. Penkar was the fourth journalist from The Caravan who has been attacked in the space of two months in the Indian capital.

Dhaval Patel, editor and owner of a Gujarati news portal, 'Face of Nation', was booked for sedition and detained by the state police on 11 May 2021 for publishing a report suggesting the possibility of a leadership change in the state due to criticism over rising coronavirus cases.

In a joint statement the National Alliance of Journalists (NAJ) and Delhi Union of Journalists (DUJ) President S. K. Pande, NAJ Secretary General N. Kondaiah, DUJ General Secretary Sujata Madhok and APWJF General Secretary G. Anjaneyulu "charged that too many such cases have been filed against journalists and other citizens, often by vindictive government authorities at district and state levels who have been called out for corruption or deficient services or discrimination. Political opponents too have been victimised through such cases.

But draconian fiats paled somewhat when news broke out that a Group of Ministers (GoM) had prepared a report with an embedded toolkit to control the narrative about the government in the media.9 The GoM set up mid 2020 comprised of five cabinet and four ministers of state, and submitted its report at the end of the year.

The GoM report called for, if not in so many words, an increased surveillance and targeting of writers and journalists who depart from the government's narrative. The surgical strike in the tool kit asked for developing a "strategy to neutralise the people who are writing against the Government without facts and set false narratives/spread fake news". As the Editors' Guild noted. "In the absence of any clarity on what will constitute fake news and the process to be followed, such observations smack of an intention to simply muzzle any criticism of the government."10 Curiously, some senior journalists had been called by the committee to suggest further measures at controlling the media.

The government's desire for an obedient media is prompted by its need to have a firm grip on the narrative on every aspect of public life. An independent media is seen as its first hurdle and is not acceptable. The government had a firm grip on the media during the first five years of its rule. However, it could not maintain this grip in the face of the stark miseries unleashed from its mishandling of the COVID-19 pandemic.

The regime is still smarting from its realisation that even its friendly media could not ignore the tragedy in the first phase of COVID-19 when hundreds of thousands of migrant workers began walking hundreds of kilometres to reach their homes after the sudden lockdown was imposed throughout the country. This inability to control the tellers of the chronical is the only explanation of its abuse of draconian laws with vengeance. Sadly, and dangerously, the police are becoming keen accomplices of the political party in power.

9   https://www.thehindu.com/news/national/group-of-ministers-report-points-to-draconian-attitude-of-government-says-editors-guild/article34029064.ece
10 https://editorsguild.in/statements-issued/

Inequality in the minds of the executive

The wealth of the top 11 Indian billionaires increased by ₹ 7 lakh crores in just six months – enough to run the health ministry for 10 years. Clearly, COVID-19 was anything but 'the great equalizer'

While thousands gasped for breath across the country for want of Oxygen cylinders, Mukesh Ambani bought a country club in the United Kingdom for ₹ 600 crore[1]. As the COVID-19 crisis worsened, there were reports of the super-rich leaving the country in private jets[2] while the poorest citizens struggled to find space in crematoriums for their deceased relatives[3]. For those left behind, access to healthcare is dependent on their personal networks; 55 per cent people needed connections[4] to get access to an ICU bed, leaving the most marginalized people to fend for themselves, in the absence of any clout or power.

The Government's admission and need for treatment of inequality is articulated in the government's Voluntary National Review document with respect to Goal 10 of the Sustainable Development Goals: "Inequality takes many forms in a large and diverse country like India. Goal 10 calls for progressively reducing not only income inequalities but also inequalities of outcome by ensuring access to equal opportunities and promoting social, economic, and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, or religion." Unfortunately, this admission has not resonated quite enough in the government's response to COVID-19.

Wealth inequality grew during the pandemic

Erroneously termed 'the great equalizer' by some, this pandemic has been anything but. Indian billionaires have continued to proposer, their wealth rising by 35 per cent during the world's largest and most stringent lockdown[5]. The wealth of the top 11 billionaires in India increased by ₹ 7 lakh crores during the first six months of the pandemic – enough to run the health ministry for 10 years[6]. At the same time, a report by PEW[7] shows that the number of poor in India (those making less $2 per day) has

1   https://economictimes.indiatimes.com/news/company/corporate-trends/mukesh-ambani-buys-britains-iconic-country-club-stoke-park-for-57-million-pounds/articleshow/82210759.cms
2   https://www.livemint.com/news/india/wealthy-indians-flee-india-by-private-jets-as-covid-wreaks-havoc-11619486788641.html
3   https://indianexpress.com/article/india/with-bengaluru-crematoriums-running-out-of-space-pyres-burn-at-granite-quarry-outside-city-coronavirus-7308820/
4   https://theprint.in/health/55-patients-in-india-needed-clout-or-connections-to-get-covid-icu-beds-survey-finds/642726/
5   https://thewire.in/business/indian-billionaires-wealth-rose-during-covid
6   https://www.oxfamindia.org/knowledgehub/workingpaper/inequality-virus-india-supplement-2021#:~:text=The%20Coronavirus%20pandemic%20has%20been,crisis%20in%20a%20hundred%20years.&text=Jeff%20Bezos%2C%20the%20world's%20richest,as%20of%2018%20January%2C%202021.
7   https://www.indiatoday.in/business/story/pandemic-pushed-over-3-crore-indians-out-of-middle-class-pew-research-1781297-2021-03-19

more than doubled— from 6 crores to 13.4 crores. It would take an unskilled worker 10,000 years to make what Mukesh Ambani made in an hour during the pandemic[8].

Large corporations have continued to profit amidst the economic crisis, with BSE 200 companies posting a record profit of ₹ 1.67 trillion[9] in the third quarter of FY 2020-21. This is an increase of 57 per cent year-on-year. In stark contrast, three in four Dalit households[10] reported a reduction in their food intake during this time.

This reflects in India's poor performance on various development indices. In 2020, India ranked 131 out of 189 countries on the UN Human Development Index. On the Commitment to Reducing Inequality Index 2020, India ranked 129 out of 158 countries.

Government measures (or lack thereof) to reduce inequality

Inequality has grown consistently, even though the economy seems to be crashing. Growth is not based on the productive capacity of the country. That would have entailed the participation of a much larger skilled, and even unskilled, workforce in the economy. On the other hand, the role of financial markets, big business friendly policies and the role of FIIs in share markets shows how the growth of profits are based on crude profiteering at the expense of the large masses.

All of this did not just happen. They were the result of policy choices the Government of India made during the pandemic and over the decades preceding it. In reviewing measures taken by the government to reduce inequality in the past year, it is also important not just to look at acts of commission (measures undertaken) but also acts of omission (measures not taken).

1. Untapped potential to make India's elites pay their fair share of taxes to fund COVID-19 recovery

It is estimated that a 4 per cent wealth tax on the nation's 954 richest families could raise the equivalent of 1 per cent of India's GDP[11]. As states scamper for funds to fund life-saving vaccines, it is time to remember that a mere 1 per cent tax on the wealth of these families could fund its entire vaccine program[12]. In a pre-budget survey conducted by the Fight Inequality Alliance India[13], 78 per cent respondents supported the idea of imposing a 2 per cent COVID-19 cess on individuals earning more than ₹ 2 crores per annum and a temporary tax be imposed on companies making extra profits during the pandemic. Neither measure was unfortunately introduced.

Many countries have recognized the unique circumstances of this moment and introduced higher taxes on the richest individuals to help their national fight against the pandemic. Peru proposed a temporary solidarity tax on the wealthy and super-rich Peruvians while Argentina's senate approved a one-off wealth tax that affects its richest 10,000 citizens and aims to raise USD 3 billion for social spending for those impacted by the pandemic[14].

Instead, the government devoted the annual Economic Survey to argue why India should focus on growth and not addressing inequality[15]. The Union Budget 2021-22 did not take any new measures to reintroduce wealth tax or introduce inheritance taxes.

In 2019, the government cut corporate taxes from 30 per cent to 22 per cent, amongst the lowest in the world[16]. This, it was argued, would incentivise corporates to invest their savings giving a boost to the economy. However, this never happened and the saving instead boosted their profit margins. Furthermore, India was facing a 45-year low in terms of employment resulting in low demand for the goods and services produced. A tax cut in such a scenario was a poor move.

Furthermore, such cuts were at the time calculated to result in a loss of revenue of 1.45 lakh crores to the exchequer[17], funds that could have been spent on strengthening India's public health system at this time of crisis. This year, at a time when additional tax revenues could have supported in key social welfare schemes, it chose to leave corporate taxes unchanged. Instead, it slashed funds for key social welfare schemes including ICDS, MDM and Poshan Abhiyan. Poshan Abhiyan saw its budget cut by 27 per cent in a year where access to nutrition has plummeted[18].

8 https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2021-01/The%20Inequality%20Virus%20-%20India%20Supplement%20%28Designed%29.pdf?RrFsF8iTfT.g_PfT0H7HLpMvSTrb.M__

9 https://www.thehindu.com/opinion/op-ed/the-pillars-of-an-equitable-post-covid-india/article34247987.ece

10 https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2021-01/FIA%20pre%20budget%20survey%202021-2.pdf?OedotWpfYMqBc92al5B2fj4qTYb40TLz

11 https://scroll.in/article/959314/doing-the-maths-why-india-should-introduce-a-covid-wealth-tax-on-the-ultra-rich

12 https://thediplomat.com/2021/05/india-must-impose-a-one-time-tax-on-the-mega-rich-to-fund-its-vaccination-program/

13 https://www.oxfamindia.org/knowledgehub/workingpaper/fight-inequality-alliance-pre-budget-survey

14 https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2021-01/The%20Inequality%20Virus%20-%20India%20Supplement%20%28Designed%29.pdf?RrFsF8iTfT.g_PfT0H7HLpMvSTrb.M__

15 https://pib.gov.in/Pressreleaseshare.aspx?PRID=1693210

16 https://www.thehindubusinessline.com/economy/indias-corporate-tax-rate-is-now-among-the-lowest-globally/article29468566.ece#:~:text=At%2022%20per%20cent%20statutory,lower%20than%20the%20global%20average&text=With%20the%20Finance%20Minister%20Nirmala,a%20low%20corporate%20tax%20rate.

17 https://www.businesstoday.in/current/economy-politics/corporate-tax-cut-to-cost-govt-rs-1-45-lakh-crore/story/380242.html

18 https://www.hindustantimes.com/opinion/what-the-budget-means-for-india-s-social-sector-101612274744839.html#:~:text=Budget%202021%20has%20in%20fact,bound%20manner%20(by%202022).

Instead of promoting progressive taxation, India continued to rely on indirect taxes that place an undue burden on the poor. The Goods and Services Tax (GST), a consumption-based tax, remains the biggest contributor to tax revenues, ahead of corporation and other taxes. It is regressive and affects the poor disproportionately. Similarly, no steps were taken this year to ease the reliance on other indirect taxes and surcharges like the Education, Swachh Bharat and Krishi Kalyan Cesses which favour the rich over the poor[19].

Enhancing taxation on the super-rich would certainly have been preferable to some of the other measures adopted to address the revenue shortfall. Many states were forced to open liquor stores last year to earn tax revenues from alcohol at the expense of weakening physical distancing measures and weakening the fight against the pandemic. The central government increased the duty on fuel by a record ₹ 10 per litre on petrol and ₹ 13 on diesel[20] at a time when global crude prices were falling. This was described as taxing the poor by the opposition[21].

2. An unequal COVID-19 Relief Package

The government had introduced a 'COVID-19 fiscal stimulus' that claimed to account for 10 per cent of GDP. However, this was calculated to be actually close to being one per cent in terms of actual public spending[22]. The world's most stringent lockdown that India saw last year[23] destroyed the economy and forced millions of India's poor into poverty and hunger (while leaving India's elites largely unscathed), but did not control virus transmission. At the same time, billionaires like Gautam Adani cheered the stimulus package announced during the lockdown — with good reason, since Adani enterprises' quarterly profit grew nearly four times during the pandemic[24].

Over 90 percent of the labour force in India comprises of unorganized workers[25]. The Budget failed to provide social protection measures to 90 per cent of India's workforce, with no amount being allocated to the social security fund provided under the Code on Social Security, 2020[26]. A pre-budget survey by the Fight Inequality Alliance found that 88 per cent want an urban employment guarantee scheme, along the lines of MNREGS to be setup. Such a measure would have helped to prevent a migrant crisis of the scale that was seen post the lockdown. However, the budget failed to even mention a plan for developing an urban MGNREGS.

Given that India was amidst a once in a century, public health crisis, it is unfortunate that very limited funds (less than 0.04 per cent of GDP) were made available for immediate public health expenditure and less than half of that was distributed among states[27]. It is estimated that the cost incurred on Central Vista could fund 15 new AIIMS[28]. However, the work on the Central Vista project (worth ₹ 20,000 crore) continues unabated, even being designated as an 'essential' activity while thousands suffered from lack of oxygen, medicines and hospital beds[29].

3. Caste, class and gender inequalities and the COVID-19 response

Policy responses to COVID-19 have intensified existing class, caste and gender inequalities. India's COVID-19 prevention measures during the lockdown appeared to presume living conditions available only to middle classes and elites, and could not be implemented among the urban poor and many rural dwellers[30]. Physical distancing is difficult in an urban India where 32 per cent of households live in single room houses[31]. Adhering to the recommendation of frequent handwashing is difficult when only six per cent of the poorest 20 per cent has access to non-shared sources of sanitation, compared to 93.4 per cent of the top 20 per cent[32].

The government's COVID-19 relief and response work has evaded focus on relief on the basis of caste and the complexity of identity and gender. This is even though a majority of the migrant, informal labour consists of Dalit and Adivasi people, including women from the communities. As a result of such commission and omission, adequate measures are not inbuilt and inequity have got built into the government response and have even exacerbated the lack of access to relief to these categories.

19 https://indianexpress.com/article/opinion/columns/india-taxation-policy-fiscal-deficit-covid-impact-on-economy-indirect-tax-revenue-6549290/
20 https://www.business-standard.com/article/economy-policy/centre-raises-excise-duty-on-petrol-by-rs-10-a-litre-diesel-by-rs-13-120050501770_1.html
21 https://indianexpress.com/article/india/opposition-raises-fuel-price-hike-issue-in-lok-sabha-7241517/
22 https://www.cbgaindia.org/study-report/numbers-edge-assessing-indias-fiscal-response-covid-19/
23 https://www.bsg.ox.ac.uk/research/research-projects/covid-19-government-response-tracker
24 https://www.businessinsider.in/business/news/adani-enterprises-q4-net-profit-up-282-to-233-95-crore/articleshow/82405606.cms
25 https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_740877.pdf
26 https://idronline.org/news/budget-2021-no-social-security-for-unorganised-workers/
27 https://www.cbgaindia.org/study-report/numbers-edge-assessing-indias-fiscal-response-covid-19/
28 https://www.thehindu.com/news/national/estimated-cost-of-central-vista-revamp-plan-without-pmo-goes-up-to-13450-cr/article33358124.ece
29 https://scroll.in/article/993385/as-covid-19-devastates-delhi-central-vista-project-declared-an-essential-service-work-continues
30 https://link.springer.com/article/10.1007/s40812-020-00170-x#ref-CR2
31 Ministry of Urban Development. (2016). Handbook of Urban Statistics 2016. New Delhi: Government of India, accessed on 16 December, 2020 http://mohua.gov.in/pdf/5c80e1b20f2e2Handbook%20of%20Urban%20Statistics%202016.pdf
32 International Institute for Population Sciences (IIPS) and ICF. (2017). National Family Health Survey (NFHS-4), 2015-16: India. Mumbai: IIPS, accessed 03 December, 2020 http://rchiips.org/nfhs/NFHS-4Reports/India.pdf

The pandemic has also highlighted the consequences of chronic neglect of the public healthcare systems, particularly for people living in poverty. Some positive measures to address health inequalities during the pandemic like capping the rates of various services should be continued going forward. More than 10 other states in India, including Uttar Pradesh, Tamil Nadu, Bihar, Odisha, Chhattisgarh and Jharkhand brought in policies to cap rates for COVID-19 treatment in private hospitals[33].

As India's schools enter the second year of shutdown, one cannot escape the devastating and unequal impact that the pandemic had on children's education. Many children from poor families will not return to school, instead becoming victims of child labour and child marriage. There is a clear risk of out-of-school rates doubling in a year[34] with the odds of dropout increasing with the decreasing wealth quintile[35]. As government schools closed, the burden of ensuring that children continue their education fell on individual households with those financially better off and educated benefitting. According to the ASER 2020 survey, children in families with parents educated up to the 10th standard were almost twice as likely to have access to a smartphone for instruction during the pandemic and almost twice as likely to receive family support for learning.

On the other hand, children from poor families were left without access to effective modes of education delivery, while India's elites embraced the move online. This fuelled the growth of online learning apps such as BYJU's and Unacademy. BYJU's is valued at USD 10.8 billion whereas Unacademy is valued at USD 1.45 billion[36]. These apps are exclusionary with a customer base that is urban and with access to technology, and are purely geared towards profit.

4. **Economic policies that favour big business passed during the pandemic**

At a time when 84 per cent households suffered a reduction in income, pro-business policies of the government have ensured that large corporations have continued to make exponential profits. In the year since the lockdown was announced, where millions suffered job losses and untold hardships, the BSE rose by 87 per cent[37]. The pandemic saw a range of economic reforms being introduced, many of which carried risks of widening wealth and income inequalities. These include the proposed deregulation of agricultural markets, privatization of public sector enterprises and opening up banking and retail trade to foreign investors, among others. Many state governments suspended labour laws designed to protect workers, on the argument that this would help to attract foreign capital.

5. **Continued absence of commitment to track data on income inequality**

On 10th February, the TMC MP Nusrat Jahan[38] quoted the Oxfam report 'The Inequality Virus' to ask the Minister of Finance what it was doing to reduce inequality and whether it was a fact that the top 1 per cent of the population held more wealth than the bottom 70 percent. In response, the Minister of State in the Finance ministry stated that '*data on income/wealth is not maintained by the Government*'. One could not help but infer the lack of commitment for tracking income inequality data due to the government's discomfort with regard to accepting the scale of income inequality in India. The latest available government data quoted in their SDG Progress Report 2020 dates back to 2011.

Recommendations- Building back for a more equal India

1. Track data on income inequality and design a plan of action every year to reduce inequality.

2. Make India's super-rich pay their fair share of taxes:

   o Impose a 2 per cent COVID-19 cess on individuals earning more than ₹ 2 crore per annum

   o Introduce a temporary tax on companies making windfall profits during the pandemic;

3. Introduce and fund a peoples' package that addresses the needs of India's 99 per cent and builds a more equal and fair society

4. Introduce a people's vaccine that is free, procured at a low, regulated price, procured centrally and distributed equally to support a quick return to normalcy

33 https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2021-01/The%20Inequality%20Virus%20-%20India%20Supplement%20%28Designed%29.pdf?RrFsF8iTfT.g_PfT0H7HLpMvSTrb.M__

34 https://www.livemint.com/news/business-of-life/out-of-school-children-likely-to-double-in-india-due-to-coronavirus-11597574633476.html

35 https://www.sciencedirect.com/science/article/pii/S0140197117301483

36 "Silver Lake in $500 million round, Byju's valued $10.8 billion", (2020), The Economic Times, accessed 03 December, 2020 https://bit.ly/3g6CduU and Mittal, Aarzoo. "Unacademy acquires majority stake in Mastree at over ₹ 100 Cr valuation". EN Tracker, (2020), accessed 03 December, 2020 https://bit.ly/3lBlRvz

37 https://www.downtoearth.org.in/blog/economy/union-budget-2021-22-taxing-the-working-class-while-corporates-profit-from-covid-19-pandemic-75345

38 http://164.100.24.220/loksabhaquestions/annex/173/AU1377.pdf

COVID-19 added to the burden of stigma

From lynching to stigmatising Muslims for the spread of COVID-19, the year gone by has made Indian Muslims feel like second-class citizens

The project to make Muslims feel like second-class citizens was in top gear during the second year of the second term of the current government (May 2020-April 2021). It began with the fanning of Islamophobia, emanating from a collaboration between administration and media in alleging Muslims of waging the so-called 'Corona Jihad' following the foisting of false cases on members of the Tablighi Jamaat and the consequent arrest of hundreds of its members across the country along with a social (and mainstream) media that went along in tandem. It was a precarious moment: anti-CAA demonstrations had to be aborted and several activists languished in jail. The demonising of Muslims in the wake of the Tablighi Jamat's annual congregation, the bashing of Muslim street-vendors, calls for social boycott of Muslims, discrimination and neglect of Muslim localities and people from government schemes and COVID-19 care etc: everything flew in the face of the Prime Minister's self-stated goal of *"Sabka Saath, Sabka Vikas, Sabka Vishvas"*.

Welfare policies

Welfare policies of the central government can be visualized from its documents dedicated for the development and welfare of minorities wherein Muslims are considered as the largest among the six statutory minorities with a nodal ministry, the Ministry of Minority Affairs, and different institutions supervised by it. Besides, members of minority communities may take advantages of other central schemes earmarked for the development of weaker and marginalized sections. 2020-2021 saw no significant policy change or any extraordinary contribution as regards the above institutions.

Ministry of minority affairs

MoMA's Annual Report 2020-21 gives a glimpse of its decisions and activities affecting the life of the minorities, including Muslims.[1] Besides several other schemes, two of its schemes have larger impact on minorities, namely, Pradhan Mantri Jana Vikas Karyakram (PMJVK) and Minority Scholarships. The first one, previously called as MSDP, provides infrastructural grants for Minority Concentration districts, blocks, towns and wards. During the reported session and up to 31 December 2020, out of ₹ 724.11 crores sanctioned amount, ₹ 677.11 crores (93.51 per cent) have been released for the desired projects: 9 Residential Schools, 15 School Buildings, 689 Additional Class Rooms, 1173 Smart Classrooms, 16 Student Hostels, 58 Anganwadi Centres, 7 Common Service Centres, 1089 Drinking Water Projects, 1977 Sanitation Projects, 4 Sports Facilities, 37 Health Projects and 1 Sadhbhav Kendra. Disaggregated information is not available on the grants of PMJVK.

Minority scholarships

According to details of Merit-cum-Means Scholarship[2] for professional education awarded by MoMA available on its website, of a total of 2,36,966 new and renewed minority beneficiaries, the number of Muslim students receiving this vital scholarship for pursuing professional courses during 2020-21 has been only 90,877 (38.35 per cent) of all minority students. The anomaly

1   http://www.minorityaffairs.gov.in/en/document/annual-reports/annual-report-2021-22
2   http://www.minorityaffairs.gov.in/sites/default/files/mcm_2021.pdf

is obvious, considering that Muslims comprise almost three-fourths of the country's minority population. This is a slight improvement over the 2019-20 session when Muslim students numbered 90,477 (37.69 per cent). Similarly, the number of Muslim beneficiaries benefiting from the Post-Matric Minority Scholarships is 4,87,862 (27.68 per cent) of a total of 17,62,512 awardees. In case of pre-Matric Scholarships, Muslims received 37,44,117 (41.32 per cent) scholarships out of total of 90,61,211.

The statistics above show that the share of Muslim students benefiting from scholarships is not commensurate with their demographic strength among the minorities. The standing demand of the community and other minorities for increasing the amount of minority scholarships to be made at par with what SCs and STs enjoy, remains unmet.

The Annual Report 2020-21 of MoMA underlines that during the reported period (up to the end of December 2020), the total amount released for these three scholarship schemes has been of ₹ 436.74 crores – it was ₹ 2,039.24 crores during the previous year, or some five times more.

National Minorities Commission (NMC)

The National Minorities Commission is mandated to intervene in minority rights violations by State bodies and personnel. The status of the complaints received by NMC, and their disposal is a major indicator of the overall situation of minority rights in India.[3] During the year 2020-21, the number of complaints from the Muslim community to the NCM has come down to around 1100, the lowest in the last seven years. However, the share of Muslims' complaints among all minorities has been the highest (76 per cent) during these years. From the overall situation observed in the country, it can be argued that the number of complaints from the Muslim community should have peaked during the reported year. But the reverse has been observed. Evidently, this continuous reduction of complaints from the community is a sign of decreasing faith of members of the Muslim community on the system in seeking redress of their problems by the government body, even when the ordinary Muslim has experienced a hostile environment, post the CAA-NRC protests, particularly in Uttar Pradesh and Delhi.

The impressions of the anti-CAA agitation and communal handling by the government of the Tablighi Jamat-COVID-19 issue impacted the minds of members of the Muslim community, strengthening their distrust in the establishment. This misgiving may also be the product of poor proceedings on complaints by NMC. There is an increasing trend of the number of undisposed off complaints with just 27 during 2017-18 to 504 during the outgoing year, by 18 March 2021.

Total and Share of Muslims' Complaints to NCM

Year	Muslims	Total	% of Total
2015-16*	1436	1973	72.78
2016-17	1231	1647	74.74
2017-18	1127	1497	75.28
2018-19	1343	1870	71.81
2019-20	1232	1670	73.77
2020-2021 (18/3/21)	1069	1413	75.65

Source: National Commission for Minorities
* Annual Report of National Minorities Commission, 2015-16, p61

The commission's Annual Report for 2020-21 is yet unpublished and the commission has been without due number of members on board for most of the period of 2020-21, and without a chairman since May 2020. The news portal *Print* reports in the first week of March 2021, "The seven-member National Commission for Minorities has been operating with only one member since November 2020 but there is no clarity yet on when the six vacancies will be filled, even after the Delhi High Court pulled up the Centre on the issue earlier this month."[4]

National Commission for Minorities Educational Institutions (NCMEI)

NCMEI is another minority institution focusing on their educational rights. It is difficult to review its activities and impact in the absence of latest data (the last annual report is from 2016-17). What is known is that it has issued Minority Status Certificate (MSCs) to only 14 minority institutions during 2020-21.[5] Only two of these 14 are managed by Muslim minority institutions. Of 348 applications from Madhya Pradesh and 147 from Uttar Pradesh in 2020, only one institution each from these states were provided with the certificate during the reported period, both run by the Jain community. According to information on NCMEI available on its website, the commission has two members – one representing Jains (in chair) and another representing Sikhs. Other minorities are unrepresented.

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1 http://ncm.nic.in/homepage/complaints_yearly.php

2 https://theprint.in/india/governance/minorities-panel-has-only-1-member-since-nov-but-govt-says-work-not-affected-in-any-way/611975/

3 http://ncmei.gov.in/WriteReadData/LINKS/Updated%20MSC%20Details%20as%20on%205th%20April%202021109ad283-8a0a-442e-9605-dabd1538a852.pdf

National Minorities Development and Finance Corporation (NMDFC)

NMDFC works through 45 state channelizing agencies (SCAs) for the economic development of Indian minorities. Its authorized share capital is ₹ 3000 crores. Though the corporation has been providing a year-wise report of disbursement of its funds, it hasn't done so for the outgoing financial year. From the monthly progress reports available on its website as regards term loan and micro finance, it is obvious that from May 2020 to April 2021, the amount of cumulative disbursement under these two schemes has been ₹ 650 crores and the cumulative number of beneficiaries has been 1,48,856.[6] During the previous year the amount of disbursement was slightly higher, being 652 crores whereas the number was lesser being 1,366,49. It may be noted from the available data that the overall landed amount and beneficiaries have been increasing since the corporation was established 27 years ago and the trend continued during the period under review as well. Since the proportion of funds to be disbursed in accordance with the demographic ratio of different minorities is not made public, it may be anticipated that Muslim beneficiaries would have constituted a fair number of all minority beneficiaries.

Muslim conversion

The ruling party leadership's obsession with conversion remained unaffected by the pandemic. Contrary to the narrative of forced/coerced conversions to Islam, a particular trend has been the conversion of Muslims to the Hindu-fold. 250 members of 40 Muslim families were converted to Hinduism on 8 May 2020 in Bidhmira village of Haryana's Hisar district.[7] They also performed the last rites of an 80-year woman as per Hindu rituals following their conversion. Before them, around 35 members of six Muslim families had converted to Hinduism in Danoda Kalan Village of Jind City in the state. An Urdu daily, *Inquilab*, reported on 22 May that 12 Muslim families had been "forcibly" converted to Hinduism and were then receiving threats saying that they would be driven out of their village, Harewali, located in Delhi's Bawana area. Choudhary Ikram, a village resident who has filed a police complaint about the same, said, "They have been told if they have to live in the village they will have to live as Hindus only." These are some incidences wherein Muslims living in villages with lesser strength face coercion to change their religion. Police protection to such families has hardly been assured.

Undue persecution of muslims

During the period under review, many Muslim activists have been arrested in Delhi, Uttar Pradesh and other states for their leading role in the anti-CAA protests. Many of them faced the draconian laws like UAPA and NSA. The riots in Northeast Delhi, largely affecting the life and properties of Muslims, have been one-sidedly recorded. Those who tried to protest against such arrests and detentions were also arrested in many places. As of 7 March 2020, police had registered 690 FIRs and around 2,200 individuals involved in the violence were taken into custody, a majority being from the Muslim community, many of them languishing in custody under the draconian laws.

These irregularities have been criticized by civil society. In a joint letter to President Ramnath Kovind, eight opposition parties in the first week of May 2020 demanded the immediate release of anti-CAA and human rights activists and called for an end to a "politics of vendetta" against protesters and political dissenters. The Under-Secretary-General and UN Special Adviser on the Prevention of Genocide, Adama Dieng, highlighting India's long-standing history of promoting inclusive and peaceful societies, voiced concern on 21 May over incidents of "increased hate speech and discrimination" against minority communities in the country following the adoption of the Citizenship Amendment Act.

A Delhi high court judge has remarked on May 28 on the investigation of Delhi Police,[8] thus: "Perusal of the case diary reveals a disturbing fact. The investigation seems to be targeted only towards one end. Upon enquiry from the I.O. they have failed to point out what investigation has been carried out so far regarding the involvement of the rival faction. In view of the same, concerned DCP is requested to monitor the investigation and ensure fair investigation."

Lynching

Lynching has become a new curse for Muslims and Dalits in India, COVID-19 notwithstanding. A 26-year-old Muslim man, Subhan Ansari, died on 12 May 2020 after he, along with his friend were beaten up brutally at Dumka, Jharkhand on the suspicion of stealing a goat. In the first week of June 2020, an 18-year-old Mohammad Israil was battling for his life in a private hospital in Motihari town of Bihar after being thrashed by a Hindutva mob for refusing to chant Jai Shri Ram.

COVID-19 care and muslims

A former UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, has said about the current pandemic: "This is a crisis that disproportionately affects poor people, who are more likely to have health complications, live in crowded

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6   http://www.nmdfc.org/WriteReadData/RTF/Cummulative%20MPR0d7512ec-345e-4a8a-b339-3e5ebd3cf7e2.pdf

7   https://timesofindia.indiatimes.com/city/gurgaon/haryana-40-muslim-families-convert-to-hinduism/articleshow/75639892.cms

8   https://timesofindia.indiatimes.com/city/delhi/riots-case-probe-targeted-only-towards-one-end-says-delhi-court/articleshow/76065305.cms

housing, lack the resources to stay at home for long periods, and work low-paid jobs that force them to choose between risking their health or losing their income."[9]

The condition of majority of Indian Muslims confirms to the above statement. The pandemic disproportionately affected the majority of Indian Muslims, being low paid informal workers and owners of petty business. Indeed, they should be regarded as one among the most vulnerable sections of society during the pandemic. Experts have observed: "Contrary to many calling the pandemic a great equalizer, the crisis has led to formulations of the dangerous other. It has created elemental fears of the pandemic that is squarely blamed on specific communities. Many Muslims have also been reportedly turned away from testing centres and health clinics due to such fears."[10]

Bebaak Collective in its report *'Communalisation of Covid-19, experiences from the frontline'* underlines, "Bearing Muslim identifiers had consequences on access to immediate relief. Muslim migrants hid their names, while others who didn't were denied rations, and the stereotype of Muslims as 'virus carriers' was used to stop donors from distributing relief materials."[11] The report, made public in January 2021, was prepared from interviews with different groups and individuals working on the frontline of COVID-19 relief in Maharashtra, Karnataka, Uttar Pradesh, Gujarat, Rajasthan, Madhya Pradesh and Delhi. After a long ordeal faced by Muslims, PM Modi reassured them in his AMU Centenary speech on 19 December 2020, "The country today is moving on a path where nobody should be left behind because of their religion…What belongs to the country belongs to every citizen. Everybody should get it."[12]

Recommendations

The following recommendations may be considered for better governance as regards the Muslim community:

1. The pending demand for enactment of law against communal riots and persecution should be fulfilled as soon as possible, which may now include lynching and fake news as heinous crimes.

2. The budget of the Ministry of Minority Affairs should be increased to 10-times the present budget for making it justifiable in the wake of comparative fiscal support for SCs and STs.

3. Disaggregated data regarding religious minorities, particularly on Muslims, should be regularly compiled and made public for understanding their conditions and taking corrective measures.

9   https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621037/dp-covid-19-human-rights-principles-070820-advance-en.pdf?sequence=4
10 https://theconversation.com/indias-treatment-of-muslims-and-migrants-puts-lives-at-risk-during-covid-19-136940
11 https://www.thehindu.com/news/cities/mumbai/communalisation-of-covid-19-led-to-discrimination-against-muslims/article33639018.ece
12 https://www.livemint.com/news/india/no-religious-discrimination-in-development-nobody-to-be-left-behind-pm-modi-at-amu-centenary-11608650739812.html

Religious persecution immune to COVID-19

Anti-minority sentiment is being peddled by State, non-State and the dominant Caste actors in order to polarize society for political gains. The State has often been seen to be complicit with non-state actors in targeted violence against the Christian community

Violence against Christians by non-state and the dominant Caste actors in India stems from an environment of targeted hate. The translation of the hate into violence is sparked by a sense of impunity generated in India's administrative apparatus.

An interesting factor emerges when we look at the Caste composition of the Christians. The data varies – well over 82% of the Christians are from Tribal or Dalit backgrounds! This has a critical significance on the background of human rights violations against Christian Minorities.

Anecdotal evidence suggests that it is Dalit Christians who face a large proportion of atrocities. At the same time, Dalit Christians cannot seek redress or protection under the 'The Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act 1989' because of the unjust definition of 'Dalit Christian'. This has proven to be a double-edged discrimination because, while on the one hand they face a disproportionately higher incidence of violence, they do not benefit from adequate State protection because they are disallowed to benefit from provisions of the law and are not considered 'Scheduled Castes'.

COVID-19, which has severely impacted data collection, grassroots investigations and even a measure of solidarity with victims in distant villages, seems to have given the police a ruse not to register cases – police have generally been loath to register cases. Access to courts for relief was restricted too. The violence was also facilitated by the absence of civil society on streets as activists were unable to travel because of lockdown restrictions and because of the collapse of the media.

The consummately organized hate campaign against Muslims raised structural questions on the security of all religious minorities in the country, especially in extraordinary situations of social isolation as under the COVID-19 curfew. The Christian community was anxious about how safe they would be, seeing how brutally the Muslims were targeted. This is borne out by the fact that lynching, community ostracization and concerted efforts to stop worship and gospel¬ sharing, mark the cases registered by the Christian agencies such as the Religious Liberties Commission of the Evangelical Fellowship of India (EFI).

EFI's pan-India grassroots connect makes its information the most comprehensive. It is, admittedly, short of complete information from remote parts of the country where police do not record complaints and frightened victims fear further assault if they go to the authorities. Political excoriation, police impunity, and vigilante groups on their trail marked the experience of many Christian communities in several parts of the country at the height of the COVID-19 spread.

In the 327 cases recorded by the EFI Religious Liberty Commission and other Christian agencies including a national Helpline co-founded by the EFI five years ago, at least five people lost their lives, at least six Churches were burnt or demolished, and 26 incidents of social boycott were recorded. This is by no means an exhaustive list of incidents.

The situation of religious freedom in the country needs to be viewed in the context of an unbridled push for a majoritarian political framework. Social scientists, political scholars and activists have written "Federalism has ceased to exist and the last vestige of trust has been exterminated. The space for free speech has been drastically curtailed: dissent has been rechristened as anti-nationalism and sedition, and dozens of academics, social workers, students, activists and journalists have been incarcerated for being critical of the government. Hate speech laws are being applied selectively, sending a clear signal that remarks against a particular community will attract no punishment."[1] A TV channel amplifying this targeted hate was, in fact, fined by the UK watchdog late in 2020.

The most alarming development has been the expansion and scope of the notorious Freedom of Religion Acts, which are popularly known as the anti-conversion laws, earlier enforced in seven states, to many more states ruled by the Bharatiya Janata Party. Once targeting only Christians, they are now armed also against Muslims in the guise of curbing 'Love Jihad'. This is an Islamophobic term coined some years ago to demonise marriages between Muslim men and non-Muslim women, particularly those belonging to the Hindu upper castes. The laws ostensibly punish forced or fraudulent religious conversions. But in practice, they are used to criminalise all conversions, especially in non-urban settings.

On 31 October, 2000, Yogi Adityanath, the Chief Minister of Uttar Pradesh, announced that a law to curb 'Love Jihad' would be passed by his government. With no legislative discussion, it became law by an ordinance passed by the state Governor. In December, Madhya Pradesh approved an anti-conversion bill like UP's. Madhya Pradesh already has an anti-conversion law. By end of 2020, BJP-ruled states, Uttar Pradesh, Madhya Pradesh, Haryana and Karnataka have designed laws to prevent "forcible conversions" through marriage. Punishment can be as long as ten years in prison.

With the passing of the Prohibition of Unlawful Conversion of Religion Ordinance, 2020, Uttar Pradesh has become the eighth state in India to enforce an anti-conversion law. Similar laws are in force in the states of Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand and Uttarakhand. The states of Arunachal Pradesh and Rajasthan have passed anti-conversion laws that are not in force for various reasons, and Tamil Nadu has passed and repealed its anti- conversion law.

As per media reports, the UP police have registered 14 cases and made 51 arrests (of whom 49 are in jail) till end-2020 since the law came into effect in the state. Of these cases, the 'victim' has filed a complaint in only two cases. The rest of the cases were filed by others including relatives. Two cases under the new law have been registered against Christians in Uttar Pradesh: one in Gautam Buddha Nagar and the other in Azamgarh. The Supreme Court of India has agreed to examine the constitutional validity of laws enacted by Uttar Pradesh and Uttarakhand but has said they need to be first challenged in the respective high courts.

Missionaries: Hindutva's favourite whipping boy

Christian activists fear that the expanding footprint of the anti-conversion laws bring a step closer the BJP's manifesto promising a nation-wide law to check evangelisation by "missionaries", a term designed to impute western conspiracy to Christianise Dalits, tribal people and others. This, together with exaggerated accusation of Islamic population explosion because of the high birth rate, feeds the orchestrated rhetoric that the Hindu population will become a minority which underpins electoral propaganda in India.

As a result of the anti-conversion laws, religious minorities can now be targeted by just about anyone, especially vigilante groups, many of whom are complicit in the mob violence of earlier years in campaigns against beef and the slaughter of cows. Moreover, this law places the burden of proof on the person who has been accused of conversion.

Commenting on this law, former Delhi High Court judge and former chairman of the National Law Commission noted that it, "reflects the philosophy of a *khap* panchayat, with the objective essentially being to subjugate women." He said that the law strikes "at the very root of the right to life and liberty guaranteed under the Constitution".

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1   https://www.thecitizen.in/index.php/en/NewsDetail/index/4/20471/No-Let-up-In-Persecution-of-Christians-During-Covid-Era

As Justice Shah observed, "In any criminal case (where) conversion is presumed to be illegal, the burden of proof is usually on the prosecution. In this ordinance, every religious conversion is presumed to be illegal. The burden of proof lies on the person accused of illegal conversion to prove that it is not illegal. So there is a presumption of guilt. The offence is cognisable. It is non-bailable and the police can arrest anyone."

Uttar Pradesh once again heads the list of regions where the Christian minority has been targeted the most. RLC registered 95 incidents against the Christian community in the state in 2020. It is followed by Chhattisgarh with 55 incidents, most taking place in the tribal region of Bastar, now saturated by volunteers from Hindu right-wing organizations posted to "counter Christian influence", a part of a larger plan to 'Hindutvaize' tribal society. In Chhattisgarh, as in contiguous tribal regions, these groups face almost no political challenge. The Church has been present in the state and in the region for the last 200 years.

The push of the Hindu right wing in Jharkhand is ominously similar to Chhattisgarh's and has resulted in discrimination and violence against Christians. Jharkhand and Madhya Pradesh registered 28 and 25 incidents, respectively. Tamil Nadu in south India had 23 incidents. The state had the second largest number of cases in 2019, registering 60 incidents of violent action against members of the Christian community, and the fifth highest in 2020.

The most horrendous case of lynching and dismembering of the victim's body was reported from Odisha's Kenduguda village in Malkangiri district on 4 June, where a 14¬ year ¬old Christian boy was allegedly crushed to death by a group of people who then chopped the body into pieces and buried it in several places. In the FIR, the police noted that the victim and his family, including his father, had adopted Christianity three years ago. Since then, a few of the villagers have been harassing them. Christians in this village have been facing many threats and are being harassed by religious fanatics, Pastor Kosha Mosaki said. "He was earlier attacked in February this year. I have made four complaints at the Malkangiri police station regarding these attacks."

On 31 May 2020, in Budhakaman village, West Singhbhum district, Jharkhand, in a follow-up of the 10 May incident of damaging the church, a group of tribal men returned and set the church building cross on fire. Pastor Sudarshan Sinku's wife Suman Sinku reported that the police later summoned both parties to the Jagannathpur police station. Village chief, Vignesh Tiriya again told the Christians to produce certificates to prove their Christian faith.

On 22 and 23 September 2020 in Kakdabeda, Singanpur, and Tiliyabeda villages of Kondagaon district, Chhattisgarh, around 16 houses were completely razed by villagers under the influence of Hindutva extremists. A large-scale social boycott and attacks were launched against the unsuspecting Christians. They were called to a village council meeting before the attacks, told to denounce their Christian beliefs or opt to leave the village. The Christian men fled from their homes leaving their families behind since, and are in hiding. Though a complaint was lodged at the Kondagaon police station, no concrete action was taken against the vandals. Christians registered three complaints – one with Kondagaon police on 20 September based on signs of impending danger, the other with the superintendent of police's office in Kondagaon on 22 September and the third with the district collector on 24 September. Instead, the police and administration sought to solve the matter through negotiation.

The most bizarre incident which caught the eyes of the international media took place on 19 March 2021 in Jhansi, Uttar Pradesh, when four nuns from the Delhi Province of the Sacred Heart Society (SH) were arrested while on their way to Odisha from Delhi. The incident occurred while the train in which they were traveling stopped at 6.30 pm at Jhansi railway station. A group of religious extremists, who were returning from a pilgrimage, unjustifiably accused them of religious conversion and caused trouble. They challenged the faith of the women, and raised religious slogans. Subsequently, the police arrived at the spot and arrested the women without paying any heed to their side of the story. Around 150 religious radicals accompanied the women in procession to the police station. The terrified nuns were released at 11.30 pm after intervention from advocacy groups convinced police that the nuns were innocent and had credible documents to prove their story.

Polarisation for politics

The right-wing organisations continue to undermine the extensive social services of Christian organisations with the false narrative that they are engaged in conversion with the help of foreign funding. This narrative has percolated into the bureaucracy and Government machinery as well. This has resulted in greater scrutiny of Christian organisations with FCRA accounts. On 10 February 2020, the Government cancelled the FCRA licences of four Christian linked NGOs, cutting off their foreign funding. These organisations are Ecreosoculis North Western Gossner Evangelical in Jharkhand, the Evangelical Churches Association (ECA) in Manipur, the Northern Evangelical Lutheran Church in Jharkhand, and the New Life Fellowship Association in Mumbai. Hate speeches against Christians and Muslims have increased throughout the country. In Karnataka, on 8 November 2020, a Member of the Legislative Council (MLC) of the ruling right-wing government said that members of the Siddi tribe of African descent, who converted to Islam and Christianity, should not be considered as Scheduled Tribes and be eligible for government benefits. Throughout the country they are demanding the stripping of Scheduled Tribe status of tribal people who have embraced Islam or Christianity.

The anti-cow slaughter laws are also used to target Muslims and Christians in many parts of the country. On 16 September 2020, members of right-wing groups in Simdega District of Jharkhand accused seven tribal Christians of slaughtering a cow and used the pretext to partially shave their heads and force them to chant Hindu invocations.

Finally, on 8 October 2020, the National Investigating Agency (NIA) arrested 84 year old Jesuit priest and tribal rights activist, Fr. Stan Swamy, and charged him with draconian laws of sedition and Unlawful Activities Prevention Act (UAPA) after they accused him of being linked to banned Maoist organization and instigating violence at Bhima Koregaon on 1 January 2018. He was the oldest person in the world to be charged with terror related laws, along with 15 others who are largely Christians and Dalits, besides writers, professors, academicians, lawyers and social activists. Draconian anti-terror laws are misused to target minorities and those who empower marginalized sections of society to demand for their Constitutional rights.

To sum up, Christians have suffered from the anti-minority sentiment being peddled by State, non-State and the dominant Caste actors in order to polarize society for political gains and establish a Hindu nationalist state. They have suffered from hate speeches, arson and violence at the hands of right-wing groups. The State has played a facilitating role in the persecution of Christians by not taking action against the perpetrators of violence against Christians and allowing them impunity due to anti-conversion, anti-cow slaughter and anti-Love Jihad laws. The State is also targeting FCRA accounts of Christian organisations and using draconian anti-terror laws to imprison prominent members. This trend of targeting of Christians and other minorities and undermining minority rights seems likely to continue in the coming years.

BONDED LABOUR

The unending trap of servitude

All programmes and schemes of the Government of India come to
a stop at the doorsteps of the brick kilns of Varanasi, as if the slogan of
'*Sabka Saath; Sabka Vikas*' is for another world

Lives of servitude of people from the Musahar caste are not uncommon in the brick kilns of Varanasi – represented in Parliament by none other than Prime Minister Narendra Damodardas Modi himself. Thousands of bonded labourers belonging to the lowest rung of the caste ladder face apathy from every single body of the government. The much amplified theme of governance, 'Sabka Saath; Sabka Vikas' remains but a slogan.

They are discriminated at every stage of their lives. Most labourers are Musahars. Landless and bonded against loans they incur to live. A loan for a woman to deliver her baby. Another loan to afford the baby's health. Yet another loan for an aged parent's medical treatment. The list goes on. An advance payment here, a debt there and an entire family in bondage – children are born into servitude. It is a word of honour the Musahars are supposed to abide by. There is seldom a written word – but for the statement of loans on the book-keepers account, columns running into several inches, each bartered for a truckload of dry, lifeless bricks.

Bonded labour is the worst form of human rights violation and a contemporary form of slavery. It is a violation of the rights of a citizen as enshrined in the Constitution of India: Right to life, Right to Equality; Rights to Individual dignity. All forms of bonded labour are prohibited by Article 23 of the Constitution.

Article 23 strikes at all form of forced labour, even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service. The legislation defining and banning bonded labour was approved by Parliament in 1976. The Bonded Labour Abolition Act, 1976, stipulates that the monitoring of labour violation and their enforcement are responsibilities of the State.

Yet, the bonded labourers in Varanasi's brick kilns are not allowed to leave the premise so that they continued to provide forced labour.

They live pathetic lives, in *jhuggies* (shanties), a cluster of tiny hovels that one has to crawl into. There is no room to stand or sleep with legs stretched, even for pregnant women, who often face problems following childbirth. It is an excruciating life – no ventilation, drainage, lighting, drinking water, toilet or bathing space nor sanitation facilities.

Work at the brick kiln involves mixing mud, shaping brick and layering them to dry, baking the bricks in the kilns, and finally, loading and unloading the bricks. Musahar families arrive at the brick kilns during a nine-months season that lasts from October to June (the kilns close during the monsoons).

Young children also learn making bricks early on in their lives. It is a skill they need for survival. This is also how the skill passes on from a generation to another. It means that children cannot go to school and remain illiterate through their lives.

The Musahars working in Varanasi's brick kilns are migrants. They have no home. Some hay makes for a roof over walls of assembled, unstuck bricks that lie in abundance – and the home comes crashing down once the season is over and they themselves bring down the unstuck bricks to be loaded onto the last waiting truck.

Let us repeat this for effect: Varanasi has twice voted Mr Modi to become India's Prime Minister.

The employers' unions and the representatives from brick kiln industry have signed a Code of Conduct to ensure proper documentation of the workers and basic facilities at their worksites. Code of Conduct binds them to help and facilitate education of children of the workers, open bank accounts, ensure availability of clean and safe drinking water.

But, in reality there is no implementation of the Code of Conduct in brick kilns: There is a sole hand pump to quench the thirst of an average of 70 bonded labourers. No crèches for children nor any statistic of children in the brick kiln with their parents. No construction of rooms by brick kiln owners. No health services. (A few families are, of late, living outside the shanties. They have a home to return to every evening.)

This discrimination only got exacerbated during the country-wide lockdown. The labourers continued to work at the brick kilns, with owners providing the regular subsistence, dry rations. None of them got paid in cash to afford any other expense. Not even for medical aid.

Women: Women workers comprise about half of the total work force in every brick kiln. The couples are called as *jodiya*. Women workers are deprived of all statutory benefits and amenities like maternity benefits, crèche, fixed working hours, etc. They face sexual abuse, violence and exploitation. They are too vulnerable to defend themselves. There are numerous instances of rape and even of women enslaved for sex. The clerks exploit their situation because drinking water and fuel (wood) are next to the owners' offices. They abuse the women in exchange for wood and water.

Pregnant women are not allowed to leave work until a day before delivering the child. Women complain of ill treatment, often being told, "*Kutiya biyan ketarah baccha paida karbu*" (deliver a child like a bitch). A mother has little time with her new-born child because she is expected to begin working after 15 days of delivering her baby.

Female workers in brick kiln factories live too far away from the nearest health facility and so, they are deprived of the benefits under the Janani Suraksha Yojana (JSY). While pregnant, they are not immunised and do not get iron pills. The ANM (Auxiliary Nurse Midwife) and ASHA (health volunteer) never visit their brick kilns. The women have to leave work for a day and carry their children along for immunisation. The book-keeper makes note of the shortfall of work.

Children: Children have no option but to spend their early childhood years besides working parents in the heat and dust of the brick kilns. There is no crèche or any form of social security that might make the lives of children better. The pressure of work does not provide time to mothers to take care of their young children.

Children in and around the brick kiln areas are drawn into labour, as they tend to help their parents by arranging the bricks for drying and collecting the broken and improperly moulded bricks. Due to the tenancy system, the women and children are not counted as workers. Employers show only men as employees. It provides an opportunity to escape from ensuring the service to women and children. Once they get older, they are drawn into the trade, having being trained from a young age.

This age group is the most vulnerable to exploitation and abuse. The National Policy of Children 2013 declares that all children from 0 to 18 years need to be protected and provided with all the facilities of health, education, nutrition and protection. Under the Right to Education Act, 2020, it is responsibility of the State to educate these migrant children.

But the lack of awareness helps create labour.

Low Wages: The wage rates vary from one brick kiln to another. It starts from ₹ 250 to as high as ₹ 350 for making 1,000 bricks in a day. A couple makes 1000 bricks, often with help from their children. The daily records of bricks made is maintained by the clerk. At the end of the week, they get a Khoraki (food and other necessities). The final settlement is done at the end of the season. In between, the brick kiln owner does not pay a single extra rupee. Most workers do not receive final settlement from the brick kiln owners. While demanding their remaining amount they face torture and threat.

Working Hours: The brick kiln does not have fixed working hours. Labour at the brick factory is exhausting. All the more tragic is the fact that even the children are made to work. Workers work through the night in summer and all day during winter. They get a day off every week that they use to buy essentials. They are forced by the brick kiln owners to work for longer hours during peak season – at times, for 16 hours from 4 AM to 8 PM.

A personal testimony of Dil Bahar

I work (with the family) at the brick kiln of Umri village in Jaunpur district, Uttar Pradesh. My wife Sushila was in labour in the late hours of 16 April 2020. I could get help from the ASHA worker only next morning. The staff at the government hospital recommended we shift her to another hospital because my wife was anaemic. It was complicated and we were advised to take her to a private hospital. I couldn't decide and, due to the lockdown, I was unable to seek help from anyone.

At the private hospital, I pleaded with the doctor for help and told him that I had no money to afford expensive treatment, but also that I want to save the life of my wife. I was required to pay ₹ 7,000. But I had only ₹ 1,000 that I paid so that the doctor could begin treating my wife. I managed another ₹ 2,000 in an hour and returned to the hospital where I was informed that my wife gave birth to the twin children. Doctor asked me to pay the remainder amount and take away my wife and the new born children. The person at the hospital said that they would not discharge her until I deposit all the money.

While in the hospital, my wife was not served any food. She was hungry and, on 20 April 2020 she took the twins and escaped the hospital. When I went to the hospital to meet my wife, the staff scolded me and kept my bicycle, my bank passbook and my Aadhar card.

For the dwellers of the brick kiln shanties, Dil Bahar's story is a common one.

Testimony of Kamla

The pressure for producing more bricks does not provide time to mothers to take care of their young children. The children are compelled to spend their childhood in the worst inhuman conditions. I, with my small children, haul the bricks from early morning 4 AM to noon and from 2 PM to 6 PM. The ration I get from PDS shop is only sufficient to feed the family for 10 to 12 days. So, we eat very little (*adha pet khana*) most days of the month to overcome the shortage of food. My children help push the loaded *sagadi* (trolley). We strive hard in heat waves and when we feel hungry then we take a small sip of water and console ourselves.

I keep my two small children (Melhu and Rani) nearby so that I have an eye on them. Melhu and Rani cry for food when they see me pass by. I feel the hunger of my children and hold back my tears and concentrate on the work at hand. Even after backbreaking, hard labour, we are unable to feed our children or ourselves properly. Meanwhile, both children crawl and come to me. But, due to the fear of the clerk and to complete the work, I thrash them and force them to sit at their assigned place.

I try to concentrate on work, but all I see are the hungry and wailing faces of my two children. I can't even cry. My tears have dried. Slowly Rani became malnourished. At the primary health centre, in Pindra, the doctor advised me to give her a nutritious diet. I haven't a penny to feed her. I took an advance from brick kiln owner and again took her to a hospital where the doctor said Rani was too weak to survive.

(Contributors note: Rani died while she was still undergoing treatment).

Testimony of Radha (name changed)

Radha is originally from a tribal community in Jharkhand state and was trafficked as a child. This is her story, as narrated by her.

I was with my family when a woman called Shanti visited us. She told me to accompany her to the village fair. She was from our village, so I trusted her. But Shanti tricked me and forced me to go to the brick kiln. There I had to work for the owner, cook for him, clean the place and also had to massage him.

He forced himself on me two days after I arrived. He would give me a tablet and would then violate me. My room was next to where the owner worked and every time he wanted me, he would come to my room. He would come two or three times a day. I told Shanti that I didn't like it, and she said that "If you tell anyone, the owner will kill you."

One day I resisted, and the owner beat me up brutally. I was scared. The brick kiln owner was in his sixties, had no teeth, was an alcoholic, and force me to consume alcohol as well. When I refused, he used to beat me. I'm still in pain from the brutalities he inflicted on me.

Testimony of Patiraj Musahar

I pleaded before him several times and said my wife may die for lack of medication. But he remained unmoved and cruel. I had no money and was worried. I thought of running away but his men were around watching me. I could not escape from them.

DALITS

Exacerbated vulnerabilities of Dalits

One would like to imagine that violence against the Dalit community would have reduced during a pandemic. This, however, was not the case as atrocities continued unabated against members of the Dalit communities

The novel coronavirus pandemic that hit the country last year came with huge corollaries for the citizens. The immediate lockdown, with a four-hour notice, almost crippled the country. This had a multi-fold impact on Dalits and Adivasis.

Dalits constitute 16.6 per cent of the population and are further oppressed due to being at the bottom of the social structure. It was but inevitable that they would be affected the most. The pandemic has put the nation at grave risk with high levels of unemployment, and students affected due to not being able to access online systems of education. Apart from these, there is a serious health crisis that is beyond measure where people are unable to get medical help and unable to access free, quality healthcare.

Key announcements for COVID-19 relief

The COVID-19 pandemic caused a public health crisis, as well as an economic crisis. As an immediate policy intervention, policy makers across the country felt the need for large fiscal measures to meet the basic needs of the population.

The Government of India announced an economic stimulus package of ₹ 20 trillion as an immediate relief measure. The first tranche of the package (worth ₹ 1.7 lakh crore) was announced under the *Pradhan Mantri Garib Kalyan Yojana (PMGKY)* on 26 March 2020. The package provided for distribution of extra food grains (through the Public Distribution System), direct cash transfer to widows and the elderly, farmers and construction workers, insurance for health workers (including *Safai Karamcharis*), benefits for health workers and formal sector workers in the form of contribution in provident funds, amongst others. The second tranche of the stimulus package was announced under *Atmanirbhar Bharat Abhiyan*, which was mainly a set of fiscal and monetary policies to prevent large-scale job losses and re-build the economy. Then later in October 2020, the Government announced new measures of ₹ 73,000 crore to stimulate consumer spending before the end of the 2020-21 financial year in the fight against COVID-19. The new measures were essentially to fight the slowdown due to the pandemic-induced lockdown.

The National Dalit Watch of the National Campaign on Dalit Human Rights (NDW-NCDHR), while monitoring the schemes, conducted a survey[1] to assess the situation of about 21,000 households. The survey pointed to several discrepancies in accessing the schemes announced by the government. Below are a few examples of the findings:

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1   http://www.ncdhr.org.in/wp-content/uploads/2020/09/10-NCDHR-national-factsheet_weclaim_April-May-2020.pdf

1) **Ayushman Bharat:** Free testing and treatment for COVID-19
   - 43 per cent of the SCs did not receive information about COVID-19 symptoms and protective measures from the healthcare workers.
   - 66 per cent of the SC households lacked awareness about free testing and treatment provisions.
   - Only 14 per cent of the SC households registered with the scheme.

2) **Pradhan Mantri Ujjwala Yojana (PMUY):** Free gas cylinders for 3-months
   - 53 per cent of the SC households lacked information about free LPG refills up to three cylinders under the Relief Package
   - 63 per cent of the beneficiaries of the eligible ST households were not enrolled with the PMUY

3) **MGNREGA:** Enhanced wages
   - 55 per cent of the SC households lacked information about enhanced MGNREGS wages.
   - 59 per cent of the SC households were not registered
   - Only 37 per cent SC households had members secure enhanced wages

4) **Jan Dhan Yojana:** Ex-gratia of ₹ 500 to women a/c holders
   - 54 per cent of SC households were unaware about the relief
   - 37 per cent of SC households had women JDY account holders
   - Among those active accounts, 36 per cent of SCs women had not received the cash assistance

This data reveals that many of the schemes announced during the pandemic last year were not fully accessible to the Dalit communities. Many of the community members were unaware of the schemes and even if they were aware, they were not able to access these schemes. While planning to ensure the effective implementation of the schemes, it is paramount that the government also has clear plans in place to ensure that communities are able to access the schemes. This lack of planning grossly affects the reach of these schemes thus affecting many members of the community.

Violence and atrocities during the pandemic

One would like to imagine that violence against the Dalit community would have reduced during a pandemic. This, however, was not the case as atrocities continued unabated against members of the Dalit communities. Article 17 of the Constitution bans the practice of untouchability. Yet, people are most worried about the caste than about avoiding risks and saving their lives. A man in quarantine in Uttar Pradesh did not eat food cooked by a Dalit cook. This was documented by the media.[2] Many such instances of practices of untouchability continued to happen during the lockdown. People wanted to continue to protect the purity of their caste.

A report by the National Dalit Movement for Justice (NDMJ-NCDHR)[3] documented that there were about 69 caste and gender-based atrocities committed in the country within a period of two months after the lockdown. The various cases were of murder, honour killing, death of sanitary workers, rape and murder of minor girls, branding Dalit women as witches etc. The nation watched in horror how the brutal rape and murder of the young girl in Hathras was played out in the media. This was a classic case of the failure of the state to ensure justice to the family of the victim. This also highlighted the total apathy of the state towards atrocities committed against the Dalit community, especially the most vulnerable Dalit women.[4]

According to the 2019 NCRB data, there are about 45,922 crimes registered under the Scheduled Castes and Tribes (Prevention of Atrocities) Act (SC ST PoA Act) and about 7,000 crimes against Dalit women. Yet the allocation for the implementation of the SC ST PoA has reduced from ₹ 189 crores to ₹ 165 crores over the course of the year. This is clearly evident of the priorities of the government and that there is no seriousness in addressing crimes against the Dalit community.

Migrants

The sudden lockdown put many people out of jobs and without any means to support themselves or their families. The only choice for the migrants was to return to their homes and villages, creating an exodus of people walking back without any support from the state. The government did not plan or make arrangements for people who were essentially keeping the cities' machinery going. This led to a devastating impact on the migrants and their families who are mostly from the most marginalized communities. According to a report by Jan Sahas,[5] about 90 per cent of the migrants lost their livelihood within three weeks of the lockdown, while about 42 per cent did not have food for a day.[6]

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2   https://gulfnews.com/world/asia/india/coronavirus-indian-man-in-precautionary-quarantine-refused-to-eat-food-prepared-by-a-dalit-booked-by-police-1.1586859626981
3   http://www.annihilatecaste.in/uploads/downloads/doc_201028025105_554455.pdf
4   http://www.annihilatecaste.in/uploads/downloads/doc_201028025105_554455.pdf
5   https://ruralindiaonline.org/en/library/resource/voices-of-the-invisible-citizens/
6   https://jansahas.org/resources

Education

The pandemic has specifically affected the education of Dalit students. The lockdown forced schools to shut down and convert to online education. This left many students from the Dalit community helpless, as they could not access online classes either because of the lack of technology or not having access to the internet. A young Dalit girl[7] committed suicide because she did not have access to a computer or smartphone to attend classes. The government must make provisions in the budget to ensure that all students from the community can access online classes. Many students pursuing higher education could not manage during this time as they were not receiving their post-matric scholarships. Many students had to do small odd jobs to survive. A few months before the lockdown, the government announced allocating more money for the post-matric scholarships. But 2021-22 has seen only a nominal increase at ₹ 2987 crores over the last year (₹ 2926 crores). It is also sad to note that out of the total allocation of last year, only ₹ 1740 Crores has been utilized up to January 2021.[8]

Union budget

The Union Budget 2021-22 was presented in the Parliament on February 1, 2021 amidst the COVID-19 pandemic. Expectations were high from this budget as the impact of the COVID-19 induced lockdown was severe, coupled as it was, with an economic slowdown. The budget was to take into account people's aspirations and give confidence to the country. This, however, was not reflected in this budget. The pandemic has also contributed to further the inequalities that need to be tackled. The allocation for the Scheduled castes is ₹ 83,257 crores during this financial year. There is a total gap in allocation of ₹ 1,22,998 crores under the SC budget. While this is so far the highest ever allocated, the actual funds that are targeted towards development of the community are very less. Only about 19.43 per cent – an allocation of ₹ 16,174 crores – will actually reach the community. The rest of the money is channelized for schemes and programs that have no direct impact on the community.

Case of Kusumanga Malik of Odisha

Kusumanga Malik belongs to the Ghaso sub-caste of the Scheduled Caste community in Odisha and hers is among the few families in their locality. She is the main bread earner of her family. Her son has been out of work since the lockdown and stays home all day and has increased his dependence on country liquor. His wife suffers from paralysis and is bedridden. Kusumanga's grandson, aged 16, is a school dropout working to support the family and get his mother treated. In the lockdown, he too has been home without any work. They live in a mud house roofed with tin sheets, thatch, and logs to have it withstand heavy wind during the rainy season. Her family is a PDS beneficiary and this is all that their family of four members receive to fill their stomachs. After the lockdown, the family faced a severe food crisis with no daily labour available in the village.

In the FY 2021-22, ₹ 659.02 crores (AWSC – Allocation for Welfare of the SCs – Union Budget 2021-22) have been allocated for unorganized workers, as compared to ₹ 198.06 crores (AWSC) in the previous year. However, relevant schemes amount to ₹ 136.12 crores (AWSC) only, as there is an over-allocation to the newly-introduced notional scheme Atmanirbhar Bharat Rozgar Yojana. Therefore, the amount allocated to relevant schemes for unorganized workers remains unchanged under AWSC.

Recommendations

1. Introduce livelihood support compensation packages and undertake a systematic process of enumerating informal/migrant sector workers, together with immediate relief compensation in the form of direct cash assistance as a well-established practice during the times of natural disasters to prevent distress-induced indebtedness and exploitation.

2. Enhance financial assistance for the informal sector workers and extend provisions as per the Unorganised Workers' Social Security Act of 2008 and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, to ensure they have access to state entitlements and legal assistance to meet their cumulative needs after having lost or being at the brink of losing /restricted livelihoods.

3. Increase allocation of funds under the Welfare of Scheduled Caste (AWSC) for the effective implementation of the SC/ST Prevention of Atrocities Act.

4. Ensure that the pre and post matric scholarships continue to be transferred to the students even during the pandemic and also ensure that there is increased allocation to enable the students to access online classes.

5. Institute inclusive relief measures through relief packages (food stocks etc.), and social security measures (like pensions), unemployment allowances for marginalised/informal sector/ self-employed/ casual workers, until such time till the pandemic passes.

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7 https://www.aljazeera.com/news/2020/6/3/india-unable-to-access-online-classes-dalit-girl-kills-herself
8 http://www.ncdhr.org.in/wp-content/uploads/2021/02/NCDHR-Budget-2021-22-1.pdf

ADIVASIS

Confusion and chaos in tribal areas

The lockdown conditions came as an opportunity for those in authority to evict tribal people from their land

According to Katharina Buchholz (2020) India has the second largest population of indigenous people after China in the world. It has 104.28 million indigenous peoples (8.6 per cent of the total population) spread across almost every part of the country. They are denoted as Scheduled Tribes (STs) by the Constitution for administrative purposes. There are many ethnic groups in India, of which 705 are officially recognized as STs, according to the Census 2011. As a result, the estimate of the total numbers of STs is higher than the official figures.

Although there are several laws and constitutional provisions, such as the Fifth and Sixth Schedule of the Constitution, state-wise regulations on tribal lands, the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 (2015), the Provision of Panchayat Extension to Scheduled Areas (P-PESA) 1996, the Scheduled Tribes and Other Traditional Forest Dwellers Act (FRA 2006), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, Tribal Sub-Plan (TSP) 1974, etc., they are yet to be properly implemented.

The STs have the lower rate of literacy, and poorer health indicators as compared to non-STs. According to the 2011 census 40.6 per cent of the ST population lived below poverty line, compared to 20.5 per cent of non-STs. Food security and nutrition are also worse in tribal areas than in other parts of the country. Since the tribals are most neglected and marginalized, their conditions even worsened during the COVID-19 pandemic.

The outbreak of COVID-19 caused confusion and chaos in the world. In India, the first wave was mostly confined to the country's urban areas, but the second wave impacted the rural areas, including the tribals in their vulnerabilities.

Loss of jobs and reverse migration

As the first wave of COVID-19 brought deaths, fear, and uncertainty, it was worse for the tribal people as tribal migrants working on daily wages in urban areas lost their jobs due to the closing of establishments. They were forced to leave their rented accommodations since they did not have money to pay. Many came on the streets and were left stranded without any food and shelter. Seeing no opportunities and uncertainty, they marched towards their villages. It was estimated that one million tribal migrants returned during the lockdown in Jharkhand itself. The migrant labourers were not welcome in the villages by their own tribal communities because they suspect them as the potential carrier of the virus. Barricades were put outside the villages and quarantine centres were made in the outskirts of the village areas where the migrants were asked to stay.

Exploitation of domestic helpers, women and girls

Women and girls working in the urban areas as full-time domestic workers were mentally, physically and emotionally exploited. According to Carolin Hembrom, coordinator Adivasi Jeevan Vikas Sanstha, New Delhi, and Maxima Ekka, President of Domestic Workers' Union, and National President of Domestic Workers' Forum, Chetanalaya, New Delhi, the domestic workers worked overtime since entire families needed to be served indoors and they could not move out of their employer's premises due to the lockdown. Neither were they compensated for the many extra hours of work they had to do nor were they given any holiday for months. In some cases, physical and sexual assaults were also reported. These women wanted to make police complaints, but the lockdown prohibited them. For the lack of association with NGOs or other registered entities they were left helpless. Many also left the job without compensation and bonus. Domestic violence was also noticed in tribal families and communities. Jobless men (often those who had returned home after losing their jobs) would come home frustrated and drunk, and women paid the price for it. The health and hygiene went from bad to worse in tribal families. Because of the lack of resources women and girls could not maintain cleanliness during their menstrual cycles.

Lack of access to lockdown relief and food aid

Many Tribals living in Delhi found it difficult to get access to the relief and food aid because they did not have ration cards or BPL cards. In rural areas, the Public Distribution System (PDS) failed to provide food rations in villages under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY). For instance, many tribal villagers in Assam did not receive food through PDS, despite being promised by the government. The same could also be noticed in Jharkhand, Chhattisgarh, and Odisha. Sometimes NGOs came forward to supply food and ration kits in the tribal villages. Although government promised to provide financial aid to the poor during crisis, yet there were many tribal people who could not benefit from it because they did not have a bank account. Lack of access to food and financial resources resulted in starvation, death, and hunger among the tribal communities.

Lack of access to health-care

In general, there is lack of health infrastructure, facilities, doctors, and health workers in tribal areas, and malnutrition and diseases like malaria, tuberculosis, leprosy etc. are endemic. This situation even worsened during pandemic. There are reports that highlighted the denial of access to health care in tribal areas. Finding no solutions to it, the tribal people used their traditional medicines to deal with the virus. Many tribal people used the traditional healing practices and also consulted the traditional tribal medicine practitioners to get cured from the virus.

Impact on livelihood and agriculture

The pandemic had a severe impact on the livelihood of the tribal people. The duration between March to June is the peak season to collect Minor Forest Produces (MFP) and selling of Non-Timber Forest Produces (NTFP) including tendu leaves, bamboos, brush woods, cocoon, honey, wax, lac etc. The lockdown put a stop to all such activities and even if the tribals were able to procure these forest produces, it would be meaningless effort because they could not sell it anywhere as the markets were all closed and there were no storage facilities. For example, the tribal farmers in Jashpur district of Chhattisgarh earn rupees three to five lakhs from green chili, tomatoes and pear production during the months of May, June and July every year. The lockdown meant that this opportunity was lost. Agricultural activities in tribal areas saw a downward trend because tribals could not go to the fields due to the strict lockdown.

Violation of Constitutional provisions, laws, and human rights

Rural women, including the tribal women have always faced rampant atrocities by the police and state machineries. This only aggravated during the COVID-19 lockdown. Cases of rape and murder of tribal women and girls in rural areas, unnecessary intimidation, extortion etc. have been beyond records during the period under lockdown. For example a 12 year old Karbi girl was raped, strangled to death and her body was set on fire, in West Karbi Anglong district of Assam[1].

CRPF camps were set illegally near Sileger village on tribal land in Bastar in the name of curbing maoist activities. But the hidden agenda was to facilitate mining activities of Adani company on Bailadila mountain of Dantewada district and to construct roads for the ease of transportation. It was peacefully protested by the tribal peoples. To counter this, the administration accused tribal protestors as Maoists and shot three men dead. In another instance, the central government gave approval for the Coal Mine in the Lemru Elephant Reserves of Sarguja district, a move which was criticized by the state government as well[2].

1   https://www.time8.in/breaking-12-year-old-girl-killed-in-nagaon-was-pregnant-child-right-commission-orders-fast-track-probe/
2   https://www.bhaskar.com/local/chhattisgarh/raipur/news/government-not-changed-the-villages-from-which-the-government-was-taking-consent-in-october-for-the-lemru-elephant-reserve-gave-approval-for-the-coal-mine-there-in-march-128542015.html?_branch_match_id=893779077773995426&utm_campaign=128542015&utm_medium=sharing

All such instances are taking place during the pandemic, not expecting any resistance or people to turn up to protest due to lockdown guidelines. But illegal land acquisition was protested by local tribal communities and leaders[3]. These acts were clear violations of the P-PESA Act of the Fifth Scheduled Area, provisions of Free Prior and Informed Consent (FPIC), and violation of their human rights.

In other cases, the central government brought amendments in Mines and Mineral (Development and Regulations) Amendment Act 2021, that allowed 100 per cent foreign direct investment (FDI), and gave sweeping powers to the central or state government to declare any area as reserve and to be used for mining. The draft environment impact assessment (EIA) notification issued by the Ministry of Environment Forest and Climate Change (MoEFCC) on 11 April 2020 attempted to dilute environment norms and powers of gram sabha guaranteed under P-PESA Act 1996[4].

Auctions of coal blocks

An online auction of 41 coals blocks for commercial mining took off on 18 June 2020 under the themes, "Unleashing Coal: New hopes for *Atmanirbhar Bharat*." Of these, 11 are in Madhya Pradesh, nine in Jharkhand, nine in Odisha, nine in Chhattisgarh, and three in Maharashtra. Of these, 37 coal blocks (90 per cent) do not have the mandatory Forest Clearance required under Forest Conservation Act 1980, or Environment Clearance under EIA notification 2006. The coal mines opened up for commercial mining are mostly located in the dense forests and areas inhabited by indigenous peoples whose livelihoods are dependent on the forests and forest resources. The new coal policy of the present dispensation will undoubtedly allow more evictions and oppressions of indigenous peoples.

Amidst the national COVID-19 lockdown, Assam's National Board for Wildlife (NBWL) under MoEFCC approved coal mining by the North-Eastern Coalfields (NECF), a unit of the government-run Coal India Ltd. (CIL) inside Dehing Patkai Elephant Reserve[5]. The Shillong Regional Office of MoEFCC had already reported that from 2003 till 2012 NECF had been mining coal illegally[6]. Tribal people protested against the NBWL and the High Court ordered CIL to stop all mining activities in Dehing Patkai forest.

Violence by security forces and evictions of Tribal communities

The lockdown conditions came as an opportunity for those in authority to evict tribal people from their land. In Dang district of Gujarat, for instance, forests officials torched the huts of six tribal villagers accusing them to be living there illegally[7]. In East Sikkim, forest official served a notice to 90 tribal families of Dzuluk to evict the area[8]. The official stated that they were living illegally in the forest area. However, the tribal people claimed that they had been residing there since 1960s. In another incident during the lockdown, the homes of 32 tribal families were demolished in Sagada village in the Khandualmali forest area in Kalahandi district of Odisha[9]. About 90 tribal people with their children were left stranded without food and shelter. Similarly, 80 Koya tribal families of Satyaranarayanam of Ganugapadu in Bhadradri Khotagudem district of Telangana were evicted from their 200-acre fields to give way for a plantation[10]. Their claims under the Forest Rights Act (FRA) 2006 were still pending and therefore that eviction was considered legal[11].

Education of Tribal children

During the lockdown the education of the children were highly impacted. Schools and colleges were closed and it was replaced by online classes. Tribal children were severely affected from it as many had neither the mobile phones to attend the classes nor the money to buy these necessary electronic gadgets. Unable to attend to classes, they stayed at home for months and were involved in household activities.

The above experiences show that tribal people could not benefit of any government during the pandemic. The loss of life of many people could have been avoided if the government of the day had timely intervened in more prudent and judicious manner and without discrimination of the citizens.

3   https://www.indiatoday.in/india-today-insight/story/why-protests-against-a-crpf-camp-in-maoist-infested-chhattisgarh-have-not-died-down-1810496-2021-06-03
4   https://www.newsclick.in/Draft-EIA-Notification-Compromises-Rights-Trbals-Forest-Dwelling-Communities-Environment-Ministry-Prakash-Javadekar-Climate-Change
5   https://www.thehindu.com/news/national/other-states/nbwl-nod-for-coal-mining-in-assam-elephant-reserve/article31427115.ece
6   https://energy.economictimes.indiatimes.com/news/coal/coal-india-slapped-rs-43-25-cr-fine-for-illegal-mining-in-assam-forest/75590061
7   https://www.iwgia.org/images/publications/new-publications/2020/Bearing_the_brunt_online.pdf
8   https://www.insidene.com/90-village-families-in-sikkims-dzuluk-settlement-served-eviction-notice-amid-lockdown/amp/
9   https://en.gaonconnection.com/the-odisha-forest-department-demolishes-homes-of-32-tribal-families-in-kalahandi-amid-the-nationwide-lockdown/
10 https://www.iwgia.org/images/publications/new-publications/2020/Bearing_the_brunt_online.pdf
11 https://www.nationalheraldindia.com/india/telangana-80-koya-tribal-families-evicted-from-their-fields-for-plantation-drive

Rumours and misconception about vaccines

Administering vaccination in tribal areas was a challenge during lockdown. There were no positive cases of COVID-19 in interior tribal areas and the people did not even know about the pandemic. They were living a normal life. Tribal villages in close proximity to city or urban area and had exchanges were infected with COVID-19. Tribal people in Khunti district of Jharkhand were reluctant to take the vaccine because they had heard of others dying after taking the vaccine. There were rumours that something else was injected in the body of the tribal people in the name of vaccine to eliminate them. The same could be seen in several districts of Chhattisgarh, Odisha and Madhya Pradesh. Others did not take the vaccine stating that they had a strong immunity that would protect them from the virus.

Recommendations

1. Implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Constitutional, and Legal rights of the tribal people at the grassroots.

2. Government should ensure that the rights and entitlements of tribal people are not compromised and that the Gram Sabha, as provided for in the Constitution, and statutory laws like P-PESA, Forest Rights Act, Supreme Court judgments related to the powers of Gram Sabha, should not be violated.

3. Utilize the District Minerals Fund (DMF), and Compensatory Afforestation Fund Management and Planning (CAMPA) to provide facilities and resources to the tribal people living in the villages during the time of crisis.

4. Implement the recommendations of the UN Secretary General to not include coal in the COVID-19 recovery plans and cancel the allocated and auctioned coal mines.

5. Remove the Forces from Sukma (Bastar) and Surguja districts which was illegally deployed to help the mining companies to acquire the tribal lands during the pandemic.

6. Ratify and implement ILO Convention 169 in letter and spirit.

7. Provide health and education infrastructure facilities and resources in the tribal areas.

8. Avoid using coal to generate energy, rather go for green energy that is more sustainable.

DNT-NT

Exacerbated vulnerabilities of the marginalised

There is a need to prepare an official list of people from De-Notified and Nomadic Tribal communities across the country as a first step to enable them access their entitlements. The Habitual Offenders' Act, 1952 should be abolished as a first step towards de-criminalisation of DNTs and prevention of atrocities by police

The De-Notified and Nomadic Tribes (DNT-NT) constitute approximately 10 per cent of the Indian population, according to the Renke Report, 2008[1]. 150 years ago, these tribes were notified as 'criminals' under the Criminal Tribes Act, 1871, which deemed generations as 'born criminal'. This notification gave sweeping powers to the police to control and monitor the movement of 198 tribal communities listed under it. While Independent India repealed the Act in 1952, thereby 'de-notifying' these tribes, it was replaced by the Habitual Offenders Act across different states in the following years. To this day, many of these communities face false allegations and are picked up by the police for crimes they have not committed.

The DNT-NTs are a heterogeneous community and have been engaged in varied work like pastoralists, sellers and providers of services and goods, entertainers and religious performers and astrologers, to name a few. These occupations allowed the communities to sustain their nomadic way of life. However, change in production mode, rapid industrialisation and the shrinkage of community land have affected these hereditary occupations. Thus, most communities have been forced to look for alternate livelihoods leaving behind their nomadic way of life.

The state continues to criminalise some of their traditional occupations through various laws. For example, street performers like *Bazigars*, *Jadugars* and *Bhats* were unable to perform due to the Bombay Prevention of Begging Act, 1959. Similarly, under the communities like the Sepera, Madari, Darvesi, and Jogi faced hurdles and were often charged with a criminal cases while performing their traditional animal entertainment profession under the Wildlife Protection Act, 1972. Besides, animal husbandry breeders and traders like the Banjara, Van Gujjar, Rebari communities have been attacked by the cow vigilant mob in recent years[2].

1   http://socialjustice.nic.in/writereaddata/UploadFile/NCDNT2008-v1%20(1).pdf
2   https://www.thehindu.com/news/national/other-states/2-hurt-as-cow-vigilantes-strike-in-Rajasthan/article15470833.ece
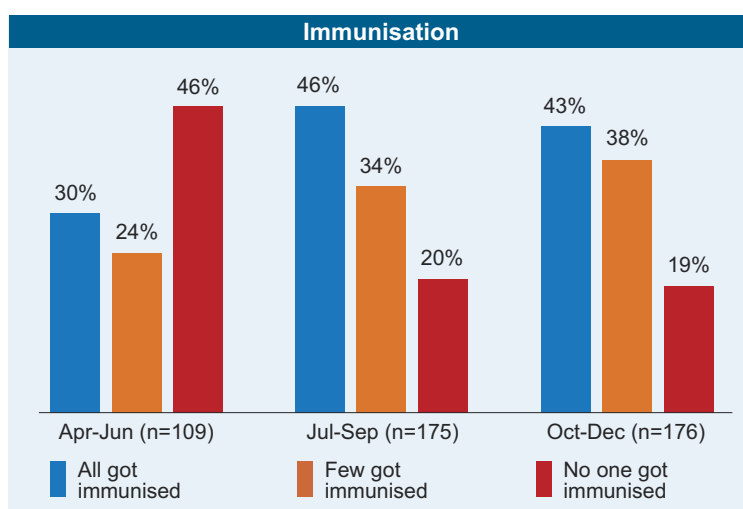
Impact of COVID-19 on the lives of DNT- NT[3].

The COVID-19 pandemic has badly affected the lives of DNT-NT communities. Their mobility was restricted and their means of livelihoods have been gravely hampered. The lockdown particularly challenged the mobility, vet care, grazing and selling milk and related product by pastoral communities who still pursue a nomadic way of life. For instance, the Banbariya community from Aarariya, Bihar, faced restriction to enter towns and villages due to fear that they may spread COVID-19. Communities engaged in performing arts, such as the *kalbaliyas* of Rajasthan, faced a livelihood crises due to lack of tourism and travel. Also, communities such as *Nat, Bediya, Bacahara*, etc. reported discrimination in relief work due to the stigma attached to their occupation of dance and sexwork.

Over the course of three rounds spanning nine months, community-based organisations joined the 'COLLECT' initiative and covered DNT-NT locations to facilitate local level advocacy to ensure entitlements for the communities during the pandemic lockdown and afterwards. This chapter is informed by the experience of the COLLECT initiative.

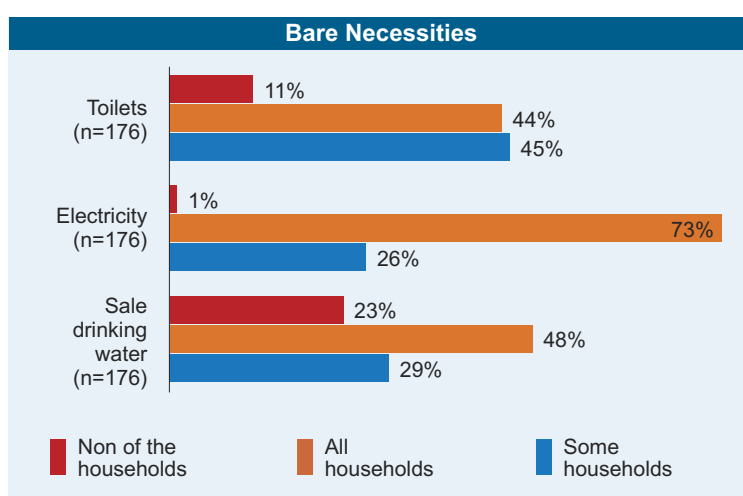| DNT-NT Sample under Collect initiative		
Lockdown Phase (April-June)	Unlock Phase (July-September)	Post Unlock Phase (October-December)
109	176	176

In general, healthcare services for the DNT-NT community are highly volatile and inconsistent. Immunisation coverage was only around 40 per cent of the eligible children during nine months of the COVID-19 pandemic. On an average, 28 per cent of the DNT-NT settlements reported that no children got immunised, and almost 32 per cent of the hamlets reported that there is only partial coverage of immunization.

During data collection, it was found that ICDS centres catering to half of the number of DNT- NT locations the 'COLLECT' initiative worked with, were located far away from the hamlet and most often within the hamlet of the dominant caste groups in the area. For instance, the ICDS services were located in hamlets of the dominant caste groups,

Immunisation

and so, the Banbariya community in Bhaagmohabbat Gram Panchayat and the Nat community of Ramgar Panchayat (both in Araria district, Bihar) found it difficult to access the services provided by these centres.

In some cases, ICDS workers do not visit locations where DNT communities live. For instance, ICDS workers do not visit the homes of members from the Chhara community in Kuber Nagar in Ahmedabad. There were also instances where ICDS centres located near DNT hamlets were closed during the pandemic, with no visits by healthworkers. An example of this is the Bediya

hamlet in Chatripura, Morena, Madhya Pradesh that was closed during the pandemic.. Certain services such as mental health support, immunisation, regular visits and awareness sessions by health workers and ANM etc., were very crucial at the time of spread of COVID-19 pandemic. However, no special efforts were carried out to reduce anxiety and agony that had been suffered by the DNT-NT tribal communities during the pandemic situation.

Access to safe drinking water is a crucial problem for many of households. The data reports that 23 per cent of the DNT-NT locations do not have reliable, safe drinking water sources. It was found that many members of the Banbariya community in Fenabelahi, Araria and the Kheria Sabar community in Purulia,
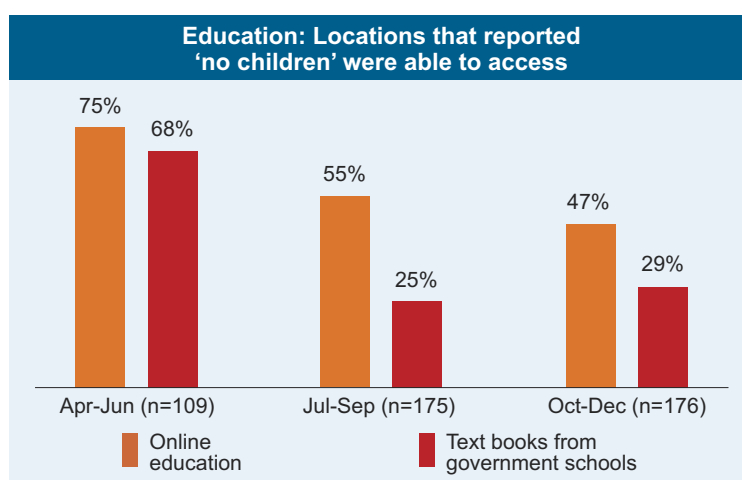

Bare Necessities

3 This part of the report has used data from the COLLECT (Community-Led Local Entitlements & Claims Tracker) initiative (https://www.communitycollect.info/).

West Bengal, relied on the local pond or river for water. 'Some households' in 48 per cent of the locations, had access to safe drinking water. It may be roughly assumed that almost half of the households are still far away from sources of safe drinking water.

Similarly, almost half of the DNT-NT households do not have toilets. No household has a toilet in 11 per cent of the settlements members of COLLECT worked in. Since most of the communities historically followed a nomadic lifestyle, a sedentary life is new to them. Most of their hamlets are not regularised and therefore, basic services are not available. Four unauthorised slums – where members from different DNT communities live, including the Madari, Saraniya, Bawari, Devi-Pujak – were given demolition notices by Gujarat's Ahmedabad Municipal corporation during the COVID-19 lockdown.
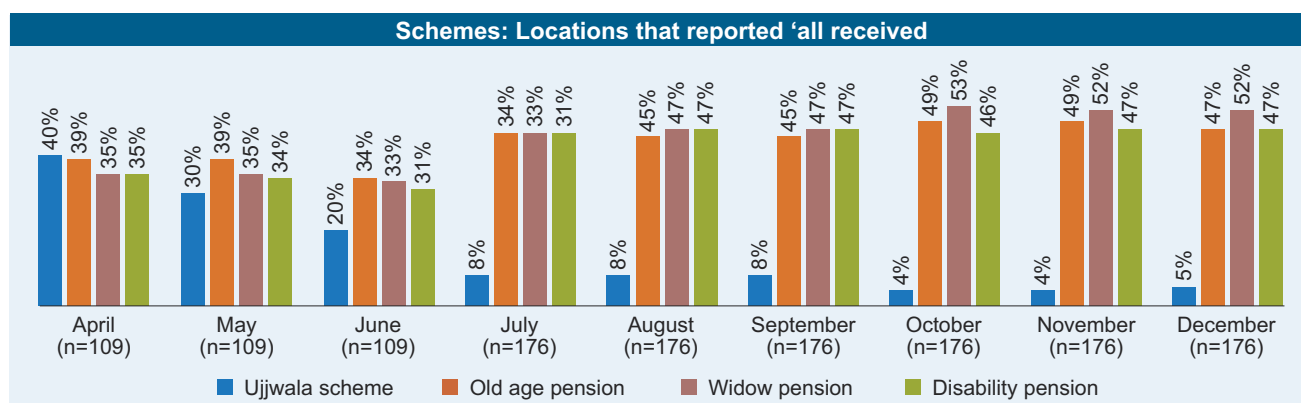
An extension of ration food to non-ration card holders was an extraordinary measure introduced by the government to reduce miseries occurred due to COVID-19. Yet, the study by COLLECT informs that about 76 per cent of the DNT-NT settlements did not receive this benefit. In Araria district of Bihar, members from the Banbariya community struggled to get any ration in the absence of Aadhar cards. However, in Purulia, West Bengal, members of the Kheria Sabar tribe were able to get ration without any documents at all locations, based on advocacy with local administration. Overall allmost 36 per cent of the settlements did not get the additional ration allocated as relief.

School education of children coming from DNT-NT families have been gravely affected during Covid'19 period in terms of availability of textbooks, access to online classes and use of the e-vidya platform. On an average, 41 per cent of the children did not get books for learning till the end of the academic year. About 59 per cent of the children from DNT-NT settlements were not accessing online classes in their homes. This proportion was as high as 75 per cent during April-June. Community organisations started running centres to facilitate some learning for children beginning September 2020.

School-going children in a large proportion of hamlets are all first generation learners. Communities like the Banbariya in Bihar, Kheria

Education: Locations that reported 'no children' were able to access

Online education:
- Apr-Jun (n=109): 75%
- Jul-Sep (n=175): 55%
- Oct-Dec (n=176): 47%

Text books from government schools:
- Apr-Jun (n=109): 68%
- Jul-Sep (n=175): 25%
- Oct-Dec (n=176): 29%

Sabar in West Bengal, Van Gujjar in Uttarakhand, Madari and Devi-Pujak in Gujarat, are already living in poor conditions. Expecting children from these communities to access education on a mobile or television is not reasonable. The Praxis Reserach Fellows from Bihar stated that most of the families do not own a mobile phone in villages like Khawaspur (Araria, Bihar) and Laxmaniya (Supol, Bihar). And, in the rare case where families do have a mobile phone, there is hardly any network. Similarly, Fellows from Madhya Pradesh stated that there were no provisions for online education provided by the small private schools in the area, where a large number of children from the DNT community study. Even children from Khusalpura (Morena, Madhya Pradesh) reported that no online education was provided to them by the government school in their area. Apart from this, most families only own one mobile phone, making it difficult for siblings from different classes to attend all their classes – implying that at least one child would be left out. There were evidences of lack of handholding support and lack of cultural adaptation of technologies in terms of advanced digital and online education technologies and devises.

Most eligible beneficiaries were seen to have been partially excluded from accessing entitlements such as Ujjwala scheme, old age pension, widow pension and disability pension. Almost 70 pper cent of the households did not get the benefit of Ujjwala scheme including the benefits of refilling of gas cylinders. In Bihar, Fellows reported that the families did not have enough money to refill LPG cylinders while in West Bengal, the Kheria Sabar still preferred the traditional way of cooking food using cow dung and wood.

Schemes: Locations that reported 'all received

Month	Ujjwala scheme	Old age pension	Widow pension	Disability pension
April (n=109)	40%	39%	35%	35%
May (n=109)	30%	39%	35%	34%
June (n=109)	20%	34%	33%	31%
July (n=176)	8%	34%	33%	31%
August (n=176)	8%	45%	47%	47%
September (n=176)	8%	45%	47%	47%
October (n=176)	4%	49%	53%	46%
November (n=176)	4%	49%	52%	47%
December (n=176)	5%	47%	52%	47%

Although there is increase in the rate of accessing old age pension, on an average 32 per cent of hamlets reported of some people getting old age pension. Similarly 33 per cent of the hamlets reported that only some widows receive widow pension and disability pension is received by some eligible beneficiaries in 29 per cent locations. At most locations, respondents reported that it was not possible to produce all the documents required for these schemes – there is a high dependency on middlemen to get access to government schemes.

Child abuse is one of the major issues in DNT-NT communities. On an average, 34 per cent of the settlements reported an 'increase' in incidences of child abuse during the COVID-19 pandemic period. Similarly, almost half of the settlements reported an increase in domestic violence incidences during the COVID-19 period.

DNT communities have faced severe financial strain and difficulties during COVID-19 pandemic period. On average, 76 per cent of settlements informed that they were reeling under debts, and that the same has risen during the COVID-19 period. In particular, a large number of DNT families engaged in dance bars or other related institutions, in Mumbai, Delhi, Pune and Kolkatta, etc. took loans to travel back home to Madhya Pradesh, Bihar or Rajasthan. A large set of these girls lost all their savings during the pandemic

Social Issues: Locations that reported an increase

Social Issue	Oct-Dec (n=176)	Jul-Sep (n=176)	Apr-Jun (n=109)
Loan/Indebtedness	76%	64%	88%
Child Abuse	43%	31%	29%
Domestic Violence	47%	39%	56%

in paying rents. With the lack of availability of work at their source (home), loans were the only option. However, they expressed anxiety about how they would eventually repay the loan. In the case of Kheria Sabar from Purulia, who are farmers, they could not repay their loans as most of their crops remained in the fields and they were unable to sell their agricultural produce.

At present, many of the DNT-NT households reside in urban locations. Besides, as many of these people are nomadic, they are not covered under right to employment MNREGA scheme. Almost half of them are excluded from the scheme as the scheme is not inclusive of such categories of social groups and they are denied their rights. The pace and process of registration of unorganised workers from the community has been very slow. In terms of MNREGA scheme as well, only half of the eligible population of this community receive jobs and revised wages. Although payment overdue is not significant, many hamlets, (in almost 33 per cent locations) have not got jobs for a longtime. MNREGA scheme is not flexible enough to be tailor-made and adaptable to suit to the living conditions of DNT-NT communities. There is negligible community-specific measures to mitigate the structural issues experienced by DNT-NT. The pandemic has unmasked that entitlements and other forms of government supports, including pensions, are not sufficient substitutes to create assets and capabilities that would give them strength and courage. And the pity is that majority of them are mostly excluded from accessing these entitlements as well.

Policy and budget implications

DNT-NT are among the target communities of the Ministry of Social Justice and Empowerment. The Ministry implements the following schemes for the welfare of the DNTs[4].

- Dr. Ambedkar Pre-Matric and Post-Matric Scholarship for DNTs: This Centrally Sponsored Scheme was launched in 2014-15 for the welfare of DNT students not covered by schemes for students from the SC, ST or OBC categories. The scheme is implemented through State Governments/UT Administrations and the expenditure is shared between the Centre and the States in the ratio of 75:25.

- Nanaji Deshmukh Scheme for Construction of Hostels for DNT Boys and Girls: This Centrally Sponsored Scheme launched during the financial year 2014-15 is implemented through State Governments/ UT Administrations/ Central Universities. The expenditure is shared between the Centre and the States in the ratio of 75:25.

- From the year 2017-18, the scheme "Assistance to Voluntary Organisations working for the Welfare of Other Backward Classes (OBCs)" has been extended for DNTs and EBCs as "Central Sector Scheme of Assistance for Skill Development of Backward Classes (OBCs)/ De-notified, Nomadic and Semi-Nomadic Tribes (DNTs)/ Economic Backward Classes (EBCs).

Following budget allocations (in ₹ crores) are earmarked for the development of DNT-NT communities.

4　Ministry of Social Justice & Empowerment Welfare Schemes for Denotified Communities, Posted On: 10 JUL 2019 4:18PM by PIB Delhi

Scheme for Development of De-notified Nomadic Tribes[5]

Actual 2019-2020			Budget 2020-2021			Revised 2020-2021			Budget 2021-2022		
9.00	--	9.00	10.00	--	10.00	10.00	--	10.00	--	--	--

Development and Welfare Board for De-notified, Nomadic and Semi-Nomadic Communities[6]

Actual 2019-2020			Budget 2020-2021			Revised 2020-2021			Budget 2021-2022		
--	--	--	1.24	--	1.24	0.30	--	0.30	5.00	--	5.00

Moreover, as per approval of the cabinet on 19 February 2019, Development and Welfare Board for De-notified, Nomadic and Semi-Nomadic Communities (DWBDNCs) have been constituted on 21 February 2019 for Development and Welfare of DNTs. Similarly, ₹ 2.26 Crore has been released to NITI Aayog for conducting an ethnographic study of 62 tribes/communities[7]. The above budget allocations are barely sufficient considering the population size and complexity of development issues faced by the DNT-NT communities.

Recommendations

1. The Habitual Offenders' Act, 1952 is similar in spirit to the repealed Criminal Tribes Act of 1871. It should be abolished as the first step towards de-criminalisation of DNTs and prevention of atrocities by police.

2. Both central and state governments should prepare the official list of NT-DNT communities across India. All the NT-DNT should be classified separately and should be given reservation.

3. Amendments should be made to legislations such as the Wildlife Protection Act, the Prevention of Cruelty to Animals Act, the Environment Protection and Biodiversity Conservation Act, the Drugs and Magic Remedies Prohibition Act, and the Prevention of Beggary Act, taking into consideration that these laws have criminalised the traditional professions of the NT-DNT and specifically targeted street performing nomadic communities such as acrobats, tight rope walkers, dancers and singers, leaving them with no alternate source of livelihood.

4. There should be formulation of a social protection framework (policies and schemes) that focuses on access to entitlements, land, housing, livelihood, education and health of NT-DNT communities. The central and state government should allocate a fixed budget based on their population.

5. The Government of India should create a separate category for NT-DNT in the census and National Health and Family Survey (NFHS). It will help in generating data for policymakers.

6. The Government of India should constitute a permanent commission for the NT-DNT in line with the Schedule Caste and Schedule Tribe commission at the central and state level. Also, National and State commissions like Human Right Commission, Women Right Commission and Commission on Protection on Child Rights must have a separate unit within the commission to address the issues of the NT-DNT.

7. An intervention and action plan needs to be devised to ensure basic citizenship entitlements, including access to basic citizenship documents, food security, caste certificates, health facilities, shelter needs, political rights and other socio security programs are made available specifically for the NT-DNT.

8. NT-DNT should get free education with good hostel facilities, particularly for girls. Special effort should be made to sensitise the teaching and non-teaching staff in education institutions on the issues related to NT-DNT.

9. There should be a separate reservation in private sector for NT-DNT.

10. Government should provide employment opportunities for nomadic tribes by offering loans for small enterprises. Some of those practising traditional occupations, including street performers, are struggling due to changes in laws and need to be revived. Companies that are hampering traditional occupations and polluting the local environment should be discouraged as it further marginalises these communities. There needs to be strengthening of irrigation as well as other input facilities to serve NT-DNT communities engaged in farming so that they do well in agriculture.

11. The land belonging to the NT-DNT should be restored to them. Landlessness is high among NT-DNT communities, and in some places, influential people have grabbed land belonging to NT-DNTs. There are also instances where businesses and government have taken over their land for developing project sites.; There should be active consultation before taking any step that can result in their displacement and allocation of land at an alternate site must be made. The government should recognise the rights of the pastoral community over their grazing land and provisions should be made to transfer the ownership of these land to the pastoral communities.

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5 Notes on Demands for Grants, 2021-2022, Ministry of Social Justice and Empowerment
6 Notes on Demands for Grants, 2021-2022, Ministry of Social Justice and Empowerment
7 Annual Report 2019 – 20, Department of Social Justice & Empowerment Ministry of Social Justice & Empowerment Government of India

The struggle for recognition continues

Recognising informal sector workers as 'essential service providers' will transform the perspective of the state and society towards their valuable contributions

The informal economy sustains over 90 per cent of India's workforce and, consequently, a significant majority of its population. It contributes almost 50 per cent to the national income of the country as seen in Srija and Shirke, 2014.[1] The informal sector is not only very large, it is also a very diverse and growing sector. A large portion of the informal sector comprises small self-employed workers ranging from street vendors, rickshaw pullers, waste pickers and so on. It also supplies to the labour-intensive exports sector. The essential nature of an informal economy was demonstrated by the examples of street vendors who ensured delivery of fruits and vegetables to all, especially urban poor households during the peak of the COVID-19 pandemic in the summer of 2020. India's comparative advantage relies on the informal or low circuit economy.

Labelled as 'unorganised', the informal sector is far from being disorganised. It is organised through business associations, unions and the identities of caste, ethnicity, religion and gender.[2] While the informal economy is not completely labour intensive, a significant majority of it is. There has been a structural transformation of the informal sector workforce over the years with the share of the workforce in agriculture sliding from about 58 per cent to 48 per cent in 2011-12, with manufacturing and construction sector informal jobs surging. These labour intensive professions, visible mostly in urban areas, are almost universally afflicted by issues of grossly insecure livelihoods, low pay, unsafe places and spaces of work and an inability to access formal channels of finance/credit. The absence of formal sector employment opportunities and the incapacity of the agricultural sector to absorb labour year round leads to millions of people joining the urban informal economy. An Oxford Emeritus economist writes in his book, "In the ten years from 1999-2000 to 2009-10, India's total workforce increased by 63 million. Of these 44 million joined the unorganised sector, 22 million became informal workers in the organised sector, and the number of formal workers in the organised sector fell by 3 million."[3]

The overlooked contributions of the informal sector

The informal sector is not the residual sector of the economy. In reality, it is the dominant sector. The sheer volume of employment that this sector offers deems it so. While the informal economy accounts for roughly half of India's GDP[4]– and is

1   Report of the Committee on Unorganised Sector Statistics, National Statistical Commission
2   Harris-White, Barbara, May 20, 2020, "The Modi Sarkar's Project for India's Informal Economy" The Wire Publications. News https://thewire.in/political-economy/the-modi-sarkars-project-for-indias-informal-economy
3   Joshi, Vijay 2016 "India's Long Road - The Search for Prosperity" Penguin UK Publications
4   Hazra and Kohli 2011 "Contribution of the Unorganized Sector to GDP Report of the Sub Committee of a NCEUS Task Force," Working Papers

shrinking relative to the share of the private and public corporate sector – it accounts for 90 per cent of the workforce. The discontinuation of the NSSO-EUS (National Sample Survey Office - Enterprises of the Unorganised Sector) in 2011-12 means that there is not enough clear data on the intricacies of the informal labour market[5]. The NSSO data from 2012[6] though, shows the dire conditions that the bulk of informal workers face in their normal working conditions. Most employees work without written contracts, without paid leave, without social security benefits and have temporary employment. In fact, it is the very paucity of these basic guarantees that define the informal workforce in survey studies and economic assessments. There is very little government data available on the actual fiscal contributions of this sector (especially in an urban context). Since the informal sector economy typically does not take place in a fixed location and involves the unpaid labour of family members or displays characteristics of the truly self-employed, it is not easily captured in statistical surveys. Measuring only the final product for consumption as opposed to a more comprehensive measurement of intermediary goods and services (produced in the informal sector) as a marker for the GDP, has mostly invisibilized the informal economy's contribution to the overall wealth of the country. However, it can be surmised that thousands of small businesses with five or less employees and the large swathes of labourers engaged in the formal economy in an informal manner sustain the buoyancy of the Indian economy during crisis periods. India's informal economy acts as a piece of elastic, connective tissue that picks up slack in the system and provides markets for goods and services that may not have been otherwise traded given the circumstances[7].

The informal economy's contribution can also be seen positively through the lens of climate change. Street vendors and waste pickers for example move goods and services in complex interconnected networks and sell them further up the value chain, providing huge environmental and health benefits/services to the city. It provides the goods and services that COVID-19 reminded us are essential and form green and sustainable industries.

Government approach during COVID-19

The COVID 19 pandemic and the ensuing lockdown brought the brittle nature of the informal economy to the fore. The potent images of thousands of workers trudging back to the supposed safety of their villages from all cities across India due to the absolute lack of social protection spoke volumes of their place in the economy. The government in its ATMA NIRBHAR Package then attempted to mainstream the concerns of the urban poor, informal sector and migrant workers. Relief was promised to informal sectors such as construction workers through direct benefit cash transfers, if one was registered with their respective Construction Workers Welfare Board. Immediate relief in terms of free rations were offered to the urban poor who make up the informal sector. A national database of migrant workers was envisioned to ensure convergence so that any scheme/program could be accessed easily regardless of the workers' location. There was also an announcement mentioning Affordable Rental Housing for migrant workers. The most significant welfare measure, both a long and a short term one was the PM SVANidhi micro credit scheme. All street vendors who could provide proof of vending before 24 March 2020 were entitled to a loan of up to ₹ 10,000 with low interest rates and with no collateral. This scheme was significant in its recognition of street vendors as the largest source of employment in India barring agriculture but it also aimed to eliminate the dangers of informal and exploitative lines of credit which most in this sector fall into. The scheme has been appreciated but the implementation on the ground remains to be seen.

The government's responses, though seemingly well intentioned, are accompanied by temporary exploitative amendments to the labour laws, preventing fixed shift timings, excusing factory owners paying overtime and not abiding by minimum wage standards. All of these are leading to unrest.[8] Universal convergence of minimum social security across all informal sectors has not been mentioned as a policy. Housing, livelihood regulators and social protection departments have been working in isolation with regards to this complex and populated sector and the need for convergence has never been more necessary.

Challenges

Currently, India is facing a huge humanitarian crisis due to COVID-19. The long-term impact of COVID-19 outbreak and lockdown situation on urban employment and earnings will depend, to a large extent, on government measures. Informal sector workers who have lost their livelihoods and/or walked unbelievable distances, were solely dependent on either the government support or NGO relief measures.[9] The recent dilution of labour laws[10] further increases the vulnerability of informal sector workers by pushing them into the deeper exclusion and marginalisation. In this context, government's initiatives to promote privatisation of public sector units and services is a serious threat to informal livelihoods.

5   Marwha, Amita. (2019). CONTRIBUTION OF INFORMAL SECTOR TO INDIAN ECONOMY
6   National Sample Survey Office. (2012, January). Informal Sector and Conditions of Employment in India
7   Shah, Semil May 8, 2009 "India's Informal Economy and the Global Recession" Harvard Business Review
8   Sundar, K. S. and R. Sapkal. (2020). "Changes to Labour Laws by State Governments Will Lead to Anarchy in the Labour Market," Economic and Political Weekly 55(23)
9   Seeking Justice for the Informal Sector During the COVID-19 Lockdown, (2020): IGSSS. Available at https://igsss.org/wp-content/uploads/2020/05/Analysis-of-Informal-Sector-Circulars_COVID.pdf
10 Working People's Charter September 23, 2020, "Why the new labour codes leave India's workers even more precariously poised than before" Scroll Publications. News https://scroll.in/article/973877/why-the-new-labour-codes-leave-workers-even-more-precariously-poised-than-before

It is well established that the state regulatory acts and policies overlook the diversity within the informal sector. For livelihoods, where regulatory acts exist, implementation of rules and policies remains stagnant or ineffective. For example, the Solid Waste Management rules of 2016 mention very clearly that it is imperative to involve and integrate the informal waste pickers in the solid waste management of the city. But the ineffective implementation has always plagued this activity and waste pickers have no say nor role nor in the implementation of these rules.[11] In the absence of a national policy, domestic workers also are freely exploited. Since the sector is largely unorganized, these workers are at the mercy of their employers and operate in an extremely competitive job market which results in miserable wages. Despite the efforts of some states in establishing formal welfare boards for domestic workers[12], a large majority of domestic workers remain outside the purview of labour laws even today.

The absence of worker rights, secure contracts and minimum wage guarantees and other legal rights forces informal workers to live and work without basic services like potable water, sanitation, toilets, electricity and ventilation. The inadequacy in informal sector workers' representation in the government data restricts the representation and voices of workers. This not only invisibilises their contribution but also directly impacts their productivity, security and earnings.

Due to the denial of these rights, informal sector workers often work in the most hazardous and precarious work environments, becoming vulnerable to chronic diseases and health concerns. The rights and decent conditions of work of workers in the informal sector often gets disregarded due to a lack of institutional attention towards workers' social welfare and health-care measures.[13]. Women in the informal economy are generally made to work in vulnerable, low-paid/ unpaid, or undervalued jobs. It is to be noted that most workers in informal livelihoods belong to socially and economically deprived class and castes and therefore exist on the margins of society. They live in low-quality housing which is most often situated on the periphery, with poor access to basic civic amenities.[14] The stigma attached to informal livelihood is heightened by the caste and class systems in India that leads to harassment. Regular eviction, demolition and displacements driven by the authorities have devastating consequences on lives, livelihoods and dignity. This also demonstrates how our urban spaces, basic service provision and infrastructure are not planned and upgraded to support informal livelihood needs. Much of this informal work happens outside of formal workplaces and the plan's provisions for it has thus always been inadequate.[15]

Recommendations

1. Officially seen and declared as 'essential service providers': Long before the COVID-19 virus outbreak, informal workers have been struggling for their recognition as 'workers'. As forefront workers and a significant component of the economy, they should be recognised as 'essential service providers' by policymakers. This will transform the perspective of the state and society towards their valuable contributions. This is also the first and foremost step in bringing a systemic change in the existing as well as contributing to the formation of new policies and schemes. This classification is especially pertinent in the context of the new restrictions as we face the second surge in the pandemic.

2. Generation of official database: Well developed and effectively implemented programs start with having unbiased data. Through a fair and timely process of registration, it will become possible to have critical data and enumeration on informal livelihood workers in terms of who they are, what kind of livelihood they're engaged with, where they work, how they contribute to the economy and how they are recruited. The research will enable policy makers to have an effective ear to the ground. It will help in understanding the sector and its economic, social and political impact. Immediate and long term relief measures such as direct cash transfers, pension schemes, maternity benefits and so on can be facilitated by such a comprehensive database.

3. Statutory protection and regulation frameworks: One key medium to protect and sustain informal livelihood is through 'formalisation' of workers. Laws developed with the participation of workers from the informal sector can promote their right to legal protection and regulation. For self-employed workers like home based workers, legal license/ certificate, membership in trade unions, social welfare protections must be promoted. For daily wage labourers like construction workers, provisions like minimum wage, formal contracts and social welfare should be implemented. For both the set of workers, collective bargaining power is key to economic and social well-being. Committees comprising members from workers' groups, unions, non-profit organisations and urban local bodies should be formed and encouraged in every city to make the implementation process participatory and transparent. Social audits and skill training programs should also be strengthened. City planning documents must prioritise the spatial reservations and provisions for informal workers to secure their 'right to city and livelihood'.

11 A MIRAGE Assessment of Swachh Bharat Abhiyan and SWM Rules 2016: Waste pickers Perspective Across India, September (2019): AIW and IGSSS. Available at https://igsss.org/wp-content/uploads/2020/01/A-Mirage_22Nov1.pdf
12 Domestic workers, Gender Equality, and Women Empowerment | Business Standard News (business-standard.com)
13 Chen, M. A., C. Bonner, M. Chetty, L. Fernandez, K. Pape, F. Parra, A. Singh and C. Skinner. 2013. "Urban Informal Workers: Representative Voice & Economic Rights." Background paper for World Development Report 2013. World Bank.
14 Thematic livelihood factsheet (2019): Main Bhi Dilli campaign. Available at https://www.mainbhidilli.com/
15 Thematic livelihood factsheet (2019): Main Bhi Dilli campaign. Available at https://www.mainbhidilli.com/

CHILD RIGHTS

Low investments aggravate inequalities

Increased funding for children will ensure that health, nutrition, education and protection services are well-resourced and inclusive, because COVID-19 and its after-effects will continue to impact the lives of children for years to come

The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the states to make special provisions for children. The Directive Principles of State Policy specifically guide the states in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. However, even after 70 years of India's independence, there are many children who are deprived from the constitutional provisions guaranteed to all children. We are yet to reach the scale in respecting, protecting and fulfilling the fundamental rights of all children.

COVID-19 has exacerbated the vulnerabilities of children manifold. However, even in pre-pandemic times, a number of children, especially those from vulnerable and marginalized communities were denied their rights. Even before the pandemic, a large number of children did not survive beyond age 5 and neonatal mortality remained high with neonatal deaths constituting a large proportion of the total infant deaths[1]. Violence against children continued unabated and though many children did get enrolled, learning crises persisted. However, the COVID-19 pandemic has further increased challenges for a large section of children. While it is still unclear exactly how susceptible children are to the virus itself, there is no doubt that they are profoundly affected by the fallout, including the economic and social consequences of the lockdown and other measures taken to counter the pandemic[2]. Imposition of the lockdown and other measures forced millions of people to move back to their homes from urban areas to rural areas. Journey of these people and children was arduous with many facing abuse and uncertainty even after reaching home. There existed very real fears of disruption in continuity of schooling for children of migrants[3]. While the government has made some efforts to address the challenge of ensuring children's access to education, health, nutrition and protection services, there remains yet much more to be desired.

1   http://www.nhm.gov.in/index1.php?lang=1&level=2&sublinkid=819&lid=219
2   https://www.unicef.org/rosa/media/7946/file/UNICEF%20Upended%20Lives%20Report%20-%20June%202020.pdf%20.pdf
3   The WIRE, (2020). COVID-19 Lockdown: Lessons and the Need to Reconsider Draft New Education Policy. Dated 10 th June 2020. https://thewire.in/education/covid-19-lockdown-lessons-and-the-need-to-reconsider-draft-new-education-policy

Pandemic derailing the progress on education

India made substantial progress, in last two decades, in enrolling children, especially girls, in schools. However, for many children, entry into schools has not resulted in learning as the National Achievement Survey 2017-18 illustrates[4]. In the light of the COVID-19 pandemic, there is a fear that even the gains made in enrolling children in schools in last couple of decades might get reversed as government-directed closure of schools is one of the key restrictive measures taken to control the spread of virus and prevent students from contracting it. The pandemic has impacted the education of 320 million learners in India, enrolled from pre-primary to tertiary level, with an estimated 158 million children being female students[5]. This is in addition to about 6 million children who were already out of school[6].

While school closures are an effective precautionary measure to contain the spread of COVID-19, evidence from previous emergencies[7] suggest that the longer children are unable to attend learning facilities, the more likely it is they will never return to school[8]. A study conducted by Save the Children, with children from vulnerable households, found that one out of ten children would not be returning to school or do not know whether they would return to school once they reopen[9].

In the absence of availability of physical spaces of schools, remote learning, through digital means, emerged to be an alternative. Many schools, across the country, transitioned to remote learning for ensuring the continuity of education of children. However, remote learning through digital means presupposes the access to digital technology by schools, teachers as well as children and their families. Unfortunately, that is not the case at present. Although India has made rapid strides in digital penetration with ever-increasing number of people having the ownership of required equipment including computers, laptops and most accessible of all, smart phones, a huge part of Indian population, especially in rural areas, is yet to acquire these.

Penetration of Internet, another key requirement for remote learning, has increased manifold in recent years. However, inequalities in access also the internet do persist. According to a nationwide survey, conducted by NCERT[10] in Kendriya Vidyalayas (KVs), Jawahar Navodaya Vidyalayas (JNVs) and CBSE, about 20-30 per cent stakeholders shared that they had difficult experience with online learning and about 10-20 per cent shared that they found online learning burdensome. The survey says that many found subjects such as mathematics and science the most difficult to learn online. Children also face challenges in seeking support in their learning especially those who are first generational learners. According to the study 'A Generation at Stake: Protecting India's children from the impact of COVID-19'[11], three out of every ten children from vulnerable households reported that they had no support in their learning. Government also announced New Education Policy (NEP) in 2020. In the context of COVID-19 pandemic and increasing frequency of disasters in future, government could have done more to use NEP as an opportunity to reflect its commitment to building back a resilient education system.

Child protection concerns get further aggravated Disasters often render children more vulnerable to violence. The COVID-19 pandemic has not been any different. It is expected that stressors related to COVID-19, including concerns over restrictions, health, food security and income, could exacerbate violence against children, both increasing the risk to children already in abusive and neglectful households, as well as increasing the potential for over-stressed parents/caregivers to become violent or abusive[12]. COVID-19 pandemic has huge implications for the mental, emotional and psychological well-being of children as control, containment and mitigation measures also put the well-being of children at risk.

The country-wide lockdown exposed the huge gaps that already existed in the child protection system in the country. 'Childline India', a government-led helpline, received over 92,000 SOS calls on child abuse and violence in just 11 days of the country's shutdown[13]. COVID-19 has also increased the fears of violence against children in online spaces. Demand for violent content

4   https://ncert.nic.in/src.php?ln=#:~:text=The%20National%20Achievement%20Survey%20(NAS,government%20and%20government%20 aided%20schools.&text=The%20learning%20levels%20of%202.2,36%20States%2FUTs%20were%20assessed.

5   UNESCO: Impact of COVID-19 on education https://en.unesco.org/COVID-19/educationresponse

6   National Sample Survey of Estimation of Out-of-School Children submitted to MHRD, 2014 https://www.mhrd.gov.in/sites/upload_files/mhrd/ files/upload_document/National-Survey-Estimation-School-Children-Draft-Report.pdf

7   Learning in times of lockdown: how COVID-19 is affecting education and food security in India Published 07 July 2020 by Muzna Alvi and Manavi Gupta Out-of-school children likely to double in India due to coronavirus Live Mint Article 16 Aug 2020, 04:17 PM IST

8   many students are at risk of not returning to school? UNESCO Advocacy Policy Paper, July, 2020 https://unesdoc.unesco.org/ark:/48223/ pf0000373992?locale=en

9   Shah, Farrukh (2020), A Generation at Stake: Protecting India's children from the impact of COVID-19. Save the Children, India, 2020 Accessed at https://bettercarenetwork.org/sites/default/files/2020-11/a_generation_at_stake_report_final_3.pdf

10 NCERT Survey (page 21-24) conducted by the Central Board of Secondary Education, KVS and NVS in their schools and collected data from students, teachers, school principals, and parents on the present teaching-learning scenario. Students' Learning Enhancement Guidelines, August 2020

11 Shah, Farrukh (2020), A Generation at Stake: Protecting India's children from the impact of COVID-19. Save the Children, India, 2020 Accessed at https://bettercarenetwork.org/sites/default/files/2020-11/a_generation_at_stake_report_final_3.pdf

12 The Alliance for Child Protection in Humanitarian Action et. al, 2020

13 The Hindu, (2020). Coronavirus lockdown | Govt. helpline receives 92,000 calls on child abuse and violence in 11 days https://www.thehindu.com/news/national/coronavirus-lockdown-govt-helpline-receives-92000-calls-on-child-abuseand-violence-in-11-days/article31287468.ece

involving minors, including child pornography, jumped as much as 200 per cent, as claimed by the India Child Protection Fund (ICPF) in April 2020[14].

According to a study, three out of every four children in vulnerable households reported increase in negative feelings since the outbreak of the pandemic[15]. There have also been real fears of reversal of trends in child labour[16] and child marriage[17]. Apprehensions of surge in child trafficking[18] cases have also been reported since the outbreak of pandemic. Unfortunately, India's child protection system remains ill-prepared to deal with the challenge.

There is a need of a comprehensive, cohesive, multilevel response from government to address the heightened concerns of child protection. Moreover, need of the hour is to take a proactive approach to meet the challenge instead of being reactive. Greater collaboration between all the stakeholders including government, civil society, communities and private sector needs to be harnessed.

Access to health and nutrition compromised

Even before the pandemic struck, a large number of Indian children were not growing well as malnutrition continued to pose huge challenge to the development of children[19]. India already had a huge share in the total global burden of under nutrition among children under five years of age. The pandemic has only exacerbated the already existing crises. Food insufficiency has also been a critical cause of concern during the pandemic. COVID-19 and restrictive measures implemented by various governments have resulted in loss of income and livelihoods for many families. There is a struggle in many households to provide nutritious diet for children. The COVID-19 lockdown meant that 115 million Indian children risked malnutrition[20]. In fact, the recently released National Family Health Survey (NFHS)-5, 2019-20 shows that in some of the states the prevalence of malnutrition among children has increased as compared to the previous survey year, 2015-16[21].

According to the United Nation's Policy brief on the Impact of COVID-19 on Children, 368.5 million children in 143 countries who usually rely on meal programmes for reliable daily nutrition will face malnutrition. Approximately 90 million children are missing out on mid-day meals in their schools due to school closures. Therefore, many children for whom MDM in school is a major source to meet their nutritional needs are now at risk of acute hunger due to disruption of services during COVID-19. Sanitation plays a crucial role in children's nutritional wellbeing. While the government has focussed a lot on promoting hand washing during COVID-19, it has failed to adequately address other factors like access to clean water and safe sanitation services as these continue to remain beyond reach for many vulnerable households particularly those in urban slums.

There are also estimates of increase in child mortality in India due to factors like reduced coverage of routine health services, disruption in life-saving immunisation activities and increase in child wasting (UNICEF, 2020). According to a study, conducted with vulnerable households, one out of every three respondents shared that they were facing barriers in accessing healthcare, medication or menstrual products[22].

Government has made efforts to spread awareness through campaigns, with a special focus on outdoor publicity, to persuade behavioural change in people. However, challenges persist. COVID-19 has also threatened the already limited access of adolescent girls to sexual and reproductive health information and services.

Inequalities aggravated

COVID-19 pandemic has aggravated the existing inequalities among children. All children, of all ages, are being affected, in particular by the socio-economic impacts and, in some cases, by mitigation measures that may inadvertently do more harm than good. Moreover, the harmful effects of this pandemic are expected to be most damaging for children in the poorest regions

14 The Economic Times, (2020). Demand for child pornography in India spiked since lockdown: ICPF https://ciso.economictimes.indiatimes.com/news/demand-for-child-pornography-in-india-spiked-since-lockdownicpf/75127959
15 Shah, Farrukh (2020), A Generation at Stake: Protecting India's children from the impact of COVID-19. Save the Children, India, 2020 Accessed at https://bettercarenetwork.org/sites/default/files/2020-11/a_generation_at_stake_report_final_3.pdf
16 Millions of children may be pushed to work due to COVID-19', Hindustan Times. Dated June 13, 2020. Accessed at https://www.hindustantimes.com/india-news/millions-of-children-may-be-pushed-to-work-due-to-COVID/story-8m1Z3Tqe9DxfC4Zq2wQDcJ.html
17 'COVID-19 has led to a rise in child marriages', dated 26 th December 2020. Accessed at https://www.hindustantimes.com/columns/COVID-19-has-led-to-a-rise-in-child-marriages/story-G7ocQKTiERb7tBPxdaWhhM.html
18 'Untold story of lockdown: sharp surge in child trafficking', Indian Express, Dated October 12, 2020. Accessed at https://indianexpress.com/article/express-exclusive/COVID-abuse-child-trafficking-6721333/
19 NFHS IV, 2015-16
20 India child well-being report 2020, World Vision India. Accessed at https://www.worldvision.in/wvreports/India%20Child%20Well-being%202020_Web%20Spread.pdf
21 Impact of COVID-19 on Child Nutrition in India: What are the Budgetary Implications? A Policy Brief (2021), Centre for Budget and Governance (CBGA). Accessed at https://www.cbgaindia.org/wp-content/uploads/2021/01/Impact-of-COVID-19-on-Child-Nutrition-in-India-What-are-the-Budgetary-Implications.pdf
22 Shah, Farrukh (2020), A Generation at Stake: Protecting India's children from the impact of COVID-19. Save the Children, India, 2020 Accessed at https://bettercarenetwork.org/sites/default/files/2020-11/a_generation_at_stake_report_final_3.pdf

and neighbourhoods, and for those in already disadvantaged or vulnerable situations (UNICEF, 2020). Complete lockdown imposed by government and consequent migration has been most devastating for those who were already at the lowest level of socio-economic ladder. Lockdown as a measure to prevent the spread of virus should have been handled with better planning and sensitivity to vulnerable sections. Children from vulnerable communities are more likely to drop out and enter child labour as compared to other children. Gendered impact of the pandemic may reverse the gains made in gender parity in education[23]. Closure of schools will be most harmful to the nutritional needs of children from poor households as MDM serves as an important component of their diet. Risks of child marriage and child trafficking also loom large for children from vulnerable households.

Low public investments on children

Considering the challenge posed by the pandemic, government should have invested more in addressing the gaps in education, protection, health and nutrition. However, children of India received only 2.46 per cent of the total Union Budget 2021-22 (BE), down from 3.16 per cent in 2020-21[24]. Allocation for the child health sector has been increased by 15.63 per cent, though. Unfortunately, the share of child education[25] has gone down from an already meagre share 2.18 per cent in 2020-21 to 1.74 per cent in Union Budget 2021-22. Child education received ₹ 60706.92 crores, which is a decrease of 8.62 per cent. Lack of adequate allocations for education is clearly a case of misplaced priorities as even recently announced NEP recommends public investment in education to the tune of 6 per cent of the GDP. Child protection sector has always been neglected in terms of the allocation of resources and this year too, allocations have been reduced by 42.85 per cent (Haq 2021).

Recommendations

1. It is important to provide effective, flexible and inclusive distance learning programmes for the most deprived and marginalised children. It is equally important to provide support to parents to ensure continuity of education with the help of digital learning tools.

2. The teacher and school administration should be provided with resources and support for continuity of education of children through digital and other modern mediums of learning.

3. It is important to strengthen community-based child protection mechanisms to identify vulnerable children who are either out of school/drop outs or on the verge of engaging in child labour. Strengthening the community-level child protection system for children to report violence safely, including when schools are closed, is also crucial. Adequate efforts need to be taken to ensure that children in Child Care Institutions (CCIs) stay safe and do not get infected by the virus.

4. There is also a need to focus on family strengthening services to strengthen parenting skills, relieve psychological stress and alleviate material deprivation. This will help parents in becoming better able to care for children and meet their needs, and in turn preventing risk of neglect, violence and abuse.

5. There is a need to improve equitable coverage of healthcare services by removing financial and non-financial barriers. It is important to prioritise efforts and resources to make services available free at the point of use for vulnerable children and families.

6. Ensuring food security by continuing existing social protection schemes is important (including those announced during the pandemic) so that the most deprived and marginalised families can provide for themselves and for their children's healthy development.

7. Considering that COVID-19 and its after-effects will continue to impact the lives of children in the near future, there is a need to increase the investments on children. Hence, it is important to ensure that health, nutrition, education and protection services are well-resourced and inclusive.

8. There is also a need to strengthen the mechanisms and support to ensure effective implementation of programmes for children during COVID-19. Ensuring the availability of trained and skilled workforce is crucial to reach out to children. Strengthening the delivery of services to vulnerable children, families is important.

9. A coordinated and synergised effort is required to have state, civil society organisations, private sector, academia, media, community leaders, citizens and children work together to address the violation of child rights during the COVID-19 pandemic and come up with innovative solutions to address this complex problem.

10. There is a need to listen to the voices of children, including especially girls. It is important to ensure that dialogue and interaction with children captures their experience about the impact of COVID-19 on them. These experiences and interactions should be used to design preventive strategies and develop appropriate response plans.

23 Gendered impact of COVID-19 on education of school-aged children in India, National Policy Brief. Centre for Budget and Policy Studies (CBPS). Accessed at https://cbps.in/wp-content/uploads/National-Policy-Brief-1.pdf
24 Budget for Children 2021-22 Cast in Shadows, 2021, Haq Centre for Child Rights. Accessed at https://www.haqcrc.org/wp-content/uploads/2021/02/budget-for-children-2021-22.pdf
25 HAQ's Union Budget Analysis 2021-22

PERSONS WITH DISABILITIES
Doubly challenged

The allocation to most of the central sector schemes and projects for the welfare of Persons with Disabilities has either decreased, remained the same or received no allocation at all

Persons with Disabilities account for 2.21 per cent of India's population of which, 56 per cent are males and 44 per cent are females. Of these about 69 per cent live in rural areas and 31 per cent live in urban areas.[1] The Government of India has implemented policy and legislative measures, ratification of important international treaties and documents from International Labour Organisation (ILO), World Intellectual Property Organisation (WIPO) and other United Nation agencies in order to mitigate the conditions of people with disabilities. India also ratified the United Nations Convention on Rights of People with Disabilities (UNCRPD) in 2007, of which India was one of the first signatories.

This was a human rights-based convention and included many provisions that were radical to ensure equal enjoyment of all human rights and inclusion of Persons with Disabilities in society. After India's ratification of UNCRPD, Indian disability activists urged the Government of India to make necessary changes to the existing disability law. Eventually, after a lot of consultation and nationwide discussion, the Rights of Persons with Disabilities Act (RPWD) 2016 was passed by Parliament in December 2016. This law is a drastic change from the earlier law and is largely based on the tenets of UNCRPD. In the year 2020-21, the Act was being implemented throughout the country and people with disabilities were looking forward to many positive developments but the sudden advent of COVID-19 pandemic altered the picture completely.

COVID-19's impact on the community and relevance of government measures

Last year was unprecedented with a complete halt in the development of people with disabilities due to the Covid pandemic. In March 2020, government issued a "comprehensive disability inclusive guidelines" to all the states and Union Territories (UTs) for protection and safety of Persons with Disabilities in the wake of the COVID-19 outbreak. The guidelines outlined that the National Disaster Management Authority (NDMA) at the district, state and national levels should take measures to include Persons with Disabilities in disaster management activities and to keep them duly informed about these.

The impact of lockdown was shattering to Persons with Disabilities and consequent conditions were no less than a catastrophe. Government of India programmes and many other services came to a standstill. People with disabilities found it difficult to continue with their way of life. Several studies were conducted by various NGOs and INGOs to measure the impact of this extraordinary time on people with disabilities. Sightsavers along with Rising Flame conducted a study on impact of COVID-19 on women with disabilities titled "Neglected and Forgotten: Women with Disabilities during Covid times in India".[2] Women from a variety of states with different disabilities shared revealing findings and recommendations. The study covered a wide range of areas namely, access, food and essentials, social protection, health, sanitation and hygiene, education, employment and livelihood, domestic violence and emotional well-being.

1   http://mospi.nic.in sites files publication reports
2   https://www.sightsaversindia.in/reports/2020/07/neglected-and-forgotten-women-with-disabilities-during-the-covid-crisis-in-india

The report highlighted several gaps in government implementation leaving the women with disabilities highly vulnerable and dependent. The guidelines issued by the Department of Empowerment of Persons with Disabilities were initially inaccessible. For instance, food distribution was not prioritised for people with disabilities in the initial days, challenging for many to obtain food. Social security provisions too were very sketchy. Although pension and additional allowances were announced, most women participants informed that they did not receive any additional amount inspite of being eligible for the same. Social isolation led to loneliness, and increased mental health issues. Many faced employment issues as they found it daunting to work in the changed environment and reported income losses. As a woman who is hard of hearing stated, "For those of us who depend on lip reading, it's exhausting. We spent so much time reading the room, by the time we have grasped the conversation we are exhausted." Another study conducted in Madhya Pradesh by Sightsavers revealed that over 60 per cent of the respondents lost their jobs.

Another report titled "Too Little, Too Few" by the Disability Legislation Unit of the disability rights NGO, Vidyasagar, pointed out that: "Only 7.6 per cent of working age Persons with Disabilities covered by Indira Gandhi Disability Pension (NSAP) used to provide COVID-19 relief, no coverage to children with disabilities". This was a very sombre assessment of the difficult times during the pandemic. Some governments such as Kerala, Tamil Nadu took special measures to improve the lives of people with disabilities. At local levels, efforts were made by many organizations of Persons with Disabilities, NGO's and individuals to work with government to alleviate the difficult situation of people with disabilities. Overall, efforts were made by some state governments and the central government to support people with disabilities. But these could have been better organized and co-ordinated.

Review of budget 2021-2022

Disappointingly, Persons with Disabilities found no mention in the Finance Minister's Budget Speech, though people with disabilities were hit hardest by the pandemic.[3] The allocation to most of the central sector schemes and projects for the welfare of Persons with Disabilities has either decreased, remained the same or received no allocation[4] at all. For the last two years, there has been no allocation for The National Institute of Mental Health Rehabilitation.[5] It can be inferred that the body might get dissolved. This is a cause of concern, especially in a post COVID-19 world which has brought to the forefront the importance of mental health and rehabilitation.

The Deendayal Disability Rehabilitation Scheme has seen a reduction of ₹ 5 crores in the 2021-22 BE as compared to the 2020-21 budget estimate[6]. Keeping in mind the socio-economic impact of the pandemic, the reduction is a setback for Persons with Disabilities. The Assistance to Persons with Disabilities for purchase/fitting of aids/ appliances scheme has seen a reduction of ₹10 crores in the 2021-22 BE as compared to the 2020-21 budget estimate[7].

It has been four years since the enactment of the Rights of Persons with Disabilities (RPwD) Act, 2016 and the DePwD Budget 2021-22 continues to refer to the 1995 Persons with Disabilities Act as the Scheme for Implementation of Persons with Disabilities Act[8].

As far as the social security schemes are concerned, the only social security measure adopted remains the same which is the Indira Gandhi National Disability Pension (IGNDP)[9] with the amount allocated being the same for 2020-21 to that of 2021-22. Further, the budget estimates for 2021-22 social security and welfare has seen a decrease at ₹ 986.59 crores from that of the BE of 2020-21 at ₹ 1126.79 crores.[10]

In terms of health services, the National Mental Health Programme[11] under the Ministry of Health and Family Welfare is the only effort at providing health service for Persons with Disabilities. The State Spinal Injury Centre has not received any allocation in the 2021-22 DePwD Budget[12].

For accessibility, a fundamental right to ensure that Persons with Disabilities are able to live an independent life; the Budget 2021-22 for Persons with Disabilities only mentions the Support to Establishment/Modernization/Capacity augmentation of Braille Presses; Indian Sign Language, Research and Training Centre (ISLRTC) and National Institute for Inclusive and Universal Design in terms of accessibility, with the allocation being zero[13] for all the three.

In specific provisions for children with disabilities under the state Right to Education (RTE) rules, only Karnataka and Kerala have access to assistive devices[14]. This limits children with disabilities' access to education specially at a time when online

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3   https://www.indiabudget.gov.in/doc/Budget_Speech.pdf
4   https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
5   https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
6   https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
7   https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
8   https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
9   https://www.indiabudget.gov.in/doc/eb/sbe86.pdf
10 https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
11 https://www.indiabudget.gov.in/doc/eb/sbe44.pdf
12 https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
13 https://www.indiabudget.gov.in/doc/eb/sbe93.pdf
14 Department of School Education & Literacy, MHRD, Government of India. School Education. https://mhrd.gov.in/rte_state_rules
15 https://unesdoc.unesco.org/ark:/48223/pf0000368780?posInSet=1&queryId=61d8f754-79af-400a-ae81-8b3700e24397

education is the 'new normal'. In terms of special educators, 21,646 have been appointed across the country under the SSA scheme which is 1 special educator for every 60-70 children with disabilities spread across a block[15]. Girls and women with disabilities find mention only under Part B of the Gender Budget 2021-22, implying no specific schemes or programmes for girls and women with disabilities.

What the government could have done differently

The DiDRR guidelines issued by National Disaster Management Authority under the Ministry of Home Affairs received much appreciation from the Disability sector for meeting the globally set criteria i.e., Sendai Framework and 10 out of 17 SDGs. In the event of a disaster, the Disaster Management Act 2005 in conjunction with the DiDRR Guidelines and the guidelines issued by DEPwD has the potential to provide considerable relief to people with disabilities.

Even though the Department of Empowerment for Persons with Disabilities issued a comprehensive set of guidelines for Persons with Disabilities during the COVID-19 pandemic, it had its own set of loopholes. The implementation of these guidelines has been uneven with major areas like access to healthcare, information, disability pensions being unmet. Below are few points on which government could have emphasised during the pandemic lockdown and recovery phase.

- The prompt decision of imposing a National Lockdown left Persons with Disabilities with no help. The guidelines were not available in accessible formats thereby contradicting the purpose.

- The decision to impose the lockdown did not consider the challenges it would pose to Persons with Disabilities. The myopic view of the government resulted in losses to Persons with Disabilities. Policies like National Policy for Persons with Disabilities, 2006 that mandates complete accessibility in healthcare systems have not been implemented fully. Cracks in our healthcare system showed up during the pandemic when people with disabilities were denied basic access.

- A forward-looking approach by the government could have improved the situation during the pandemic. Implementation and awareness of guidelines and policies was practically ignored. No mention was made at any of the top government levels (except for the DePWD) of these Comprehensive Disability Inclusive Guidelines for protection and safety of Persons with Disabilities during COVID-19.

- Mitigation and rehabilitation services by the MHA and DEPwD aimed at Persons with Disabilities should have received due importance. But this was lacking. Even after the first wave and initiation of the vaccination drive in India, considering the multiple health conditions of Persons with Disabilities, and the various intersectionality's they face compounded with the existing healthcare system, Persons with Disabilities should have been given priority access to COVID-19 vaccinations.

- DePWD Guidelines addressed many issues of Persons with Disabilities, but they were not made mandatory, expressed as "measures … suggested which need to be acted upon by various State/District authorities to give focused attention to protection and safety of Persons with Disabilities during COVID-19." Such wording of DePWD guidelines has resulted in very low or no implementation overall, during the COVID-19 pandemic.

Recommendations

There is an urgent need for intervention at the policy level, budgetary interventions for Persons with Disabilities with an emphasis on 'Build Back Better' and COVID-19 support.

1. Build a Disability Index to collect and report disaggregated data on disability, as a sub-set of the SDG India Index which synthesizes and disaggregates data from all data sources of socio-economic parameters on a real time basis.

2. Disability cells and budgets should be created in all relevant ministries and government departments including NITI Aayog. Specific disability budgets to incorporate accessibility in all efforts, assistive technology, community-based services, social protection programmes, and employment assistance.

3. Prioritize Persons with Disabilities in the COVID-19 economic recovery and stimulus packages.

4. Provide all Persons with Disabilities, irrespective of their economic, social or residential status with vaccinations at their doorstep and after-care.

5. All provisions relating to disaster management in the RPWD Act should be implemented and monitored.

6. Caregivers and other assisting personnel of Persons with Disabilities should be expressly exempted from social distancing norms and issued curfew passes.

7. Mechanisms should be created so that Persons with Disabilities are ensured their food, pensions and medical requirements and are able to travel to hospitals/medical facilities for their treatment.

16 https://www.indiabudget.gov.in/doc/eb/stat13.pdf
17 Disability Inclusive Disaster Risk Reduction Guidelines
18 https://pib.gov.in/PressReleasePage.aspx?PRID=1608495

WOMEN'S RIGHTS

A lot happened after COVID-19 hit

A government policy to address the rights of the women is much needed. Government schemes for girls and women need to be part of a larger strategy on women rights

The widespread effects of the COVID-19 pandemic have dominated humanitarian response and policy concerns in 2020 and continue to be a crisis world-over in 2021. India has fallen 28 positions to rank 140th among 156 countries in 2021 in the World Economic Forum's (WEF) Global Gender Gap Index – a much greater drop than the four positions it had fallen in 2020[1]. Evidence from the UNFPA State of World Population 2020 Report[2] shows that the sex ratio at birth in India dropped from 111.6 for the period of 2015-2017 to 109.8901 in 2020. India also accounts for 45.8 million of the world's missing females. 40 per cent of girls aged 15-18 are not attending school[3]. In its 2020 report, the Malala Fund projected that globally, nearly 20 million more secondary school girls might drop out of school after the COVID-19 crisis has passed and a large number of these can be from India. The gender gap in education will put girls at risk of early marriage, early pregnancy, trafficking, and violence[4,5,6].

The various facets of the lives of women are not isolated from one another. On the contrary, they are interconnected. This realisation should inform any discussion on the rights of women to achieve a larger vision on equality, as enshrined in the constitution. There is inadequate evidence of any government-led strategy for ensuring women an equal place in society, professions and politics. Government schemes or projects do not connect to any one strategic goal and only appear to be an attempt to put a band-aid on a problem here, another problem there.

Women's labour force participation

The World Bank has found that India has amongst the lowest female labour force participation rates in the world, recording a mere 20.33 per cent in 2020[7]. An estimated 17 million women, both in formal and informal sectors, were left jobless due to lockdown[8]. In November 2020, five months after the phased re-opening of the economy, the labour force had shrunk further by 13 per cent for women, and just two per cent for men[9]. Jagori's community survey[10] with women from four low-income

1   https://www.thehindu.com/news/national/wefs-gender-gap-index-india-slips-28-places-ranks-140-among-156-countries/article34206867. ece#:~:text=News-,WEF's%20gender%20gap%20index%3A%20India%20slips%2028%20places,ranks%20140%20among%20156% 20countries
2   https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_PUB_2020_EN_State_of_World_Population.pdf
3   https://timesofindia.indiatimes.com/india/40-of-girls-aged-15-18-not-attending-school-report/articleshow/73598999.cms
4   https://frontline.thehindu.com/dispatches/10-million-girls-at-risk-of-dropping-out-of-school-because-of-the-covid-19-pandemic-says-rte-forum-policy-brief/article33662229.ece
5   https://downloads.ctfassets.net/0oan5gk9rgbh/6TMYLYAcUpjhQpXLDgmdIa/3e1c12d8d827985ef2b4e815a3a6da1f/COVID19_Girls Education_corrected_071420.pdf
6   http://rteforumindia.org/wp-content/uploads/2021/03/National-Policy-Brief.pdf
7   https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=IN
8   https://iwwage.org/wp-content/uploads/2020/08/Food-Security.pdf
9   https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3788855
10 http://www.jagori.org/sites/default/files/publication/Covid%2019%20%2813.4.2021%29.pdf

communities in Delhi (May-June 2020), highlighted 70 per cent of those working in the unorganized sector lost their jobs, and found it difficult to get any employment. The four new labour codes introduced by the central government that were to replace 44 existing labour laws (eventually 29 laws) have continued with a piecemeal recognition of the rights of women workers that existed prior to the reform process. The Code on Wages continues to use categories such as establishment and industry, which have historically been used to deny women such as domestic workers, their rights as workers in the informal sector, thus throwing the hard-fought-for gains into question for their minimum wages. This presents a step back from recognition of women as workers under the- now subsumed/incorporated with modifications- Minimum Wages Act, 1948. The Code on Social Security continues with the focus of the Maternity Benefits Act on the formal sector and does not widen access to informal women workers. The Occupational Safety, Health, and Working Conditions Code does not include informal women workers at all, therefore a range of regulations on conditions of work do not apply to informal women workers[11].

A stronger push to boost women's employment was expected from budget 2021-22. In 2020-21, allocations were made for emergency spending on social protection considerations in light of COVID-19 and were a part of the government's revised expenditure, with the gender budget crossing 1 per cent of GDP. In 2021-2022, the gender budget fell to 0.7 per cent of India's GDP even though actual budget expenditure increased by 1 per cent, due to absence of emergency spending. MGNREGS, a lifeline for rural and migrant women, saw a decrease of 34.5 per cent in allocation from the previous year[12]. NRLM plays an important role in employing rural poor and rural women through self-help groups. The scheme saw an increase from ₹ 9,210 crore in FY 2020-21 (BE) to ₹ 13,678 crore in FY 2021-22 (BE)[13]. Job guarantees for urban women were ignored, and there are few schemes that address loss of jobs occurring in the informal sector. Budget allocations for social security schemes for workers has an increased allocation of ₹ 3100 crores under Atmanirbhar Bharat Rojgar Yojana, but does not provide extra allocations for social security of gig and platform workers[14].

Women's work as health workers such as nurses, cleaners, para-medics, care-providers, sanitation workers, and frontline mobilisers remain undervalued and underpaid[15]. Along with self-help groups (SHGs), they have played a key role in contact-tracing, surveys, organising awareness about schemes, providing relief and care. SHGs, for instance, made millions of masks, sanitizers and cared for returnee migrants. In 2020, an additional monthly incentive of ₹ 1,000 was provisioned for ASHAs undertaking COVID-19-related activities and they were included under the Prime Ministers Health Insurance scheme (PMGKY)[16]. However, ASHAs, AWWs and AWHs have not been included in the new Code on Social Security (2020), contrary to the recommendations of the Parliamentary Standing Committee on Labour. The long-standing demand to increase pension amounts and more coverage for women and single women has not been met, as the allocation for the year remains stagnant. (Also read chapter '*Bad for workers. Worse for women workers*' on page 86).

Women's political participation

At the national level, only 14 per cent of Members of Parliament in India are women. At the state level, women make up only 9 per cent of the elected candidates of State Legislative Assemblies[17]. Women's voter turnout has increased considerably over the years, evidenced by election results in 2020[18]. Women are less involved than men in key political activities, including participation in campaigns and contact with public officials[19]. The Women's Reservation Bill (108th Constitutional Amendment Bill), 2008 for 33 per cent reservation for women in Parliament was passed in the Rajya Sabha in March 2010 and has now lapsed.

In rural India, however, a 1992 amendment to the Constitution of India mandated states to reserve a third of all council seats and council presidencies for women. As a result, more than a million women came into governance roles in rural India. However, 29 years on, where 20 states[20] now have 50 per cent of Panchayats seats reserved for women, there still continues dominant narrative about how these women remain titular post holders with their husbands taking the lead[21].

Ending gender-based violence against women

While evidence indicates that violence against women has seen increased reporting in recent years, the COVID-19 pandemic saw a resurgence in domestic violence cases. According to the National Commission for Women (NCW), between 1 March

11 https://www.isstindia.org/publications/1611297588_pub_Labour_Code_-_2101_compressed_(1).pdf
12 https://thewire.in/women/budget-2021-gender-women-impact-of-pandemic
13 https://www.cbgaindia.org/wp-content/uploads/2021/02/Budget-in-the-Time-of-Pandemic-An-Analysis-of-Union-Budget-2021-22.pdf
14 https://www.cbgaindia.org/wp-content/uploads/2021/02/Budget-in-the-Time-of-Pandemic-An-Analysis-of-Union-Budget-2021-22.pdf
15 https://reliefweb.int/report/world/women-s-unpaid-and-underpaid-work-times-covid-19
16 https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1658284
17 https://www.financialexpress.com/opinion/where-are-our-women-leaders/2207807/
18 https://www.theleaflet.in/the-crisis-of-under-representation-of-women-in-parliament-and-assemblies/#
19 https://www.researchgate.net/publication/334141223_The_road_not_taken_Gender_gaps_along_paths_to_political_power
20 https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1658145#:~:text=As%20per%20the%20information%20available,have%20made%20provisions%20of%2050
21 https://avpn.asia/blog/india-in-the-time-of-covid-19-how-women-in-local-governance-can-make-a-difference/

and 18 September 2020, a total of 4350 complaints were reported under the category, "Protection of women against domestic violence"[22].Women were locked-in with their abusers, lacked privacy and safe spaces to speak out, experienced severe mobility constraints and had little information about support services available. There was no coordinated support infrastructure in place (i.e., accessible helplines, secure shelter services), bystander interventions were weak, and there was lack of sensitisation of police and administration for the crisis context[23]. Mental health emerged as a prominent issue, as women of all identities faced stress and anxiety. Cyber-crime experts reported increase in cyber-crimes against women during the pandemic, especially "sextortion"[24].

Early evidence indicates that the lockdown period was associated with spikes in child marriages across India. Data from Childline India Foundation indicates that its representatives had to intervene in 14,775 cases of prevention of child marriages between January and July 2020[25]. Young women reported lack of access to healthcare, sanitary napkins and other menstrual hygiene products and abortion services during lockdown. A report from Pratigya Campaign (2020), finds that High Courts in India are currently witnessing a substantial increase in hearings on abortion cases. 74 per cent of the total cases were filed post the 20-week gestation period, and of this, 29 per cent cases were related to rape/sexual abuse. Out of the 23 per cent cases filed even before 20 weeks, 18 per cent cases were related to sexual abuse/rape[26]. Dalit women, who already face a "triple burden" of gender bias, faced structural barriers to accessing justice and services[27]. Between February 2020 and August 2020, media reported several caste-based atrocities of which rapes of Dalit women was approximately 10 per cent of the total. Dalit women also reported being excluded in food supplies, and faced physical and verbal abuse for standing their ground[28]. Despite growing incidences of violence against SC and ST women, there is only a marginal allocation of ₹ 180 crore for their access to justice in FY-2021-2022[29].

Despite a trend of rising violence, allocations for schemes aimed at ensuring safety and protection of women saw a reduction. Allocations for (police) 'schemes for safety of women' (under the Ministry of Home Affairs) saw a decrease of 88 per cent from 2020-21[30]. Schemes financed through the Nirbhaya Fund have also been under-utilized over the years. Over the past ten years, the share of the gender budget in the total Union Budget stagnated at around 5[31] per cent, and for 2021-22, it constituted only 4.4 per cent[32]. The budgetary allocation to the Ministry of Women and Child Development has been reduced by 18.6 per cent[33].

The Delhi Police has been allocated higher amounts, and the three schemes under the Nirbhaya fund (One Stop Centre, Women Helpline and Mahila Police Volunteers) have been merged into a new umbrella scheme with lower allocations. Cases of crimes against women have a pendency rate of 91.3 per cent and conviction rates of 22.2 per cent, according to the latest report of the National Crime Records Bureau (2018-2019). And though 1,023 Fast Track Courts have been approved under the Nirbhaya Fund, states have continually reported zero or low utilisation under the scheme[34].

For women with disabilities, there were gaps in access to information as India went into lockdown as governments were late to realize the importance of provisions and translations in Indian Sign Language. Women with disabilities reported lack of access to daily needs like groceries, as well as lack of access to healthcare due to existing restrictions on mobility and inaccessible healthcare infrastructure. The distress and discrimination of the LGBTQIA+ community was exacerbated by COVID-19 as they reported discrimination in receiving healthcare services and government relief packages, lack of privacy, and severely restricted access to peer support groups[35]. Some reported that they had no choice but to move back into hostile family environments, and loss of work led them into begging and forced sex work. Some states provided relief measures for transgender persons (@₹ 1,500) from the National Institute of Social Defence[36]. However, this aid reached only 4,500 transgender persons (1 per cent of the transgender population)[37]. Women and transgender persons constitute 59.2 per cent

22 https://pib.gov.in/PressReleseDetailm.aspx?PRID=1657678
23 https://indianexpress.com/article/opinion/columns/the-invisible-pandemic-7064335/
24 https://www.newindianexpress.com/nation/2020/may/01/significant-increase-in-cybercrime-against-women-during-lockdown-experts-2137987.html
25 https://www.straitstimes.com/asia/south-asia/child-marriages-on-the-rise-in-india-amid-the-covid-19-pandemic
26 https://www.expresshealthcare.in/news/indian-high-courts-witness-surge-in-abortion-cases-pratigya-campaign-report/424922/
27 https://www.bbc.com/news/world-asia-india-54418513
28 https://www.newsclick.in/COVID-19-Dalit-Woman-Beaten-Denied-Rations-Saharanpur
29 http://www.ncdhr.org.in/wp-content/uploads/2021/02/NCDHR-Budget-2021-22-1.pdf
30 https://www.cbgaindia.org/blog/nirbhaya-fund-could-help-improve-womens-safety-but-money-allotted-for-schemes-is-underutilised/#:~:text=The%20set%20of%20schemes%20implemented,from%20the%20previous%20year's%20allocation.
31 https://thewire.in/economy/covid-19-crisis-gender-responsive-union-budget
32 https://economictimes.indiatimes.com/news/economy/policy/view-assessing-indias-gender-budget/articleshow/80906668.cms
33 https://www.downtoearth.org.in/blog/governance/what-is-in-the-union-budget-2021-22-for-children-not-much-75329
34 https://scroll.in/article/987314/nirbhaya-fund-could-help-improve-womens-safety-but-money-allotted-for-schemes-is-underutilised
35 https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI-COVID-19/CSOs/YP-Foundation.docx
36 https://www.hindustantimes.com/india-news/transgender-activists-write-to-centre-demanding-support-during-covid-19-crisis/story-v8vV8kEquqfFjXX3YEvODM.html
37 https://www.census2011.co.in/transgender.php

of beneficiaries (around four crores in number) under the National Social Assistance Programme (NSAP). Barring a negligible increase in administrative expenditure, the allocation for the scheme in FY 2021-22 (BE) is the same as FY 2020-21 (BE), suggesting that the programme is not being extended to more beneficiaries and the long-standing demand to increase the pension amounts has also not been met.

Women and social security

COVID-19 relief schemes and interventions were broadly focused on continued operation of and access to essential services and improving rations through increased food grains. However, 70 million women in India (21 per cent) lack ration cards, which grant access to the central food ration system. An IWWAGE survey further found that of their respondents, 28 per cent of women didn't have PDS access, and 20 per cent of women did not have ration cards[38].

The National Family Health Survey (NFHS-5 - 2019-20) showed that anaemia among children under five years of age has increased, as has anaemia among women in the age-group 15-49 years. The Comprehensive National Nutrition Survey (2016-18), shows that every third child under the age of five is malnourished[39]. Yet, the budget for nutrition of women and children decreased by 27 per cent[40]. The revised budget estimates for 2020-21 showed that the ICDS and Pradhan Mantri Matru Vandana Yojana (PMMVY) suffered greatly because of the lockdown and closing of Anganwadi centres for children[41].

Women specific component for the urban housing scheme has been increased from 32.4 per cent of total outlay in 2020-21 to 90.7 per cent in 2021-22. The launch of the Jal Jeevan (water) Mission, and gas cylinder schemes – Ujjwala are positive measures and play a role in reducing women's unpaid care work[42].The Jal Jeevan Mission (JJM)/National Rural Drinking Water Mission is allocated a sum of ₹ 50,011 crores. This indicates a priority on the part of the state to ensure clean and accessible water to all[43].

Lockdowns have caused complete disruption of the midday-meal scheme. In the absence of this incentive, it is likely that families will withdraw daughters from schools, leading to higher dropout and lower re-enrolment of girls. COVID-19 has led to an emergency reshuffling of funds, and reduced government revenue. Nearly a third of corporate social responsibility (CSR) investments were made in education and skilling over the past four years. However, CSR funds are being directed towards pandemic response, reducing the financial investments in girls' education. Furthermore, girls, especially from low-income households, are likely to be engaged in casual or unpaid care work given the severe economic shock, making their return to school expensive[44].

Feminist advocacy

The women's movement in India has been at the forefront of raising issues about women and advocating for gender responsive policies. More than 300 women's groups came together to demand specific interventions from state and other key stakeholders for support during the COVID-19 pandemic[45]. Further, when migrant workers were leaving the cities, walking without water or food – women's groups highlighted the costs to life and vulnerability of women workers amongst the labour force, bringing in a gendered dimension to the attention of policy makers and media. They, along with several CSOs, provided relief to women and their families. They ensured that relief packages included sanitary products and baby care needs. Besides, they undertook the important task of immediate data collection on the ground in the absence of any systematic process[46]. Various solidarity initiatives led to demand support for frontline workers and for women with disabilities. Some other significant steps include: a petition filed by Sama (a women's health group) to demand government run ambulances for pregnant women in Delhi[47]; (efforts by sex workers' groups) to list sex workers as 'women at work'[48] in NHRC Advisory[49] etc.

38 https://www.sattva.co.in/wp-content/uploads/2021/03/Sattva_Insights_Gender_COVID-19-Response-and-Policy-Environment.pdf
39 https://en.gaonconnection.com/union-budget-2021-27-drop-in-funds-for-nutrition-of-children-and-women-every-third-child-under-the-age-of-5-is-malnourished-in-india/
40 https://en.gaonconnection.com/union-budget-2021-27-drop-in-funds-for-nutrition-of-children-and-women-every-third-child-under-the-age-of-5-is-malnourished-in-india/
41 https://www.indiawaterportal.org/article/budget-2021-what-does-it-have-water-and-agriculture-sector
42 https://www.forbesindia.com/blog/education/covid-classrooms-india-could-lose-progress-made-on-girls-education/
43 https://asia.fes.de/news/who-cares-feminist-responses-to-the-pandemic/
44 https://www.spf.org/en/spfnews/information/20200615.html
45 https://fmesinstitute.org/wp-content/uploads/2020/04/SAMA-vs-UOI-ecopy_filed.pdf
46 https://www.outlookindia.com/website/story/nhrc-lists-sex-workers-as-informal-workers-significant-step-say-activists/362099
47 https://nhrc.nic.in/sites/default/files/Advisory%20on%20Rights%20of%20Women_0.pdf
48 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3788855
49 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3788855

Recommendations

1. The adoption of the National Policy for Women Draft (2016) along with a Gender Equality and Social Inclusion (GESI) action plan to all policies and programmes.

2. An Urban Employment Guarantee Scheme specifically targeted at women should be devised and implemented urgently. Provisions regarding preferential employment for women in Public Works Departments can also be considered

3. The government should increase preferential procurement from women enterprises from its current 3 per cent to at least 10 per cent

4. Increased allocations for creches in both rural and urban settings.

5. Cash transfers by expansion of the Jan Dhan scheme in women's accounts. Also, moratorium on interests and / or loans of women entrepreneurs from lower socio-economic strata.

6. Enhanced allocations of the Maternity Entitlement Benefits scheme to cover all women with amounts equivalent to wages foregone, and without disqualifying criteria.

7. Wage subsidies should be provided to women employed in the MSME sector.

8. It is crucial to see violence against women as a public health issue and build synergies with the Health and Social Justice and other ministries of the government. A range of crucial support services must be made available at the one stop centres with adequate budgetary allocation from the Nirbhaya Fund, including activating confidential helplines, counselling, safe shelters, one-stop centres, mental health services and legal aid 24/7. Transwomen, women with disabilities, migrant or homeless women are especially vulnerable, and special protocols are required to ensure their access to services. All districts should have OSCs attached to hospitals.

9. Universalise PDS, and increase budgetary support for Midday Meal, ICDS and SAG to ensure women do not suffer from food insecurities for the households. Special emphasis must be laid on expenditure under RKSK.

10. Adequate budgetary provisions under NRLM to focus on legal literacy and capacity building of women as frontline workers, paralegals and barefoot counsellors on issues of VAWG.

11. Funds from Beti Bachao, Beti Padhao scheme can be utilized to make girls' education up to 18 years free across government/aided schools. These funds can also be used to provide girl students in rural districts free mobile plans in their name.

12. Central and state governments should increase their education expenditure from 3 per cent of GDP, as established in 2018-2019, to 6 per cent, ensuring that at least 50 per cent of funding directly supports girls' education.

13. Free skill trainings should be provided to women who have lost jobs during the pandemic.

LGBTQIA+

Homophobia in the times of COVID-19

The surge of the global COVID-19 pandemic has revealed homophobia at different levels and queer people have had to hide basic aspects of their lives – from being secretive about their sexuality or their gender identity, to disguising their relationships

The Supreme Court of India may have decriminalised homosexuality in 2018, but Indian society at large has not yet come to accept it. As significant as the judgement was for the community to increase visibility and acceptance within the Indian legal system, it did not necessarily result in acceptance within the society. Social acceptance is one of the major concerns that directly effect the mental and physical well-being of the people from the community.

In the face of a surge of the global COVID-19 pandemic, the past year has been difficult for everyone, especially those in the margins. The pandemic has revealed homophobia at different levels and queer people have had to hide basic aspects of their lives – from being secretive about their sexuality or their gender identity, to hiding their partners or disguising their relationships. They have to be guarded about basic aspects of their lives – who they talk to, what they watch on television/their phones, who they visit, etc. In some cases, the state has denied them the right to marry and families have pushed queer persons to convert their sexual identity.

This chapter reviews the state's governance over the past year with regard to the queer community.

Rights of queer people

It has been almost three years since the reading down of Section 377 that decriminalised homosexuality in India, but homophobia is still prevalent in the country. Despite efforts to fight homophobia and to build an inclusive space for the community (being part of the 2018 verdict), queer people face domestic violence in different forms: physical, emotional, sexual, verbal and economic. The neglect and violence subjected to Lesbian, Gay and Bisexual (LGB) people are on account of their non-conforming behaviour to gender and sexuality norms of the society.

Consider this: A helpline run by Nazariya, offering free peer counselling to queer and transgender persons received 33 calls from individuals experiencing domestic violence (out of 77 unique calls). The organisation was able to handle six crisis cases at the time.

Pressure to get married is a prevalent form of abuse that queer women face[1]. Those who have not come out as queer are subjected to daily taunts that pick on their non-conforming behaviour. Often misrepresented as 'care', it is only an attempt to make queer women conform to heterosexual norms. Natal families, due to societal pressure and lack of sensitivity towards

1   Megha Kaveri, "Two Women Die in TN: Stigma around Relationship Pushed Them to Suicide?" The News Minute, May 19, 2020, |PAGE|, accessed August 04, 2020, https://www.thenewsminute.com/article/two-women-die-tn-stigma-around-relationship-pushed-them-suicide-124855.

the non-normative[2] sexual behaviour, often resolve to 'corrective' measures such as forcing a heterosexual marriage upon them or taking them for conversion therapy.

Staying with families that do not accept them, and further isolate them from anyone who would understand their position, pushes queer women into self-loathing. This kind of regular taunting and abusing, instills a sense of guilt and lowers self-confidence which get exacerbated with every passing day. This is also one of the most common triggers for self-induced isolation, self-harm and suicidal thoughts among queer women.

The natal families deploy a number of ways to coerce and break the emotional, psychological, and social integrity of queer women to make them give into the demands of the family and society. One such way is to incite fear through death threats or threats involving physical harm or of being disowned by the family. The death of Anjana Harish on 12 May 2020 sheds light to the state of mental health and homophobia in the country[3]. At the age of 21, she was forced by her family to take conversion therapy to "cure" her homosexuality. Conversion therapy, though rejected by experts, persists as a practice in India even today. There is no provision that outlaws conversion therapy, despite it being a clear violation of 21 (a) of the Mental Health Care Act 2017[4] that restrains mental health practitioners from discriminating against patients based on gender and sexual orientation.

People from the queer community experience a range of social, economic, health, and political disparities — often as a result of a culture that silences and invisibilises non-confirming identities. As a result, they suffer from social isolation and are placed at a higher risk of mental health problems. Hence in the 2018 verdict, the Supreme Court issued guidelines to sensitise the public and government officers in order to eliminate social stigma and structural discrimination against the community. This however is a slow process and there is a need for a network of shelter homes for queer people and increase access to mental health services with a queer affirmative approach.

Today, three years after the decriminalisation of homosexuality in India, queer people still do not have the right to marriage. In reply to a petition filed in 2020 for the right to marriage for same sex couples under the Hindu Marriage Act, a solicitor at the Delhi High court argued against it because "it is not part of our culture."[5] In February 2021, the central government denied the petition for same sex marriage by saying that marriage in India is a "bond between a biological man and a biological woman"[6].

It is important to recognise the structural discrimination at play here, which also holds back queer people from advancing into positions of power[7,8]. It makes a significant difference to have people from the community at higher positions for the community voices to be heard and represented.

A silver lining

There is still hope in the system with a few refreshing judgements.

The Uttarakhand High Court has acknowledged that while same sex couples may not be eligible to tie the knot yet, they still have the right to live together. In a judgement passed on 12 June 2020, Justice Sharad Kumar Sharma observed, "…even if the parties, who are living together though they are belonging to the same gender; they are not competent to enter into a wedlock, but still they have got a right to live together even outside the wedlock". As with the Supreme Court judgement on Section 377, this judgement too grants queer couples the option of living together by giving them legal support. Another young lesbian couple living together was provided relief by the Punjab and Haryana High Court when the court directed the Senior Superintendent of Police of Mohali assess the threat to the couple and provide security if required.

The Madras High Court, after hearing the plea of a same-sex couple's parents, referred the parents and couple to a therapist to help them sensitise themselves toward the community[9].

2   Behavior that is often seen as different from what is expected as a norm from a person in an existing society-culture.

3   Rinchen Norbu Wangchuk, "Anjana Harish's Suicide Shows Why India Must End Practice of 'Conversion Therapy'," The Better India, May 27, 2020, https://www.thebetterindia.com/227996/lgbtqia-mental-health-conversion-therapy-ban-anjana-harish-kerala-iacp-india-nor41/.

4   "Mental Healthcare Act, 2017," Mental Healthcare Act, 2017 § (2017), https://www.prsindia.org/uploads/media/Mental%20Health/Mental%20Healthcare%20Act,%202017.pdf

5   Apoorva Mandhani, "'Same-sex marriage not a part of our culture', says top govt lawyer, opposes plea in Delhi HC," The Print, September 14, 2020, https://theprint.in/judiciary/same-sex-marriage-not-a-part-of-our-culture-says-central-govt-opposes-plea-in-delhi-hc/502232/

6   Apoorva Mandhani, "Gay marriage not a fundamental right, wedding a bond between man, woman — Centre to Delhi HC," The Print, February 25, 2021, https://theprint.in/judiciary/same-sex-marriage-not-a-part-of-our-culture-says-central-govt-opposes-plea-in-delhi-hc/502232/

7   Bhadra Sinha, "Modi govt still against gay lawyer Kirpal's elevation as HC judge, tells CJI as much," The Print, April 8, 2021, https://theprint.in/judiciary/modi-govt-still-against-gay-lawyer-kirpals-elevation-as-hc-judge-tells-cji-as-much/636130/

8   Apoorva Mandhani, "No women, LGBT representation — criminal law review panel criticised for lack of diversity," The Print, July 8, 2020, https://theprint.in/judiciary/no-women-lgbt-representation-criminal-law-review-panel-criticised-for-lack-of-diversity/456898/

9   The Wire Staff, "Trying to Break My Own Preconceived Notions': Madras HC Judge Hearing Same-Sex Couple's Plea" The Wire, March 30, 2021, https://thewire.in/lgbtqia/madras-high-court-same-sex-couple-anand-venkatesh

Nevertheless, there are refreshing examples of change that come from the private sector. Online shopping platform Myntra has expanded its leave policy to offer a five day wedding leave for marriages, including for same-sex partners and civil unions. It is among the first such companies in India to offer wedding leave for same-sex unions. The Godrej Group offers medical insurance and other benefits like adoption leave to same sex partners as well.[10]

Recommendations

1. Pass a law on non-discrimination in the context of LGBTQIA+ persons.

2. Ban the practice of conversion therapy in India.

3. Engage CSOs working on LGBTQIA+ issues and rights to assess the situation of queer persons during the ongoing COVID-19 crisis and work with them to deliver required relief.

4. Establish nationwide safe homes and queer affirming mental-health helplines in different regional languages to address the detrimental effect of being under lockdown with implicitly and/or explicitly violent families, and the subsequent loss of support networks.

5. Sensitise medical healthcare professionals to the particular needs of the LGBTQIA+ community in order to combat discrimination and stigma.

6. Implement the Supreme Court's guidelines issued as accompaniments to the Navtej Singh Johar V/s. Union of India judgement reading down of the IPC Section 377 to sensitise the public and government officers and eliminate social stigma and structural discrimination against LGBTQIA+ persons.

7. Ensure that LGBTQIA+ persons' access to social security benefits in times of crises is dislodged from the need of the state to procure or assess identity documents like ration cards or Aadhar cards which the community often finds difficult to acquire. This leads to LGBTQIA+ persons' curtailed access to the state's social welfare schemes and benefits.

10 Money Control News, "LGBTQ rights: Myntra to offer five days leave for marriages, including same-sex couples," Money Control, February 16, 2021, https://www.moneycontrol.com/news/business/economy/lgbtq-rights-myntra-to-offer-five-days-leave-for-marriages-including-same-sex-couples-6526151.html/amp

HEALTHCARE

A broken promise?

The government must enact a National Health Rights Act, enabling right to healthcare and mandate health as a public good. This should be enforced with a budgetary commitment of at-least 2.5 per cent of Gross Domestic Product

Universal access to healthcare is the most recent global health goal and also included in the SDGs. The 2017 National Health Policy of India[1] is the latest policy document with the goal of "achieving the highest possible level of health and well-being… and universal access to good quality health care services without anyone having to face financial hardship as a consequence" (para 2.1, page 1). For realizing this, the policy recommends increasing health expenditure by governments to 2.5 per cent of GDP by 2025 and increase of state health spending to >8 per cent of state budgets by 2020 (para 2.4.3.1 page 5). Therefore, in the year 2020-21 the 2.5 per cent of GDP should have been ₹ 5622.35 billion or ₹ 4196 per capita, and the 8 per cent of state budgets would mean ₹ 3667 billion or ₹ 2736 per capita with the burden across states and Centre being 65 per cent and 35 per cent, respectively. Historically, the 2002 National Health Policy[2] had also recommended 2 to 3 per cent of GDP as public health spending. However, since the turn of the new millennium the public health spending in India has hovered around 1 per cent of GDP and recent trends too reveal that continuity (see Table 1). Hence, the promise to fulfil this most basic level of health spending of 2.5 per cent of GDP remains unfulfilled.

Table 1: Trends in Public Health Expenditure in India 2015-2022

₹ Billions	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
State Health Exp (SHE)	1100.78	1251.89	1463.83	1817.14	1966.61	2162.10	2250.00*
Centre Health Exp (CHE)@	145.67	207.16	257.62	280.11	281.03	309.40	333.79
Total Health Expenditure	1246.45	1459.05	1721.45	2097.25	2247.64	2471.50	2583.79
Per capita Health in Rupees	981.46	1139.88	1324.19	1600.95	1689.95	1830.74	1845.56
% Centre share@	11.69	14.20	14.97	13.36	12.50	12.52	12.92
% SHE of State Budget	4.7	4.8	5.0	4.9	4.9	5.1	5.0
%SHE of GDP	0.80	0.81	0.86	0.96	0.96	0.96	0.97
%CHE of Centre Budget	0.7	0.9	1	1	0.9	0.8	0.9
%CHE of GDP	0.11	0.13	0.15	0.15	0.14	0.14	0.14
%Total Health of Budget	2.83	3.05	3.19	3.29	3.15	3.17	3.20
%Health of GDP	0.91	0.95	1.01	1.10	1.10	1.10	1.12

*State Health Expenditure for 2021-22 estimated by author; @ CHE excludes grants by Centre to states and the latter is included in SHE because it is accounted in the State health budget –grants from the Centre account for about 15 per cent of state budgets and hence the gross share of the Centre is around 25 per cent of total public health spending

Source

1. State Health Expenditure from RBI, various years State Finances – A study of Budgets, Reserve Bank of India, Mumbai;[3]

2. Centre's Health Expenditure from Union Budgets 2017-18 to 2021-22, Expenditure Budgets, Ministry of Finance, Govt of India, respective years;[4]

1   National Health Policy 2017, Ministry of Health and Family Welfare, Govt. of India, 2017, New Delhi; https://www.nhp.gov.in/nhpfiles/national_health_policy_2017.pdf
2   National Health Policy 2002, Ministry of Health and Family Welfare, Govt. of India 2003, New Delhi; https://main.mohfw.gov.in/sites/default/files/18048892912105179110National.pdf
3   https://www.rbi.org.in/Scripts/AnnualPublications.aspx?head=State%20Finances%20:%20A%20Study%20of%20Budgets
4   https://www.indiabudget.gov.in/exp_budget.php

3. GDP figures from Economic Survey 2019-20, Statistical Appendix;[5]

4. Population data from Registrar General India's Population Projections[6]

The continued budgetary neglect that we see in Table 1 has led to the following deficits that we see currently in the public health system of India that need immediate redressal:

- **Deficit of demand-based planning (Program Implementation Plans, District Planning Committees, Gram Panchayat Development Plans etc.):** There is a need to strengthen devolution of budgets to facilitate bottom-up planning and involve various stakeholders at the local level to develop plans and budgets for the public health system as per their local needs and demands. There is increased centralization of planning and decision making under the PMO.

- **Deficit in the primary healthcare infrastructure and hospitals for secondary and tertiary care:** The healthcare infrastructure needs to be upgraded to a minimum level as specified by the Indian Public Health Standards (IPHS) norms[7], requiring the strengthening of Health and Wellness Centres (HWCs) through creation of mid-level healthcare providers, upgrading primary health centres (PHCs), strengthening of the sub-district hospitals (Community Health Centres) as per IPHS and upgrading the district hospitals to teaching hospitals. The sub-centres and PHCs are just being renamed as HWCs, while the required human resources, medicines, diagnostics and other inputs needed for upgradation have not been committed. With regard to upgradation of hospitals, the NITI Aayog strategy for a Public-Private Partnership (PPP) approach is being aggressively pushed. This will lead to privatization of public health facilities, making them further out of reach for the common citizens. Similarly, the PMJAY scheme creates a market for the private health sector at the cost of the public health system. These initiatives need to be rejected.

- **Deficit in Health Human Resources:** Doctors, Nurses and Specialist doctors are grossly inadequate even for the existing public health infrastructure, with vacancy of sanctioned positions being between 20-40 per cent for doctors and nurses and 60-80 per cent for specialists across various states[8]. It is not that India does not produce adequate human resources but the problem is that most of what is produced goes to the private sector, or worse, as brain drain to other countries[9]. Compulsory public service for two years by the over 60,000 annual out-turn of MBSS doctors, 25,000 specialists and another 40,000 from AYUSH streams could help plug this gap and revive the public health system.

- **Deficit of Governance and implementation:** Top-down decision making cannot work in a sector like health which is highly local oriented. Decision making and management has to be left to the local institutions and governance and not a top-down bureaucratic mechanism. The Constitutional provision of District Planning Committees under the 73rd and 74th Amendment needs to be made effective for robust local governance.

- **Deficit of accountability and legislative oversight:** Our legislators don't call to account the executive and this leads to neglect and failure of public service delivery being implemented effectively. Community oversight through Community Based Monitoring and Planning (CBMP) needs to be implemented across the board. As the Maharashtra model implemented in 14 districts has shown, CBMP can help reclaim the public health system[10].

- **Deficit of political will and executive commitment:** Healthcare is not politicised enough and, despite the COVID-19 created crises, the Union government has not initiated any structural changes in the public health system. On the contrary, privatisation is being pushed in the health sector. This needs to be reversed.

- **Deficit in policy:** Healthcare systems are increasingly driven by markets. We are witnessing the movement of healthcare as a public good to healthcare as a commodity. Health as a public good has to be reclaimed.

The above deficits also need to be viewed in light of the huge and expanding private health sector in India. For outpatient care, over 70 per cent of cases are treated by the private sector at an average cost of ₹ 1,062 per episode, and for inpatient care 58 per cent is treated privately at a cost of ₹ 31,845 per hospitalization[11]. Private health expenditure based on National Accounts Statistics[12] is estimated at ₹ 6,000 billion for 2019-20, adding up to 3 per cent of GDP. The private health insurance accounts for about 7 per cent of this private health spending, covering 8 per cent of the population for hospitalizations[13]. In addition, about 27 per cent of the population is covered for hospitalizations under public health

5   https://www.indiabudget.gov.in/economicsurvey/doc/Statistical-Appendix-in-English.pdf

6   https://censusindia.gov.in/Census_Data_2001/Projected_Population/Projected_Population.pdf

7   https://nhm.gov.in/index1.php?lang=1&level=2&sublinkid=971&lid=154#:~:text=IPHS%20are%20a%20set%20of,especially%20for%20Non-Communicable%20Diseases.

8   Rural Health Statistics 2018-19, NHM, MoHFW, New Delhi, 2019; https://main.mohfw.gov.in/sites/default/files/Final%20RHS%202018-19_0.pdf

9   https://www.healthaffairs.org/doi/full/10.1377/hlthaff.25.2.380

10 http://www.cbmpmaharashtra.org/documents/book/Community%20Based%20Monitoring%20and%20Planning%20in%20Maharashtra%20Supported%20by%20National%20Health%20Mission-%20policy%20brief.pdf

11 NSSO 75th Round: Key Indicators of Social Consumption in India – Health 2017-18, National Statistical Office, Govt of India, 2019, New Delhi; http://www.mospi.gov.in/sites/default/files/publication_reports/KI_Health_75th_Final.pdf

12 http://www.mospi.gov.in/sites/default/files/press_release/Press_Note_NAD_31012020.pdf

13 https://www.irdai.gov.in/admincms/cms/uploadedfiles/annual%20reports/IRDAI%20English%20Annual%20Report%202018-19.pdf

insurance schemes, the premiums for which come out of the public health budget under Ayushman Bharat Prime Minister Jan Aarogya Yojana and other similar state schemes, and about two-thirds of it flows into the private health sector[14]. There is further segmentation in access to healthcare with privileges for about 10 per cent of the organised sector workforce, especially government employees. For example, in sharp contrast to the ₹ 1,800 per capita health spending for the common persons, Central government employees and Parliamentarians under the Central Government Health Scheme get benefits at over ₹ 9,000 per capita[15]. Like CGHS the armed forces, railway employees, and other organised sector employees get similar health security benefits. All this contributes to discrimination in access to healthcare and is against the principle of universal access to healthcare and equity.

COVID-19 exposed the fault lines of the healthcare system in India

A look across the states of India shows that there are a few states which have substantially ramped up their public health spending in line with the National Health Policy recommendations and this gets translated into better access to healthcare. The states that have high per capita spends (over ₹ 2,500 per capita) also have better access to healthcare facilities in terms of availability of government doctors, public hospital beds and Primary Health Centres per 1,00,000 population[16]. Thus, high spending states like Sikkim, Mizoram, Arunachal, Meghalaya, Nagaland, Himachal, Goa, Delhi and Puducherry do very well with access to healthcare (the first six however lack tertiary healthcare services). Kerala may not be a high spender, but the state has a long history of robust investment in public healthcare which has created a strong public health system. In contrast, the high-income states of Maharashtra, Gujarat, Punjab and a few others like Uttar Pradesh, West Bengal and Bihar have inadequate public health infrastructure, because of their lower budgetary commitments to healthcare. What is also interesting is that these latter states are also states where the private health sector dominates, in sharp contrast to the former states where the private health sector, except in Delhi and Kerala, is insignificant.

COVID-19 exposed the fault lines of the healthcare system in India, both public and private. The public health system could barely manage firefighting and the limited health resources were diverted towards COVID-19 management. As a consequence, routine healthcare and various critical national health programs like tuberculosis, immunization, maternal and child health and non-communicable disease programs suffered drastically[17]. For instance, ₹ 6,935 crores from the National Rural Health Mission was diverted towards COVID-19 related expenditures[18]. In contrast, there came to light instances of people being exploited by the unregulated private health sector, with exorbitant healthcare charges. Some efforts at price control were made by a few state governments, but the poor regulatory framework became a major hurdle[19,20]. The second COVID-19 wave has emerged even more aggressively exposing the unpreparedness and lackadaisical attitude of governments, especially the Union government whose key cabinet members were more concerned with electoral campaigns and ignoring super-spreader events like the Kumbh Mela and various religious and cultural festivals than to be concerned about shortages of beds and ventilators, oxygen supplies, and inadequate availability of critical medicines. Despite the increasing access to vaccination, we are now witnessing vaccine shortages due to poor strategic planning, as vaccine demand is outstripping vaccine production. This could have been avoided if the government had invoked compulsory licensing at the point when vaccine emergency use was given the go-ahead to substantially increase COVID-19 vaccine production[21].

To conclude, the 2017 National Health Policy demand of 2.5 per cent of GDP and at least 8 per cent share of state budgets is minimalist, and governments should immediately heed to such a commitment to establish a robust primary healthcare system with good referral support. The budgetary commitment required for this would be ₹ 5,600 billion and this will substantially reduce the out-of-pocket burden on households. Such a budgetary commitment will also bring in universal access to comprehensive primary healthcare and create equity in access. This will do a lot of public good. To assure this as a human right, a legislation and/or constitutional amendment to establish healthcare as a right would be necessary. The draft 2015 National Health Policy did recommend a National Health Rights Act (para 12.2 page 56)[22], but the 2017 National Health Policy disregarded this (para 27 page 27-28). The National Health Rights Act needs to be brought back into the national health strategy so that universal access to healthcare can be established.

14 PMJAY Annual Report 2018-19, page 23, MoHFW; https://pmjay.gov.in/sites/default/files/2019-09/Annual%20Report%20-%20PMJAY%20small%20version_1.pdf
15 National Health Profile 2019, page 186, MoHFW, Govt of India, 2019, New Delhi; http://www.cbhidghs.nic.in/showfile.php?lid=1147
16 Ravi Duggal, 2020: States that spend more on healthcare less affected by covid impact, Hindu Businessline June 3, 2020
17 Ravi Duggal, 2020: Covid 19 Impact – Huge Declines in People Accessing Health Services, The Leaflet Dec 27, 2020
18 Ravi Duggal, 2021: Deception in Health Budget 2021-22, The Leaflet, Feb 1, 2021
19 https://www.business-standard.com/article/current-affairs/exorbitant-coronavirus-treatment-prices-slashed-as-state-govts-step-up-120080400305_1.html
20 Kamala Thiagarajan, 2020: Covid 19 exposes the high cost of India's reliance on private healthcare, BMJ 370 Sept 10 2020 https://www.bmj.com/content/370/bmj.m3506
21 Ravi Duggal, 2021: Political Economy of Covid 19 Vaccine Shortages in India, The Leaflet April 10 2021
22 Draft National Health Policy 2015, MoHFW, Govt of India, New Delhi, 2015; https://www.nhp.gov.in/sites/default/files/pdf/draft_national_health_policy_2015.pdf

Recommendations

1. Enact a National Health Rights Act enabling right to healthcare and mandating health as a public good

2. Immediate budgetary commitment of at-least 2.5 per cent of GDP with 35 per cent burden on Union government and 65 per cent on state governments

3. Develop Health care system as per IPHS standards

4. Compulsory public service of at least two years by all graduates and postgraduates from medical, nursing and paramedical schools to eliminate health human resource deficit

5. Strengthening the public health infrastructure of both HWCs and Hospitals to establish robust primary healthcare

6. Say no to privatisation policies in healthcare and insurance-based programs as they divert public resources towards private profiteering

7. Implement compulsory licensing to ramp up COVID-19 vaccine and drug production

8. Legislate strong regulation of the private health sector, including price control

9. Devolution of healthcare planning, decision making and budgets to local governments under oversight of local communities through Community Based Monitoring and Planning and the District/Ward Planning Committees

MIGRANT WORKERS
Hidden in plain sight

Relief measures announced by the government only addressed the pressing concerns at the beginning of the pandemic and did not address long-term issues migrant workers have been confronted with

Context

Migrants are invisible in India. There are 454 million migrants in the country, of which only 60 million of whom are inter-state labour migrants.[1] Though a huge number, and whose suffering and pain was seen first-hand with the COVID-19 pandemic forced lockdown in March 2020 – there has been almost no improvement in the material conditions of the migrants. This is while some policy developments signal some improvements with respect to the migrant workers. Despite contributing 10 per cent of India's GDP, these workers remain socially and politically vulnerable. Basic information on where they work and live, how they are recruited as well as their vulnerabilities to shocks such as the COVID-19 pandemic are often completely unknown. Migrant workers are generally employed in the vast categories of informal sector, doing unskilled jobs in textiles, manufacturing, construction, hotel transportation, services, street vendors or domestic work. Migrants start working at an early age, spending their days at worksites, and returning home to shelters in the informal settlements – slums in the dominant discourse – where they live in cramped spaces and share small rooms with five or six other migrants.[2]

India witnessed a mass exodus of migrant labourers making the long journey home from their place of work between March and May 2020 after the government announced a two-month lockdown. The state seemed to be inept and without any recourse and carried out ad-hoc measures to address the challenge – like attempts at arranging transportation, providing PDS rations and afterthought on increasing allocations for workers returning home under MNREGA were some examples. The adhoc-afterthought measures did little to alleviate their pain and suffering in 2020. The migrants have come a full circle with the second wave of the COVID-19 pandemic in 2021. The second wave has taken a huge toll and has clouded the discourse on the migrants. With only a few policy measures in the last year, and little budgetary allocation – the migrants and their tragic walk home seems to be forgotten.

The lockdown and the last year

Between March 25 and May 1, 2020, distressed migrant workers, stranded without jobs, savings, shelter, food, transport, or any organised support system, began long treks back home with their families and sparse belongings. The homeward exodus of around 11.4 million migrant workers resulted in at least 971 non-COVID-19 deaths, including 96 workers who died on trains.[3]

1   https://www.downtoearth.org.in/blog/economy/faceless-and-dispossessed-india-s-circular-migrants-in-the-times-of-covid-19-71782

2   https://www.eastasiaforum.org/2021/01/29/how-to-protect-indias-invisible-migrant-workers/#:~:text=There%20are%20454%20million%20migrants,are%20socially%20and%20politically%20vulnerable.

3   https://www.business-humanrights.org/fr/derni%C3%A8res-actualit%C3%A9s/india-a-year-after-lockdown-policy-and-data-to-help-improve-livelihood-of-migrant-workers-remains-inadequate/

The lack of government planning made things worse during the lockdown. The policy was a systemic failure in that it left many wage earners jobless. India could have avoided the human tragedy by extending financial relief to migrant workers during the lockdown period. Although helplines were created to provide rations to those in need and transportation was arranged from destination states to source states, but the governments across all states lacked the high-quality and up-to-date labour migration statistics needed to mount a holistic response to the vulnerabilities arising out of a lockdown of the informal sector.

Hardly five months after they left the cities where they worked, migrants started returning because of the lack of employment opportunities in villages, as a rapid assessment survey showed.[4] However, the pandemic enforced unplanned lockdown had caused an economic contraction by then, and the number of poor Indians rose by 75 million. In April 2020 alone, 122 million Indians lost their jobs, a 30 per cent fall in employment over the previous year.[5,6] A year later in April 2021, panicked crowds of migrants started trickling into bus terminals and railway stations in the face of a rise in the COVID-19 infections and lockdowns and curfews declared in cities and states to contain the spread of the second wave of the pandemic. The desperation and alienation from the cities that employ them and benefit out of their labour is clearly visible to the migrants.

After almost a year since the national lockdown in March 2020, research evidence suggests that of the migrants who left cities and industrial towns for their native villages and small towns, 35.4 per cent had no employment, another 35.8 per cent were involved in agriculture as self-employed (SE) labour, perhaps on their joint family farms, 9.7 per cent worked as agriculture labour, 4.6 per cent in MNREGA and other public works and 12.2 per cent as casuals in other non-agriculture work.[7]

The welfare measures by the government for migrant workers in 2020-21

A few schemes were rehashed and formulated by the Indian government for the migrant population soon after the nationwide lockdown was announced in late March 2020. Most of these schemes came in batches and seemed to be ad-hoc in nature, rather than being well thought out. The schemes and promises with respect to migrant workers can be bracketed in the following categories:

First, the increased spending on food for migrant workers with increased allocations under MGNREGA. It was announced that ₹ 1.7 lakh crore will be part of the spending plan for the poor which consisted of cash transfers and other measures to ensure food security. The average daily wages under the MGNREGA were increased to ₹ 202 from the earlier ₹ 182.[8] Later, free food grains for 80 million migrant workers were also announced by the finance minister as part of the *Atmanirbhar* package. This continued until November 2020. In June 2020, the government announced the *Garib Kalyan Rojgar Abhiyan* – a rural public works scheme – to employ returning migrants in some states.[9]

Second, in May 2020, after the Supreme Court admitted that the migrants' issues had not been addressed and that there had been "inadequacies and certain lapses" on the part of the governments, it requested the central government and states to provide stranded migrant workers with free food, shelter, and transportation. Only in the last week of May last year were the state governments finally permitted to operate buses and trains for stranded migrants. Conditions in the buses especially were generally poor, with social distancing being impossible due to overcrowding and higher fares being charged (than promised).[10]

Third, under the *Atma Nirbhar Bharat* programme, the migrant workers should have had access to obtaining new skills, formed into self-help groups and provided employment-guarantee support along with free food grain (where their families were not covered under the National Food Security Act, 2013, and state Public Distribution System schemes). The reality was different though. Migrant workers found it difficult to access free food under the schemes. Employment support was only through the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 for which they required job cards, which they did not have after they left their villages for the cities in the first place.

4   https://www.thehindu.com/news/cities/Delhi/they-are-back/article32370322.ece
5   https://www.livemint.com/industry/human-resource/735-million-indians-lost-jobs-in-april-11620066023257.html
6   https://www.indiaspend.com/governance/migrant-workers-no-reliable-data-or-policy-737499
7   Inferential Survey Statistics and Research Foundation (ISS&RF) in collaboration with ICRIER surveyed 2,917 migrant workers from six states — Uttar Pradesh, Bihar, Jharkhand, Chhattisgarh, Odisha and West Bengal — extending over 34 districts. These states covered two-thirds of migrant workers at an all-India level, and those who returned to their native villages/small towns during the first wave of COVID-19. The survey was conducted in three phases: July-August 2020; November-December 2020 and in the last week of February 2021.
8   https://economictimes.indiatimes.com/news/economy/policy/fm-nirmala-sitharaman-announces-rs-1-7-lakh-crore-relief-package-for-poor/articleshow/74825054.cms?from=mdr
9   https://pib.gov.in/PressReleasePage.aspx?PRID=1632861
10 https://www.livemint.com/news/india/sc-orders-free-travel-food-for-migrant-workers-11590664587657.html

Fourth, immediately after the lockdown, directions were sent from Ministry of Labour and Employment (MoLE) to all the State Governments/UTs instructing them to provide financial assistance to construction workers from Building and Other Construction Workers' Cess Fund. It is estimated that the highest proportion of migrant workers are construction workers. Till date, about two crore migrant workers have been provided ₹ 5000.00 crores directly in their bank accounts from Building & Other Construction Workers' Cess Fund being maintained by various States.[11]

Fifth, beginning with the governments of Uttar Pradesh, Madhya Pradesh and Gujarat too sought to temporarily revise their labour laws in early May with the purpose of attracting industries and investments. Labour unions criticized this as regressive and being harmful to the migrant workers while giving more authority to the employers.[12] Ten of them then wrote to the ILO on 14 May 2020 regarding the same, to which the ILO responded by reassuring them that it had contacted Prime Minister Narendra Modi and expressed their concerns with the workers cause.

Sixth, there were also other labour law alterations that stand to impact the few existing acts relevant to migrant workers. In 1979, India had enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (ISWM) to protect interstate migrant workers. It applied to all establishments and contractors employing five or more interstate workers. The Act is now subsumed under the Occupational Safety, Health and Working Conditions (OSH) Code 2020. Although the ISWM "was obsolete and disconnected from the current economic realities, subsuming it under the OSH code and "arbitrarily" creating limits on employee numbers does not help migrant workers. Migration analysts point out that new labour codes passed between 2019 and 2020 to protect workers' rights may not benefit migrant workers.

Besides these steps for immediate relief to the workers, the government has also announced that it will launch a scheme under the Pradhan Mantri Awas Yojana (PMAY) to convert government funded housing in the cities into affordable rental housing complexes under PPP mode through a concessionaire. In doing so, the government sought to take some step to address the housing concerns of the migrant workers.[13]

Aside from the above measures, though the Centre also issued an order instructing landlords not to demand rent and employers to pay wages without deduction during the lockdown period. The order regarding payment of wages was later withdrawn. The Supreme Court denied a plea requiring payment of the minimum wage, as labourers had already been supplied with free food at the relief camps. But these 'orders/ notifications' were hardly heeded and taken seriously by anyone, including the establishment.

The gaps and blind spots for migrant workers

Most of the relief measures announced by the government only addressed the pressing concerns at the beginning of the pandemic and did not address long-term issues migrant workers have been confronted with. Some measures announced in budget 2021 to address enduring problems included ration card portability and a tax holiday for affordable rental housing projects that are commonly used by migrants. But these were not new – some of these measures have been around for a while other were an extension of established practices.[14]

Some of the migrants were unable to benefit from the food security schemes as promised by the government through its public distribution system. This was because ration cards were area-specific, required registration, and because fair-price stores were largely inaccessible during the lockdown. Although One Nation, One Ration Card permitted migrant workers to obtain free food grain anywhere, very few knew of the scheme.

State government schemes such as free housing under slum redevelopment, subsidised houses for construction workers, benefits for domestic workers, among others have done little to help the unorganised migrant labourers, primarily because of lack of data.

Even as measures to improve migrant workers' lives have been slowly put into place, some states have proceeded to reserve jobs for 'locals' – their own residents, in the face of the ongoing economic crisis. In March 2021, the Haryana government notified a law to reserve 75 per cent of private jobs for local people. Maharashtra, Madhya Pradesh, Karnataka, and Andhra Pradesh already have, or have proposed, similar provisions.[15] But domicile-related provisions will restrict opportunities for migrant workers and go against the recommendation of a 2017 working group that said states must "pro-actively remove domicile provisions in laws relating to work in an accelerated manner". Couple this with the regressive policy movements on the labour front, the case for migrant workers may be summarized as few steps forward and many steps backward.

11 https://pib.gov.in/PressReleasePage.aspx?PRID=1654819
12 https://economictimes.indiatimes.com/news/economy/policy/international-labour-organisation-writes-to-pm-modi-says-india-should-uphold-labour-laws/articleshow/75969284.cms?from=mdr
13 http://arhc.mohua.gov.in/
14 https://www.indiaspend.com/governance/migrant-workers-no-reliable-data-or-policy-737499
15 https://www.dailypioneer.com/2021/state-editions/haryana-job-reservation-law-constitutionally-untenable.html

The Demands and Recommendations

Every crisis brings unique opportunities to address the core problem that the migrant workers face. The pandemic and the resultant migrant crisis have brought to the fore the deep challenges faced by this population group, prompting action by the civil society and the State. Yet a lot more remains to be done. The below mentioned are the most urgent steps that can be taken by the state as economic activity is restored in the coming years.

1. **The draft migrant policy needs to be finalized:** the draft policy penned by NITI Aayog is a step in the right direction. The policy needs to be finalized after due consultations and be given teeth and powers through financial allocations and units within the ministry of labour for implementation.

2. **Portability of all social security schemes:** All migrant workers, along with informal workers must be covered by universal, portable social protection schemes. Labour laws should not be onerous, must be enforced strictly, and must make remedial justice accessible for migrant workers.

3. **Make cities and urban development inclusive for migrants:** Policy reforms should focus on building up adequate infrastructure and resources, including human resources, to implement welfare measures across state and central departments for making cities more inclusive for migrant workers by having housing, live, recreation facilities for migrant workers and families in the cites.

4. **Recognize gender as an important parameter and especially the needs of vulnerable groups such as migrant women and children must be addressed:** Any policy on migrant workers should also include domestic workers who are not covered by any protective law since India has not ratified the International Labour Organization's Domestic Workers Convention, 2011.

5. **Registration of migrant workers and allowing self-registration process:** The problem could be solved by developing a countrywide self-registration process for migrant workers. This would provide the foundation for inter-state coordination on the fiscal costs of migration.

6. **Using technology and mobile networks to promote access to finance and banking:** Although one in four Indians have a smartphone, mobile phones are available to over 90 per cent of the population. A mobile application for the self-registration of migrant labour workers — containing their personal information, Aadhar number, place of residence and place of work — can be part of a proposed framework for capturing much-needed data of migrant workers. A welfare scheme enabling the digital transfer of funds to workers could then be dispensed through a digital or mobile outlet.

7. **Vaccination on priority for migrant workers**: While vaccinations have helped reduce COVID-19 caseloads, the country fears another lockdown situation and closure of borders between states just like the previous year due to growing COVID-19 cases. It is painful to see that migrants are still not being prioritised for vaccination drives even when specialised drives for various age groups have started. It is true that the sick and the elderly need to be vaccinated first, and this might take another year, but the migrant workers should not be made to wait until then. They were the most affected during the lockdown.

8. **Urban livelihoods schemes for migrants and urban workers**: Urban employment schemes designed like MGNREGS, but without the payment delays that have marred the central government's marquee rural jobs programme, could provide jobs and income security for the low-skilled urban poor. The government must ensure that migrant workers are purposefully included in the ambit of such schemes.

Battle to save *kisani*

Together the three farm laws introduced by the Government of India expose Indian agriculture to an active commercial engagement by big corporates who can purchase, store and even decide what crops the farmer grows

At the time of Independence, Indian agriculture was an example of everything that was wrong with the economy of an "underdeveloped" country. Even when nearly three-fourth of its working population worked on its vast farmlands, served by an extensive spread of rivers and a wide range of climatic conditions, India could not produce enough food for its population. The newly independent country had to import a considerable amount of food grains from the "developed" countries of the First World, with United States of America being the chief supplier. While food-surplus countries of the western world eagerly agreed to sell, or even give-away food as aid, their supplies came with "conditions" unfavourable to a sovereign nation trying to restore its scarred dignity after a long history of colonization.

Contrary to popular opinion, local agriculture during the pre-colonial period was not a "backward" system where cultivating peasants had little knowledge of the vagaries of nature or qualities of the soil they cultivated[1]. In fact, Indian cultivators had evolved a range of sustainable systems, including modes of irrigating their fields with wells and ponds. They did not depend only on rains. Indian agriculture also produced a substantial surplus[2]. Thriving urban centres and flourishing political empires of the ancient and medieval times were a proof of this. Much of the wealth that the empires possessed was sourced from the land revenues they collected from cultivators. It was during the British rule, with their alien policies driven exclusively by their colonial interests, that Indian agriculture lost its balance. The British introduced land revenue systems that required the cultivators to produce cash crops, such as cotton, which was exported to England for the newly opened cloth mills in their emerging industrial cities. The industrial revolution in Europe also led to the imposition of policies that killed India's local craft and industry, leading to de-urbanization and an increasing dependence of population on the agrarian economy.

The frequent famines in different part of the subcontinent and a general sense of desperation in the countryside produced anger against the colonial rulers and manifested itself in a series of 'peasant movements' during the first half of the twentieth century. Some of these movements were led by the Congress Party under the leadership of Gandhi, while others were helmed by communists. They all demanded a change in the political regime and restoration of their rights over the lands they cultivated. It was in this context that the agrarian question became an urgent priority with the native political elite who inherited power from the colonial rulers after Independence in 1947.

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1   See David Ludden. *An Agrarian History of South Asia Cambridge*: Cambridge University Press. 1999. Also see Irfan Habib. Potentialities of Capitalistic Development in the Economy of Mughal India. 1969. *The Journal of Economic History* Vol. 29 No. 1: 32-78.

2   Trajectories of agrarian change during the colonial period were significantly diverse. For example, the early years of the colonial rule in Bengal saw a serious crisis of productivity leading to famines and misery. Similarly, Deccan region also saw decline in productivity of land (see Sumit Guha. *The Agrarian Economy of the Bombay Deccan*, 1818-1941. Delhi: Oxford University Press. 1985). Regions, such as Punjab, saw expansion of irrigation through canalization and the setting-up of the canal colonies in the western districts of Punjab (see Ali, Imran Ali. *The Punjab under imperialism, 1885–1947*. Princeton: Princeton University Press. 1988). The colonial policies also produced agrarian distress leading increasing peasant indebtedness, land alienation and widespread pauperization of cultivating classes (see Hamza Alavi, 'India and the Colonial Mode of Production', *Economic and political Weekly*, Special Number 10 (42): 1235-62. 1975). See for contentions and debates on the consequences of colonial rule for the productivity of land in India, G. Blyn. *Agricultural Trends in India, 1891-1947: Output, Availability, and Productivity*. Philadelphia: University of Pennsylvania Press. 1966.

Rural development and agrarian change

The early initiatives by the independent Indian state were in the form of legislative interventions that attempted to restore ownership right to tillers of the land and provide them security of tenure[3]. Land Reform legislations enacted by the state governments on the directives of the national government produced mixed results. While these initiatives did help in reducing the hold of intermediaries and traditional zamindaris in some parts of the country, they did so only in states where the cultivating peasants could build a pressure on the local state functionaries. The government of India also introduced a Community Development Programme (CDP) hoping that the villages would work cooperatively towards rebuilding the local communities, as Gandhi had envisaged. However, these initiatives had very limited success in improving the productivity of land[4].

By the late 1960s the Nehruvian state managed to find the resources to invest in modernizing its agrarian economy. Helped by some global agencies, and using the new technologies developed elsewhere, India moved on to a path of increased productivity. Though confined to a few promising pockets, the state investment in agriculture provided an impetus and, within a short period of a decade or so, the country was producing enough food for its rapidly growing population.

The Green Revolution was made possible not only by the enterprising farmers but also by the kind of investments that the Indian state made in establishing agricultural infrastructure. From the construction of dams and canal networks to setting-up agricultural universities, marketing networks and making provisions for cheap credit from institutional sources on "priority" basis, the Indian state played a critical role in enabling its farmers to pursue the path of intensifying production. The idea of Green Revolution has since spread to other "less-developed" pockets as well, although the required investments in building agricultural infrastructure are no longer coming forth from any agency of the central or state governments.

Envisaged in North America, the Green Revolution was a technology driven programme focused on increasing productivity of land. It assumed that an increase in income would eventually also "trickle-down" to the poor. However, empirical research showed that this was not happening and the number of those living below a subsistence level of nutrition, the poverty-line, was quite large[5]. The central government responded to this by introducing special programmes targeting the poor. These initiatives were put together into a single scheme called the Integrated Rural Development Programme (IRDP) that was replaced with the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) during the early 2000s.

Economic liberalization and agriculture

The reforms of the early 1990s fundamentally changed the orientation of the Indian state towards agriculture and its farming populations. The shift was also a result of the growing global pressure on the Indian government from the emerging WTO regime during the early 1990s and discussions around the Dunkel proposals. They required the signatory states of the General Agreement on Tariffs and Trade (GATT) to reduce trade barriers, including relating to agriculture, withdraw state subsidies and work towards doing away with food security regimes such as the Public Distribution Systems.

The broader orientation of the Indian economy also began to change. Once unleashed, the private corporate sector began to grow rapidly. Thus, the size of the national economy expanded. But the corporate economy was at first largely focussed on the high-end service sector, which did not generate many jobs. Thus, unlike the "classical" growth trajectories of the industrialized nations of the global North, even when the share of India's agriculture declined rather rapidly, a much larger proportion of the workforce remained employed in agriculture. While the share of agriculture in the total national income has come down to less than 15 per cent, as per the Periodic Labour Force Survey (PLFS) 2017-18, as many as 44.1 per cent of workers above 15 years are employed in the agricultural sector[6]. Such a decline in the relative size of agrarian economy in terms of its value addition has produced many imbalances, going beyond the sphere of income and employment.

The growing size and power of the urban and corporate economy marginalized its agrarian economy in the national imagination, the effects of which began to also be felt by those working in the sector. For example, the earlier growth in agriculture had given enough incomes and aspirations to the landowning classes/castes to educate their wards, hoping that they would find employment outside the village. However, those who controlled corporate capital preferred their own (those from the urban upper castes and urban educated individuals with the required cultural capital), leaving those coming from agrarian backgrounds in the lurch.

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3   See P.C. Joshi. *Land Reforms in India: Trends and Perspectives.* Delhi: Allied Publications. 1976.
4   See S. C. Dube. *India's Changing Village*. Delhi: Allied Publications 1967; Subir Sinha. 'Lineages of the Developmentalist State: Transnationality and Village India, 1900–1965'. *Comparative Studies in Society and History*; 50(1):57–90. 2008
5   See Nilakantha Rath. 'Garibi Hatao': Can IRDP Do It?'. Vol XX, No 6, *Economic and political Weekly* 20 (6): 238-46. 1985.
6   See S. S. Jodhka 'Changing Modes of Agriculture in Punjab' *The India Forum*. 02 April 2021. https://www.theindiaforum.in/article/changing-modes-agriculture-punjab

As the power and influence of the corporate capital grew, it also began to diversify its economic enterprises. Beyond the traditional manufacturing and business outsourcing in software, agriculture and food processing began to attract them as avenues of possible investments and incomes. The growing size of the urban middle-classes and its increasing aptitude for consumption provided a sure source of demand for processed food. Processed food products could also be exported to emerging markets abroad. To the neo-liberal policy makers of the Indian state, these appeared to be the most desirable solutions for an agricultural sector complaining of crises for a long time.

New farm laws for corporate access

Given the diversity of legal frameworks governing agricultural lands and restrictions on corporates buying or leasing-in agricultural lands, the corporates could not easily enter the agricultural economy. It is in this context that the union government decided to enact a set of new laws that would make it easier for the big corporations to enter the agricultural sector, on their own terms. They were initially brought in as "ordinances" on 5 June 2020, through a decision of union cabinet of ministers, and were subsequently, hastily enacted into laws by the Indian Parliament during the second half of September 2020 without any meaningful consultations with different stakeholders.

According to the Indian Constitution, issues related to agriculture are a state subject, a domain of the provincial governments. The union government did not even consult the state government and gave no heed to issues raised by the opposition parties in Parliament when the three ordinances were introduced for their enactment as laws. That the timing of the passage of the laws coincided with the period when the rest of India was practically under a complete lockdown due to the first wave of COVID-19 infections, made the government's actions even more suspect.

Of the three laws, two were newly drafted 'Acts' and one an 'amendment' to a pre-existing law. 'The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020', proposes to "liberalize" the sale and purchase of agricultural commodities, specifically of food grains. It significantly undermines the pre-existing marketing framework and opens-up the trading of food grains outside the Agricultural Produce Marketing Committees (APMC), the *mandis*. The *mandis* were put in place by different state governments (although, not all) as part of a supporting structure for the surplus producing farmers of the state at the time of the Green Revolution which began in the 1960s and 1970s. Agencies of the central government began to procure food grains through the APMC at an assured minimum support price (MSP), determined by the Central Government, to shore up its own food reserves for running the public distribution system across the country. The text of the new law does away with any reference to the existing MSP regime or its continuation.

The second, 'Farmers (Empowerment and Protection) Agreement of Price Assurance, Farm Services Act, 2020' proposes a framework for contract farming, where farmers can directly enter into agreements with buyers to produce a specific crop, which the latter can purchase at a pre-fixed price. Provisions of contract farming have already been in place at the state level, but the new law brings it into a common national framework. This law too makes no provision for any kind of price security to the cultivators. Provisions provided for dispute resolution too have become a source of contention.

The third, an amended law, is named as 'The Essential Commodities (Amendment) Act, 2020'. It removes the existing limits on storage of cereals, pulses, oilseeds, edible oils, onion, and potatoes which are no longer listed as essential commodities.

Together, the three laws open-up the agricultural sector of India to an active commercial engagement by the big corporates, who can purchase, store and even decide what crops to produce (through contract farming). These laws, according to the central government, will bring about the much-needed reform in Indian agriculture and 'take (it to) new heights'. Such a claim, however, has not found much favour among the Indian farmers in general, and virtually none in northwest India.

Farmers protest

Indian agriculture has been in a state of "crises" over the past two decades and more. The most painful manifestation of this has been the rising rate of suicides by farmers from across the country, although they are greater in regions with relatively developed agriculture where farmers are more integrated into the market system. The most frequently stated reason for the suicides has been their growing indebtedness, mostly to informal sources, including usurious money lenders and close relatives. Various governments have promised to help agriculture by raising farm incomes. The current union government too had promised to double farm incomes by implementing a pro-farmer report prepared by a committee chaired by Dr. M.S. Swaminathan in 2006.

Instead of working toward implementing the Swaminathan Report, the Central Government opened-up the agricultural sector to the mighty corporate capital. More than 85 percent of Indian farmers have small holdings, less than two hectares. They fear that they would find it hard to engage directly with big corporations. The farm unions see these laws as a kind of 'sell-off' by the Indian government to serve the corporate interests. They fear that if implemented, they would have no future as independent farmers.

Alarmed by the possible prospects of the new laws, the farmers have been protesting with all their might. Beginning with the north-western state of Punjab, sometime in July 2020, the protests gradually spread to other regions of the country. The most spectacular of these protests was when they arrived in large numbers at the borders of the national capital on the 26th and 27th of November, 2020. Estimates of their numbers at this point vary, but they were certainly in excess of 50,000, and their numbers swelled to around 300,000 within a week or so. It peaked on 26th January, when nearly a million more of them arrived from across the country for a bigger protest and drove their tractors on the belt roads of the capital city.

They have been sitting on the roads ever since their arrival, surrounding Delhi, and occupying major highways connecting the national capital to different parts of the country. Their sit-ins covered so large an area that they soon looked like distinct townships covering an area of 10 to 15 kilometres at each site. They have been sleeping in the tractor-trolleys they brought along and have set-up huge pandals for their protest speeches.

This has been no picnic. They have sat through the harsh winter, when night temperatures in Delhi went to as low as 1-2o C. They are now sitting there in the peak summer with confronting temperatures soaring up to 45o C. More than 400 protesting farmers have died, mostly at the protest sites around Delhi, unable to bear the hardships of weather and living conditions. Some have also died at the local protest sites in different states, and a few in road accidents while travelling from their villages to the protest sites on Delhi's borders.

But their resilience has been remarkable. They know what is at stake. 'Our lands will be lost for ever. Our children will have no lands to cultivate. This is a battle for saving kisani (farming cultures), our livelihood and our dignity', they argue. 'The "battle" is still on', as the farm union leaders put it.

The urbanisation of poverty in a raging pandemic

Basic services became additional financial liabilities during the lockdown and the need for rental housing for migrant workers became stark. The pandemic has emphasised the need for a rights framework to holistically address the multidimensionality of urban poverty

While India remains largely rural, its 7,935 urban areas are growing in number, size and population. As per the Census of India 2011, 31.16 per cent of the total population, accounting for 377 million people, live in urban India. Estimates state that by 2050, India is projected to add 404 million urban dwellers (UN DESA, 2014). This, therefore, is a crucial decade for India to assess and change critical aspects of its urban growth story that is currently plagued by varied forms of disparities.

The pandemic induced lockdown in 2020 exposed this disparity and the months that have followed have seen more people pushed into poverty. An analysis by the Pew Research Centre projected that the number of poor in India reached 134 million owing to the pandemic. In just one year since the pandemic, the poverty rate in India has risen to 9.7 per cent in 2020 from the January 2020 forecast of 4.3 per cent (Business Today, 2021). This is an unfortunate and a serious shift in the socio-economic demography when in 2019, a UNDP report had found that India was able to reduce 'multidimensional poverty' between 2005 and 2016 by moving 271 million people out of poverty[1].

Poverty rates in India have been highly debated, and while rural poverty is higher than urban poverty, there is evidence of increasing 'urbanisation of poverty'[2]. Distinguishing between households experiencing poverty in rural and urban settings in the country is challenging, given that poverty-induced rural-urban migration is rampant. The Socio-Economic Caste Census 2011 found 35 per cent of urban Indian households qualify as poor. This was above the earlier estimates of the urban population below the poverty line, that ranged from 13.7 per cent as per the Tendulkar Committee's methodology to 26.4 per cent going by the Rangarajan expert panel's formula.

Who are the urban poor?

The urban poor are a heterogeneous category and oscillate economically in adverse social and economic situations. They are mainly engaged as informal workers who form 69.1 per cent of urban India's workforce[3]. Labelled as 'migrants' millions of these

1   https://www.in.undp.org/content/india/en/home/sustainable-development/successstories/MultiDimesnionalPovertyIndex.html
2   file:///C:/Users/Bijoy/Downloads/india_urban_poverty_report_2009_related.pdf
3   NSSO, (2011-12), Ministry of Labour and Employment, Government of India (2015): "Report on Employment in Informal Sector and Conditions of Informal Employment (2013-14)," 68th round, Vol IV, https://labour.gov.in/sites/default/files/Report%20vol%204%20final.pdf

workers and their families who travelled back to their villages by any means, in the midst of the lockdown, were prime time media focus for a few weeks. Yet, for years they have lived with severely compromised rights – characterised by high incidence of poverty, working with no social security, living in inadequate habitats in the city[4].

22.4 per cent of the urban population lives in slums[5]. However, equating urban poor to those who live in slums is limiting and problematic. The urban poor occupy varied forms of housing, slums being just one such housing type. Jana and Bhan (2013) argue that definitional exclusions as well as the reality of increased displacements lead to possible new spatialisations of poverty in Indian cities and that it is important to separate the "slum" from the "poor"[6]. This is especially important while considering what this separation means for the delivery of urban services, social security benefits and shelter.

The pandemic and its reinforcements

The pandemic has laid bare the dire need for much stronger social protection systems, services and shelter for the urban poor. Over the last 15 years, India has witnessed a growth in rights-based entitlements and systemic reforms to build a more inclusive social protection system[7]. As individual schemes and programmes in urban India, these include, school meals (Mid-Day Meal programme), child care services (ICDS), food subsidies (PDS), social security pensions and social security measures for various worker groups.

A slew of relief schemes were announced shortly after the lockdown was announced in March 2020. This included a ₹ 1.7 lakh crore fiscal stimulus package. In May 2020, the second tranche worth ₹ 20 lakh crore was announced. Relief for the urban poor included expansion of existing social protection systems – direct cash transfers, additional supply of food grains, free gas cylinders, direction to the state governments to support construction workers through cess funds, loans for women self-help groups and street vendors. It also launched a much needed, new vertical under the Pradhan Mantri Awas Yojana (PMAY) housing for all scheme i.e. affordable rental housing complexes for migrant workers.

Did the social protection measures reach those they were meant for?

A study conducted by Action Aid India showed that people's access to welfare schemes showed great variation across different states and between the rural and urban. States in the southern and eastern parts of the country outperformed states in northern and central India. For instance, in Andhra Pradesh, Odisha, West Bengal, and Assam more than 87 per cent of the respondents could access free rations, but in Manipur, Rajasthan, Delhi, and Punjab less than 55 per cent respondents reported access. There was also considerable variation in access to these schemes based on migration status and location. Returnee migrants have consistently reported lower access to welfare schemes as compared to the non-migrant population. At the same time, rural areas have performed far better than urban areas in ensuring access to these schemes, which points to the utter neglect in building an inclusive and accessible social security infrastructure in cities[8].

Data from a study conducted by YUVA in the Mumbai Metropolitan Region found that inability to furnish identity cards kept the poor away from being able to access relief. Out of 14,133 households, 82.78 per cent of the households were enrolled with the PDS and had ration cards. However, only 45.49 per cent had ration cards registered in the city they lived in. Among 4,805 households living on 16 construction sites, only 10.38 per cent had ration cards registered in the city. To be able to access social protection at a critical time, identity documents remained crucial[9]. Identity documents such as ration cards, voter identity cards, bank accounts, Aadhaar cards, worker's registration cards, PAN cards are a prerequisite to access social protection (welfare and entitlements) linked to food, livelihoods and healthcare. Additionally, possessing these documents gives the urban poor a legal identity within the system, citizenship and rights in the city. It doubles up as a form of proof to be able to access basic services such as water, sanitation, electricity and housing[10]. The lack of identity documents (given the nature of existence in the city and bureaucratic hurdles) has meant the inability to access social protection and protect oneself during the pandemic.

Ways forward

The Union Budget 2021-22 was awaited with the hope that it would provide direction to the largest urban crisis the country witnessed and provide much needed resources to the urban informal economy and its workers. Instead of providing immediate

4   Youth for Unity and Voluntary Action. (2021). *Living with multiple vulnerabilities: Impact of COVID-19 on the urban poor in the Mumbai Metropolitan Region.* Economic and Political Weekly. EPW Engage. https://www.epw.in/engage/article/living-multiple-vulnerabilities-impact-covid-19

5   0.31 million people are homeless and 0.23 million people live in shelters (Census 2011)

6   https://www.epw.in/journal/2013/18/commentary/slums-or-poverty.html

7   Recent Social Security Initiatives in India; Jean Drèze and Reetika Khera, World Development, 2017, vol. 98(C), pages 555-572

8   Action Aid India. 2020. Workers in the Time of Covid-19 – Round II of the National Study on Informal Workers.Retrieved from https://www.actionaidindia.org/publications/workers-in-the-time-of-covid-19-round-ii-of-the-national-study-on-informal-workers-2/

9   https://www.epw.in/engage/article/living-multiple-vulnerabilities-impact-covid-19

10 Youth for Unity and Voluntary Action (YUVA). (2017). Unequal Realities: Identity, Housing and Basic Services in Four Indian Cities (2016). City Say. Mumbai, India.

impetus on housing and labour hostels, developers undertaking the same were offered tax concessions. There is a section on labour welfare in the budget but it doesn't allocate any resources to the lost livelihoods, reduced wages, and income insecurity that the workers are currently facing. While there is mention of universal social security and online portals to access information on workers, it gives little cash to the resource-starved informal sector that runs the urban centres[11].

As India faces a harsh second wave of the pandemic, this moment offers yet another opportunity to set in place much needed reforms for the urban poor. Some measures that can provide a starting point have been outlined below.

The multidimensionality of urban poverty must be addressed within a rights framework: Urban poverty highlights issues in housing, basic services (water, sanitation), basic infrastructure (health, education), social security and livelihoods along with special needs of vulnerable groups. To address urban poverty would mean addressing each of these aspects. Take for example, the need to prioritise urban habitats (basic services and housing). The inadequacy of housing and basic services in cities was highlighted through the pandemic. The homeless and those living on rent in slums were most vulnerable to eviction during the lockdown, despite orders to prohibit forced evictions and moratorium on rents. Basic services such as water, sanitation, electricity, toilets and healthcare became additional financial liabilities during the lockdown[12]. The need for rental housing for migrant workers was stark. Thus, a rights framework is important to holistically address the multidimensionality of urban poverty.

A shock responsive social protection system for the urban poor should be developed: Vulnerable sections among the Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic Tribes, women, children, the elderly, transgender persons, persons with disability were affected disproportionately during the lockdown. Over and above the historical burden of marginalisation, findings reveal that their existing deprivation has exacerbated their inability to access basic needs and rights, rendering them bereft of self-respect and dignity. The pandemic has shown that there is an urgent need to expand the welfare net for the poor through measures such as universalisation of the PDS, prioritisation of Direct Cash Transfers and social security for informal workers[13]. A robust social protection system for the urban poor must be responsive to evolving challenges and crisis situations and be able to ensure people's rights and dignity are constantly safeguarded.

Accurate, updated data to inform policy must be prioritised: The lack of data to inform policy on the urban and urban informal workers is stark. Comprehensive surveys categorise urban informal workers broadly and vary from survey to survey. The Census 2011 used the categories marginal workers or main workers, casual workers and non-agricultural workers. The National Sample Survey 68th round (2011-12) enumerated workers in the non-agricultural sector. The Socio-Economic Caste Census (2011) used nine roughly categorized types of urban livelihoods. The National Commission on Employment in the Unorganised Sector (2009)[14] used five broad categories of employment. These surveys have collected information on conditions of informal employment (wage/salaried employees, contract workers, casual labourers) and categorised them broadly. With limited definitions of various types of informal work and limited occupation lists, the number of workers engaged in these occupations remain estimates at most. It is altogether another even more serious matter that updated data doesn't exist. Policy therefore is unable to respond to needs of informal workers.

Data gaps have an impact on survival, development, protection and participation. For instance, because the authorities used the 2011 Census as the point of reference to estimate the number of people who would be eligible for rations from the Public Distribution System during lockdown, an estimated 108.4 million people – about 8 per cent of India's population – were excluded from receiving benefits. This is because the estimates were made using outdated data and failed to count the large number of people who migrate to cities every week[15].

Strengthen urban local governance and people's participation: In order for urban India to respond to its challenges it is crucial to ensure strong local governance systems. The 74th Constitutional Amendment Act mandates the powers of urban local bodies and people's participation in urban governance. Central and State governments must facilitate decentralisation of governance and devolution of powers as mandated by the Constitution. Local governments must further ensure people are engaged and have avenues to participate meaningfully in decisions that impact them. It is through decentralised local governance structures that some of the biggest challenges in delivery of social protection schemes, basic services and planning can be tackled. A decentralised, participatory urban governance structure can ensure the realisation of a more equal urban future.

11 Panwar T., Unni A. (2021).The The budget's urban blind spot. Indian Express. Retrieved from https://indianexpress.com/article/opinion/columns/union-budget-2021-nda-migrants-unemployment-7178657/

12 Youth for Unity and Voluntary Action. (2020). *Living with multiple vulnerabilities: Impact of COVID-19 on the urban poor in the Mumbai Metropolitan Region.* Mumbai: Youth for Unity and Voluntary Action (YUVA). https://yuvaindia.org/wp-content/uploads/2017/03/ COVID-19_MMRImpact_UrbanPoor-1.pdf

13 Youth for Unity and Voluntary Action. (2021). *Living with multiple vulnerabilities: Impact of COVID-19 on the urban poor in the Mumbai Metropolitan Region.* Economic and Political Weekly. EPW Engage. https://www.epw.in/engage/article/living-multiple-vulnerabilities-impact-covid-19

14 Government of India. (2009). India-Urban Poverty Report.

15 Kumar A. (2020). How the lack of reliable data hurts the most vulnerable Indians. Scroll.in. Retrieved from https://scroll.in/article/973179/how-the-lack-of-reliable-data-hurts-the-most-vulnerable-indians

Millions outside ambit of Govt. support

Securing basic income, social protection and dignity for informal sector workers is a national priority for decent work, social security and protection of labour rights

The Voluntary National Review 2020 report on its progress towards the sustainable development goals by India, reflects the country's efforts at fulfilling SDG8: Decent Work and Economic Growth. With the policy agenda of creating a *Sampanna and Samriddha Bharat* (abundant and prosperous India), India's focus entrepreneurship is both, a way forward and backward in terms of state accountability for livelihood security of resource poor communities[1]. The government claims to have trained 10 million students under the National Skill Development Mission; and 8.7 million persons under the *Pradhan Mantri Kaushal Vikas Yojana* (PMKVY).

However, with a 23 per cent youth unemployment rate in 2019 to a 32.5 per cent in 2020; the always low rates of women's labour force participation declining further at 18.5 per cent (SDG review report, 2019), and the devastating impact of the COVID-19 induced lockdown, India is far from meeting the SDG Goals 4 and 8 by 2030. In fact, women dominated sectors such as arts and entertainment, domestic work and other services have been most heavily affected by the 2020 lockdown, with 61 per cent of women workers impacted. All this raises the questions on the livelihood security assured by the government.

Job losses of daily wage earners is a reality and the lack of information and access to available government support along with withdrawal of support by employers for those in jobs further enhanced livelihood distress over the past year. Independent studies conducted during the pandemic show higher levels of borrowing and rise in indebtedness, with families either having no savings as fall-back or exhausting their savings within 2-4 months of the 2020 lockdown, high levels of ration relief and cash transfer dependency to survive and even higher levels of unpaid care work by women.[2]

The new Labour Codes promulgated in 2020 are taking India back in time. What was needed instead were social security benchmarks on decent and minimum wages for the informal sector as part of the COVID-19 response. The farm bills have further accentuated the livelihood crisis.

1   Niti Aayog. India Voluntary National Review 2020. United Nations High Level Political Forumfor Sustainable Development (2020)
2   Magic Bus; Azad Foundation studies (2020)

COVID-19 has impacted livelihood as family bread-winners have succumbed to the virus. Small and even some big businesses are closing down or shrinking in size and there is ever-looming crisis of livelihoods around. Many migrant workers who came back to the cities (December 2020 onwards) have again gone back home; many who had stayed back in rural India are finding it hard to make ends meet, and many others who lost their jobs haven't yet found employment. Several people-centred policies and schemes notwithstanding, the Indian State has fallen short of providing succour to the struggling masses, in what is one of the biggest economic meltdowns in Independent India.

Data from the Consumer Pyramids Surveys of the Centre for Monitoring Indian Economy (CMIE) shows that 43 per cent of the national workforce was adversely affected by the COVID-19 induced lockdown last year. A December 2020 study by Azim Premji University showed that almost 20 per cent of those who lost work (from March 2020 onwards) were still unemployed. Further, during this period, many of those who had been salaried before the lockdown returned to work as casual workers or were self-employed. As per CMIE, between March-August 2020, an average household had 17 per cent lower income in nominal terms relative to the same months in 2019, reflecting a collapse in income levels[3].

Union budget 2020-21 and livelihood

Instead of compensating households for massive livelihood losses incurred due to the pandemic, the union budget 2021-22 has only accounted for steps to stimulate economic growth and maintain some fiscal discipline. In fact, this year's union budget has not fulfilled any of the expectations with regard to addressing the continued livelihood crisis — with no increase in the MGNREGA allocation, no restoration of the expanded food subsidies (which had expired in November 2020), no repeat round of cash transfers nor any new urban employment guarantee programme. This, despite of the fact that, through MGNREGA, in June 2020, about ₹ 3.22 crore households were provided employment (50 per cent more than the previous year). Women's employment had also increased in rural areas under the programme.

In other far-reaching decisions, the current budget has seen a reduction in allocations to schemes like the Shram Yogi Maan Dhan, Kisan Maan Dhan and PM-KISAN, which are particularly important for the informal sector. On the other hand, the new Atmanirbhar Bharat Rozgar Yojana, a provident fund-based wage subsidy scheme, has been allocated a budget of ₹ 3,130 crore (up from ₹ 1,000 crore spent in 2020 when the scheme was launched) for formal sector workers. Hand in hand, the Pradhan Mantri Rozgar Protsahan Yojana (also a provident fund-linked employment wage subsidy scheme) has seen a budget cut from ₹ 2,550 crore in 2020–21 to ₹ 900 crore in 2021-22.

Migration, lockdown and the livelihood crisis

A constant and recurring image of the 2020 lockdown is of migrants travelling home from cities. The lack of social security accompanied by the loss of jobs due to lockdown left millions of migrant workers no option but to return home. 2020 has been socially, emotionally and financially devastating for millions.

The impacts of the lockdown on migrant workers have been multifaceted. Independent India has not seen such a visible and sudden struggle for survival in the cities. A complete shutdown of the economy meant there was no work available. This implied a lack of food for daily wage earners. Notwithstanding government claims of cash transfers and public distribution of ration, workers have been caught in an unending cycle of borrowing and debt. No or less food, queuing up for free ration or cooked food (where available or accessible), no payment of due wages for workers rendered jobless with lockdown, no financial compensation or support from governments, reduction in expenditure at the individual household level, mobility restrictions and health care emergencies[4]. It is worse for women who carry the triple burden of their families — productive, reproductive and community roles that are mostly unpaid: women in households, as frontline workers, as domestic workers and women whose livelihoods have been hit by lockdown in the service and manufacturing sectors, as also in occupations such as sex work etc.[5]

The government announced several relief packages in the form of food or cash transfers in the face of sudden and severe livelihood losses among the poor and the marginalised. Relief became a necessity for 4-6 months from the onset of the pandemic since no one was allowed to go to work to earn their livelihood due to lockdown. Many informal and formal sector workers also encountered complete job loss as employers could not manage to pay wages or salaries for long periods, especially where work from home was not an option.

3   Bhasole, Amit. "Labour, Livelihoods, and Employment in the 2021–22 Union Budget" in Economic and Political Weekly, February 27, 2021 Vol. IVi No. 9 https://cse.azimpremjiuniversity.edu.in/wp- content/uploads/2021/01/Basole_EPW_Budget_2021.pdf (accessed on 15th April 2021)

4   The Perils of being poor in the age of COVID-19 – A report on the situation of South Rajasthan Migrant workers after the lockdown, Dec. 2020, Ajeevika Bureau, Rajasthan https://bit.ly/3x2IqQu (Accessed on 12th April 2021)

5   Governance Matters: Covid-19 Pandemic Shows How, Centre for Science and Environment Weekly News Bulletin, May 18, 2021 https://bit.ly/3wfhLik

Financial inclusion through Jan Dhan-Aadhaar-Mobile (JAM) trinity — near universal access to bank accounts aided by the Jan Dhan Yojana (National Financial Inclusion Scheme); and direct benefit transfers (DBT) to the poor, including to over 200 million women, as per the government's Samagra Bharat, Saksham Bharat (Inclusive and Entrepreneurial India) have remained unmet to a large extent. In fact, efforts expended by individual NGO's working across the country on various issues like livelihoods, education, health in meeting basic food security needs, sharing information and access on schemes, like Jan Dhan Yojana is indicative of the crisis of inclusion.

An indication of the extent of exclusion is evident from the fact that out of 24,584 people surveyed for community need assessment conducted across three urban areas Delhi, Jaipur and Kolkata[6] during April–October 2020, 50 per cent households were found to be food insecure and with less than a week's food at hand; 58 per cent households with ration card were also food insecure and 81 per cent households did not have information on social security schemes including provisions for relief. A follow-up on this survey conducted after the lockdown was lifted (with a sample of 3,500 people who could be traced back on a longitudinal study) revealed that 29 per cent had either lost jobs or had reduced income post lockdown. The crisis was evident across most marginalised sections i.e. Scheduled Caste groups, minority religious groups and single women.[7]

Labour codes and lack of regulatory mechanisms

The Indian government recently passed four Labour Codes with an eye to converge 44 labour laws under these 'codes', but their implementation may waiver and not necessarily secure workers' rights.

The Code on Social Security, 2020 could be favourable for all workers if enforced, as it expects every employer to issue an employment letter. Most informal workers don't even have evidence of an employer-employee relationship and therefore, they face challenges in accessing bank loans, school admissions for their children, etc.

This code also mentions the gig worker, and can prove to be beneficial in the currently changing work environment, an alternative to traditional forms of work, workplaces and wage structures. A gig worker is defined as, 'a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship' and platform work as, 'an employment form in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services in exchange for payment'.

If we take the case of domestic work in India, a traditionally feminized, low-paying and insecure form of work, this has found its place within the gig economy. And while the social security labour code includes gig workers, it has kept domestic workers, daily wage earners, and such informal sector workers outside the purview of the same. In such cases, there would be a clash in terms of identity of the worker – would that woman be considered a domestic worker or a gig worker?

As per the Code on Wages, 2019 an 'employee' refers to any person who is 'employed on wages by an establishment to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward', while a 'worker' is defined as any person 'employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward.

Similarly in a country where the largest workforce population (including women and child labour) have no workplace security with respect to working conditions, hazardous materials, sexual harassment at the workplace, etc., the Industrial Relations Code, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020 may just remain in word if not implemented in the informal sector leave alone the formal sector of work.

Is there a way ahead?

There is an increasing discourse on 'dignified livelihoods' for those who labour every day, especially in the context of the crisis that COVID-19 lockdowns have brought forth and this perspective needs to be integrated into policy and practice going forward. It is also critical, in the immediate context of the COVID-19 pandemic and moving forward, to build a diverse and socially inclusive lens to livelihoods at the policy and practice level, with a focus on intersectionalities (gender, non-binary identities, religion, caste, disability, migration, etc.). While some stability began to return to individuals and collective groups of women with the lifting of the lockdown, the second wave of the virus has brought with it despair at the gravest levels. Care and support enterprises, gig and platform workers are working 24x7 and assisting infected citizens across the country while trying to secure their own health and basic survival needs. At this time, the reality of livelihood itself and livelihoods with dignity is desperate and struggling workers can only be supported through direct safety nets, public distribution of food and essentials to tide over while they wait in queues for their right to vaccination and safe recoveries from COVID-19.

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6   Surveys were conducted by Azad Foundation, India, 2020
7   Need Assessment Study undertaken by Azad Foundation India

So, while skill-building initiatives of the government along with livelihood portals are ready to ride on the digital wave, despite the digital divide that exists in the country, across intersections of gender, caste and geographical regions, there is need to actually think deeply about equity in access to skills and livelihoods, especially with the marginalised sections in mind.

The non-traditional livelihood network, that includes members who engage with marginalised sections of society ensuring their access to skills, education and employment, recommends adopting a holistic approach to equitable access that for a gender-just and inclusive recovery. This includes access to information along with basic criteria for application for skills or educational courses which includes access to documents, like mark sheets, citizenship proof like voter-id card (which as we have seen is a challenge for the vast number of migrants in the country). Further, there should be increase access to basic infrastructural requirements like a mobile phone/television in case of online learning, or subsidised travel to educational or skill institutions, presence of creches, caregiving facilities so that women can also join and sustain training. The pedagogy also has to be inclusive, has to recognise prior learning, be evenly paced and adaptable to needs of learners, include skills ++ i.e skills relevant to market needs along with transformational skills like critical thinking, decision making, communication, professionalism along with counselling and mentorship and finally it has been linked to placement and internship and job opportunities.

Finally, there is need to address basic requirements within the market as well, which include minimum wages, safe and secure environment and basic security net even for informal and gig economy jobs (which constitute almost 90 per cent of the jobs in India). Along with this, there is a need to perceive linkages, interconnectedness of life events, of morbidity and violence of marriage and caregiving roles, of menstrual, reproductive health as well as mental health on access to and sustenance of livelihoods.

In a post-COVID-19 scenario, we need to emerge beyond the silos of education, livelihoods, health, food security, violence to understand that people's lives are interconnected and impacted by structural norms like occupational segregation.

LIVELIHOOD – WOMEN

Bad for workers. Worse for women workers

Building gender-sensitive infrastructure and social security along with gender-sensitive markets that enable women to join the workforce is essential for a gender-just economic recovery

The impacts of the lockdown on migrant workers have been multifaceted and unprecedented in the country's independent history. A shutdown of the economy implied a loss of work, and consequently, a lack of food for daily wage earners. The government claims to have transferred cash to the individual accounts and to have distributed food through its public distribution system. Yet, workers have been caught in an unending cycle of borrowing and debt. Families had no food, or at best, very little food and had to queue up for free ration or cooked meals (where available or accessible). Jobless workers received no payment of due wages and no financial compensation or support from governments. Household expenditures were reduced and there was hardly any resource for possible health care emergencies.

It has been worse for women who carry the triple burden of their families — productive, reproductive and community roles that are mostly unpaid: women in households, as frontline workers, as domestic workers and women whose livelihoods have been hit by lockdown in the service and manufacturing sectors, as also in occupations such as sex work etc.

Further, with a 23 per cent youth unemployment rate in 2019 rising to 32.5 per cent in 2020; the already low rates of women's labour force participation declining further at 18.5 per cent and the devastating impact of the COVID-19 induced lockdown, India's journey to meet with the Sustainable Development Goals has had a tremendous setback.

In fact, women dominated sectors such as arts and entertainment, domestic work and other services have been most heavily affected by the 2020 lockdown, with 61 per cent of women workers impacted. All this raises questions on the livelihood security assured by the government.

1   The Perils of being poor in the age of COVID19 – A report on the situation of South Rajasthan Migrant workers after the lockdown, Dec. 2020, Ajeevika Bureau, Rajasthan https://bit.ly/3x2IqQu (Accessed on 12th April 2021)
2   Governance Matters: Covid-19 Pandemic Shows How, Centre for Science and Environment Weekly News Bulletin, May 18, 2021 https://bit.ly/3wfhLik
3   SDG review report, 2019

A Snapshot of women in the informal workforce in India

INFORMAL WOMEN WORKERS

94% WOMEN ARE INFORMAL WORKERS

and work as daily-wage agricultural labourers or at construction sites, or as self-employed micro-entrepreneurs or engaged in home-based production.

53% WOMEN ARE SELF-EMPLOYED

as per the periodic labour force survey (PLES), 2018-19.

Women from a large part of the labour force in industries like fashion, the beauty industry, housekeeping and events, which have been severely dented during to social distancing regulations

COVID-19 LOCKDOWN IMPACTS

75% JOBS WERE LOST IN THE INFORMAL ECONOMY

based on an Action Aid survey undertaken during the third phase of lockdown in late May.[9]

97% WOMEN STREET VENDORS REPORTED IMPACT ON INCOME

With those running tea stalls or selling their wares at weekly markets (haats) having to completely shut down during the pandemic.[12]

A survey carried out by Azim Premji University of 5,000 workers across 12 states estimated that two-thirds had lost their jobs during the lockdown, and the ones that continued to stay employed, reported their earnings drop by more than half. Additionally, more than half of the wage workers received no salary or reduced salary during the lockdown.[10]

80% women had to resort to loans (either from family/community or from moneylenders) during the lockdown.[11]

Source - Women and Work: How India fared in 2020, IWWAGE/ LEAD KREA University

Gender disaggregated studies conducted during the pandemic show that men and women have had very different experiences in terms of their employment during and after the lockdown. While 65 per cent of men who were employed pre-lockdown were unaffected in terms of employment both during and post the lockdown, the corresponding percentage of women following this no effect trajectory was merely 30 per cent. Secondly, while seven per cent of men who were employed prior to the lockdown lost work during the lockdown and remained unemployed even after the lockdown (i.e. they followed the no-recovery trajectory), the corresponding share for women was much higher at 37 per cent. Thirdly, although a similar share of male and female workers followed a recovery trajectory, this belies the gendered nature of recovery[4].

This flies in the face of '*Sabka Saath, Sabka Vikas*' in a developing country that was ranked the world's fifth largest economy in 2019 or the fact that it featured as the five worst performing country in terms of economic participation according to the World Economic Forum's Global Gender Gap Report 2020[5].

As a recent study on women workers in the gig economy in India shows, the initial euphoria around the gig economy's suitability for women workers needs serious analysis. "Workers continue to be deprived of any social or legal protection in these new work arrangements. Trade unions and scholars argue that it is difficult to unionize against an employer which is governed by algorithms and technology. Besides, owing to their inability to understand the play of the algorithms, most women grapple with the ability to earn more in the incentive-model because of their care responsibilities, gender norms and safety and security concerns. Women's ability to acquire new skills or upgrade their skills was also restricted owing to these determinants. In most cases, women tend to negotiate on one-to-one basis with the platforms and companies. Informal networks such as Whatsapp groups are the only forms of network building and peer support that women workers had access to."[6]

4   Down and Out? The Gendered Impact of the Covid-19 Pandemic on India's Labour Market, Rosa Abraham, Amit Basole, Surbhi Kesar, Azim Premji University, Bengaluru, Karnataka,
5   As quoted in Women and Work: How India Fared in 2020, IWWAGE/ LEAD KREA University
6   Women workers in the Gig economy in India: An Exploratory Study, ISST, 2020

Status of livelihoods — are we building back better?

With an increased focus on skilling India and building entrepreneurial skills, the government has, over the past few years, been encouraging corporates to use CSR funds to train women in entrepreneurial skills to gain self-employment, but there has been no imparting of skills for customer outreach. This, added to the whole focus on 'Atmanirbhar Bharat' with the onset of the COVID-19 pandemic, took away any level of state accountability to ensure livelihood security for the marginalised.

NGOs and foundations across the country took upon themselves to set up women's enterprises that could produce face masks and other COVID-19 protection essentials in the face of the pandemic. So, while the call for action was to self-support, adaptation was the way in which some of the most marginalised were ensured livelihood support. For example, Archana Women's Center in Kerala, which trains women as carpenters and plumbers and engages them in state rural livelihood schemes, adapted to train women to produce masks and gowns supplying almost a lakh of them to the government. Etasha in Noida, Uttar Pradesh collectivised its community resources to make face masks and other homemade food snacks to cater to safety and stay at home needs during the first wave of the pandemic.

Other NGOs like *Azad Foundation* worked towards empowering urban, resource poor, migrant women working in the transport sector to access the Delhi state government's offer of ₹ 5000 as cash transfer. There is still a need ensure women in transport are recognized by the government and given the cash transfer that was promised to transport operators. This is a grave indicator of marginalisation of women and non-recognition in non-traditional occupations like transport.

Organisations like Quest Alliance and Magic Bus India, working with youth in ITIs, connected with employers to monitor and ensure that jobs remain secure and salaries are paid even while there was a physical shutdown. Mobilising and linking communities with government resources, Magic Bus came up with a family-based approach to livelihood where, instead of just getting one member of the family a job, every member was to be enabled to become economically productive. The aim was not only that the family survives but also recovers from the financial crisis caused due to COVID-19.

Member organisations of the Non-Traditional Livelihoods Network (NTLN) provided local support in the form of direct welfare measures, linkages with existing government schemes and benefits as well as some efforts at maintaining existing jobs, finding employment or small business options, skilling to meet the available market needs etc.

Focus beyond technical skills

Anuradha from Mysore took the brave step of starting a garment business during COVID-19 because of the support and confidence she got from her entrepreneurial development support at Magic Bus Foundation. The support provided her with technical skills for starting and managing her business, conducting market survey, understanding profit and loss, book keeping, an initial seed fund, but most crucially gave her on-job support and mentoring that instilled in her the confidence to manage a business independently.

NGOs like Srijan worked with state governments in Chhattisgarh, Rajasthan, Madhya Pradesh and Uttar Pradesh during the lockdown to enable self-reliance among rural communities in 1,365 villages, reaching over one lakh families. Through this catalyst effort, Srijan managed some important inroads to mitigate the livelihood crisis faced by local people in these villages:

- 6,827 migrant households mapped for getting extended support from Government
- 33 migrants supported for enrolment of job cards under MGNREGA
- 3,181 families were made aware on Pradhan Matri Garib Kalyan Yojna
- Ensured marketing of agricultural produce for 1,385 farm households
- 16,476 vulnerable families mapped

Gendered livelihood distress – is there hope for recovery?

2021 began with hope of a slow recovery from the impacts of COVID-19 and a gradual economic recovery. Yet, even while many migrant workers returned to cities, several stayed on in their villages or did not leave the boundaries of their states, with no or low earnings. Urban India began to bring its workers (men and women) back in homes (especially women domestic workers), on the streets (as vendors and service providers), salons and shops, on construction sites etc.

With regular employment still not entirely guaranteed or back to scale, and new phases of lockdown across India, the working class has continued to find stop-gap measures to survive; such as borrowing money or finding menial and/or less paying work closer to home. Need it be mentioned, women workers have faced disadvantages on this score. Civil society organisations have been supporting these workers and communities to restore basic dignity and provide essentials to survive.

However, not everyone who lost their jobs have been able to recover or access a livelihood opportunity post lockdown. Women who were employed prior to the lockdown have not recovered. Either they have lost wages, or jobs or have been forced to

withdraw from the labour force on account of increasing care and domestic work (Deshpande, 2020). As per a study by Azim Premji University, pre-pandemic 70 per cent working age men were employed as compared to 10 per cent working age women. Out of this group, 88 per cent of the men have resumed employment, either in the same job or have taken up some entrepreneurial venture, but only half of the females (whose workforce percentage was already dismal) could return or remain employed. In fact, compared to men, women were 11 times more likely to not return to work upon having lost employment during the lockdown, which indicates that the impact on livelihoods is very gendered[7]. The renewed restrictions on mobility during COVID-19 and a lack of access to public transportation have affected women's access to jobs along with increasing household and care work, which has led to their withdrawal from the workforce. The impact of increasing violence against women, though not clearly indicated in any research, is also suspected to have had a causal relation to loss of jobs and withdrawal for women post-pandemic.

Small step to inclusion

Mobile phones made were available at the community level to help women continue learning, complete assignments for ITIs and apply for jobs. These phones were lent free of charge for a month; based on a learn and return model. The cycle continued with the next batch of women-in-need being provided sanitized phones for their use. About 100 such mobile phones were made available in Delhi. The organisation also initiated mobile phone libraries with 20 government ITIs across seven Indian states, to help women with access issues. The idea behind these efforts has been that women get comfortable using digital devices, start using the internet to learn and attend virtual stations, prepare resumes, join job portals, etc.

—Quest Alliance

A declining trend of female workforce participation rate and majority of women workers being in the informal sector with no framework of work security (no standards for working conditions, leave or other benefits from employers), and negligible access to any form of protective legislation (including lack of maternity leave and benefits) calls for serious policy interventions. Building gender sensitive infrastructure and social security (provision of crèches in factories, plantations, construction sites, etc. or minimum wage standards, hygienic washrooms) along with gender-sensitive markets that enable women to join the workforce becomes an immediate need for a gender-just economic recovery.

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7   Abraham et al; 2021;Down and Out? The Gendered Impact of the Covid-19 Pandemic on India's Labour Market,CSEworking paper, Azim Premji University

Access defines India's leap into cyberspace

The lack of access to digital infrastructure is a violation of human rights in an age when digital becomes the means of availing essential services. Yet, over half the country's population does not have access to internet and mobile services

In 2015, the Government of India launched the 'Digital India' programme, calling it a flagship programme to transform India into a digitally empowered society and knowledge economy. Five years later, the world witnessed a pandemic which has revealed to us i) A stark digital divide in terms of access to digital services across class, caste, gender, and more ii) The shockingly limited progress India has made in digital integration and capacity creation across sectors even for those who are privileged and have access iii) The fact that there are inherent limits to 'digital' as an answer to all problems.

The International Telecommunications Union (ITU) defines digital infrastructure as '*a physical hardware and the associated software that enables end-to-end information and communications systems to operate*'[1]. Digital infrastructure is an important component of the digital economy and helps in providing access to last-mile connectivity and delivery of public services.

Crumbling digital infrastructure has thrown into sharp relief the existing socio-economic divide. The disparity between the haves and the have-nots has increased, thereby making them more vulnerable to social contingencies. Lockdowns halted India's economic development. This may not have affected those in white-collar jobs, but has definitely and severely impacted those in the informal sector, such as migrant labourers in cities. The dependence on digital services increased because of a physical lockdown and the limited availability and access to digital services resulted in dire consequences, with people not able to access basic services such as food and ration through the Public Distribution System (PDS), which is linked to Aadhaar[2] and digital authorisation.

The COVID-19 pandemic should remove all doubts about digital being a necessity for sheer survival as opposed to a luxury. It is a basic human right. In the last one year, schools have shifted to online platforms leaving a large number of students in India without the means of education which, as the Delhi High Court pointed out, is a violation of their Right to Education.[3] The lack of access to digital infrastructure is an absolute violation of human rights in an age when digital becomes the means of availing essential services.

1   https://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/SiteAssets/Pages/Events/2019/RRITP2019/ASP/ITU_2019_Digital_Infrastructure_5Sep2019FNL.pdf
2   https://en.wikipedia.org/wiki/Aadhaar
3   https://www.thehindu.com/news/cities/Delhi/delhi-hc-steps-in-to-bridge-digital-divide/article32644482.ece

Digital infrastructure and digital divide

For robust infrastructure, every household in every gram panchayat needs to be connected with high-speed Internet to avail services such as education, telemedicine, and e-commerce. While there has been an effort to lay down optical fibres to make broadband connections available, the gap between the demand and supply has not been bridged. As of January 2021, Internet penetration in the country stands at 45 per cent[4], while the broadband penetration in rural India stands at 29 per cent against the national average of 51 per cent[5]. Moreover, the fixed broadband connections stand at just 7.5%, which signifies the limited access to the Internet that again inhibits the access to information and services.

Major hurdles in creating a strong digital infrastructure are lack of digital financing, strict licensing and regulatory framework, weak satellite infrastructure, along with uncompetitive satellite bandwidth prices. Above all, affordability of quality digital devices, limited public Wi-Fi-penetration, digital illiteracy, rural digital divide and restrictive regulations are few important and long-neglected factors.[6]

To be fair, some progress has been made as far as connectivity to the internet via 2g-4g is concerned. Even this progress, however, has been unequal. The 2020 National Family Health Survey which covered over three hundred thousand homes tells us that only 42 per cent of Indian women (total average) have accessed the internet even once in their life. This number is 62 per cent when it comes to men. The rural-urban context to these numbers is important. In rural areas the numbers drop to 34 per cent women and 55 per cent men.

As with many other sectors, an overreliance on the private sector has also become a part of the problem. This is no occasion for a lesson on welfare economics, but the fact is that the foremost consideration is the return on investment and profit for privately owned internet service providers and telcos. Connectivity to rural areas is challenging and often requires large investment on one hand while the 'volume' of business is low on the other. The solution is simple – the state will have to step in.

The pandemic also made many wake up to the reality of the abysmal speed of internet in India. The Speed Test Global Index by Ookla ranked India at 131 behind its neighbours like Nepal, Pakistan and, Sri Lanka. It must be pointed out here that this ranking is of 4g speeds. According to one report, India has over three hundred and fifty million 2g feature phone users.[7] 2g are simply not enough for e-commerce and access to audio-visual content.

Finally, a conversation about access to digital cannot be complete without talking about internet shutdowns. India has become infamous for excessive internet shutdowns. Decision makers in the government seem to believe that there is some connection between restricting access to internet and dealing with challenges to law and order. However, there are enough and more studies which tell us that there is no evidence of any such linkage.

Critical evaluation of existing and intended government schemes and policies

It is important to attempt an appraisal of schemes introduced by the government

○ **BharatNet:** This project was created in collaboration with Bharat Broadband Network Limited to bring high-speed broadband connectivity to rural India. In the 2020 budget, the government of India had allocated ₹ 6,000 crores to this project to push for digital India.[8] The project has run with delays since its inception. The government had set March 2019 as the deadline to have 2.5 lakhs gram panchayats service ready, but as of April 2021, only 1,58,655 gram panchayats are service ready[9] showing that the project has failed to reach its potential.

○ **Common Service Centre (CSC):** Digital India CSC 2.0 was launched in 2015 with the target of reaching 2.5 lakh gram panchayats, with at least one CSC in every gram panchayat by 2019, thus enabling e-services accessible to all citizens of the country. CSC has been one of the most successful programs in terms of increasing people's access to digital services in rural India, but according to the report submitted by Ministry of Information and Technology in Lok Sabha, the CSCs were present in 2,28,547 gram panchayat at the end of 2019[10] showing that it was running behind the intended target.

4   https://datareportal.com/reports/digital-2021-india
5   https://telecom.economictimes.indiatimes.com/news/india-rural-broadband-penetration-at-29-1-vs-51-1-overall-avg-fixed-broadband-at-7-5-report/79077632
6   https://www2.deloitte.com/content/dam/Deloitte/in/Documents/technology-media-telecommunications/in-tmt-digital-india-unlock-opportunity-noexp.pdf
7   https://www.lightreading.com/jios-dream-of-2g-free-india-is-nightmare-for-telcos/d/d-id/762916
8   https://government.economictimes.indiatimes.com/news/digital-india/govt-allocates-rs-6000-crore-to-bharatnet-to-push-digital-india/73844812
9   http://bbnl.nic.in/
10 http://164.100.47.193/lsscommittee/Information%20Technology/17_Information_Technology_4.pdf

- **Public Wi-Fi Hotspot:** In December 2020, the government announced Prime Minister Wi-Fi Access Network Interface (PM-WANI) scheme allowing public Wi-Fi to be set up similar to the form of PCOs in the 1990s. The scheme is a welcome move, but it had been a pipeline dream for too long. This scheme can revolutionize the public's access to the Internet, especially in rural India, and can create self-sustaining small ventures for many people. Digital Empowerment Foundation had recommended public Wi-Fi in the Public Call Office (PCO) model in 2016 itself.[11]

- **Universal Access to Mobile Connectivity:** This initiative was launched with the aim to increase network penetration and fill the connectivity gap in India. It aimed to reach 55,619 villages by 2018 which did not have mobile networks. The project in 2018 had not reached most of the villages it had intended.[12] About 20,000 villages still remained uncovered showing that the status of initiative is running way behind the intended targets.

- **National Digital Health Mission (NDHM):** NDHM is another ambitious plan of the government, which aims to make health data portable, to provide ease of access to health data across hospitals, laboratories, radiologists, and pharmacists. NDHM comprises six pillars, namely HealthID, DigiDoctor, Health Facility Registry, Personal Health Records, e-Pharmacy and Telemedicine. Facilities such as telemedicine itself have limited reach in rural areas, which is also visible during COVID-19 pandemic, mainly due to absence of internet connectivity, infrastructure, digital literacy and insufficient medical professionals[13]. The hospitals and dispensaries in rural India have limited working knowledge about Information Communication Technology (ICT). Moreover, immense investment is required both in hardware and software in order to provide medical healthcare facilities to every individual.

Though Electronic Health Records (EHR) may provide us with required access to digital health data in areas where the digital infrastructure is intact, but in underserved settings, the existing infrastructure cannot support the adoption of EHR[14]. It exacerbates exclusion of those who are living on the margins of society such as backward classes, women and elderly.[15]

COVID-19 and existing digital divide

While the new normal relies heavily on the use of digital tools and platforms for communication, service delivery, work, economic production, education as well as health, a sizeable population of the country is being left out as they are not 'online', meaning they do not have access to smartphones, broadband connections or even mobile networks. As per data, 51 per cent of the country's population does not have access to internet and mobile services. Also, 60 per cent of Indian reside in the villages and only 17 per cent women connected digitally. To further this divide, electricity in rural India is still patchy, making connectivity and supply of internet even tougher. This skewed distribution of digital services and infrastructure has created more vulnerability for those who are already marginalised in the society.

The pandemic caused schools and universities to shut down and operate from home, neglecting that even today, traditional classrooms are not adequately connected with internet services. There have been cases during the lockdown where parents were forced to sell their valuables to buy a smartphone. Students also committed suicide because of lack of devices and an internet connection to be able to study. All of this still continues to happen as the pandemic is far from over. This not only throws light on how digital divide in education is a result of uneven digital infrastructure, but also exposes the gaps in policies which have failed to create a bottom-up approach in framing digital policies.

Recommendations

1. **Digital Literacy:** Access is crucial but not sufficient. People will have to be trained to understand i) how to operate devices, ii) how to access essential government services iii) how to protect themselves from the various risks that internet as a medium presents.

2. **Digital Equality:** Mitigating the digital divide in education is the need of the hour. This will provide last mile connectivity and bridge the gender divide in education.

3. **Digital is Global:** The state of global internet governance, whether it is with respect to net neutrality or with respect to tackling platforms which have become hotbeds of misinformation, leaves much to be desired. The global community needs to view this crisis with a fresh urgency and seriousness. The pandemic must also make us understand that a challenge to unhindered access to internet anywhere is a challenge to human rights everywhere.

4. **Digital Governance:** Schemes like Prime Minister Wi-Fi Access Network Interface (PM-WANI) need to be expanded and implemented as soon as possible. It will widen the access to Internet in rural India.

11 https://www.defindia.org/wp-content/uploads/2021/03/PM-WANI-Report_23-March-2021.pdf
12 https://thewire.in/government/narendra-modi-government-digital-india-village-broadband-connections
13 https://www.livemint.com/science/health/adoption-and-implementation-of-ambitious-national-digital-health-mission-ndhm-a-rough-road-ahead-11597584782385.html
14 https://www.epw.in/engage/article/indias-digital-health-paradigm-foolproof
15 https://www.epw.in/engage/article/indias-digital-health-paradigm-foolproof

WASH

Newer initiatives needed to build in sustainability

With experts predicting increased occurrence of epidemics in the coming years, sustainable sanitation services will play a vital role to protect public health

Background

The financial year 2020-2021 has seen continued intent of the Government of India to prioritise access to water, sanitation and hygiene (WASH) services in urban, peri-urban and rural settings. Various policy measures and programmes were undertaken by the Ministry of Jal Shakti and the Ministry of Housing and Urban Affairs, such as the Jal Jeevan Mission (JJM), Phase 2 of the Swachh Bharat Mission (SBM 2.0) and Jal Shakti Abhiyan, aiming to improve access and availability of water and sanitation services across the country.

The COVID-19 pandemic has proven handwashing with soap and water to be one of the most effective measures to prevent the SARS-CoV-2 virus and has bolstered the Government of India's (GoI) attention to handwashing. However, the safety and well-being of people can still be at risk unless this attention and momentum is leveraged immediately to integrate hand hygiene as an essential component in development focused policies and interventions across relevant sectors as a measure to protect populations from a host of preventable infectious diseases.

While India continues its fight against the COVID-19 pandemic in 2021, it is important for the government and for all relevant actors to remember the importance of accessible, functional and sustainable water, sanitation and hygiene (WASH) facilities/services and related behaviours in protecting public health. This governance review of the WASH sector for the financial year 2020-21 presents a brief analysis of the Union Government's policies, programmes, legislations and performance in the past year.

The status of handwashing in India

Current data from India suggests that handwashing with soap may not be practiced widely and at the necessary times, with challenges related to the availability of water and soap at the designated space to wash hands. The National Family and Health Survey 4 (2015-2016) found that 80.3 per cent of urban and 49.4 per cent of rural households with a handwashing space were equipped with water and soap[1]. The National Sample Survey 76 Round (2018-19) revealed that 35.8 per cent of household members (56 per cent urban, 25.3 per cent rural) reported washing hands before eating, while 74.1 per cent (88.3 percent urban, 66.8 per cent rural) cleaned their hands with soap after defecation[2].

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1   http://rchiips.org/NFHS/NFHS-4Report.shtml
2   http://mospi.nic.in/sites/default/files/NSS7612dws/Report_584_final.pdf

The National Annual Rural Sanitation Survey 2 (2018-19), noted that a vast majority of schools (94.5 per cent) had a place for handwashing, yet only 39.8 per cent had both soap and water. In surveyed anganwadis, only 42.1 per cent had soap and water at the handwashing space[3]. The NARSS 3 (2020) reported 99.6 per cent of public toilets in the villages surveyed through observations had handwashing facilities with both soap and water. However, only 37.5 per cent sampled anganwadis had soap and water near the toilet, 54.8 per cent had only water, while only 2.0 per cent had neither soap nor water for handwashing[4]. Smaller community-based studies conducted during the COVID-19 have revealed that while knowledge of handwashing was high, actual practice was limited by several factors including the lack of a designated handwashing space in the home, paucity of water and soap, and inadequate knowledge and understanding of when to wash hands to protect from diseases[5].

Hygiene

Hygiene behaviours prevent diseases and promote good health, and also have long-term beneficial economic implications. In India, 48.2 million (38.4 per cent) children under the age of five years are stunted, a condition that results from severe and persistent undernutrition. Half of all undernutrition cases associated with diarrhea and infections result from unsafe water and sanitation, and unhygienic behaviours[6]. Washing hands with soap at critical moments, when pathogen transmission is most likely, is estimated to reduce diarrheal diseases by 47 per cent and respiratory infections by 23 per cent, conferring tremendous health benefits by averting two prominent causes of child mortality[7,8].

Economic gains from decreased incidence of diarrhea and acute respiratory infections resulting from handwashing with soap are significant. Annual net costs to India from not washing hands with soap after contact with faeces are estimated at USD 23 billion. In contrast, the annual net returns from national behavior change programmes aimed at handwashing are estimated to be USD 5.6 billion, at USD 23 per disability-adjusted life year (DALY) avoided[9].

Solutions for better hygiene

The core ask is for hand hygiene facilities with soap and water to be present on premises, specifically in households (rural and urban), schools and anganwadis, health care facilities, worksites and public spaces. Handwashing facilities can consist of a sink with tap water, and can also include other devices that contain, transport or regulate the flow of water. Buckets with taps, tippy-taps, portable basins, and multi-user handwashing stations are all examples of handwashing facilities. Soap can be bar soap, liquid soap, powder detergent and adequately soapy water – all work well against germs. Minimal requirements of handwashing stations and spaces are for these facilities to be functional (equipped with water and soap), adequate in number (as per the population served in the setting); designed to be responsive to the needs of users in specific contexts (e.g., child friendly height) facilitate sustained use, and prevent the spread of infections (e.g. contactless handwashing stations)[10]; and placed conveniently where people most need to wash their hands (e.g., in/near toilet, in/near cooking and eating spaces). In resource constrained settings, handwashing solutions must be of low-cost design, durable for long term use, appropriate and feasible to operate and maintain in low-resource settings[11] especially where water is scarce.

The supply of hand hygiene facilities must be matched by the demand for such facilities. Awareness of handwashing with soap has increased during the pandemic, yet consistent usage needs to be encouraged through continued awareness generating through mass media channels, and more intensive inter-personal communication or social and behavior change communication at the community and institutional levels. As schools and anganwadis prepare to reopen post the second wave, handwashing must be an integral part of preparedness activities. Communication efforts across the board must focus on the importance of handwashing for the prevention of infectious diseases (including COVID-19) and mechanisms by which this action prevents pathogen transmission, the critical times for handwashing with soap, and how the personal practice of handwashing has larger public health benefits. Most importantly, clear-cut budgetary allocations for hygiene promotion and essential infrastructure is needed at the state level.

3   https://jalshakti-ddws.gov.in/sites/default/files/National_Report_NARSS_2018_19.pdf
4   https://jalshakti-ddws.gov.in/sites/default/files/NARSS_Round_3_2019_20_Report.pdf
5   WaterAid (2020). Hand hygiene for COVID-19 and beyond in India: Insights and recommendations from a rapid study. Available at: https://www.wateraidindia.in/sites/g/files/jkxoof336/files/hand-hygiene-for-covid-19-and-beyond-in-india-insights-and-recommendations-from-a-rapid-study.pdf
6   WaterAid. (2016). *Caught Short: How a lack of toilets and clean water contributes to malnutrition.* United Kingdom: WaterAid.
7   Greenland K., Cairncross S., Cumming O. & Curtis V. (2013). Can we afford to overlook hand hygiene again? *Tropical Medicine & International Health*, 18(3), 246–249. https://doi.org/10.1111/tmi.12055
8   Million Death Study Collaborators. (2010). Causes of neonatal and child mortality in India: a nationally representative mortality survey. The Lancet, 376(9755), 1853–1860. https://doi.org/10.1016/S0140-6736(10)61461-4.
9   Townsend J., Greenland K., & Curtis V. (2016). Costs of diarrhoea and acute respiratory infection attributable to not handwashing: the cases of India and China. *Tropical Medicine & Internal Health*. 22(1), 74-81. https://doi.org/10.1111/tmi.12808.
10 https://www.unicef.org/media/75706/file/Handwashing%20Facility%20Worksheet.pdf
11 https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1704595

Water and sanitation

For the financial year 2020-21, the Ministry of Jal Shakti was initially allocated a budget of ₹ 30,478 crores, an increase of 17 per cent compared to the previous year. But the revised budget for FY 20-21 witnessed a 20 per cent decrease from the initial budget allowance, bringing the revised budget to ₹ 24,286 crores. This decrease is most likely due to the COVID-19 pandemic which put a hard stop to many implementation works during the lockdowns. Of the revised ₹ 24,286 crores, majority of the ministry's budget- ₹ 11,000 crores- was allocated towards the JJM and ₹ 7,000 crores towards SBM. From the announcement in 2019, the JJM and SBM 2.0 have set their aim to improve water and sanitation infrastructure holistically to ensure sustenance of the two missions and to alleviate the water crisis in India.

Water

From its announcement in August 2019, the JJM is said to have provided more than 4 crore rural households with functional household tap connections until March 2021. Of this, approximately 3.23 crore households benefitted from the JJM in FY 2020-21 alone. When looked into the numbers provided by the JJM, the reality of the projections appears to be conflicting and perhaps invalid in some cases.

Of the 4 crore households which are said to have benefitted from the JJM, 38,37,769 households from Telangana, 5,39,479 households from Himachal Pradesh and 63,919 households from Goa[12] appear to be the households which benefited from their respective state level initiatives such as Mission Bhagiratha in Telangana. Given this, the question arises if the states' individual accomplishments aside from their JJM related works are being considered as part of the accomplishments of the JJM? If that is the case, is it fair to do so?

Furthermore, the Ministry of Jal Shakti has also released the 'drinking water quality testing, monitoring and surveillance' framework and launched the Water Quality Management Information System (WQMIS) to ensure the sustainability of the JJM. The union minister of Jal Shakti has mentioned that, through the JJM, the government aims to build the capacity of frontline workers, empower women and create employment opportunities in villages. Also, realizing the need for (and the importance of) sustained groundwater levels to sustain Functional Household Tap Connections (FHTCs) and increasing water stress in India, Jal Shakti Abhiyan has launched the ''Catch the Rain, where it falls, when it falls'' campaign in March 2021 to clean, rejuvenate and rehabilitate tanks, ponds and wells so as to improve their capacities to collect rainwater during the monsoon and recharge the groundwater by October 2021. One has to wait and see how these promising aims with not so promising deadlines translate into reality.

Having only three years to achieve the goal of providing every rural household in India with FHTCs, the Government of India, in its budget for 2021-22, has allocated ₹ 50,011 crores towards the JJM. This is a steep jump from the allocated ₹ 11,000 crores in the revised FY 20-21 budget in order to get closer to their promises. While ₹ 50,011 crores has been allocated towards the JJM for the year, there is no clarity about the percentage of the allocation towards providing rural households with FHTCs since the union government has also announced JJM (Urban) to bring safe water to 2.86 crore urban dwellings in statutory towns during the 2021-22 budget discussion. Along with providing 2.86 crore urban households with FHTCs, the JJM (Urban) is also proposed to cover the existing gap in sewer connections and provide approximately 2.64 sewer connections/ septage management in 500 AMRUT cities, rejuvenate water bodies and create circular water economy[13]. Official guidelines for the JJM (U) are yet to be released. Only after reviewing the guidelines can one talk about how the mission plans to instill circular water economy in urban areas.

Reviewing the initiatives taken by the union government to ensure FHTCs so far, it is important for the government and administrators to reflect on the learnings and findings from the phase 1 of the SBM and remember that providing households with piped water connections through the JJM will not suffice to ensure sustainability of the mission. Rather, sustainability of the mission lies in building capacities of authorities at all levels and promoting ownership among communities towards their water resources. Without effectively decentralizing the mission and providing panchayats a major role in the planning and decision making for their piped water connections, this ambitious aim may end being true only on paper while the struggle for clean and safe drinking water continues in the country.

Sanitation

While toilet construction during the phase 1 of the SBM has significantly decreased open defecation to a point where India has been declared open defecation free (ODF), India's sanitation crisis remains unsolved. Faecal matter from one's toilet does not disappear instantaneously when flushed. Depending on the type of toilet structure and the type of containment structure

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12 https://ejalshakti.gov.in/jjmreport/JJMIndia.aspx

13 https://pib.gov.in/PressReleasePage.aspx?PRID=1694420#:~:text=The%20total%20outlay%20proposed%20for,financial%20support%20to%20AMRUT%20Mission.

underneath, faecal waste from households needs to be handled and treated carefully to ensure sustainable sanitation and protect public health. Acknowledging this, guideline for Phase 2 of SBM (referred to as SBM 2.0) guidelines were released in May 2020 to ensure ODF sustainability, promote faecal sludge management and greywater management, plastic waste management and solid and liquid waste management[14].

While the SBM 2.0 guidelines provide a great deal of insights and understanding for implementing bodies, the guidelines do not appear to provide clarity on the provision and availability of water for toilet use. Also, while the guidelines emphasize on the need for retrofitting toilets as necessary to improve faecal sludge management and treatment, details on retrofitting have not been addressed. Lack of such insights may cause difficulties for panchayats during implementation.

SBM 2.0 has also been announced at the time when some recent studies suggested that the SARS-CoV-2 virus which causes COVID-19, a pandemic that the entire world and especially India are fighting aggressively, could be transmitted via faecal-oral route as well[15,16,17]. With experts predicting increased occurrence of epidemics in the coming years, sustainable sanitation services will play a vital role to protect public health. In this regard, it is important for all of us to start moving away from "flush and forget" and be mindful about sanitation services starting from the household level.

In November 2020, the Ministry of Housing and Urban Affairs launched the Safaimitra Suraksha Challenge in 243 cities across the country to minimize direct human contact with faecal waste while cleaning sewers and septic tanks (by promoting mechanized cleaning) and ensure that no life of any sanitation worker is lost due to hazards associated with manual cleaning of sewers and septic tanks[18]. While this is a commendable initiative, health, safety, well-being and dignity of sanitation workers are still at stake. This will remain a challenge unless inclusion and dignity of sanitation workers and their families are not prioritized.

The new bill (awaiting cabinet approval) to amend the Prohibition of Employment as Manual Scavengers and their Rehabilitation (PEMSR) Act proposes to completely mechanize the sewers and septic tank cleaning and asks for a legal basis for punishment of those engaging in manual scavenging. While it is commendable that mechanization is being promoted, the bill (in its current stage) appears to focus on mechanization over the lives and livelihoods of sanitation workers. Several steps and consultations with the sanitation workers' community should take place before passing a bill that could hinder the lives of sanitation workers. In order to support sanitation workers and improve the quality of their lives, an inclusive approach including technology adaptation, sensitization among authorities and common public and consultations with sanitation workers' organizations is important, while keeping caste, gender and social injustices in the society at the centre.

14 https://swachhbharatmission.gov.in/SBMCMS/writereaddata/portal/images/pdf/sbm-ph-II-Guidelines.pdf
15 Hindson, J. COVID-19: faecal–oral transmission?. Nat Rev Gastroenterol Hepatol 17, 259 (2020). https://doi.org/10.1038/s41575-020-0295-7
16 Arslan, M., Xu, B., & Gamal El-Din, M. (2020). Transmission of SARS-CoV-2 via fecal-oral and aerosols-borne routes: Environmental dynamics and implications for wastewater management in underprivileged societies. The Science of the total environment, 743, 140709. https://doi.org/10.1016/j.scitotenv.2020.140709
17 https://www.dnaindia.com/india/report-researchers-find-coronavirus-in-water-samples-from-sabarmati-river-experts-call-it-alarming-2896042
18 https://pib.gov.in/PressReleasePage.aspx?PRID=1674015

Is social security a function of employment?

It is important to revisit the economic, social, and legal reform process for it to align with the constitutional principles, guided towards the elimination of inequalities in income, status, facilities and opportunity among individuals and groups

Employment, income and access to basic services

In the last 15 years, India, a country of 1.3 billion with a large and growing youth population, has experienced GDP growth at an annual average of 6.75 per cent. Yet, India's economic growth did not translate into job growth and the wellbeing of labour. As per the Azim Premji University's estimates based on the PLFS data, jobs grew by 3.2 per cent between 2005-2012 and subsequently declined after 2012 by 1.9 per cent[1]. India has also seen an increase in the income inequality measure by the Gini coefficient from 35.7 per cent in 2011 to 47.9 per cent in 2018.[2] Job-less and unequal growth is exacerbating labour market challenges, especially for those who already face various forms of vulnerabilities based on gender, social, and economic status. Still, the country has failed to implement a comprehensive National Employment Policy. The government's desire to rehabilitate a flagging job market relies more on short-term relief, deregulation of industrial policies and labour law reform. The four new labour codes[3] fail to impose universal coverage as a result of many concessions and exemptions for industry through diminishing penal provisions for non-compliance and increasing applicability thresholds.

There is debate over the actual size of the unorganised sector in India due to insufficient and unreliable data. But as per the Economic Survey of 2018-19, the unorganised sector is directly employing about 83 per cent of the workers and another 9 per cent are employed informally in the organised sector. Thus, around 92 per cent of the workers are involved in the unorganised sector and informal employment. This segment of the working class is facing challenges of migration, trafficking, bonded labour, child labour, wage disparity, and stagnant growth of wages because of structural inequality of caste, class, and gender.

The overwhelming majority of people in India cannot afford to be unemployed. In fact, they must work in very precarious conditions to sustain themselves. They are forced into informal employment, into low-productivity work, with poor wages,

1   Calculations based on- (Mehrotra and Parida 2019); "India's Employment Crisis: Rising Education Levels and Falling Non-agricultural Job Growth", Centre for Sustainable Employment Working Paper 23, 6-6, Azim Premji University.
2   India GINI Index, World Bank Estimates; retrieved from https://data.worldbank.org/indicator/SI.POV.GINI?end=2011&locations=IN&start=1983&view=chart and https://knoema.com/atlas/India/topics/Poverty/Income-Inequality/GINI-index
3   Wage Code 2019; Social Security Code 2020; Occupational Safety, Health & Working Conditions Code 2020; and the Industrial Relations Code 2020

without any social protection[4]. This can be very well understood by looking at the negative 0.17 per cent and 1.4 per cent employment growth in 2018-19 and 2019-20 respectively[5]. This implies that many people are forced to take precarious jobs, due to a lack of livelihood opportunities, access to basic services and social security.

The flagship policies/programmes introduced in the last five years to strengthen the MSME and unorganised sector (such as Skill India, Make in India or Mudra Loan) are either ignoring or actively abetting the historic exclusions of gender, caste, ethnicity and religion, which in turn results in further increasing disparities in the Indian economy. The National Sample Survey (NSS) data shows that the average Labour Force Participation rate for women is 24 per cent and for men is 81 per cent. Female labour force participation has declined consistently from 2004 to 2018 from 42.7 per cent to 26 per cent[6]. Also, the average gender wage gap suggests men earn ₹ 106 per week (48 per cent) more than women. The 'Make in India', policy was launched in 2015 to transform India into a global design and manufacturing hub, did not consider such socio-economic exclusions and the inability of workers to access its benefits. India still relies on low wages to increase its competitiveness in the global market, which is why it failed to increase investment[7], production and employment (Table 1).

India also failed to conform with the international market standards as it lacked the required technology, labour skills and capacity building resources to innovate industrial technology. This implies the failure of another flagship programme – Skill India. This program failed to reach the beneficiaries from deprived and marginalised sections, such as tribal, slum dwellers or remote villagers. This scheme only focused on chasing numbers without providing adequate employment to the youth or meeting sectoral industry needs. National Skill Development Corporation (NSDC), responsible for its implementation and fund distribution, could only manage to skill around 600,000 youth till September 1, 2017, and could place only 72,858 trained youth, exhibiting a placement rate of around 12 per cent.
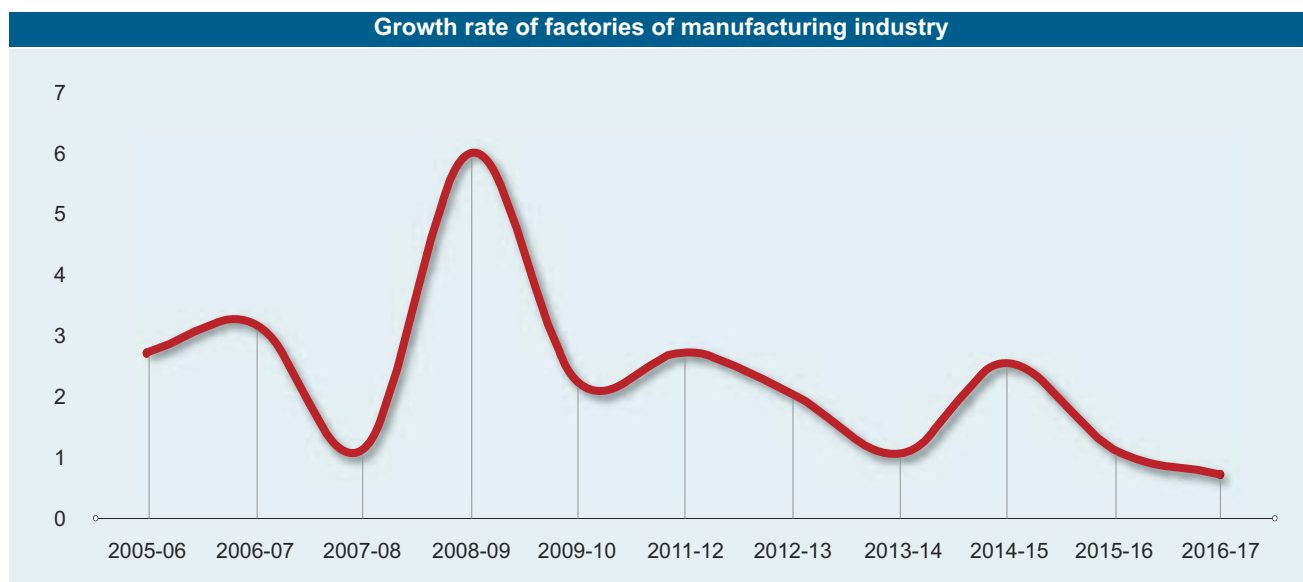

Table 1: The Declining growth rate of the manufacturing sector

Further, Economic policy think-tank ICRIER in January 2019 found that manufacturing industries were hiring more informal workers on short term contracts – increasing the share of contract workers from 20 per cent in 2000-01 to 38.87 per cent in 2015-16, while the share of regular employment had fallen by 10.8 per cent in the same period (Table 2). Contract workers are denied the wages and benefits given to permanent employees and can be hired and fired at will. The new labour code has made this official by introducing 'fixed-term employment' through an amendment of the Central Rules under the Industrial Employment (Standing Orders) Act, 1946. Piloting of 'fixed-term employment' in the PLFS survey proved that it has reduced workers' wages by 18 per cent and increased working hours by up to 12 hours. This shows the failure of stand-alone policies which had a right narrative but not embedded in the prevailing context and aware of the ground realities and therefore failing to envisage appropriate implementation strategies.

4   Dewan, S.; Prakash, D.; The Evolving Discourse on Job Quality from Normative Frameworks to Measurement Indicators: The Indian Example. Azim Premji University, 2019
5   Mahesh Vyas, Centre for Monitoring Indian Economy; retrieved from https://www.cmie.com/kommon/bin/sr.php?kall=warticle&dt=2020-01-21%2009:51:47&msec=203
6   Roy, S.N.; Mukhopadhyay, P., What Matters for Urban Women's Work: A Deep Dive into Falling Female Labour Force Participation; CPR 2019
7   The growth of manufacturing sector slumped to a miserable rate of 0.6 % in 2019 from 2.6% in 2014 As a result, the country has lost almost 11 million jobs in 2018.
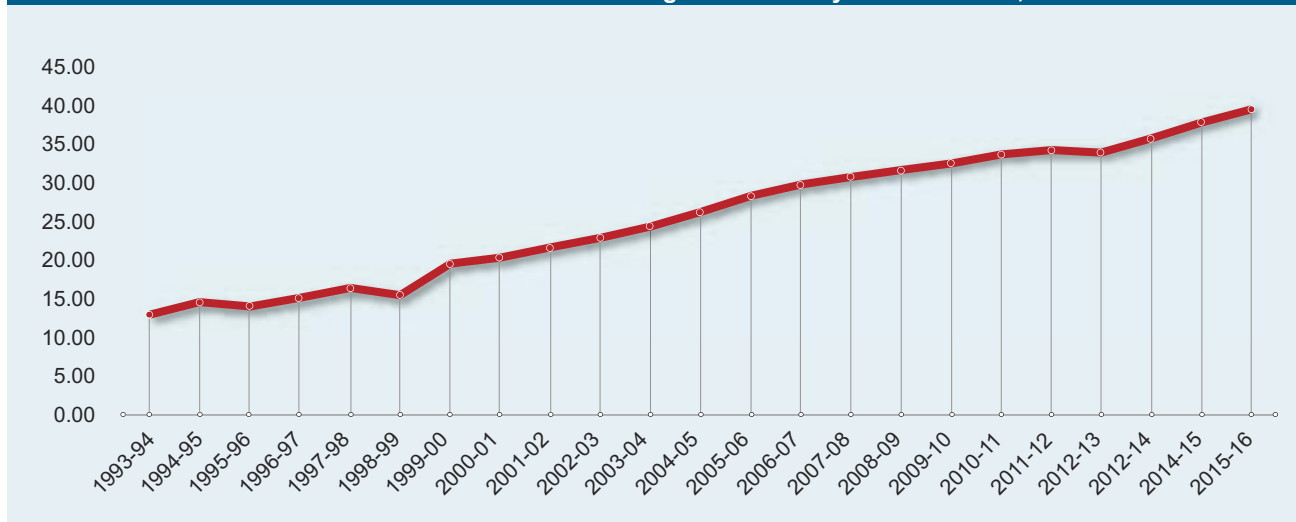
Table 2: Source: Annual Survey of Industries, Ministry of Statistics and Implementation, Government of India (various issues)

The economic growth in the capitalist market has led to jobless growth and socially unaccountable prosperity. The benefits accrue only to business, the elite, and the middle classes, leaving labour and local communities poorer, uncertain, unstable, vulnerable, insecure, and unprotected.

Accentuated inequality in COVID-19 pandemic

A large part of the Indian population depends on public sector provisioning for essential services such as healthcare, education, nutrition, drinking water and sanitation which are also meant to reduce regional, social and gender disparities. Therefore, it is important to have a sufficient public spending structure in social sectors for equity and inclusion. COVID-19's crippling impact on millions of people has made this demand much more urgent.

However, Union Budget 2021-22 allocations for social sectors were random and failed to understand a need for a strategic approach to ramp up the spending and its reach. The central government spent less than 7 per cent of GDP in 2018-19 and the budget for 2020-21 estimates an increase in the expenditure at 8.8 per cent of the GDP. But, as per the economic survey of 2020-21, almost 3.1 per cent expenditure was on education while health sector expenditure was only 1.6 per cent. The 15th finance commission has advised increasing the expenditure to a minimum of 2.1 per cent in the health sector to address the gap in providing adequate services in the health sector. Yet, there has been no attempt to enhance the budget for the same. The problem also remains in the absorption of budgetary resources for effective utilisation[8].

Even after the horrific experiences of the COVID-19 pandemic, Union Budget 2021-22 has not stepped up to increase the allocation for the health sector. Widening inequalities as a result of the digital divide, lack of primary health infrastructure and Anganwadi services, inaccessible Public Distribution System[9] (PDS) and lack of decent and affordable housing options has pushed many families into multidimensional poverty (deprived of education, health, housing, nutrition, sanitation or water). People are still struggling against eviction, for better housing, for alternate policies, for decent habitat, and affordable options for both the short and long term. The intensity of the problem was highlighted with the mass marches of misery seen during the COVID-19 lockdown in March 2020.

The lockdown wreaked havoc on demand and supply, just as it did in most other nations, but with far more dire consequences for jobs. In April alone, about 120 million jobs were lost. For at least two months, most non-agricultural workers had almost no source of income, leaving them with no alternative but to depend on accumulated savings or borrow to get by. While the lockdown was necessary to contain the spread of the virus, the implementation of such stringent policy without adequate preparedness and support for the vulnerable, failed to consider the socio-economic contexts and attributes of life and employment for the majority of the population. There was no preparation to ensure access to food, cash transfers, shelter to help workers to stay where they were, or, for that matter, transport for migrants to go home.

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4   CBGA. 2021. Budget in the Time of the Pandemic: An Analysis of Union Budget 2021-22. New Delhi: Centre for Budget and Governance Accountability.

10   The Indian food security system was established by the Government of India under the Ministry of Consumer Affairs, Food and Public Distribution to distribute food and non-food items to India's poor at subsidised rates.
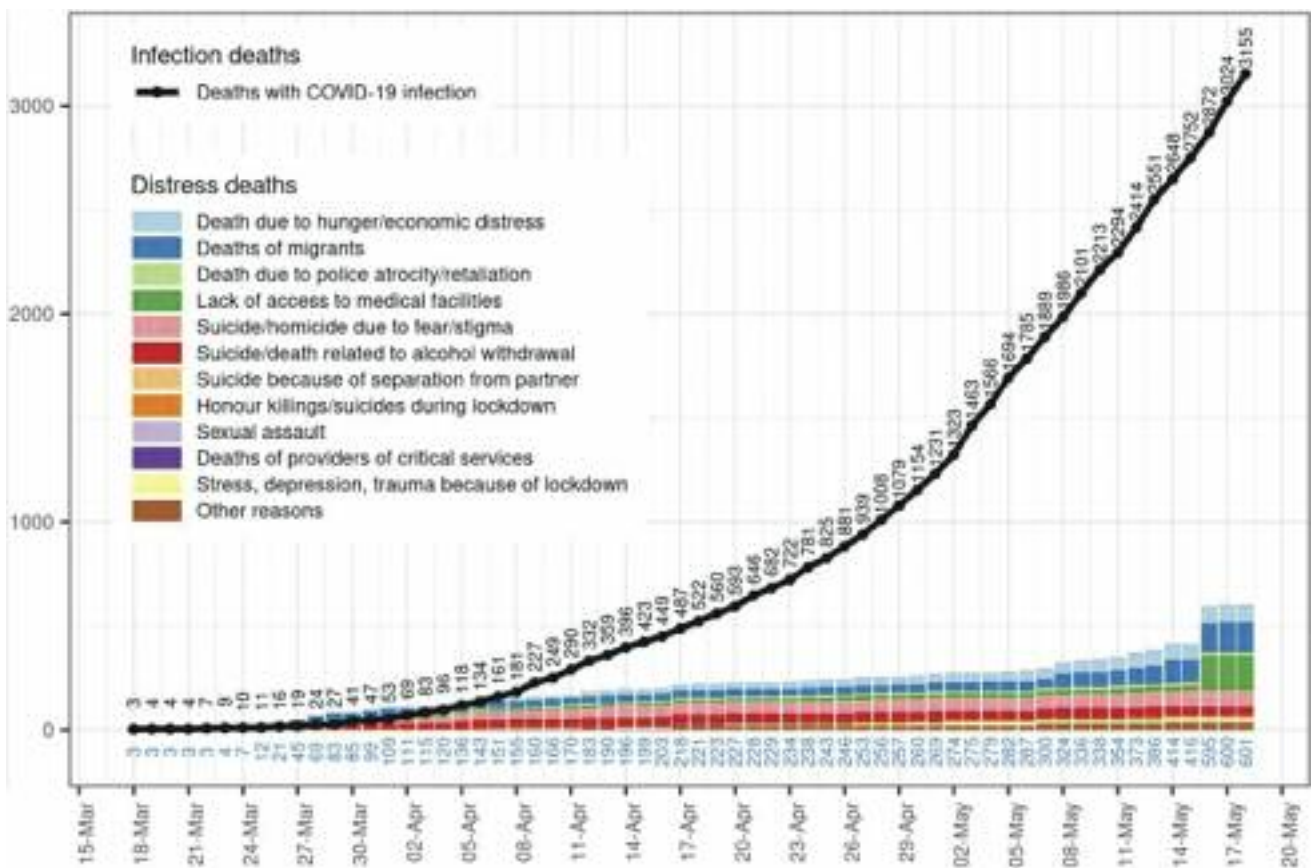
Figure 1: Deaths from COVID-19 and from distress related to containment policies (15 March to 18 May 2020),
Source: www.coronapolicyimpact.org

While workers are still struggling to find livelihood opportunities, some of the employment guarantee schemes such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) saw a reduction in the budget allocation for FY 2021-22 by ₹ 38,500 crores, as compared to the previous year. This means MGNREGA will only be able to produce 2.7 to 2.8 billion individual days in the coming fiscal year, compared to 3.4 billion in 2020-21. Furthermore, back wages of the completed work are still pending which were never distributed on time. The uncertainties in the scale and speed of the economic recovery in the COVID-19 pandemic and the prevailing issues of the unorganised sector and informal workers call for apt budgetary allocations for generating jobs and skill-based employment. While the Rural Employment Guarantee scheme is facing a budget crunch, urban areas still do not have any scheme or policy for employment guarantee.

Government's response and alternative solutions

The lockdowns or restriction on movements was one of the necessary steps to control the infection but it also required additional measures such as expanding, training and deploying the public health force; ramping up testing capacity and availability; developing a clear plan to trace and quarantine contacts; and ensuring key facilities (including hospital beds and intensive care units, ventilators and other machines, personal protective equipment for health care workers) to treat and isolate patients[10]. The response by the central government, on the other hand, was restricted and insufficient and also affected the attempts of state governments. The Union Budget 2020-21 spent less than 0.04 per cent of GDP for such measures.

Workers from unorganised sector and self-employed such as domestic workers, platform/gig workers had lost their livelihood and income opportunities, and, in many cases, were denied their back wages. Still, the official relief packages were patchy and minuscule. Many organisations proposed feasible policies which could be easily implemented within the existing institutional framework, such as the study by 'Working Peoples' Charter' with the support of CBGA on 'Financial Costs of Guaranteeing a National Social Security Floor for Informal Workers' which calculated that the state requires Rupees 3.5 Lakh Crores (approximately) at roughly 2.3 per cent of the GDP (2016-17) to provide a national social protection floor for more than 40 crore informal workers and their families. Instead, the central government announced relief packages which only amounted to an extra 0.5 per cent of GDP than the regular expenditure. After six weeks, it was raised to 10 per cent of GDP, but the details showed that much of this was in the form of credit guarantees and other liquidity provisions that did not require additional fiscal

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10 Ghosh, Jayati. 2020. "A critique of the Indian government's response to the COVID-19 pandemic." Journal of Industrial and Business Economics 47: 519–530. doi:https://doi.org/10.1007/s40812-020-00170-x.

outlay. Total additional public spending promised by all the relief measures announced by the end of May amounted to only around 1 per cent of GDP, and much of this had not reached the people. This situation was further aggravated by the delays in food distribution through the PDS.

Recommendations

Human dignity is associated with the right to a job, to be productive and to contribute to society. However, this cannot be the precondition for access to the basic conditions for human life on the planet. Every child must have access to education, every woman to maternity-related care, every human being to the basic conditions of life – food, shelter and healthcare. Social justice can be achieved only if comprehensive and universal social protection is guaranteed for all. It is important to revisit the economic, social, and legal reform process for it to align with the constitutional principles, guided towards the elimination of inequalities in income, status, facilities and opportunity among individuals and groups. With this goal in mind, the provision of social security and implementation of a social protection floor[11] as mandated by the International Labour Organisation (ILO) is still a challenge in most developing countries, including India. The legal rights and protections that were in place for labour, are being denied to 92 per cent of the Indian labour force.

Therefore, with the integration of different social insurance and welfare schemes and extension to the unorganised sector, a comprehensive social protection system can be evolved, starting with proper framing and implementation, as well as a budgetary allocation for the following benefits:

1. Healthcare for all, both OPD and IPD services – preventive, promotive, curative and rehabilitative services on par with the CGHS or defence services

2. Pension for the elderly of half of the statutory minimum wage.

3. Provident Fund and gratuity for all workers based on contributions

4. Sickness, Injury, disability and death compensation/benefit for all workers

• Maternity benefit for all women whether economically active or not

5. Unemployment allowance for those registered as seeking work and not getting employment

6. Social Housing for those who do not have a home

7. Food security for all

8. Fix living wages for all, including those working in the informal sector and the new economy

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10 Social protection floors are nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion. These guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and basic income security.

URBAN HOMELESS

Harsh reality of urban homelessness post-COVID-19

Calls for "staying at home" and maintaining social distance during the lockdown ignored the plight of the homeless who do not have a home and could not maintain the required one-meter physical distance in the overcrowded shelters

Homelessness, a typical example of 'social exclusion' and form of ignorance by the state and society, is neither new nor rare across the world. The homeless are perhaps the most invisible section of society, sleeping at bus stops, under flyovers, at railway station platforms, hume pipes, pavements, outside temples/religious places, constructions sites, and other public open places. As per the government's own official definition, people who do not stay in census houses (as per housing definition of census) are called houseless or homeless. It has been found that the homelessness leads to violence with all sets of people living with it but the children and women are affected the most.
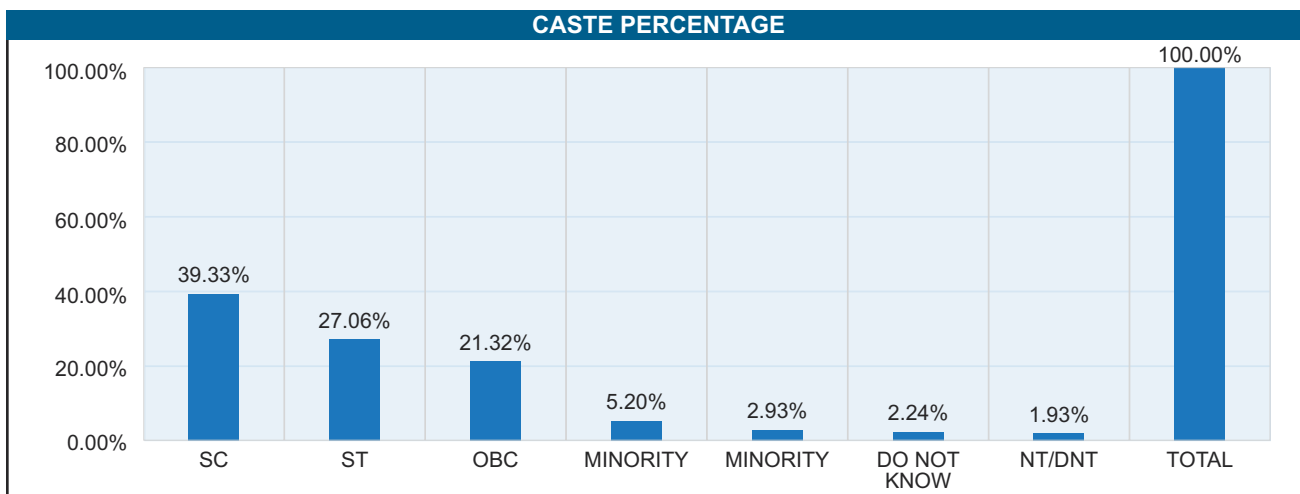
India has one of the largest population of homeless people in the world. According to census 2011, there are 1.7 million (10 lakh in urban) homeless population in the country. But several civil society estimates show that it is more than 10 lakh in cities like Mumbai, Delhi, Chennai and Bengaluru alone.

Caste-based homelessness and failure of practitioners and the State

The Deendayal Antyodaya Yojana - National Urban Livelihoods Mission (DAY-NULM), which is the government's intervention to address the needs of homeless people, centres on providing skill, economic, infrastructural, health support to the homeless and does not recognize caste based homelessness at all.

The study conducted by Indo Global Social Service Society (IGSSS) in 2018 reveals that most of the homeless belong to the lower castes of society. The survey of 4382 homeless people in 15 cities found that the Scheduled Castes (36 per cent) made up the highest proportion of the urban homeless, followed by the Scheduled Tribes (23 per cent), Other Backward Classes (21 per cent) and the rest (20 per cent). IGSSS has carried out a second round of its survey (un-published) in 15 cities with a larger number of 18.046 homeless people in 15 cities. The data unfolds the same trend again, with the Scheduled Caste comprising 39.33 per cent of the surveyed people, Scheduled Tribes 27.06 per cent, Other Backward Classes 21.32 per cent and the rest 12.30 per cent.

1   https://igsss.org/wp-content/uploads/2019/10/Baseline-Study-Enabling-Inclusive-Cities-for-Homeless.pdf
2   Homeless in city of birth: 3 out of 5 Indians without roof not migrants - Telegraph India

CASTE PERCENTAGE

Category	Percentage
SC	39.33%
ST	27.06%
OBC	21.32%
MINORITY	5.20%
MINORITY	2.93%
DO NOT KNOW	2.24%
NT/DNT	1.93%
TOTAL	100.00%

Hence the question arises: If homelessness occurs due to socio and economic deprivation, then we must ask why a large number of the homeless population comes from a caste group?

Caste based homelessness is not recognized by DAY NULM and it thus leads to continuation of the issue. Policy directs to link the shelters with basic services such as health, education, skill development, financial schemes etc. but nowhere does it mention about caste as a factor leading to homelessness.

Stocktaking of Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM):-

About 377.1 million of India's total population of 1210.2 million (as on 1st March, 2011) resides in urban areas. The percentage of urban population to the total population of the country stands at 31.6 per cent. There has been an increase of 3.35 per cent in the proportion of urban population in the country during 2001-2011. The provisional results of Census 2011 reveals that there is an increase of 2,774 towns comprising 242 Statutory and 2,532 Census towns over the decade. NULM was launched on 23 September 2013 in view of the pace of urbanisation. One of components of the scheme, Shelter for Urban Homeless (SUH) directs that one shelter (50-100 capacity) should be constructed after every one lakh population of a city. Shelters may cater to single women and their dependent minor children, elderly, infirm, differently abled and people with mental health disorders. There is provision of separate shelter for men, women, family, and special shelters also.

Shelter audit carried out by IGSSS in 14 cities covering five states presents a different picture on ground. As Table-I shows, only two states (out of 14) provide shelter as per NULM-SUH guidelines. The rest lag behind. The worst implementation of the scheme can be seen in Mumbai, the economic capital of India. Mumbai requires 100 shelters but the government could only provide 18 shelters. Most of the shelters, except in cities of Andhra Pradesh and Tamil Nadu, failed to connect homeless people with welfare schemes as directed by NULM-SUH.

Table: I

City	Population[3]	Shelter required in percentage to population	Shelter on ground[4]	Difference
Dhanbad	11.6 lakhs	11	2	9
Ranchi	10.7 lakhs	10	12	-2
Jamshedpur	13.3 Lakhs	13	10	3
Patna	20.5 lakhs	20	4	16
Gaya	4.71 lakhs	4	5	-1
Muzaffarpur	48 lakhs	48	10	38
Mumbai	1.84 crores	100	18	82
Pune	31.2 lakhs	31	7	24
Nashik	14.8 lakhs	14	4	10
Vizag	20. 4 lakhs	20	8	12
Guntur	7.43 lakhs	7	3	4
Vijayawada	10.5 lakhs	10	5	5
Madurai	14.7 lakhs	14	13	1
Coimbatore	16 lakhs	16	5	11

3   2011 census
4   Shelter Assessment Study; Understanding the functioning status of Shelter for Urban Homeless Shelter-Assessment-Study-2019-20.pdf (igsss.org)

As per the scheme, homeless people living in shelters should be connected with entitlements and other welfare schemes. 12 per cent said they are aware about the shelter facility, 31 per cent never use the shelter facility, while 45.2 per cent used it regularly and 23.7 per cent used it occasionally. 20 per cent said they do not use shelter due to poor living conditions. 30 per cent of the homeless sleep at railway stations and bus stops, 42 per cent on pavements, and 15 per cent under flyovers. The use of open/public places by homeless unfolds the ground reality of policy and clearly indicates its failure.

Impact of COVID-19 pandemic on homeless

During the lockdown, it was apparent that the Centre and state governments largely turned their backs on the homeless. Calls for "staying at home" and maintaining social distancing ignore the plight of the homeless who do not have a home and could not maintain the required one-meter physical distance in the overcrowded shelters provided by the State. The concern of the homeless population for access to basic services like health facilities, shelters etc. were ignored in the announcements by the government. A study conducted by the Indo Global Social Service Society (IGSSS) in 19 Indian cities highlighted the bad conditions of the homeless population. As per the study, 77 per cent of the homeless are unable to use the shelter, 83 per cent never accessed cooked meals, 31 per cent never accessed dry ration provided by the government through its PDS (Public Distribution System) system, and only eight per cent women homeless have access to women shelter.

Apart from the access to food, shelter and dry rations, access to water is one of the most affordable and essential requirement to prevent COVID-19 infection. Access to water has already been guaranteed by the Indian Constitution through the 74th Amendment of the Indian Constitution. The 12th Schedule was added, putting the onus of providing universal water and sanitation on local self-governments. Frequent hand washing has been deemed as one of the "cheapest, easiest and most important ways to prevent the spread of a virus" (UNICEF 2020). But civil society findings show that the ground reality differs from what is mandated in the government orders. Homeless people have been concerned about lack of access to water and sanitation facilities even before, but this has exasperated much more following the lockdown[5].

Recommendations

1. **Implementation of NULM provisions:** The provisions of DAY SUH NULM on papers such as providing eco-friendly shelters, security guard in case of special shelters, etc. needs to be implemented.

2. **Discrimination on the basis of caste and religion:** There have been cases where food cooked by people from the Dalit community was rejected. Also Muslims have been targeted as carriers of COVID-19. Such incidents are a violation of Article 15 of Indian Constitution and call for strict actions for ensuring the safety of homeless people.

3. **Mechanisms within relevant government spaces to resolve issues of the homeless:** All the shelters should be connected with different ministries and departments of the government such as the Ministry of Social Justice and Empowerment, National Commission for Women and others to ensure that entitlements reach the homeless people.

4. **Revisit NULM SUH guidelines:** NULM SUH guidelines need to be revisited so as to broaden these to include disasters and the role that NULM-SUH provision should play in such scenarios.

5. **Allocating more resources and developing an action plan for homeless under NULM SUH:** The increased allocation of resources will help in setting up more shelters and further the livelihood/training by NULM SUH in the post-COVID-19 scenario.

6. **Formulating a national policy for the homeless:** This is also an opportunity and time to think beyond a scheme to address such a complicated and grave challenge as homelessness. The MoHUA can begin with drafting a policy on urban homeless to be adopted by states. This policy can be further linked to housing and other urban development schemes and be inclusive of the post-COVID-19 reality of various kinds of urban disasters.

7. **Precautions from COVID-19 infection:** Spread of COVID-19 has adversely impacted the homeless among the other group of communities. There is a dire need of arranging water at shelters, sanitizer, mask and soap to tackle this situation. Apart from this, the vaccination drive needs to be prioritised by arranging camps at the shelters.

PLHIV left to fend for themselves

COVID-19 put a long pause to the life-saving services required by people living with HIV/AIDS. Most worryingly, testing services for identifying new infections came to a stand-still

The 2030 Agenda for Sustainable Development – a shared blueprint for peace and prosperity for people and the planet, now and into the future – adopted by all United Nations Member States in 2015 offered a call for action by all countries for 17 Sustainable Development Goals (SDGs) to be fulfilled through a global partnership. The goals recognized the importance of ending poverty and other deprivations along with strategies for a) progress in the areas of health and education, b) reduction in inequality, c) increase in economic growth, d) tackling climate change, and e) preserving our oceans and forests.

The third among the Sustainable Development Goals (SDGs), to 'Ensure healthy lives and promote well-being for all at all ages' aims to ensure that people enjoy a level of health that enables them to lead socially and economically productive lives. Goal 3 is closely interrelated with most SDGs, as health cannot be seen in isolation. Among the 13 indicators associated with this goal, indicator 3.3 specifically refers to ending the "epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases" by 2030.

While India has been making sustained improvement in its various economic and developmental indicators, the COVID-19 pandemic has affected the process since 2020. Though the global pandemic affected countries alike, India has been part of the collective response to the menace, by extending financial assistance and in-kind contribution in terms of medicines and vaccines. The pandemic reiterated the need for collective multi-sectoral actions for sustainable development at a national and global level.

HIV in India

India has seen significant progress in its response to HIV over 35 years of its fight since the first case in 1986. The HIV prevalence trend has been declining and is now stable in India since the epidemic's peak in the year 2000[1] largely due to increased life expectancy following antiretroviral therapy[2]. With an estimated 23.5 lakh people living with HIV, India has an adult HIV prevalence of 0.22 per cent in 2019 with HIV prevalence among adult males (15–49 years) estimated at 0.24 per cent and 0.20 per cent among adult females[3].

Of the 23.5 lakh people living with HIV, more than three-fourth (76 per cent) were aware of their HIV status, nearly two-thirds (63 per cent) were on Antiretroviral Therapy (ART) and around half (53 per cent) were virally suppressed. Functional from 2004, India's Care, Support and Treatment (CST) programme (with the provision of Antiretroviral Therapy) has been termed as a global benchmark.

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1   https://pubmed.ncbi.nlm.nih.gov/27109267/
2   ibid
3   http://naco.gov.in/hiv-facts-figures

The Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) has invested in India for care and support and EMTCT (elimination of mother-to-child transmission). The dual elimination of EMTCT of HIV and syphilis has been identified as a global public health priority. India is committed to the 'Elimination of mother to child transmission of HIV and Syphilis' by 2020. While this target is reachable, there are lots of gaps in reaching the target particularly at the inter-state level.

According to the National Coalition of People living with HIV in India (NCPI+), a national network of People Living with HIV (PLHIV), 14.9 lakh PLHIVs were receiving ART in India as of March 2020. Although a significant achievement, it falls a short of global performance. Globally, 81 per cent of estimated PLHIV are aware of their HIV status, 67 per cent were on ART and 59 per cent showed viral suppression, as well as its targets for the year 2020 (71 per cent for PLHIVs on ART and 90 per cent for PLHIVS who knew their HIV status).

There were 58.9 thousand AIDS-related deaths in 2019. This reduction can be better contextualized when seen as a sharp decline of 66 per cent among adults and 74 per cent among women since 2010. Additionally, annual AIDS-related deaths have also declined during the last decade in most Indian states.

There were 69,200 new HIV infections in 2019. The annual rate of new infection in India is at a 37 per cent decline since 2010. Most states have reported a reduction in the annual rate of new infections. This reduction in new infection is a cause of concern, given that the national target for the decline was put at 75 per cent by 2020. In this light, the Indian Council of Medical Research (ICMR) has warned that India may miss the national target to end AIDS by 2030. It will be unfair to attribute the entire decline solely to the prevailing COVID-19 pandemic. The goal of 80 per cent reduction in the new HIV infection by 2024 needs concerted action.

The National Strategic Plan 2017-24 (NSP) reiterated the importance of dialogue and collaboration between government, communities, people living with and affected by HIV, civil society organizations (CSOs), academics and researchers, development partners, private sector, and parliamentarians in this fight. The seven-year plan provides the national approach to reach 'the last mile' to ensure a more effective, sustained and comprehensive coverage of AIDS-related services to meet the goals of attaining the 'Three Zeros' - i.e. zero new infections, zero AIDS-related deaths and zero discrimination.

As an intermediate goal, it was envisaged that by 2020, there will be a 75 per cent reduction in new HIV infections, along with the achievement of the 90-90-90 targets – i.e. 90 per cent of those who are HIV positive in the country know their status, 90 per cent of those who know their status are on treatment and 90 per cent of those who are on treatment experience effective viral load suppression. The above-mentioned progress on the various indicators on HIV needs to be seen in context of these targets.

The extended target for 2024 is a 95-95-95 for status, treatment and viral load suppression. Towards that end, the granular understanding of district-level estimates and state-level tailor-made responses with sustained investment would be needed.

The Government of India's announcement of the 'test and treat' policy for all PLHIVs is laudable. This must be seen in alignment with the WHO/UNAIDS recommendations for providing universal access to comprehensive, equitable, stigma free, quality care, support and treatment services to all PLHIV. There is currently a gap of almost seven lakh PLHIVs who are yet to be put on treatment. ART coverage, leaky cascade, quality of care and poor functioning of LACs remains a major gap. Apart from these gaps, there are cross cutting challenges such as lack of manpower and infrastructure, and supply chain management.

Investment in HIV

The total budget envelope for implementing the NSP for seven years (2017 – 2024), to meet envisioned goals and targets is estimated at ₹ 33,088 crores. The year-wise distribution of the NSP budget along with an annual allocation of the domestic budget to the national AIDS and STD Control Programme is presented below.

Year	NSP estimates (In crores)	MoHFW allocation to National AIDS and STD Control Programme (In Crores)	Shortfall (In Crores)
2017-18	3,182	2,000	1,182
2018-19	3,904	2,100	1,804
2019-20	4,487	2,500	1,987
2020-21	4,793	2,900	1,893
2021-22	5,076	2,900	2176
2022-23	5,549		
2023-24	6,105		
Source: National Strategic Plan for HIV/AIDS and STI 2017 – 2024, various statement of budgetary expenditure documents (2017-18 to 2021-22) of MoHFW[4].			

Table 1: Allocation and Shortfall in allocation for AIDS as compared to NSP estimates

4   This includes https://www.indiabudget.gov.in/budget2017-2018/ub2017-18/eb/sbe42.pdf
https://www.indiabudget.gov.in/budget2018-2019/ub2018-19/eb/sbe42.pdf
https://www.indiabudget.gov.in/budget2019-20/doc/eb/sbe42.pdf

The first five years of the plan saw a total investment of around ₹ 12,000 crores against the plan of ₹ 21,000 crores. This is a massive 42 per cent shortfall amounting to ₹ 9,040 crores. The stagnation of domestic investment in the last two years – which the government ascribes largely to the COVID-19 pandemic – has especially affected the domestic investment in HIV. This calls for a massive effort to ramp the investment towards fulfilling the commitment to control the AIDS epidemic, in general, and to achieve the NSP targets, in particular. In absence of such financial and political commitments, India is most likely to miss the financial, and therefore, physical targets of the national HIV response.

A big concern for civil society actors remains the lack of account-worth information on the actual HIV/AIDS scenario in the country. The National AIDS Control Organisation (NACO) has not published its annual report since 2016. The last annual report published by NACO on its website is from its activities in the financial year 2015-16.

COVID-19 and the lives of PLHIV

As mentioned earlier, the COVID-19 pandemic is one of the reasons dragging the progress of the National Strategic Plan for HIV/AIDS and STI (NSP, 2017 – 2024).

COVID-19 put a long pause to the life-saving services required by people living with HIV/AIDS. Most worryingly, testing services for identifying new infections came to a stand-still. Many people did not know their test results – because health service providers were busy with other COVID-19 related work. Vulnerabilities were exacerbated.

The new set of rules brought in by the government also made it difficult. The networks of people living with HIV/AIDS in the states of Gujarat, Tamil Nadu and Maharashtra could not apply for funds despite having FCRA because of the new guidelines. Likewise, there were international funding announcements that networks could not apply to. Networks are now totally dependent on a single basket of funds, the GAFATM funds as local resources are very limited.

Gaps identified during COVID-19 for PLHIV community include the following:

- Delay in outpatient services for People Living with HIV at primary and tertiary level in hospitals in case of any health problem other than COVID-19 (like planned surgery or any other infection besides HIV). Only emergency situations were entertained.

- PLHIV did not get financial aid for state pensions as PLHIV financial schemes and TB -HIV co infected persons were not getting direct cash benefit under central TB division schemes.

- Human resource cuts in the private sector also affected the earnings of PLHIV. It must be said that in many cases they were able to resume their jobs under contractual labour or as unorganised worker or as hawkers or small shop owners or as domestic workers (particularly women). This affected their health because a nutritious diet is an important need of the antiretroviral therapy.

- Children living with HIV/AIDS faced problems in pursuing their education. The COVID-19 pandemic also affected their regular medication due to high travel cost for local travel options due to the rising price of fuel during the pandemic.

- Loss of livelihood for single mothers among living with HIV. Caring for other family members also affected their treatment, particularly antiretroviral therapy.

Unmet need of PLHIV community

- There are seven lakh people who still do not yet know their HIV status. A focussed intervention is needed to identify missing people.

- Health insurance needs to be given for the PLHIV under Ayushman Bharat policy.

- Uninterrupted supply of ART medicines and HIV testing kits, condoms and PPE kits supply at all public health service deliveries.

- State rules need to be finalised in all states in India for HIV Act, 2017. This needs to be implemented across the country.

- Increase health spending to 2.5 percent of the GDP immediately to strengthen the public health care system.

- Emergency and other health services should be continued even during the second wave of COVID-19 situation.

EDUCATION

Still a long way to go

Framers of the New Education Policy 2020 alienated themselves
from the needs of children, particularly children from historically marginalized
groups and communities. Children faced unequal access and outrageous
inequalities during the pandemic

The enactment of the Right of Children to Free and Compulsory Education Act 2009 was a historic moment in India to ensure equitable and quality education for all children. In 1993, the Supreme Court of India in the matter of Unni Krishnan, J.P. And Ors. Etc vs State Of Andhra Pradesh And Others has observed that Article 45 must be read in harmonious conjunction with Article 21 since right to life loses its meaning if a child is deprived of elementary education. Nine years after the Judgement, Parliament adopted Article 21(A) in the Constitution of India, which reads, "the State shall provide free and compulsory education to all children of the age 6-14 years in such a manner as the State may, by law, determine". It took another seven years for the enactment of Right to Education Act 2009 which made education a fundamental right for the 6-14 years of children. The coming of the Act is important as it brought many firsts in the history of education and, most importantly, it made elementary education a legal entitlement.

The next logical step would have been to bring the entire gamut of school education from pre-school till secondary-school under the umbrella of the RTE ACT 2009. However, the shift in the National Education Policy, 2020 is a major concern as it didn't mandate free and compulsory education with a downward and upward extension of the RTE Act 2009. On the other hand, what has been found was a deliberate attempt to side track and marginalise the RTE Act, 2009 in the National Education policy, with a brief mention of the Act in the section which discusses the history of education.

Further, the NEP 2020, has been disappointing as the framers have completely alienated themselves from the needs of the children, particularly children from historically marginalized groups and communities. This was blatant as children were pushed out of schools, due to the unequal access and outrageous inequalities that raised their ugly head during the pandemic. Immense loss of livelihood, lives and security of people rendered children already on the margins to sheer deprivation and helplessness.

The pre-existing situation in the domain of elementary education, despite high enrolment rates, has not been very encouraging. India is home to nearly 4.5 crore out-of-school children (Dubey et. al, 2018). Further, the issue around school dropouts remains a matter of serious concern. One in every fifth student drops out at the primary school level, rising to every third student at upper primary and every second student at secondary level (UNICEF, 2016). Dropout rates are particularly high among SC/ST children and girls. If we go beyond enrolment levels and look at regular attendance – children from SC, ST and Muslim communities missed nearly 30 per cent of school days at primary level, and attendance of rural children is lower than that of children in urban areas (UNICEF, 2016). To ensure quality education to every child, under section 12(1)(C) of the RTE Act, all schools- private, aided, unaided or special category- must reserve at least 25 percent of their seats at the entry level for students from economically weaker sections (EWS) and disadvantaged group. Nearly 80 percent of private schools meant to comply with the provisions do not participate in the admission process nationally and only 22 percent of these designated seats are filled. Does NEP 2020 address this issue? Of course not. Further, quality of education remains a serious issue. India ranked 72 out of 74 participating countries in the Programme for International Student Assessment or PISA (2009) ranking conducted

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1 After the PISA 2009 Ranking India has boycotted the assessment. Recently the Indian Government has expressed an interest in participating in the 2021 assessment and is reportedly preparing children in KendriyaVidyalayas (KVs) and NavodayaVidyalayas (NVs) for the pattern of testing.

under the auspices of Organization for Economic Cooperation Development (OECD). Held every three years, PISA tests 15-year-old students from all over the world in reading, mathematics and science.[1]

The issue of quality is more severe at the secondary levels of education. A 2017 Report (ASER 2017) found that while 86 per cent of the youth in the 14-18 age group are still within the formal education system, a staggering 25 per cent of them cannot read a basic text fluently in their own language and 57 per cent cannot do simple division. These children were differentially affected due to the pandemic. However, policies remained blind to the voices of children and of the people in distress.

Cases of children committing suicide during the COVID-19 pandemic due to lack of digital devices to continue education were reported by the media which, however, couldn't impact policies of the government. Alliances like RTE Forum along with other networks submitted several memorandums seeking support from government for health and nutrition for children as a safeguard against the infection and also for their continued access to education. With hardly 20 per cent of the students managing to remain logged-in, much less in small towns and rural areas, it was boys who got access to their parents' phone, while girls faced greater patriarchal pressures –attending to domestic chores, malnutrition, child marriages and even physical violence.

Digital learning is not education and cannot substitute for real learning. Several webinars organised by RTE Forum expressed the concern that teachers have also been feeling lost to a system that only promotes sharing information where they cannot transact and involve most learners in the class. All theories tell us that learning is a social process where students learn from each other, while engaging in challenging collective tasks and thinking together. Schools have also been the platform for personality development among students like discipline, time management, communication skills etc which has been severely affected due to online teaching. Physical learning in schools helped students in strengthening their problem solving ability, which has been reduced due to higher dependence on internet even for small queries, closing the doors for exploring the mind among children. After years of efforts to shift from the ad-hoc policy of operation blackboard, regimen of chalk and talk lessons, school education was seen holistically in the RTE Act 2009, with a child centred approach and a normative framework for quality as recommended by the Kothari commission way back in 1968. However, a reverse trend has been seen in the last 5-6 years that perceives education in a very narrow manner as a means of producing and reproducing given information without any connect to the lived experiences and milieu of the children.

Digital education, in its essence is not a form of education embedded on constitutional values of justice, dignity and empathy for all and marginalizes the principles of universalization of education as emphasized in the RTE Act 2009. Further it is becoming a lucrative business pushed by a potential lobby which has been promoting for unregulated private schools and low cost budget schools which apparently is against the principle of universalisation of education that rests on a strong public education system.

The extent of the impact of the commonly termed 'new normal'on community and children is proportionally very high. Previous health emergencies also demonstrate that the impact on education is likely to be most devastating in countries where there are already low learning outcomes, high drop-out rates and low levels of resilience. Despite an increase in public awareness and aspiration to get children educated, as well as increased enrolment of children in schools post RTE Act 2009, India's learning crisis remains grave. The Delhi-based ASER Centre's Annual Status of Education reports and many other sources have highlighted this time and again. The National Sample Survey of Estimation of Out-of-School Children report, 2014 submitted to the ministry of human resource development revealed that 6 million children were still out of school.

The COVID-19 pandemic has magnified inequalities to a feverish extent in an already unequal educational scenario. Parents are being exploited by private schools during COVID-19 crisis. At a time when parents are reeling from salary cuts or job loss, the pressure to pay hiked school fees has made things even worse. To offer relief to parents, notifications regarding private school fee payments have been issued by some states. In addition, the National Commission for Protection of Child Rights (NCPCR) has issued a notification (F. No. NCPCR/2020-21/SF/EDU) advising states to devise solutions such that the best interests of the child are met and to ensure that no child is harassed by the school for non-payment of fees. Despite these notifications, reports have emerged of private schools across India hiking their fees. There are also stories of schools barring students from attending online classes due to non-payment of fees.

Schools are also more than learning centres for poor children. They provide social protection, nutrition, health and emotional support that are a life security for the most disadvantaged, and this applies in all countries, from low to high income. 9.12 crore children are not receiving school meal during school closure. The iregular distribution of meals have also affected the nutrition intake among these children. School meals serve as a safety measure as economists estimate that 75 per cent of the income is spent on food.

COVID-19 impacted 14 lakh migrant workers as well as others working in the unorganized sector. It has impacted the poor adversely across the globe. The increased unemployment during pandemic has made it difficult for the marginalised people to meet even their basic needs, and hence affording a cellphone for children's education with multiple children in a family for having classes at the same time has increased the economic burden. In such a situation, technology-driven education will exclude many children from continuing school education.

India is a diverse and multilingual country. Various dialects, various contexts and diverse lived experiences is what a classroom in India brings together. One channel, one India and one nation –one digital forum really needs to be relooked and re conceptualized to ensure equity and quality in education. The question then arises, how will children expand their world view through a singular digital platform which is one of the important purposes of education?

The lack of policy attention is further evident from the budget cuts on overall education, including elementary education which is a legal entitlement for children in the country. Despite the financial requirements multiplied manifold during the pandemic, the ₹ 31,050 crore budget allocated for Samagra Shiksha Abhiyan for 2021-'22 is far less than the ₹ 36,400 crore allocated for 2019-'20 as well as the expenditure in 2019-'20 of ₹ 32,376.52 crore. This is a major concern as only 54 per cent of the schools in India have adequate WASH facilities and RTE compliance of the schools has been very low.

Recommendations

An analysis of the above text reminds us that firstly, educational vulnerability is overlapped with socio-economic disadvantage. Secondly, online solutions ignore India's immense digital divide with embedded gender and class divides (Adhikari et al, 2020). Even the NSSO report (2017-2018) shows that internet facility is available to less than 25 per cent households across India. Yet, Government of India put emphasis on a blended approach by prioritizing online education through various portals like PRAGYATA, DIKSHA (One Nation, One Digital Platform) and other such portals which have also been vetted by the National Education Policy passed in 2020.

It implies that the temporary closure of schools as a preventive measure against the COVID-19 pandemic has further heightened the vulnerabilities of children, especially from the marginalised sections. Thirdly, lack of access to schooling and lack of social engagement has induced isolation and anxiety among children. Thus the following steps should be taken on an urgent basis to tackle the concerns in an inclusive and equitable manner.

1. Proper assessment of the schools and local situation will be required before reopening of schools. Even though WASH facilities have been prioritised and are relatively uniformly present as a policy initiative across all states, quality WASH facility and the basic infrastructure should be made available in all schools. Since there has been a long break in school education, there will be need to work on behavioural change and good habits of children which may have been disrupted during the lockown period.

2. A back to school campaign is extremely important for children to continue education. There is a high risk of children from vulnerable families dropping out. So, tracking such children will be important. This will have a huge financial implication. Admission of 25 per cent of children from Economically Weaker Section in unaided schools promises a lot for inclusive education in the society. Therefore, there is a need to ensure flow of funds by State to unaided schools to ensure implementation of 25 per cent reservation of seats for EWS.

3. The dire need of the hour is a high level of investment in the social sectors, particularly education. This will also provide additional employment, besides helping build social infrastructure necessary for ensuring sustainable growth. Investment in education is the most effective way of realizing the objectives of equity, justice and democracy laid down in the Constitution. The experience of most developed countries and a number of emerging economies bears testimony to this fact. The gestation period for investment in social infrastructure is likely to be much shorter than that for building physical infrastructure (which is equally important for accelerating and sustaining growth).

4. Budgetary provisions for education need to be enhanced substantially also to meet the requirements of the states which are principally responsible for education, particularly school education. The generally fragile and precarious financial position of the states and the local governments have been aggravated by the pandemic. Unlike the centre, they cannot resort to deficit financing; nor can they fall back upon educational cess as a measure of raising additional revenues. It is, therefore, incumbent upon the centre to compensate the states for the revenue loss suffered by them during the pandemic. The best way to do it would have been to directly transfer resources to financially vulnerable States and Local Governments. The first step towards this in India will be for the centre to raise its share for financing Centrally Sponsored Schemes.

5. India as a country and successive governments in power at the centre have, for a long time, been reiterating the objective of achieving the public expenditure target of devoting six per cent of the GDP to education. The reaffirmation of this objective in the NEP 2020 has given rise to the hope that this would be implemented without any further delay. This will be possible through a nation-wide campaign on bringing back all children to school, especially children who have been differentially impacted and mayeventually be pushed out of the school system.

ENVIRONMENT
Industry before environment

India has witnessed extremely poor environmental governance in recent years. The government, motivated to improve its record on the 'ease of doing business' index, is trying to degrade environmental and forest regulations

COVID-19 could well be just the tip of the iceberg of zoonoses, 99.9 per cent of which we are yet to know and be afflicted with if we continue the way we are[1]. A potential, and less spoken effect of climate is its role in the emergence or re-emergence of zoonotic diseases. Epidemiologists and climate scientists have been exploring such links over the past decade.[2,3]

Yet, in the race to (re)gain economic strength, environmental standards were relaxed, monitoring reduced, penalties for environmental violation waived and fossil fuel and other businesses having profound adverse impacts of environment and climate were rescued with huge bailouts. Reuters reported on November 2020 that G20 countries which together account for more than 80 per cent of global emissions have committed more than $ 230 billion in dirty energy in their COVID-19 recovery funds. In contrast the support to the clean energy was only to the tune of $ 150 billion.

The lockdown year 2020 was not a breather for climate and the environment: 2020 was the second hottest year on record just behind 2016; ice melted quicker; oceans accumulated heat faster; wildfires raged more dangerously; heatwaves became more severe; and carbon emissions hardly saw any thawing. Contrary to a general perception, COVID-19 too created a huge amount of bio-medical waste[4]. According to the WMO's State of the Climate Report 2021 released on 19 April 2021, "there was a relentless intensification of climate crisis, increasing occurrence of extreme events, and severe loss and damage, affecting people, communities and economies."[5]

Inadequate climate action

Despite the clear signs of climate crisis exacerbating rather than abating, climate action remained suspended or minimal at best. UNEP Emission Gap Report 2020 projected a 56 per cent shortfall between the countries' commitments and progress towards 1.5 degrees target, and a shortfall of 26 per cent towards a 2-degrees target of the Paris Agreement.

Science requires that countries collectively reduce 7 per cent emissions every year to be within reach of targets in the Paris Agreement. Rather than enhancing ambition in near term through their NDCs, as the Agreement demands, rich countries are

1   State of Environment Report, 2021, Centre for Science and Environment, India
2   Morse, S. S. (2001). Factors in the emergence of infectious diseases. In Plagues and politics (pp. 8-26). Palgrave Macmillan, London.
3   McMichael, A. J. (2004). Environmental and social influences on emerging infectious diseases: past, present and future. Philosophical Transactions of the Royal Society of London. Series B: Biological Sciences, 359(1447), 1049-1058.
4   https://swachhindia.ndtv.com/india-generated-over-18000-tonnes-of-covid-19-related-bio-medical-waste-in-4-months-experts-call-to-reduce-reuse-and-segregate-52901/
5   Counting the cost 2020: A year of climate breakdown, https://reliefweb.int/report/world/counting-cost-2020-year-climate-breakdown-december-2020 ; last accessed 23 April 2021

busy declaring fuzzy net zero targets. Many industrialized countries including UK and EU countries have declared that they will have net zero emissions by 2050. Jumping on the bandwagon is China (by 2060), Japan and also the US. India is under immense pressure to declare net zero target.

There was talk of renewed US climate activism under a new presidency. The Climate Summit called by President Biden culminated with a communiqué from leaders of the world's seven largest economies responsible for 27 per cent of the world's global emissions. Yet, while this brought political momentum to the demand for accelerated climate action, it was disappointingly short of what is needed.

India amidst the crisis and the conundrum

In recent years, India has witnessed an increased concentration of power in the central government and bad environmental governance. The government, motivated to improve its record on the ease of doing business index, is trying to change environmental and forest regulations (including Forest Rights Act, 2015, National Forest Policy, 1988 and Environmental Impact Analysis notification, 2016). These changes attempt to put more power in the hands of the central government, exempt more industries from environmental and forest compliances, minimizes public engagement, and provides ex-post facto approval to industries who have set shop even before the necessary approvals.

a. Coal block allocation

Despite the fact that only 28 of the 90 coal blocks auctioned since 2015 are operational[6], the government of India started the process of inviting bids for allocating 41 coal blocks in June amidst the pandemic. The government claims that the coal blocks allocation will bring much needed revenue to poor coal bearing tribal areas. The Prime Minister emphasised that the allocation of coal mining blocks would not make any difference to India's environmental commitments.

In a departure from the previous policy, the central government has now removed the "end user" requirement by amending Minerals (Amendment) Act 2020. While earlier only private companies could mine coal for their own captive use (mainly power, iron and steel companies), now they can do it for the commercial purposes bringing host of other interests including real estate in the coal mining sector.

b. Further delaying introduction of thermal power efficiency norms

The MOEFCC had notified superior emission standards thermal power plants (asking the thermal power plants to install Flue Gas Desulfurization Units, FGD) in December 2015, to be effective from 2017. However, on the resistance from the thermal power plants, the deadline was pushed to December 2022. This year, the power ministry asked to push the deadlines for all thermal power plants further to 2024.

The Ministry of Environment, Forests and Climate Change responded by pushing the deadline for thermal power plants within 10 kms of the NCR and million plus cities to the end of 2022. It was pushed to December 2023 for 124 non-attainment cities and those in 10 kms of critically polluted areas. Ensuring compliance is required by 2024 for the rest while TPPs retiring in Dec 2025 are not required to comply with the new norms. Interestingly, TPPs failing to comply will be able to continue operation by paying a paltry penalty of 20 paise per unit of electricity produced!

c. Ambient air pollution and the performance of the NAPCC

Ambient air pollution remained relentless and the recent report from the Swiss Agency IQAir, listed 22 Indian cities among the world's 30 most polluted cities[7]. The Global Burden of Disease reported in February 2021 that pollution accounts for the death of one in five persons amounting to 8.7 million global deaths. 1.7 million deaths in India are also accountable to pollution related causes[8].

The government response to pollution control remained at best half hearted. The National Clean Air Programme (NCAP) started in 2019 set a target for itself to reduce PM levels up to 30 per cent in 122 non-attainment cities by 2030. The National Green Tribunal, however, remarked that there is no clear monitoring mechanism for enforcement. There is no data on how much pollution has been reduced in the last two years.[9]

6   Coal Allocation; the Full Story, Rohin Kumar, 23 June 2020, https://en.gaonconnection.com/coal-allocation-the-full-story/ ; last accessed 23 April 2021
7   22 of 30 most polluted cities in India: Report, Soumya Pillai, 17 March 2021, https://www.hindustantimes.com/environment/22-of-30-most-polluted-cities-in-india-report-101615928090377.html ; last accessed 23 April 2021
8   'Invisible killer': fossil fuels caused 8.7m deaths globally in 2018, Oliver Milman, 9 Feb 2021, https://www.theguardian.com/environment/2021/feb/09/fossil-fuels-pollution-deaths-research ; last accessed 23 April 2021
9   NGT Slams Ministry's Report on Clean Air Programme, New Delhi, 25 August 2020, https://www.thehindu.com/news/national/ngt-slams-ministrys-report-on-clean-air-programme/article32440795.ece ; last accessed 23 April 2021

d. India's response to COVID-19 pandemic

India has committed approximately $ 260 billion towards recovery from the pandemic and making India self-reliant. Though there are few initiatives in the short and medium term to cheer about (like rural employment creation and afforestation at ₹ 6,000 crore. enhancing domestic manufacturing capacity etc.). However, there are also initiatives like commercial coal mining, support to fossil fuel and the bailout to electricity distribution companies that make the stimulus rather brown, not green! ₹ 90,000 crore without any conditions may not be enough to get the distribution companies on their feet, industry experts feel[10]. A recent report of the IISD & IEEFA, March 2021, says that India is the country which has since January 2020 committed maximum resources to the energy sector as a response to COVID-19 pandemic, but it at best presents a "mixed bag."

e. Environment budget for the year 2021-22

The budget of the Ministry of Environment, Forest and Climate change was reduced by ₹ 280 crores as compared to the previous year pegging at ₹ 2,870 crores as against ₹ 3,100 crores in 2020-21. One of the reasons for this may be persistent underutilization of the budget since many years. The previous year's underutilization stood at 35 per cent of the budget estimates[11]. Budget for autonomous institutions including ICFR, IIFM and budget for NAPCC and SAPCC, and National Adaptation Fund has been cut. Few bright spots in the budget have been a commitment to bring 1 crore, more people under Ujjawala Yojana, voluntary vehicle scrappage policy etc.

The budgetary support of ₹ 2,217 crores to fight pollution in 42 big cities is about half the previous year's allocation of ₹ 4,200 crores. Not surprisingly, the finance minister's budget speech did not clarify how the sum was spent last year. The government is yet to clarify the mandate for the Commission on Ambient Air Quality Monitoring in the NCR for which it has budgeted ₹ 20 crores.

Conclusion and Recommendations

State of environment is a reflection of political, economic and social choices a country makes. It cannot be protected in isolation if other sectors which affect it adversely continue in business as usual manner. The economic downturn and pressure in the wake of COVID-19 pandemic seemingly allow less fiscal space to the governments to take bold and transformative decisions that run counter to the "economy before environment" school.

Globally, India is doing much better than many other countries in keeping its commitment, but its commitment should go beyond just managing national emissions. Few core areas that need urgent and proactive actions are:

1. **Coming clean on coal:** India is yet to have a definite position on coal. It's understandable that due to having the fourth largest reserve, there is temptation to use it to the optimum. The government is committed to increase the current production of around 700 million tonnes per year to 1 billion tonnes per year. However, the problem is that irrespective of how much India mines, the country cannot fully stop the coal import due to quality issues. With an increasing number of thermal power plants turning uneconomic, India needs to have a clear position on retiring old plants. Many of these plants, supported by the troubled banking sector are at the root of India's thermal power sector's huge non performing or stranded assets[12]. Another compelling logic is also the dramatically reducing solar energy costs.

2. **Must do more on pollution:** Pollution is no longer a silent threat or foreign media gimmick. India needs to respond to it with more determination and resources and urgently. The NCAP is city centric and monitors only 339 of 6,166 cities for air quality, and only 60 cities have Continuous Ambient Air Quality Monitoring Stations (CAAQMS)[13]. Rather than waiting to make resources available for putting up CAAQMS, which costs more than one crore each, the government can encourage participatory environmental governance with low cost monitors. This might help in creating a campaign against air pollution in several cities.

Draw a comprehensive roadmap using climate action planning tools and climate smart communities to assist local governments in developing strategies for reducing greenhouse gas emissions. For a beginning, planning for climate action will entail setting goals and documenting inventory emissions[14].

10 The government's recent ₹900 billion recovery package barely scratches the surface on issues plaguing electricity utilities, Nitin Thomas Prasad, 27 May 2020, https://mercomindia.com/bailing-out-power-discoms-every-crisis/ ; last accessed 23 April 2021

11 Demand for Grants 2021-22 Analysis : Environment, Forests and Climate Change, PRS India, https://prsindia.org/budgets/parliament/demand-for-grants-2021-22-analysis-environment-forests-and-climate-change ; last accessed 23 April, 2021

12 2021-22 is a 'mixed bag' for India's energy transition, Vibhuti Garg, 11 February 2021, https://ieefa.org/ieefa-update-budget-2021-22-is-a-mixed-bag-for-indias-energy-transition/ ; last accessed 23 April 2021

13 What India's Key Environmental Progrmmes Get, Seher Dareen, 30 January 2021, https://www.indiaspend.com/budget/what-indias-key-environmental-programmes-get-and-how-they-spend-it-budget-720047 ; last accessed 23 April 2021

14 https://cdrpc.org/wp-content/uploads/2015/05/CAP-Guide_MAR-2014_FINAL.pdf

3. **Water emergency:** Water is an urgent emergency likely to take disturbing proportions in our lifetimes itself. With one third of the districts already facing drought-like conditions, and 70 per cent of the surface water polluted, many cities are looking at Day Zero scenario. There is no meaningful effort on source sustainability and rain water conservation, even though NITI Aayog and other agencies working on water are aware of this. According to CAG findings, no more than 63 per cent of the allocated money has been spent on Namami Gange (started in 2014 with an outlay of ₹ 20,000 crore) during 2014-17. The Jal Jeevan Mission has spent more resources on infrastructure and the urban sector rather than ensuring sustainability of water[15]. Providing tap water to all houses (by 2024) is the promise that the government of India has made the twelfth time.

4. **Addressing renewable energy and other land conflicts:** Renewable energy is the silver lining in India's environmental story. Out of the promised 175 GW by 2022 (and 450 GW by 2030) India has already installed about 90 GW. There are challenges related to finance and evacuation. India needs to install about 35 GW every year from now till 2030 to reach the target of 450GW by 2030. Solar energy has huge land requirements. According to the calculation of the Central Electricity Regulatory Commission, every MW of solar photovoltaic will require at least 2.5 ha of land as against thermal power plants which require only 0.5 ha per MW. India will have to set aside 0.7 to 0.9 per cent of the country's land area to source 54 per cent of the country's total energy production from the sun by the year 2050[16]. Offset measures like reforestation and afforestation might lead to land conflicts as India tries to create carbon sink to sequester 2.5 to 3 gigatone of carbon.

5. **Supporting SAPCCs and adaptation:** All the states developed State Action Plan on Climate Change with much enthusiasm during 2010-15. However, majority of them remain just on paper due to lack of financial support. National Adaptation Fund came to rescue some of them by providing projects worth 20 crores. However, for the last few years the budget of the fund has been cut drastically. Except for little support under Green India Mission, Water and Solar, there is practically no support for implementation of the SAPCCs. SAPCCs have an important role for any decentralised action on adaptation and climate change and should, therefore, be supported with adequate funding.

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15 Budget 2021; Environmental Conservation or Business as Usual, Amit Bhaduri, Ritika Gupta, 13 February, 2021, https://www.indiawaterportal.org/article/budget-2021-environmental-conservation-or-business-usual ; last accessed 23 April 2021
16 India's Transition to Green energy is an opportunity to get it right, S Gopalakrishna Warrier, 26 March 2021, https://india.mongabay.com/2021/03/commentary-indias-transition-to-green-energy-is-an-opportunity-to-get-it-right/ ; last accessed 23 April 2021

DRUG MENACE

Drug peddlers pose a threat in the North-East

The menace of drugs in Manipur requires the same high decibel role of the NCB as it did in the cases involving Bollywood stars in the past year

The Union Minister of State of Social Justice and Empowerment of the Government of India had released the *Nasha Mukt Bharat Annual Action Plan for 2020-21* on the International Day against Drug Abuse and Illicit Trafficking, 26 June 2020. The Action Plan focuses on 272 most affected districts. A three-pronged attack was launched by combining efforts of Narcotics Bureau, Outreach/Awareness by Social Justice and Treatment through the Health Department.[1]

The Action Plan is in line with the United Nation's Sustainable Development Goal number three (target five) and it seeks to "Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol". Drugs impact young people and wean away enormous energies of the country's youth population. In this light, the Action Plan was a welcome initiative.

The most affected districts identified by the Action Plan include nine districts of Manipur, namely Churachandpur, Senapati, Bishnupur, Chandel, Imphal East, Imphal West, Kangpokpi, Thoubal and Ukhrul district[2]. According to the report of the same Ministry, entitled *Magnitude of Substance Use, 2019*, the state of Manipur with a population of less than 0.4 per cent of India has 14.22 per cent current opioids users. The human, ecological, social, economic and political cost of the menace on the State could be nothing but devastating. To tackle the challenge, the Chief Minister of Manipur called for a "War on Drug" and has come out with a *The Manipur State Policy on Psychoactive Substances 2019[3]*. The policy is hailed for its strong 'demand reduction' and 'harm reduction' components, but is criticized for its weak 'supply reduction' component. So long as drugs are readily and cheaply available on streets and in hamlets, it will be impossible to tackle the menace locally. *Nasha Mukt Bharat* will only remain a pipe dream as long as the narco-terrorist network supplying drugs into the rest of the country is not busted.

Manipur has been a transit point for illicit drugs from the infamous "Golden Triangle" to India and beyond for almost half a century. The scenario has compounded with the en-mass cultivation of poppy in the hills and opening up of manufacturing units over the last decade. Poppy is cultivated en-mass with full knowledge and acquiesce of the authorities concerned in almost all the hill districts in the state. Even though the land holders can be booked under the *Narcotic Drug and Psychotropic Substance Act, 1985* (ND&PS), not a single person has bee arrested in connection with poppy cultivation till date. On the

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1   https://pib.gov.in/PressReleasePage.aspx?PRID=1634574
2   The 9 districts used to cover the whole territory of the State of Manipur before the 9 December 2016 notification carving out 7 more districts in the same territory.
3   Notified *vide* Gazette notification dated 21 Dec 2020 of the Government of Manipur

contrary the area under poppy cultivation is expanding at an exponential rate. Poppy cultivation also adversely affects the ecological balance, as the cultivation is done at the cost of ever-increasing deforestation, excessive application of weedicides, pesticides, and chemical fertilisers and leads to soil salinity.

It is ironical that Manipur is yet to come out with a comprehensive rule under the ND&PS Act, 1985 despite the magnitude of the problem. It raises the question: Are institutions deliberately kept weak to help powerful operatives inside the State and non-State power structures? Some illustrative examples of drug hauls involving high-profile operatives are given below:

Date and Place Incident	Drug Type	Estimated Amount (In ₹)	Accused
11/01/2013 Imphal Airport	Psychotropic drugs	15 crores	Okram Henry, Minister of Social Welfare, Government of Manipur
24/02/ 2013 Pallel	Psychotropic drugs	25 crores	Colonel Ajay Chaudhary, then PRO of India Army and Seikholen Haokip son of T.N Haokip MLA
19/06/ 2018 Lamphel	4.595 kilograms of heroin, 2,80,200 WY tablets weighting 28 kilograms	27 crores	Mr. Lhukhosei Zou, chairman, Autonomous District Council, Chandel
04/12/ 2019 Kangpokpi	41 kilograms of Heroin along with other raw material worth	165 crores	Ningkhangam Awungsi and Wungreingan Awungsi
24/08/2019 Thoubal	40,000 WY tablets weighting 4 kilograms	400 crores	Kyaw Kyaw Niang alias Abdul Rahim of Kawhmu village, Moha Rangoon Myanmar

It may be noted that none of the above-mentioned accused is convicted till date. The general public of Manipur is losing faith in the system to curb the menace due to the leniency shown to the high profile accused. When it comes to conviction, only the small fries involved are convicted by the court while the drug lords/main accused involved have always managed to secure acquittal by using their links in the corridors of power.

Under these circumstances, the civil society groups including the former user community, care giver NGOs, student's unions, Meira Paibi (women's group in the forefront of the stop intoxicant movement), human rights groups came together under the banner of *The 3.5 Collective*[4] to strive for the achievement of the UN Sustainable Development Goal 3.5 in the context of Manipur.

On 25 November 2020 the 3.5 Collective conducted a public consultation on the "Menace of Drug in Manipur" by inviting all stakeholders, including the relevant departments of the Government of Manipur. Seven specific recommendations were drawn up and lobbied with the relevant authorities including the Chief Minister of Manipur (CM), Speaker of Manipur Legislative Assembly, the law minister and officials. The Collective initially got a warm response from the authorities and even submitted a research project to be included in the Revised Estimate of 2020-21 and the Budget Estimate of 2021.

But the relation soon turned sour after The 3.5 Collective took a stand against the acquittal of Mr. Lhukhosei Zou, chairman, Autonomous District Council, Chandel, by the ND&PS court vide its judgment/order dated 17 December 2020. Mr. Zou was caught red-handed with huge amount of narcotic drugs from his official quarters in 2018. Allegations of CM putting pressure on Ms. Brinda Thongnaojam, Additional Superintendent of Police of Narcotic and Border Affairs (NAB) who led the police team that conducted the arrest as well as the subsequent attempts to withdraw the charge-sheets against Mr. Zou by the then President of All Manipur Bar Association and Superintendent of Police of Imphal West, allegedly on the behest of the CM are all part of the court records. Moreover, during the course of the trial Mr. Zou jumped bail and crossed over to Myanmar where he stayed for over a year. It was only after Interpol warrant was issued against him, that he surrendered to the court claiming that he was "kidnapped" by a Myanmar based armed group.

The public prosecutor, handling the case, has submitted a memorandum laying out the grounds of appeal against the acquittal[5]. It included, *inter alias*, failure of the NDPS court to appreciate the documentary evidence submitted by the prosecution; failure of all the accused to prove their innocence that they were not in a culpable mental state of mind and conspired to do the illegal drug business together. The submission concluded that *"All of them ought to have been convicted"*.

The 3.5 Collective also submitted a petition, with more than a thousand signatures, to the Chief Minister requesting his government to appeal against the judgment in the High Court. The Meira Paibi and other component organizations of the

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4   https://www.facebook.com/The-35-Collective-103452461608622/photos/pcb.109544387666096/109543560999512

5   Government of Manipur, Offic of the Special Public Prosecutor, ND & PS Court, Manipur at Lamphelpat, Memo no. NDPS/SPLPP/2020/04 dated 21 December 2020. It includes

collective organized a sit-in protest and protest rallies across Manipur demanding the appeal. Instead of following the popular demand, the Manipur Government unleashed a brutal crackdown on the peaceful protestors. A leader, Sintha Laishram, was even booked under the draconian Unlawful Activities Prevention Act.

The Collective also wrote to the Prime Minister of India requesting to do whatever is necessary to ensure that Manipur is saved from the clutches of the invisible, yet highly powerful drug cartel. The Ministry of Home Affairs Government of India (North East II) in its letter dated 25 March 2021[6] requested the Government of Manipur to give a suitable reply on the issue of "Drug menace in the state of Manipur and related to Special trial case no. 100 of 2018". But the Manipur Government simply ignored all requests for appealing against the acquittal order.

Considering the expanding rights of the victims in the criminal law[7] and also the fact that society as a whole is victim of the menace of drug and drug trafficking, members of The 3.5 Collective approached the High Court of Manipur seeking to grant a special leave of appeal. But the court, vide its judgment dated 29 May 2021, turned down the request on the ground that the individuals seeking appeal against the judgment are third party and "if granted it would be a dangerous doctrine and would cause utter confusion in the criminal justice system".

As a last resort, The 3.5 Collective is considering the possibility of approaching the Supreme Court of India seeking a prayer to grant special leave under article 136 of the Constitution of India. They are pinning their hope that the apex court would grant them a favourable order by appreciating magnitude and depth of the problem and the centrality of this case in busting the entrenched nexus between the power yielders of the state and the illicit but lucrative drug trade.

The corrupting influence of drug money has weakened and corroded the vital institutions of the state including the law enforcement agencies, the judiciary and the legislature. Its critical role during election to buy voters and after election to buy MLAs for the formation of the government is widely talked about amongst the general public. The illicit drug trafficking and narco-terrorism in Manipur have grown enormously in sophistication, volume and depth over the decades. It promises to emerge as a significant long-term security threat not only for Manipur but also the whole country, unless it is tackled with urgency.

The menace of drugs in Manipur requires the same high decibel role of the NCB as it did in the cases involving Bollywood stars in the past year. Else, Nasha Mukt Bharat will remain a pipe dream and India and Manipur will have to remain a mute witness to the best of its youth getting swallowed by the illicit drugs trade.

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6   Letter reference No.6/9/2018-NE-I. Ministry of Home Affairs/Grih Mantralaya, Government of India/Bharat Sarkae, North East Division; NE-II Section, North Block, New Delhi, dated 25 March 2021
7   According to a 2009 amendment of the Cr.P.C. victims are also given the right to prefer an appeal against any order passed by the court acquitting the accused (Act 5 of 2009 w.e.f. 31-12-2009)

POLICY ASKS

ECONOMY: De-development catalyzed

1. Given the desperate economic situation of the majority of India's citizens, budgetary allocations should be fully utilised and in fact, also should expand beyond the revised estimates.
2. The various 'relief' measures and packages as well as the 2021-22 budget focus not on the ethically and logically necessary demand-side policies, but on loans and 'easy' credit. A large stimulus is urgently required, irrespective of whether the already large fiscal deficit existing before the pandemic increases or not.
3. The most efficient and just way to combat inflation would be to increase direct taxes, because as is well accepted, indirect taxes disproportionately affect the poor.

BUDGET: Marginalized further in the pandemic

1. There is a need to focus on allied services that contribute a significant share of rural income, especially in rainfed/dryland regions.
2. Increase Union Budgetary support towards schemes such as PM-KISAN to benefit farmers.
3. Enhance the budgetary provision for MGNREGA. This has been drastically cut by ₹ 38,500 crore in FY 2021-22.
4. Strengthen public provisioning of essential public services for groups such as Dalits, Adivasis and Muslims.
5. The allocations to the Department of Social Justice and Empowerment and Ministry of Tribal Affairs need to be increased for the economic and educational empowerment of SCs and STs. The implementation challenges persisting in SCSP and TSP must be addressed urgently.
6. Furthermore, there is a need to increase the allocation for PMS-SC to clear the arrears accumulated over many years. There is a need for identification of all the manual scavengers in the country. The government has to make necessary changes in the SRMS Guidelines to address the bottlenecks constraining utilisation of the allocated budgets.
7. Further, an increase in demand can be created by raising awareness about the scheme among potential beneficiaries as well as within the government apparatus.
8. It is suggested that the total budget allocation for MoMA should be significantly increased, given the level of deprivation in the educational attainment of minorities. The hike in total budget allocation of MoMA would help increase the coverage of students and raise the unit cost in Pre-Matric, Post Matric and Merit Cum Means Scholarship.

INDIAN CIVIL SOCIETY: Disempowered, yet committed to serve

1. As India battles the second wave of the deadly virus and prepares for the third, CSOs must be supported and valued by the government.
2. The perspectives and assets of the Indian civil society must not only be acknowledged but also supported in every way possible to overcome the exodus imposed by the pandemic.
3. Strengthening the external environment of civil society and providing opportunities to expand their horizons will aid the civil society organisations to deliver their services to the most marginalised and vulnerable.
4. Strategies must aid building strong partnerships, both vertical (within an organisation) and horizontal (between the government and other stakeholders).
5. The COVID-19 crisis and the humanitarian work CSOs have undertaken should help achieve increased trust and collaboration between all the pillars of growth.

JUDICIARY: The missing judiciary, a year in review

1. In order to ensure the independence of the judiciary, it is of critical importance to secure the independence of the Chief Justice and insulate CJIs from any post retirement jobs in which the government plays any role whatsoever.
2. These jobs, as well as judicial appointments themselves, should be controlled by a multi member independent and transparent judicial appointments commission. Such a commission should also facilitate the appointment of more robustly independent judges.
3. There must be an independent, high powered judicial complaints authority which can investigate complaints against judges which cannot be left to the government or its agencies. No permission of the Chief Justice can be required for such investigations as is the present law because of the Supreme Court judgment in the Veeraswami case.
4. There has been a pending proposal to allow live streaming of court proceedings. This will have a salutary effect on the transparency of functioning of the courts and therefore on the conduct and independence of the judiciary. These reforms are essential for the independent and robust functioning of the Supreme Court, as custodian of fundamental rights of citizens.

INEQUALITY: Inequality in the minds of the executive

1. Track data on income inequality and design a plan of action every year to reduce inequality.
2. Make India's super-rich pay their fair share of taxes.
3. Impose a 2 per cent COVID-19 cess on individuals earning more than INR 2 crore per annum.
4. Introduce a temporary tax on companies making windfall profits during the pandemic.
5. Introduce and fund a peoples' package that addresses the needs of India's 99 per cent and builds a more equal and fair society.
6. Introduce a people's vaccine that is free, procured at a low, regulated price, procured centrally and distributed equally to support a quick return to normalcy.

MUSLIM MINORITIES: COVID-19 added to the burden of stigma

1. The pending demand for enactment of law against communal riots and persecution should be fulfilled as soon as possible, which may now include lynching and fake news as heinous crimes.
2. The budget of the Ministry of Minority Affairs should be increased to 10-times the present budget for making it justifiable in the wake of comparative fiscal support for SCs and STs.
3. Disaggregated data regarding religious minorities, particularly on Muslims, should be regularly compiled and made public for understanding their conditions and taking corrective measures.

DALITS: Exacerbated vulnerabilities of Dalits

1. Introduce livelihood support compensation packages and undertake a systematic process of enumerating informal/migrant sector workers, together with immediate relief compensation in the form of direct cash assistance as a well-established practice during the times of natural disasters in India to prevent them from distress-induced indebtedness and exploitation.
2. Enhance financial assistance for the informal sector workers and extend provisions as per the Unorganised Workers' Social Security Act of 2008 and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, to ensure they have access to state entitlements and legal assistance to meet their cumulative needs after having lost or being at the brink of losing/restricted livelihoods.
3. Increase allocation of funds under the Welfare of Scheduled Caste (AWSC) for the effective implementation of the SC/ST Prevention of Atrocities Act.
4. Ensure that the pre and post matric scholarships continue to be transferred to the students even during the pandemic and also ensure that there is increased allocation to enable the students to access online classes.
5. Institute inclusive relief measures through relief packages (food stocks etc.), and social security measures (like pensions), unemployment allowances for marginalised/informal sector/self-employed/casual workers, until such time till the pandemic passes.

ADIVASIS: Confusion and chaos in tribal areas

1. Implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Constitutional, and Legal rights of the tribal people at the grassroots.
2. Government should ensure that the rights and entitlements of tribal people are not compromised and that the Gram Sabha, as provided for in the Constitution, and statutory laws like P-PESA, Forest Rights Act, Supreme Court judgments related to the powers of Gram Sabha, should not be violated.
3. Utilize the District Minerals Fund (DMF), and Compensatory Afforestation Fund Management and Planning (CAMPA) to provide facilities and resources to the tribal people living in the villages during the time of crisis.
4. Implement the recommendations of the UN Secretary General to not include coal in the COVID-19 recovery plans and cancel the allocated and auctioned coal mines.
5. Remove the Forces from Sukma (Bastar) and Surguja districts which was illegally deployed to help the mining companies to acquire the tribal lands during the pandemic.
6. Ratify and implement ILO Convention 169 in letter and spirit.
7. Provide health and education infrastructure facilities and resources in the tribal areas.
8. Avoid using coal to generate energy, rather go for green energy that is more sustainable.

DE-NOTIFIED AND NOMADIC TRIBES: Exacerbated vulnerabilities of the marginalised

1. The Habitual Offenders' Act, 1952 is similar in spirit to the repealed Criminal Tribes Act of 1871. It should be abolished as the first step towards de-criminalisation of DNTs and prevention of atrocities by police.
2. Both central and state governments should prepare the official list of NT-DNT communities across India. All the NT-DNT should be classified separately and should be given reservation.
3. Amendments should be made to legislations such as the Wildlife Protection Act, the Prevention of Cruelty to Animals Act, the Environment Protection and Biodiversity Conservation Act, the Drugs and Magic Remedies Prohibition Act, and the Prevention of Beggary Act, taking into consideration that these laws have criminalised the traditional professions of

the NT-DNT and specifically targeted street performing nomadic communities such as acrobats, tight rope walkers, dancers and singers, leaving them with no alternate source of livelihood.

4. There should be formulation of a social protection framework (policies and schemes) that focuses on access to entitlements, land, housing, livelihood, education and health of NT-DNT communities. The central and state government should allocate a fixed budget based on their population.

5. The Government of India should create a separate category for NT-DNT in the census and National Family Health Survey (NFHS). It will help in generating data for policymakers.

6. The Government of India should constitute a permanent commission for the NT-DNT in line with the Schedule Caste and Schedule Tribe commission at the central and state level. Also, National and State commissions like Human Right Commission, Women Right Commission and Commission on Protection on Child Rights must have a separate unit within the commission to address the issues of the NT-DNT.

7. An intervention and action plan needs to be devised to ensure basic citizenship entitlements, including access to basic citizenship documents, food security, caste certificates, health facilities, shelter needs, political rights and other socio security programs are made available specifically for the NT-DNT.

8. NT-DNT should get free education with good hostel facilities, particularly for girls. Special effort should be made to sensitise the teaching and non-teaching staff in education institutions on the issues related to NT-DNT.

9. There should be a separate reservation in private sector for NT-DNT.

10. Government should provide employment opportunities for nomadic tribes by offering loans for small enterprises. Some of those practising traditional occupations, including street performers, are struggling due to changes in laws and need to be revived. Companies that are hampering traditional occupations and polluting the local environment should be discouraged as it further marginalises these communities. There needs to be strengthening of irrigation as well as other input facilities to serve NT-DNT communities engaged in farming so that they do well in agriculture.

11. The land belonging to the NT-DNT should be restored to them. Landlessness is high among NT-DNT communities, and in some places, influential people have grabbed land belonging to NT-DNTs. There are also instances where businesses and government have taken over their land for developing project sites. There should be active consultation before taking any step that can result in their displacement and allocation of land at an alternate site must be made. The government should recognise the rights of the pastoral community over their grazing land and provisions should be made to transfer the ownership of these land to the pastoral communities.

INFORMAL SECTOR: The struggle for recognition continues

1. As forefront workers and a significant component of the economy, informal workers should be officially recognised as 'essential service providers' by policymakers.

2. Generate official database in terms of who they are, what kind of livelihood they're engaged with, where they work, how they contribute to the economy and how they are recruited.

3. Immediate and long term relief measures such as direct cash transfers, pension schemes and maternity benefits.

4. Statutory protection and regulation frameworks: For self-employed workers, legal license/certificate, membership in trade unions, social welfare protections must be promoted. For daily wage labourers like construction workers, provisions like minimum wage, formal contracts and social welfare should be implemented.

5. City planning documents must prioritise the spatial reservations and provisions for informal workers to secure their 'right to city and livelihood'.

CHILD RIGHTS: Low investments aggravate inequalities

1. It is important to provide effective, flexible and inclusive distance learning programmes for the most deprived and marginalised children. It is equally important to provide support to parents to ensure continuity of education with the help of digital learning tools.

2. The teacher and school administration should be provided with resources and support for continuity of education of children through digital and other modern mediums of learning.

3. It is important to strengthen community-based child protection mechanisms to identify vulnerable children who are either out of school/drop outs or on the verge of engaging in child labour. Strengthening the community-level child protection system for children to report violence safely, including when schools are closed, is also crucial. Adequate efforts need to be taken to ensure that children in Child Care Institutions (CCIs) stay safe and do not get infected by the virus.

4. There is also a need to focus on family strengthening services to strengthen parenting skills, relieve psychological stress and alleviate material deprivation. This will help parents in becoming better able to care for children and meet their needs, and in turn preventing risk of neglect, violence and abuse.

5. There is a need to improve equitable coverage of healthcare services by removing financial and non-financial barriers. It is important to prioritise efforts and resources to make services available free at the point of use for vulnerable children and families.

6. Ensuring food security by continuing existing social protection schemes is important (including those announced during the pandemic) so that the most deprived and marginalised families can provide for themselves and for their children's healthy development.

7. Considering that COVID-19 and its after-effects will continue to impact the lives of children in the near future, there is a need to increase the investments on children. Hence, it is important to ensure that health, nutrition, education and protection services are well-resourced and inclusive.

8. There is also a need to strengthen the mechanisms and support to ensure effective implementation of programmes for children during COVID-19. Ensuring the availability of trained and skilled workforce is crucial to reach out to children. Strengthening the delivery of services to vulnerable children, families is important.

9. A coordinated and synergised effort is required to have state, civil society organisations, private sector, academia, media, community leaders, citizens and children work together to address the violation of child rights during the COVID-19 pandemic and come up with innovative solutions to address this complex problem.

10. There is a need to listen to the voices of children, especially girls. It is important to ensure that dialogue and interaction with children captures their experience about the impact of COVID-19 on them. These experiences and interactions should be used to design preventive strategies and develop appropriate response plans.

PERSONS WITH DISABILITIES: Doubly challenged

1. Build a Disability Index to collect and report disaggregated data on disability, as a sub-set of the SDG India Index which synthesizes and disaggregates data from all data sources of socio-economic parameters on a real time basis.

2. Disability cells and budgets created in all relevant ministries and government departments including NITI Aayog. Specific disability budgets to incorporate accessibility in all efforts, assistive technology, community-based services, social protection programmes, and employment assistance.

3. Prioritize persons with disabilities in the COVID-19 economic recovery and stimulus packages.

4. Provide all persons with disabilities, irrespective of their economic, social or residential status, with vaccinations at their doorstep and after-care.

5. All provisions relating to disaster management in the RPWD Act should be implemented and monitored.

6. Caregivers and other assisting personnel of persons with disabilities should be expressly exempted from social distancing norms and issued curfew passes.

7. Mechanisms should be created so that persons with disabilities are ensured their food, pensions and medical requirements and are able to travel to hospitals/medical facilities for their treatment.

WOMEN'S RIGHTS: A lot happened after COVID-19 hit

1. The adoption of the National Policy for Women Draft (2016) along with a Gender Equality and Social Inclusion (GESI) action plan to all policies and programmes.

2. An Urban Employment Guarantee Scheme specifically targeted at women should be devised and implemented urgently. Provisions regarding preferential employment for women in Public Works Departments can also be considered.

3. The government should increase preferential procurement from women enterprises from its current 3 per cent to at least 10 per cent.

4. Increased allocations for creches in both rural and urban settings.

5. Cash transfers by expansion of the Jan Dhan scheme in women's accounts. Also, moratorium on interests and / or loans of women entrepreneurs from lower socio-economic strata.

6. Enhanced allocations of the Maternity Entitlement Benefits scheme to cover all women with amounts equivalent to wages foregone, and without disqualifying criteria.

7. Wage subsidies should be provided to women employed in the MSME sector.

8. It is crucial to see violence against women as a public health issue and build synergies with the Health and Social Justice and other ministries of the government. A range of crucial support services must be made available at the one stop centres with adequate budgetary allocation from the Nirbhaya Fund, including activating confidential helplines, counselling, safe shelters, one-stop centres, mental health services and legal aid 24/7. Transwomen, women with disabilities, migrant or homeless women are especially vulnerable, and special protocols are required to ensure their access to services. All districts should have OSCs attached to hospitals.

9. Universalise PDS, and increase budgetary support for Midday Meal, ICDS and SAG to ensure women do not suffer from food insecurities for the households. Special emphasis must be laid on expenditure under RKSK.

10. Adequate budgetary provisions under NRLM to focus on legal literacy and capacity building of women as frontline workers, paralegals and barefoot counsellors on issues of VAWG.

11. Funds from Beti Bachao, Beti Padhao scheme can be utilized to make girls' education up to 18 years free across government/aided schools. These funds can also be used to provide girl students in rural districts free mobile plans in their name.

12. Central and state governments should increase their education expenditure from 3 per cent of GDP, as established in 2018-2019, to 6 per cent, ensuring that at least 50 per cent of funding directly supports girls' education.

13. Free skill training should be provided to women who have lost jobs during the pandemic.

LGBTQIA+: Homophobia in the times of COVID-19

1. Pass a law on non-discrimination in the context of LGBTQIA+ persons.
2. Ban the practice of conversion therapy in India.
3. Engage CSOs working on LGBTQIA+ issues and rights to assess the situation of queer persons during the ongoing COVID-19 crisis and work with them to deliver required relief.
4. Establish nationwide safe homes and queer affirming mental-health helplines in different regional languages to address the detrimental effect of being under lockdown with implicitly and/or explicitly violent families, and the subsequent loss of support networks.
5. Sensitise medical healthcare professionals to the particular needs of the LGBTQIA+ community in order to combat discrimination and stigma.
6. Implement the Supreme Court's guidelines issued as accompaniments to the Navtej Singh Johar V/s. Union of India judgement reading down of the IPC Section 377 to sensitise the public and government officers and eliminate social stigma and structural discrimination against LGBTQIA+ persons.
7. Ensure that LGBTQIA+ persons' access to social security benefits in times of crises is dislodged from the need of the state to procure or assess identity documents like ration cards or Aadhar cards which the community often finds difficult to acquire. This leads to LGBTQIA+ persons' curtailed access to the state's social welfare schemes and benefits.

HEALTHCARE: The failed promise of universal access to healthcare

1. Enact a National Health Rights Act enabling right to healthcare and mandating health as a public good.
2. Immediate budgetary commitment of at-least 2.5 per cent of GDP with 35 per cent burden on Union government and 65 per cent on state governments.
3. Develop healthcare system as per Indian Public Health Standards norms.
4. Compulsory public service of at least two years by all graduates and postgraduates from medical, nursing and paramedical schools to eliminate health human resource deficit.
5. Strengthening the public health infrastructure of both HWCs and Hospitals to establish robust primary healthcare.
6. Say no to privatisation policies in healthcare and insurance-based programs as they divert public resources towards private profiteering.
7. Implement compulsory licensing to ramp up COVID-19 vaccine and drug production.
8. Legislate strong regulation of the private health sector, including price control.
9. Devolution of healthcare planning, decision making and budgets to local governments under oversight of local communities through Community Based Monitoring and Planning and the District/Ward Planning Committees.

MIGRANT WORKERS: Hidden in plain sight

1. **The draft migrant policy needs to be finalized:** the draft policy penned by NITI Aayog is a step in the right direction. The policy needs to be finalized after due consultations and be given teeth and powers through financial allocations and units within the ministry of labour for implementation.
2. **Portability of all social security schemes:** All migrant workers, along with informal workers must be covered by universal, portable social protection schemes. Labour laws should not be onerous, must be enforced strictly, and must make remedial justice accessible for migrant workers.
3. **Make cities and urban development inclusive for migrants:** Policy reforms should focus on building up adequate infrastructure and resources, including human resources, to implement welfare measures across state and central departments for making cities more inclusive for migrant workers by having housing, live, recreation facilities for migrant workers and families in the cites.
4. **Recognize gender as an important parameter and especially the needs of vulnerable groups such as migrant women and children must be addressed:** Any policy on migrant workers should also include domestic workers who are not covered by any protective law since India has not ratified the International Labour Organization's Domestic Workers Convention, 2011.
5. **Registration of migrant workers and allowing self-registration process:** The problem could be solved by developing a countrywide self-registration process for migrant workers. This would provide the foundation for inter-state coordination on the fiscal costs of migration.
6. **Using technology and mobile networks to promote access to finance and banking:** Although one in four Indians have a smartphone, mobile phones are available to over 90 per cent of the population. A mobile application for the self-registration of migrant labour workers — containing their personal information, Aadhar number, place of residence and place of work — can be part of a proposed framework for capturing much-needed data of migrant workers. A welfare scheme enabling the digital transfer of funds to workers could then be dispensed through a digital or mobile outlet.
7. **Vaccination on priority for migrant workers:** While vaccinations have helped reduce COVID-19 caseloads, the country fears another lockdown situation and closure of borders between states just like the previous year due to growing COVID-19 cases. It is painful to see that migrants are still not being prioritised for vaccination drives even when specialised drives for various age groups have started. It is true that the sick and the elderly need to be vaccinated first, and this might take another year, but the migrant workers should not be made to wait until then. They were the most affected during the lockdown.

8. **Urban livelihoods schemes for migrants and urban workers:** Urban employment schemes designed like MGNREGS, but without the payment delays that have marred the central government's marquee rural jobs programme, could provide jobs and income security for the low-skilled urban poor. The government must ensure that migrant workers are purposefully included in the ambit of such schemes.

URBAN POVERTY: The urbanization of poverty in a raging pandemic

1. **The multidimensionality of urban poverty must be addressed within a rights framework:** Urban poverty highlights issues in housing, basic services (water, sanitation), basic infrastructure (health, education), social security and livelihoods along with special needs of vulnerable groups. To address urban poverty would mean addressing each of these aspects. Thus, a rights framework is important to holistically address the multidimensionality of urban poverty.

2. **A shock responsive social protection system for the urban poor should be developed:** Vulnerable sections among the Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic Tribes, women, children, the elderly, transgender persons, persons with disability were affected disproportionately during the lockdown. The pandemic has shown that there is an urgent need to expand the welfare net for the poor through measures such as universalisation of the PDS, prioritisation of Direct Cash Transfers and social security for informal workers. A robust social protection system for the urban poor must be responsive to evolving challenges and crisis situations and be able to ensure people's rights and dignity are constantly safeguarded.

3. **Accurate, updated data to inform policy must be prioritised:** The lack of data to inform policy on the urban and urban informal workers is stark. Comprehensive surveys categorise urban informal workers broadly and vary from survey to survey. With limited definitions of various types of informal work and limited occupation lists, the number of workers engaged in these occupations remain estimates at most. It is altogether another even more serious matter that updated data doesn't exist. Policy therefore is unable to respond to needs of informal workers.

4. **Strengthen urban local governance and people's participation:** In order for urban India to respond to its challenges it is crucial to ensure strong local governance systems. The 74th Constitutional Amendment Act mandates the powers of urban local bodies and people's participation in urban governance. Central and State governments must facilitate decentralisation of governance and devolution of powers as mandated by the Constitution. Local governments must further ensure people are engaged and have avenues to participate meaningfully in decisions that impact them. It is through decentralised local governance structures that some of the biggest challenges in delivery of social protection schemes, basic services and planning can be tackled. A decentralised, participatory urban governance structure can ensure the realisation of a more equal urban future.

LIVELIHOOD: Millions outside ambit of government support

1. It is also critical, in the immediate context of the COVID-19 pandemic and moving forward, to build a diverse and socially inclusive lens to livelihoods at the policy and practice level, with a focus on intersectionalities (gender, non-binary identities, religion, caste, disability, migration, etc.).

2. The reality of livelihood itself and livelihoods with dignity is desperate and struggling workers can only be supported through direct safety nets, public distribution of food and essentials to tide over while they wait in queues for their right to vaccination and safe recoveries from COVID-19.

3. There is a need to actually think deeply about equity in access to skills and livelihoods, especially considering marginalised sections across intersections of gender, caste and geographical regions.

4. Access to basic infrastructural requirements like a mobile phone/ television in case of online learning, or subsidised travel to educational or skill institutions, presence of creches, care giving facilities so that women can also join and sustain training.

5. There is a need to address basic requirements within the market as well, which include minimum wages, safe and secure environment and basic security net even for informal and gig economy jobs (which constitute almost 90 per cent of the jobs in India).

6. There is a need to perceive linkages, interconnectedness of life events, of morbidity and violence of marriage and caregiving roles, of menstrual, reproductive health as well as mental health on access to and sustenance of livelihoods.

7. In a post-COVID-19 scenario, we need to emerge beyond the silos of education, livelihoods, health, food security, violence to understand that people's lives are interconnected and impacted by structural norms like occupational segregation.

LIVELIHOOD — WOMEN: Bad for workers. Worse for women workers

Building gender sensitive infrastructure and social security (provision of crèches in factories, plantations, construction sites, etc. or minimum wage standards, hygienic washrooms) along with gender-sensitive markets that enable women to join the workforce becomes an immediate need for a gender-just economic recovery.

DIGITAL DIVIDE: Access defines India's leap into cyberspace

1. **Digital Literacy:** Access is crucial but not sufficient. People will have to be trained to understand i) how to operate devices, ii) how to access essential government services iii) how to protect themselves from the various risks that internet as a medium presents.

2. **Digital Equality:** Mitigating the digital divide in the education sector is the need of the hour which can be done by leveraging public-private partnerships. This will provide last mile connectivity and ensure that the gender divide in education is bridged.
3. **Digital is Global:** The state of global internet governance, whether it is with respect to net neutrality or with respect to tackling platforms which have become hotbeds of misinformation, leaves much to be desired. The global community needs to view this crisis with a fresh urgency and seriousness. The pandemic must also make us understand that a challenge to unhindered access to internet anywhere is a challenge to human rights everywhere. The world's capacity to deal with global challenges depends on every human being having access to internet and the ability to share information about any emerging crisis.
4. **Digital Governance:** Schemes like Prime Minister Wi-Fi Access Network Interface (PM-WANI) need to be expanded and implemented as soon as possible. It will widen the access to Internet in rural India.

WATER, SANITATION AND HYGIENE: Newer initiatives needed to build in sustainability

1. Hand hygiene facilities with soap and water to be present on premises, specifically in households (rural and urban), schools and anganwadis, health care facilities, worksites and public spaces. Handwashing facilities can consist of a sink with tap water, and can also include other devices that contain, transport or regulate the flow of water. Buckets with taps, tippy-taps, portable basins, and multi-user handwashing stations are all examples of handwashing facilities. Soap can be bar soap, liquid soap, powder detergent and adequately soapy water – all work well against germs.
2. Minimal requirements of handwashing stations and spaces are for these facilities to be functional (equipped with water and soap), adequate in number (as per the population served in the setting); designed to be responsive to the needs of users in specific contexts (e.g., child friendly height), facilitate sustained use, and prevent the spread of infections (e.g. contactless handwashing stations); and placed conveniently where people most need to wash their hands (e.g., in/near toilet, in/near cooking and eating spaces).
3. In resource constrained settings, hand washing solutions must be of low-cost design, durable for long term use, appropriate and feasible to operate and maintain in low-resource settings especially where water is scarce.
4. The supply of hand hygiene facilities must be matched by the demand for such facilities.
5. Awareness of handwashing with soap has increased during the pandemic, yet consistent usage needs to be encouraged through continued awareness generating through mass media channels, and more intensive inter-personal communication or social and behavior change communication at the community and institutional levels.
6. As schools and anganwadis prepare to reopen post the second wave, handwashing must be an integral part of preparedness activities.
7. Communication efforts across the board must focus on the importance of handwashing for the prevention of infectious diseases (including COVID-19) and mechanisms by which this action prevents pathogen transmission, the critical times for handwashing with soap, and how the personal practice of handwashing has larger public health benefits.
8. Most importantly, clear-cut budgetary allocations for hygiene promotion and essential infrastructure is needed at the state level.
9. The sustainability of the Jal Jeevan Mission lies in building capacities of authorities at all levels and promoting ownership among communities towards their water resources.
10. Several steps and consultations with the sanitation workers' community should take place before passing the new Bill to amend the Prohibition of Employment as Manual Scavengers and their Rehabilitation (PEMSR) Act.
11. In order to support sanitation workers and improve the quality of their lives, an inclusive approach including technology adaptation, sensitization among authorities and common public and consultations with sanitation workers' organizations is important, while keeping caste, gender and social injustices in the society at the centre.

SOCIAL PROTECTION: Is social security a function of employment?

1. Access to essential health care, including maternity care.
2. Basic income security for children, providing access to nutrition, education, care and any other necessary goods and services.
3. Healthcare for all, both OPD and IPD services – preventive, promotive, curative and rehabilitative services on par with the CGHS or defence services.
4. Pension for the elderly of half of the statutory minimum wage.
5. Provident Fund and gratuity for all workers based on contributions.
6. Sickness, Injury, disability and death compensation/benefit for all workers.
7. Maternity benefit for all women whether economically active or not.
8. Unemployment allowance for those registered as seeking work and not getting employment.
9. Social Housing for those who do not have a home.
10. Food security for all.
11. Fixed living wages for all, including those working in the informal sector and the new economy.

URBAN HOMELESS: Harsh reality of urban homelessness post-COVID-19

1. **Implementation of NULM provisions:** The provisions of DAY SUH NULM on paper such as providing eco-friendly shelters, security guard in case of special shelters, etc. needs to be implemented.

2. **Discrimination on the basis of caste and religion:** There have been cases where food cooked by people from the Dalit community was rejected. Also Muslims have been targeted as carriers of COVID-19. Such incidents are the violation of Article 15 of Indian Constitution and call for strict actions for ensuring the safety of homeless people.

3. **Mechanisms within relevant government spaces to resolve issues of the homeless:** All the shelters should be connected with different ministries and departments of the government such as the Ministry of Social Justice and Empowerment, National Commission for Women and others to ensure that entitlements reach the homeless people.

4. **Revisit NULM SUH guidelines:** NULM SUH guidelines need to be revisited so as to broaden these to include disasters and the role that NULM-SUH provision should play in such scenarios.

5. **Allocating more resources and developing an action plan for homeless under NULM SUH:** The increased allocation of resources will help in setting up more shelters and further the livelihood/training by NULM SUH in the post-COVID-19 scenario.

6. **Formulating a national policy for the homeless:** This is also an opportunity and time to also think beyond a scheme to address such a complicated and grave challenge as homelessness. The MoHUA can begin with drafting a policy on urban homeless to be adopted by states. This policy can be further linked to housing and other urban development schemes and be inclusive of the post-COVID-19 reality of various kinds of urban disasters.

7. **Precautions from COVID-19 infection:** Spread of COVID-19 has adversely impacted the homeless among the other group of communities. There is a dire need of arranging the water at shelters, sanitizer, mask and soap to tackle this situation. Apart from this, the vaccination drive needs to be prioritised by arranging camps at the shelters.

PLHIV/AIDS: PLHIV left to fend for themselves

1. There are seven lakh people who still do not yet know their HIV status. A focussed intervention is needed to identify missing people.

2. Health insurance needs to be given for the PLHIV under Ayushman Bharat policy.

3. Uninterrupted supply of ART medicines and HIV testing kits, condoms and PPE kits supply at all public health service deliveries.

4. State rules need to be finalised in all states in India for HIV Act, 2017. This needs to be implemented across the country.

5. Increase health spending to 2.5 percent of the GDP immediately to strengthen the public health care system.

6. Emergency and other health services should be continued even during the second wave of COVID-19 situation.

7. Ramp the investment towards fulfilling the commitment to control the AIDS epidemic, in general, and to achieve the NSP targets, in particular. In absence of such financial and political commitments, India is most likely to miss the financial, and therefore, physical targets of the national HIV response.

EDUCATION: Still a long way to go

1. Proper assessment of the schools and local situation will be required before reopening of schools. Even though WASH facilities have been prioritised and are relatively uniformly present as a policy initiative across all states; quality WASH facility and the basic infrastructure should be made available in all schools. Since there has been a long break in school education, there will be need to work on behavioural change and good habits of children which may have been disrupted during the lockdown period.

2. A back to school campaign is extremely important for children to continue education. There is a high risk of children from vulnerable families dropping out. So, tracking such children will be important. This will have a huge financial implication. Admission of 25 per cent of children from Economically Weaker Section in unaided schools promises a lot for inclusive education in the society. Therefore, there is a need to ensure flow of funds by State to unaided schools to ensure implementation of 25 per cent reservation of seats for EWS.

3. The dire need of the hour is a high level of investment in the social sectors, particularly education. This will also provide additional employment, besides helping build social infrastructure necessary for ensuring sustainable growth. Investment in education is the most effective way of realizing the objectives of equity, justice and democracy laid down in the Constitution. The experience of most developed countries and a number of emerging economies bears testimony to this fact. The gestation period for investment in social infrastructure is likely to be much shorter than that for building physical infrastructure (which is equally important for accelerating and sustaining growth).

4. Budgetary provisions for education need to be enhanced substantially also to meet the requirements of the states which are principally responsible for education, particularly school education. The generally fragile and precarious financial position of the states and the local governments have been aggravated by the pandemic. Unlike the centre, they cannot resort to deficit financing; nor can they fall back upon educational cess as a measure of raising additional revenues. It is, therefore, incumbent upon the centre to compensate the states for the revenue loss suffered by them during the pandemic. The best way to do it would have been to directly transfer resources to financially vulnerable States and Local Governments. The first step towards this in India will be for the centre to raise its share for financing Centrally Sponsored Schemes.

5. The key policy asks could be formulation of a new legislation that brings accountability among private schools with regards to the fees charged along with better enforcement of existing regulations. This would involve putting in place effective grievance redress mechanisms to allow parents to voice their concerns and grievances with private schools. In addition, there is a need to increase parental voice in private school decision-making.

6. India as a country and successive governments in power at the centre have, for a long time, been reiterating the objective of achieving the public expenditure target of devoting six per cent of the GDP to education. The reaffirmation of this objective in the NEP 2020 has given rise to the hope that this would be implemented without any further delay. This will be possible through a nation-wide campaign on bringing back all children to school, especially children who have been differentially impacted and may eventually be pushed out of the school system.

ENVIRONMENT: Industry before environment

1. **Coming clean on coal:** India is yet to have a definite position on coal. It's understandable that due to having the fourth largest reserve, there is temptation to use it to the optimum. The government is committed to increase the current production of around 700 million tonnes per year to 1 billion tonnes per year. However, the problem is that irrespective of how much India mines, the country cannot fully stop the coal import due to quality issues. With an increasing number of thermal power plants turning uneconomic, India needs to have a clear position on retiring old plants. Many of these plants, supported by the troubled banking sector are at the root of India's thermal power sector's huge non performing or stranded assets. Another compelling logic is also the dramatically reducing solar energy costs.

2. **Must do more on pollution:** Pollution is no longer a silent threat or foreign media gimmick. India needs to respond to it with more determination and resources and urgently. The NCAP is city centric and monitors only 339 of 6,166 cities for air quality, and only 60 cities have Continuous Ambient Air Quality Monitoring Stations (CAAQMS). Rather than waiting to make resources available for putting up CAAQMS, which costs more than one crore each, the government can encourage participatory environmental governance with low cost monitors. This might help in creating a campaign against air pollution in several cities.

   Draw a comprehensive roadmap using climate action planning tools and climate smart communities to assist local governments in developing strategies for reducing greenhouse gas emissions. For a beginning, planning for climate action will entail setting goals and documenting inventory emissions.

3. **Water emergency:** Water is an urgent emergency likely to take disturbing proportions in our lifetimes itself. With one third of the districts already facing drought-like conditions, 70 per cent of the surface water polluted many cities are looking at Day Zero scenario. There is no meaningful effort on source sustainability and rain water conservation, even though NITI Aayog and other agencies working on water are aware of this. According to CAG findings, no more than 63 per cent of the allocated money has been spent on Namami Gange (started in 2014 with an outlay of ₹ 20,000 crore) during 2014-17. The Jal Jeevan Mission has spent more resources on infrastructure and the urban sector rather than ensuring sustainability of water. Providing tap water to all houses (by 2024) is the promise that the government of India has made the twelfth time.

4. **Addressing renewal energy and other land conflicts:** Renewable energy is the silver lining in India's environmental story. Out of the promised 175 GW by 2022 (and 450 GW by 2030) India has already installed about 90 GW. There are challenges related to finance and evacuation. India needs to install about 35 GW every year from now till 2030 to reach the target of 450GW by 2030. Solar energy has huge land requirements. According to the calculation of the Central Electricity Regulatory Commission, every MW of solar photovoltaic will require at least 2.5 ha of land as against thermal power plants which require only 0.5 ha per MW. India will have to set aside 0.7 to 0.9 per cent of the country's land area to source 54 per cent of the country's total energy production from the sun by the year 2050. Offset measures like reforestation and afforestation might lead to land conflicts as India tries to create carbon sink to sequester 2.5 to 3 gigatone of carbon.

5. **Supporting SAPCCs and adaptation:** All the states developed State Action Plan on Climate Change with much enthusiasm during 2010-15. However, majority of them remain just on paper due to lack of financial support. National Adaptation Fund came to rescue some of them by providing projects worth 20 crores. However, for the last few years the budget of the fund has been cut drastically. Except for little support under Green India Mission, Water and Solar, there is practically no support for implementation of the SAPCCs. SAPCCs have an important role for any decentralised action on adaptation and climate change and should, therefore, be supported with adequate funding.

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