

# FRONTLINE

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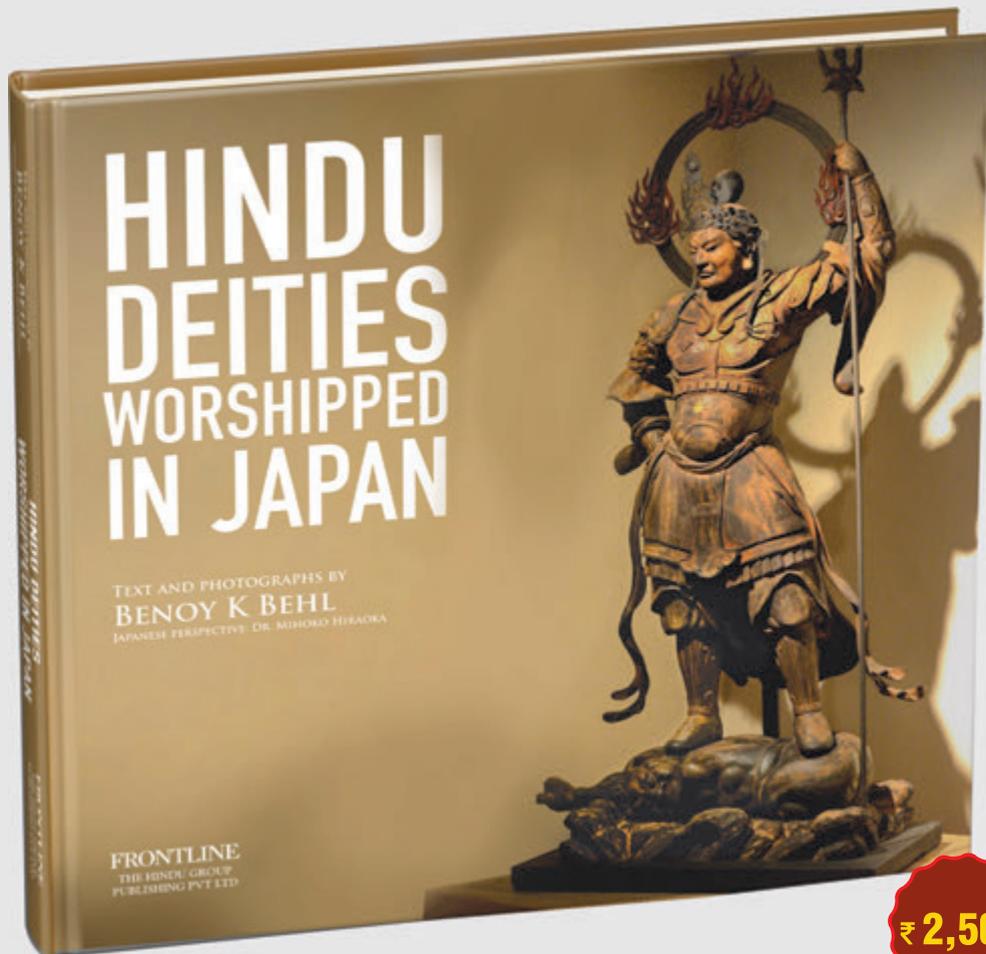
## Now, data deception

As India's count of confirmed cases continues to rise, the government puts a creative spin on how and what data it releases to make it appear that the four phases of lockdown had positive outcomes. But nothing can hide the fact that it squandered the opportunities it had to improve the public health infrastructure and prevent the misery that migrant labourers were forced to undergo



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Benoy Behl's images illuminate the pages and present an invaluable account of Japan's links with Hinduism and with its Buddhist past



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# FRONTLINE

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## COVER STORY

### Denial and deception

The government puts a spin on what data on the pandemic it releases, and how, to make it appear that the four phases of lockdown actually had positive outcomes. But the fact is that it squandered the opportunities to improve the public health infrastructure and prevent the misery that migrant labourers were forced to undergo. **4**



## COVER STORY

COVID strategy:  
Clutching at straws 12  
Unlocking the Modi  
regime's real agenda 15



Nightmare on Shramik  
Specials 18  
Supreme Court speaks up  
for migrants, finally 22

High Courts shine 25  
Big finance gets  
a helping hand 28



Why slowdown is no  
solution for clean air 31  
Lessons in the airlift  
from Kuwait 35  
Interview: Prof T. Jacob  
John, Virologist 38

Crushing the right  
to dissent 42  
Delhi riots: Tale of  
two reports 44  
Education: Online illusion  
An ode to the classroom 50  
STATES  
Uttar Pradesh: All talk,  
little action 54  
Maharashtra: Test  
of leadership 56  
Gujarat: Judicial rebuke  
Surat, a tinder box 58  
Rajasthan: Janus-faced  
approach to migrants 62  
Jharkhand: An airlift and

other successes 65  
Bihar: Flood of worries 66  
Delhi: Rising numbers and  
dubious decisions 68  
Madhya Pradesh: Assembly  
bypolls take precedence 70  
Chhattisgarh: Systemic  
shortcomings 72  
Punjab: Labour shortage  
and a farming crisis 74  
Haryana: COVID grows in  
urban pockets 76  
West Bengal: Out of control 78  
Odisha: A double battle 80  
Tamil Nadu: Mismanaging  
a robust system 82  
Kerala: On edge,  
but holding out 85  
Karnataka: Quantum jump 88  
Jammu & Kashmir:  
Orchards in the doldrums 90



APMC Act: 'Reform'  
by stealth 92  
Madrasa miseries 96  
U.S. vs the WHO 98  
COVID forces a new  
alliance against China 102

## WORLD AFFAIRS

China tightens screws  
on Hong Kong 104

## DEFENCE

Rumble in the Army 107

## POLITICS

Redesigning J&K 110  
Endgame in Kashmir? 112

## On the Cover

Stranded migrant workers wait to board a Shramik Special train at the MGR Central Railway Station in Chennai, on May 14.

COVER DESIGN: U. UDAYA SHANKAR. PHOTOGRAPHS: ARUN SANKAR/AFP

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# DENIAL AND DECEPTION

As the number of confirmed cases keeps rising, the government puts a creative spin on the data it releases, but nothing can hide the fact that it **squandered the opportunities** to improve the public health infrastructure and prevent the misery heaped on migrant labourers.

BY R. RAMACHANDRAN

AFTER ITS FOURTH PHASE, THE LOCKDOWN was lifted as of May 31 in most parts of the country except for the containment zones, where it will continue until June 30.

On the basis of the guidelines issued by the Ministry of Home Affairs vide its circular dated May 30, States will ease restrictions in a phased manner beginning from

June 8. All manner of activities and the movement of goods and personnel, including movement across State borders, will now be unrestricted. However, passenger trains and Shramik Specials, domestic air travel, movement of Indian nationals stranded abroad, travel of specified individuals abroad and evacuation of foreign nationals will continue to be regulated.

The government did not offer the public or the scientific community any rationale—scientific, medical or otherwise—for continuing with the lockdown beyond the second phase, and the lifting of the lockdown seems equally arbitrary. The 10-week period of lockdown seems to have been influenced by a statement the editor-in-chief of the leading medical journal *The Lancet* made on an Indian TV channel without explaining how he arrived at that conclusion.

One can give the government the benefit of the doubt for the first two phases of the lockdown. They may have been necessary for the government to get its act together on medical infrastructure from primary to tertiary care, including building up stocks of personal protective equipment (PPE) for the public and for health care workers, and to ensure that it had the necessary equipment and reagents for high rates of testing of

people. But, even today the country is not fully prepared on that front.

One continues to hear reports about the inadequate supplies of PPE to health care workers and the shortage of doctors. As per the Indian Council Medical Research (ICMR), the current testing rate is around 1,40,000 per day. This is about 3,300 tests for a million population, which is a low figure. This level of testing should have been in place in February-March itself and subsequently ramped up to much higher rates.

Faced with a burgeoning caseload and the apparent shortage of testing kits, particularly in States, the ICMR is still procuring antibody (IgG) ELISA (enzyme-linked immunosorbent assay) test kits. After the early fiasco of the poor performance of the rapid antibody kits from China, the government began to import kits from the United States.

In parallel, the ICMR initiated the indigenous development of a kit called Kavach through the National Institute of Virology, Pune, an institute under its wing. As of date, only three makes of the kit, two from the U.S. and Kavach, have been validated for field use, including sero-surveys of asymptomatic individuals. This initiative of domestic development and manufacture, as the virologist T. Jacob John pointed out in an earlier *Frontline* article (“Lockdown and after”, May 8, 2020), should have started in January-February so that kits would now be ready for widespread countrywide antibody ELISA testing of the population.

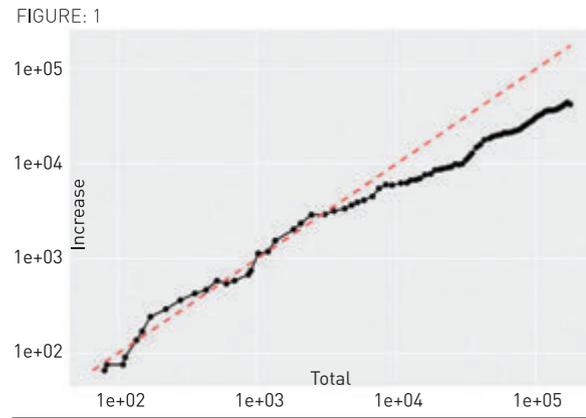
Although this indigenous technology was transferred for licensed production to seven pharma companies, the ICMR has so far only approved the one manufactured by the Ahmedabad-based Zydus Cadila Healthcare Ltd. Also, it is not clear why IgM (or for that matter even IgA) testing kits are not being deployed. While it is true that the immune system produces IgG antibodies in large quantities, IgM antibodies are the first to be produced after a viral attack.

In fact, a recent release of the ICMR itself said: “IgG antibodies generally start appearing after two weeks of onset of infection, once the individual has recovered after

**MIGRANT LABOURERS** and their family members wait for the screening process in New Delhi on May 21 before leaving for the railway station to board Shramik Special trains. On the basis of the meagre data that is available, the general positivity rate among the returning migrant workers appears to be low.



R. V. MOORTHY



**THE ALL-INDIA** per day increase in the number of confirmed cases (as a six-day moving average; y-axis) is plotted against the total number of confirmed cases on that day (x-axis). The count for each day on the x-axis is the net increase in the number of cases from three days before that date to three days after that date. Points on both the axes are on a log scale. The dashed straight line is the reference line showing exponential increase. The actual trajectory is close to the reference straight line, indicating that the all-India trend of the number of confirmed cases is still in the exponential growth phase. Note: Notation in powers of 10:  $1e+1=1 \times 10^1$ ,  $1e+2=1 \times 10^2$ , and so on.

All graphics courtesy [www.isibang.ac.in/~athreya/incovid19/](http://www.isibang.ac.in/~athreya/incovid19/) maintained by Prof. Siva Athreya and associates at the Indian Statistical Institute, Bengaluru.

infection and last for several months. Therefore, the IgG test is not useful for detecting acute infection but indicates episode of SARS-CoV-2 infection in the past." So, if you are tracking asymptomatic individuals as well, an IgM antibody test would be more efficacious than an IgG antibody test. IgGs are found in blood and fluid samples only after about 7-10 days, while IgAs, though produced in smaller quantities, are found in the respiratory tract and saliva as well.

As the country's count of confirmed cases continues to be in the exponential phase (Fig. 1), deception is in evidence from the manner in which the government is putting out the infection data in its press releases and public statements.

The focus of the releases of the Union Ministry of Health and Family Welfare (MoHFW) has now totally shifted towards the recovery rate of COVID-19 patients and the case fatality rate; they no longer talk of the epidemiological causes of the increasing caseload, for instance, the impact of the return of migrant workers to their respective home States.

Although the data on the share of positive cases among the returnees in the total caseload of States should be readily available with all the States—because all the people returning are being quarantined and their health status is being checked at every entry point—this data are not being made public except by a few States, including Tamil Nadu, Telangana and Andhra Pradesh. And there

have been news reports on this issue on States such as Bihar and Uttar Pradesh based on statements made by the State governments.

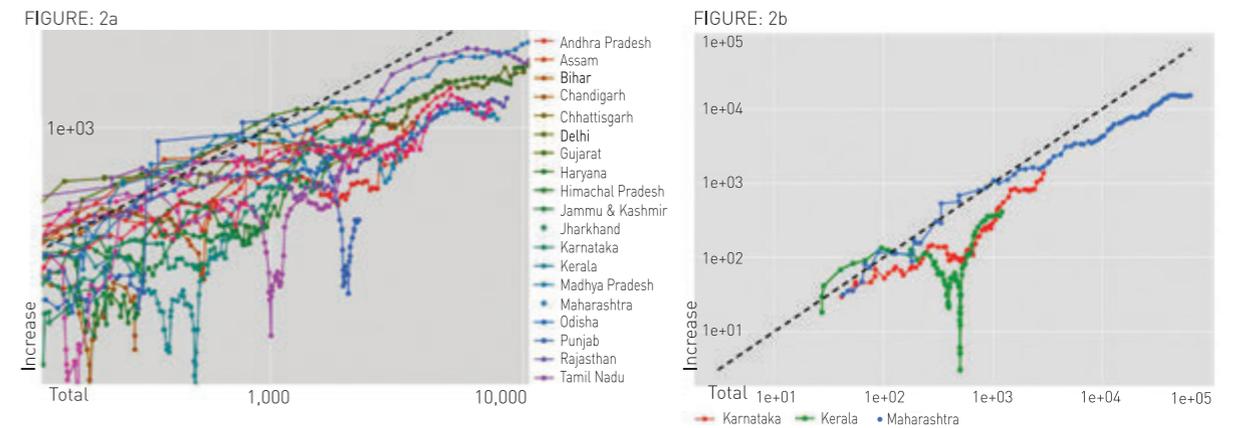
### MIGRANT WORKERS NOT THE SOURCE OF PRIMARY INFECTION

Of course, while there has been a spurt in the number of confirmed cases with the influx of returnee migrant workers—including in Kerala, which had brought the infection spread totally under control during the lockdowns—one can say on the basis of the meagre data that is available that the general positivity rate among the returning migrant workers appears to be low, except perhaps in the case of Bihar. Bihar has claimed that the caseload among migrants coming into the State is much higher than what Delhi claimed was the caseload at departure.

As of date, according to news reports, the positivity rates at departure from Maharashtra, Gujarat and Delhi—the main States from where migrant workers are returning—are reported to be 15 per cent, 8 per cent and 9 per cent respectively. These numbers would, of course, be distributed across the many States that are home to these returnees, and at entry points of these home States, the percentage share of positive cases among them to the overall caseload of the States seems to be low as is evident from the data available from a few States.

This is not surprising because, as K. Srinath Reddy, president of the Public Health Foundation of India, said, and which was quoted in a June 4 news report in *The Indian Express*, migrant workers, given the nature of their occupation and places of dwelling, never posed a threat as they would have had a very low exposure to the virus. The source of infection has primarily been foreign travellers, and their contacts secondarily helped its spread to others. Both belong largely to the upper-middle and upper classes. "Their [migrant workers] likelihood of having the virus by March 25," he said, "was very remote. If they had been assisted with being sent back, we would not have seen this problem. But having kept them in urban hotspots... for almost eight weeks, there was a danger they might have actually carried the virus. However, compared to others, their exposure rates would [still] have been much less." Of course, as has been said a zillion times before, this situation caused untold misery to these lakhs of workers and their families across the country. They faced not only exposure to the virus but also loss of livelihood, lack of access to food and water that led to hunger and death, lack of shelter and lack of basic civic amenities, all of which continues to this day.

Thus, it is clear that the returning migrant labour force is not the chief cause of the surge of cases that is seen today. The surge is due to the clusters of cases in urban regions and the community transmission that had already set in in many districts across the country, notwithstanding the MoHFW's continued denial of that fact. But there is tacit acceptance of community transmission as is evident from the ICMR release of May 30 on the detailed guidelines for the use of rapid IgG



**FIG. 2A:** Similar to Figure 1 but plotted for individual States. Each curve in the graph corresponds to a different State. From the fact that many States' trajectories seem to be roughly on the reference straight line, it can be inferred that infection spread in these States is in the exponential growth phase.

**FIG. 2B:** The graphs of Maharashtra, Kerala and Karnataka have been picked out for comparison. Maharashtra has been close to the exponential line since the beginning. Kerala and Karnataka, on the other hand, had dropped significantly below the exponential trend, but a resurgence of cases in May is driving their trends back towards exponential growth.

antibody test kits where it says: "[For] sero-surveys to understand the proportion of population exposed to infection including asymptomatic individuals. Depending upon the level of sero-prevalence of infection, matching public health interventions can be implemented for prevention and control of the disease. Periodic sero-surveys are useful to guide the policymakers."

For perhaps the first time, there is acknowledgement

of the need to trace asymptomatic individuals, which can be a random survey in the 170 hotspot districts the government has identified across the country. Indeed, belatedly, the ICMR has initiated (according to a May 12 release) a community-based random sero-survey using IgG antibody tests. "[This will be] a household level cross-sectional survey that will cover 24,000 adults distributed equally across four strata of districts categorised on the basis of reported cases of COVID-19.



**A PLANE** heading to New Delhi from Chennai being fumigated before takeoff on May 28. The source of infection has primarily been foreign travellers, and their contacts secondarily helped its spread to others. Both belong largely to the upper-middle and upper classes.



DIBYANGSHU SARKAR/AFP

Overall, the survey will be conducted in randomly selected 69 districts from 21 States. The survey will involve collection of venous blood samples from 400 randomly selected individuals (one per household) from 10 clusters in each district,” the release said.

Besides, it has also advised sero-surveys among the following cohort groups in different settings: immunocompromised people (such as those with severe acute respiratory infections, chronic obstructive pulmonary disease or TB); individuals in containment zones; health care workers; security, police, paramilitary and civil defence personnel and volunteers; press corps; rural and tribal populations (after the reverse migration); industrial workers or labour force; farmers and vendors visiting large markets; staff in municipal bodies; drivers; employees of banks, post offices, courier services, telecom offices and shops; air travel-related staff; staff of international operations; and people in congregate settings and prisons.

These measures should have been in place by March at least, which would have given the government a better insight into the prevalence of COVID-19 in varied settings across the country, and appropriate non-pharmaceutical interventions could have been taken to curb the spread of infection instead of the sledgehammer approach of arbitrary lockdowns.

If the government had realised early on that migrant workers were not the spreaders of infection, which would have been the case if only it had listened to

**COMMUTERS ON** Howrah Bridge in Kolkata on June 5 after the government eased the lockdown.

epidemiologists and other experts in the country, it could have given these workers gainful employment (with appropriate PPE, of course), wages and shelter during the lockdown, both in urban and rural areas, instead of letting them suffer for want of money, shelter and food. In urban areas, particularly in cities and big towns, the period of lockdowns could have been used to execute work on civic amenities, which are in a dismal state across the country, such as the repairing and relaying of roads, the laying of pedestrian-friendly footpaths, increasing green cover and maintaining public parks, getting street lights and traffic signals in working condition, marking road signs, painting street signboards, clearing and cleaning up of garbage dumps, cleaning up public toilets and public spaces and preparing urban areas for the upcoming monsoon season.

After the lockdown is lifted, the public will again be travelling on the same potholed roads that people have become so familiar with that they know when the next pothole is coming, hitting the same invisible vehicle-breaking speed breakers, walking on inhospitable footpaths with open manholes, jumping across stagnant pools of water and walking past the stench from public toilets and garbage bins, which are themselves pieces of garbage.

But none of this happened because there was no thinking or planning before imposing the lockdown, which was implemented as a law-and-order measure rather than a health-related measure necessary during an outbreak as dictated by medical science and epidemiology. Instead, migrant workers were left in the lurch for over two months and allowed to return to their homes after perhaps many of them had picked up the virus while moving around in urban areas in search of food, water and shelter.

In rural areas, without any clarity on the continuation of Mahatma Gandhi National Rural Employment Guarantee Act-related work during the lockdown, most States had suspended MGNREGA schemes and projects, which resulted in the loss of earnings of households of rural families and farmers with small holdings during this non-harvest period.

By the time the government announced that MGNREGA work could start from April 21, the lockdown made the logistics of getting any project revived or started extremely difficult. A report in theWire.in said that, according to government data, only 20 per cent of the number of people who were engaged in work in April 2019 got work in April 2020, with two States (Andhra Pradesh and Chhattisgarh) accounting for 57 per cent of the work generated. As a result, rural unemployment rose from 8.49 per cent at the end of March to 22.67 per cent on April 29. So, the opportunity that the lockdown period offered has been squandered

across all States, with the poor having to bear the major burden of the economic downturn. If the health infrastructure has been ramped, as the government claims now after four phases of lockdown, it tells very poorly on its planning and governance. The time available during the first phases should have been more than sufficient.

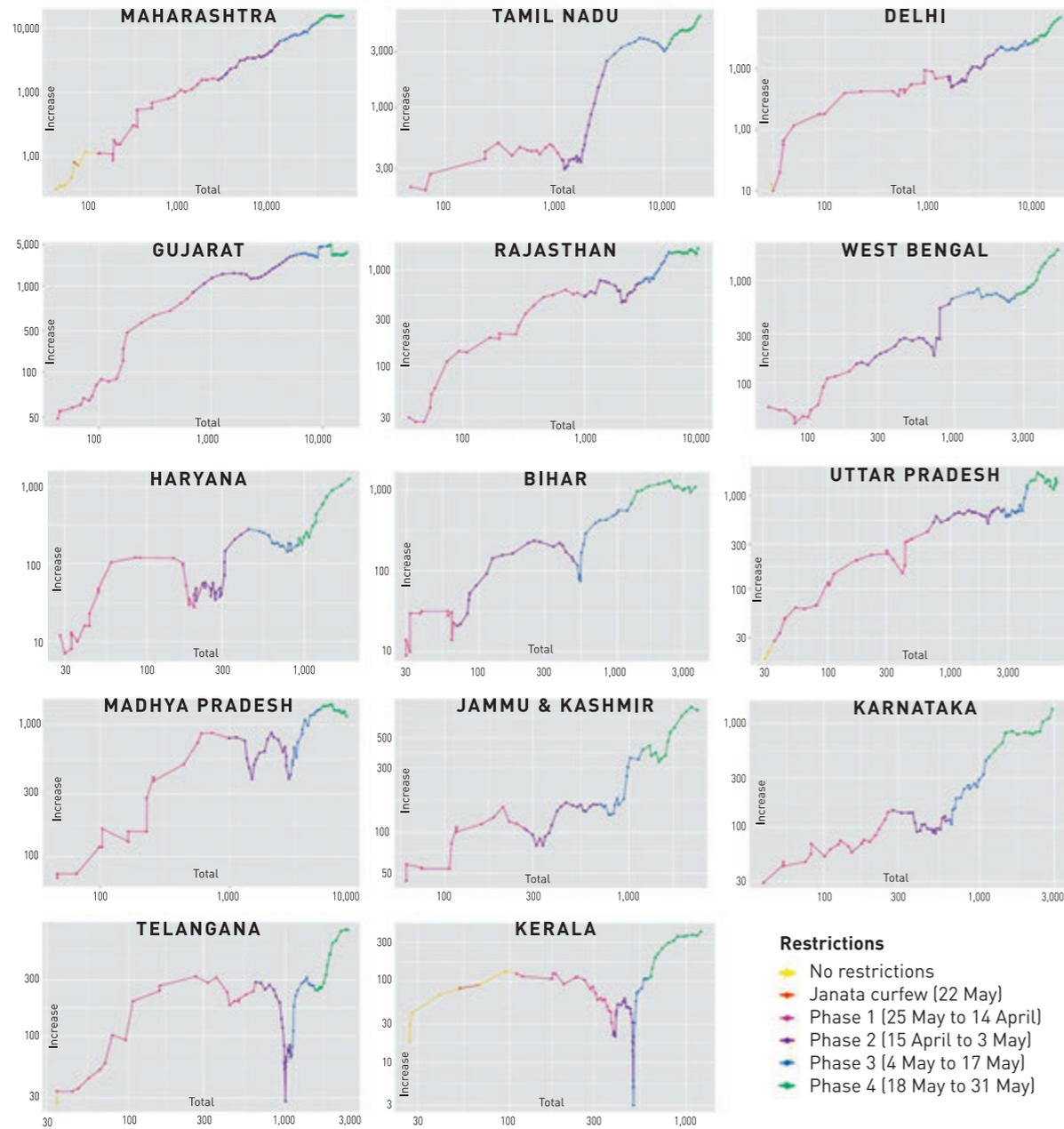
Besides data on the prevalence of infection among the returning migrant workers, the other data that have never been shared is the age distribution of the confirmed cases. While vague statements are made about 80-90 per cent of the cases being asymptomatic or with mild symptoms, the age distribution of the caseload would have, on the one hand, given one an idea about the nature of virus virulence and, on the other, would have provided the basis for continuing with the lockdown or opening up. From global data, it is clear that younger people get cured of infection, while the elderly (over the age of 65 or so) are impacted severely by the disease. If the age distribution of infection in India was such that a large percentage of cases were among the younger age groups, then that could have been a rationale for lifting the lockdown much earlier; the younger lot could go about their work and earn their livelihood because even if a small fraction of them get infected, they would come out of it in a fortnight or so. As the well-known epidemiologist Jayaprakash Muliyl, formerly of the Christian Medical College, Vellore, observed in an earlier *Frontline* article, this would have also had the positive effect of building up herd immunity in the population. The economy too would have suffered much less than it has now as a result of the extensive and irrational lockdowns.

#### CFR AND IFR

As mentioned earlier, the government is practising data deception in presenting data on the ongoing epidemic by highlighting the recovery rate and case fatality rate (or CFR, which is the ratio of the number of deaths to the number of confirmed positive cases. Because the testing rate is low, the number of positive cases will be much lower than the real number of positive cases or the true infection load). As the testing rate goes up, as has happened of late, given that the major share of cases are either asymptomatic or mildly symptomatic, from which people recover quickly, it is obvious that the recovery rate will increase and the CFR will come down.

If, as the government says, the CFR is about 3 per cent, the recovery rate will move closer to 97 per cent, much higher than the 48 per cent that the government is tomming about at present. In fact, as was pointed out in an earlier article (“Data discrepancy”, *Frontline*, May 8), the global average infection fatality rate (or IFR, which is the ratio of the number of deaths to the true number of infections) is a little over 1 per cent; the study discussed in that article had calculated the IFR for India to be 0.41 per cent only. So, with increased testing, as the confirmed caseload approaches the true infection load, the recovery rate will, in fact, approach 99 per cent.

FIGURE: 3



**FIG. 3:** The growth trends of some States plotted in the same manner as Figures 1 and 2. The trajectories of all the States shown are close to exponential growth. Different colours in each curve indicate different phases of lockdown. A fresh surge of cases is moving the trends of some States that had fallen off the exponential back towards it.

Now deceptive public information and the increased testing rate are being touted as the success of the lockdown.

On May 21, the MoHFW claimed the following in press releases: “The period of the lockdown has been gainfully utilised to ramp up the health infrastructure in the country. As on date, 45,299 people have been cured, taking our recovery rate to 40.32%.... The recovery rate is improving continuously.... Of the active cases, only approx. 2.94% of the cases are in ICU. The case mortality rate in India is 3.06%, which is much lesser [*sic*] in

comparison to the global case mortality rate of 6.65%.

This brings into focus our efforts towards timely case identification and proper clinical management of the cases.... As on 21.05.2020, 26,15,920 samples have been tested and 1,03,532 samples have been tested in the last 24 hours through 555 testing labs (391 in the government sector and 164 private labs).”

There is no mention of the spurt in cases that is evident in different parts of the country or the epidemiological cause for it, the nature of clusters and the 170 hotspots nor what trend in cases the Ministry

expects to see on the basis of sound scientific reasoning in the days or months to come after the lockdown is lifted. The only accidental piece of information that came out in one of these releases was the age distribution of deaths, which is along expected lines given the global data: Of the total number of COVID-19 deaths in India, 64 per cent were males and 36 per cent were females. In terms of age distribution, 0.5 per cent of the deaths were in the age group of less than 15 years, 2.5 per cent in the 15-30 years age group, 11.4 per cent in the 30-45 years age group, 35.1 per cent in the 45-60 years age group and 50.5 per cent in the above-60 years age group. Further, according to the release, 73 per cent of the death cases had underlying co-morbidities.

But what has been most disappointing in the Indian scenario of the ongoing COVID-19 epidemic is the Indian scientific community not speaking up.

### SILENT SCIENTISTS

While one can understand that the in-service scientists in government laboratories and institutions kept silent fearing retribution, one wonders what happened to the entire community of retired scientific researchers, academics and professionals. Hardly any voice of criticism has been raised through media writings or academic publications. One, of course, privately hears that if anyone tries to give advice that does not toe the government line, it is taken as criticism and, therefore, shunned. Even within the government set-up, as reported earlier, the expert groups set up for COVID-19 were rarely consulted or in any way involved in the decision-making on lockdowns, and so on. There was hardly any outcry when the task force set up specifically to look into drugs and vaccines for COVID-19, which was headed by the Principal Scientific Adviser, was disbanded without any explanation.

A somewhat muted remark was made in a joint statement issued on May 25 by the Indian Public Health Association, the Indian Association of Preventive and Social Medicine and the Indian Association of Epidemiologists that said: “Open and transparent data sharing with scientists, public health professionals and indeed the public at large, which is conspicuous by its absence till date, should be ensured at the earliest.”

It went on to say: “India’s nationwide ‘lockdown’ from March 25, 2020 till May 31, 2020 has been one of the most stringent; and yet COVID-19 cases have increased exponentially through this phase, from 606 cases on March 25 to 138,845 on May 24 [i.e. > 229 times]. This draconian lockdown is presumably in response to a modeling exercise from an influential institution which [presented] a ‘worst-case simulation’. The model had come up with an estimated 2.2 million deaths globally. Subsequent events have proved that the predictions of this model were way off the mark. Had the Government of India consulted epidemiologists who had a better grasp of disease transmission dynamics compared to modelers, it would have perhaps been better served.... Policymakers apparently relied

overwhelmingly on general administrative bureaucrats. The engagement with expert technocrats in the areas of epidemiology, public health, preventive medicine and social scientists was limited.

“India is paying a heavy price, both in terms of humanitarian crisis and disease spread. The incoherent and often rapidly shifting strategies and policies, especially at the national level, are more a reflection of ‘afterthought’ and ‘catching up’ phenomenon on part of the policymakers rather than a well thought [out] cogent strategy with an epidemiologic basis.”

As of June 4, the total number of confirmed cases, deaths and cured cases stand at 2,26,770 (with 1,10,960 active cases), 6,348 and 1,09,462 respectively. In Figure 1, the graph of increase in the number of cases against the total number of cases (plotted in a log-log scale as a moving average over six days) is still closely aligned with the reference straight line representing exponential growth, which means that the growth in the number of infections is still in the exponential phase.

Figure 2a is a similar graph at the State level, showing only those States with more than 150 cases. One sees that the trajectories of many States, even those that had steered off the exponential phase, now seem to be roughly aligned with the reference straight line just like the national-level data, with about half a dozen States of concern driving the national trend.

### REVERSAL OF TREND

As the restrictions began to be eased and with the inter-State movement of people, the airlifting of Indians stranded abroad, regulated domestic air travel and Shramik trains carrying migrant workers to their home States, and with people coming into States from outside (both from within the country and abroad) by all means of travel, a surge in the number of cases has occurred in most States. States, such as Kerala, that had fallen off the exponential phase are seeing a reversal of that trend, with growth approaching the exponential. Figure 2b, which shows the specific cases of Karnataka, Kerala and Maharashtra, illustrates this.

While Maharashtra remains closest to exponential growth, which it has been all along, both Kerala and Karnataka are moving towards the straight line. Until March 26, the trajectories of all the three States were roughly along the straight line.

The graph of Kerala then began to deviate from the straight line and fall off the exponential growth phase. Barring some fluctuations in mid April, this trend continued until about May 6 when the graph plummeted almost to the minimum. After that date, it has begun to increase again. Karnataka, too, had begun to deviate on April 8, but since May 5 the increase is evident. With their limited resources (financial and otherwise); a short supply of doctors and other skilled health care workers, diagnostic test equipment and PPE; and, above all, less than optimal health infrastructure at their disposal, how well States cope with this resurgence of cases should become evident over the next 30-45 days. □

# Clutching at straws

The government uses specious arguments on COVID deaths and recoveries in comparison with other countries to cover up for its ill-thought-out strategies. BY T.K. RAJALAKSHMI

ON JUNE 1, WHILE BRIEFING THE MEDIA, THE Joint Secretary (Health), Lav Agarwal, presented several PowerPoint graphs showing how India's handling of the COVID-19 pandemic was on a par with, if not better than, many countries *vis-a-vis* mortality and recovery rates. This was on a day when the number of new cases in the country had crossed 8,500 and the total number of infections was over two lakh. Between June 3 and 4, another 9,500 infections were reported from across the States. "We are in a lock to unlock situation now," he said, expressing optimism. He also screened a video with a popular star, a brand ambassador of sorts for the government's sanitation campaigns, sharing a message that it was safe to step out, but with a mask on.

Another message that was relayed with theatrical effect was that there was no need to fear and the government had made all the arrangements in case anyone contracted the virus. All in all, it sought to convey a sense of normalcy that was clearly missing on the ground.

Agarwal also offered nuggets of advice to the elderly and those who had other illnesses: "Stay at home, maintain social distancing from relatives who might have to step out, keep yourselves engaged with yoga, intellectual stimulation and consult a doctor if you feel unwell." But there was nothing on the specific steps the government was taking to help those in the vulnerable age group—many of whom might not have comfortable family environments or even families around them—if they were infected. Agarwal also recommended "immunity boosters" such as "kaadha" and herbal tea as advised by the Ministry of AYUSH (Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy). He assured everyone that the various measures taken for surveillance, clinical management, contact tracing and boosting the health infrastructure would keep the spread under control. The message was loud and clear: that people would have to learn to live with the virus irrespective of the spike in the number of cases and the fact that government hospitals were bursting at the seams.

Reeling off statistics, he said 95,527 people had re-

covered until then and that there was "steady improvement" in recoveries. He said "the analysis that India ranked number seven among countries with the largest number of cases was doubtful" and added that India's situation should be compared with countries with similar populations. "Our case fatality rate is among the lowest in the world," he said. Ten per cent of the population (60 and above) had contributed to 50 per cent of the deaths among the confirmed cases, he said.

## ICMR'S STATISTICS

As if in a bid to underscore the "atmanirbhar" (self-reliance) motto, a catchy phrase the Prime Minister recently introduced, an official from the Indian Council of Medical Research (ICMR) said the government was testing more using indigenous capabilities. The ICMR representative said there were 476 government laboratories and 205 private ones. From 20,000-25,000 samples a day in the end of March testing had gone up to 1,20,000 on an average every day, she said.

She also said that indigenous platforms such as "TrueNat" (used for TB testing in district laboratories) were being encouraged for screening and confirmatory tests. Its "availability," she said, was "high" at district and primary centres. On May 19, the ICMR issued revised guidelines for TrueNat testing, which, it said, was a comprehensive "assay" for screening and confirmation of

COVID-19 cases. Apparently, the biosafety requirements in this test were fewer and handling concerns were limited. Many TrueNat machines had been ordered and indigenous RNA extraction kits were also available, the ICMR spokesperson said. There were around 11-12 Indian vendors whose RT-PCR (reverse transcription-polymerase chain reaction) test kits were being used. "Today we are in a much more comfortable stage," she said, adding that "our situation has eased out" in terms of testing.

In fact, compared with other countries, India's epidemic control strategy built around an unplanned lockdown can by no means be called successful (even if one ignores the issue of lower testing numbers per capita). The truth is that the pandemic exhibits a certain pattern in its worldwide spread, in relation to which the Indian story hardly stands out as an exemplar.

Economically advanced countries of western Europe and North America, with barely a tenth of the world's population, were hit hard initially. The pattern of the pandemic spread was indicative of some relationship with per capita income levels of countries, with poorer countries getting less affected. What was seen in China's Hubei province, the first pandemic epicentre, was not repeated across this vast and heavily populated region, including in the rest of China. East and South East Asia have also not been part of the more recent trend of the pandemic spread in regions other than the West.

South Asia and Africa, despite still having relatively low per capita incidences of cases and deaths, have been part of this trend though; the number of cases here has crossed East Asian levels. With the late onset of the epidemic in these places, they continue to be behind many other parts of the world, including the rest of Asia, on the epidemic curve.

Thus, the Indian story so far has been broadly determined by geography, economic status and, a large extent, demographic characteristics like a young population. If one were to consider the Health Ministry official's lament that India should be compared with countries having similar populations, in per capita terms, the Indian situation is almost identical to that of the African continent which has almost the same population size as

India. The epidemic explosion in India, however, has been faster than in Africa as a whole. On April 30, Africa's 39,707 cases and 1,638 deaths were more than the corresponding figures for India, that is, 34,862 and 1,154, respectively. However, by mid May the situation reversed and by the end of the month the number of cases and deaths in India were 28 per cent more than in Africa.

During the lockdown, India was behind 36 countries in terms of the number of infections. At one point it had the highest number of cases in Asia; only Russia's count crossed India's. As on May 31, among 212 countries (covered in the Worldometers data base), 119 had a lower percentage of deaths/cases than India; 69 countries had fewer cases per million population and 89 countries fewer deaths per million population. In all these three indicators, 40 countries had lower levels than India. Of these, 17 had done more tests per million population than India. These included Venezuela and Paraguay from South America; Bhutan, Nepal and Sri Lanka from South Asia; Thailand, Taiwan and Vietnam from East and South East Asia; and Rwanda and Zimbabwe from Africa.

## 'SHIFTING STRATEGIES'

Not many people believe that the government has done enough. In April, 16 eminent public health experts from the Indian Public Health Association (IPHA), the Indian Association of Preventive and Social Medicine and the Indian Association of Epidemiologists formed a joint task force to advise the Prime Minister on a containment strategy. The team's terms of reference were to review and collate the scientific epidemiological literature pertaining to COVID-19 at the national, State and district level; develop a consensus among experts on disease epidemiology and its trends and develop an action plan based on the consensus; disseminate the consensus statement and action plan among public health experts and other stakeholders; and share it with policymakers at the highest levels.

According to Dr Sanjay K. Rai, president of the IPHA, the 16 experts came together and gave a written consent to be part of such a joint effort. The task force submitted its suggestions to the government twice, once in April and then in May. One member of the task force was part of the national task force set up by the government and another was the member of a subgroup on COVID-related research and epidemiology set up by the ICMR. "We did not release our statements publicly. We submitted our recommendations to the Prime Minister, Health Ministry and to our members," Dr Rai told *Frontline*. The recommendations included increasing India's expenditure on health to 5 per cent of the GDP.

The task force reviewed all evidences, globally and nationally, and concluded that living with the virus was the only way out and that strategies should now move from containment to mitigation.

COVID-19 had worsened health inequities and public health interventions were needed to address this, the task force said. Despite a very stringent lockdown



AT A MOBILE SWAB COLLECTION BUS for COVID tests at Vijayawada Railway Station on June 2.

strategy, the number of cases had increased exponentially, it said. From 606 infections on March 25 the number of cases had increased to 1,38,845 on May 24, that is, 229 times in two months.

The task force's statement faulted the government on consulting an institution that produced a model with the worst-case scenario while ignoring epidemiologists who had a better idea of disease transmission. The "incoherent and often rapidly shifting strategies and policies" were a reflection of an "afterthought" and a "catching up" phenomenon, the statement said.

The task force also stated that the "returning migrants" were taking the infection to every corner of the country, the rural and peri-urban areas, which had mostly weak health systems. It said that most of the cases did not require hospitalisation and could be treated at a "domiciliary level", managed at home with "social distancing". The first joint statement submitted on April 11 recommended that the lockdown be lifted with domiciliary treatment. But the government ignored it. As cases continued and the government realised that the lockdown was unsustainable, it came around to accepting the suggestion of domiciliary treatment.

On May 25, the task force members reiterated most of the recommendations that were made in their first statement. They recommended the lifting of the lockdown with cluster-specific restrictions based on an epidemiological assessment and urged the government to constitute an interdisciplinary panel of public health and preventive health experts and social scientists at the Central, State and district levels to address both the public health and humanitarian crises. They argued for more data transparency, urging that all data should be made available in the public domain.

They also demanded the restoration of all routine health services, surveillance of Severe Acute Respiratory Illness and Influenza Like Illnesses by front-line health workers as well as in clinical institutions, including private hospitals. Testing should be stepped up, they said, and the government should use the existing HIV serological surveillance platforms which would be cost-effective as well.

When it is a known fact that there is no treatment for COVID-19 and that only supportive treatment and care are possible, the government has been extremely reticent in sharing information on treatment protocols or even the country's own involvement in the international Solidarity Trials involving 400 hospitals in 35 countries. Even as the last word on the malarial drug Hydroxychloroquine as a form of treatment for COVID is yet to be had, a fresh controversy erupted over the authenticity of a study. The Indian medical establishment has been hardly forthright on the number of clinical trials under way in the country and the identity of the entities conducting them. Meanwhile, a home-grown outfit that specialises in Ayurveda products and has international reach claimed to have received permission from the Drug Controller General of India (DCGI) to do clinical trials for a cure for COVID-19. This company has reportedly re-

ceived permission to conduct such trials in a private medical institute in Jaipur, Rajasthan. ICMR sources told *Frontline* that it had not given permission for clinical trials claiming cures by "pathys", a generic term for the AYUSH stream of medicines. The permission, the senior scientist said, must have been given either by the AYUSH Ministry or by the DCGI. The DCGI did not respond to *Frontline's* queries. Online queries sent to the Ministry of Health and Family Welfare on this particular issue also elicited no response.

#### LACK OF TRANSPARENCY

It is this lack of transparency that has raised more questions than answers on all fronts. Amulya Nidhi, a public health activist associated with the Jan Swasthya Abhiyan (People's Health Movement), told *Frontline* how COVID data on recovery rates were being fudged. On June 1, the Madhya Pradesh government publicly lauded the efforts of a private hospital, Chirayu Hospital, which claimed to have discharged 1,000 COVID patients, a first in India. Amulya Nidhi and his team scrutinised the discharge data of the hospital from April 18 onwards when its first patient was discharged and found that until June 1, it added up to 976 only. The same day, the State health bulletin showed that 963 patients had been discharged in Bhopal district. Between them, the All India Institute of Medical Sciences (AIIMS), Bhopal, the Gandhi Medical College Hospital and the Homeopathy Medical College had discharged 225 COVID patients. That left a remainder of 738. "This is a clear case of data manipulation," he said.

To date, there has been no uniformity of structure or data in COVID bulletins issued by State governments. While some States such as Maharashtra, Kerala and Tamil Nadu issue daily bulletins, others were sparing in letting out information. The Uttar Pradesh government's COVID bulletin is inaccessible, requiring as it does a special login for the Directorate of Medical and Health Services. The Congress-led Rajasthan has in its bulletin a separate category for migrants who had tested positive. This is almost like the categorisation done by some States initially in their COVID-19 bulletins for those who had attended the Tablighi Jamaat event in Delhi and who were branded as virus carriers after some of them tested positive.

The "opening up" of the economy is proving to be a bigger challenge than the lockdown itself, which was the easiest option for the Central government. In an area on the Delhi-Uttar Pradesh border that was declared a containment zone by the Uttar Pradesh government, kiosks and other material left behind by migrant workers were used to barricade the containment area. Such has been the level of precaution and preparation by some State governments for the "lock to unlock" process.

Unfortunately, the Narendra Modi-led dispensation does not want to admit what a colossal failure the lockdown has been in terms of economic costs and livelihoods lost. The low case fatality rate can be a thing to harp on, but the question is for how long. □

# Unlocking the real agenda

What marks out the first anniversary of the Modi government's second stint is its focus on **communal polarisation and muscle power** to wriggle out of challenges and threats, be it the pandemic, border disputes or diplomacy-related shortcomings. BY **VENKITESH RAMAKRISHNAN**

THE RUN-UP TO LOCKDOWN 5.0 OR UNLOCK 1.0 coincided with the first anniversary of the Narendra Modi-led National Democratic Alliance government's second innings. A widely circulated message on social media, especially WhatsApp, during this time took a jibe at the enforcement of the four lockdowns and the prospect the fifth held out for India. A rough translation of the message doing the rounds in multiple Indian lan-

guages is as follows: "Lockdown 1, you cannot do either this thing or that thing; Lockdown 2, you cannot do this thing, but you can do that thing; Lockdown 3, you can do this thing, but you cannot do that thing; Lockdown 4, you can do this and that thing but not that and this thing; Lockdown 5, you do whatever you want to because we cannot do anything."

An analysis of the trajectory of the four lockdowns,



**PRIME MINISTER** Narendra Modi chairing a Cabinet meeting in New Delhi on June 3.

with specific reference to the spread of COVID-19 and the rights and authority the Central government had delegated to State governments and political bodies combating the pandemic on the ground, highlights the ad hocism and cluelessness that this message, using humour, depicts. By the time the country entered Lockdown 5.0 and Unlock 1.0, the Union government had transferred almost the entire operational responsibility of managing the pandemic and the lockdown and its after-effects, such as the return of migrant labour to their native places, to State governments. In contrast, during the early stages, the Centre had sought to proactively micromanage several measures and manoeuvres of State governments. Further, the Union government continued to stifle the States financially by not allocating sufficient funds and by even imposing stringent limitations on the drawing of institutional loans.

These were not the only things that got highlighted during the government's anniversary. Several other facets of the first year of the Narendra Modi government's second innings that came to the fore were the persistent pursuit of Hindutva communal polarisation by the BJP, its government and its associates in the Rashtriya Swayamsewak Sangh (RSS)-led Sangh Parivar; the advancement of draconian laws, rules and regulations to subjugate and oppress minority communities as well as voices of dissent; the overbearing centralisation of core financial and governance systems; the utter disregard for the plight of the poor and the marginalised; the growing resentment within the defence forces on account of the deeply felt government apathy and insolence; and the deep confusion in terms of foreign policy and international engagements, both at the level of diplomacy and in terms of fortification of borders.

#### RETURN OF AMIT SHAH

The anniversary eve also marked Home Minister Amit Shah's return to centre stage of governance manoeuvres after a relatively long absence, reportedly caused by personal health issues. In fact, it was the Home Minister who conducted the discussions with Chief Ministers before imposing the Lockdown 5.0-Unlock 1.0 combine. He held the online meeting and later confabulated with Prime Minister Modi leading the detailing of the announcement. Shah's return to centre stage was marked by a series of media engagements; some of these starkly highlighted the utter lack of concern the government had for the poor and the marginalised who are going through countless miseries on account of the pandemic and the lockdowns.

In a particularly shocking media engagement, Shah blamed the exodus on the migrant labourers themselves. He said "some people lost patience and started walking on the roads". Shah went on to add that the "on foot exodus" had stopped in "five-six days" and after that the Union and State governments had systematically provided transport and other facilities to those returning to their villages.

The Home Minister's blatantly false utterance came

after nearly 70 days of lockdown and even as thousands of migrant labourers were walking or taking whatever mode of transport was available to them, from bullock carts, cycles, autorickshaws and cyclerickshaws, to small vans and trucks, to reach home. Shah's undisguised attempt at camouflaging facts evoked adverse reactions from many quarters, including opposition leaders, social activists and even bureaucrats in the Union Home Ministry.

Talking to *Frontline*, a senior Home Ministry officer admitted that his Minister's attempt was pathetic. "It would have made much more sense if he had at least expressed regret for some oversight," said the officer.

"The fact of the matter," commented Samajwadi Party president Akhilesh Yadav, "is that Lockdown 1.0 was imposed on March 25, but no form of transport was arranged for migrant labourers for almost a month". He added: "The Union and State governments agreed on bus services from April 20 and the special train service started a full 10 days later, on May 1. And even after that, some 170 migrant workers got killed in accidents on roads or train tracks. One of the most shocking images of this unprecedented human disaster is that of a toddler trying to wake up his dead mother at a railway station. The mother had died of extreme heat and lack of food and water. These are the facts, and all that they add up to is for a really abominable track record."

#### DRACONIAN LAWS

The eve of the government's anniversary also marked the reinvigoration of draconian laws, rules and regulations along with the security establishment's brute force with the clear intent of oppressing minority communities and voices of dissent. The arrests and other forms of premeditated persecution of many social activists and writers in openly biased and prejudiced manoeuvres of the police and other security establishment apparatuses have been reported repeatedly from different parts of the country during this period.

Cases in point include the arrest of social activist students Natasha Narwal and Devangana Kalita of the feminist collective Pinjra Tod in Delhi as well as activist and writer Gautam Navlakha. The National Investigation Agency (NIA) whisked Navlakha away on May 26 from Delhi to Mumbai ostensibly to "continue investigation" of the former *Economic & Political Weekly* editor's "Maoist links". Significantly, Navlakha's family or the NIA court in Delhi did not have information on this dramatic move, which was carried out at a time when the Delhi High Court is yet to hear the writer's petition seeking interim bail owing to health reasons.

Natasha Narwal and Devangana Kalita, Jawaharlal Nehru University students and founding members of Pinjra Tod, were arrested first on May 23 and systematically persecuted through serial first information reports (FIRs) even as they managed to obtain bail in the cases registered as per earlier FIRs (story on page 42).

Even as such forms of aggression continues internally on Indian citizens on evidently cooked-up charges, the



**UNION** Home Minister Amit Shah during an interaction with Chief Ministers via videoconferencing, in New Delhi on April 27.

government's first anniversary is also marked by pronounced floundering on diplomatic and defence-related issues, especially in terms of fortifying the borders. A standoff between Indian and Chinese troops that began in early May has persisted in fits and starts at different places on the Sino-Indian border through the month. There were also reports that Chinese soldiers had crossed the "line of actual control" (LAC) around the Galwan River valley. Defence experts point out that China had not taken such a concerted action in a decade and that the current moves appear to be in response to India's road-building activities in some sectors on the border.

The manner in which diplomatic relations have soured with India's "perennial" friendly neighbour Nepal has also exposed the foreign policy pitfalls of the Modi 2.0 regime. The relations have turned bad to such levels that Nepal, in an openly adversarial stance, went to the extent of deploying its Armed Police Force at the border point of Lipulekh. This again was apparently in reaction to India inaugurating a link road through a stretch that Nepal claims to be its territory.

#### DISCONTENT IN THE ARMED FORCES

Amidst these security and diplomacy-related concerns, significant segments of the country's defence personnel, particularly in the Army, are reportedly unhappy with the conduct of the recently appointed Chief of Defence Staff (CDS) General Bipin Rawat and some of the new organisational moves he has advanced. The moves include the proposal to induct civilians into the armed forces for a three-year tenure as "tour of duty" and the opening up of military property for civilian access.

Sections of serving and retired personnel see these moves as the CDS yielding to political authority. They have also expressed the view that the defence establishment was deliberately kept out of COVID relief operations on account of this subjugation to political

leadership, despite the proven credentials of the forces to do much more than other security outfits (story on page 107).

#### MODI'S OPEN LETTER

However, in spite of all these glaring foibles and vulnerabilities, Prime Minister Modi chose to describe the first anniversary of his second innings as the marking of a golden chapter in the history of Indian democracy. Writing an "open letter to citizens" on the eve of the anniversary, he claimed that in the five years between 2014 and 2019, the country had extricated itself from the quagmire of inertia and corruption. He went on to add that "Sabka sath, sabka vikas" (with everybody, for everybody's development) was the slogan for his second term so that the country forged ahead in all directions—social, economic, global or internal.

Notwithstanding this claim about universal harmony and progress, the achievements that he listed for the past one year were primarily part of the sectarian Hindutva agenda. Modi listed as his government's major achievements the abrogation of Article 370 of the Constitution, the Ayodhya Ram temple construction following the Supreme Court verdict, the proscription of "triple talaq", and the passage of the citizenship law. Evidently, the Prime Minister and his team continue to put their faith in Hindutva-linked communal polarisation and related administrative and muscle power-oriented oppression as the way to wriggle out of challenges and threats, be it the pandemic, border disputes, diplomacy-related shortcomings or resentment among the defence forces. This is unambiguously cynical pursuit of power and governance even in the face of an unprecedented and life-changing pandemic.

Assessing the Modi regime's performance over the last six years, and with a special reference to the second innings, the political and economic affairs analyst Seshadri Kumar observed that "there is much more to come in the months ahead, especially in relation to Indian economy". He said: "The economy was already hobbling on one leg thanks to Modi's mismanagement over the last six years, but it has been completely crippled by the COVID virus now. This government is so illiterate financially that they can only think of one thing to do in all economic crises—reduce interest rates. Even a novice in economics will tell you that reducing interest rates will do nothing to help the economy if the problem is fundamentally one of weak demand. Companies are firing employees left and right because of poor business due to COVID and mounting debts. When millions hit the pavement in a few months, you can be sure that this government will go back to its favourite tactic—reduce interest rates. India's industry will be dealt a death blow by stupid governance."

As economic and social doom stares the country in its face, the State governments continue, as Kerala's Finance Minister Thomas Isaac points out, to bear the brunt of the COVID combat, somehow managing to stay afloat braving, among other things, the Union government's calculated and callous denial of adequate financial rights. □

# Nightmare on Shramik Specials

The Indian Railways' operation of the Shramik Express Special trains in May has been a **national shame**. The utter chaos resulted in trains being diverted far away from their supposed destinations, inflicting immense misery on passengers. BY V. SRIDHAR

NOTHING HAS SHAKEN THE CONSCIENCE OF the nation coping with COVID-19 as much as the plight of millions of its migrant workers setting off on cross-country journeys with children and the aged in tow. And no single Cabinet Minister in the Narendra Modi government, barring perhaps the Prime Minister himself and the Finance Minister, has drawn as much ire as Railway Minister Piyush Goyal has for sheer ineptitude and worse. No Railway Minister in independent India has drawn as much ire as Goyal has for his spectacular feat of reducing India's largest enterprise to a laughing stock. The litany of complaints against him is not confined to just ineptitude in using effectively the valuable assets under his command, but also focusses on the arrogance of his response to criticism. Indian Railways' utter inability to provide credible and timely information has made matters worse.

After doing absolutely nothing in the first 36 days of lockdown, Piyush Goyal suddenly decided to start running trains in May. Throughout the month, however, trains went "missing" or went on journeys hundreds of kilometres away from their intended destinations. These "ghost" trains carried thousands of passengers. These unscheduled journeys meant that passengers were provided only a fraction of the food and water that they ought to have been given, that is, if they were given anything at all. According to the Railways' own sources, at least 81 persons died while travelling, on trains or on railway platforms.

The latter half of May saw a spate of reports in the media, local and national, that trains were straying far away from their stated routes, often taking far longer than scheduled. For instance, a train supposed to travel from Vasai in Maharashtra to Gorakhpur in Uttar Pradesh ended up at Rourkela in Odisha.

Another train supposed to run from Bengaluru to

Basti in Uttar Pradesh ended up at Ghaziabad, 675 km away by rail. A train that left Mumbai for Patna ended up at Purulia in West Bengal. Within the span of a few days after May 20, there were reports of 40 trains travelling to places hundreds of kilometres away from their scheduled destinations.

## LOST TRAINS, DISTRESSED PASSENGERS

The Railways initially maintained a stoic silence. But the gush of media reports, aided by enterprising reporters who found innovative ways to ferret out news, forced the government to issue denials. Reporters, using "contacts" among passengers travelling on these trains, gathered graphic accounts of the immense suffering that the migrant workers were undergoing.

One visual by a reporter showed desperately hungry passengers disembarking from a train while it was stationary, gathering maize from fields and roasting them on a fire. Others showed irate passengers packed into compartments with physical distancing norms abandoned. Common to most stories was the utter shortage of food and water for passengers, exacerbated by journey times that were double or even treble those in normal times. A journey that ought to have been completed in about 24 hours was taking more than 72 hours.

In fact, there were reports of journeys—from Surat in Gujarat to Siwan in Bihar, for instance—taking up to nine days. A loco pilot who steered a Shramik Special train from Bengaluru heading to a destination in north-eastern India told *Frontline* that there were virtually no arrangements for food and water on the long journey.

The Indian Railways, despite its many failings, has always been well-regarded for its optimal use of resources; it has also been appreciated for operating efficiently despite severe resource constraints. So, how did the Railways manage to "lose" trains during the lock-



PTI

**MIGRANTS** board a Shramik Special train through the window, at Danapur railway station in Patna on May 22.

down? "Trains cannot be lost in the Indian rail network. That is an impossibility," a former member of the Railway Board told *Frontline*. He explained that every trip that a train makes is planned well in advance, and the approval of every Railway Zone that the train traverses is taken before the journey is undertaken. This is not just a matter of complying with bureaucratic niceties but a necessary exercise because each zone needs to plan its traffic accordingly, the retired officer explained. So, what went wrong during the lockdown?

The Railways' initial explanation was that the traffic congestion on routes required the trains to be "diverted". But this was obviously a spurious explanation for several reasons. First, given that the Indian Railways runs more than 13,000 trains, about 6,500 of them passenger trains, every day in normal times, how could a daily average of about 200 trains cause a congestion? True, most of these trains were converging towards particular

destinations in some of the poorest States in the country. But railway officials say that even this ought not to have been a major problem.

One official said: "Better planning by staggering the departure of trains would have been eminently within the capability of the Railways, given its vast experience in handling much higher traffic volumes in normal times." Second, why should a "diversion" take a train hundreds of kilometres away, and towards a place that is not even in the same direction as the destination? How would it help the Railways to travel to Rourkela if the intended destination was Gorakhpur, about 530 km away? How could a "deviation" that accounts for almost one-third of the about 1,700-km journey be explained rationally? Would it not have made better sense to move the train closer to the intended destination even if "congestion" was a problem?

How the Railways managed to be so inept remains a

question, one which we will turn to a little later. But the unprecedented tragedy that was unfolding on India's rail network was immediately obvious.

In his now-infamous presentation to the Supreme Court, in which he described the media as “vultures” preying on India's poorest, Solicitor General Tushar Mehta indulged in obfuscation. He triumphantly threw numbers at the court, without offering any context—a hallmark of the Modi regime in all matters concerning data. He said 80 lakh meals and one crore bottles of water (presumably one litre bottles) had been provided to passengers on the Shramik Special trains. If the Railways had carried 50 lakh passengers, as Tushar Mehta claimed, this works out to about 1.6 meals per passenger and 2 water bottles per person. Mehta's own figures reveal the gross inadequacy of what the government provided. How could 1.6 meals and two litres of water be enough for a passenger for the four or more days he had to spend on a train in the height of the Indian summer?

In fact, the Railways had the capacity to deliver more and better. It is only that neither Piyush Goyal nor anyone else in the government felt the need to use this capacity. The Indian Railways has the capacity to deliver 12 lakh meals every day. In 2018, it announced that it was planning to expand its drinking water capacity to 16 lakh litres a day.

Indeed, when news of deaths in train toilets and on platforms caught media headlines, the Press Information Bureau, with its new-found penchant for catching “fake” news, dubbed these reports as false. The most dramatic one showed visuals of a toddler tugging at the bedsheets covering his dead mother at Muzzafarpur railway station; according to her relatives, she died of starvation and extreme dehydration on a train.

The Railways immediately dubbed this as fake news and said the woman had been sick when she boarded the train. Later, the PIB dubbed the news reports as “factually incorrect and misleading” and claimed that the woman, who was in her thirties, was mentally and physically ill.

The well-known fact-checking website AltNews investigated the case and concluded that the woman's distressed relatives were pressured soon after her death to say that she had died because she was already ill. A relative also said they had been forced to say that the woman was provided food and water during the journey. He said the PIB's claim that she was ill was utterly wrong and categorically asserted that she had died of hunger, food deprivation and extreme exhaustion in the heat.

Faced with a barrage of criticism, the leadership of the Railways tied itself into knots. Addressing a press conference, the Chairman of the Railway Board, Vinod Kumar Yadav, made the preposterous claim that the routes of the trains were changed after ascertaining where the passengers wanted to go. This mocked every principle of scheduling rail traffic. Who was to tell the CRB that the railway service was not like a “share” auto in an Indian city that could go to a destination according to where passengers were headed?



**MEDICAL** personnel with a newborn baby on the Jirania-Khagaria Shramik Special train on May 19.

Referring to the specific case of a train that went to Lucknow instead of Prayagraj, Vinod Kumar Yadav said: “These are not regular times and passengers told us where they were heading and how they wished to reach home.” He added to this preposterous claim: When Railways staff “ascertained from passengers that there are fewer passengers heading to Allahabad, compared to Lucknow, after discussing with the State government, we changed the route to make it head to Lucknow”.

Such statements from the highest levels of the Railway establishment mock at every principle in traffic routing in a rail network and offend the sensibilities of those in the Railways who take pride in the work they do.

#### FREQUENT CHANGES TO RULES

So what explains the failure of the Railways to manage a fraction of its normal traffic during the lockdown? To answer that question, one needs to look beyond the Railways' own operational parameters and examine the circumstances in which it was running the special services. The nature of the Indian lockdown provides clues to the question. The lockdown has been steered disastrously by the Union Home Ministry headed by Amit Shah. There have been at least eight travel orders issued by the Ministry in one month, each one adding to the confusion.

Rajendran Narayanan, academic at Azim Premji University and an activist with the Stranded Workers Action Network, pointed out that “barring one letter dated May 18 sent by Home Ministry to all Chief Secret-

aries, every order has been lacking in imagination and empathy”.

The refusal to decentralise authority and decision-making, reflected in the lack of any consultation with the States, has been a hallmark of the lockdown and of its utter failure.

The initial “rules” for deciding the routes and schedules for the Shramik Specials left them to be decided by the originating and destination States. However, through an innocuous amendment to the rules framed under the auspices of the National Disaster Management Authority (NDMA), which has choreographed the lockdown, the requirement of consent from the destination State was dropped. This was what prompted Jharkhand Chief Minister Hemant Soren, Kerala's Pinarayi Vijayan and earlier West Bengal's Mamata Banerjee to register their protests.

The change that was effected was a sure recipe for disaster. There were two sets of factors that created problems. First, at the practical level, the destination States had to make preparations. Passengers had to be received at stations, screened, tested and quarantined—at home or in institutional centres depending on individual cases. All this had to be done at a time when the State was already under great stress, financially and in terms of personnel and physical resources.

Second, the changes in the rules paid no heed to the capacity of the States on which the burden would fall. The Home Ministry was either oblivious to the brutality of the lockdown it was imposing or it simply did not care. The extreme distress and desperation it was causing in both originating and destination States where the migrants were heading imposed constraints on both sets of States. Originating States like Karnataka were increasingly under pressure from restive workers to let them go home. (The State Intelligence Department had apparently warned the administration that the workers' agitation might become too hot to handle.) But destination States faced an even bigger problem.

If Amit Shah or any of his Cabinet colleagues had shown some concern for these workers, they would have known that a significant portion of this workforce was heading to some of the poorest States in the Indian Union—Bihar, West Bengal, Uttar Pradesh, Odisha, Jharkhand and Madhya Pradesh. To suddenly receive trainloads of passengers at a few days' notice was obviously beyond their means.

An East Central Railway officer, speaking to *Frontline*, said that it took about three hours just for passengers to disembark from the Shramik Specials; passengers had to be screened and organised depending on their health parameters and then transported to quarantine centres or to their homes.

“If it takes three hours for a train to be cleared, there is only so much we can do in a single day,” he said. The Railways said that 256 trains were cancelled in May by various States—one of the highest numbers was reported from Maharashtra, which cancelled 105. Piyush Goyal was quick to make political capital of this in the midst of

the Bharatiya Janata Party's (BJP) efforts to destabilise the Maharashtra government. What he forgot was that Gujarat, Karnataka and Uttar Pradesh, all BJP-ruled States, cancelled 114 trains.

#### DESTINED TOWARDS CHAOS

It appears that the sheer scale of the problem at destination stations forced States to delay arrivals. And, the Railways decided to let these trains run on and on in directions far away from where passengers thought they were heading. Outrageously, the Railways did not even bother to inform the passengers in which direction they were moving. The much longer journeys, mostly without food or water, also resulted in trains stopping for many hours in the middle of nowhere, parked in the peak of summer with temperatures sometimes hovering above 45 degrees centigrade. Given that trains have no autonomous source of electricity, this was neglect by design at its worst.

The entire saga of the way this crisis was handled exposed a government that never intended to care for this crucial but vulnerable segment of the working population. The reality is that it never intended to enable these workers to go back home, committed as it was to powerful lobbies that wished this workforce to stay tied to places far from home so that it would be available if and when the wheels of production turned again. It was only extreme pressure, from the media, as well as the workers themselves, that forced the government's hand. Not many media outlets reported that in Surat town alone, protesting migrant workers were tear-gassed at least five times during the lockdown.

It took more than a month for Piyush Goyal, perhaps much against his intent, to operate the special trains. But even this was done with not just shoddy planning but with scant regard for treating fellow citizens humanely. A volunteer who was assisting workers in Pune, for instance, said workers were given barely two hours' notice to leave, and then made to wait almost a day at the railway station before they set off on the long journey home. Many other activists alleged that the chaos caused by Piyush Goyal's unplanned schedules produced a thriving black market for train tickets. Of course, the pricing of the tickets was a scandal in itself.

If Piyush Goyal had really intended to send these desperate workers home, he would have started sending them before or soon after the lockdown was announced suddenly on March 24. That would have given him, the States and the Railways the chance to stagger the traffic over a longer period and without all the panic and chaos that the country has witnessed.

India has had a tradition of Railway Ministers resigning in the past in acknowledgement of their failures. Indeed, Piyush Goyal's predecessor, Suresh Prabhu, resigned in 2017 after a series of major rail accidents. Those instances pale into insignificance in the context of the monumental ignominy that Piyush Goyal has heaped on the Indian Railways and the untold misery he has caused to millions of Indians during the lockdown. □

# Belated course correction

The Supreme Court sheds its insouciance towards migrants affected by the lockdown, but **draws criticism for its silence** on the Centre's attempt to malign those who brought their plight to its notice. BY V. VENKATESAN

ON MAY 28, DURING THE SUPREME COURT'S hearing of the *suo motu* case on migrants, Solicitor-General Tushar Mehta drew the court's attention to the Pulitzer Prize-winning photograph shot by the South African photojournalist Kevin Carter in southern Sudan in 1993. The iconic photograph showed an emaciated boy who had collapsed on his way to a feeding centre while a vulture waited behind him, as if for his death. Tushar Mehta then referred to an apocryphal conversation between Carter and a reporter, who asked him how many vultures were at the scene. When Carter replied one, the reporter retorted: "There were two, one with a camera." Tushar Mehta said Carter subsequently committed suicide, as if to suggest that it was a result of the feeling of guilt he suffered after the shooting of the photograph.

A report in a national English daily on May 30 said Carter went to Sudan to photograph the civil war and famine which "he felt the world was overlooking". As to why he did not help the child, the story suggested, citing a report in *Time* magazine, that he was advised not to touch famine victims because of the fear of infection. Contrary to what Tushar Mehta assumed and wanted the court also to similarly infer, Carter did chase away the vulture after taking the picture. The child recovered and resumed his trek and lived for 14 more years before dying of malaria.

The newspaper report further reveals that after Carter's picture was published in *The New York Times*, humanitarian organisations working in Sudan started receiving a lot of funds. Carter had claimed that after taking the picture, he sat under a tree, lit a cigarette, talked to God and cried. He felt depressed and wanted to hug his daughter. Carter initially believed the child he saw hunched to be a girl. More important, Carter's sui-

cide in 1994 was not related to the "guilt". According to the news story, he faced a drug problem, failed relationships and money issues, and had been witness to more violence than one could imagine.

Although Tushar Mehta's intention in referring to the photograph and the photographer was to persuade the Supreme Court to consider those who approached the court seeking relief on behalf of the stranded migrants as vultures, the bench comprising Justices Ashok Bhushan,

Sanjay Kishan Kaul and M.R. Shah, conceded that a large number of migrant workers were still seen walking to different places, even while it remained silent on his vulture theory.

The bench thought it fit to redeem the migrants' immediate difficulties and directed that no fare be charged for their travel. It also directed that migrant workers should be provided food free of cost by the respective States/Union Territories, and that this facility should be publicised and notified to them during the period they waited for their turn to board a train or bus.

The bench told the States to simplify and speed up the process of registration of migrant workers, provide a help desk for registration at the places where they were stranded, and after the registration process was completed, ask the workers to board the train or bus at the earliest and share the information about the mode of transport with all concerned.

The bench said migrants found walking on highways or roads should be immediately provided food, water and other basic facilities and transportation to their destinations. The States receiving the migrant families and workers were told to provide them health screening facilities and transport to their hometowns free of cost.

## LACK OF PROPRIETY

Tushar Mehta's insinuation that those who reported and brought to light the migrants' unending tragedy as a result of the unplanned lockdown could well be vultures is of a piece with his attack on the commitment and

credentials of those who sought urgent redress and accountability in the Supreme Court.

Although he sought more time from the court to file his written response to questions by the bench on the relief being accessed by the migrants, his oral replies smacked of a complete lack of sincerity and propriety.

He asked counsel representing some of the petitioners how much they had contributed to alleviate the migrants' distress, and described the critics of the Centre as "prophets of doom". He accused the High Courts that intervened in public interest litigation (PIL) petitions seeking relief, as running "a parallel government" (story on page 25). His remark was criticised as intemperate as it put the High Courts and the Supreme Court on a collision course.

In the normal course, Tushar Mehta's statements could well be dismissed as rants expressed in the heat of the moment during a hearing. But the court's refusal to allow the Congress' chief spokesperson, Randeep Surjewala, as a petitioner in the case after questioning his locus on the basis of Tushar Mehta's statements, caused dismay among observers.

Former Union Law Minister Ashwani Kumar reminded the Supreme Court that political parties, being integral to the processes of democracy, which is a part of the basic structure of the Constitution, could not be foreclosed from agitating issues of public importance before a constitutional court.

The Supreme Court's belated intervention in the migrants' case after stonewalling petitions on the issue for several weeks appears to have been triggered by a letter written by a group of senior advocates to Chief Justice of India S.A. Bobde and other judges of the Supreme Court. "In the midst of the executive-imposed COVID-19 lockdowns, the Hon'ble Supreme Court cannot retreat into a self-effacing deference, leaving millions of Indian citizens, especially those who are poor, vulnerable, and impoverished, to the mercy of the executive, reminding us of *A.D.M. Jabalpur* when detenus were left to the tender mercy of the executive with "diamond bright diamond hard" hope that something would be done," the advocates wrote.

They alleged that the Centre imposed a lockdown on March 24 without any consideration for the plight of the poor, especially migrant labourers in major cities, and for whom social/physical distancing was a utopian impossibility. The migrants were thus compelled to start walking back to their home States, hundreds of kilometres away, along with their family members, they said.

As a consequence of the court's failure to intervene earlier, lakhs of migrant workers were unable to proceed to their hometowns and were compelled to remain in cramped tenements or rooms or on pavements, without any livelihood and even a definite source of food, they told the court.

"In fact, this enforced stay in cramped quarters only exposed such poor workers to a higher risk of COVID infection," they claimed. They also drew the court's attention to reports that 90 per cent of the migrant workers



**A GROUP** of migrants engage in a scuffle for packets of free food and water bottles distributed by railway officials, at Prayagraj railway station on June 1.

did not receive government rations in many States. Dwelling on the absence of transport arrangements to send the migrants back to their hometowns, the senior lawyers asserted that their right to life, liberty and freedom of movement was rendered virtually meaningless.

They were also critical of the court's institutional deference to statements made on behalf of the government and the court's apparent indifference to the humanitarian crisis. They urged the court to rectify this immediately, as otherwise it would amount to the court abdicating its constitutional role and duty to the teeming millions of poor, hungry migrants.

The letter recalled the court's glorious tradition of PILs that changed the face of Indian constitutional jurisprudence forever, ranging from eradication of bonded labour, prison reforms, environmental compliances, to right to food. Each of these PILs, the letter added, had resulted in far-reaching legal and policy changes positively affecting the lives of millions of people. The Supreme Court's deference to the government and its unwillingness or expressed helplessness in the face of the above situation, cast a long shadow on the country's constitutional structure, the letter lamented.

Reminding the court that it had the power bestowed on it by the Constitution under Article 142 to undertake any measure to do complete justice, the letter stated that the survival of Indian democracy and the rule of law, particularly in times of the COVID-19 pandemic, was dependent on the court actively fulfilling its constitutional obligation of being the guarantor of the fundamental rights of citizens against state action.

The signatories to the letter include P. Chidambaram, Anand Grover, Indira Jaising, Mohan Katarki, Sidharth Luthra, Santosh Paul, Mahalaxmi Pavani, Kapil Sibal, Chander Uday Singh, Vikas Singh, Prashant Bhushan, Iqbal Chagla, Aspi Chinoy, Mihir Desai, Janak Dwarkadas, Rajani Iyer, Yusuf Muchhala, Rajiv Patil, Navroz Seervai, Gayatri Singh and Sanjay Singhvi.

#### AIR INDIA CASE

On May 25, the Supreme Court bench comprising Chief Justice Bobde and Justices A.S. Bopanna and Hrishikesh Roy allowed Air India to operate non-scheduled flights with mid-row seat occupied on its aircraft for 10 days until June 6. The Centre and Air India had approached the Supreme Court on an appeal against the Bombay High Court order for an urgent hearing, although May 25 was a declared holiday for Eid-ul-fitr.

The High Court had earlier held that Air India had violated the lockdown guidelines, which made it mandatory to keep one seat between two seats empty while allocating seats at the time of check-in in all rescue/relief flights operated by it. Air India told the Supreme Court that rigid adherence to the guideline would result in dropping of one-third of the passengers, creating massive logistical, international and visa-related issues.

The High Court refused to accept Air India's submission that social distancing measures would apply only to scheduled flight and not to non-scheduled commercial

flights, and again only to domestic operations and not to international operations.

If such arguments were accepted, the whole purpose of preventing the spread of COVID-19 by prescribed measures would be defeated, it had reasoned.

The Supreme Court reversed the High Court's order for 10 days in view of the Centre's concerns that the travel plans of families were disrupted because those who had middle seats had to be offloaded. The apex court also shared the Centre's concern that compliance with the guideline would result in a lot of anxiety and difficulties arising from the need for proper shelter and money at foreign airports. The Supreme Court remanded the matter to the Bombay High Court with a request to pass an effective interim order after hearing all concerned on June 2 or soon thereafter.

On May 15, another bench comprising Justices L. Nageswara Rao, Kaul, and B.R. Gawai wondered how anybody could stop migrants from walking when they slept on railway tracks, as if migrants alone were to be blamed for choosing to walk home.

Juxtaposing the two developments from the court, Alok Prasanna of Vidhi Centre for Legal Policy asked whether the court cared as much about migrants trying to reach home within the country as it did about those coming from abroad. He said the class differences between the two groups of people were too obvious to be missed and one could see which group the court sympathised with.

"It doesn't help matters that while the court held a special sitting to pass orders to help the latter group, it has dismissed the concerns of the former group with little thought and adjourned matters with no effective remedy," he wrote on the VCLP's blog. When contrasted with the tough stands taken by the High Courts *vis-a-vis* the respective State governments, the Supreme Court looked less like a judicial body and more like an executive agency, he wrote.

As if to vindicate this interpretation, the Supreme Court bench of Justices Ashok Bhushan, Kaul and M.R. Shah, on May 26 extended by three weeks its interim protection for jute mills from coercive action for not paying full wages to its workers during the lockdown.

Retired Supreme Court judge Gopala Gowda, in an article in *Deccan Herald*, expressed distress that the court had demonstrated unprecedented apathy towards the most vulnerable citizens of the country. "A.D.M. Jabalpur will no longer be remembered as the darkest moment of the Supreme Court. That infamy now belongs to the court's response to the preventable migrant crisis during the COVID-19 pandemic," he wrote.

Justice Gowda observed that just as it happened during the Emergency, instead of the Supreme Court setting an example for the High Courts to follow, the High Courts had risen to the occasion in the absence of any leadership from the Supreme Court. The High Courts, he pointed out, refused to take the submissions advanced by their respective State governments at face value or as the gospel truth. □

# Rising to the occasion

High Courts **rediscover their powers** under the Constitution to fill the void left by the Supreme Court in mitigating the hardships caused to vulnerable sections of the population by the prolonged lockdown.

BY V. VENKATESAN

ANY FUTURE HISTORIAN WHO TRIES TO study how India fought the coronavirus pandemic during the prolonged lockdown may devote a separate chapter to the role of the country's 25 High Courts in relieving the agony of the common man.

In the Indian judicial system, the High Court is not subordinate to the Supreme Court. It is also a constitutional court entrusted with the power of judicial review. In fact, the High Court's powers are wider—it can issue writs for infractions of legal rights and superintend the functioning of all subordinate courts in its territorial jurisdiction. Those who accuse the High Courts of running "parallel governments"—as Solicitor General

Tushar Mehta did in the Supreme Court recently—seem to be oblivious of the fact that the High Courts are only exercising their inherent powers

However, certain factors make the Supreme Court unique: it is the highest court of appeal, the law declared by it is binding on all courts and it has the power to transfer cases from one High Court to another or to itself. Article 144 of the Constitution requires all authorities, including the High Court, to act in aid of the Supreme Court. However, the apex court failed to intervene in the matter of the migrants crisis and live up to the expectations of the common man. It is, therefore, significant that several High Courts today are rediscovering their powers



**MIGRANTS** waiting for transport at Dharavi slum in Mumbai on May 26.

under the Constitution, to fill the void left by the Supreme Court in mitigating the crisis caused by the prolonged lockdown to vulnerable sections of the population.

#### DELHI HIGH COURT

In *Shabnam vs Government of NCT of Delhi*, a bench of Justices Hima Kohli and Subramonium Prasad of the Delhi High Court directed the Delhi government on May 20 to ensure supply of ration to all e-coupon holders through the public distribution centres in Delhi in which ration was allegedly in paucity. The same bench, while hearing a public interest petition, directed the Centre and the Delhi government to closely monitor the increasing number of COVID-19 cases in the National Capital Region for the purpose of proportionately increasing the facilities at hospitals and pathological laboratories. The petition filed by Hitesh Bhardwaj, a resident of Delhi, alleged that there were not enough hospitals equipped with medical facilities to treat COVID-19 patients.

On May 28, the Kohli-Prasad bench, in *Delhi Roti Roti Adhikar Abhiyaan vs Union of India*, accepted the argument that the system adopted by the government to provide e-coupons to those who did not have ration cards was inaccessible to vulnerable groups as they did not have smart phones to download the coupon by generating an OTP. It directed the government to put up within five working days helpdesks with a computer at all the 580 distribution centres that would act as one-stop centres for applying for e-coupons; to increase the number of staff handling the helpline at the call centre to ensure that calls were answered and grievances recorded; and to place in the public domain details of calls received, complaints registered and redressed.

On May 28, the bench comprising Justices Rajiv Sahai Endlaw and Asha Menon in *Court on its own motion vs GNCTD* [Government of National Capital Territory of Delhi], expressed concern over reports in the media of 108 bodies lying piled up in the COVID-19 mortuary of Lok Nayak Hospital, Delhi. Lok Nayak Hospital is the largest dedicated COVID-19 hospital in the city and its mortuary is the repository of bodies of those who died of the coronavirus infection or those suspected to have died of it. On May 26, the Nigam Bodh Ghat returned eight bodies as only two of the six furnaces at its crematorium were working.

The bench took note of the fact that there was a backlog of bodies needing disposal owing to the non-functioning of compressed natural gas (CNG) furnaces at the Nigam Bodh and Punjabi Bagh crematoriums. Emphasising that the right to dignity and fair treatment enshrined in Article 21 applied not only to a living person but also to the body after the person's death, the bench sought to ensure the right to decent burial or cremation by seeking appropriate directions from the Chief Justice.

On May 23, the single bench of Justice Asha Menon held that no one had the right to demand the removal of health workers residing in any neighbourhood because of an unrealistic fear of the spread of COVID-19. The bench directed the Delhi government to provide a protected

environment for senior citizens and other residents living near buildings occupied by health workers.

On May 22, a bench of Chief Justice D. Patel and Justice Prateek Jalan asked the Delhi government and the authorities concerned to maintain a proper record of the number of COVID cases and the death toll. The petition heard by the bench alleged that there was a deliberate attempt by the government to downplay the seriousness of the spread of the disease and the number of deaths.

A division bench comprising the Chief Justice Dipankar Datta and Justice S.S. Shinde directed the Maharashtra government to ensure that stocks of personal protective equipment (PPE) seized by investigating agencies reached the COVID warriors. According to reports, the Maharashtra Police seized a large quantity of PPEs, masks, gloves and sanitizers following complaints of hoarding and black marketing. The petitioner in the case had sought orders for proper disposal of the properties seized so that the same could reach health workers in need of them.

The same bench, on May 22, dismissed a writ petition filed by a few Mumbai residents challenging the permission granted by the Municipal Corporation of Greater Mumbai to use three cemeteries in Bandra for burial of COVID-19 victims as they feared community spread. The bench held that there was no scientific data to show that the virus would be transmitted on burial. Observing that the right to decent disposal of bodies was a facet of the right to life provided in Article 21, the bench upbraided the petitioners for being insensitive to others' feelings.

On May 29, the bench of Chief Justice Dipankar Datta and Justice K.K. Tated, in *Centre of Indian Trade Unions vs State of Maharashtra*, took note of the grievance that migrant workers who had submitted applications for availing themselves of the facilities of Shramik special trains and buses to return to their home States during the lockdown, were in the dark about the status of their applications and were forced to live in cramped and unhygienic shelters without food and other essentials. The bench called upon the State government to file a report indicating how it addressed the plight of migrant workers assembled at the boarding points.

On May 20, a bench of Justices M.S. Ramachandra Rao and K. Lakshman held that the State government could not incapacitate a human being by restricting his or her choice of the hospital for treatment of an ailment. In the instant case, the government had curtailed the freedom of the citizen to get tested in a laboratory of his or her choice or to get treatment in a private hospital of his or her choice without the support of any "law". The bench struck down the restriction as patently arbitrary, unreasonable and violative of Article 21.

The Telangana government contended that there was a state of emergency in the State in view of the pandemic and that such an emergency justified the action of the state.

The bench referred to the Supreme Court judgment in *A.D.M. Jabalpur vs Shivkant Shukla* during the



**A WARD** in the 1,200-bed dedicated COVID-19 Civil Hospital in Ahmedabad on May 21.

Emergency, in which the court had to adjudicate the issue of whether the imposition of the Emergency suspended the right of a person detained by any law on preventive detention to move any court for enforcement of the right to personal liberty granted by Article 21. Although the Supreme Court's majority judges in that case resolved the issue in favour of the government then, a nine-member apex court bench in *K.S. Puttaswamy vs Union of India* overruled it in 2017 saying that the right to privacy was protected as a fundamental constitutional right under Articles 14, 19 and 21. Moreover, Parliament amended Article 359 (44th Amendment) in 1978 after the lifting of the Emergency in 1977, providing that the President cannot suspend the right to move a court to seek relief for violation of Articles 20 and 21 even in an emergency.

The High Court bench, therefore, refused to endorse the State's submission that anything can be done by the state during a medical emergency, including arbitrarily restricting the right to health that Article 21 confers on a citizen. The bench held: "An emergency of any sort is not an excuse to trample on the rights under Article 21 and the courts have the power to see that the state will act in a fair, just and reasonable manner even during emergencies. ...There is neither legal nor logical basis for totally excluding private sector participation in either testing or for treatment/isolation of suspects/confirmed COVID-19 patients." It added that only private hospitals that had been approved or would be approved by the Indian Council for Medical Research (ICMR) should be permitted to provide treatment for COVID-19 patients.

On May 29, Justice John Michael Cunha of the Karnataka High Court granted bail to 126 persons as he found no basis in the police version that they tried to spread COVID by attacking health workers. The judge noted that under the Indian Penal Code the identity and participation of each accused in a conspiracy were required to be fixed with reasonable certainty, which was

missing in this case. The accused petitioners were sent for trial without the prosecution ascertaining their identity. The judge found no evidence to show extensive damage to public property, as alleged by the police. Mere apprehension that the accused would spread the disease was not ground enough to deny them bail as adequate safeguards were already in place to prevent the spread of the pandemic, the judge noted.

On May 22, a bench of the Chief Justice Jitendra Kumar Maheshwari and Justice Lalitha Kanneganti of the Andhra Pradesh High Court formulated a model for shifting migrant workers to their home States to ensure coordination among government officials and non-governmental organisations.

Sixty-one medical and nursing students belonging to Kerala were stranded in Chhattisgarh since the first phase of the lockdown. Thanks to the intervention of the Chief Justice of the Chhattisgarh High Court, P.R. Ramachandra Menon, the Chhattisgarh government arranged three special buses to take the students back to their home State. The Chief Justice, according to reports, conveyed the information about the situation to the Chhattisgarh government through the Advocate General Satish Chandra Verma, and sought its help in view of the non-availability of public transport.

#### KNEE-JERK REACTION

Although Tushar Mehta's disparaging remark about High Courts running a parallel government—in terms of their notices, interim orders and judgments during the lockdown—was aimed at all High Courts, none would have thought that it could have a reactionary effect on some of them. In the Gujarat High Court, a division bench headed by Justice J.B. Pardiwala and comprising Justice Ilesh Vora, dictated a scathing order on May 22 while hearing a *suo motu* PIL petition on the state of the hospitals in Ahmedabad. It described the Ahmedabad Civil Hospital as a dungeon. On May 25, the bench asked the hospital to be prepared for a surprise visit by the judges, while refusing to withdraw the adverse remarks passed against the State government. The bench was concerned that the Civil Hospital had recorded a high COVID mortality rate. It also took *suo motu* cognisance of media reports highlighting the plight of migrant labourers in Ahmedabad and decided to continuously monitor the executive's omissions and commissions.

However, on May 28, the Chief Justice of the High Court, Vikram Nath, in his capacity as the Master of the Roster, changed the composition of the bench hearing the PILs relating to the lockdown. As per his order, a new bench with himself as the presiding judge and Justice Pardiwala as the junior judge would hear the case. Many senior lawyers practising in the High Court wrote to the Chief Justice asking him to reverse his decision and retain the Pardiwala-Vora bench in the interest of continuity and efficiency until the matter was fully and finally disposed of. The Pardiwala-Vora bench had intervened in the Civil Hospital matter on the basis of anonymous letters sent to it by two whistle blowers. □

# A helping hand for U.S. big finance

The U.S. Fed's recent unprecedented actions are seen as averting a pandemic-triggered financial meltdown, but the real motive is perhaps to **dampen the external effects** of the real economy crisis on a financial system that did not learn its lessons from the Great Financial Crisis of 2008 and overlent. BY **C.P. CHANDRASEKHAR**

WHILE FORECASTERS GRAPPLE WITH predictions on the likely contraction in the world's leading economies, big finance, especially in the United States, seems to be prematurely preparing for its next celebration.

Recall that while the post-2008 Great Recession was precipitated by the financial collapse triggered by un-

bridled speculation in financial markets, the subsequent "recovery" from the crisis saved and rewarded finance but left the real economy limping and workers and the middle class poorer and often homeless. As the U.S. and the rest of the world got accustomed to a new normal of slower growth, financial companies returned to profit, speculative agents had their bonuses restored and the New York Stock Exchange experienced the longest bull run in its history.

Unlike that crisis, the current "greater" recession that the COVID-19 pandemic has precipitated did not originate in the financial sector. But as the real economy contracted, finance too suffered a blow, with the S&P 500 for U.S. stocks falling by almost a third to 2,237 over the month ending March 23. That was as it should be. With major companies experiencing a collapse in revenues and profits, stock prices had to retreat from the inexplicable heights they were ruling at before COVID-19 struck. The surprise element is what followed, with the S&P 500 rising from just above 2,200 on March 23 to almost 3,000 two months later. Participants in this market seem to have escaped the grip of a crisis that was only intensifying in the rest of the economy. The recent revival occurred in a period when production was at a near halt and unemployment soared in the U.S., leading to predictions of one of the worst economic contractions since the Great Depression.

Big heads outside the financial sector have rolled, with marquee names such as the fashion retailers Neiman Marcus and J. Crew and the car rental major Hertz filing for bankruptcy. Sensible observers have for long held that the stock market's performance is no indicator of a nation's economic health. But this degree of divergence between the financial and non-financial segments

of the economy seems to support the view that the nature of finance has changed so much that the fortunes of finance capital have been almost completely detached from the performance of the rest of the economy.

## SIMILAR TRAJECTORY

What is remarkable is the similarity of the recent performance of the U.S. stock market with that recorded after the 2008 global financial crisis. An analysis by Bloomberg and Morgan Stanley Research reported in the media found that, allowing for differences in absolute levels between two points in time separated by more than a decade, the rebound of the S&P 500 index from the bottom it touched in both those crises reflects a similar trajectory. It is almost as if the market has found itself an "automatic stabiliser" even when the real economy lacks one of similar effectiveness, despite all talk of stimulus spending in the U.S. and elsewhere in the developed world.

It is useful to examine the different reasons that have been advanced to explain the unusual recent performance of stock indices in the U.S. The first and the most favoured argument is that since the pandemic and the crisis that followed affected all countries and pulled down stock values, investors exited from markets worldwide, especially emerging markets, and sought safety in dollar-denominated assets, including U.S. stocks. With the dollar being the world's favoured reserve currency, the flight to safety to the U.S. of wealth-holder capital is to be expected.

What is not obvious is why that capital should find its way in uncertain times to the most volatile of instruments, namely stocks, as opposed to being parked in safe, especially government, securities.

An explanation offered for such "risky" behaviour is that the S&P 500 is really driven by a few large, especially so-called "tech", companies with considerable resilience. Some of them may have fared better in the lockdown period when online activity, including interaction through the Internet, streaming of entertainment content and e-commerce, surged. Given the boom in this niche, the platform majors and companies that can ride on digital connectivity may have been attractive destinations for investors rushing to the U.S., resulting in a spike in the values of stocks that influence the movement of the aggregate index. However, the available evidence suggests that the post-crash buoyancy in stock prices in U.S. markets is broad-based, even if not comprehensive in coverage. It is definitely not restricted to tech stocks alone.

For example, the Bloomberg-Morgan Stanley analysis found that the number of stocks trading above their 200-day moving average had risen significantly in the course of the recent market revival, which suggests that the revival was relatively broad-based.

While these explanations for stock market buoyancy seem inadequate, the timing of the reversal of the S&P 500's decline suggests a more convincing one. The index bottomed out and began its climb on March 23, that is, a

week after the Federal Reserve launched a series of unprecedented steps it claimed were needed to counter the COVID-19-induced economic crisis but which by all accounts was a panic response to the disruption in bond and equity markets. On Sunday March 15, the Fed's Open Market Committee (it met three days in advance of the scheduled date) decided to cut its policy rate, which influences the rate at which identified institutions can borrow, by a full percentage point to the 0-0.25 per cent range. Observers linked the Fed's decision to the 10 per cent fall in the value of U.S. stocks three days earlier. With the COVID-19 crisis only having begun, market expectations were that the U.S. would be the next developed market economy to experiment with negative interest rates.

## LIQUIDITY INFUSION

Along with the rate cut in mid March, the Fed announced a series of liquidity-enhancing measures, including the purchase of an additional \$700 billion of assets, enhancement of its repurchase operations where it lent against securities for short periods, institution of new dollar swap lines with foreign banks to address dollar-funding shortages in international jurisdictions that may trigger sales of dollar-denominated assets and disrupt financial markets, and a new credit facility that would help commercial banks to lend more to households and businesses.

While the Fed's actions were justified as a response to the economic crisis precipitated by the pandemic-induced sudden stop in economic activity, liquidity infusion in a time of crisis mainly helps financial institutions facing asset value and profit erosion. Access to zero-cost capital allows for positive and even significant returns from investment in assets that would not have been attractive enough in normal times. This helps companies stay afloat without resorting to distress sales of existing assets in a broken market. As the volume of such new investment rises, so does the market and the stock index independent of what the real economy signals about the likely profitability of the firms whose stocks are included in that index.

Having launched on this trajectory and seen its salutary effect on stock indices, the Fed decided that its initial intervention was not enough. On April 9, the Fed built on its earlier initiatives and announced an expansion and modification of its bond-buying programme (quantitative easing, or QE) aimed at infusing liquidity into the system.

To start with, it declared that there would be no limits on the volume of bonds it could buy in any single period, say a month. Second, it announced that it would no longer restrict itself to buying government (Treasury) bonds and government mortgage bonds and would accept corporate bonds as well.

Third, it said it would not restrict itself to buying only from the banking system whatever it does buy and was willing to buy bonds directly from corporates or from secondary markets in an effort to stabilise markets and



KEITH BEDFORD/REUTERS

**AT A PROTEST** against the U.S. Congress' proposed \$700 billion bailout of the financial industry, in New York on September 27, 2008.

support corporate financing. That was a major shift in policy for a central bank that normally mediates its intervention through the banking system that it regulates. Finally, it said it would not restrict itself to buying only safe government bonds or highly rated corporate bonds but would also take on low-rated or junk bonds as well.

This transformation of the permitted target of the Fed's purchase programme gave new meaning to its decision to lift any (self-imposed) limits on its bond buying. The Fed had declared that it was willing to keep pumping liquidity into the system even if that meant accumulating low-quality paper and putting its own balance sheet at risk.

With this much near-free money sloshing around and the promise to release even more to support the corporate sector and the financial system, it could only be expected that investors would set aside their fears and turn to stocks. Even if the promise of dividends is minimal given the effects of the COVID-19-induced crisis, hopes of a marginal appreciation in value will make easily acquired stocks an attractive target when the economy is collapsing all around. This seems to largely explain the paradoxical absence of any correspondence between the performance of the financial and non-financial sectors.

#### 'QE INFINITY'

The Fed's action did contribute to the 32 per cent rise in the U.S.' S&P 500 between its low on March 23 and its value on May 22, which wiped out the losses suffered over the month ending March 23. Yet it would be wrong to suggest that the Fed's unprecedented intervention, which has been labelled "QE infinity", was expressly aimed at reviving stock markets. Besides operating with the misplaced assessment that the availability of free money would be adequate to revive an economy damaged by a combination of a pre-COVID-19 slowdown and a COVID-19-induced sudden stop, the Fed was clearly addressing a weakness in the U.S. economy that had developed during the years of the Great Recession. That weakness is a sharp increase in corporate debt, including borrowing by already highly leveraged corporations, and in derivatives built with such debt as backing.

John Cassidy of *The New Yorker* reports that the total debt of non-financial corporations rose from \$6.1 trillion to \$10.1 trillion between the fourth quarters of 2009 and 2019. A chunk of this debt was high risk and low-rated debt, with leveraged loans or credit provided to already indebted companies whose issues are rated below investment grade rising from \$554 billion to \$1.2 trillion between 2007 and 2019. But the appetite for such debt rose as they were bundled into "collateralised loan obligations", or derivatives built by slicing and dicing these bundles to make some of the tranches eligible for AAA ratings. As in the case of the sub-prime mortgages, mortgage-backed securities and collateralised debt obligations that were accumulated before the 2008 crisis, this stash of risky corporate debt and debt-related paper exists on the assumption that default rates are likely to be low.

But COVID-19 has undermined such assumptions as indebted companies find they cannot produce any more and are unlikely to be able to return to normal levels of capacity utilisation in the foreseeable future, leaving them without the revenues needed to service their debt. As their debt payment commitments fall due, they will have to declare bankruptcy as Hertz has done or strip and sell off assets at low prices, setting off what could be a deflation in asset prices that drags the economy into severe recession.

What the Fed has done this time is offer to take some of this debt onto its own balance sheet, changing policy and buying directly from corporations that were considered investment grade before the current crisis, with the knowledge that any losses it may suffer can be managed by churning out extra dollars from the mint. It is not clear how far the Fed will go in this direction. As of now the beneficiaries of its largesse are the big players. *Financial Times* reports that investment grade U.S. companies borrowed a trillion dollars in the first five months of this year compared with \$540 billion in the corresponding period of 2019. Borrowing has exceeded \$200 billion in each of the three months ending May 2020, with big firms such as Boeing, Oracle and AT&T topping the table of debt issuers.

These firms, too, are affected adversely by the crisis and, in Boeing's case, much else. They are using the opportunity to build a low-cost stash (average yield 2.6 per cent) that can possibly help them get through the crisis and return to normal business when the crisis ends.

Thus, there are two ways in which the Fed's actions are seen as averting a pandemic-triggered financial meltdown. One is to infuse large volumes of low-cost money into the system, allowing investors thirsty for some profit in a period when the economy is tanking to remain active. That reverses the downturn in the stock market and leads to a complete lack of correspondence between trends in that market and the non-financial sectors of the economy.

But this seems to be the collateral effect of what is perhaps the real motive for the Fed's intervention, which is to dampen the external effects of the COVID-19-induced real economy crisis on a financial system that did not learn its lessons from the Great Financial Crisis and overlent. Those effects threaten to set off a wave of bankruptcies, financial insolvencies and another Great Recession or Depression. The Fed's cure for this weakness resulting from a speculative amassing of debt seems to be more debt.

Of these two consequences of the Fed's actions, stock market trends suggest that the Fed has done well on the first count. But there is as yet inadequate evidence that it can swing the second of its objectives, failing which even the first would fail. In any case, even if the Fed is successful here, it will have saved finance and financialised corporations but not businesses that must earn their revenues by selling their wares and people who need work to take home their wages and salaries. That too is a repeat of a story told not so long ago. □

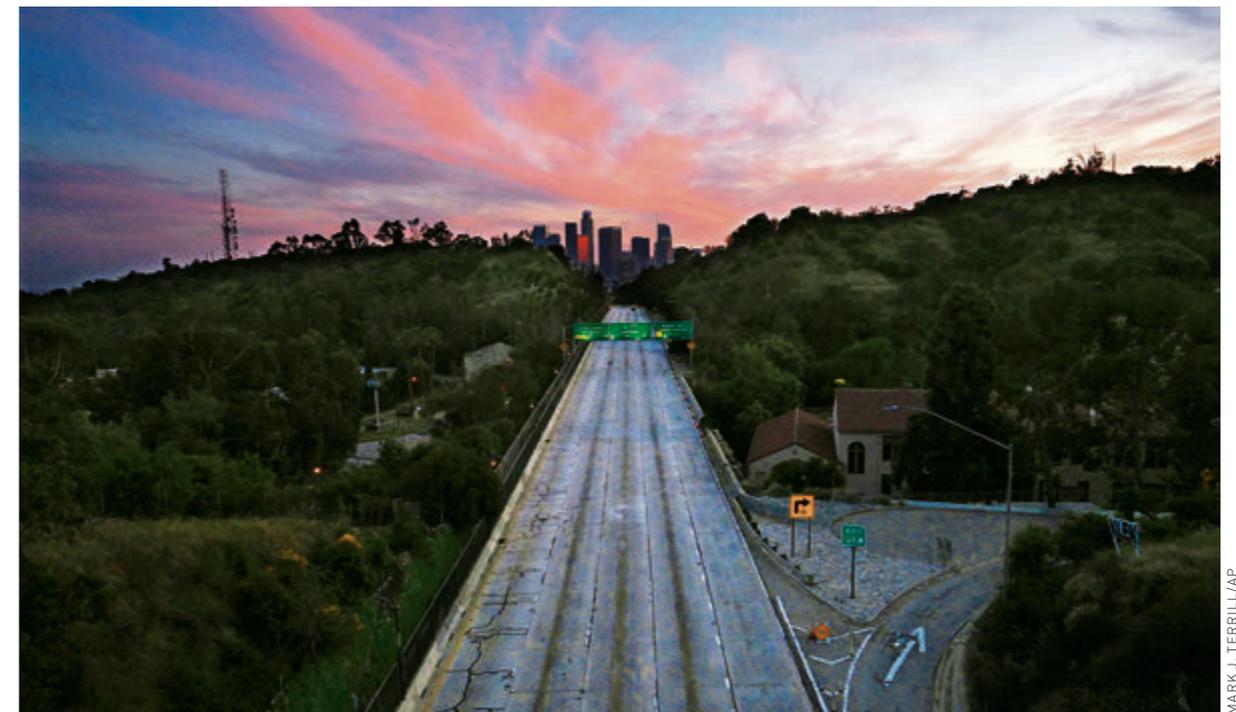
# Slowdown not the answer to clean air

Green warriors have triumphantly cited the improved air quality during the lockdown as evidence that the **battle against climate change** can be won by slowing down economic and industrial growth. A reality check reveals that this is a chimera. BY **ARAVINDHAN NAGARAJAN** AND **TEJAL KANITKAR**

A GLOBAL STUDY OF EMISSIONS PUBLISHED in *Nature* on May 19 estimated that daily global CO<sub>2</sub> emissions in early April this year were on average 17 per cent lower than in 2019. It attributed this decline to "government policies during the COVID-19 pandemic". An article by Lauri Myllyvirta and Sunil Dahiya that appeared on the website "CarbonBrief" on May 12 announced that for the first time in four decades India's annual CO<sub>2</sub> emissions declined, with a 1 per cent reduc-

tion in emissions in 2019-20. The authors attributed this to the ongoing economic slowdown, growth in the use of energy from renewable sources and, most significantly, the economic impact of COVID-19 towards the end of the fiscal year.

In India, the nationwide lockdown announced by the Prime Minister on March 24 halted productive activity across all sectors barring those providing "essential" goods and services. As the lockdown came into effect,



**THE EMPTY LANES** of a highway that leads to downtown Los Angeles, on April 26. During the pandemic, there has been a drastic reduction in the carbon dioxide emissions emanating from the surface transport and aviation sectors.

coal-based power generation in India dropped by over 26 per cent in a just a week, between March 19 and 26. The decline in the use of productive capacity naturally resulted in the reduction in the concentration of pollutants such as NO<sub>x</sub> (oxides of nitrogen) and particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>); these are mainly caused by surface transport and construction activity. Not surprisingly, the air quality index improved in several parts of the country. This improvement in environmental indicators in India and across the world has led to a resurgence in calls to rethink the emphasis on “growth” and to reduce industrial activity. In particular, the argument being made is as follows: positive outcomes such as the reduction of emissions amidst the pandemic show that we must learn from this crisis and alter our behaviour and patterns of consumption. Further, industrial activity has not only contributed to the health crisis but has proved incapable of resolving it. Therefore, as we move out of the current crisis, we need to move towards de-growth and deindustrialisation. This is our best strategy to deal with the impending crisis of climate change and the larger question of the environment.

A variant of this is seen in calls for “green fiscal packages” or a “green recovery” in a post-COVID world. The fiscal packages refer to subsidies for economic activity and bailouts for firms being made conditional on them reducing their fossil fuel consumption and/or compliance with sustainability standards. They also include proposals that seek to make lasting behavioural changes in work activity, including reduced use of transportation and encouraging work from home practices.

But before we get to these arguments, it is necessary to provide some context for the so-called environmental “benefits” accruing from the lockdown.

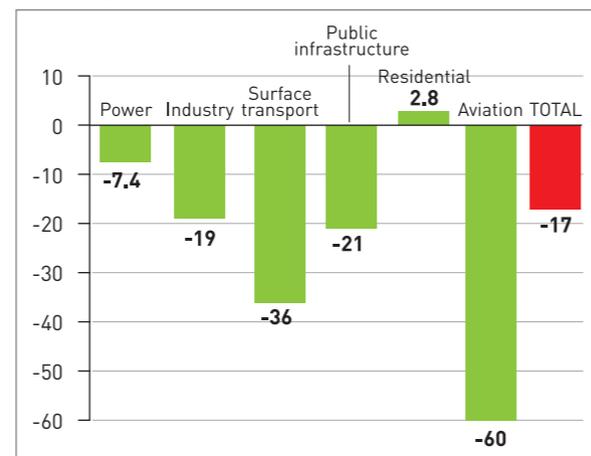
#### TEMPORARY DECLINE IN EMISSIONS

The global and local decline in emissions that are typically being spoken about in the context of COVID-19 are temporary declines in flows of CO<sub>2</sub> to the atmosphere. Figure 1 shows the estimates for the percentage change in global emissions across different sectors between April 7, 2019, and April 7, 2020. While there is a secular decline across all sectors (except residential consumption), there is a drastic reduction in emissions emanating from the surface transport and aviation sectors.

However, this reduction cannot be sustained as economic activity will eventually pick up; indeed, serious attempts to revive production are already under way in most parts of the world. More importantly, the temporary reduction of emissions does not drastically alter the total stock of CO<sub>2</sub> already present in the atmosphere, which is responsible for the increase in average global temperatures that is contributing to climate change. Figure 2 describes the relationship between emission rates, emission stock and available carbon space in the future.

The total cumulative global greenhouse gas (GHG) emissions between 1850 and 2017 (from productive activity only and not from land use change and forestry) are about 2,431 GtCO<sub>2</sub>eq (gigatonnes of CO<sub>2</sub> equivalent),

FIGURE 1  
**Impact of Covid-19 confinement policies on global emissions**  
(percentage change between April 7, 2019 and April 7, 2020)



Source: Le Quere, C., Jackson, R.B., Jones, M.W. et al. (2020): “Temporary reduction in daily global CO<sub>2</sub> emissions during the COVID-19 forced confinement”, *Nature Climate Change*. <https://doi.org/10.1038/s41558-020-0797-x>

with all countries together emitting about 46 GtCO<sub>2</sub>eq annually (2017 estimates). For the global temperature rise to be restricted to below 1.5 degrees Celsius as per the consensus of the Paris Agreement, there is approximately 480 GtCO<sub>2</sub>eq of carbon space left. At the current rate of emission and growth, the remaining carbon space will be exhausted in the next seven years. According to most estimates, the reduction in emissions that has accrued from the COVID-19 impact is about 5-6 per cent compared with last year. Even if we assume that global emissions actually decline by 6 per cent every year from now on, the carbon space for 1.5 degrees C will be exhausted by 2034. The numbers look less foreboding if we try to limit the temperature rise to below 2 degrees C instead of 1.5 degrees C, but the conclusion does not change materially. The reduction of emissions by curtailing economic activity will only deliver limited benefits in the long run. The challenge of restricting temperature increases in the future demands a material change in energy production systems. And, without science, that can only be a fantasy.

#### BEHAVIOURAL CHANGE AND RESTRUCTURING WORK PATTERNS

The first argument we address is the claim that changes in consumption behaviours enforced under a public health emergency could be the basis of a plan to deal with the upcoming climate emergency. For example, it has been suggested that the concept of work from home (WFH) is a win-win both economically and environmentally. It entails minimised commutes for employees, including air travel; reduced rental outlays for offices; reduced energy use at workplaces; and the reduction in consequent transportation emissions.

Figure 1 clearly shows that even with a dramatic halt in economic activity, as seen in the last couple of months, daily emissions reduced by a maximum of only 17 per cent compared with 2019. A whopping 83 per cent of the

emissions will continue to take place because of energy generation and use across sectors other than transportation. We still need to shift away from fossil fuel-based energy generation, which this type of behavioural change does not really address.

Despite all the hype, WFH practices can be adopted, if at all, by only a small section of the workforce in India even if cultivators and agricultural workers are excluded for obvious reasons. In the would-be smart cities of India, manufacturing activity and workers who sustain it have been relegated to the margins, and also to the margins of middle-class consciousness it seems. But it must be acknowledged that cities are also places where people produce physical commodities, and this is largely in the unorganised sector. Obviously, WFH does not apply to this sector. Even within the service sector, remote work is possible only in some cases. For example, sectors such as hospitality, banking, health care and social work, and education—which correspond to 7 per cent of our workforce—require the physical presence of employees to varying degrees.

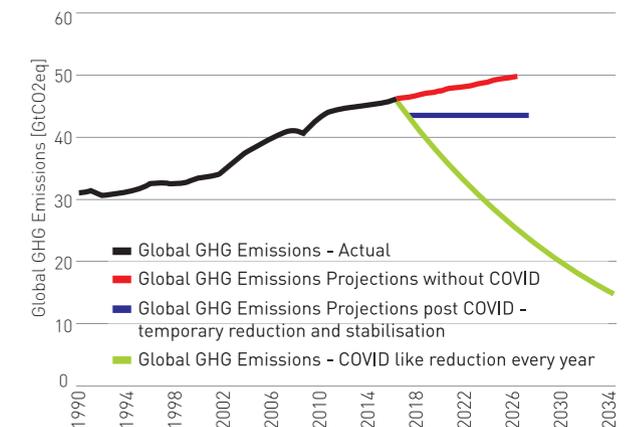
Further, WFH would be a hugely iniquitous approach given our infrastructural conditions and socio-economic realities. The National Family Health Survey (2015-16 Round) indicates that a little under half of India’s population still lives in houses made of non-permanent materials. Data from the 2014 National Sample Survey Office (NSSO) report on energy and domestic expenditure in India reveal that the average household consumption of electricity in India is just 90 kilowatt-hour, one-third of the global average. The 2017-18 NSSO report on education reveals that only one-fourth of all households have access to the Internet, including access via smartphones. And, we are not even getting into the enormous variation and inequality in access across caste, gender and regional divides. In most households, therefore, the possibility of working or studying from home is non-existent.

Indeed, those advocating these measures for countries such as India ought to first demand adequate and affordable conditions of housing and basic amenities for all. But to build these capacities and amenities, India would require more and not less industrial and manufacturing activity, which currently employs only about one-tenth of the workforce. India needs labour and energy to build housing, schools, hospitals, roads and other infrastructure; in fact, in all these areas India has a huge backlog to clear before it even addresses the needs of the future.

When arguments for equity in climate action are voiced at international fora, it is this aspect of lack of infrastructure in developing countries that they aim to address. India’s experience of the pandemic should show us how important it is to actually build such infrastructure. This is the context in which one ought to look at proposals for a “green” recovery.

It is almost a certainty now that the impact of COVID-19 and the measures taken to contain it will lead to a severe slowdown of the global economy; in fact, most

FIGURE 2  
**Emission trajectories that meet the 1.5°C temperature target**



Source: <https://www.pik-potsdam.de/paris-reality-check/primap-hist/>

accounts indicate a global recession in the offing. Governments all over the world have announced hefty fiscal packages to foster economic recovery that include measures such as direct transfers to the working population and bailouts for specific sectors.

However, many environmental think tanks and policy advocacy groups have also called for “green” conditionalities to be imposed on firms and industries that access these fiscal packages. For example, it has been argued that the automobile sector should get support only if it agrees to invest in electric vehicles and implement a concrete plan to phase out fossil fuel-based internal combustion engines. It has also been suggested that the power sector be supported only on the condition that it becomes greener in terms of resource and energy use. Similar sustainability conditions are sought to be applied to the manufacturing sector.

These suggestions are based on the assumption that a shift to greener production systems is affordable and easily achievable. Further, it also assumes that the failure to achieve this shift is on account of the inability of companies to think beyond their immediate profits. While these assumptions are partly true, they do not address the technical and economic constraints or the economic impact such a green shift would entail. In particular, they do not account for the conditions of production in developing countries such as India.

The supply chains of large manufacturing units comprise small enterprises, including those in the unorganised sector. For example, large automobile manufacturers depend on smaller units that supply nuts, bolts, gears, brakes, plates, batteries and a host of other components. However, the exact nature of this relationship is specific to the sector and to the product being produced.

Shifting from the production of internal combustion engine-based automobiles to battery-powered vehicles does not merely involve replacing one part in a vehicle with another. It requires a completely different approach to vehicle design. This, in turn, has a major impact on the

There is a need to go beyond temporary measures and to avoid making hasty announcements of victories for the environment.

manufacturing units supplying components that go into the new-generation automobiles. Even if an individual manufacturer were to sell a more sustainable final product, a bulk of this would need to be manufactured by small-scale units in the unorganised sector that may still be individually polluting. These supply chains also extend beyond local agglomerations to international supply chains.

Another example is that of power distribution companies in India, which are already in serious financial trouble because of existing green policies. In the last two months, these companies have been forced to absorb all the renewable energy generated despite a drastic fall in energy demand due to the nationwide lockdown. As a consequence, these companies have incurred a heavy cost by backing down cheaper thermal power generation plants. Solar energy, particularly from older solar plants, is expensive but no relief has been extended to distribution utilities even during a crisis as big as the ongoing one.

A transition to greener production is necessary, but it is difficult and will have a serious impact on labour even in the best of times. To force labour to bear this burden during one of the worst crises in decades would be grossly unfair. In fact, the glaring absence of consideration for the interests of workers and the unorganised sector in these “green” proposals leaves one in no doubt that the more vulnerable segments of the supply chain and workers will inevitably bear the extra burden of greening the economy.

### **DEINDUSTRIALISATION FOR THE ENVIRONMENT AND HEALTH**

The third argument is that industrialisation (and the consequent urbanisation) cannot be the way ahead for the future because it is a cause of both the health and climate crisis. It is further argued that industrial development will worsen the problem as it is incapable of providing a solution.

The scepticism regarding industrialisation ignores the fact that the world’s capacity to respond to a health or environmental crisis depends upon scientific and technological advances, which are in turn connected to productive economic and industrial activity. In fact, the solution to the health crisis can only emanate from advances in science and technology, the development of a vaccine or a drug, the capacity to manufacture ventilat-

ors and the rapid scaling up of modern health care infrastructure. Similarly, the world’s capacities to improve the environment, to address the danger of climatic change and to mitigate such crises are also dependent on scientific development. The processes of waste recovery, enhancing energy efficiency and recycling techniques, for example, develop because of industrial activity and not in spite of it. The argument against industrialisation also trivialises the hardship, drudgery and exploitation that are vestiges of the pre-industrial era. The limited scientific and industrial capabilities available in the past offered less, not more, protection from infectious diseases, which killed far more people than now. This drudgery still continues for many in India as it remains an industrially and technologically less developed nation.

Further, this argument also precludes the need to work towards a more just and equal society. COVID-19 has laid bare the utter inability of advanced capitalist countries to deal with a major health care crisis. Ironically, the same insurance-based frameworks that have been spectacular failures in the health care crisis are now being touted as the solution to address the environmental and climate crises. For example, insurance-based measures are being peddled as solutions to deal with the impacts of weather-variability on agriculture, and aggressive disinvestment of public utilities is being urged to draw in private investment to renewable energy. These are not direct parallels, of course, but if at all the pandemic is an opportunity, it is to critically re-evaluate the economic and political structures that have been promoted to address environmental sustainability.

Without this overhaul, the idea of reducing consumption ignores the fact that in an unequal world such strategies would put an unfair burden on the working poor. We ought not to forget that estimates of economic losses due to the COVID-19 crisis, expressed in terms of gross domestic product percentages, actually translate into lost lives, livelihoods, jobs, homes and aspirations. Those who were already experiencing precariousness are bearing the brunt of COVID-19.

The ongoing public health crisis offers important lessons on how to deal with the upheaval that climate change promises. First, there is a need to go beyond temporary measures and to avoid making hasty announcements of victories for the environment. Second, the state needs to respond quickly to protect the most vulnerable, especially the working poor.

Moreover, as the ongoing crisis has shown, direct resource transfers to rural and urban workers need to be complemented by support to manufacturing units and to ease supply chain bottlenecks so that they restart. But, in the longer run, people need to be assured of decent housing, incomes and health care support. These would be the first and a durable line of defence in dealing with the looming crisis that climate change poses. □

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# Lessons in the airlift from Kuwait

The evacuation of Indians from Kuwait and Iraq in 1990-91 by India, hailed as the **largest evacuation by air in history**, bears recounting in the context of the ongoing “Vande Bharat Mission”. BY **K.P. FABIAN**

THE 6TH CENTURY BC GREEK PHILOSOPHER Heraclitus rightly said that no man steps into the same river twice. There are two reasons. Neither the river nor the man is the same.

Therefore, it might not be historically sound to compare and contrast, point by point, the 1990-91 evacuation from Kuwait and Iraq and the ongoing exercise termed “Vande Bharat Mission”. Incidentally, it is noteworthy that although *The Guinness Book of Records* hailed the 1990-91 evacuation as the largest evacuation by air in history, the government of the day did not think of code-naming it. It is generally the military that resorts to code-naming. We in India speak of conducting a war against COVID-19 with a commander-in-chief leading us. Have we become more militaristic in our thinking? If so, why?

Since the general public, especially the younger generation which was in school then, wants to know of the highlights of the 1990-91 exercise, let us start with a backgrounder.

## IRAQ'S INVASION OF KUWAIT

On August 2, 1990, Iraq's President Saddam Hussein decided unwisely to have a picnic in Kuwait. He sent in his army into Kuwait, committing an act of blatant aggression; his hope was that he would get some concession for the Palestinian cause so that he could withdraw from Kuwait and divert attention from the serious economic difficulties the Iraqis were suffering from. He was encouraged by Washington to believe that he could send in his army and get away with it. The United States Ambassador April Glaspie called on Saddam Hussein on July 25 and told him that she had instructions to deepen and broaden relations between her country and Iraq; further, she added pointedly that Washington was not taking any side in “intra-Arab disputes”. This was said when about 30,000 Iraqi troops were at the border with Kuwait.

Little did Saddam Hussein know that in Tampa, Florida, the head of the U.S. Central Command was



THE HINDU ARCHIVES

**SEPTEMBER 1990:** External Affairs Minister I.K. Gujral along with some Indians arriving in New Delhi from Kuwait by a special IAF aircraft.

conducting a simulation of an Iraqi invasion of Kuwait. General H. Norman Schwarzkopf in Tampa had realised when he took over the command in early 1990 that the war doctrine of the Command needed to change from fighting a Soviet invasion of the oil-rich Gulf to an Iraqi invasion of Kuwait. He succeeded in getting the change effected and in early 1990, months before the actual invasion, he went to the Gulf to “sensitise” Kuwait and the rest of the Gulf Cooperation Council (GCC) of a likely invasion from Iraq.

Schwarzkopf was looking at two sets of messages on August 2, 1990: one set from the real world and the other from the simulation. To his consternation, he found the two sets of messages to be almost identical. A furious

Schwarzkopf ordered his staff to keep the two trays as far away from each other as possible and to write "THE REAL WORLD" and "SIMULATION" in big letters on the trays. In short, Washington wanted Saddam Hussein to invade Kuwait and encouraged him to do so. The ulterior motive was that such an invasion would give the Pentagon a chance to have a base in the Gulf, starting with the Kingdom of Saudi Arabia.

There was one more compelling reason. With the Mikhail Gorbachev-inspired detente and the collapse of the ruinous and utterly unnecessary Cold War, the military-industrial complex badly wanted another war. Saddam Hussein unwittingly obliged the Pentagon, uncomfortable with the pressure to cut down on funds allocated to it.

We in the Ministry of External Affairs decided that if our efforts to find a peaceful negotiated resolution did not work, the Indian community in Kuwait/Iraq would need to be evacuated. Foreign Minister I.K. Gujral went to Washington to meet with his U.S. counterpart James Baker to persuade him to seek a negotiated withdrawal of Iraqi forces from Kuwait. Baker was not persuaded and Gujral concluded that there would be a war sooner or later, and hence it was necessary to evacuate the 1,76,000 Indian nationals from Kuwait/Iraq. It is important to emphasise that Gujral's first preference was to resolve the dispute diplomatically, in which case the Indian community would be safe. The foreign policy was made in the Ministry of External Affairs, with hardly any interference from the Prime Minister's Office (PMO), which was kept briefed all the time.

Coming to the administrative background, we formed a Cabinet Sub-Committee chaired by Gujral where all the relevant Ministries were represented. Minister of Surface Transport K.P. Unnikrishnan found a brilliant solution so that Air India's normal operations were not adversely affected. There was a fleet of A-320 aircraft grounded following an accident in Bangalore in the wake of allegations, not supported by evidence, that there was something wrong with the purchase deal. Of course, it was patently absurd to ground a whole fleet. Unnikrishnan took the lead and the Cabinet lifted the ban on using the A-320s.

As for the question of charging fare from the passengers, the Ministry of External Affairs took the position that it was the responsibility of the Indian government to repatriate to India any citizen abroad finding herself or himself in a difficult situation and there was no question of charging. As Joint Secretary (Gulf), I was not even asked to provide an approximate estimate of the expenditure involved. The Sub-Committee approved the proposal of the External Affairs Ministry. There was no need for the Ministry to sign a commercial contract with Air India. After the operation was over, Air India's bill was paid after due scrutiny. The PMO hardly interfered.

I need to recall the late K.T.B. Menon, the richest Indian in Kuwait, and probably the Gulf, who called me from London on August 2, 1990. He was due to take the flight to Kuwait the previous night but had postponed his



**AT KARIPUR** airport, Kozhikode. These passengers arrived by a special Air India flight from Riyadh on May 8, 2020 as part of the Vande Bharat mission.

return. He told me to arrange for the repatriation of every Indian in Kuwait/Iraq by air, sea, or any other means; he would reimburse to the Indian government the entire amount without asking any question. I thanked him and said that I was recording a note; it was my view that the government should bear the expenditure, but I would not hesitate to avail of his noble offer.

There is a reason for my mentioning all this. The constitution of a Cabinet Sub-Committee chaired by Minister of External Affairs would have been useful.

#### FLIGHTS

I am not suggesting that all Indians wanting to come back should not be charged the fare. Those who can afford it should pay. Even there, those who held Air India tickets for cancelled flights should not be charged as a matter of equity. It is reported that Air India would attend to the reimbursement for such tickets later. Incidentally, by charging fare for all passengers, India has failed to recognise an elementary rule in civil aviation. If fare is paid, it is a commercial flight and why should Air India alone operate? In May, Qatar refused permission for an Air India flight on this ground. Permission was restored, but the issue is not yet fully resolved.

There is another matter here the public might be unaware of. About 60,000 foreigners were flown out of India after the lockdown was imposed. The incoming

flights were empty. The sending countries asked the Indian government whether they could bring in Indians. Delhi did not agree, saying that during the lockdown not even Indians should come in. This was an unnecessarily rigid stand. India could have told the sending countries that there was need for time to prepare the States to receive the citizens; they would have to be medically screened and quarantined. A schedule could have been worked out so that 60,000 Indians could have come in a time frame convenient to us. As a matter of fact, the foreigners had to pay higher fares as the incoming flights were empty.

Another matter is that at one point of time, Kuwait and the United Arab Emirates (UAE) had offered to fly out foreigners, including Indians, at their (Kuwait's and UAE's) expense. That offer deserved serious consideration. Kuwait has reportedly renewed the offer.

The key point is that the constitution of a Cabinet Sub-Committee would have facilitated action in such matters. In 1990-91, the whole government worked friction-less. In the morning the Air India Manager, Charles Manuel, would call me and give the number of passengers for the next day. I would make a call to Civil Aviation Secretary A.V. Ganesan, and I never had to check again. It worked like a clock.

Recently, a dead person's body was sent from the UAE after the Indian Embassy there had complied with the procedure. The New Delhi airport refused, and the body was sent back. Later, it was sent back to New Delhi. Obviously, the Home Ministry and the Civil Aviation Ministry had failed to act. The two Ministries should

have put Joint Secretaries on a roster of 24/7 to deal with cases. When the body reached the Delhi airport, a phone call to either of the Joint Secretaries should have settled the matter.

There is an important difference between the 1990-91 operation and the current one. Then we knew the maximum number of people to be brought in. Now, we do not know. Saudi Arabia recently permitted the termination of job contracts and also cutting of salaries by 40 per cent.

The crashing oil prices, partly because of fall in demand owing to COVID-19 and even more importantly because of lack of unity among exporters, will radically change the GCC economies. The need for foreign labour will come down sharply, at least for the time being. Hence, the numbers will go up substantially, with the consequential impact on India's economy.

Four suggestions are put forward, looking at the evolving situation holistically:

1) India will have to arrange for free evacuation flights and share the commercial traffic with the Gulf airlines. It will be prudent to act before one is compelled.

2) Workers who have not been paid for a few months cannot pay for the fare. There are two ways of finding the money. Let the community raise money from the richer members. The shortfall can be met from the PM Cares Fund.

3) The Embassies in the Gulf do not give a registration number when an application is received for an Air India ticket. This is not in order.

4) In Doha, members of the Indian community are in the team of the Embassy that shortlists passengers. This practice should be adopted in the rest of the GCC and elsewhere too.

There has been much talk of less government and more governance. India sadly lacks good governance. The much bruited-about virtual meeting of Prime Minister Narendra Modi with the Chief Ministers is good, optically. But it is no substitute for structured interaction between the State Chief Secretary and the Union Cabinet Secretary. Ideally, the State Chief Secretary should send a note and when the virtual meeting takes place, other secretaries should also be present on both sides.

Had a Cabinet note been prepared before the lockdown was abruptly announced in March, we would have been better off. Such a note would have stipulated the notice to be given, actions to be taken before and after the announcement, including how the vulnerable sections such as the inter-State migrant labour would be taken care of. Even the easing of the lockdown by steps would have been thought of and discussed with the stakeholders. The Rules of Business of Government of India require a Cabinet note for major decisions.

The unfolding tragedy, with no end in sight, of the millions of inter-State migrants makes us wonder how the India of Gautama Buddha, Mahatma Gandhi, and Mother Teresa can be so cruel. □

*Ambassador K.P. Fabian was the focal point for the evacuation of Indians from Kuwait in 1990.*

# 'Not looking and not finding are not the same'

Interview with **Prof. T. Jacob John**, virologist. BY **T.K. RAJALAKSHMI**

"THE PROLETARIAT WAS AS MUCH IN NEED OF protection from the epidemic as the well-to-do—for a contagious infection, such distinction is not good public health either, because humans, rich or poor, are the breeding medium of the microbe."

The efficacy of the long nationwide lockdown aimed at controlling the spread of COVID-19 is now being questioned by several experts, given the spike in the number of infections reported on a daily basis. The differential impact of the lockdown on people has also raised questions on planning or the lack of it and the scientific opinion that informed the decision.

Professor T. Jacob John, former Head of the Departments of Clinical Virology and Microbiology at Christian Medical College, Vellore, is credited with establishing India's first diagnostic virology laboratory and conducting pioneering research in infectious diseases, vaccinology, clinical virology and epidemiology. He is also well-known for his model of polio control in Vellore and North Arcot district, which became the forerunner of global polio eradication. A strong advocate for increased expenditure on public health, he says the lockdown should have been designed, planned and communicated better, and implemented only after the adverse effects were enumerated and steps undertaken towards mitigation. According to him, what happened in India is an example of how lockdowns should not be implemented. Excerpts from an interview he gave *Frontline*:

## **We are into the fifth phase of the nationwide lockdown with some relaxations even though there is little respite from the virus. Was this anticipated?**

The objective of the lockdown on March 25 was, presumably, to slow down the epidemic. Victory in 18 days was implied while declaring lockdown. At the end of the lockdown, the epidemic had grown some 20-21 times in as many days, showing clearly that the objective had not been achieved.

The lockdown was extended repeatedly, but at no time was the rationale for either the lockdown or its extensions shared with the public. The expected result, likewise, was never shared. Without a clear understanding of what the reason was, people behaved as people



C. VENKA TACHALAPATHY

do—obey the rule, but break it whenever necessary or possible.

Behaviour modification requires people to be informed why it is in their interest and that of their families. My conclusion is that there was some degree of consternation as the lockdown was not effective, hence some response had to be designed. Extension did that—it was tacit justification that the lockdown was needed in the first place and assertion that it would be effective if the duration was extended.

The obvious [solution], that is, to change your strategy if the battle is not going in your favour, was not realised or accepted. Another obvious response—how shall we make it more effective during extension?—was also not asked, answered. Lockdown did not result in physical distancing between the asymptomatic infected and the uninfected—the virus cannot spread if physical distancing actually happened.

**Have there been any clear and known criteria that have**

**decided the timing and extent of restrictions and their easing?**

I do not know because communications from the leadership are not reaching ordinary people. Setting criteria would have been a good idea—that would have allowed some breathing time between declaration of the need for lockdown and its actual implementation.

**Do you think that the relaxation of the lockdown and allowing domestic flights caused another round of increases in the cases, as was seen in Kerala, where the number of recovered cases was higher than the number of active cases for most of April and May?**

That depends on what the government considers as essential services to be allowed when non-essential services and activities are prohibited, or whatever services and activities are desired as essential. We know how to prevent or minimise transmission of the virus since we do know how the virus is transmitted between people—and that is by respiratory and oral droplets. Those who are healthy and not with any COVID-19 symptoms (mainly fever, cough) could work for essential services, taking all precautions of transmission, since anyone could be infected and be without symptoms too. Once we know that we take precautions, the probability of transmission will be near zero. So, any service you want to be reactivated, you could, using knowledge of how the virus spreads and what the precautions are. "Recovered cases" is mostly used to refer not to "cases" but to "infected persons"—minus those who have died and those who continue to be infected. That statistic is not useful to epidemiologists. It is a dynamic number, changing every day. Once you understand that "infection" and "disease" are distinct, better stick to disease as "case" but "infection" for the non-diseased. In infectious diseases, we don't call an infected person a case, [in the context of] HIV infection and AIDS, for an example. Actually, "recovery rate" is "cases minus deaths" as percentage. So, that must be in the 90s since mortality is only 10 per cent or less. "Active infections" indicate the duration of infection—when tested negative, one is no longer "active".

**Coming to the logic of the lockdown itself, as a virologist, do you think this was the only alternative we had?**

Knowing that transmission is (1) during social contacts and (2) via droplets, there are two mitigators: (1) social distancing and (2) prevent shedding—exit and entry or inhalation of droplets.

Social distancing is the American term for what I describe as "physical distancing while remaining socially connected". If you want both physical distancing and social disconnection, then lockdown is the way—it is drastic, destructive of normal life, economic activities, and so on. It is "inhuman" as we are "social animals". Other countries that have used lockdown had taught people the rules of the game and the reasons of the rituals. Not so in India.

Additionally, in countries in which population dens-

ity is high, lockdown cannot be efficient. India had such problems, knowing which the lockdown should have been well designed, well planned, well communicated, adverse effects enumerated and mitigation steps taken, and then and then only implemented. If these are not done, what happened in India tells us how lockdowns should not be implemented. For example, migrant labour became "vectors" of virus, with the exact opposite effect of slowing down of the epidemic, as they were allowed to travel back after they got infected as late as mid May or even later.

If lockdown didn't produce the result you wanted, don't blame the concept of lockdown but the manner in which it was implemented. In slums no lockdown will be effective.

But one lockdown, done well, would have given some time to plan for the post-lockdown period. That was not apparently done either.

Coming to an alternative: knowing droplet infection as the major mode, wearing cloth masks, by both the "unknowingly" infected, blocking broadcast of droplets, and the uninfected, blocking droplet inhalation, is a very effective method to minimise transmission. Plus hand hygiene to prevent virus transmission by fingers, mostly to the eyes.

Above all, thinking and designing ought to be done before implementation (or starting a battle) and not after you find the battle is not going in your favour.

**Lockdowns in other parts of the world were accompanied with matching efforts at health outreach and economic sustenance measures. Does the "stay at home" approach work in the absence of such measures in controlling the spread of a virus? Would it be fair to say, for instance, that migrant workers in India became more susceptible to the infection and eventually also became the source of its spread because the lockdown was not accompanied by complementary measures addressing mass unemployment and already poor living conditions?**

The question already contains the answer. In bureaucratising infection control, touch with the reality of the nation and its people was lost or ignored. For a democratic government that is not something that can easily be condoned. When class distinction is built in in a government action, something very disturbing distorts the very core principles of democracy.

The proletariat was as much in need of protection from the epidemic as the well-to-do. For a contagious infection, such distinction is not good public health either, because humans, rich or poor, are the breeding medium of the microbe. If you allow infection in the latter, the former will become the victims sooner or later. Equity is the synonym of public health.

**According to the available evidence, China was able to mainly contain the epidemic in Wuhan and Hubei province, while the rest of the country saw relatively very few cases and deaths. Many other East Asian**

countries also appear to have been successful in keeping the numbers low. How does one explain this if one believes that a virus cannot be controlled artificially barring the administration of a vaccine, which is still not available?

My hunch is that China had the epidemic from October 2019, but missed most of the disease and deaths. For a minute, imagine India today with the coronavirus infection epidemic that was not known to the government. Do you think that this “new” infection would have been recognised and “registered” in the health management system?

If you don’t diagnose all diseases or count all deaths with causes of deaths, it would be easy to miss the whole epidemic. Do you know that India has tested less than 0.1 per cent of the population? Imagine what may be going on among the 99.9 per cent of the population. What the mind does not already know, the eyes seldom see.

No country is spared by this democratic epidemic. Others are asking how with 1,380 million people, India has only less than 200,000 infections. Do they know the reality? Do we know it either?

Hubei province and Wuhan were the last affected. When the epidemic ended in Wuhan, it ended in China; Wuhan was not its debut, but the finale. Epidemics are biomedical problems for biomedical experts to design responses and also administrative/governance problems because many people with pneumonia will require hospitalisation and the healthcare system could be overwhelmed and healthcare workers will get infected. So, not looking and not finding are not one and the same.

**Different countries have applied different approaches, from no lockdown in Sweden to complete lockdown in India and New Zealand, partial lockdown in the U.S, the United Kingdom, Brazil, South Korea, Singapore. There are wide variations in outcomes too. In India, too, there are wide variations across States even though the same strategy has been applied. Is it possible to have a uniform approach while dealing with a virus? Do demography and economic factors play a role in this?**

This is where the importance of “self-reliance” comes in. India began imitating and not making India-specific strategy, tactics, logistics. For example, this epidemic was not simply one epidemic nationally, but innumerable small outbreaks starting asynchronously in time and space like the forest fires in Australia, eventually all of them merging with each other.

But the lockdown was synchronous, fitting all stages at once, including Bihar and Odisha, for example, with very low infections. The lockdown’s migrant labour fiasco actually took the forest fire to all of northern-eastern region of India, Odisha onwards. One national lockdown was simple to promulgate instead of designing State by State interventions. That would have been more complex to design. But did convenience get the upper hand when scientific rigour was needed?

Please do not misunderstand: the virus had to reach everywhere, no escape as this is transmitted by (1) social



**PEOPLE LINE UP** to be tested for the coronavirus at a large factory in Wuhan, China, on May 15. Wuhan has tested nearly 10 million people for the new coronavirus in an unprecedented 19-day campaign to check an entire city.

contact and (2) via droplets. When humans behave like humans, virus transmits. We can control its speed and its mortality. These are in our hands.

It is truly a “democratic infection”. All are equal to the virus. Only disease severity varies according to the vulnerability factors well known to everybody. Mortality is, to a certain extent, in our hands too. The speed of spread, likewise, can be interfered with.

Strategy planning and revising strategy when the battlefield behaves unexpectedly is “self-reliance”. For us, self-reliance is a good slogan but we don’t seem to have or perceive self-assuredness or self-confidence to act in a self-reliant fashion.

**Do the incremental epidemic control benefits from imposing restrictions on activities remain the same as the level of restrictions are increased, or do they tend to increase or decrease beyond a certain threshold level? Or, is the evidence available so far inadequate to derive any conclusion on this?**

On the other hand “hit early, hit hard” was a good idea, but thereafter leaders should have known how to gradually reopen social activities. Incremental hitting should not be used against a virus that spreads like the flu of 2009-2010. Incremental relaxation is the right way.

We were reminded of the Kurukshetra battle that was over in 18 days. That reminds me of Abhimanyu and the

chakravayuha: launching was easy but getting out unscathed was the problem. In any battle, one must know the enemy well, and also your weapons well.

**As we move to easing of restrictions, what is the implication of this for a decline in the number of active cases? Will it remain the same or will it be delayed further? What are the factors that will result in any such decline?**

We must expect that after the peak, expected in July-August, the epidemic will slowly decline and then become “endemic” and probably seasonal. This is the most likely natural course of this pandemic. Since we do not have functional real-time disease surveillance, we will be flying blind for a while.

**Is the sentinel surveillance of Severe Acute Respiratory Infections (SARI) adequate? What more should be done, in the long and short terms? There are experts, including some heads of state, who have been talking about more expenditure on public health.**

It depends on what the objective is. If you want to know if the virus has reached a particular town, SARI is a good way to begin. When one case is diagnosed as COVID-19, you know the virus has reached that town. The purpose of “sentinel surveillance” is achieved. Then what? Ask the question: why did you ask if the virus has reached this town? The plan of action should have been ready before you looked.

Influenza and COVID are two distinct disease classifications. Each has its own diagnostic criteria. All doctors should have been taught from very early all about dia-

gnosing COVID, mild, moderate and severe. No one had learned this infection/disease in medical college. One of the earliest functions of the Ministries of Health should have been to educate the medical profession all about this new infection and disease. All doctors are registered in the Medical Council, all are known in the registries. Leaving COVID-specific learning to chance or to personal devices was not a good idea. Lives have been lost because of it.

In any serious-minded country, the health management system (using scientific medicine) has three components. First and foremost is public health. Prevent all diseases that can be prevented. Second is healthcare. Treat all that were not prevented. Our healthcare centres are cluttered with preventable but unprevented diseases. That is the problem of having no public health; but that helps reduce the need for a large health management budget. Third is research. Every medical college must learn how to and teach how to, and actually conduct relevant and problem-solving research. Self-reliance demands no less.

All these, if taken seriously, for the sake of self-interest and self-reliance, will cost at least 5 per cent of GDP in normal years. If you spend only less than 2 per cent, that means the system is not robust enough to use additional funds. It is a chicken-or-egg situation. More money, without the infrastructure to absorb and utilise efficiently and effectively, will not succeed. The infrastructure will not grow and develop without extra funds.

**Viruses, it is said, are here to stay and pandemics will occur in the future. Can lockdowns be a solution to pandemics of this proportion?**

We had, in 2009, the H1N1 flu pandemic; in 2002, the Chikungunya pandemic; in 1986 the HIV/AIDS pandemic, in 1968 and 1957 flu pandemics (H3N2 and H2N2). All lessons learned in the past were forgotten in the fear and panic of this coronavirus pandemic.

That is the fallout from the worldwide web. Fear was instilled in us before we got to engage the enemy. Pseudoscience was used to predict that India would not be affected like all those foreign countries were affected. Secretly, anxiety and fear made us make decisions without war-room planning. Instant experts replaced available national resource of wisdom and expertise.

We got the frightening news and saw others doing various things, but we did not make cold, calculated, wise decisions. Communications ranged from trivialising the problem by messaging to demonising it through lockdown.

Lost in between were truthful information, science and social mobilisation for which India was the leader in 1986 when HIV/AIDS was confronted. Its legacy is still seen in all educational institutions as the “Red Ribbon Clubs”. Interventions against COVID-19 were “administrative” and “political” more than “public health”. Top leaders learned what they wanted, not what they needed. Let us hope there will not be a similar pandemic ever hereafter. □

# Crushing the right to dissent

Civil society organisations express **solidarity with JNU women students** arrested under the UAPA in connection with the February violence in North East Delhi and demand their immediate release. BY **DIVYA TRIVEDI**

MAHAVIR NARWAL WAS THE EPITOME OF stoicism as he waited to deposit the surety amount for his daughter's bail at the Karkardooma Court premises in Delhi. He was hoping to complete the formalities and reach the Patiala House Court in another part of the city to catch a glimpse of his 32-year-old daughter Natasha Narwal when she was produced before the duty Magistrate via videoconferencing.

Mahavir Narwal's frail frame belied his strength of character, which he was confident he had passed on to his children. A senior scientist in Haryana Agricultural University, Hisar, he had had his share of public life before retirement. "I am very proud of Natasha. I know that the charges [of murder and conspiracy] against her are baseless. Whenever this ends, she will emerge stronger. She will chart her own path and I will always be there for her," he told *Frontline*.

She and her friend Devangana Kalita, both students of Jawaharlal Nehru University (JNU) and founding members of the feminist collective Pinjra Tod, were arrested on May 23 in connection with the February violence in North East Delhi. In Rohtak, the Students Federation of India (SFI), the Sarv Karmachari Sangh, the All India Democratic Women's Association (AIDWA), the Centre of Indian Trade Unions (CITU), the Kisan Sabha, Nagrik Manch and Abhibhavak Sangh demanded their release. They have sent a memorandum to the President demanding the dropping of charges under the Unlawful Activities (Prevention) Act (UAPA) against Natasha Narwal and the release of the young women immediately.

"We hope there will be a positive response to our letter," said AIDWA's Jagmati Sangwan, adding that the charges were "entirely false, baseless and concocted. Pinjra Tod was peacefully protesting against Citizenship Amendment Act [CAA] and the National Register of Citizens [NRC]. There is absolutely no basis for charging

them under stringent laws." After meeting them outside Mandoli Jail, she said, "Despite the odds stacked against them, the girls are in high spirits. Seeing their firm resolve and strength, I feel energised."

Similar sentiments emerged for Devangana Kalita from Assam, her home State. Former Chief Minister Tarun Gogoi wrote to Union Home Minister Amit Shah, requesting the immediate release of the girls. He said that the students had not committed any offence, that they had participated in a peaceful agitation and had not engaged in or incited any violence.

He said the Constitution gave everybody the right to expression, and the students had merely exercised their fundamental right. "You know yourself that agitations are going on all over the country against the CAA, which violates the Constitution and the Assam Accord.... This is nothing but political vendetta and an attempt to suppress fundamental rights," he said.

The Leader of the Opposition in the Assam Assembly, Debabrata Saikia, said, "Once Chief Minister Sarbananda Sonowal was a student leader in Assam and had participated in many students movements but now he is mum on the arrest of the Assam girl. I request him to intervene and take immediate steps for the release of the girls."

Before their arrest the two girls faced a three-hour-long interrogation by the Delhi Police's Special Cell at their homes. Their laptops and phones were seized. The two joined a growing list of girls who have been arrested in connection with the February violence. Gulfisha, an MBA student, has been behind bars since April 9 on charges of sedition, and a pregnant Safoora Zargar, member of the Jamia Coordination Committee, has been in Tihar jail for the past one and a half months. Former Congress municipal councillor Ishrat Jahan, who was charged under the UAPA, was granted bail for 10 days to get married on June 12.

Pinjra Tod was part of the sit-in protest held against the CAA/NRC under the Jafrabad metro station flyover. The protesters were divided as to whether a road block was a good idea in that part of the city. But since the local women wanted to stage a sit-in, Pinjra Tod went ahead disregarding the voices of caution. At least three other sit-in protests were going on in North East Delhi for a few months.

The two Pinjra Tod girls were arrested following the first information report (FIR 48/20) registered by the Jafrabad police on February 24. The previous day BJP leader Kapil Mishra had threatened to have the protesters cleared if the police did not act. The girls were charged under the Indian Penal Code (IPC) Sections 186 (obstructing public servant in discharge of public functions), 341 (wrongful restraint), and 353 (assault or criminal force to deter public servant from discharge of his duty), besides Sections 147, 188, 283 and 34.

On May 24, the Duty Metropolitan Magistrate Ajeet Narayan granted them bail after a special hearing at Mandoli Jail. He observed that *prima facie*, the offence under Section 353 (the only section for non-bailable offence in that FIR) was not maintainable.

"Facts of the case reveal that the accused were merely protesting against the NRC and the CAA and the accused did not indulge in any violence. Also, the accused have strong roots in society and they are well educated. Accused are ready to cooperate with the police regarding the investigation," he said.

Taking the pandemic situation into consideration, he denied police custody. But on hearing his oral observation, the Special Investigation Team of the Crime Branch immediately produced a second FIR (50/2020, dated February 26) with much more serious offences, namely, Sections 302 (murder), 332, 307 (attempt to murder), 427, 120 B (criminal conspiracy), 188 of the IPC, besides Sections 25, 27 of the Arms Act, 1959, and Sections 3, 4 of

the Prevention of Damage to Public Property Act (PDPPA), 1984.

The Crime Branch sought 14 days' custody on the basis of the second FIR. Advocates Adit Pujari, Tusharika Mattoo and Kunal Negi opposed the custody application stating that their clients had been implicated in the second FIR in a "mala fide" manner. Finally, custody of two days was granted, which was extended on May 26. Thereafter, they were kept in Tihar Jail under judicial custody. In addition to this, Natasha Narwal was charged under the UAPA and Devangana Kalita had a third FIR registered against her in the Daryaganj police station, in which she got bail.

The multiple cases filed against the accused in order to obstruct their release on bail followed the pattern of some of the other cases relating to the North East Delhi violence. When Safoora Zargar was granted bail in the Jafrabad protest case, she was re-arrested in a riot-conspiracy case. At her bail hearing, when the judge pointed to a lack of clarity about her exact role, she was charged under the UAPA.

When the Additional Sessions Judge (ASJ), Shahdara, granted Ishrat Jahan bail on March 21, another FIR was registered against her the same day under various provisions of the IPC, the UAPA, the Arms Act and the PDPPA.

It was only later that ASJ Dharmender Rana of the Patiala House Court granted her interim bail on her plea, which said: "She was merely a supporter of the ongoing peaceful protests and had been falsely implicated in the said case. She had the fundamental right to dissent against any unreasonable measure of the government under Article 19(1)(a) and (1)(b) of the Constitution."

A similar pattern was seen in the case of the Popular Front of India members Parvez Alam, Mohd Ilyas and Mohd Danish. Metropolitan Magistrate Prabh Deep Kaur granted them bail and pulled up the Investigating



**A PROTEST** outside Jamia Millia Islamia against the Citizenship (Amendment Act) in New Delhi on January 1.

# Tale of two reports

TWO non-governmental organisations (NGOs), Call for Justice and Group of Intellectuals and Academicians (GIA) led by the advocate Monika Arora, have submitted fact-finding reports to the Union government on the violence that took place in North-East Delhi in February. Call for Justice submitted its report on May 29 to Home Minister Amit Shah at his residence, while the GIA submitted its report titled “Shaheen Bagh Model in North-East Delhi: From Dharna to Danga” in early March to Minister of State for Home Affairs G. Kishen Reddy.

When protests against the Citizenship Amendment Act (CAA) started gathering momentum in December 2019, some media channels began using terms such as dharna (protest) and danga (riot) in their reports preparing the ground for targeting certain individuals. A lawyer who has been following the developments closely said: “In one such programme, prominent civil society leaders such as Harsh Mander and Prof Apoorvanand of Delhi University, though he was not named, were targeted. This is clearly a Bhima Koregaon model where an anchor accused advocate Sudha Bharadwaj on air and the next thing we know is that she was arrested.”

In early March, Mander, along with other activists, approached the Supreme Court with a petition seeking to register a first information report (FIR) against Bharatiya Janata Party (BJP) leaders Kapil Mishra, Parvesh Verma, Anurag Thakur and Abhay Verma for their alleged hate speeches in the days preceding the violence in North East Delhi. Instead of addressing the BJP leaders’ hate speeches, Solicitor General Tushar Mehta read out excerpts from a speech made by Mander at Jamia Millia Islamia in December and accused him of inciting violence. Chief Justice of India S.A. Bobde, in whose court the matter was heard, asked Tushar Mehta to file an affidavit and decided not to hear Mander’s petition until the matter of his “derogatory remarks” was settled. The Delhi Police sought initiation of contempt proceedings against Mander, and Mander’s petition was all but forgotten.

Some 95 retired civil servants wrote an open letter in defence of Mander. In it they said: “By what stretch of the imagination can such words be construed as being

inciteful of violence when they refer to Mahatma Gandhi, father of the nation, who left us a priceless legacy of non-violence, truth-telling and compassion? By what inversion of meaning, by what distortion of facts and by what supreme disregard for the plain truth do the Solicitor General of India and the Deputy Commissioner of Police seek to mislead the Supreme Court of India? In our considered and collective opinion, there is a good case for filing a suit for defamation against both worthy gentlemen but that is a decision for the person defamed to take.”

The GIA report claimed that the violence was a “planned conspiracy” and demanded that the cases be transferred to the National Investigation Agency (NIA).

The Call for Justice report said that the “tukde tukde gang was hand-in-glove with various radical groups such as Pinjra Tod, Jamia Coordination Committee [JCC], Alumni Association of Jamia Milia Islamia, Popular Front of India [PFI], Bhim Army and local politicians from the Aam Aadmi Party.” Two members each of Pinjra Tod and the PFI, an AAP MLA and several members of the JCC have been arrested by the Delhi Police, Crime Branch and Special Cell, on various charges, among them conspiracy.

Quoting the Enforcement Directorate, Call for Justice said the anti-CAA protests were funded by the PFI, that leaders of the Congress and the AAP were in touch with the PFI and Rs.120 crore was deposited in 73 bank accounts relating to the PFI for execution of the anti-CAA drive.

The report also blamed the “criminal hotbed” of Seelampur “dominated by Muslims” and a “flood of illegal Bangladeshi migrants” who “brought rapid demographic change and steep spike in crimes” for the violence.

In December 2018 the NIA had cracked down on an Islamic State (IS)-inspired module operating in Jaffrabad, arrested five people and “recovered 120 clocks, 25 kg of explosives, 100 phones, 135 SIM cards and a country-made rocket launcher”. But the report failed to mention that in 2019, the NIA dropped charges against four of the 10 accused in the case as it did not find sufficient evidence against them.

While the police have not shared details of their investigations, reports submitted to the Home Ministry by two non-governmental organisations—Call for Justice and Group of Intellectuals and Academicians—provide clues on the direction they are taking.

The reports (see box) blame the February violence on the PFI, Pinjra Tod, Umar Khalid, the Jamia Coordination Committee and others arrested until now by the

It is true that the investigating agencies had been watching North East Delhi for a while perhaps because of its majority Muslim population. In April 2019, a member of pro-IS module Harkat-ul-Harb-E-Islam was arrested for his alleged involvement in the procurement of arms and ammunition to carry out terrorist acts in and around the National Capital Region. In January 2020, the Special Cell claimed to have arrested three IS terrorists from the Wazirabad area after an encounter.

The Call for Justice team headed by Justice Ambadas Joshi, retired judge of the Bombay High Court, included retired Indian Administrative Service officer M.L. Meena, retired Indian Police Service officer Vivek Dubey, former Director of the All India Institute of Medical Sciences Tirath Das Dogra, social entrepreneur Neera Mishra and advocate Neeraj Aarora.

Dogra, a noted forensic pathologist, assisted the Central Bureau of Investigation in the 2002 Godhra violence, the Ishrat Jahan encounter case, the Nithari killings case, the Sohrabuddin Sheikh encounter case, the Batla House encounter case, the Shopian rape and murder case, and cases relating to Tulsi Prajapati, Bhanwari Devi, Haren Pandya and Arushi Talwar. His medico-legal cases include the assassination of Indira Gandhi, Beant Singh autopsy, Naina Sahni tandoor murder, Madhavrao Scindia air crash and the Khairlanji massacre.

Aarora is a computer forensic expert and has acted as a Special Public Prosecutor with the NIA. Neera Mishra runs an organisation called Draupadi Dream Trust founded on “vedic principles and philosophy to create a better understanding of ancient vedic culture”. The trust was endorsed by several politicians, including Prime Minister Narendra Modi in 2013, Samajwadi Party leader Akhilesh Yadav and former President Pratibha Patil.

Justice Ambadas Joshi had served as the Chairman of the Maharashtra Administrative Tribunal when the BJP was in power in the State from 2014 to 2019, while Dubey had served as a special Central police observer in the 2019 Lok Sabha election.

They stated that as the Narendra Modi government resolved long-pending issues such as triple talaq, Article 370 and the Ram Janmabhoomi-Babri Masjid dispute, it “angered radical groups” who “penetrated” the poor and illiterate Muslim communities of North East Delhi and “pushed them into riots”.

investigating agencies. The Jafrabad/Delhi Police are handling cases of rioting, while the Crime Branch is looking at murder cases. The Special Cell steps in for cases under the UAPA or to handle the accused in the overarching conspiracy. Activists say the investigations are following the script drafted by the NGOs.

The lower court, however, pulled up the Delhi Police during the hearing for custody of Jamia student Asif

The Call for Justice report describes the calls for protest and mobilisation against the CAA as criminal activities and names prominent lawyers Kapil Sibal, Indira Jaisingh and Dushyant Dave as beneficiaries of PFI funding. It states that the PFI’s Delhi president, Md Parvez Ahmed, was in touch with the AAP’s Member of Parliament Sanjay Singh and several Congress leaders, including Udit Raj. Udit Raj has admitted that Parvez had called several parties, Muslim leaders and Dalit groups to unite against the CAA. Parvez’s membership in WhatsApp groups such as “Unification of Muslim Leaders etc” is framed as conspiratorial.

The GIA is a group of “professional women and entrepreneurs, mediapersons and academics committed to social justice and nation building”. It includes Dr Prerna Malhotra, assistant professor, Department of English, Ram Lal Anand College; Sonali Chitalkar, assistant professor, Department of Political Science, Miranda House; Dr Shruti Mishra, assistant professor, PGDAV College; and Divyansha Sharma, assistant professor, Institute of Home Economics.

Terming the February violence as “anti-Hindu riots”, the GIA claimed that the violence was “pre-planned in four phases and protests against CAA was only used as an alibi and a platform to plan [attacks] by urban naxal jehadi organisers”. According to its report, the riots originated in anti-CAA protest sites where women were used as shields. It alleged that “riot weapons were stockpiled over a period of time” and pointed to “links across the border”.

The GIA recommended that “foreign funds and support for the violence in Delhi should be investigated by the NIA”. It also recommends that intelligence and government agencies should investigate the “outsider network” responsible for engineering the riots in Delhi through an NIA inquiry. “The role of students, teachers, artists, organisations responsible for instilling hate through dharna/protest marches, social media posts, provocative speeches, etc., should be investigated. Funding of Shaheen Bagh-type protest: board, lodging, food, hoardings, banners, publicity material, etc., must be investigated. Sanctity of public spaces to be maintained by all law enforcing agencies. Police should ensure that roads, streets, parks, etc., should not be used for dharna and protest. Such gatherings should only be allowed at designated spaces,” stated the report.

*Divya Trivedi*

Officer (I.O.) for failing to offer bail as it was a “settled principle in bailable offences, that the I.O. is duty bound to offer bail to the accused persons at the first instance”.

Soon after, the case was transferred to the Special Cell, which arrested Parvez and Ilyas under non-bailable charges of murder and attempt to murder. They have now been accused of a larger conspiracy of “funding the CAA protests and planning for the violence in NE Delhi”.

# Online illusion

E-learning, the buzzword in education, has been greatly amplified during COVID-19. But the hype papers over India's **digital divide** even as the efficacy of the fundamental premises of online learning, as opposed to conventional classroom methods, are being questioned by teachers as well as students. BY **ARAVINDHAN NAGARAJAN**



**PEOPLE LEAVING THEIR HOMES** in the riot-hit Shiv Vihar area of north-east Delhi on February 27.

Again, while granting bail to a person accused of burning a shop in the violence, Justice Anup Jairam Bhambhani of the Delhi High Court held that “sending a message to society” could not be a basis for denying bail if the court was otherwise convinced that judicial custody of the accused would not be needed for the purpose of investigation and prosecution.

He said: “The remit of the court is to dispense justice in accordance with law, not to send messages to society. It is this sentiment, whereby the state demands that undertrials be kept in prison inordinately without any purpose, that leads to overcrowding of jails; and leaves undertrials with the inevitable impression that they are being punished even before trial and therefore being treated unfairly by the system.”

Commenting on the police allegations of overarching conspiracy, Sarim Naved, lawyer for the Jamia student Meeran Haider said, “Right now it is just a police theory. To go from conspiracy to actual crime, there has to be a chain of connecting evidence. The police say they have “secret information”. But so far they have not revealed what this secret information is. The case cannot be based solely on theory. Besides, how far do you stretch the principle of provocation? If it is truly expanded then all the lynching cases in the country will have to be looked at again.”

## CHARGES AGAINST 3,304 PERSONS

So far, 3,304 people have been charged with fanning the February communal violence in which 53 lives were lost and 226 houses and 487 shops were damaged. G. Kishan Reddy, Minister of State for Home Affairs, said 763 cases, including 51 under the Arms Act, had been registered. As per civil society estimates, 800 more persons were picked up during the lockdown.

Condemning the arrests, Campaign Against State Repression, a collective endorsed by 36 organisations, including the AISA, the SFI, United Against Hate, Bhim Army, the National Alliance of People's Movements, Rihai Manch, Saheli and Women Against Sexual Violence and State Repression, objected to the criminalisation of the right to protest.

Jignesh Mewani, Dalit activist and Member of the Legislative Assembly from Vadgam in Gujarat, said the latest series of arrests of students activists was “vendetta politics of the worst nature” and indeed a “conspiracy by the government” to silence its critics. He said, “It’s a joint struggle for people like Khalid Saifi, Kafeel Khan, Gautam Navlakha, Anand Teltumbde and Akhil Gogoi. What we are witnessing is the replication of the Bhima Koregaon model where media outlets dear to the establishment ran consistent programmes on TV and mobilised opinion against people who were the victims in the violence.”

Kanhaiya Kumar, former president of the JNU Students Union and leader of the Communist Party of India, said that when we should have been fighting the COVID-19 together, it was extremely unfortunate that the government was fighting against students and youth. “When people accused of heinous crimes are being given bail, then what is the urgency of accusing students and throwing them behind bars?”

Pinjra Tod, founded in 2015, started as a movement against curfews in girls hostels and gradually emerged as a collective taking up causes relating to women’s emancipation. Devangana Kalita is an MPhil student at the Centre for Women’s Studies, and Natasha Narwal is doing her PhD at the Centre for Historical Studies in JNU. □

IT IS NOW A DAILY RITUAL FOR MOST OF MY faculty colleagues to respond to emails from distressed students asking for a leave of absence or an extension of assignment deadlines. Emails from students who are unwell, students who cannot pay attention because of a lack of private space at home, students who cannot cope with the mental fatigue of listening to online lectures for several hours in a day, students in areas affected by natural disasters or those with poor network connectivity, students who are bereaving the death of a family member (not due to COVID), and in extreme cases, students living in a conflict zone with a life or death situation at their doorstep.

Our response to these emails is largely the same: “Be safe. It is a difficult time for you and all of us. Try and attend class whenever these issues are resolved. We will look into assessments at a later date.” I would wager a bet that most of us who have participated in online learning over the past month share similar experiences.

But how did we get here?

The imposition of the lockdown amidst the COVID-19 pandemic has forced many educational institutions to adopt online learning platforms. Many of them have pronounced this as an opportunity to innovate and “reform” education, particularly higher education. On April 10, senior officials in the Ministry of Human Resource Development (MHRD) said “various e-learning platforms of the HRD Ministry have seen an unprecedented combined access of over 1.4 crore [users] since March 23”. On April 13, it was reported in the media that the University Grants Commission (UGC) had constituted separate committees to monitor the situation, including one to examine changes in the academic calendar and another to promote online learning. It seemed that despite the lockdown digital learning was taking place across schools, colleges and universities. This assessment was shared by the Union government. On May 17, the last day of a five-day series of announcements of a special economic package, Finance Minister Nirmala Sitharaman announced the launch of the “PM eVIDYA pro-

gramme” for multi-mode access to digital/online education. The country’s “top 100 universities” would be permitted to automatically start online courses by May 30. Also on the anvil was the proposal to launch a digital learning platform, DIKSHA (one digital platform for one nation goes its slogan), and the DTH channel Swayam Prabha as a platform for students who are unable to attend school. Of course, characteristic of the mood of the announcement, the niceties of how this would be done while being accessible to students learning in the different languages were left to the imagination.

From a temporary measure to deal with a public health crisis, digital learning had thus become a part of the economic package for recovery from COVID-19. The door to online learning, left ajar by the greater access to electricity (with bloated claims of 100 per cent electrification), to the Internet (estimated at 720 million in 2020) and to smart phones because of a drop in their prices, was finally kicked open by a pandemic.

However, it turns out that the PM eVIDYA programme is only a modified version of previously planned expenditure for 2020-21 announced in the Union Budget on February 1. A planned Budget expenditure of Rs.99,300 crore for the education sector was to be implemented in conjunction with a New Education Policy. In her budget speech, the Finance Minister also announced that the top 100 universities would be allowed to conduct online courses without having to get approvals from the UGC or the MHRD. Further, the government has also approved foreign direct investment (FDI) in higher education. It is likely that FDI would flow to the sector via investments in the edu-tech companies, which are eyeing opportunities in e-learning. The hype in e-learning would suit them well. In fact, the increased access to online learning under lockdown reported by the MHRD in February 2020 was based on viewership figures of Swayam Prabha channel (59,000 views a day). This was the very same DTH channel that was proposed to be launched as a result of Nirmala Sitharaman’s announcement in May.

The Budget announcement and the COVID-19 pack-

age announcement on digital learning (and FDI in education in particular) were followed by reports in the pink press of an ecstatic e-learning industry. Media reports indicated that the ed-tech startups in India, which had drawn investment valued at \$39 billion in 2018-19, were projected to grow rapidly. The industry is projected to reach \$200-360 billion in the next eight years. It is no wonder that this industry, which had been waiting to make a foray into higher education, gleefully welcomed the new “opportunity” created by PM eVIDYA.

The current learning situation under COVID-19 and these announcements have evoked a range of responses. Many students and faculty members have pointed out that the emphasis on e-learning is happening in the context of the obvious digital divide in India that is based on socio-economic inequalities. Student organisations have protested against the differences that would be exacerbated by this new medium of learning. But just how stark is the digital divide or how unequal is access to digital learning in India?

#### DIVIDED BY INEQUALITY

Let us examine some of the infrastructure required for online learning—not merely Internet connectivity—in India and the socio-economic conditions of our population. This infrastructure would broadly consist of the presence of a secure physical space to learn, decent standards of electricity consumption, access to the Internet and the availability of devices such as a laptop or a mobile phone. Even here, one has to distinguish between what a phone, however smart, and a device such as a laptop can deliver to a student. Since learning is not merely a spectator sport in which the student is a passive object listening to words of wisdom thrown at her, but an activity that requires recollection, making connections with things learnt earlier and relating what is being delivered online to the study material that she already has, access to a smartphone alone would not do. A smartphone may be a convenient mode for making a connection, but learning effectively requires a bigger device, possibly at least a tablet.

According to the National Family Health Survey of 2015-16, only 56.5 per cent of the Indian population live in houses made of permanent materials (pucca houses). Even this figure hides the diversity across States. States that report more than 80 per cent of households having a pucca house include most of the States of south India (except Karnataka), and Goa, Punjab and Delhi. More than two-thirds of the Scheduled Caste households dwell in non-pucca houses. The average urban household size is 4.3; in rural India it is 4.7. More than half of all Indian households have at least three persons on an average sleeping in one room. Almost one in three women in the 15-49 age group has experienced some form of physical violence within the household since the age of 15; and 6 per cent have also experienced sexual violence. Incidentally, it has been found that the experience of violence

**STUDENTS** of Bharathidasan College attending an e-learning program in Puducherry.

reduces when they are present in an educational institution. The access to electricity in India paints a similar picture. The National Sample Survey Office report (2014) on energy and domestic expenditure are a damning indictment of the claims of electricity access in India. On an average, four out of five households in India consumed less than 100 units (kWh) a month. More tellingly, nine out of 10 rural households consumed less than 100 units a month. To get a sense of what this implies, according to the World Energy Council, electricity consumption in India is a third of the world average, or approximately three-fourths the average consumption in China. There is also great regional variation; Karnataka, West Bengal, Bihar and Jharkhand consume among the least, while consumption in Delhi (250-270 units) is close to developed world levels. Of course, the relatively higher average consumption of electricity in Delhi, like all averages, hides a picture of stark inequality.

The 2017-18 NSSO report on education provides data on Internet access and access to devices. A little over one-tenth of all households in India reported possessing a computer (desktop, laptop, notebook, netbook, palmtop, tablet or similar handheld devices). Only 4.4 per cent of rural households had any such device. Moreover, the survey revealed that only 16.5 per cent of the Indian population above the age of five had the ability to operate a computer; in rural India this was one-tenth of all households. Just under a quarter of Indian households reported they even had access to the Internet, including access via smartphones or mobile devices; only 15 out of 100 rural households had such access. Just about one-fifth of all Indians above the age of 5 had access to the Internet; among women this was less than 16 per cent.

The presence of the digital divide across urban-rural, gender, caste and region paints a grim picture. The claim that the online learning thrust offers a new pathway through a “technology-driven education with equity” method sits uncomfortably with the reality of the highly unequal access to basic amenities that are a prerequisite



M. SAMRAJ

for any kind of learning, online or otherwise. And, the unequal access to online infrastructure has an impact on how education goes on, for both teachers and those being taught. It is not surprising that voices of protest against digital learning are already beginning to be heard. Critics speak of the push towards digital learning in an unequal world. Students have argued that this comes on the back of the ongoing assault on higher education. The improper implementation of reservation, rising fees and hostel expenses, reduced funding for public expenditure on education and privatisation of the sector have amplified the attack on higher education in recent years.

Perhaps the only solace is that we are not alone in this. Disparities and unequal access to online learning and difficulties in online teaching have also been reported in developed countries such as the United States and in developing countries such as China.

#### THE CONUNDRUM OF ONLINE LEARNING

Those outside the field of education rarely appreciate the sheer logistical challenges of shifting to online learning. But the logistics are only a small part of the problem. Teachers in colleges and university departments have pointed to the sheer impracticality—bordering on impossibility—of digital teaching and learning in India. This is even if one ignores the impact of differential access to basic infrastructure that inhibits access. For institutions this includes the shortage of online platforms for easy access to teaching material, recorded videos and course content—syllabus and other media. It includes the threat of data theft that the usage of platforms such as Zoom entail. In fact, this actually hinders innovative content developed by teachers being placed on a public platform because the system provides them no credit nor does it protect their original content from being plagiarised by racketeers.

Other critics have argued that physical and social contact and interaction in a live classroom lie at the core of education. The physical space in a classroom repres-

ents a secure environment not just to learn, but also to form vital social, cultural, and political associations. These connections acquire greater importance when young people struggle to cope with difficult times, COVID or otherwise. As the lockdown in India proceeds, we will come to grips with some of the horrors and losses that people have faced. There will also be more accounts of online learning from students. Media reports have indicated widespread distress among students from across the country. Students, especially those from poor backgrounds, have been unable to participate in online classes because of lack of access to a network or a suitable device. The tragic report of a suicide by a student in Kerala confirms the extreme stress that children are being subjected to. This incident occurred despite the fact that households in Kerala—rural as well as urban—have among the best rates of access to the Internet and to devices in the country. For teachers this includes dealing with the sheer absence of any real feedback within an online lecture, as well as a drop in attendance in online classrooms. Across the world many faculty members have termed teaching experience amidst the coronavirus infection as “panic-gogy”—an attempt to put up a course online, whilst watching all other interactions—faculty meetings, webinars, mundane acts of speaking to family, friends, and partners—morph into a seamless online warp. Indeed, a sociology professor in Arkansas, U.S., titles her blog post on “panic-gogy” teaching: “Please Do A Bad Job Of Putting Your Courses Online.” The idea being that we need to do less in an online classroom and not more. This is especially useful advice as one learns of exasperating accounts of how online teaching is akin to spending too much effort just to address a void.

Somewhere at the 30-minute mark of a 90-minute lecture, the online class begins to feel distant. Maybe it is because you are feeling hungry as you forgot to cook in accordance with your online schedule. Or, maybe you were embarrassed by the unclean background of your home being shown to all on your video call. In any case, you cannot do much, as you are now well into your unending monologue delivered to an equally listless audience. You complete the lecture, only to find a flood of emails from students in your inbox.

And, finally, a sober realisation hits you that we are all under duress in a pandemic. But some face the double bind that comes from belonging to marginalised backgrounds/communities or because of the added burden of what is referred to euphemistically as “domestic circumstances”. Indeed, what the ongoing online experience tells us is this: This is not a time to achieve standards of learning that are difficult to achieve even in normal circumstances.

Perhaps, we need to simply get past the next few months without knee-jerk assessments of the way ahead for education. Perhaps our emails to students ought to emphasise the dangers of pressing on with digital learning in an unequal world. □

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# An ode to the classroom

More than teaching or learning, it is the **tumult of togetherness**, and learning to live with differences and commonalities, that make classrooms a rich social space. BY **MEENA T. PILLAI**

AS WE SIT COCOONED IN THE SELF DURING this pandemic, an age is silently slipping away. An age when classrooms and campuses defined the personal and collective dreams of a generation. A sensuous ensemble of colour and touch, of human smells of sweat and starch, of finding delightful flavours in humble shared midday meals, of vagabond tales and truant passions.

Classrooms are chronicles of time. Here, many wiped away another's tears, shared pangs of hunger, or partook in desolate sighs and simple joys. Classrooms taught us empathy and humanity; there were verses under the trees, plays in the wind, and psalms in shared food, giving one life lessons in camaraderie. There were silences, punishments, humiliations and bullying, where we learnt to stand up for ourselves and others. But the continual discovery of bonds over differences, shared initiations and common agonies and ecstasies moulded the way many of us picked ourselves up and walked out of that immense gallery of life into the wide world.

More than teaching or learning, it was the sociality and the camaraderie, the tumult of togetherness, and learning to live with differences and commonalities that made classrooms a rich social space, a microcosm of human plenty. Finding that one cherished friend in whose company the world lost its desolation, celebrating and mourning in togetherness, learning to shed the rough edges of personal egos and privileges, were all precious legacies. In fact, as social beings, many of us were literally shaped by our classrooms. However fragile or tentative their educational value, classrooms are nevertheless clumsy communal blessings; and no matter how dark the setting, there were many unforgettable moments of affinity, fellowships of pride and humanity burnished with time and the exuberance of esprit de corps. At a time when the flags of our destinies were yet furled, with infinite lightness of being, with far more tenderness and far less cumbersome customs, we bonded over seasons of sun and rain and drank deep of the cup of

collective life. Those classrooms that spiced the shores of our life with gregarious fragrances, while wearing the vibrant colours and aspirations of a supple youth and its ardent socialities, are soon to be a thing of the past. The COVID-19 pandemic has fossilised us in space, building islands of solitude all around. The classroom was a social space, a habitus, a network of individual and collective practices. It gave all its inhabitants, teachers and students alike, a wider scope of creating positions within practices, finding and locating oneself within the social. In that sense, even before the idea of the state, it was our first encounter with a polis, an organisation of people arising precisely out of acting and speaking together, a shared space of words and deeds.

The transition to the online makes many wonder whether the students of tomorrow will be Shakespearean soliloquies, characters who speak aloud to themselves; spectral beings glued to computer displays, strangers to the consolations of another beating heart, or the sweat of a burdened brow, or the gentle flow of another's tears. The collectivism and organic nature of our traditional classrooms will slowly yield to the individualism and plasticity of the online. A teacher will probably never really know her students again, see the light of understanding dawn in their eyes, or discover through empathy the face of hunger hidden behind an uninterested gaze. Technology can, of course, magnify the boxed images of her students, but in the process, it can only transform a throbbing social world to digitally enhanced images and representations.

## COMPLEX ISSUE

The rather hurried move to online in the name of the COVID-19 pandemic makes one wonder whether there are deeper issues at stake. At a fundamental level, one does not need any data or survey to understand how critical, multifaceted and complex the issue of digital divide is in India. All one needs to do is to think of the



R. V. MOORTHY

millions of migrant workers walking hundreds of kilometres from quarantined cities to their villages, even as the relatively privileged middle classes, who constitute about 28 per cent of the population, are safely ensconced in comfort to pore over their laptops or smart phones, working or studying from home. While governmental bodies, universities and institutions seem to be drafting policies to address the divide and include the differently abled and the dispossessed into the portals of online education, the distance between the cup and the lip is anybody's guess, given the distrust of the fact that what had been insufficiently addressed all these years would be miraculously cured by the magic hand of the digital. With 1.17 billion wireless phone subscribers and 560 million Internet subscribers, India is the second largest Internet market in the world after China, but the fact remains that there are still 900 million people without any direct access to the Internet. This, further intensified by class, caste, religion, region, gender and sexuality, among many other factors, creates conundrums of the worst kind, posing serious obstacles in the transition to online education. It is easy for the 560 million, most of them part of a vast middle class, to be blind to the glaring economic difference between them and the 900 million, and the huge impact this digital chasm would make on the knowledge economy.

Access is not the sole issue at stake here. The advantaged and the disadvantaged do not respond to technology in the same manner and the need is also to understand the variance in behavioural models, especially in education, between the socially and economically disadvantaged and say, the privileged millennials

**A "HAPPINESS CURRICULUM"** class in progress at the Shaheed Hemu Kalani Sarvodaya Bal Vidyalaya, run by the Delhi government at Lajpat Nagar, on August 28, 2019.

with digital usage experience. Furthermore, within a digital economy, while digital literacy can be imparted over a period of time, what needs to be emphasised is the idea of digital citizenship. A citizen is a participatory member of a political community, and it is necessary to see the digital economy not only as the organisational logic of an economic community, but also one creating a social and political community. It is important that along with digital access and literacy a student should also be conceived of as a digital citizen, capable of creatively and critically engaging with and coming together over shared social and public worlds.

This is not a panegyric for the traditional classroom, nor is it an invective against digital classrooms, which, in all probability, are here to stay. The need of the hour is to think of ways of devising a healthy balance between the two. Digital tools and e-learning have enabled many teachers override the narrow physical limitations of the classroom and acquire new kinds of mobilities, both in terms of content and in terms of methods. There seems to be an attempt to force an unnecessary binary between traditional and online classrooms, poo-hooing all attempted critiques of this shift as technophobia and laziness, which barks right up the alley of the market and its corporate dreams of technocratic education. There is no discounting the fact that the old order changes, yielding place to new. Irrespective of wishful encomiums, we are in the digital age and digital technologies are pivotal in

producing and disseminating knowledge to large numbers of people, making it a priceless asset in harnessing the democratising potential of technology to the higher purpose of education. Moreover, for nearly a decade now, education in India has indeed been digitally oriented and enhanced. There has been a wide prevalence of digital tools and techniques along with e-books and e-reading. Information and Communication Technology (ICT)-enabled classrooms became a requisite for education, with the University Grants Commission (UGC) making it mandatory for teachers and institutions to incorporate such practices into the curriculum for their promotions and accreditation respectively. However, the lacuna was that even as the shift to the smart classrooms happens, many teachers who belong to the old school have not been trained sufficiently and “smartened” to the use of ICT.

As the pandemic forces a hasty move to the online mode with fears of this being the new norm, one should learn from past mistakes and train teachers in new uses of technology. However, this shift must not be reduced to attempts at mimicking or replicating a virtual model of the physical classroom but also strive to recreate it with new possibilities and pedagogies that would enable more imaginative interactions, from flipped and blended classrooms to more collaborative and interactive learner-centric models and templates.

There should also be a concerted effort for academic audits and feedback from students, making their voices more audible in the portals of education. Another imperative is the need for rapid digitisation of books and resources and the online availability of these digitised materials. It is indeed amusing to think that many libraries in India have wonderful digital archives, but there is a studied reluctance to make them available to researchers other than through physical access, which defeats the very philosophy of digitisation.

India has one of the most outdated examination systems in the world. Other than encouraging the propensity of learning by rote and testing memory, our traditional closed-book examinations can boast of little else. The open book exam, which allows students to access notes, texts and other academic resources while writing an exam, tests a student’s ability to find the right information. It also helps the student interact with such materials in a scholarly and ethical manner, thus creating a dialogue between existing knowledge and one’s own creative and critical engagements with it, bearing in mind contexts and positionalities while attempting a rigorous and socially charged critique. This would also mean training the teachers in asking questions differently.

#### OPEN-BOOK EXAM

Three students from the Chuna Bhatti slum area have filed a case in the Delhi High Court against Delhi University’s decision to implement open-book examinations, citing unequal opportunities in the proposed mode. The petitioners cannot be more correct when they say that

there are differences in circumstances with regard to home environments, access to devices and Internet connectivity for different students, all of which affect how a student writes an exam. It is true that a steady and fast Internet connection is a remote dream for many Indians, and therefore solutions like take-home open-book exams, where students can attempt answering at a more convenient time and pace, could be implemented. But as pointed out by the petitioners, many students come from environments not conducive to home-learning or home exams, not only in terms of space but also with regard to emotional and affective economies.

One needs to rethink the concept of a homogenised ideal home where learning could be undertaken at peace. For many, homes could be spaces of violence, repression and struggle, and they therefore conceive of classrooms as safe spaces of more egalitarian interaction and bonding. Moreover, a lecture of one hour requires at an average about 500 MB of data/hour. For a family with two children attending three hours of class daily, the data requirement would be 3 GB. This is in addition to two computers or smartphones, headsets and webcams. The petitioners in the Delhi High Court have argued that such gadgets and their quality will give an unfair advantage to economically well-off students. How many Indian households with agricultural labourers or migrant workers as earning members can afford high-quality learning gadgets? How many girls would find their education sabotaged because making technology available is, at worst, a gendered process in a land torn by patriarchies which are compounded by caste and class?

#### INTERNET AS A BASIC RIGHT

In a networked society, where the idea of space and time, along with economy and governance, have undergone paradigm shifts, so much so that the enjoyment of all fundamental rights seem linked to information technologies, the government could, of course, try to make Internet access a basic human right. Communication technologies have become crucial to marginalised people all around the world in their need to express opinion and their right to freedom of speech, as also in exercising other fundamental rights, especially given the slow ousting of traditional media by new media.

Just as the underprivileged and dispossessed have a right to public spaces, they have a right to digital spaces, information highways and networks, and participation in e-governance, which are today as much linked to lives as to livelihoods within what should ideally be a digital democracy. All this calls for an urgent need to address the almost impending prospect of a monopoly in the Indian telecommunication market, a national moral obligation as never before to strengthen the state-owned Bharat Sanchar Nigam Limited (BSNL). One cannot emphasise enough the need to revive and resuscitate India’s largest public sector telecom operator, the only viable option in providing telecom services to commercially non-viable areas, instead of playing into the hands of private players who might initially make huge offers and discounts but

end up as monopolies at the peril of the underprivileged consumers.

Efforts such as those initiated by the government of Kerala to get free Internet to two million poor households through the Kerala Fibre Optic Network, a joint venture of the Kerala State Electricity Board (KSEB) and the Kerala State IT Infrastructure Limited, are exemplary in that they envisage Internet as a basic citizen right.

#### ‘TEACHING COMMONS’

Implementing the idea of “Teaching Commons”, which brings together high-quality open educational resources including open access textbooks, course materials, lesson plans, multimedia and more from leading colleges and universities, curated by librarians and their institutions, could be an immense help at this point of time. A blended system of online and offline classes may be an option until we tide over the pandemic. But the looming doubt in the minds of many is whether the pandemic is a pretext to hasten the technological takeover of the classroom for a booming knowledge industry.

The world over, there seems to be an eager readiness to embrace the online uncritically, which creates a nagging suspicion of whether the neoliberal market is fueling a desire that aims to transform public education into a feeder service for corporate capitalism. A techno-market rhetoric which speaks of all the educational achievements of postcolonial nations as the democratisation of mediocrity creates an aspiration for “elite models” which then quickens to the fulfilment of that ultimate capitalist dream of a knowledge-for-profit revolution. For the thriving middle and upper classes of countries like India, this would mean the great pride of educating their children in “world-class” institutions through new global educational services enabled by the digital, while the less privileged might be systematically erased as collateral damages in the course of fulfilling such magnificent class dreams.

That this might even come at the expendability of the “guru”, who could be eased out by pre-recorded lectures and contract tutoring, does not seem to dampen the spirits of many who had once upon a time waxed eloquent on the holy covenant of guru-sishya relationships. Market models would strive to maximise profits through minimum expenditure. The greatest educational expense is, of course, the teacher, and what better way to cut public expenditure on education than by making one-third of them redundant in the shift online, as estimated, and then slowly eliminating them from the system.

Massive customised programmes like MOOCs [massive open online courses], while helping mass education, have often been considered as failures by universities in the West in that they are more prone to the forces of economics than education, and also owing to the huge dropout ratio, and mostly weak pedagogy. While culpable of creating a “star” system within academia, MOOCs also need to be rethought within frame-

works of interactiveness, and higher academic and research goals.

A classroom is a safe space not just for the dissemination of information and knowledge, but for critical thinking, difficult dialogue and scholarly debates and dissent. Along with the question of data protection of teachers and students, the fear of digital surveillance to silence dissent is a concrete issue that begs for immediate attention in that technology requires ethical and transparent policies to be the bedrock on which humans transact with it. The United States, for example, has a first amendment of the Constitution which guarantees freedom of speech and ensures that students or teachers “do not shed their constitutional rights at the schoolhouse gate” and have every right to engage in symbolic speeches of protest. This is the reason why people like Noam Chomsky are able to write essays like “The Responsibility of Intellectuals” from within the U.S. academia. The citizens of many countries in the world do not have the same luxury of freedom of speech as an absolute right, or they might have other fears to reckon with, like sedition laws that might hang like the sword of Damocles over the right to free speech and thought. In the wake of surveillance states all around the world, this could pose threats to the supposedly limitless intellectual domain of a classroom, where ideally all knowledge needs to be questioned in the quest for new and unconsidered modes of thought.

One need only think about that ancient teacher Socrates who was killed by the state of Athens in 399 BCE for asking politico-philosophical questions of his students and talking to them about new gods. While science streams grapple with worries over virtual laboratories and dummy experiments, the humanities and social sciences have to reckon with such new fears. Under new “omniopticons” where everybody is surveilling everybody else, will a teacher be able to refer to queer politics in a class on gender and sexuality without a moral majority baying for her blood? The death of the social potential of classrooms through surveillance, compounded by distancing, could mean the death of critique and the silencing of dissent, which would be a dream come true for corporate, neoliberal forces. This could also be a requiem for the teacher as an organic intellectual and the student as a social agent in a civil society.

But even amidst this transition to the online, where many seem happy to uncritically accept the fact that states of exception might soon become the new norm, the resounding question is one that predates the virus, one that is probably as old as civilisation itself: “What is the function of education?” How we answer this question will determine how deeply the virus has dehumanised, desocialised and depoliticised us.

Rest in peace, our erstwhile classrooms and vibrant campuses which made many of us who we are today. May the flights of angels lead you on your way and martyrs greet you after death’s dark night. □

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# Short on action

The government is going ahead with plans to come out of the lockdown in a phased manner even though it has by no means got a **handle on the pandemic** or the distress it has caused to migrant labourers. BY **VENKITESH RAMAKRISHNAN**

“ON PAPER, WE ARE FOLLOWING WHAT THE Central government and other State governments are doing: persisting with COVID-19-related lockdown measures even while planning for a staggered reduction. But our biggest worries are about the colossal lack of basic public health infrastructure, which does not even measure up to minimum requirements. The experience across India has shown that nearly 70 per cent of COVID-19-related deaths are on account of comorbidities, and in such a context public health systems are very important, especially if you also happen to be one of the most populous States in the country.” A senior official in the Uttar Pradesh Department of Medical Health and Family Welfare made this comment to *Frontline* on May 31 immediately after Chief Minister Yogi Adityanath addressed an online press conference detailing the plans to extend the lockdown until June 30, although with revised guidelines signalling a staggered relaxation of restrictions.

The official, who is also a specialist medical practitioner, had in the past too underscored the relationship between robust public health facilities and effective COVID-19 relief. Talking to *Frontline* earlier, the official had pointed out that addressing comorbidities was a key component of COVID-19 treatment, and the return of the migrant workers would unravel the State’s deficiencies on this count.

Field reports from different parts of the vast State in the last fortnight of May and early June clearly point towards these deficiencies. Several small towns and villages, especially in Bundhelkhand and Poorvanchal, considered to be among the most backward regions of Uttar Pradesh, have recorded hundreds of incidents where migrant labourers who had returned were left to fend for themselves without even basic medical care. The social activist Manoj Singh of Mahoba town in Bundhelkhand said that a survey his team conducted in two taluks of Mahoba district showed that over 50 per cent of the migrant labourers had not been provided with even basic support in terms of rations or health

care. “Of course, a majority of these labourers have gone through the initial temperature test, but that’s about all. Detailed COVID-19-related inspection has not been carried out. And effective quarantining is unimaginable in the kind of conditions that people are living in in many of the small towns of the district,” he said.

According to the Health Department official, there is nothing surprising about these field reports. “The records of not only the State and Central governments but also international bodies like the WHO [World Health Organisation] point towards the pathetic conditions that exist in Uttar Pradesh on fundamental parameters such as access to clean drinking water, primary health care and availability of doctors.” He quoted some statistics from a Union Health Ministry document of November 2019: Uttar Pradesh has the worst patient-doctor ratio in the country and has a huge shortfall of doctors in its primary health centres (PHCs). The State requires 3,621 doctors for its PHCs but has only 1,344. The senior official also pointed out that the State had a sanctioned strength of 4,509 doctors. “So, in actual terms the deficit is to the tune of 3,165 doctors,” he said.

The Union Health Ministry’s report also says that 942 of the State’s 3,621 PHCs are working without electricity and regular water supply and they also do not have all-weather motorable approach roads. “The WHO standard for doctor to population ratio is 1:1,000. In Uttar Pradesh, this ratio is 1:3,767, while the national average is one doctor for approximately 1,400 people. It is these conditions that have resulted in the field reports that have been cited,” the official said.

Manoj Singh said that he and his associates had received field reports from many parts of Bundhelkhand and Poorvanchal suggesting that many of the labourers were contemplating an early return to their former workplaces in Kerala, Karnataka, Telangana and Andhra Pradesh since the situation in their villages was such that they did not feel safe. “One has heard these sentiments being expressed even from



**A CHOKED** road in the old City Chowk area of Prayagraj after the government eased lockdown restrictions on June 1.

many villages in Gorakhpur, the home district of Chief Minister Yogi Adityanath,” said Uttam Kumar, a Varanasi-based social activist working among agricultural labourers and carpet weaver artisans.

As the first batch of labourers were returning to the State, the Chief Minister announced a clutch of schemes for providing them social security and ensuring their general welfare. It was also stated that there would be a drive to map the skills of the migrant workers and see how they might be employed locally. While making these announcements, Yogi Adityanath had even said that other States would have to seek the “permission” of the Uttar Pradesh government if they wanted to re-employ workers from Uttar Pradesh. But the public expressions by labourers that they wished to return to the south Indian States as early as possible say something about how they view these grand pronouncements.

Samajwadi Party leader Juhi Singh told *Frontline* that it was evident right from the time the pronouncements were made that there was not a great deal of planning behind them. She said: “In any case, attention to detail is not considered one of the Chief Minister’s strong points. The lack of detail was also evident in the failure to recognise the push-and-pull factors that led to migration in the first place. While the declaration that all migrants will be provided with employment within the State may grab headlines, the track record of the government inspires no confidence in the potential beneficiaries. Again, there is no road map as to how the government is going to accomplish this. A delineation of the road map was vital as several government departments, investor summits, schemes such as ‘One District One Product’ have failed repeatedly in the past in generating gainful employment for the local population. The State government has adopted a bureaucratic style of functioning by conflating the constitution of commissions, schemes and funds (much like the Central government) with a solution to the problem.

“The Chief Minister is being led to believe by his counsellors that appointing a group of bureaucrats or pro-government experts guarantees outcomes. Limited non-agricultural employment options coupled with depressed agricultural wages and incomes, close to no social security and a general lack of life opportunities have come together to create a complicated problem which cannot be addressed by government bodies working in silos. Over and above all this, the Yogi Adityanath government seems to have been led to believe that labour laws were the only obstacle to investment in Uttar Pradesh. Labour laws were suspended without anyone taking the time to understand the protections they offer and the other, much more acute barriers to investment the State faces today. Evidently, this approach is not one that will generate confidence among the migrant workers who have returned.”

Notwithstanding its deficiencies in combating COVID-19-related distress, especially at the level of providing relief to the poor and the marginalised, the State government is going ahead with plans to come out of the lockdown in a phased manner. This would involve reopening government offices with 100 per cent attendance with three staggered shifts: 9 a.m. to 5 p.m., 10 a.m. to 6 p.m. and 11 a.m. to 6 p.m. There would also be relaxations for malls, restaurants, religious places and inter-State travel from June 8.

Evidently, Uttar Pradesh is following the Union government’s directives rather blindly without taking into consideration its own unique conditions in terms of primary health care and other associated facilities. Cases of infection are mounting even though the official machinery’s tabulation may not reflect the real situation, especially in the oft-cited absence of aggressive testing and contact tracing. Amidst all this, the worries of earnest COVID-19 warriors such as the senior Health Department official this correspondent spoke to continue to rise, at times to alarming proportions. □

# Test of leadership

With more than 60 per cent of Maharashtra's COVID cases in Mumbai, the government is scrambling to expand the public health care system in the city. BY LYLA BAVADAM

AFTER TWO MONTHS OF RELATIVELY SOUND leadership, Chief Minister Uddhav Thackeray needs to steady his nerves even more as Maharashtra opens up after the lockdown. This is the moment the Bharatiya Janata Party (BJP) has been waiting for. Over the last many weeks, the party has kept up a steady political pressure against the ruling coalition, the Maha Vikas Aghadi (MVA), and especially against the Chief Minister.

It is no secret that Nationalist Congress Party (NCP) leader Sharad Pawar has been the guiding force in the six-month-old MVA, which consists of the Shiv Sena, the NCP and the Congress. He engineered the unusual alliance with the three parties, worked out a deal where Uddhav Thackeray would be the Chief Minister and Ajit Pawar of the NCP the Deputy Chief Minister, and after that went on to lead the government from behind the scenes.

The BJP has ridiculed the Chief Minister for being a puppet, but the more accurate assessment is that Uddhav Thackeray has shown a least expected but warmly welcomed maturity in listening to experienced advice. His willingness to learn and discuss is completely against the widely understood "constitution" of his party, but it is this very difference that has earned him praise from Shiv Sena detractors.

This is a testing time for Uddhav Thackeray and for his government because the staggered manner in which the State is being opened up could offer the BJP a last-ditch attempt to try and discredit the MVA. The BJP is waiting for a nervous Uddhav Thackeray, who is inexperienced in active politics and policy decision-making, to bungle. They also know that he would hate to be ousted from his post because it would be a feather in the BJP's cap.

But the BJP is fully aware that it is up against a formidable adversary in the form of Sharad Pawar. He has been persistent about opening up key areas of activity so that the economy can be kickstarted. But Uddhav Thackeray has resisted this. A mid-level bureaucrat in Mantralaya, requesting anonymity, said that the Chief Minister was "desperately worried" about the spread of infection if he opened up the State and the "impact it would have on his government politically".

The bureaucrat said that so far decision-making had not been difficult because there was "little option but to lockdown", but now, with the need to open up again, the government needed to "consult varied experts right from doctors to trade associations" to understand the "dynamics of the State and how to go about getting back to normal". He said the coordination required to get "Mumbai and the State moving again" was not yet in place.

In a similar vein, a Pune Municipal Corporation official, also speaking on condition of anonymity, said, "We are trained for this sort of administration. Now we have to put it into place." He said ideally small hubs of commerce needed to be opened up and they should become like isolation facilities in themselves. For instance, workers in a factory should be checked for the virus and those free of it would have to live and work in the factory for whatever period was required. The factory owner would be responsible for their board and lodge. The plan sounds feasible, but even the official has doubts whether it will be put into operation. Mumbai is called the COVID hotspot of the nation, with 62 per cent of all cases reported in the State being from the city. It also has the highest number of deaths in the country. Rising numbers and the certainty of an extension of the fourth lockdown led to restlessness, which was freely expressed on social media.

On May 23, the Maharashtra Police issued a prohibitory order which banned any criticism of the State's decisions. It threatened action against anyone for posts that may create "mistrust towards government functionaries and their actions" in fighting the virus and causing panic and confusion or targeting any specific community. The gag order must also be seen in the context of the BJP's constant attack on the MVA, especially on social media. This has ranged from calling for Uddhav Thackeray's resignation to an outright call for Governor's rule.

The condition of the public health system in the State, especially in Mumbai, has been dragged into full public view by the coronavirus. This remains the actual crux of the issue, and the political game that is being played around it is just shadow boxing.

## FOCUS ON MUMBAI

Trying to address this, Brihanmumbai Municipal Corporation (BMC) Commissioner Iqbal Singh Chahal said he was focussing on beefing up public health care infrastructure. He said testing and the number of ambulances had been increased and a more proficient helpline had been instituted. He said the administration was aggressively "chasing the virus". He was referring to increased testing, which would naturally show a rise in the numbers. Chahal said that until May 27 more than 1.7 lakh people had been tested in the city. The positivity rate has been 18 per cent and 15,800 of the active cases in Mumbai are asymptomatic. Whether or not these people were in self-quarantine was not known.

Sticking to the same script, Uddhav Thackeray said on television that the State had increased its number of COVID-19 test laboratories from two in March to 72 on May 27. He said the State-level task force of 11 expert doctors had set a protocol on treating the patients. "We have succeeded in bringing down the COVID-19 fatality rate to 3.3 and the recovery rate to 31 per cent. The doubling time for the number of patients has increased from three days in April to 14 days in May end," he said.

Chahal said Mumbai had 75,000 hospital beds of which 44,000 were in dedicated COVID hospitals, dedicated COVID health centres, and COVID Care Centres

that are meant for mild and asymptomatic patients (a BMC press note of the same date said there were only 18,000 beds for COVID cases). The Commissioner said the city would have 1,50,000 beds by June 15.

Chahal also raised a point of concern. Hospitals were working with 40 per cent or less of their staff. The reality is that there are hundreds of health care workers who just cannot get to work because they stay in far-off suburbs. This is one example of the poor coordination the bureaucrat spoke of. "We obviously can't open up the suburban train network fully. But we can selectively run trains and allow only essential services personnel to use them just like it was done with the BEST [public bus network]."

While the Chief Minister has asked the Railway Ministry to start some suburban trains, the silence from the Centre is reminiscent of early April when he had asked for trains to repatriate people to their home States. The Centre had refused and the migrant worker matter exploded into a crisis where the State had to bear the blame.

The problems of doctors, nurses and other hospital staff have never been a priority. In the early days of the virus, nurses were sent with only a cotton mask to examine potential coronavirus cases. Even after the pandemic declaration, health care workers have not received regular access to personal protective equipment (PPE), masks or gloves. They have been subjected to social ostracism, with some housing societies refusing to let them back even to claim their possessions.

On May 6, the Directorate of Medical Education and Research called on the services of the city's 25,000 licensed private doctors, saying all those under 55 would have to work for two weeks in COVID hospitals or lose their licence. The offer of insurance and payment for their time did little to lessen the anger at the diktat, but the BMC says 3,700 doctors have joined active duty and 570 of these doctors are reportedly willing to work in four of the dedicated jumbo COVID hospitals.

Then the BMC turned its attention to private health care facilities. On May 19, they were threatened with criminal action if they failed to restart their hospitals, clinics or nursing homes. This was after they had been forced to close down just weeks earlier. The move was a precursor to demanding the reservation of 100 beds in private hospitals for coronavirus patients, including 10 ICU beds. On May 21, the BMC capped hospitalisation charges and took over 80 per cent of the beds in private hospitals. On May 25, Kerala was asked to send medical personnel for a 600-bed COVID hospital in Mumbai.

More is yet to come. State Chief Secretary Ajoy Mehta said initial projections saw 1.5 lakh cases by the end of May in the State. But on May 27, he said, "We won't reach anywhere close to that number." He said as on that date, "nearly 66 lakh people, or 6 per cent of the State population, have been screened by 16,000-plus squads". He further said the doubling of cases had now gone up to 14 days.

The monsoon will bring its share of seasonal ailments such as dengue and malaria. The curve is still rising and, by all accounts, the spike is expected around July. □



MUMBAI CITY slowly coming back to normal at the start of Lockdown 5.0 on June 1.

ARUNANGSU ROY CHOWDHURY

# Judicial rebuke

Gujarat's **inept handling** of the COVID-19 crisis draws a sharp reaction from the High Court. BY ANUPAMA KATAKAM

ON MAY 23, THE GUJARAT HIGH COURT ISSUED a strongly worded order on the State government's mismanagement of the COVID-19 situation. While hearing a public interest litigation (PIL) petition on the crisis and taking cognisance of several complaints, the bench of Justices J.B. Pardiwala and Ilesh Vora was scathing in its criticism of the Civil Hospital in Ahmedabad. Threatening to conduct surprise visits to the Civil Hospital, which they said was "as good as a dungeon or maybe even worse", the judges asked State Health Minister Nitin Patel and Health and Family Welfare Secretary Jayanti Ravi whether they had even bothered to visit the hospital.

The bench, which acknowledged an anonymous letter written by a doctor (assumed to be working in the civil hospital), asked the State to pull up its socks. In its order it directed the State government to set up on a war footing a computerised control centre with real-time information on facilities across districts. Information about phone numbers of hospitals and ambulances, addresses, bed availability and persons in-charge should be accessible to everyone via the control centre, the court said. Additionally, people must be able to file complaints and grievances at the centre. The bench said the government should appoint in each state hospital a representative who would be in contact with the control centre. Describing the situation in Ahmedabad as deeply distressing, the judges said that the government should ensure that no patient was made to run from one hospital to another to beg for admission. It directed that all government hospitals with more than 50 beds and ICUs (intensive care units) in Gujarat should immediately be converted into dedicated COVID-19 hospitals and private laboratories should be able to conduct COVID-19 tests.

(Until recently the State government did not allow private laboratories to conduct COVID tests, though the Indian Council for Medical Research had issued guidelines allowing private labs to conduct tests.)

The State government in its reply to the order agreed to comply with the directives but refuted the allegation that it was not doing enough.

A few days after the scathing order was issued, Chief Justice Vikram Nath took over the bench that had been

hearing the PIL since May 11 on all issues pertaining to the COVID-19 situation. Justice Pardiwala, who had been heading the bench, was now relegated to a junior position. On May 28, when Chief Justice Vikram Nath took over, he said highlighting a government's shortcomings "only creates fear in the minds of people". In a stunning volte-face, the new bench said: "If the State government would not have been doing anything, as alleged, then probably, by now, we all would have been dead."

An informed source in Ahmedabad said the change in the roster came abruptly on the last working day of the week when the court was due to hear the PIL. Activists and several advocates wrote to the Chief Justice of the Gujarat High Court expressing their "disappointment and serious concern" regarding his decision to change the bench, and argued that the change might break the continuity of the hearings and the significant directions that the court had issued to the government earlier.

The Chief Justice said: "All that we are doing in this litigation is to keep the State government conscious and active by reminding it of its constitutional and statutory obligations.... The COVID-19 crisis is a humanitarian crisis, not a political crisis. Hence, it is imperative that no one politicises this issue.... In these extraordinary circumstances, the role of the opposition is equally important. There is no denying that the role of the Opposition is to hold the government to account, but in times like this a helping hand would be more beneficial than a critical tongue.... Merely criticising the government in power is not going to magically cure people of COVID-19, nor is it going to make the dead come back to life.... While adversarial criticism may do no good, constructive criticism can help."

Notwithstanding this extraordinary turnaround, Gujarat's handling of the COVID-19 crisis has been abysmally poor. That the High Court intervened is an indication of the gravity of the situation.

The numbers tell their own tale. As of June 1, the State had 16,343 positive cases and 1,007 deaths. Ahmedabad accounts for 80 per cent of the cases and has reported almost 800 deaths. Gujarat's mortality rate at 6.14 per cent is far higher than the national average of 2.8



IN AHMEDABAD on June 1 after lockdown restrictions were relaxed.

AJIT SOLANKI/AP

per cent and Maharashtra's 3.37 per cent. The 1,200-bed Civil Hospital accounts for half the deaths.

The much flaunted "Gujarat model" has clearly not been very effective in this crisis. One doctor said: "The only thing Gujarat has shown is: how not to do it. We have seen poor administration, neglect towards health care workers, system failures, bad ideas and, worse still, corruption and nepotism."

Gujarat has also witnessed over the past few weeks tragic scenes of migrants not being able to go home, even though the State claims trains have been arranged.

Citizens' groups, mediapersons and doctors' associations have filed complaints with the administration about the condition of hospitals, the risks faced by health care workers as they function without protective gear, dead bodies being dumped in strange locations, and a host of other COVID-related issues. According to the High Court records, 15 PILs have been filed in connection with COVID and the administration's poor performance.

Achyut Yagnik, who runs the Centre for Social Knowledge and Action, said: "The problem in Gujarat currently is that they are not looking at tackling the problem on a war footing. Politics and petty power play is taking precedence over the COVID crisis. We can see how that is affecting the State. The need of the hour is strong leadership, which is lacking." On the migrants' issue, he said:

"The migrant issue is so tragic, yet they are unwilling to acknowledge it. Instead they are downplaying the numbers."

Chief Minister Vijay Rupani clings to his belief that the Tabligi Jamaat congregation held in March in Delhi was responsible for the high number of cases in Ahmedabad. Hussain Apa, a social worker in the Bombay hotel area of Ahmedabad said: "Rupani makes it sound as though the Tabligi is responsible for the spread. But there were just 14 members who went [to the congregation]. Unfortunately, the minorities in Ahmedabad do not trust the government and when they said we had to practise social distancing, no one in our colonies could understand what they were trying to do. Many thought it was another ploy to hurt Muslims. So it took a while for people to grasp the gravity of the disease and by that time community transmission had begun."

The walled city of Ahmedabad houses slums and low-income homes. This densely populated area is now witnessing hundreds of positive cases daily. Unfortunately, most are from minority communities, said Apa.

## VENTILATOR SCAM?

There is reportedly a scam surrounding the purchase of ventilators from a local company that has links with the Chief Minister.

# Surat, a tinderbox

GUJARAT'S industrial zones and its shipping, fisheries and handicraft sectors, besides its medium, small and micro enterprises (MSMEs), employ lakhs of people from across the country. Census 2011 says there are 2.9 crore intra- and inter-State migrants in Gujarat. Surat in southern Gujarat, a hub of diamond cutting and polishing as well as textile trade, is a draw for workers, both skilled and unskilled, from within and outside Gujarat. An estimated 70 per cent of Gujarat's informal workforce is based in Surat.

When the lockdown was announced, many employers in the Surat belt apparently promised to look after their workers during the shutdown. As the weeks went by and the lockdown kept on getting extended, employers reneged on salary promises citing financial constraints. Workers began to get restive as they ran out of money and it became hard to pay for food and board. Eyewitness accounts say thousands of men slept on Surat's pavements or tried to find shelter in public spaces.

The government made a few feeble attempts at feeding and setting up camps for migrants. Non-governmental organisations (NGOs) and citizen volunteers tried to fill the gap, but the scale of the crisis was too overwhelming. The breaking point came in early April when migrant labourers went on a rampage on the streets, setting fire to carts and public property. About 80 migrants were arrested. A month later, lakhs of migrants were still stranded in Surat. Three more incidents of violence were reported, the worst on May 9 when thousands came out on the streets when they learnt that the Odisha government had cancelled three trains assigned to take back migrants. Some 200 workers were arrested.

A study by the Gujarat government's Centre for Social Studies and Department of Education shows that Surat's powerloom industry and textile sector employ around 12 lakh workers, of whom 7.5 lakh are from Uttar Pradesh, Bihar and Odisha. An estimated 2 lakh construction workers and 1.5 lakh unskilled labourers find employment in the industrial zone of Hazira.



THE HINDU ARCHIVES

Ashok Shrimali from SETU: Centre for Social Knowledge and Action, an organisation based in Ahmedabad, said that workers in Gujarat were grouped according to their skills. For instance, the entire workforce of construction labourers may come from one district of Bihar or Uttar Pradesh.

In mid May, some NGOs and Jignesh Mevani, independent Member of the Legislative Assembly, brought to public attention how 70,000 workers were being held captive by their contractors in the Mora-Hazira belt near Surat. Mevani told *Frontline* that he had spoken to several workers and their condition was grave. In a letter to Chief Minister Vijay Rupani, which Mevani shared with the media, he said:

"We [he and a few NGOs] have found that all of the workers who we spoke with have not received wages since the lockdown. The industries are running at a low capacity, and the few workers working there during the lockdown receive only lunch. The panchayat support has been woefully inadequate—some workers report that they received only ten days of ration in the lockdown which has extended for over 50 days. Many of the workers have been threatened by their landlords that

**MIGRANTS** in Surat waiting for buses to reach the railway station, on May 29.

they will be evicted. In one case, the water supply of the household has been cut off. The administration has stalled the returning process for over 10 days. In addition to that workers are saying that they are being charged Rs.700 per head to go back home. Instead of ensuring their timely payment of wages and adequate ration, we have been responsible for keeping them poor, hungry and desperate to go home. A worker said to us that he would rather have 'namak and roti' with his parents than suffer here."

With little help from the governments of Gujarat and their own home States, migrant workers in Surat began the long march home. Those who saw them on the highways say it was a humanitarian crisis of the worst kind. Anand Mazgaonkar from the Gujarat Sarvodaya Mandal said: "It has reduced to a trickle now, but in the early days there were hundreds on the road. The saddest thing was that during the day it was too hot to walk, so they waited until night. At night the police said there was curfew and would not allow them to

walk. Many began walking through fields and finding small byroads to get on the highway. They are ordinary workers. Why should they have to sneak through at night like criminals?" He spoke of an incident where the police promised to help transport workers to the next town but then left them in the lurch in the middle of nowhere without any explanation.

"There has been a complete breakdown in the State's machinery," Mazgaonkar said. "In Surat, the municipal corporation provided them [migrants] shelter in what appear to be homes for beggars and the homeless. We went to some of them but did not find any migrants. Contractors had been assigned to find people and house them in these shelters. Even that seemed to be a racket. On speaking to several migrants, we found that they had registered wherever they could as they were told this was the process to get on a train. It is anyone's guess what happened to those forms, because only those who could pay or had some connection via their labour contractor could get on a Shramik Special. In fact, train schedules were not revealed even when NGOs tried to help with online services. Anecdotal evidence suggests that most have found their way home on their own. Truck drivers were giving lifts and it seems like the administration has turned a blind eye."

A tehsildar in Ahmedabad told *Frontline* that it could take months for the government to send back the migrants as one train carried a maximum of 1,200 people. "We are hoping the lockdown lifts and workers can go back to work and this problem is off our hands," he said.

Shrimali from SETU said: "The migrant labour issue in Gujarat has been simmering for some time. SETU has been working on the trends and patterns of Gujarat's migrants for several years. We believe that because contractors violate registration rules, the issue was never understood until the pandemic came and this invisible workforce made its presence felt." He explained that construction labourer is, for instance, required to be registered with the State's Building and Construction Board. Yet very few are registered, which enables the contractor to violate labour laws. Companies perpetuate the practice by turning a blind eye.

*Anupama Katakam*

According to reports, the government's purchase of a locally made ventilator called Dhaman-1 could have led to some 300 deaths in the Civil Hospital. Another report pointed out that the ventilators did not pass the Drug Controller General of India test and was therefore not fit to be used to treat this fatal disease. Rupani is allegedly linked to Jyoti CNC, the Rajkot-based company that made Dhaman-1.

The government justified the purchase saying the higher-end machines were being used for critical patients in intensive care units (ICUs), while the more basic ones such as Dhaman-1 were used for milder cases. A

news report said that hundreds of Dhaman-1 ventilators were lying unpacked in the Civil Hospital godown.

The spread of the contagion is more widespread in the cities, as it is in other States. However, the difference in numbers between Ahmedabad, Vadodara, Rajkot and Surat is stark. While Ahmedabad has been brought to its knees, the other three major urban hubs have put in place action plans that seem to work. Vinod Rao, special officer-in-charge in Vadodara, told the media that 1,086 positive cases and 42 deaths had been recorded in the city so far. The city has planned 12,000 beds for the second phase of the pandemic. Rao says

the city authorities are in the process of identifying close to five lakh high-risk individuals who will be advised home isolation.

Surat, which witnessed violence from migrants wanting to go home, appears to have the issue under control with several more trains being organised to take workers to their home States of Odisha, Uttar Pradesh and Jharkhand. This diamond-cutting and textile-trading hub had recorded 1,565 cases and 69 deaths as of May 30. It opened its famous wholesale markets on an odd-and-even basis from May 31.

Rajkot in Saurashtra has reported two deaths and 84

cases. With this low number, local residents believe the spread is under control. However, once inter-district travel increases, there is a possibility of a spike when people from Ahmedabad start arriving to work in the oil and gas factories.

Gujarat's lockdown exit plan includes lifting restrictions on regional travel. The State is heavily industrialised and would need to restart operations at the earliest. In an official release Rupani said: "In this new unlocking effort, we have to continue to work with coronavirus without any economic blockade so that no work is hampered." □

# Hard on labour

Rajasthan has transported thousands of inbound and outbound migrants, but its labour law reforms mean **more hardships** for workers.

BY T.K. RAJALAKSHMI

RAJASTHAN WAS ONE OF THE STATES TO have gone in for a lockdown even before the Centre announced it as a cluster of cases was reported in Jaipur and Bhilwara in early March. No sooner had the cluster in Bhilwara been effectively contained than COVID-19 cases began getting reported increasingly in Jaipur, Jodhpur and other densely populated urban settlements. While the initial spurt was attributed to people returning from a congregation in Delhi, it soon became clear that community spread had occurred. By the end of May, all the 33 districts in State had reported infections, especially those bordering Madhya Pradesh, Gujarat and Uttar Pradesh.

The Centre's sudden decision for a lockdown led to huge inbound migration from these States and places like Delhi and Haryana and outbound migration of workers from Rajasthan to their home States. This, coupled with delays in organising transport for them, contributed to the spread of the virus. The State government now had the twin challenge of arranging transport to and from different States.

The numbers involved were huge. Subodh Agarwal, the State's Additional Chief Secretary who has been coordinating the transportation of migrant workers, told *Frontline* from Jaipur that the government could deploy trains only from May 1 after the Central government gave it the go-ahead.

Agarwal said camps had been organised all over the State following Chief Minister Ashok Gehlot's clear instructions that no migrant should be seen walking back home. "People were desperate to leave. We tried to convince them. Many even sneaked out of the camps, which we couldn't help, but we succeeded in helping people reach their home towns," he said. Yet there were many belonging to Rajasthan walking back to the State from Gujarat and Madhya Pradesh as the lockdown got extended.

**MIGRANT** workers, hailing from Jharkhand, before boarding a special train in Jodhpur on May 22; (right) On Ramganj Bazar Road following the relaxation of lockdown restrictions, in Jaipur on June 1.

When the lockdown was first announced, many workers felt that things would be back to normal by the second week of April. But when it was extended, they began to get restive. The initial reluctance of other State governments to organise transport given the "stay where you are fiat" too did not help the situation.

Rajasthan has transported some 12 lakh migrants by buses and trains so far. The State government began deploying buses from March 26 to ferry migrant workers. As many as 37,051 migrant workers going to Madhya Pradesh were dropped at border villages in Chittorgarh, Jhalawar, Sawai Madhopur and Dholpur. And 6,722 people coming back to Rajasthan from Madhya Pradesh were ferried to their villages in various districts.

Similarly, 649 Gujarati migrants were dropped at the Rajasthan-Gujarat border and 11,405 incoming mi-

grants were taken to their respective destinations. As many as 972 Rajasthanis were brought back from Haryana. Some 37,000 from Uttar Pradesh were dropped at the Bharatpur border.

Some of the migrants had to traverse forests, hills and waterbodies to reach their villages in Rajasthan. The administration organised booth-level committees in the interior areas to help them.

While most States were not fussy about taking in their own people, government sources told *Frontline* that the Uttar Pradesh government insisted that Rajasthan provide the details of every migrant.

## 'THE POOR GOT POORER'

"Lots of the people who were poor got poorer," said Agarwal. He said the government had made all efforts to ensure that no one went hungry and that everyone was covered under the National Food Security Act. But *Frontline* learnt from other sources that there were reports of people's names getting cut off from ration cards, a claim the officer denied. Agarwal said there were no stories of "shortfalls" or "protests" in the State.

While it is an acknowledged fact that the Congress government was more responsive than some of the Bharatiya Janata Party (BJP)-led governments in terms of dealing both with COVID-19 and arranging transport for migrant workers, when it comes to labour laws they are all the same. Some of the labour law reforms enacted by the Rajasthan government, including extending the hours of work from nine to 12, has led to the belief that there is not much difference in the fundamental mindset between the Congress and the BJP *vis-a-vis* workers. The government revoked the order following strong objec-

tions from unions and the intervention of the Congress high command.

However, the Labour Commissioner's notification allowing factory owners to strike off the names of migrant workers from the rolls permanently if they failed to return to work has still not been revoked. Apparently, a committee was set up to discuss the issue after unions protested against it.

In a factory in Pali, after the owner refused to give wages for April despite the government's directives, a protest broke out and several people were jailed. The district administration found that the mill owner was guilty of violating labour laws. A union leader in his sixties was taken into custody. He later reportedly died in hospital. In Jaipur, civil society organisations and the Left parties staged a protest when they were denied permission to distribute rations among migrant workers who were stuck in rented accommodations.

## EMPLOYMENT

There is no doubt that Rajasthan has been badly hit following the lockdown, with the working population having more or less gone back to their home States. They are not likely to return. Native workers who have returned home are yet to learn the skills required to work in the industrial areas. "Lots of contractual labour have moved out. Initially people hoped that things would get better, but when they didn't, nobody wanted to stay," said Agarwal.

Neither could the State authorities persuade them to stay back. He said almost everyone who had returned had been registered and there would some mechanism to skill them so that they could work in the factories now left empty.



Although the rate of testing is better than in neighbouring States, Rajasthan is ranked seventh in the total number of people who have died from COVID.

“The biggest challenge is to provide food security. The second challenge is employment. Lots of people have left, leaving huge gaps in the economy. But double the number of that migrant labour has come in. We are trying to map them and try to absorb them according to their skills. Several big factories have opened, but the smaller ones are yet to do so,” Agarwal said, adding that the government revenue earnings were only 20 per cent of what it normally earned.

Anil Goswami of the Rajasthan Nagrik Manch, a broad front representing civil society organisations, said the trains carrying migrants were packed to capacity. In some trains more than the specified number of persons were allowed to travel, he said. “A lot of help was given by non-government organisations and mass organisations of the Left parties. Food packets and water were given to those who were going as far as West Bengal and Manipur. At least the government allowed us to help. They were reluctant initially,” he said. More migrants are preparing to leave the State.

Tragic stories too abound, he said. For instance, a woman in Kota who was suffering from cancer jumped in front of a train and died. Goswami said that while the government complained of a financial crunch, it had published a huge advertisement on the anti-tobacco day, which, he said, was a waste of money.

The government, he said, had given Rs.2,500 to street vendors but only to the registered ones. The bulk of street vendors are unregistered. Nomadic tribes and street performers also had not received any relief from the government. “After we wrote to the government about their plight, it said it would conduct a survey,” said Goswami.

#### OTHER ISSUES

Other issues people face include their inability to pay electricity bills because of loss of employment. Sanjay Madhav, joint secretary of the All India Kisan Sabha, told *Frontline* that the government should waive the electricity bills of all people, including farmers, for at least six months. But, the government was raising bills based on the average consumption for last year, he said, adding that if people had no money to pay rents how were they expected to pay electricity dues.

There are also many who are unable to repay the housing or commercial vehicle loans. “Many are surren-

dering the vehicles they have bought. We have demanded that Rs.7,500 be deposited in everybody’s account. It will bring them some relief. There should also be an urban employment guarantee scheme,” Sanjay Madhav said.

Communist Party of India (Marxist) State secretary Amra Ram told *Frontline* that while the government had indeed made arrangements for travel, thousands of applications were rejected. “People made their own arrangements to travel to their home States. In Sikar, they rejected 10,000 applications after asking them to apply online. The Sikar Collector said he had funds for people found walking on the roads but not otherwise. What kind of a logic is this?” said Amra Ram, a four-time MLA and a popular leader among farmers. He pointed out that the labour crunch would be there for some time.

#### OUTSTATION WORKERS

The factories in the State prefer labour from outside the State as they would not, unlike local workers, make frequent demands to visit their villages. The factory owners, he said, had outstation migrant factory workers at their disposal all through the month. Many workers walked as far as Uttar Pradesh, Madhya Pradesh and even Bihar from industrial areas in the Shekhawati belt of Churu, Sikar and Jhunjhunu, Amra Ram said. “On the one hand they say they are giving a lot of foodgrain, but on the other the administration is refusing to give rations to those who may have lost a family member or married off a family member and whose name would still be there in the card. They insist that first those names be deleted before claiming any entitlement. Ration cards were made 10 years ago. So no new additions are being made but deletions are being insisted upon.”

He also said that as there has been a good harvest the government should procure produce and distribute it generously. “The farmer is in a bad shape as his harvest is selling much less than the declared Minimum Support Price. The government has expanded procurement. It should include all perishables too,” he said.

#### INFECTIONS RISING

Meanwhile, the number of COVID cases has been rising in Rajasthan. Although the rate of testing and samples collected is better than in neighbouring States, Rajasthan is ranked seventh, below Uttar Pradesh, in the total number of people who have died from COVID. Compliance with the State government’s repeated instructions to the private medical sector not to deny treatment to any one seemed to have been weak. On May 30, the government again issued a similar advisory reminding these institutions that they had received various facilities and exemptions from the government from time to time and pointing out that denial of treatment was not only inhuman but a violation of the Supreme Court’s orders as well.

As of June 2, the State has reported 9,100 cases and 199 deaths from COVID-19. Most of these are from Jaipur, followed by Jodhpur, Udaipur, Pali and Kota. With relaxations in place for religious worship and shopping malls, the number is only likely to go up. □

## COVER STORY

### JHARKHAND

# Flying high

Jharkhand has managed to keep the infection in check and handled the migrants issue maturely by even **airlifting them home**, and it accomplished all this despite being ignored by the Centre by all accounts. BY PURNIMA S. TRIPATHI



JHARKHAND WAS THE FIRST STATE TO organise the return of its migrant labourers by train when the Shramik Special trains started running on May 1. It has another first to its credit: It has become the first State in India to airlift its migrant labourers on commercial and chartered flights. On May 29, the Jharkhand government facilitated the movement of 60 migrant labourers who had been stuck in the Batalik-Kargil sector in Leh-Ladakh since the lockdown began. These workers were engaged in road construction work being undertaken by the Border Roads Organisation.

The government also airlifted 320 migrant labourers from the Andaman & Nicobar Islands on May 30 and 31 on two chartered flights. “We were pained to see the plight of our people in other States. The way they were kicked out of their jobs and rented houses, denied a dignified living condition in States where they were

**MIGRANTS** leaving the Birsa Munda Airport in Ranchi on May 30 after they arrived from the Andaman & Nicobar Islands on a special flight arranged by the State government.

based and forced to either walk back home or travel like cattle in Shramik Special trains. Then, we decided that we would bring our people back with dignity and care,” said Vinod Pandey, a close aide of Chief Minister Hemant Soren and also the Jharkhand Mukti Morcha’s general secretary and spokesman.

Jharkhand has been handling the corona crisis quietly, without making too much noise about the initiatives it is taking either to control the pandemic or deal with the consequent human tragedy. But the low figure of corona positive cases and the almost negligible number of deaths here make it amply clear that the State is doing



**A MIGRANT** labourer at the Birsa Munda Airport in Ranchi on May 28 with her children after they arrived from Mumbai on a special flight arranged by the State.

something right. This is even more remarkable given the fact that over seven lakh migrants arrived in the State in May, some of them from States such as Delhi, Maharashtra and Gujarat that have seen an exponential increase in the number of infections.

On May 31, Jharkhand had a total number of 593 cases only, and this was despite the fact that it registered a single day's biggest increase on that day, 72. Out of this total number, 216 patients have recovered. The State has so far reported only five deaths.

According to senior government officials, this has been possible because of timely testing and quarantining of migrants and a well-placed monitoring mechanism in place for the collection of samples, treatment and rehabilitation. The State has so far tested 59,452 samples, of which 522 were found to be positive.

For Jharkhand, the bigger worry is the resource

crunch, not the coronavirus. "If only the Centre had released even our own share of funds, we would have managed it well. More than Rs.14,000 crore of our GST [goods and services tax] share is still pending with the Centre, besides other pending dues worth thousands of crores. We have written many letters to the Prime Minister and the Home Minister, but there has been no response," said Pandey. Hemant Soren, who is slightly more reticent than Pandey, wondered why the Centre had adopted such an apathetic attitude towards the State. "It is beyond me why the Centre is paying no heed to our pleas," he said.

Hemant Soren has been quoted in an interview as saying that he had been trying to contact Union Home Minister Amit Shah for three days but had not succeeded. "This was to request him to intervene because many of our people, including young girls and women, have been



**CHIEF MINISTER** Hemant Soren inspecting food to be provided to the migrants arriving from Leh on a special flight, at the Birsa Munda Airport on May 29.

## Flood of worries

The spectre of floods in the approaching monsoon haunts an election-bound Bihar as it struggles to contain the COVID-19 contagion and deal with returning migrants. BY PURNIMA S. TRIPATHI

A YOUNG woman lying dead on a railway platform in Muzaffarpur, Bihar, with her infant son pulling at the cloth covering her body is one image that will forever be associated with the COVID-19 pandemic and the resultant human tragedy in India. The State had managed the crisis reasonably well until the first half of May. Until May 18, there were only 1,425 positive cases and nine deaths in Bihar. Then the situation became chaotic as lakhs of migrants started returning to the State.

Hundreds of positive cases are being reported every day now, bearing out fears that many of the returning migrants carry the infection. On May 31 alone, 209 positive cases were reported. As of May 31, there were more than 3,500 cases and 21 deaths. The recovery rate, which was remarkably good at 54 per cent until May 14, has slipped to 37 per cent.

The doubling rate of cases shot up to 6.45 days, as against the national doubling rate of 13.33 days. The full impact of migrants' return is yet to be felt. According to official figures, 20.46 lakh migrants had returned home until May 31, of whom over 2,000 tested positive for COVID-19. The State capital Patna has emerged as a major hotspot with 19 containment zones.

After the migrants started arriving in the first half of May, the State has been witnessing over 11 per cent growth rate of the disease. Over 74,000 samples were tested until May 31. For every 10 lakh people, the State is testing 605 samples. A senior Lok Janshakti Party (LJP) leader said: "With lakhs and lakhs of migrant



**A TODDLER** pulling at the cloth covering his dead mother, Arvina Khatun (35), at the Muzaffarpur railway station in Bihar. Khatun, a widowed mother of two, had fallen ill on a Shramik Special train bound for Katihar district.

labourers continuing to arrive in the State, whatever we are doing is simply not good enough." The LJP is a member of the National Democratic Alliance and a partner in the Bihar government.

No surprise, then, that Bihar has decided to continue with the Lockdown 4.0 restrictions until June 30.

As the State struggles to deal with the pandemic, political parties have gone into election mode with the Assembly elections only a few months away. The Rashtriya Janata Dal (RJD), the main opposition party, organised a march on May 29 in protest against the murder of three party workers in Gopalganj district. Thousands of RJD workers were out on the streets of Patna, jostling with the police. Members of the State's ruling alliance were quick to stoke fears of the contagion spreading as a result of such political action on the streets. The LJP leader said: "Biharis are at the mercy of God now."

The RJD, meanwhile, has been criticising the condition of quarantine centres in the State. Devmuni Prasad Yadav, Patna district president of RJD, said: "The govern-

ment has done nothing on the ground. Zero arrangement. No food, no facilities. People have minted money in the name of quarantine centres."

The State also faces the prospect of floods. The meteorological department has predicted a normal monsoon, which is expected to hit the State in the first week of June. In June-July, when the pandemic is likely to peak all over India, Bihar will probably be grappling with floods also. Nearly 20 districts get flooded when the Kosi and the Ganga are in a spate during the rainy season.

The Bharatiya Janata Party's (BJP) media cell chief, Ashok Bhatt, said: "Bihar is fighting a three-pronged battle: against corona, against the rampaging opposition parties and against the impending floods. But we are geared up to deal with them all."

Dealing with returning migrants remains the foremost challenge for the State government. Bhatt said: "We will provide them work under the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA); those who are skilled, will do their own work."

On allegations that the government has mismanaged the situation, Bhatt said: "They [returning migrant workers] are coming in lakhs, from all over India. It is not easy to make arrangements for all of them. Problems are bound to erupt." He also said that the State government had anticipated this crisis and that was why Chief Minister Nitish Kumar had initially insisted that people should stay put wherever they were.

Nitish Kumar had indeed earlier refused to bring either students from Kota or migrant workers back. A senior Janata Dal (United) leader explained why the State government changed tactic: "When States like Uttar Pradesh and Jharkhand started bringing their people back, the Bihar government, too, had to start doing the same thing. Otherwise it would have become an issue in the election."

forcibly detained in other States. In Tamil Nadu, for example, 150 girls and women have been forcibly detained by their employers. I have been trying to talk to Amit Shah for three days, but there is no response from him," he said in an interview that was published recently on a news website.

He rued the fact that even in such tragic times the Centre was busy following its political agenda. "Politics *nahi hoti to samasya hi nahi hoti* [Had there been no politics, there would not have been any problem]," he has been quoted as saying.

Pandey, however, is more blunt and straightforward in attacking the Centre's stepmotherly treatment towards non-Bharatiya Janata Party-ruled States. "The Centre has totally abdicated its responsibilities. Tell me, what has the Centre done to control the pandemic? It imposed the lockdown in such a way that now the infection is about to cross two lakh cases. This exponential increase in the number of infections is a direct result of the Centre's short-sighted policies. And adding salt to injury is the fact that it is taking money from all of us as donation, but it is helping the affected people by giving loans! It has also made the pandemic an excuse to strip labourers of whatever protection they enjoyed earlier by amending the labour laws. It is selling out our national resources in the name of fighting the infection," he said. Citing the privatisation of coal mines, he said it was difficult to understand how this would help in fighting the virus. "This is just an excuse to sell our national resources."

"*Badi badi baatein, sirf bhashanbaaji* [Only big words, only speeches, nothing else]," Pandey said of the Prime Minister in these stressful times. According to Pandey, a government that had captured power in the name of God had now left people to the mercy of God. "It has surrendered completely. To each his own." □

# Questionable decisions

Chief Minister Arvind Kejriwal has the delicate task of opening up the economy and dealing with the **rising number** of cases. BY DIVYA TRIVEDI

FACED WITH A CRUMBLING ECONOMY, Chief Minister Arvind Kejriwal opened up Delhi under Lockdown 5 in accordance with the Central government's guidelines despite an alarming rise in the number of COVID cases across the capital—nearly 20,000 by June 1 and a death toll of 473.

Delhi has the second largest population of inter-State migrants after Maharashtra, according to Census 2011 data on migration. The Delhi government converted government schools and stadiums into quarantine centres for migrants. But reports say that they are in pitiable conditions and that local leaders run them like prisons.

Across class barriers, migrants in the city have had a tough time during the lockdown. Puttan in Ghazipur's Sapera Basti hails from Lucknow (Uttar Pradesh) and is used to making grinding stones, which fetched him Rs.200-300 a day. He was the only earning member of his family, which has survived thus far on rations received from social service organisations and government bodies.

It was tougher for Bucha and her four children from Kalyanpuri's resettlement colony, Jalebi Chowk. Abandoned by her husband since the lockdown, she got some assistance from her neighbours and insufficient ration from a government store. No other assistance from the authorities came her way.

Two international wrestlers, aged 13 and 14 years, from the denotified Koli tribal community were struggling to eat two full meals a day when a team of social service workers reached out to them.

Reema's husband was diagnosed with polio four years ago and is unable to work. She worked as a domestic help, but since the lockdown, despite the Prime Minister's plea to not hold back wages, her employer did not pay her the salary. Her family had migrated from Aligarh in Uttar Pradesh years ago, said Sanjeev Kumar, secretary of the Dalit Adivasi Shakti Adhikar Manch and convener of the National People's Alliance Movement. She and her family survived on food the government distributed in schools and were clueless on how to manage the



SUSHIL KUMAR VERMA

**QUEUING UP** for ration in New Delhi on June 3.

situation post-May 31 when that too would end.

While the walking migrants' plight was there for all to see, the misery of immigrants like these in Delhi was seldom acknowledged. The opening up of the economy, in part, would help them get their lives back on track and earn their daily wages.

Many of them would agree with the Chief Minister's observation that a permanent lockdown is no solution and that "we have to move on with all the precautions".

At the same time, an environmentalist in a posh South Delhi locality alleged that there was lack of logic in the policies of the government and the local body in leading the fight against COVID. The Residents' Welfare Association of the colony in which he lives was not opening the park inside the colony but allowing full-fledged construction activity in apartments. According to him, the decisions to impose the lockdown or lift it were not taken on the basis of any scientific evidence.

"The enforcement of a strict lockdown without allowing people a chance to prepare for their safety was excess-

ive and unscientific. The lifting of the lockdown at a time when the economy has crashed and people have suffered in a major way is arbitrary and unscientific. The government lacks proper scientific guidance to combat the novel coronavirus and has therefore abandoned the citizens to their own devices," he said. He also voiced a popular sentiment among Delhiites that the government was fudging numbers to justify the opening up of the markets.

## OPENING UP SHOPS

Since June 1, the Delhi government has implemented all the relaxations permitted by the Centre except in the 122 containment zones where the lockdown was extended till June 30. In a departure from the previous phases of the lockdown, it decided to open shops in markets regardless of the odd-even formula. There would be no restrictions on the functioning of shops or industries in Delhi. The Chief Minister even announced the opening up of barber shops and salons; restrictions apply only to

In the initial days of the lockdown, a barber shop in the All India Institute of Medical Sciences Institute (AIIMS) hostel had surreptitiously defied the guidelines and continued its business as usual. The barber was soon found to be COVID positive, said a nurse on condition of anonymity.

"It is a profession that requires direct touch and therefore should not be allowed to open. Especially because primary contacts are not being tested even inside AIIMS. If they are not being tested in the premier hospital of the capital, do you think testing is being done elsewhere?" she asked.

However, citizens, including prominent news anchors, heaved a sigh of relief and thanked the Chief Minister on Twitter for opening up salons, triggering a spate of funny memes. People were generally tired of the lockdown and simply wanted to resume normal lives, irrespective of the cost. Echoing this sentiment, Kejriwal said, "The time has come to reopen Delhi. We will have to be ready to live with coronavirus."

But the social activist Alok Shukla termed it a folly and said, "When India had only 500 cases, the government gave a notice of four hours and shut down all movement, subjecting people to unimaginable suffering. Now when the number of cases has crossed a million, they are allowing all movement and activity. Wouldn't it have made sense to have given a notice of 15 days and allowed people to reach their safe destinations prior to announcing a lockdown?"

The opening up of the economy, in part, would help migrants get their lives back on track and earn their daily wages.

Kejriwal announced that there would be no restrictions on the number of persons travelling in any type of vehicles like cars or autorickshaws. Delhi borders would remain sealed for one week with the exemption of essential services. A decision would be taken in a week's time to open borders after getting suggestions from citizens. In line with the Central guidelines, night curfew would be enforced from 9 p.m. to 5 a.m. While Gurugram opened its borders with Delhi, Noida decided not to do so as 42 per cent of the cases in Noida had been traced to Delhi.

"We agree that the city has seen a huge spike in the number of coronavirus cases. But we should not panic. The situation in Delhi would be worrying for me in two scenarios—if the number of deaths increase and if there's a shortage of hospital beds. We are making plenty of arrangements that are much more than the requirements," Kejriwal said, adding that the capital was four steps ahead of coronavirus.

He told the press that of the total number of cases, only 2,100 were in hospital. The rest were either discharged or had mild or no symptoms and were recovering at home. The government was planning to prepare 9,500 beds for patients, he said. The Delhi government asked private hospitals and nursing homes with 50 beds or more to reserve 20 per cent of their total capacity for COVID-19 patients.

## WORRYING SITUATION

Despite the Chief Minister's assurances, the situation seemed worrying. The Delhi High Court was scheduled to hear a public interest litigation (PIL) petition on June 3 in connection with the death of an elderly COVID positive woman due to the unavailability of a ventilator. She was admitted to a private hospital last month. Her son Dharmendra Bhardwaj desperately tried to procure the ventilator after the hospital asked him to arrange it on his own or take her elsewhere. He visited several hospitals and even approached the Delhi government's coronavirus helpline, but to no avail. A video he posted on social media went viral, but it could not save his mother. Later he too tested positive and was kept in isolation. The Delhi government issued a show-cause notice to the hospital asking why its licence should not be cancelled as its conduct had been wrong and could not be tolerated.

The High Court took suo motu cognisance of alleged negligence by the hospital administration and filed the PIL stating that it raised serious issues of public concern. A two-judge bench consisting of Justices Vipin Sanghi and Rajnish Bhatnagar pulled up both the Central and State governments and said that Delhi helpline numbers should provide guidance on availability of hospital beds in the city, particularly in the proximity of any caller's location.

The Delhi government launched a mobile app to help patients in Delhi track the number of beds in the city. Kejriwal has invited suggestions from Delhiites on whether the capital should open its hospitals for treatment of people from across the country or whether they should be reserved for Delhi residents only. □

# Shifting priorities

The BJP government begins preparation for the Assembly byelections, which will decide its political fate, **instead of strengthening** its efforts against the pandemic. BY ANANDO BHAKTO



AS ON JUNE 1, MADHYA PRADESH HAD 8,089 COVID positive cases, with Indore accounting for 3,486, and 350 deaths. In its May 27 health bulletin, the government declared Bhind, Morena and Gwalior, the three districts in the Gwalior-Chambal region, as green zones (with no confirmed cases) despite there being more than 158 active cases there.

But the ruling Bharatiya Janata Party (BJP) appeared to have shifted its focus from responding to the pandemic to preparing for the crucial byelection to 24 Assembly seats, most of them falling in the Gwalior-Chambal region. The BJP with 107 seats in the 230-member Assembly must win at least nine seats to remain in power. The date for the election, which has to be held before September 10, has not been finalised.

The opposition Congress accused Chief Minister Shivraj Singh Chouhan of paying more attention to shoring up the party's fortunes and leaving farmers, migrant workers and daily wage earners in the lurch.

Farmers are reportedly queuing up at crop procurement centres across the State in large numbers. Kamal Nath, who was ousted from power on March 20 after Congress Member of Parliament Jyotiraditya Scindia along with his loyalist MLAs defected to the BJP, has

**A RAILWAY** employee providing drinking water to migrants in Jabalpur on May 21.

appealed to the government to extend the deadline for selling crops. He tweeted: "Farmers are facing great difficulty in selling their produce due to the lockdown. Despite the unbearable heat, they are queuing up outside procurement centres. But at many places officials responsible for weighing the produce or making the payment are missing. The government must extend the deadline and also make proper arrangements for storing the crop to save them from the monsoon."

The absence of a road map for a phased relaxation of the lockdown became evident when the government on May 30 declared its inability to resume economic activities without waiting for the Centre's guidelines regarding easing of restrictions from June 1. It extended the lockdown to June 15, which was expected to be as stringent as before. But in his address to the people on May 30, Shivraj Singh Chouhan said: "After Lockdown 4 ends, the fifth stage of lockdown will be Unlock 1.0 phase. We will fully follow the guidelines of the Government of India. We will also conduct economic activities in a phased manner in the State." The government said the

lockdown would remain in force in containment areas until June 30.

The BJP's continued membership drives, in the midst of the pandemic, has provoked outrage. According to local media reports and Congress leaders, the BJP has been organising conclaves sporadically to enthuse its cadres and block-level leaders and step up membership drive ahead of the byelection. Drawing attention to one such event, Kamal Nath came down heavily on the government on his official twitter handle on May 23. "In the BJP headquarters [in Bhopal] today, in the presence of you [Shivraj Singh Chouhan] and your other responsible colleagues, a heavily attended programme took place despite the lockdown. Rules are being scoffed at, and social distancing is not being followed at all. This has happened several times earlier," the former Chief Minister tweeted.

The Congress' State spokesperson Abbas Hafeez told *Frontline*: "The government has no clue as to how to check the spread of the disease. Positive cases are increasing at an alarming rate. The government is busy preparing for the byelection. The BJP is regularly holding outreach programmes with 100 or 200 cadres moving around without any thought to maintaining physical distancing."

Fifty-one of the State's 52 districts have reported COVID cases. On May 30, a staffer at a wheat procurement centre at Khajuria Ranku in the hinterland of Bhopal district tested positive raising fears regarding the possibility of the virus spreading to nearby villages. The government stalled the procurement process at Khajuria Ranku. The employee who was responsible for weighing the crops had reportedly come in direct contact with farmers.

Hafeez said the government did not establish an alternative procurement system nor did it postpone the exercise, given the large congregation of farmers expected at the centres. Criticising the mismanagement at quarantine centres, he said: "In Bhind, insects were found in the meal served to patients. Earlier, we saw people quarantined in toilets. The scene at Sendhwa [on the State's border with Maharashtra] is moving. Even basic amenities are not provided to returnee migrants." On May 14, chaotic scenes were witnessed at Sendhwa. Hungry and frustrated workers on reverse migration went on the rampage, protesting against the administration's failure to make arrangements for food, shelter and transport.

Congress leader Siddharth Tiwari, who lost the 2019 Lok Sabha election from Rewa, told *Frontline* that the government's handling of the pandemic, in particular its response to the poor and the dispossessed, exposed the real face of the BJP. Speaking to this reporter over phone from Rewa, he said: "In the name of beautification, the administration on May 9 bulldozed over 20 shanties that were built in Rewa's Ratahra neighbourhood. Hundreds of labourers became homeless overnight. What was the need for an encroachment removal drive when an unprecedented health scare is looming large? This was inhu-

man and mindless." "On May 16, in Chakghat area close to the Madhya Pradesh-Uttar Pradesh border, hundreds of starving migrant labourers who were holding demonstrations demanding food were beaten by the police and driven away," he said.

Tiwari criticised the government for giving undue importance to the Assembly byelection and de-prioritising COVID response. He said the BJP was a divided house and Shivraj Singh Chouhan was unable to have a fully functional Cabinet. "For a month after assuming charge, the Chief Minister was unable to appoint a Health Minister as factionalism is at its peak in the BJP. Narottam Mishra was finally given charge of Health and Home portfolios. The government does not realise the seriousness of the situation we are in," he said.



**COVID-19** patient who recovered leaving the Aurobindo Hospital in Indore, on May 27.

Faced with increasing criticism of his handling of the health crisis, Shivraj Singh Chouhan on May 30 issued warnings to erring medical staff. At a video conference to take stock of the pandemic situation, he asked senior doctors to visit COVID-19 wards in hospitals on a daily basis to ensure that patients were treated well. He said strict action would be taken if any lapses came to light. According to a public relations department official, the Chief Minister had said at the meeting that "even the slightest negligence and lapses in treatment will not be tolerated and strict action will be taken against the medical staff".

The government intensified its sops distribution drive. Even as schools and colleges remain shut due to the lockdown, the government sent security allowances to students in place of midday meals, in order to ensure that they had enough money to purchase food and ration. The government claimed that Rs.146 crore was transferred to the bank accounts of 66 lakh beneficiary students. In a televised address on May 18, the Chief Minister said he was committed to providing relief to the underprivileged. "The State's economy has collapsed due to coronavirus, but we have transferred more than Rs.16,000 crore to the poor, labourers, farmers, children, among others, so that no section of society has to face any problem," he said. □

# Systemic shortcomings

The **poor state of public health** infrastructure in the heavily forested and predominantly rural State, among other things, contributes to a spike in COVID-19 cases. BY DIVYA TRIVEDI

HEAVILY FORESTED CHHATTISGARH MANAGED to keep its coronavirus infection well under control until migrants started returning to the State. From fewer than 100 positive cases in April, the number of infections rose to 500 towards the end of Lockdown 4.0. There were also around a dozen deaths in quarantine centres across the State. The State, however, claimed that none of these was caused by COVID-19 and listed the reasons for the fatalities as snake bite, electrocution, suicide and non-COVID health conditions.

Government functionaries attributed the deaths to overcrowding and the summer heat. Health Minister T.S. Singh Deo admitted that the system was too burdened to handle the huge number of returning migrants and said that strict action would be taken if any lapses were found.

At least three cases of suicide were reported from different quarantine centres, raising questions about the condition of those centres. Alarming, within a span of 48 hours, three infants and one pregnant woman died in different quarantine centres. Photographs of migrants being served food on newspapers spread out on the floor went viral on social media and drew sharp criticism. The opposition parties in the State demanded monitoring and inspection of the centres.

Local activists told *Frontline* that the pitiable state of public health infrastructure in rural areas made it difficult for the government to ensure the well-being of returning migrants, good intentions notwithstanding. One of them said: "The pandemic has revealed how inadequate our governments really are to tackle a crisis of this scale. It is also a lesson for those who want to learn—what one does in peacetime decides how much of a fighting chance the community will have in times of trouble. With the rapid privatisation of health care across the country,

**MIGRANT** labourers from Chhattisgarh about to board the Shramik Special train at the Bhubaneswar city railway station to return home, on May 24.

our public health care systems in rural areas have suffered years of neglect, which needs to be remedied."

The activist said that the quarantine centres are run by panchayats and suffer from mismanagement, lack of facilities and poor food arrangements. Many migrants endured a great deal of hardship and days of travel before they reached quarantine centres, he added, insisting that it was the State's responsibility to take care of their well-being.

Three-fourths of Chhattisgarh's population live in

rural areas, relying primarily on agriculture for sustenance. Between January and June, when agricultural activities stagnate, mass migration takes place to cities, the chilli fields of Andhra Pradesh, and elsewhere. This huge migrant population is now returning to Chhattisgarh in the midst of the pandemic.

The number of people returning to Chhattisgarh from foreign countries, however, has been low, which has kept the infection rate in the State from spiralling out of control in the way it did in cities in other States. Alok Shukla, social activist and convenor of the Chhattisgarh Bachao Andolan, said: "Since Chhattisgarh is largely a rural area, those who returned from foreign shores did not reach the villages. They remained confined to the cities and the government's timely implementation of Section 144 ensured that the infections would not spread. We also don't have too many tourists visiting the State."

Moreover, villages practised self-isolation by blocking their entry points early on, making allowances only for essential services. "This went a long way in preventing community spread," said Shukla.

He also said that the Chief Minister might be well-intentioned but ground level implementation of preventive measures remained a challenge across the State. "In the initial days, the government remained paralysed. Only after NGOs [non-governmental organisations] and civil society raised questions on the arrangements did the official machinery get into action. It took a full month for them to organise buses to ferry migrants back," he said.

The panchayats are responsible for the actual implementation of the government's policies, and their per-

Between January and June, when agricultural activities stagnate, mass migration takes place to cities, the chilli fields of Andhra Pradesh, and elsewhere.

formances vary. Some panchayats may have only four returning migrants, while others have more than 100 and therefore require more resources to handle the pressure.

Home delivery of rations and other essentials is among the positive measures undertaken by the government. Midday meals are being delivered to children though schools are not functioning. Employment under the Mahatma Gandhi National Rural Employment Guarantee Act has also brought some respite to farming communities. Around 44 per cent of Chhattisgarh is forested. According to Shukla, the timely purchase of minor forest produce and mahua sustained the population under the lockdown. According to the Tribal Co-operative Marketing Development Federation of India (TRIFED), minor forest produce worth over Rs.18.63 crore was purchased from forest dwellers and villagers, the highest such purchase in India. Only two other States, Jharkhand and Odisha, procured minor forest produce, according to the Chhattisgarh government.

A statement released by the State government said: "In this hour of crisis and amid the COVID-19 lockdown, the forest dwellers and villagers of Vananchal are getting a lot of relief from the government's purchase of small forest produce at the support price and the cash payment process. Currently, the State government had increased the number of minor forest produce to 22 keeping in mind the interest of the villagers, which has now been increased to 23."

A local journalist, Bhupesh Baghel, however, questioned the positive image that the media gave to the State and its Chief Minister. He claimed that the government was good with media management and therefore some of the worrying stories were not coming out.

With factories not functioning and construction activities halted, the government will certainly have to do much more to revive the rural economy, which has suffered massively.

In a controversial move in May, the State government made the Forest Department the nodal agency for Community Forest Resource Rights (CFRR) under the Scheduled Tribes and the Traditional Forest Dwellers Act 2006. Activists alleged that the step was illegal. Under the Act, they said, only the Tribal Affairs Department or any other agency authorised by the Central government could be the nodal agency. □



BISWARAN JAN ROUT

# Farming crisis

Faced with acute revenue shortage and the threat of an increase in COVID cases with the return of people who migrated to other States, Punjab is **fighting a tough** battle. BY ZIYA US SALAM

THE UNPLANNED IMPOSITION OF LOCKDOWN has posed several challenges for the Amarinder Singh government. Agricultural operations in the State, considered the bread basket of India, have been hampered by the absence of farm labourers, who started returning to their hometowns in Uttar Pradesh and Bihar, during the crucial period of rabi crop harvesting followed by the kharif crop sowing. The economic slowdown and the lockdown have forced textile mills, textile processing units and cycle manufacturers in the State to shut down operations.

In an interview to Press Trust of India on May 17, Amarinder Singh said 10 lakh jobs had been lost in Punjab due to the lockdown.

The State has been facing a financial crunch, losing Rs.3,000 crore every month since the lockdown began. "We are looking at minimum Rs.50,000 crore loss for the full year," he said. The economy is in free fall.

The Chief Minister pegged the April revenue short-

age for the State at 88 per cent of the estimated revenue for that time of the year. Participating in a video conference of Chief Ministers of Congress-ruled States in early May, Amarinder Singh said: "As against the estimated revenue of Rs.3,360 crore for April, only Rs.396 crore had been received during the month. The State's power consumption had declined by 30 per cent, with a daily loss of Rs.30 crore to the Punjab State Power Corporation [in terms of power tariff collection]."

The Chief Minister added that the goods and services tax (GST) arrears of Rs.4,365.37 crore, was yet to be paid by the Government of India.

According to a senior Congress leader, the Centre did not clear the State's GST dues for the past six months. Add to this the fact that there is no GST on cereal crops, and one can visualise the financial crisis Punjab would be staring at. The distress of migrant labourers has affected the economy and the polity.

Tara Singh Sandhu, general secretary of the State



**POLICE** personnel speaking to migrant workers who blocked the national highway near Amritsar on May 29 demanding speedy arrangements to help them return to their hometowns.

Congress committee said: "It is a gloomy picture in Punjab. People talk of agriculture being impacted due to the departure of farm labour. What is not given as much attention is the crisis it has caused in the manufacturing sector. The factories are beginning to open now. There will be production in the coming days, even if it will not be as high as it usually is, but where is the possibility of marketing? How does the product reach the market? Where is the labour? And equally importantly, where is the demand for the finished product? Where is the purchasing power? In the absence of jobs, where is the money in the common man's pocket. Having said that, we must remember Punjab is an agricultural State. It suffers more because of lack of imposition of GST on wheat and paddy. In the absence of GST, how can the State generate revenue? We have been asking for GST repeatedly. But to no avail."

The absence of GST on agricultural produce is not the only bane of Punjab as the COVID pandemic threatens to expand. If in the initial days of lockdown, Punjab looked at the possibility of 10 lakh migrant labourers leaving for their home States, now, a section of labourers from Punjab is coming back from Jharkhand, Madhya Pradesh and Maharashtra, bringing with them the prospect of an increase in the number of coronavirus patients. These workers go to these States to coincide with the sowing season there, and return to the home State in time for paddy sowing.

"Until the arrival of labourers from Madhya Pradesh, Jharkhand and Maharashtra COVID cases were under control. Now, there is the danger of community spread. Cases have been reported from Patiala, Sangrur and Hoshiarpur in recent days from people with no travel history," Dr Rajesh Ghumman, a Patiala-based doctor, said. On June 2, the State reported 41 new cases, including 10 from Jalandhar. The cumulative number of cases was 2,342 (279 active ones) and 46 deaths. The Health Department said 2,017 patients had so far recovered from the infection. The majority of confirmed cases were from urban centres such as Ludhiana, Amritsar and Jalandhar. Amritsar reported 386 cases, Jalandhar 246 and Ludhiana 197. The initial cases were reported from those who had returned from the United Kingdom, Germany and Italy. Now things are different with those with no travel history testing positive, giving rise to the fear of community spread. "As stated by the Chief Minister, we have not seen the worst of COVID yet. The return of labourers to Punjab after completing sowing operations in other States will further complicate the issue," Ghumman said.

Taking cognisance of the threat of community spread, the Indian Council of Medical Research (ICMR) started testing residents in four districts, Patiala, Ludhiana, Jalandhar and Pathankot, identifying clusters and villages in them. A team of health care and ASHA workers from the ICMR collected samples from Rajpura, a red zone in Patiala district.

On May 31, while announcing the extension of the lockdown with some relaxations up to June 30, Am-



**AFTER** the Punjab government resumed public transport services, in Amritsar on May 20.

arinder Singh said: "We had 23 new cases on May 29 and 19 cases on May 30 with no travel or contact history. These are the dangers of stage three of the virus. We have to be careful and cautious. In Amritsar, we have seven cases today. Of these, six cases are contact cases. So, what the doctors are telling you is right. The community spread of infection takes place in cities and mohallas."

As the State braces for a surge in COVID cases, there is little blowing its way in this hour of crisis. For instance, aid from the Centre to tide over the economic crisis. Says Tara Singh Sandhu: "The Centre is saying we will support according to the population of the State. Money for economy will be released based on the population. Punjab, which has controlled the population, stands to lose. More so, if you compare it with States such as Uttar Pradesh and Bihar with a higher population density. Is the Centre punishing us for controlling population expansion? The Centre's outlook is more unitary than federal."

In order to overcome the "extremely critical" financial situation, the government has adopted numerous austerity measures. Amarinder Singh said "non-essential" departments had been asked to cut down expenses and manage their costs judiciously. He said an urgent economic package was needed for the States as all sources of revenue—GST, excise duty and VAT coming from transportation—had dried up. Punjab would find the way forward difficult, unless the Centre stepped in, he said.

Meanwhile, the State government is awaiting the initial report of the Group of Experts headed by former Deputy Chairman of the Planning Commission Montek Singh Ahluwalia. It was formed on April 25 to help the State devise economic and industrial revival strategies. The report is likely to be received in three months. It will take another month after that to finalise the same.

The 20-member task force formed on April 8 to suggest a lockdown exit strategy submitted its blueprint for normalising socio-economic activities in the last week of April. It may still be a long haul. Until then, Punjab can only hope and wait for its share of GST payments from the Centre, and hope to curtail the community spread of COVID. That, hopefully, will translate into greater economic activity in the market. □

# Labour shortage

COVID cases start spiking in Haryana as the administration relaxes lockdown measures while **industry and agriculture grapple** with labour shortage following the exit of migrant labour. BY T.K. RAJALAKSHMI

THE COVID-19 GRAPH IS ON AN UPWARD curve in Haryana, as in most other States. Still, cases continue to be concentrated in a few districts that have dense urban conglomerations. Gurgaon, Faridabad and Sonapat—industrial areas with populous urban settlements—account for most of the cases. The infections, worryingly, continue to spike despite the almost complete exodus of migrant workers from the State and a stringent implementation of the lockdown.

The number of cases in a day began spiking after the third week of May; until then, the daily increase had been gradual and minimal. As the lockdown relaxations announced by the Union Home Ministry kick in and as places of worship and malls start functioning again after June 8, the number of cases is expected to go up further. At the moment, Haryana's contribution to the national caseload is surprisingly small. One reason for this could be under-reporting of cases from fear of stigmatisation.

Health workers *Frontline* spoke to earlier had confirmed that people who developed symptoms were not coming forward to report to hospitals. The overall rate of infection in the State was relatively high at 54.3 per cent. In the last week of May, the number of new infections grew at an average of 12 per cent per day. Delhi also has a higher number of confirmed cases and deaths. But Haryana's daily rate of new infections is about double of Delhi's 6 per cent and Tamil Nadu's 5 per cent. The stringent lockdown measures in the State only managed to suppress the virus temporarily.

The Haryana government has issued guidelines for relaxation of the lockdown norms. On May 30, the Department of State Transport issued an SOP (standard operating protocol) that is to be followed by passengers boarding inter-State buses. Apart from the implementa-

tion of sanitising measures and physical distancing, people running a high temperature will not be allowed on the buses. The protocol also requires passengers and transport staff to have the Arogya Setu app installed on their phones and the "app should be functional at all times".

## SKELTAL WORKFORCE

With the exodus of migrant workers from Haryana, the highly shrunk labour force is a major challenge for industry. The main producers of wealth, the factory workers, have left for their villages.

Jai Bhagwan, general secretary of the Centre of Indian Trade Unions (CITU) in the State, told *Frontline* that nearly 70 per cent of the industrial workforce in Haryana was from outside the State, and 50 per cent of these workers had left. He said that the CITU had, along with other unions in the State, made a ground assessment of the extent of the migration in all the major industrial areas. The unions estimated that close to 30 per cent of the workers in Faridabad, 60 per cent in Panipat and Rewari-Gurgaon, and 50 per cent in Rohtak, Bahadurgarh, Yamunanagar and Sonapat districts had gone back to their homes in other States.

Haryana now has a skeletal workforce of permanent workers. While the bigger industrial units have opened up, the small and medium units have not. "The prospects of these industries opening up are dim as many of them operate as small workshops with an equally small workforce," Jai Bhagwan said. Production is hit hard in export-oriented units and the automobile sector. The condition of cottage and home-based industries is marginally better. Textile, footwear and spinning are the hardest hit because most of those working in these units



PTI

**FACTORY** workers walk through a forested area in an attempt to cross the Delhi-Gurgaon border after they were stopped by the Haryana Police following the sealing of the border after a surge in coronavirus cases, on June 1.

are not on "employment rolls" and have gone home to other States.

He said that following the shortage of labour and raw material and reduced demand, industrial production was in the range of 30 per cent at present. Employers and industry associations were worried about resuming production as workers did not want to stay back. But the short supply of labour did not mean wages would be upwardly revised.

In several big industrial units, employers had paid between 20 and 30 per cent of the wages for April. This was not incentive enough for the workers to stay back. With no intervention from the government to ensure that employers fulfilled their obligations towards workers, there was little option left for migrant workers but to head back to their villages outside the State.

Shifts stretching to 12 hours had been common even before the lockdown but have now become the norm. Workers are under pressure to step up production, which gives rise to resentment. In the construction sector, of the 22-25 lakh workers, 50 per cent are migrants. Not all of them were registered by their employers on the Construction Workers' Welfare Board. Only 8,56,000 were

registered, and not all of them were registered online. Of the workers who were registered, only 3,50,000 had received Rs.5,000 in five instalments. Around 25,000 workers had not received anything. "So only half of the registered workers have got those benefits. There is a lot of anger among those who haven't received anything. It is their money after all as they contribute to the welfare board," Jai Bhagwan said.

## AGRICULTURAL OPERATIONS IMPACTED

The shortage of labour was expected to affect the transplantation of paddy, a labour-intensive activity for which farmers depended heavily on migrant labour. Farmers are reportedly being encouraged to grow other crops such as maize and cotton instead of paddy. The shortage of labour is also expected to hit sowing of paddy in many key paddy-growing parts of the State.

The number of rural job seekers is also high at present. A total of 17, 89,000 workers had registered themselves for work under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). But job cards were issued to only 9,50,000 people. "This meant that there was double the demand for work but only half of them had been given job cards," said Jai Bhagwan, who had compiled figures of rural employment under the MGNREGA. A good proportion of construction workers were seeking work under the scheme, he said. □

With no intervention from the government to ensure that employers fulfilled their obligations towards workers, there was little option left for migrant workers but to leave.

# Out of control

Mamata Banerjee's recent **statements reflect the pressure** she is under because of the coronavirus pandemic and the devastation caused by the Amphan cyclone. BY **SUHRID SANKAR CHATTOPADHYAY**

WEST BENGAL CURRENTLY FACES A DUAL crisis that is causing enormous distress to the people of the State. The "extremely severe cyclonic storm" Amphan of May 20, the worst ever natural disaster to hit the State in a long time, came when Bengal was already reeling under the uncontrollable spread of COVID-19. Mamata Banerjee's government, which has been facing severe criticism for its handling of the pandemic, now finds itself under tremendous pressure with the additional task of reconstruction and rehabilitation and providing relief to lakhs of people in the cyclone aftermath.

The cyclone left 98 dead and affected more than six crore people, destroyed over 10 lakh houses, and damaged over 10.5 lakh hectares of farmland. According to Chief Minister Mamata Banerjee, the total damage stands at around Rs.1 lakh crore. Meanwhile, the COVID-19 crisis has deepened, exacerbated by the constant flow of migrant workers returning in the Shramik Special trains from across the country, including States where the outbreak has been severe. According to Railway Minister Piyush Goyal, there are over 30 lakh migrant workers from Bengal in the country.

As of June 1, the total number of COVID-positive cases in the State stood at 5,772, including 3,255 active cases. The total number of COVID-positive patients who have died is 333 (including 72 deaths caused by comorbidities, as declared on April 30).

Trinamool Congress general secretary and State Minister for Education and Parliamentary Affairs Partha Chatterjee said: "There is coronavirus on the one hand and the devastation caused by Amphan on the other. Not in a hundred years has any leader had to deal with a situation like this. Mamata Banerjee is dealing with it putting her own life at risk."

The State government has released Rs.6,250 crore for relief and restoration work, and the Centre has extended an advance of Rs.1,000 crore. On May 29, Mamata Banerjee announced that five lakh families in nine af-

ected districts would receive Rs.20,000 each directly. However, the State government's handling of the post-Amphan situation has come in for criticism from the general public, political opponents, and even sections within the ruling party. For more than a week after the cyclone struck, many neighbourhoods in Kolkata and its adjoining areas remained without water and electricity. Fallen trees kept neighbourhoods isolated as the elderly and the sick gasped for relief. Residents in different parts of the city and other affected areas flung aside all norms of social distancing and took to the streets in protest. In several places, people vented their anger on local Trinamool leaders and elected councillors.

Fissures within the ruling party began to surface as top leaders hurled allegations against one another. State Consumer Affairs Minister Sadhan Pandey criticised Minister of Urban Development and Municipal Affairs Firhad Hakim's failure to deal with the ongoing crisis. "Had there been proper planning, the cyclone crisis could have been handled in a much better way. There was no proper planning. None of us was consulted on how this crisis could be dealt with.... Anyone who fails to perform should resign from his post," Pandey said. Hakim, who is also Chairman of the Kolkata Municipal Corporation's

Board of Administrators, hit back saying it was easy to criticise from the comfort of an air-conditioned room. Paresh Pal, an influential Trinamool legislator, jumped into the fray with a threat to take out a massive rally against Pandey. An unhealthy competition also seems to have surfaced within the party over relief distribution with serious clashes taking place between different factions. Veteran Congress leader and Leader of the Opposition in the Assembly Abdul Mannan attributed the government's failure to effectively address the Amphan catastrophe to lack of administrative ability. "The Trinamool government shows neither any democracy in its way of functioning, nor any administrative capability. That is why the failure in dealing with a disaster like Amphan. They know only destructive politics and can do nothing constructive," he told *Frontline*.

## SPIKE IN CASES

Meanwhile, the number of COVID-19 cases in the State seems to rise inexorably. In the last week of May, the number of cases rose by 1,956. (However, the rate of testing has also increased to well over 9,000 a day.) Mamata Banerjee claimed that the State had got the crisis under control before the Railways started sending back migrant workers in unannounced trains.

"We had brought the disease under control, but the districts that were in the green zone are now registering positive cases... thousands are coming from high-incidence zones. Over five lakh people have already reached Bengal... We welcome them but we have to strike a balance between that and managing the COVID situation," she said. The State government and Piyush Goyal have been locked in a war of words for several weeks, with the latter often alleging that the Bengal government was dragging its feet in utilising the Shramik Specials. Mamata Banerjee, on the other hand, has dubbed the Shramik Special trains as "Corona Expresses".

The return of the migrants is also causing social disturbances. In many places local residents have not allowed them to enter their villages, fearing a spread of the infection. As vicious fights erupted in some places, the

Chief Minister blamed the Centre: "You are causing law and order problems in the State."

Many of the returning migrants, on the other hand, have alleged that the State government had made no provisions for quarantining them and had instead asked them to remain under home quarantine, which they were unable to do as the villagers would not allow them in. Skirmishes and agitations have been breaking out in districts across the State—Birbhum, Bardhaman, North 24 Parganas, Nadia, Hooghly and Howrah.

Many people feel that the State government's attitude towards migrants prompts hostile behaviour. Ram Chandra Dome, veteran leader of the Communist Party of India (Marxist) and a seven-time Lok Sabha Member from Birbhum district, told *Frontline*: "The words of those at the helm of a State will obviously impact society. When one is constantly talking of corona entering society because of the migrants and referring to the Shramik trains as Corona Express, is it possible that there will be no repercussions?" He pointed out that a communal campaign was also under way against returning migrants: "It so happens that a large number of the migrants are Muslims, and there is an insidious campaign that Muslims are spreading the disease. These two irrational campaigns are taking place simultaneously in the State instead of any scientific awareness programme," said Dome.

Many migrants who have managed to make their way back have complained that they received no assistance by way of food or any other kind of relief from the State government after they returned. Some groups of returning migrants are reportedly bearing their own expenses in the quarantine centres. There are also reports of migrants claiming that they have not even been tested on their return. Protests staged by the police over the coronavirus situation mark another trend that is disturbing for the State government. Aggrieved police personnel have alleged that the State government shows no concern for the plight of police personnel who have been at the forefront in the fight against the virus. Protesting police personnel in south Kolkata's Garfa ransacked their own police station. Violence broke out in the camp of the Calcutta Armed Police on May 29, and at the Police Training School.

Although there were no signs of the pandemic easing in the State, Mamata Banerjee announced further relaxations of lockdown restrictions on May 29. Places of worship were allowed to reopen from June 1 and private and government offices were allowed to resume work with full attendance. Kolkata burst into almost frenzied activity on June 1, with traffic jams taking place all over the city. In a recent press conference, Mamata Banerjee had said, "It is not in my hands any more. Now I have nothing more to do. You can sleep with corona by your side, making it you side-pillow. I am sorry." The people of Kolkata seemed to have taken their Chief Minister's words quite literally as they stepped out of their homes after two months of lockdown, paying no heed to the danger that might well lie ahead. □



**A WHOLESALE** vegetable market in Kolkata on June 3. People are back on the streets in large numbers with lockdown restrictions on their way out.

# A double battle

Odisha is grappling with an **unprecedented economic crisis** triggered by the prolonged lockdown even as the coronavirus infection shows signs of increasing with the return of migrants to the State. BY **PRAFULLA DAS**

MIGRANT WORKERS FROM ODISHA WHO began their journey on foot to their homes soon after the lockdown was announced on March 24 are yet to reach their homes in the urban centres in the State. Their huts in the slum clusters remain empty. Many street vendors who live in these slums have not returned to their hometowns and those who returned have not found work in their villages as the COVID fear continues to haunt people. The administration's efforts to revive livelihoods through various employment generation schemes have not proved beneficial even as it continues its fight against COVID-19 by ramping up testing and ensuring treatment of infected persons.

The government's focus in the initial weeks was on strengthening the health care infrastructure to cope with the emerging public health crisis. But its responsibility multiplied when phase-wise extension of the lockdown affected the State's urban and rural economy. The twin crises became worse when lakhs of exhausted migrants returned from other States and abroad, and many of them tested positive for COVID-19, thereby adding to the

State's burden. In mid May the State had to cope with the onslaught of cyclone Amphan, which caused severe damage in several coastal districts. The Centre's interim assistance of Rs.500 crore helped it in carrying out restoration work in the affected areas.

Thanks to the proactive approach of Chief Minister Naveen Patnaik, who had prepared the machinery to cope with COVID-19 by declaring it a State disaster, Odisha managed to emerge as a lead performer in the management of the pandemic. In May, the number of patients in hospitals and COVID care centres who recovered was more than the number of positive cases. When the total number of positive cases increased to 2,104 on June 1, as many as 1,126 patients had recovered and gone back home. With nine deaths reported so far, including two who had comorbidities, the mortality rate in the State remained one of the lowest in the country.

Apart from establishing 34 COVID hospitals with a combined bed strength of 5,493 and 296 intensive care units, the administration was able to test 1,55,690 samples until the midnight of May 30.



**MIGRANT** labourers of Biripali village of Balangir district quarantine themselves under a road culvert as they were not allowed to enter their homes.

The government has been laying stress on social distancing and quarantine measures to contain the spread of the virus. More than 16,000 temporary medical centres (TMCs) have been set up at the gram panchayat level with facilities for quarantine of over seven lakh returnees.

Community participation through panchayati raj institutions (PRIs) and women's self-help groups (SHGs) is another achievement of the State. The TMCs are managed at the panchayat level through the active participation of the sarpanch, elected representatives, SHGs and the people.

Although officials say that about four lakh migrant workers have returned to the State since the first week of May, unofficial estimates put the figure at around six lakh since thousands of them managed to return from neighbouring States during the initial weeks of the lockdown before the registration process to return began early May.

As the urban economy remains paralysed with the closure of hotels, restaurants and small enterprises and a slump in the tourism sector, farmers and poor people in rural interiors are struggling to eke out a living with the collapse of normal life.

## LIVELIHOOD INTERVENTION PACKAGE

After granting certain concessions to industries to resume operations, the government-announced a Rs.17,000 crore special livelihood intervention package to boost the rural economy by improving livelihoods. The package, which will be implemented between June 2020 and March 2021, is aimed at reviving the livelihoods of the rural population, including farmers, wage earners and migrant workers.

The funds will be used in agriculture, fisheries, animal resources development, forest and environment, cooperative, and handlooms and handicrafts sectors to generate employment opportunities. Chief Secretary Asit Kumar Tripathy said all the departments concerned would work towards implementing the new initiatives.

The Bhubaneswar-based social scientist Sudhir Pattnaik was not enthused. He said the government did not have a comprehensive livelihood survey in hand to implement its plan to create livelihood options. It is high time the government carried out skill mapping of migrant workers to provide them work according to their skills, he said.

Sudhir Pattnaik also emphasised the fact that the interests of sharecroppers should not be compromised at any cost in view of the State government's recent ordinance allowing investors and farmers to enter into an agreement for contract farming.

With all their savings exhausted during the lockdown and with monsoon set to affect work under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in the coming months, the poor people have difficult times ahead.

Many of the youths who have returned are not particularly happy with MGNREGS work as the sole rural job creation initiative. The new generation migrant youths



**PEOPLE** gather to sing "Bande Utkala Janani", Odisha's unofficial State song, to motivate COVID-19 warriors, in Puri on May 30.

have skills such as dyeing and tailoring. The government should create livelihood options by taking into consideration locally available resources and skill sets of the youths, experts feel.

In order to ensure food security of the poor and needy, the government announced that all eligible migrant workers returning to the State would be covered under its food security scheme. A total of 3.18 lakh people, who were out of the food security net in the State before the lockdown, have been added to the list of beneficiaries since the last week of March.

In order to create employment opportunities for skilled workers, the State Council of Ministers has approved the proposals for the establishment of two industrial parks, a textile park at Dhamra in Bhadrak district and a medical park at Dhenkanal. While the Dhamra project is expected to create employment opportunities for 20,000 people, 16,000 people will get jobs at Dhenkanal. The Cabinet has approved many proposals, including an amendment to the State tourism policy to facilitate land allocation for hotel projects.

In order to fight the pandemic in the coming days, the Council of Ministers decided to form committees at ward level for effective community surveillance. The decision follows the active participation of PRIs in the fight against COVID-19.

The people of the State have wholeheartedly supported the government's initiatives to control the spread of COVID-19. This was evident when Odia people responded to the Chief Minister's call and sang the patriotic song "Bande Utkala Janani" on the evening of May 30 in honour of COVID warriors who have worked tirelessly to contain the spread of the contagion.

Naveen Patnaik may draw similar support from the people when COVID-19 cases start decreasing in the coming days and the measures he has initiated to face the economic crisis start bearing fruit. As rebooting of the economy becomes a priority, Odisha has no time to waste in planning and executing strategies to create new jobs on a war footing. Feedback on creation of jobs has to come from the grassroots level with the involvement of elected representatives. □

# Mismanaging a robust system

A **lack of coordination** at the highest level in making the best use of the resources in Chennai is at the root of COVID-19's rapid spread in the State. BY **R.K. RADHAKRISHNAN**

WITH COVID-19 SPREADING FAST IN CHENNAI, hospital capacity is on every one's mind. On May 4, Dr Narayana Babu, Director of Medical Education, who is also the Dean of Omandurar Medical College in the city, was quoted in *The New Indian Express* as saying: "There are 1,750 beds for COVID patients in Chennai government hospitals. Close to 1,200 beds have become full."

Other newspapers quoted Health Department officials as giving out similar statements. According to news reports, asymptomatic patients were being shifted to COVID Care Centres (CCCs) set up in colleges such as Loyola and the Chennai Convention Centre to free up bed space.

Dr Babu's assertion stems from a warped decision by the Health Department, headed by Minister C. Vijayabaskar and Secretary Beela Rajesh, to keep a sizeable proportion of beds vacant for non-COVID patients in all government hospitals. However, an investigation by this correspondent found that the number of outpatients and inpatients in all medical college hospitals and other hospitals in the city taking care of COVID patients was down to a trickle because of the fear associated with contracting coronavirus infection.

In fact, the data for May in Chennai area's four medical colleges is instructive. As on May 18 at 8 a.m., the number of COVID patients admitted to Madras Medical College was 254 (another 350 were in CCCs). At Stanley Medical College, the number of inpatients was 212 (620 in CCCs). In Kilpauk Medical College, there were 319 COVID admissions (94 in CCCs) and at Omandurar Medical College Hospital, it was 300 (114 in CCCs). Altogether, the medical colleges in Chennai had 1,085 inpatients and 1,178 in CCCs, taking the total to 2,263.

According to information on the Internet, the total number of beds available in just one medical college

**A CROWDED MARKET** in Chennai's Nammalwarpet.



B. JOTHI RAMALINGAM

hospital in Chennai, the Madras Medical College (also called the Rajiv Gandhi Government General Hospital, or RGGH), is 3,000.

Even after this discrepancy was pointed out by officials, there was no change over the next week. At 8 a.m. on May 25, the occupancy status at Madras Medical College was 334 (504 in CCCs), Stanley Medical College 174 (700 in CCCs), Kilpauk Medical College 315 (153 in CCCs) and Omandurar Medical College Hospital 196 (86 in CCCs). This works out to 2,462 (1,019 inpatients and 1,443 in CCCs). In short, all these patients could have been accommodated in just one hospital, the RGGH, if all its facilities were taken over for COVID care.

## PERIPHERAL HOSPITALS

It is strange that a robust public hospital network run by the Chennai Corporation is not being effectively used. "There are five peripheral hospitals under the Chennai Corporation, each with about 200 beds. I wonder why these are not being used for COVID patients," remarked a

former Corporation official involved in COVID-related work.

Suddenly, by June 1, the Health Department woke up to reality thanks to the efforts of a few relentless fighters inside the Department and the concerns expressed by the Chief Minister's Office. "An additional 17,000 beds have been raised," said an official on the front-lines of the fight against COVID. It received good press coverage. One newspaper even highlighted: "Stanley Hospital to have 400 more beds for Covid-19." No one had noticed the discrepancy about the previous assertions of lack of hospital beds.

A senior Indian Administrative Service officer in the Health Department, S. Nagarajan, who has repeatedly raised this and other issues relating to the handling of COVID, was abruptly transferred out to an insignificant post. The transfer barely made it to the news.

Apparently, mismanagement of the COVID crisis has taken its toll on the State. As the number of COVID cases kept rising, the Health Minister shifted his focus to cases of recovery and claimed that the death rate was low. Chief Minister Edappadi K. Palaniswami is on record saying that Tamil Nadu had handled the pandemic better than some developed countries. Both the leaders blamed the people for not adhering to social distancing norms in marketplaces.

But many see the Chief Minister himself as part of the problem. They point to the lack of coordination at the highest level among the Chennai Metropolitan Development Authority, the Chennai Corporation, the Health Department and the police in managing the situation. The infections cluster at the Koyambedu market, where people from across the town gathered on two occasions to buy vegetables and fruits, is seen as the direct result of this lack of coordination.

On May 31, a Sunday, yet another crowd gathered near the Kasimedu fishing harbour to buy fish, throwing all social distancing norms to the wind. It is in the midst of all these that the Tamil Nadu government blindly followed the Central government and decided to open up most of the State.

So, when Day 70 dawned since Lockdown-1, the number of cases was still high and the death count crossed the 100 mark.

A month after Tamil Nadu recorded its first case on March 7, the total number of positive cases was 124. At that time, the government was struggling to deflect the criticism that testing was low. With testing ramped up marginally, April saw a significant spike across the State, 2,199 cases, despite a harsh lockdown.

Following criticism that the State was not doing enough, the Health Department increased testing. This resulted in the number of positive cases going up nearly tenfold in May, that is 20,010 cases. If the number of cases in the first few days of the month are any indication, June is set to witness a record number of cases. As on June 2, there were 24,586 cases in the State (of this, 13,706 were discharged after treatment).

What is worrying is that since May 31, every single



**THE GOVERNMENT-RUN** Stanley Medical College Hospital in Chennai.

# On edge, but holding out

Kerala witnesses a surge in COVID cases after a large number of Keralites return from abroad and other States, but the government, which has taken **adequate measures** to contain the disease, allays fears of community transmission. **BY R. KRISHNAKUMAR**

day has seen over a 1,000 cases, according to the Health Department statistics. In just three days the number of positive cases became 3,000 (1,149, 1,162 and 1,091 on May 31, June 1 and June 2 respectively). A large number of the cases were reported from the Chennai Metropolitan Area. “This month will decide which way our State is headed,” said a health official. He said the trends were worrying and that the Health Department was still not dynamic enough to adapt and revise strategies, unless dictated by the Indian Council of Medical Research.

A break-up of the total number of cases is proof enough of how rapid the spread is. It took 61 days for positive cases to cross the 5,000 mark in the State whereas it took a mere eight days to cross the 10,000 mark, and another eight days to cross the 15,000 mark. Shockingly, in just another six days 5,000 fresh cases were added. On June 2, the State was at the cusp of two major negative milestones—of crossing the 25,000 mark and deaths crossing 200 (197 until June 2).

On June 3, the State crossed the 25,000 mark; there were 1,286 new cases on that day, taking the total to 25,872. With an additional 11 deaths, the death toll reached 208.

## FACELESS HEROES

“Don’t worry about the numbers. As many as 22,000 babies die every year and 55 people die in accidents every day [in Tamil Nadu]. Our job is clear-cut. We need to manage the cases better, test strategically and contain effectively,” said a senior official who is a COVID warrior, regardless of his own known health complications. “When we look around, we can see that Hyderabad is barely testing, so is Kolkata. But there is no point competing with incompetence. We need to test more, reveal everything that we know and co-opt people into this

fight,” he added. Administrators accuse epidemiologists and specialist doctors of not trying enough to work out an effective combination of drugs based on symptoms, as is being tried out in many countries, including Bangladesh. But officials are heaving a sigh of relief that the death rate remains low and the recovery rate is high.

Tamil Nadu’s strength is its public health system; its officials and staff, who, regardless of the risks, turn up for work every day. “Let’s not understate it. Everybody is struggling, and everybody is working very hard despite the fear [of contacting COVID],” said a senior official, who confessed that he was indeed fatigued.

In fact, his assertion is borne out by many testimonials and anecdotal evidence. “I wish to thank Dr Senthilkumar in Stanley [Medical College],” a recovered COVID patient told a Tamil FM channel. “He came to our ward each day, spoke to each one, and assured us we would be fine.”

Tamil Nadu has thousands of such self-effacing, faceless heroes. They are carrying the fight forward despite the bungling at the highest levels of government.

While bureaucrats have, by and large, been working relentlessly in the field across the State, the leadership at the upper echelons, at the level of Chief Secretary, K. Shanmugham, leaves much to be desired. The implementation of dynamic, out-of-the-box, and multiple local strategies in dealing with the pandemic has been in fits and starts because of the lack of a forceful leadership from the Chief Secretary.

But it appears that the All India Anna Dravida Munnetra Kazhagam (AIADMK) government is exceedingly satisfied with his approach to issues. It sought an extension for him from the Centre. On June 3, the Chief Secretary was granted a three-month extension of tenure—a rarity for a State Chief Secretary. □

SCHOOLS and colleges “reopened” online in Kerala on June 1, coinciding with heavy monsoon rains, even as concerns were growing about the recent trend of high number of COVID cases being reported daily in the State.

On May 24 the Left Democratic Front (LDF) government completed a credible four years in office, but it did not hold any celebrations. The State registered 772 positive cases in May, the highest for a month since the first case in India, a student who returned from Wuhan in China, was reported in Kerala on January 30.

Data released by the government indicate a surge in the number of cases after May 18, when the fourth phase of the lockdown began. In the last 10 days of May, for example, more than 40 cases were reported each day, with the highest single day count being 85 on May 28. As of June 2, the State reported a total of 1,412 cases and 11 deaths.

In all over 210 Keralites died of coronavirus infection abroad, mainly in the Gulf region. Casualties were reported from other States as well. “We are literally going through a miserable period, when the families of those who die in other places are not even able to see the bodies of their near ones,” Chief Minister Pinarayi Vijayan said on June 1.

There has been an increase in the number of COVID-related deaths within the State too, as restrictions are eased and more people have started returning from hotspot regions. The Chief Minister, however, reassured the people that there was no cause for alarm. “The aged and those with serious illnesses have been given priority for travelling back to the State. They come with the disease and some of them have died because of the seriousness of comorbidities as well. It has led to an increase in the death rate. As the number of such vulnerable people returning to Kerala comes down, there

will be a reduction in the death rate also,” he said.

The increase in positive cases was also expected with the easing of lockdown restrictions and the return of a large number of Keralites to the State. Although the government says that so far there is no sign of community transmission, doubts have been raised in the media. Some experts have indicated that community transmission cannot be ruled out as several isolated cases have been detected with no known source of infection.

In May, a number of frontline workers too contracted the disease. Doctors and nurses, police personnel and prison staff, among others, were forced to go into quarantine because they came in contact with those who later tested positive. A housewife, who had not stepped out of her home, died of COVID recently. It was found that 11 of her relatives had contracted the disease. A man who was admitted to hospital with an injury after a jackfruit fell on his head tested positive. A pregnant woman tested positive while in hospital. A prisoner, who was in hiding, and his jail mate tested positive, and those with whom they came in contact have been forced to go into quarantine. Two bike accident victims being treated for injuries turned out to be COVID-positive.

In view of the increase in the number of cases, with at least 30 of them with no known sources of infection, the expert committee appointed by the State government suggested ramping up tests.

At his press conference on May 28, Pinarayi Vijayan said: “The majority of positive cases are those who came from other parts of India or from abroad. The number of people who got the disease through contacts is still minimal. What Kerala needs to be careful about now is to make sure that it does not spread from those who have come in with the infection to other people in the State. That is why we are increasing the number of tests.”

He said the tests were being conducted on all people that need to be tested as per Indian Council of Medical Research (ICMR) guidelines. Kerala's test positivity rate (TPR) is 1.7 per cent. The all-India rate is 5 per cent. The State's case fatality rate (CFR) is 0.5 per cent.

(TPR indicates the proportion of positive cases among the total number of tests conducted. A higher test positivity rate indicates faster spread of infection. CFR, a measure of disease severity, is the proportion of deaths compared to the total number of people diagnosed with a disease.)

Until June 1, 68,979 samples were sent for testing, of which 65,273 returned negative and 1,326 tested positive. The results of 2,380 samples were awaited. In terms of the number of tests conducted, Kerala has shown a lot of improvement, with 2,335 tests per million people. One positive case is found for every 71 tests. The all-India average was one case for every 23 tests, the Chief Minister said.

In all 1,33,249 Keralites (1,16,775 from other States and 16,474 from abroad) had returned to the State until May 28 after the State reopened its borders. Of these, 73,421 people had arrived from red zones. On May 8, hundred days after it reported the first case, Kerala declared that it had "flattened the COVID curve". The number of active cases was just 16 then. On June 2, at the time of filing this report, the total number of cases was 1,412.

Of the 86 new cases reported on June 2, 72 were of those who returned to the State. Twelve got the disease through contacts, a trend that was seen in the previous week as well. In the last week of May, the trend was as follows: on May 24, five people got the disease through contacts/unknown sources out of 53 new cases; on May 25, it was six out of 49; on May 26, seven out of 67; on May 27, three out of 40; on May 28, one out of 85; on May 29, five out of 62; on May 30, 10 out of 58 (seven of them Air India staff members); and on May 31, four out of 61. That is, 41 of the 452 new cases had contracted the disease through contacts in the last week of May. The other positive cases had all come from outside the State.

Results of 4,400 naso/oropharyngeal samples in four sentinel surveillance studies conducted in the State found only four positive cases (0.09 per cent). The report of the Health Department study concluded that "there is no evidence for community transmission in the State".

Samples for the study were collected from non-COVID-19 suspect cases from selected villages in the 14 districts and tests were done using reverse transcription-polymerase chain reaction (RT-PCR) method. The samples were collected from those with acute respiratory infection (but not a COVID suspect); health care workers not involved in COVID-19 treatment; people with high social exposure (including police personnel, community volunteers, food delivery staff and migrant workers); and COVID-19 suspects with mild symptoms. For every positive case found, 25 epidemiological samples were tested from the neighbourhood for two successive weeks.

"In the sentinel surveillance (pooled) conducted



**PEOPLE FROM** the Maldives undergo temperature tests as they come out of the navy ship INS Jalashwa at Cochin Port on May 10.

among returnee non-resident Keralites, 29 were found positive. It is on the basis of these figures that we say that so far there has been no community spread in Kerala," the Chief Minister said.

Twenty-eight health workers, including those involved in patient care, and public health workers, were infected through direct contact with COVID patients.

The Chief Minister said that this was a sign that surveillance and testing were taking place properly, that suitable guidelines had been provided and the health system was running efficiently, that the disease was being detected even in people who showed no symptoms, and those who had come in contact with them were being put in quarantine. "Kerala's case is quite different from that of other States. The basis of our achievement is our advanced public health system, efficient contact tracing and scientific quarantine method."

But he also said that if there was an increase in the spread through contacts, the current restrictions might prove inadequate.

#### **SPIKE IN KANNUR, PALAKKAD**

In May, Kannur and Palakkad districts reported the maximum number of COVID cases in Kerala. The average number of people getting the disease through contacts was more in Kannur, 20 per cent as against the State average of 10 per cent. Of the 93 active cases in Kannur as on May 28, 19 were through contacts. (As on June 2, there were 146 positive cases in Palakkad, 113 in Kannur and 98 in Kasaragod.) The Chief Minister said the government was thinking of introducing more restrictions, including, if needed, triple lockdown, in many such places.

But with the forecast of a severe monsoon season ahead, the State authorities have warned of a possible spike in contagious diseases such as dengue, leptospirosis and H1N1, with fever as the main symptom, as is the case of COVID, making detection difficult for doctors. It is

likely to increase the workload and pressure on doctors and other Health Department personnel, who already have their hands full with the increase in the number of cases in the State.

The government is preparing an action programme to rope in the services of private hospitals for treatment of non-COVID diseases. The State also plans to enlarge telemedicine facility, phone/online consultation. There are also plans to start mobile clinics at the local level with the cooperation of the private sector. It has also launched a performance assessment drive for non-COVID disease management in all government health facilities.

As of June 2, Kerala has 1,47,010 people under surveillance and in quarantine, of whom 1,340 are in institutional quarantine and the rest are under surveillance at home.

The State has 1,31,606 hospital beds, 7,428 ICU beds and 2,623 ventilators. By the end of May there were 1,264 COVID patients or those showing mild symptoms in government hospitals.

The 1,296 government hospitals in Kerala have 49,702 beds, 1,369 ICU beds and 1,045 ventilators. In all, 12,191 isolation beds are ready in government hospitals. The government has also established 851 corona care centres. In addition, the 866 private hospitals in the State have 81,904 beds, 6,059 ICU beds and 1,578 ventilators.

Every day several cases of people disregarding COVID containment norms and violating quarantine regulations imposed on those coming in from abroad or other States are being reported. Kerala complained to the Centre when the Railways continued to send in trains from various parts of the country, with passengers violating State guidelines.

All those coming from outside the State, by any mode of transport, are required to register themselves in the government's online portal and apply for an entry pass before travelling to the State. The government said this was to ensure that sufficient arrangements were made for quarantine or hospital facilities for those entering the State, so that they do not pose a threat to those in the State.

But, despite the Chief Minister's assurances, the major worry in the State is whether, with such blatant flouting of regulations and the opening up of the economy and restoration of transport facilities, the threat of community transmission can be kept at bay for long, if indeed it has not already happened.

#### **FIVE ELEMENTS IN STRATEGY**

Perhaps answering these concerns, the Chief Minister gave a lengthy explanation at his June 1 press conference.

Pointing out that the basic reproduction number (or BRN, which indicates the number of new cases that could be infected by one positive case in a population and shows how readily an infection is spreading within a community) is 0.45 in Kerala, while the world average is three, he said very few countries could achieve such a feat. Kerala had a system in place to prevent the transmission of the disease even as the first positive case came to the State from Wuhan.

He said Kerala's strategy had five elements: trace, quarantine, test, isolate and treat. In most parts of the world where the disease had spread, they had avoided the first two elements of tracing and quarantining. They gave importance only to testing and treatment. They could not, therefore, control the spread of the disease. Kerala could control the transmission of the disease to a large extent because of the strategy it adopted. Kerala's biggest strength is its decentralised public health system.

People should consider what would have been the case otherwise, he said. The serial interval of COVID 19, that is the time taken for its spread from one person to another, is five days on an average. If we assume a BRN of three (the world average) for Kerala, the State would have had about 25,000 positive cases in about two weeks. If we take the average death rate as 1 per cent, the number of deaths in Kerala would have been over 250.

"But we know that is not what happened in Kerala. The reason is that we could effectively implement tracing and quarantining which were necessary to curb transmission of the disease. This is how we prevented a big hazard. Therefore, we have to go ahead by strengthening home quarantine and contact tracing in the coming days," he said.

The Chief Minister said the 30 positive cases whose origin remains unknown could not be considered as a sign that social transmission was taking place. "However much we try, an individual may not remember all the persons whom he had come in contact with in the two weeks before he tested positive. So some persons may not be linked to his route map. If such a person gets the disease, we will indeed have to say that there is no epidemiological link. But we cannot ascertain it as a sign of social transmission either. So, as a next stage, we have to check whether there are more such instances and conduct tests on more people in that locality. We have examined and ensured that no such cluster of cases without an epidemiological link, that is cases where we don't know where they got the infection from, has been found in any particular locality in Kerala." □

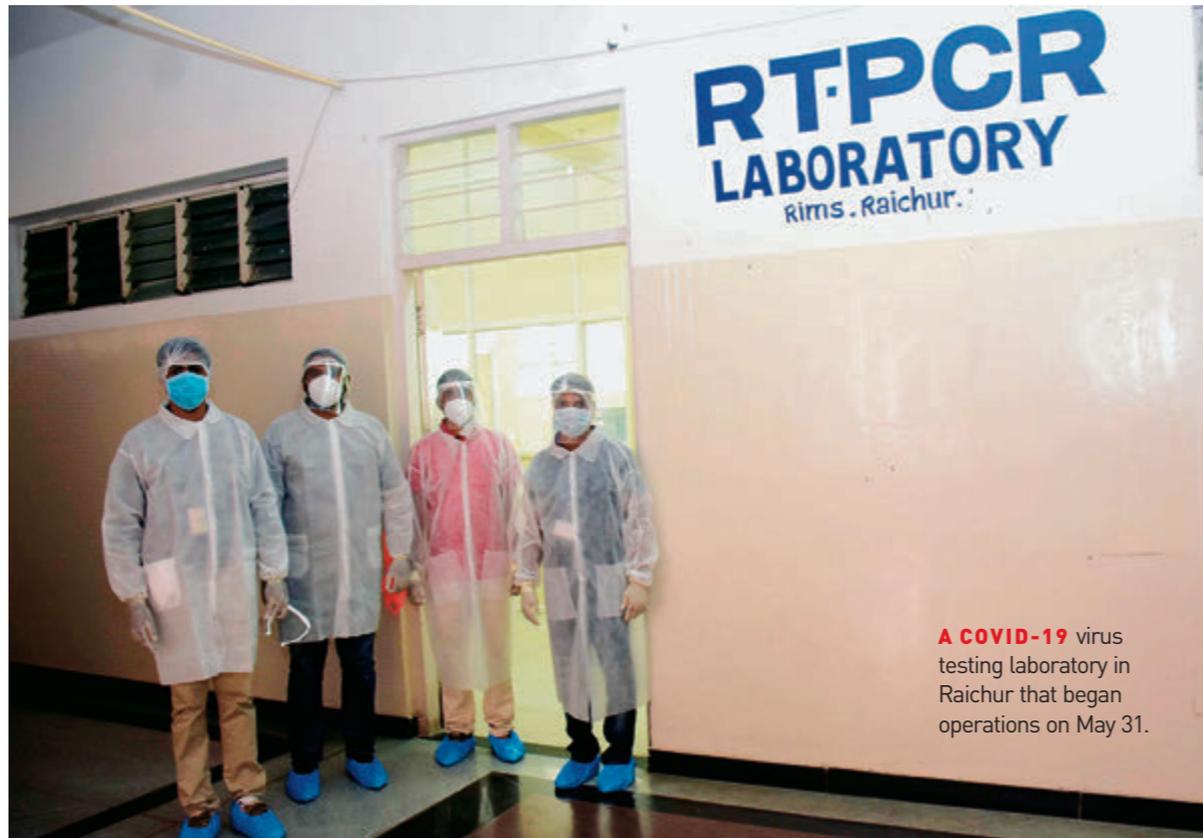
# Quantum jump

Karnataka ramps up testing as patients with travel history to other States, mainly Maharashtra, account for the majority of the positive cases in the State. BY VIKHAR AHMED SAYEED

THE OPENING OF THE STATE BORDERS DURING the fourth phase of the lockdown saw a significant rise in the number of COVID-19 cases in Karnataka. The State recorded its first case on March 9 when an information technology employee returning to Bengaluru from the United States tested positive. The number of positive cases crossed the 1,000 mark on May 15. The next two weeks witnessed an exponential rise in the number of cases with the cumulative figure at 3,408 cases as on June 1. There are 2,026 active cases, 52 deaths and 1,328 have recovered.

Bengaluru with 385 positive cases has the highest

number of cases among the districts. Districts with more than 100 cases include Yadgir, Kalaburagi, Mandya, Raichur, Udipi, Bidar, Belagavi, Hassan, Davanagere, Chikkaballapur, Dakshina Kannada and Vijayapura. Chamarajanagar in south Karnataka is the only district that has not seen any COVID-19 case as the authorities there began rigorous checks quite early. There was a sharp increase in coronavirus cases from mid May in the backward Kalyana Karnataka division after migrant labourers returned from Maharashtra. Raichur district, which was classified as a green zone earlier, now has more than 200 cases.



A COVID-19 virus testing laboratory in Raichur that began operations on May 31.

BY SPECIAL ARRANGEMENT

According to calculations by Prof Sitabhra Sinha of the Institute of Mathematical Sciences in Chennai, between May 16 and 24, the R0 (reproduction number—indicates how many persons a positive case can infect), value in Karnataka went up to 1.62, much higher than the national average of 1.23. Before the opening of the borders, Karnataka's R0 value had been falling.

Data for the last week of May make it clear that the rise in positive cases was due to inter-State travel. Of the 1,039 new cases recorded between May 26 and May 31, 864 had returned from other States and 16 were international flight passengers. On May 29 there were 248 positive cases, of whom 211 had returned from Maharashtra and the rest from other States. On May 31, there were 299 cases, 255 of them with domestic travel history. The quantum of spike in the past three weeks has been so severe that patients with a travel history from Maharashtra account for almost 60 per cent of the total positive cases in the State.

All inter-State and international returnees are being tested on arrival and quarantined. "We have identified 4,290 quarantine centres all over the State where 1,12,165 persons are staying," said S. Suresh Kumar, Minister for Primary and Secondary Education and Sakala, and spokesperson on all issues relating to COVID-19.

Pankaj Pandey, Commissioner, Health and Family Welfare Services, said: "People who are displaying symptoms are immediately being taken to quarantine centres." He said people returning from Maharashtra, even if they were asymptomatic, would have to compulsorily undergo a seven-day institutional quarantine, while people coming from other States can be quarantined for 14 days at home.

Karnataka has increased its testing capacity considerably. The State has been testing more than 11,000 samples every day. Cumulatively, 3,04,816 samples have been tested so far. The number of laboratories testing for the virus has also increased significantly, from six at the beginning of April to 60 by the end of May. With 4,124 tests per million population, the rate of testing in Karnataka is higher than the national average. Although the testing capacity has been ramped up significantly, the State Health Department has been criticised for its inability to start randomly testing large sections of the population except in containment zones where senior citizens and people with comorbid conditions are being tested. In the Bruhat Bengaluru Mahanagara Palike (BBMP), the urban limits of Bengaluru, 32 wards have been identified as containment zones of which Padarayanapura and Shivajinagar have the highest number of cases. A second criticism of the testing process has been the huge backlog of samples waiting to be tested as more and more migrants returned to Karnataka.

Random testing is crucial to discern the extent of "community spread". According to epidemiologists, if it is not possible to trace how a person contracted the virus, it is assumed that the disease is in the community. While health authorities continue to deny community spread, they were unable to say how more than 199 patients

(meaning more than 7 per cent of the cases as on May 29) had contracted the virus. On May 30, the day Bengaluru saw its highest single-day spike in cases, 21 members of an extended family tested positive and it was unclear how they had contracted the disease. On the same day, the councillor of Padarayanapura ward tested positive.

Even as the State battled the crisis, the B.S. Yediyurappa government seemed set on furthering its Hindutva agenda. The BBMP, with the majority of its corporators belonging to the Bharatiya Janata Party (BJP), insisted on naming a new flyover in Yelahanka in north Bengaluru after the Hindutva ideologue Vinayak Damodar Savarkar. The inauguration of the flyover was put on hold after former Chief Ministers Siddaramaiah and H.D. Kumaraswamy opposed the decision.

The Yediyurappa government has taken certain decisions during the lockdown that should ideally have been discussed in the Assembly as they have far-reaching implications. One of these was the amendment to the Agricultural Produce Marketing Committee (APMC) Act. In the last week of May, hamalis (people who load and unload goods) staged protests, demanding the withdrawal of the APMC ordinance. The Cabinet had brought in an amendment to the Act allowing private players, such as food processing companies, to directly purchase agricultural commodities from farmers. K. Mahantesh, president of the organisation representing hamalis, said, "The ordinance takes away work from hamalis and must be withdrawn."

The government has been criticised for some of its anti-labour rules such as extending the working hours in factories to 10 hours. The Cabinet had approved this rule through a notification. Besides, the government is trying to change the bylaws of the Karnataka State Labour Institute so that a retired Indian Administrative Service officer could be appointed to head the body. As per the rules, the director of the institute should be an academic with a Ph.D and substantial research experience in labour issues.

The Karnataka Pradesh Congress Committee (KPCC) president D.K. Shivakumar said the State government had failed to provide food and shelter to migrant workers during the lockdown. He said the Central government's Rs.20 lakh crore package did not benefit anyone. "Neither micro, small and medium enterprises nor small traders have benefited."

The treatment of migrant labourers came up during the discussion in the BBMP Council. Abdul Wajid, Leader of the Opposition in the BBMP council, demanded to know from the ruling BJP why the BBMP paid Rs.5 crore to the Akshaya Patra Foundation when that organisation had claimed that it "distributed ration kits to migrant labourers free of cost".

According to estimates, approximately 1.6 lakh construction labourers have left Bengaluru and thousands more are waiting to leave. Questions have been raised as to why the government did not use the Rs.8,000 crore cess it collected from developers and builders for labourers' welfare. □

# Orchards in the doldrums

The administration says it has the pandemic well in hand, but this hardly squares with **the rise in the number of cases** and the lack of noticeable improvements in health care facilities.

BY ANANDO BHAKTO IN NEW DELHI

POLITICAL PARTIES AND THE PEOPLE IN Jammu and Kashmir are unhappy with the Governor Girish Chandra Murmu-led administration's handling of the coronavirus pandemic. The common refrain is that the upgradation of health care facilities has been slow and that health-related decision-making is mostly being done by the "regime favourite" bureaucrats who have been given a free hand. As the number of cases continues to spiral and notable public figures test positive for the virus, there is a growing demand for better screening of people entering the Union Territory (U.T.) and intensifying contact tracing. As of May 31, the total number of positive cases stood at 2,446: 1,943 in the Kashmir Valley and 503 in Jammu.

The administration is widely seen as being slack about ensuring that no infected person enters the U.T. A source close to the administration, who spoke to *Frontline* on condition of anonymity, said the screening of travellers was virtually pointless as they were let off within a day. The source said that there was a view that if a traveller acquired the virus on board or at the airport and was tested in a matter of few hours after contracting the virus, the result might not be accurate as "it takes nearly five days for the virus to show". The source advocated that travellers should be quarantined for a mandatory period of five days and then tested. "By testing them on the same day, you are just wasting the kits," he said. On May 30, 77 travellers tested positive. On May 31, a total of 105 people tested positive for the coronavirus, 34 of them travellers.

Restlessness is also growing as the U.T. administration is unable to arrange an additional reserve of ventilators or expand the patient intake capacity in hospitals. Imran Dar, the provincial spokesperson of the National Conference, shared his anguish over what he called the lackadaisical attitude of the administration. "Prepared-

ness of hospitals is still in its infancy. Jammu and Kashmir is lucky that it so far did not have a flooding of critically ill patients, but that should hardly make the government complacent. How many ventilators has the government kept ready? How many ventilators did it procure since the lockdown was announced over two months ago? Not even a dozen," Dar said over the phone from Srinagar. As per independent assessments, there are only 215 ventilators across Jammu and Kashmir for a population of nearly 13 million. As many as 28 patients (25 from Kashmir and three from Jammu) have died from COVID-19 in the U.T. up to May 30.

Anxiety is deepening across the U.T. as top officials continue to get infected. On May 30, a senior Indian Administrative Service (IAS) officer who had recently moved between Srinagar and Jammu tested positive for the virus. He had attended a high-level meeting in Jammu that included senior members of the Disaster Management Authority and officials from the Health Department. The IAS officer is currently undergoing treatment at Shri Mata Vaishno Devi Narayana Super-speciality Hospital in Kakryal in Reasi district. A few days earlier, the son and wife of an adviser to the Governor tested positive for the virus. They had returned from Delhi. While the adviser has been put under quarantine at the hospital in Reasi, the infected family members are being treated in an isolation ward at the same facility.

The coronavirus is beginning to jeopardise the administrative and security set-up as cases among officials mount. On May 30, in a first, the Kathua Police Station was sealed after an assistant sub-inspector tested positive for COVID-19. Shailendra Mishra, Senior Superintendent of Police, Kathua, confirmed the development with a tweet: "First corona positive case in Kathua Police today. Asymptomatic. The Police Station Kathua is out of bounds till all personnel are tested negative. Woman PS



NISSAR AHMAD

**AT A CHERRY** orchard on the outskirts of Srinagar on May 28. The harvesting of cherries generates lots of employment as all the work needs to be done by hand. Kashmir has received a bumper cherry crop this year, but owing to the lockdown, farmers are not able to send it to Mumbai and other main markets across the country.

shall take complaints till then." It has been reported that as many as 50 policemen are lodged inside the police station and their samples are being taken for testing.

## APPLE, CHERRY GROWERS' PLIGHT

There is concern in Kashmir that the administration is unable to come up with a road map for the resumption of economic activity. *Frontline* earlier reported that the continuing lockdown had taken a heavy toll on the U.T.'s economy, particularly its lucrative apple trade, which had already been impacted by the security situation arising in the aftermath of the revocation of Jammu and Kashmir's special status on August 5 last year. As official and civilian curfews suspended movement and business activity for most of the calendar year, several apple growers and businessmen stored the harvest in the hope that they would make up for the heavy losses incurred with good returns in the spring of 2020. However, the coronavirus crisis means that their crop may rot. As per a rough estimation, there are 80,000 tonnes of apples lying in cold storage in the Kashmir Valley.

The cherry trade has also been hit badly by the lockdown. The local media reported that this year cherry orchardists tended over 2,713 hectares of crop, and the yield was expected to surpass the 11,000-tonne mark. The fruit traders have urged the government to allow all cart vendors in the Valley to sell their produce in open shops.

Imran Dar alleged that while trade was at a standstill, no effort was being made to mitigate the plight of the daily wage earners, who have been out of work and are in dire need of cash. "As far as the economic aspect of the lockdown is concerned, it is huge. People have been left to fend for themselves. Workers from the horticulture, agriculture and tourism sectors and artisans have had little or no work. An overwhelming number of daily wage earners have been left to God's mercy. The government has so far not announced any specific economic relief package to bail them out. There is also no vision to support big businesses that have been severely affected since August 5," Dar said.

Sources in the Peoples Democratic Party agreed with the assessment that the government did not have any concrete plan regarding abating the economic cost of the pandemic or expanding health care services to the villages. "It seems they just do not care. The hinterland is totally cut off. The government has neither set up emergency facilities in the villages nor arranged emergency transport facilities to the cities. In the first place, the infrastructure of the city hospitals is not enough to accommodate local patients," said a former MLA from the party, requesting that he not be named as he is currently under home detention.

The Murmu administration claims it has done a commendable job of upgrading facilities and ensuring adequate, time-bound testing. Recently, during a videoconference meeting to review COVID-19 mitigation efforts, Chief Secretary B.V.R. Subramanyam appreciated officials of the Health & Medical Education Department besides others for their readiness in dealing with the pandemic. According to the administration, 11,835 tests per million population was being done in Jammu and Kashmir, which is the highest in the country. The administration says that the doubling rate of the virus in the U.T. is 17.2 days and the recovery rate around 44 per cent, which are also above the national average. During the meeting, Subramanyam said that the fact that 48 per cent of all positive cases in Jammu and Kashmir were due to contacts, one could say that the officials concerned were carrying out aggressive contact tracing and surveillance.

Meanwhile, the COVID-19 situation also took a toll on the annual Kheer Bhawani festival. The Dharmarth Trust cancelled the "mela", which had been scheduled to be held at Tulmulla village in Ganderbal on May 30, in view of the prevailing situation. Every year hundreds of Kashmiri Pandits arrive in the Valley from different parts of the country to pay obeisance to Ragnya Devi. But this year, only a handful of priests and some local Kashmiri Pandit devotees could make it for the rituals. □

# 'Reform' by stealth

Using the fig leaf of providing farmers greater freedom, the Central government has used the **ordinance route to dismantle** "controls" in agricultural produce marketing. BY SUKHPAL SINGH

THE UNION GOVERNMENT HAS MADE IT CLEAR that it is prepared to cross the rubicon in its pursuit of agricultural market "reforms" that have proved elusive so far. Governments in the past have attempted this by primarily putting pressure on States to initiate such reforms because agriculture is a State subject. Finance Minister Nirmala Sitharaman's recent announcement that the Central government would introduce legislation after confining the State-level Agricultural Produce Market Committees' (APMC) domain to their market yards alone, via ordinances by States, indicates the government's resolve to open another front in the already tense arena of Centre-State relations.

The ordinances of June 3, approved by the Union Cabinet, give effect to the three reform measures announced by the Finance Minister as part of the COVID-19 relief package. Under the amended Essential Commodities Act (ECA), cereals, pulses, oilseeds, edible oil, onion and potato have been exempted from its regulation, and a processor or exporter is allowed to stock up to the installed capacity of the plant.

The Farming Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020, supposedly to pave the way for "One India, One agriculture market", aims to create barrier-free trade within and between States under which any buyer can purchase directly at the farmer's doorstep. There will be no tax on such trade, and buyers will not require a licence; a PAN card will suffice. Further, the States will not be able to levy any fees or taxes on produce bought under the new central Acts.

The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020, is intended to facilitate and regulate contract farming.

Agricultural market reforms have been on the agenda of governments in the past, including the National Democratic Alliance (NDA) government that came to power in 2014. Since 2014, the government has attempted some reforms by persuading States to undertake interventions such as e-trading through the adoption of the model Agricultural Produce and Livestock Marketing (APLM) Act, 2017. It also opened another reform front—contract farming—by pushing through the Con-

tract Farming and Services (CF&S) Act, 2018, at the State level in some States.

Moreover, it made direct interventions such as the Electronic-National Agricultural Market (E-NAM) with the participation of States as e-NAM needs APMCs to function for physical deliveries and quality assessment. The Government of India even provided a good sum to each APMC to create the e-NAM infrastructure so as to link the APMC market yards with the digital trading platform. The limited success of all these initiatives has apparently convinced the government that States cannot be pushed beyond a point.

The latest move indicates its aggressive resolve to push through agricultural market reforms.

The assault on the States' realm is being done under the veneer of the promise of One Nation, One Market for agriculture.

As part of the COVID-19 package, the Finance Minister announced the government's intent to act on three fronts: (i) Essential Commodities Act relaxation for major cereal, edible oil, pulses, and onion and potato; (ii) APMC reforms with a Central law for One Nation, One

Market; and (iii) a Central law to regulate new channels of direct purchase and contract farming outside the APMCs.

Although the announcement sounds big, farmers may still not get absolute freedom from the ECA. This is because in a country like India, agricultural policies need to balance both producer and consumer interests. Agricultural price policies keep in view the issue of food inflation and food availability.

For example, the Minimum Support Prices (MSP) for 24 crops are determined by factoring in both producer and consumer interests, besides other internal and external factors.

Another aspect of this relaxation of the ECA pertains to allowing large private stocks without limits for various users of farm produce such as exporters, processors and traders or value chain participants in general. However, as per the ordinance, the government can still impose stocking restrictions in situations of war, famine, natural calamity and extraordinary price rise, the latter defined as a price rise 100 per cent in case of perishables and 50 per cent in case of non-perishable over the previous one-year period. This reform in the ECA may appear good from the perspective of these players but may not help farmers directly. These players may prefer to stock up their quota in season when prices are low and therefore would not need to buy later when prices firm up. But since farmers mostly sell their produce immediately after harvest, they may end up selling at low prices. If they retain produce for later sale, they may encounter significant risks: prices may not go up as expected; or private traders may not enter the market to purchase. Nevertheless, the option of imposing stock limits for reasons of natural calamity and emergency may still be retained by the Central government.

More importantly, the move to do away with export bans can indirectly benefit farmers by giving them stable access to export markets. Only the fine print of the pro-

posed ECA reform will reveal who among the stakeholders will benefit and to what extent.

## APMC REFORMS

The second aspect of agricultural market reforms relates to the APMC Act and the domain of APMCs. The Central Act mentioned above and brought through an ordinance will permit new marketing channels outside the APMC's domain. This will effectively undercut the role of APMCs because buyers will be able to deal directly with farmers without going through the APMC. The provisions of the model APMC Act, 2003, and the model APLM Act, 2017, allow buyers to buy directly from farmers or engage them in contract farming. These Acts even provide for parallel private wholesale markets that act as buyer-seller interfaces. The current rules, however, require these activities to be licensed by the local APMC, implying that the APMC will act as a regulatory agency.

One of the oft-stated arguments for market reform is that APMCs have become monopsonies over time because they do not allow competition. This is said to arise from the fact that they are the agencies that permit other players to carry out business within their notified area for the "notified" commodities. Of course, this is necessarily a conflict of interest. How can an agency with a vested interest in farm produce, which is supposed to regulate the market in the notified area, also be expected to provide space to other competing players like private wholesale markets? Why would it permit direct purchase or allow contract farming if that would undermine its very role as buyer or facilitator?

But there is a more important question. Who has patronised these APMC markets for so long? It is none other than the Union government, which, through its agencies such as the Food Corporation of India (FCI) and the Cotton Corporation of India (CCI), procures from these markets and engages commission agents who are paid a handsome commission for facilitating sale/purchase of farm produce.

For example, the FCI pays 2.5 per cent commission to APMC-licensed commission agents (*arthiyas*) in Punjab under the State APMC Act. Most of the purchase for the Public Distribution System (PDS) or for other public purposes takes place at these APMC mandis. So, instead of finding fault with them and abandoning them in favour of other channels, the state ought to ensure that these markets function properly. State agencies ought to also buy directly from farmers or Farmer Producer Organisations (FPOs) to reduce the dependence on APMC markets. An argument used against APMC Acts is that they create barriers for inter-State and intra-State trade. The argument is that buyers have to obtain a licence for each APMC market. In fact, most States provide a single unified licence for all APMC markets within their domain. It is also said that the reforms would spur e-trading of farm produce, enabling better and more competitive price discovery. This kind of e-trading was attempted in Karnataka and some other States. But whether this leads to better price discovery at the State level, the mandi level



**WHEAT** piled at the Karnal mandi in Haryana, a file photo.

KAMAL NARANG

or even at the e-NAM level is anybody's guess. Often, very little competition is actually visible for lots of farm produce; many a time there is no e-auction, the produce is auctioned manually and the data entered into the e-portal.

E-NAM has registered traders and farmers on its platform and when produce arrives at an APMC market yard, a sample is drawn and tested for specified quality parameters before being displayed on the e-auction platform. The bidders then bid for that lot. At least three bidders—local or outsiders or a mix—are required for the lot to be sold. Of course, the farmer can still refuse to sell if the price is not attractive enough, but that rarely happens.

It is also argued that APMC-notified produce can be bought/handled only by licensed entities—traders, brokers, commission agents, warehousepersons, weighpersons, palledars or others operating in the market—all except the producer. Proponents of the dismantling of the APMC system seize this as evidence of the system violating the right of freedom to trade and commerce by Indian citizens or entities.

Their litany goes on: APMC Acts do not recognise other State traders even if they have their APMC licences; the APMC licence is valid for only one local APMC as per the original APMC Act; APMC rules mandate that purchases be made only within a notified mandi or area; moreover, APMC provisions are more about restrictions than regulation where the latter is good in law, but not the former. In sum, the argument is that APMCs restrict free trade provided under the Constitution's Article 301 and should be dismantled.

#### FLAWED ARGUMENTS

But, these arguments for dismantling APMC Acts are themselves not without flaws. First, the transaction between an APMC-licensed trader and an outside trader who buys from this trader is not within the APMC's purview. The APMC Act only deals with farmer-level sale of produce (first transaction between farmer and buyer directly or through a commission agent), not secondary or tertiary transactions after the initial sale. Further, the model APMC Act, 2003, and the model APLM Act, 2017, provide for a single licence within a State. They also allow direct purchase from farmers and have provisions for any place to be designated as a market yard. Further, e-trading and e-NAM enables any trader from anywhere to bid electronically for the produce in a local mandi. Therefore, it is clear that there is absolutely no need to tamper with the APMC Act or to infringe on the States' autonomy within a federal framework.

The argument for bringing in a Central trading law is built on the assumption that in the Seventh Schedule of the Constitution, markets and fairs are in the State List (Entry 28) but inter-State trade and commerce are in the Union List (Entry 42). The proposed solution involves the use of Entry 33 of the Concurrent List, which provides for Central legislation overriding State legislation. It is obvious that the government intends to use this



**THE E-NAM** being launched at Paramakudi in Ramanathapuram district, Tamil Nadu, on November 11, 2017.

Entry to override State legislation in this domain, which is clearly earmarked as being exclusively within the States' purview.

Entry 26 of the State List has "trade and commerce within the State" subject to the provision of Entry 33 of the Concurrent List. In fact, Entry 27 of the State List includes production, supply and distribution of goods subject to the provisions of Entry 33 of the Concurrent List.

Entry 33 of the Concurrent List reads:

"Trade and Commerce in and the production, supply, and distribution of:

The products of any industry where in the control of such industry by the Union is declared by the Parliament by law to be expedient in the public interest, and imported good of the same kind as such products;

Foodstuffs, including edible oilseeds, and oils;

Cattle fodder, including oil cakes, and other concentrates;

Raw cotton, whether ginned or un-ginned, and cotton seeds and raw jute."

Here, Entry 33 of the Concurrent List pertains to products of an industry; agriculture is not so, at least until now, by any provisions of policies or laws. The use of the public interest clause of this Entry does not seem relevant. Intra- and inter-State trade in agricultural commodities in general does not fall under that provision. Moreover, there are only a limited number of products specified under this Entry and, therefore, the new law cannot be applied to all agricultural commodities in India unless the Entry itself is amended.

Several major questions arise from the controversial proposal. Can one size fit all in a country like India where there is so much diversity in the nature of market structures and institutions? Some States have a functional APMC infrastructure while others have none. Bihar, for instance, dismantled them in 2006. Has doing away with the APMC regulation helped Bihar? Instead, there is evidence that it is a free-for-all and that private traders have taken over fruit and vegetable trade and set up small markets where farmer sellers are being charged commission. Indeed, there are reports that traders from Bihar

are buying farmer produce below the MSP and selling at the MSP in other States such as Punjab and Haryana. So, which Bihari farmer is enjoying the freedom to sell in the absence of APMCs?

An example often cited is that of the United States where 23 States have State-level grain laws, with some even having State warehousing Acts, but where the federal government's warehousing Act overrides State laws. But we also know that there are no auction systems and no mandis for price discovery there. Moreover, there are no market fees or cesses to be paid, although buyers have to pay annual licence fees. Drawing parallels with the U.S. itself is meaningless because the agricultural sector is so different there. For instance, the average size of a farm in the U.S. is 150 times the size of an average Indian farm.

Second, it is one thing to think of one law for the entire country for agricultural trading (though the first transaction at the farmer level cannot be called trading especially when it involves contract farming and, therefore, is still part of agricultural marketing) but quite another to see who will regulate such transactions when they are outside the APMC's domain which is restricted to its market yards and sub-yards only.

Under the new advice, which is being acted upon via ordinances at the State level, many BJP-ruled States such as Uttar Pradesh, Madhya Pradesh, Haryana and Gujarat have already carried out amendments to the APMC Act. With this, APMCs will not be able to exercise any control over or oversee any transactions outside their market yards.

Sometimes, a case is made on the argument that if buyers and sellers in other product markets do not need any protection for a transaction, why should farmers be protected? Another example cited is of the milk sector where there is little regulation even when millions of producers supply milk twice a day, every day, day after day. What is not mentioned is the important influence that cooperatives have played in the milk sector; the overwhelming presence of the cooperatives ensures that other buyers are forced to imitate the practices of the dominant cooperatives in order to survive in the business. However, it is important to realise that the most immediate competition for an APMC can come from a private wholesale market in the neighbourhood, but that is still being left with the States under the APMC's domain. Therefore, it is not really about putting the APMCs in place because whatever expansion of direct purchase or contract farming channels may take place, most farmers would still depend on these physical wholesale mandis, whether public or private. The issue of conflict of interest still remains. Why would a public APMC allow a private wholesale market to come up and function under its wings? The issue was left unattended even in the APLM Act, 2017, where contract farming was taken out of the APMC Act's purview; the Central government has brought in a separate model Contract Farming Act citing these conflicts of interest. This raises concerns about the motive of the proposed reform.

Therefore, the logical questions that ought to be asked are: Do we need more mandis or more deregulation? Would only more mandis do or do we need more functional and effective mandis? Even if one agrees that APMCs are inefficient and ridden with corruption and malpractices, is moving away from them the solution? Should we throw the baby out with the bathwater or should we actually reform the APMCs as they are the last resort for millions of marginal and small farmers who would never be attractive to corporate buyers, individually or perhaps even collectively, through FPOs?

#### OLD WINE IN NEW BOTTLE

Although the Finance Minister did not use the term "contract farming", the third announcement pertains to the legal framework for contract farming and direct purchase for fair price, and quality standards and fair transactions. Entry 7 in the Concurrent List says: "Contracts including partnership, agency, contracts of carriage and other special forms of contracts but not including contracts relating to agricultural land." But perhaps it is Entry 33 of the Concurrent List that is being used to frame a Central law, Entries 26 and 27 of the State List being subject to it.

The major limitation of the applicability of Entries 26 and 27 is that, as contract farming by definition involves farm production, it cannot be treated simply as a matter of trade and commerce or even production, supply and distribution of goods as the production is with an independent producer and the latter stages are with the contracting agency.

However, if media reports are correct, there is a minimum price guarantee for the farmer in contract arrangement and provision for a higher price if prices go up under the Central contract farming Act. This is against the very concept of contract farming. The contracted price agreed by two parties in a free market environment cannot be tied to a state-promised price or applied to changed market conditions. After all, contract farming is all about reducing and managing market price risks for the contracting parties.

Finally, the ordinances would have implications for the federal structure as many States may see it as an attack on their autonomy unless they are brought on board before such a law is passed. It can also be argued that States can defend the APMC and State contract farming Acts in public interest. One fails to understand why States would not be keen to reform their agricultural markets when they are competing with each other for new investments. Therefore, one needs to ask: why are such far-reaching reforms, which affect the federal structure of the country, being attempted when the country is struggling with the COVID-19 pandemic? Why the unseemly haste? Perhaps, the government realises opportunistically that this is a good time to stealthily push through "reforms" that would in normal times have met with stiff resistance. □

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# Madrasa miseries

The madrasas of northern India were left in the lurch by the sudden lockdown, with **stranded students** and dwindling funds. BY ZIYA US SALAM

AT THE BEST OF TIMES, MADRASAS IN northern India present a sorry spectacle. Malnourished children clad in white *kurta-pyjama* and a skull cap hunched over the sacred text, with the maulana's stick never too far away. They get paltry meals, basic accommodation and a learning that guarantees no viable job placement. Hopes of a better future remain distant. It is during the Islamic month of Shaban, which precedes the month of Ramzan, that the madrasas come alive, and even the most hard-pressed seminary hosts a special function to felicitate the new Quran hafiz (one who has memorised the Quran). It takes place roughly 15 days before the commencement of Ramzan. It is a day of feasting and celebration, and the students dig into chicken or mutton curry or biryani, a welcome break from their daily meal of lentils and chapatti. The successful students are even given token scholarships of Rs.500 or Rs.1,000.

This year, the felicitation ceremonies scheduled around April 10 could not take place and the students were given their certificates without the much-awaited feast and fanfare. Worse, the sudden announcement of the lockdown left the students in the lurch. Most of them usually book tickets to travel to their home towns in Uttar Pradesh and Bihar a few days before the start of Ramzan, when madrasas close down for their annual vacation of six weeks. This year, their tickets got cancelled. Their families, who are mostly poor, were not able to come to fetch them either. So they were left stranded in the madrasas, which struggled to meet their requirements for food and accommodation. Most madrasas have just one big hall or a corridor where all the students sleep. Maintaining social distancing, therefore, was a challenge. It did not help that the madrasas, which get their most generous donations in the holy month of Ramzan, could not reach donors under the lockdown. With dwindling earnings and mounting expenses, the summer of 2020 was a hard one for madrasas and their students.

Maulana Mohammed Ismail, caretaker of Madrasa Jamia Naseeriya in Loni in western Uttar Pradesh, said: "I cannot even begin to talk of earning in the month of Ramzan. We could not get across to donors, many of whom keep a portion of *zakat* or *khairat* [charity] for poor children. We were dependent on online transfer of money. And very few donors stepped forward to help



**MADRASA STUDENTS** who had been left stranded by the sudden announcement of the lockdown on a special train to reach Purnea in Bihar, in Bikaner on May 25.

during the lockdown." Many people, he said, had already spent a good sum trying to help victims of the February riots in Delhi. "This year many people did not wait for Ramzan to give *zakat*. They saw helpless people in North East Delhi and gave away the money in February or early March itself. Only some people waited for the month of Ramzan to begin [on April 25]."

Meagre earnings, no public transport, stranded students—the madrasas faced it all. Police raids on their premises compounded the woes of some madrasas, which were accused of "hiding" the students.

Ismail said: "The police came to our madrasa soon after the Tablighi Jamaat incident. Around 10-12 personnel came. We do not have separate rooms for students. There is just one big hall. So we had sent the local students away. Still, 25 remained, mostly from Bihar and Bengal. We tried to send them away, too, but there were no buses or trains. Only towards May-end could we send five students to Supaul in Bihar. It took them five days to reach there. They are in quarantine there. We still have 13 students on the premises. The police alleged that we were up to some mischief when they saw some bricks lined up on the premises. They were left over after the construc-

tion of the wall. The police examined the premises and finally gave us a clean chit."

Abdus Sattar Qasmi of Jamia Mahad-e-Noor madrasa in Dadri had a similar story. "We had around 200 students, including 25 hostellers, at that time [before the lockdown]. We sent away the students from nearby towns and villages immediately after the 'janta curfew' as we realised that a lockdown could be imposed. The students were sent to their relatives, uncles and aunts. However, we were still left with around 20 students hailing from faraway towns of Uttar Pradesh and Bihar. Soon after the Tablighi Jamaat incident, the police raided the place in early April and accused us of shielding students. We explained to the police that our session ends roughly 15 days before Ramzan. And the students leave for their respective home towns after that. This year the session was to end in early April. By that time Section 144 [of the CrPC] was imposed and the students were left stranded."

The madrasa at Dadri, however, was well equipped with sanitisers, masks and gloves and did not suffer from space constraints. "We have 17 rooms in the madrasa. We gave each of the remaining 15 students a room. We were also left with three teachers. So social distancing was not an issue at all," Qasmi said. Five of the 20 students who had to stay back were placed with local residents.

The challenge was to send the students back to their home towns. Qasmi said: "In March when Section 144 was imposed, we sent the students home, at least the local ones. We had booked train tickets for April 1 for the outstation ones. Then lockdown was announced. For weeks, the students were here, and our financial resources were depleting. Somehow, we managed to survive in Ramzan. At times, the students and teachers broke their fast with just a glass of water and a date." He said that the police, who were initially suspicious, came round after they realised that the madrasa was taking all precautions. "We even invited the Sub Divisional Magistrate to the madrasa. He commented that we were taking more precautions than many government departments." The official later helped the students book train tickets when the Shramik Specials started running in mid May.

Qasmi said: "We sent five students to Purnea with a teacher. With so many diversions of the route, it took them many days to reach Purnea from Dadri. Fortunately, they had some food with them and had got a medical check-up done before the journey." The Dadri madrasa usually has around 250 students, the majority being day scholars.

"Many are first-generation learners. Most are from poor families. They cannot afford to pay any fees at all. We are dependent on community funding. And this year, with Ramzan coinciding with the lockdown, our earnings virtually stopped," Qasmi said.

Ummahatul Quran Madrasa in Mehrauli near Qutab Minar in Delhi, one of a handful of madrasas for girls, found itself in a similar situation. The seminary, which read the writing on the wall, had advanced its examinations by a month and was thus able to send a large

number of its 150 hostellers home before the "janta curfew". All the students who had local guardians in or around Delhi were sent away. However, yet again, those from remote places were left in the hostel.

One madrasa official said: "Comparatively speaking, ours is a more expensive institution with each student's guardians spending about Rs.2,000 on tuition fees and boarding and lodging every month. We impart education according to the Central Board of Secondary Education, too. However, all this stopped all of a sudden because of the unplanned lockdown. The institution dipped into its savings to organise a special bus for the students. It was not easy, though. The first three times, permission was either not granted or withdrawn. The students could finally leave in batches in May."

The students of Madrasa Rasheedia on Bahadur Shah Zafar Marg in New Delhi perhaps fared worst. The madrasa, which is attached to a mosque, has 62 students and is among the most cash-rich madrasas in the National Capital Region. Yet it was unable to organise transport for its students and no help was forthcoming from either the police or the State government. Mohammed Naeem, a caretaker at the madrasa, said: "Those who had guardians in the vicinity went away. But around half of the students were left behind." When the Tablighi incident took place, the madrasa went into an overdrive to send them away, even if that meant putting them on trucks.

"The slightly older students, teenagers, were sent by trucks or tempos. The last batch departed recently on a Shramik train," said Naeem.

Most madrasas also had to deal with suspicions. Ismail summed up the situation: "After a TV channel accused madrasas of hiding students and flouting norms of social distancing we felt like laughing at them except that we were angry at their ignorance. Did anybody care to find out about the profile of madrasa kids? Could we have just thrown them out on the road in the name of social distancing? Instead of appreciating that we gave them food, masks and sanitisers and kept them safe with regular medical check-ups, the media used a word like '*chhupa*' [hiding]. It was not just irresponsible but blatantly false. It smacked of their preconceived agenda. It is time the media realised that madrasas have had to face a lot of difficulties owing to the sudden announcement of lockdown. Instead of asking madrasas about the students still there with them, will the media ask the government why adequate notice was not given to the people before the lockdown came into force?"

The madrasas, meanwhile, stay shut. Even those housing students still waiting for a train home are not imparting fresh instruction. The rector of Jamia Maqsood Ashrafiya in Amethi said: "Usually, the students come back around two weeks after Ramzan [coinciding with the first week of June in 2020]. This year, there is no sign of any activity resuming. There are hardly any trains, the students are all poor and they are gone, and there seems to be no way to come back. And even if they do, where are the funds to host them?" □

# A devastated world

In the midst of a raging pandemic, with almost 100,000 people across the world being infected every day by the coronavirus and with the U.S. the worst affected country, the U.S. President has **walked out of the WHO** and cut off his country's funding for it. BY JOHN CHERIAN

IT HAS BEEN FIVE MONTHS SINCE THE novel coronavirus started infecting humans. Within that short period, more than six million people around the world have caught the disease. The World Health Organisation (WHO) declared the coronavirus outbreak a "public health emergency of international concern" on January 30. But despite the timely warning, by the first

week of June, the global death toll from the virus had crossed 400,000.

The United States has not faced a pandemic of such devastating proportions since the 1918 "Spanish flu". Despite being the richest and the most scientifically advanced country in the world, it has been the worst affected with the number of cases due to shortly cross the

two-million mark. More than 100,000 Americans died due to the virus by the end of May. The U.S. Centres for Disease Control and Prevention (CDC) has projected between 10,000 and 30,000 American deaths before the end of June. The U.S. has since recorded one of the highest unemployment rates in its history, with nearly 40 million Americans filing for unemployment benefits. The U.S. Congressional Budget Office has estimated that the pandemic will cost the U.S. economy \$7.9 trillion over the next decade.

Other advanced capitalist nations such as the United Kingdom, Italy, Spain and France have also recorded a large number of coronavirus deaths. The world is currently witnessing almost 100,000 people being infected by the coronavirus every day.

More than half a million people in Brazil are affected, making it the second worst impacted country after the U.S. The numbers in India are showing an upward trajectory. It is now among the top 10 countries worst affected by the COVID-19 pandemic and has the greatest number of cases on the Asian continent. By early June, the infection rates were rising in most parts of the developing world, with Latin America becoming the new epicentre of the pandemic. Many experts believe that most governments have wilfully underestimated the true toll

of the pandemic. The United Nations and the WHO issued an SOS in the last week of May calling for "global solidarity" in the fight against the pandemic.

It was at this critical juncture that the Trump administration chose to formally walk out of the WHO. President Donald Trump sent a letter to WHO Director-General Tedros Adhanom Ghebreyesus in the last week of May announcing the decision. The Trump administration also announced that it was cutting off all funding to the organisation.

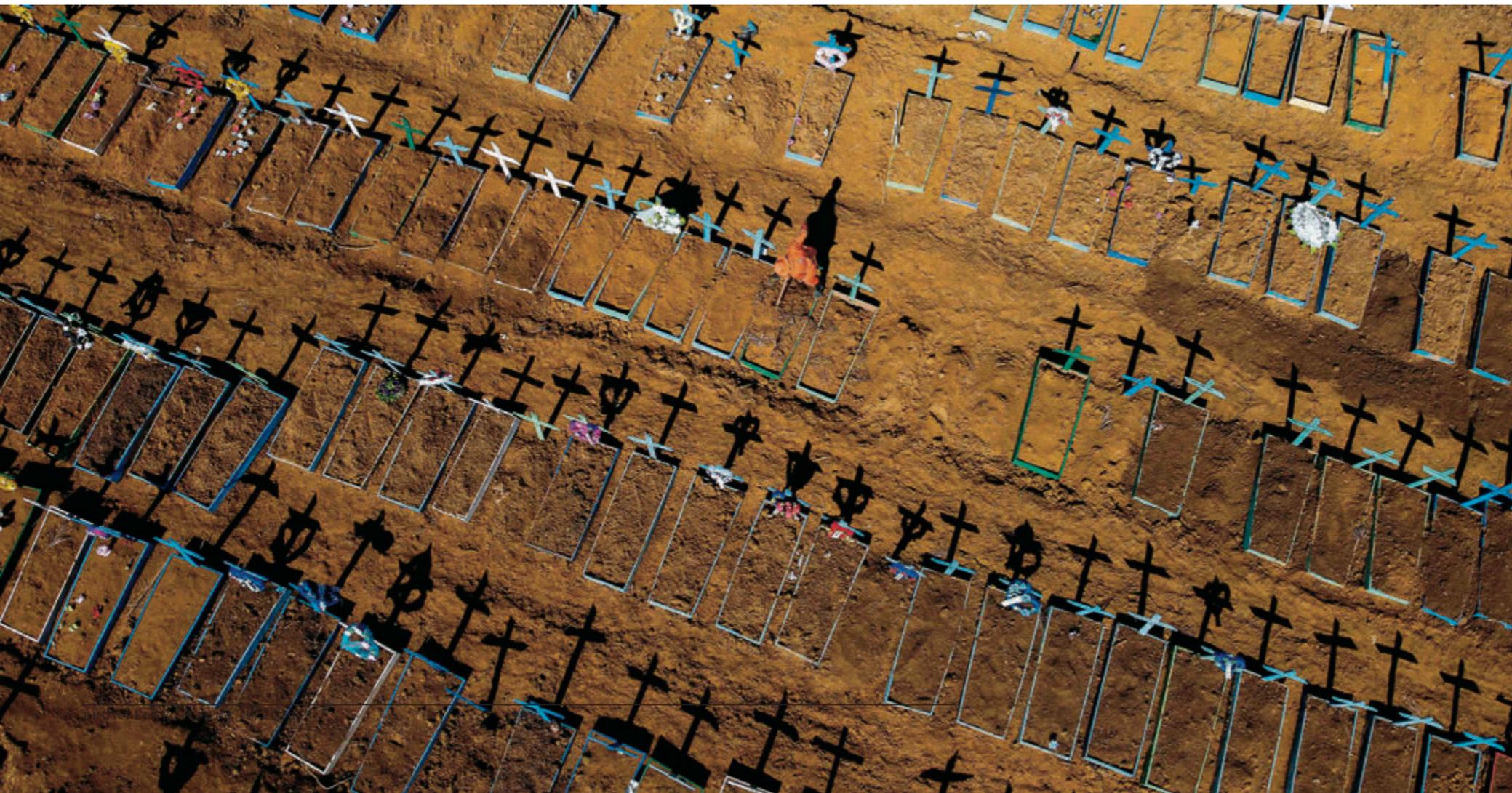
A sizeable chunk of the WHO's funding, amounting to 15 per cent of its budget, came from the U.S. government. As it is, the WHO has been starved of funds, with many members not even bothering to pay their annual membership dues on time. Interestingly, during the height of the Cold War, the WHO was criticised for being overly dependent on the U.S. The organisation preferred U.S. medical expertise to that of the Soviet Union as it went about eradicating scourges such as small pox.

The war on small pox was a Soviet initiative, but the WHO selected U.S. scientists and doctors to spearhead the programmes to eliminate the disease. The WHO also preferred to use U.S.-made vaccines over Soviet ones in the fight against polio. The U.S. government was successful in influencing the WHO on the issue of drug pricing and patenting so as to ensure that the profits of the big pharmaceutical companies were not adversely impacted. Successive U.S. governments, including the current administration, worked closely with the WHO in Africa to prevent the Ebola epidemic from reaching U.S. shores. Even now, private donors from the U.S., such as the Bill and Melinda Gates Foundation and Bloomberg Philanthropies, continue to wield enormous influence on the functioning of the WHO.

Trump has been targeting the WHO after his dismal failure, in April, to prevent the spread of the virus within the U.S. While announcing his decision to quit the WHO, Trump made the claim in a White House press briefing that the organisation was acting under orders from China and had colluded with Beijing to cover up the seriousness of the threat posed to the U.S. and the world of what he described as the "Wuhan virus". He once again alleged that the WHO had knowingly allowed the virus to escape from China and infect the rest of the world. "China has total control over the WHO," Trump claimed and accused China of forcing the WHO "to mislead the world" about the virus.

"The world is now suffering as a result of the malfeasance of the Chinese government," Trump said. "Countless lives have been taken, and profound economic hardship has been inflicted all around the globe." Despite there being no takers for the U.S. President's allegations against the WHO, he has gone ahead and done the unthinkable. He will now have the dubious reputation of being the only head of state to turn his back on the WHO and its dedicated team of scientists and doctors in the

**A CEMETERY** in Manaus, Brazil, where COVID-19 victims are buried daily, a June 2 picture.



MICHAEL DANTAS/AFP

midst of a raging pandemic. While announcing his decision, Trump made no mention of the early warning the WHO had issued to the international community. And, of course, there was no question of owning responsibility for his administration's colossal failure that allowed the virus to spread like wildfire in the country and beyond its borders. Instead, Trump insisted that the world "needs answers from China". A week before Trump made his decision, he wrote to the WHO Director-General demanding that the organisation "commit to major substantive improvements within the next 30 days". The Trump administration did not publicise what its demands were and, for that matter, did not even wait for the one month's notice period to lapse before making the decision to pull out.

The European Union (E.U.) urged the U.S. government to reconsider its decision. "In the face of this global threat, now is the time for enhanced cooperation and common solutions. Actions that weaken international results should be avoided," a statement from the top leadership of the E.U. said. Germany and the U.K. also issued statements critical of Trump's move. The British government clarified that it had no intention of withdrawing funding from the WHO.

Anders Nordstrom, a former WHO acting Director-General, said that the U.S. action would increase political tension at a time when "we need to have global solidarity". South African Health Minister Zweli Mkhize termed the decision as "unfortunate". China's Foreign Ministry spokesman was more direct in his criticism. He said that the U.S. President was trying to mislead the American public, smear China and shift the blame for the U.S. government's "own incompetent response".

#### CRITICISM INSIDE THE U.S.

Within the U.S., even Trump's Republican allies in the Congress were critical of his decision. Senator Lamar Alexander, Chair of the U.S. Senate Health Committee, said the move could hamper the discovery of a vaccine for COVID-19 and urged the White House in the "strongest terms possible" to reverse the decision. He said that this was not the time to look into the alleged failings of the WHO. The time to do so, he said, was "after the crisis had been dealt with not in the middle of it". Senator Elizabeth Warren tweeted that President's decision "alienates our allies, undermines our global leadership, and threatens the health of the American people".

This view was echoed by Dr Howard Koh, who was Assistant Secretary of State for Health in the Barack Obama administration. "The decision is really so short-sighted and ill-advised, and all it does is to put American lives at risk," he said. Koh is currently a professor at Harvard University's School of Public Health. Dr Thomas Frieden, a former head of the CDC, noted that it was the U.S. that had played a key role in the creation of the WHO. "And we're turning our back on it—we're turning our backs on the world. That makes us less safe; it makes the world less safe," Frieden said. Dr Thomas File, Jr, president of the Infectious Diseases Society of Amer-



**AT THE** General Hospital for Diseases of the Guatemalan Institute of Social Security, which is overflowing with coronavirus patients, in Guatemala City on May 21.

ica, came out strongly against Trump's move: "We will not succeed against this pandemic or any future outbreak unless we stand together, share information and coordinate action."

#### LEGALITY QUESTIONABLE

Constitutional experts in the U.S. are questioning the legality of the Trump's decision. Most of them believe that the President needs the approval of the U.S. Congress to unilaterally leave a U.N. agency. "This is literally the whim of one man, without any consultation with Congress, in the middle of the greatest health emergency of our lifetime," Lawrence O. Gostin, director of the WHO Collaborating Centre on Public Health Law & Human Rights at Georgetown University, Washington, D.C., told *The New York Times*. Congress has the right to sue the President in a federal court on the issue, and there are indications it is shortly going to exercise that right.

#### PRETEXT TO SEAL BORDERS

Most governments around the world have used the pandemic as a pretext to seal their borders and stop the

movement of refugees. The right of asylum has now ceased to exist worldwide for all practical purposes. The Trump administration has effectively used COVID-19 to implement its draconian immigration policies. Tens of thousands of people residing in the country for years but without the required paperwork have been deported, many of those deported from the U.S. to poor Central American countries were infected with the deadly virus.

President Alejandro Giammattei of Guatemala, a close ally of the U.S., complained that the Trump administration was sending "contaminated flights" to his country. The Haitian government said that five of its citizens recently deported from the U.S. in early May turned out to be COVID-19 positive. Haiti, the most impoverished country in the region, had reported 1,000 cases by the third week of May. With 4 per cent of the world's population, the U.S. has recorded one third of the infections and deaths worldwide. It seems intent on spreading the virus in the region with its large-scale deportation policies. More than a thousand children have been deported to Mexico and neighbouring countries in the last couple of months.

At the same time, the U.S. did not think twice about announcing a ban on all commercial flights from Brazil in the last week of May, citing the coronavirus casualty figures in the country as a reason. International flights had anyway come to a virtual stop, but the Trump admin-

istration insisted on making an announcement singling out Brazil, the worst-affected country in Latin America. Trump and Brazilian President Jair Bolsonaro, because of their ideological proximity and evangelical Christian support base, have been downplaying the seriousness of the pandemic. But the Trump administration's singling out of Brazil to impose a travel ban further dented Bolsonaro's political credibility.

Both the leaders are enthusiastic promoters of the anti-malarial drug hydroxychloroquine as treatment for the coronavirus. Medical experts and the WHO have cautioned coronavirus patients against using it. Trump and Bolsonaro are the only two prominent world leaders still refusing to wear a face mask in public. Bolsonaro, in fact, signed an executive order in May designating beauty salons and exercise gyms as "essential services" that need to reopen.

In the last couple of months, in the midst of the pandemic, two of Brazil's Health Ministers had to demit office. One was sacked and the other chose to resign. Both of them disagreed with the Brazilian President's insistence on treating the pandemic like the "common flu" and opening Brazil up for business even as the death rate was dramatically escalating. There are clear signs that another political upheaval is in the offing. Many of Bolsonaro's close allies have deserted him. Many State Governors have defied his orders. Bolsonaro could become the first political casualty of the pandemic.

The U.S. is not the only country guilty of using the pandemic to trample on basic human rights. The E.U. too has been busy deporting asylum seekers and undocumented refugees. Hungary has barred all asylum seekers from stepping onto its territory on their way to more prosperous western Europe. The Hungarian government's action goes against the basic tenets of the Geneva Convention. Greece and Malta are the other countries playing a big role in keeping "Fortress Europe" safe from refugees and victims of war from countries such as Afghanistan, Libya, Somalia, Syria and Yemen. The West played an important role in the destruction and devastation of these countries. Thousands of refugees have been intercepted in the waters of the Mediterranean and forcibly send back to Libya. The E.U. has trained and financed the Libyan coast guard.

In refugee camps around the world, which lack basic necessities like soap and running water, the virus has the potential to unleash death on an unprecedented scale. South Asian workers who reside in crowded workers' dormitories in the Gulf have seen their jobs disappear and are being pushed out.

The rich Gulf countries too are feeling the economic pain the pandemic has caused. Developing countries are the worst affected. They were allowed to borrow money at low interest rates to finance developmental activities in the last decade, but now because of the economic devastation caused by the pandemic, they have piled up humongous amounts of debt. According to the World Bank, middle- and low-income countries owe outside investors and foreign governments \$2.1 trillion. □

# New alliance against China

The Donald Trump administration's trade war against China, occasioned by anxiety over the latter's scientific and technological advances, **is set to deepen** in the context of the COVID-19 pandemic. **BY VIJAY PRASHAD**

IN LATE MAY, PRIME MINISTER BORIS Johnson of the United Kingdom floated the idea of creating a new international platform—D10, or Democracy 10 alliance. The D10 is to comprise the Group of Seven (G7) states and three others; it will be discussed formally at the G7 meeting in June. The proposed members of the alliance are the G7 countries (Canada, France, Germany, Italy, Japan, the U.K. and the U.S.), along with Australia, India and South Korea. The purpose of this alliance is not entirely for mutual benefit. The agenda, Boris Johnson suggests, is to attack China.

Many of the states in the D10 have been hit hard by the COVID-19 pandemic, and many of them (notably the U.K. and the U.S.) have started to blame China—rather than their own incompetence and the evisceration of their public health systems—for the high death toll. President Donald Trump of the U.S. has been most vocal in his diversion of blame on China, which he says, without evidence, suppressed information about the virus and perhaps even created the virus. These inflammatory statements from Trump and Johnson have provided a way for them to ignore the fact that they had both made no preparations since the World Health Organisation (WHO) first publicly warned about the virus in early January. Trump, in a fit of pique, stopped U.S. funds for the WHO and has now withdrawn the U.S. from the WHO entirely. He, like Johnson, points his finger at Beijing and does not acknowledge any failure by his government for the catastrophic deaths in the U.S.

Western anxiety about China's growth is not because it is the centre of global manufacturing. It is perfectly acceptable to Western capitalist firms that China is the factory of the world, and that literate, well-fed and healthy Chinese workers produce iPhones and refrigerators for the world market. The fact that so many factories are located in China and that China's growth rate dwarfs that of other countries are in itself not objectionable to the Western world. What annoys them is that China has much greater ambitions than merely delivering workers

**U.K. PRIME MINISTER** Boris Johnson and U.S. President Donald Trump at the G-7 summit in Biarritz, France, in August 2019.

to global capitalism. In April, the United Nations' World Intellectual Property Organisation (WIPO) reported that for the first time in 40 years, China had applied for more patent applications than the U.S. The WIPO said in its report that China's intellectual property applications increased by 200 per cent in 20 years. Francis Gurry, Director General of WIPO since 2008, has followed China's "deliberate strategy" to "advance innovation and to make the country a country that operates at a higher level of value." "It is working", Gurry said, "and intellectual property is certainly part of that strategy."

China's 58,990 patent applications last year come in a wide range of scientific endeavours, including artificial intelligence, brain science, dark matter, genetic engineering and quantum computing and communications. These are areas at the cutting edge of science. Many of them will have important technological implications, which, if they work, could catapult Chinese industry to a position of considerable strength against any other industrial sector in the world.

## 5G AND HUAWEI

The trade war that Trump's administration prosecuted against China from July 2018—and which he has now deepened—was occasioned by the anxiety over China's

scientific and technological advances. The core issue was the 5G technology developed by Chinese firms, notably Huawei Technologies. According to a recent WIPO report, Huawei filed the most patents for any corporation for the third consecutive year. It is considered one of the world's leaders in the next generation of telecommunications technologies.

U.S. firms, such as Cisco, and U.S. government agencies, such as the National Security Agencies, have accused Huawei since 2003 of a range of offences such as espionage and intellectual property theft. Court cases have piled up; Huawei has settled some of them and denied others. Then, in May 2019, Trump banned U.S. firms from supplying components and software to Huawei without prior government authorisation; his executive order provided wide latitude to block foreign firms based on security concerns. Major Silicon Valley firms, such as ARM, Google, Intel, and Qualcomm, broke ties with Huawei.

In 2019, the U.S. tried to form an international coalition against Huawei and China, but it was not successful. Many countries see the advances in technology as an opportunity and do not want to antagonise Huawei. Roughly 170 out of the world's 193 countries use Huawei widely, including as the most commonly available mobile phone. In 2019, Trump put a lot of pressure on Mexico to cut ties with Huawei. But newly elected President Andrés Manuel López Obrador was not keen since he wanted to move his country into Huawei's 5G technology. Meng Wanzhou, daughter of Huawei's founder and Huawei's Chief Financial Officer, left Shenzhen for Mexico with a stopover in Canada. Meng Wanzhou was arrested in Vancouver on behalf of the U.S.

government. She remains in custody in Canada, pending extradition to the U.S.

The arrest of Meng Wanzhou in Canada comes alongside pressure by Australia to prevent a Huawei high-speed Internet cable to connect Papua New Guinea to the Solomon Islands. The battle to scuttle Huawei's growth became part of the agenda not only of the United States but of its main allies, notably the U.K., Canada and Australia. Each has come to recognise that China's industrial and technological growth will undermine the dominance of England's old settler colonial world. This was unthinkable.

China's firms, and the Chinese government, are accused routinely by these former settler colonial countries of England, and by the U.K., of theft of intellectual property and of government surveillance. Court records filed in the U.S. against Chinese firms and the Chinese government are weak on evidence and long on accusations.

Theft of intellectual property cases are not unique to China or to Chinese firms, since firms with all kinds of national origins attempt to gain technological advantages and spy on their competitors. If this context is not placed on the cases of industrial espionage then it appears as if only China indulges in theft.

Finally, accusations of government surveillance using private telecommunications firms are not unique to China, since there remain serious accusations about the close ties between the U.S. intelligence agencies and Silicon Valley firms.

## INDIA AND 5G

Boris Johnson is keen to have India join the D10 alliance. India already participates in the Quad (with Australia, Japan, and the U.S.) and in the Indo-Pacific Strategy, both U.S.-led anti-China platforms. Prime Minister Narendra Modi will likely join the D10 if it means closer fealty to the U.S.

However, this is going to seriously jeopardise India's deployment of 5G technology. India has already delayed the auction of 5G spectrum. Insiders say that there is only one reason why the government has stalled the process. They say that in the short term, without Chinese technology from Huawei and ZTE, there is no possibility for the creation of 5G networks in India. In other words, the Modi government would rather scuttle India's transition to 5G on behalf of deepening the anti-China alliance with the Western powers than adopt off-the-shelf technology sold by its neighbour to improve telecommunications in India.

Boris Johnson, on behalf of Trump, is eager to make the debate around technology a political issue. Here is commerce being suffocated by the eagerness of certain countries to maintain their dominance in the world. That India might go along with them is a sign of its own independence. □



ERIN SCHAFF/THE NEW YORK TIMES

# China's decisive step

The West flexes its muscles as China's National People's Congress decides to extend the country's national security laws to Hong Kong. BY JOHN CHERIAN



**PRESIDENT** Xi Jinping votes on the national security legislation concerning Hong Kong during the closing session of China's National People's Congress in Beijing in May.

MARK SCHIEFELBEIN/AP

THE DECISION BY CHINA'S NATIONAL People's Congress (NPC), during its annual session in the last week of May, to extend the country's national security laws to Hong Kong has not come as a surprise to the international community. The situation in Hong Kong had been festering without resolution since the middle of last year with lawlessness taking hold in the territory. There was open talk of secession by a hard core within the raucous opposition on the island. Attempts were made to replicate the colour revolutions that the West had encouraged in some countries.

The so-called "umbrella revolution" of 2014 in Hong Kong was the first attempt. The "black shirt revolution" that started last year has been a more sustained attempt. Protesters clad in black openly carried American and British flags and called for outside intervention in Hong Kong. The State Department of the United States, under Secretary of State Mike Pompeo, added fuel to the fire by encouraging sections of the demonstrators. The National Endowment for Democracy (NED), which works closely with the State Department, plays a prominent role in encouraging and financing anti-China protests.

The Chinese government said that the NPC decision was taken to "safeguard national security", improve the "one country, two systems" principle and safeguard Hong Kong's long-time stability and prosperity. The proposed national security law covers only four offences—secession, subversion, terrorist activities and foreign intervention. Chinese Foreign Minister Wang Yi has stated that the law was aimed at "a very narrow category of acts that seriously jeopardise national security". The Hong Kong assembly has been trying to pass this law since 2003. Neighbouring Macau did not waste any time in passing the law soon after it acceded to China.

Li Zhanshu, chairman of the NPC Standing Committee, said that the decision "serves the fundamental interests of all Chinese people, including Hong Kong compatriots". Hong Kong's Chief Executive, Carrie Lam, welcomed the decision and said that her government would fully cooperate with the NPC. She pointed out to her compatriots that "rights and freedoms are not absolute" anywhere in the world. "Look at how the local government handle chaos in the U.S. and what stance they took on a similar level of chaos in Hong Kong last



AP

**A DEMONSTRATION** in Hong Kong in September 2019.

year," Lam observed at a recent press briefing. In less than a week, almost two million Hong Kongers signed a petition supporting the move. A senior Hong Kong official, Secretary of Justice Teresa Cheng, stressed that national security in all regions fell entirely within the purview of the central government.

The NPC has made it clear that the proposed legislation will only target "a tiny number" of Hong Kong residents suspected of endangering China's national security. According to the Chinese authorities, the introduction of the security law will not negatively impact on

the freedoms currently being enjoyed by the people of Hong Kong and the "one country, two systems" principle will remain intact. As a special administrative region of China, Hong Kong enjoys a high degree of autonomy and retains its capitalist system and lifestyle. The free flow of capital and the free convertibility of the Hong Kong dollar will continue to be safeguarded by the Basic Law of the Hong Kong Special Administrative Region (HKSAR). The purpose of the "one country, two systems" principle, as clarified in the preamble to the Basic Law, is "upholding national

The Chinese government said that the NPC decision was taken to improve the "one country, two systems" principle and safeguard Hong Kong's long-time stability and prosperity.



**U.S. PRESIDENT** Donald Trump speaks at a press conference on China on May 29 amid soaring tensions between the two powers on issues such as the status of Hong Kong and the novel coronavirus pandemic. With him is Secretary of State Mike Pompeo.

unity and territorial integrity, maintaining the prosperity and stability of Hong Kong”.

Speaking to the media, Chinese Prime Minister Li Keqiang said that the “one country, two systems” principle remained China’s basic state policy. Under the system, Hong Kong has retained British commercial laws that prevailed under colonial rule. In comments made after the end of the NPC meeting, Li assured the people of Hong Kong that Beijing would protect the territory’s “long term prosperity and stability”. Hong Kong’s former Chief Executive, Tung Chee-hwa, said that the people of Hong Kong had no need to fear as long “as they don’t plan to engage in acts of secession, subversion, terrorism or conspiring with foreign elements”. Hong Kong already has a law that prohibits the propagation of views advocating independence for the territory.

Many Chinese commentators also point out that Hong Kong has more autonomy than individual States in the U.S. and also that Hong Kong will continue to have the power of final adjudication. In the U.S., this power is vested only in the country’s Supreme Court. Hong Kong also has the power to issue its own currency. In the U.S., this power resides in the Federal Reserve. Hong Kong has a separate customs status, which no State in the U.S. has.

The Trump administration, which seems intent on triggering a second cold war, with China as the enemy

this time, was quick to criticise the move to introduce the national security law. President Trump had warned that the U.S. would act “very powerfully” if the NPC passed the security law. Pompeo promptly declared that Hong Kong no longer had “a high degree of autonomy”, signalling that Washington was preparing to impose multiple economic and trade sanctions on Hong Kong to put into jeopardy its status as a global financial hub.

Last November, following the anti-China street protests, the U.S. Congress passed legislation requiring the State Department to certify Hong Kong’s autonomy from the Chinese government. Pompeo’s recent statement indicates that the Trump administration is preparing the ground to revoke the recognition the U.S. had accorded to Hong Kong after the British handed over the territory to China in 1997. Many American companies have their regional headquarters in Hong Kong. The U.S. has a huge trade surplus with Hong Kong, estimated to be close to \$35 billion dollars. Eight per cent of China’s exports to the U.S. are through Hong Kong.

The former student leader Joshua Wong, one of the most visible faces of the anti-China protests in Hong Kong, has openly supported the punitive steps being contemplated by the Trump administration. “Our hope is that a drastic change of American policy will encourage China to reverse course on Hong Kong,” he declared. He was not disappointed. President Trump announced at the end of May that the U.S. would take measures that would “affect the full range of agreements that we have with Hong Kong” and would include “action that would revoke Hong Kong’s preferential treatment as a separate travel and custom’s territory from the rest of China”.

The Trump administration has so far only succeeded in getting its close allies such as Britain, Canada and Australia to issue a joint statement critical of China’s move. It said that the planned security law “dramatically erodes Hong Kong’s autonomy and the system that made it so prosperous”. British Prime Minister Boris Johnson provocatively said that his government would allow Hong Kong’s three million residents to live and work in Britain if the security law was passed. In response, a Chinese Foreign Ministry spokesperson said that the British government “should step back from the brink, abandon its colonial mentality and recognise that Hong Kong has returned” to China.

The European Union has also criticised Beijing’s move, further reinforcing China’s suspicions that the West is intent on using the Hong Kong issue to undermine its national security. Hu Xijin, editor of *Global Times*, which reflects the view of the Chinese government, dared the Trump administration to carry out its threats. He noted that there were 85,000 Americans working in Hong Kong and that the American companies operating there would “reap the bitter fruits”.

Hong Kong’s role as an international economic entrepot is anyway not all that crucial for China these days. When the British left in 1997, Hong Kong accounted for 18 per cent of China’s total gross domestic product (GDP). Today, according to World Bank figures, it accounts for less than 4 per cent. □

# Beware the 'Yes Man'

There are murmurs within the armed forces over the way the Army has been kept out of the COVID relief operations and the proposal to recruit short-term personnel who will be able to move on to other professions after three years in the Army.

BY PURNIMA S. TRIPATHI AND VENKITESH RAMAKRISHNAN

FIELD Marshall Sam Manekshaw, considered one of the greatest military strategists India has produced, was also known for his piquant comments and biting repartees. One of his oft-repeated comments, indirectly referring to Army officers subservient to the political and administrative leadership, has been gone viral for more than two months now among serving and retired defence personnel. The quotation is as follows: "A Yes Man is a dangerous man. He is a menace. He will go very far. He can become a minister, a secretary or a Field Marshall, but he can never become a leader, nor ever be respected. He will be used by his superiors, disliked by his colleagues and despised by his subordinates. So, discard the Yes Man."

The "Manekshaw quotation" is apparently part of a letter written by a former Lieutenant General of the Army, a much-decorated veteran, to the Chief of Defence Staff (CDS), General Bipin Rawat. The letter, in the form in which it is being circulated among serving and retired defence personnel, expresses disappointment that the CDS instead of giving professional advice to the Defence Minister on behalf of the

Armed Forces has started taking verbatim instructions from the political and bureaucratic leadership. According to a number of serving and retired Army officers who spoke to *Frontline*, the debate that the letter has generated on many closed virtual platforms relating to the defence sector signifies the wide resonance that these critical views have within the Army establishment. Speaking to *Frontline*, a retired senior officer said: "Put simply, the view that is gathering great momentum within serving and retired personnel is that

the current political dispensation is using the CDS as a tool to further its agenda of undermining the armed forces. And that is exactly why the 'Manekshaw quotation' has become a toast of the times."

The retired officer explained that according to the officer who wrote the letter and a number of his colleagues, "this perception had been building up right from the last two years of the National Democratic Alliance government's first term but had risen in proportion over the first year of its second term".

He said: "One central question they ask is why the Army and indeed the larger defence establishment was assiduously kept away from the COVID-19 relief operations. It is felt that the acute miseries inflicted on the country right from the early days of the pandemic should have made it imperative to call upon the services of the Army and other defence arms. Each unit of the Army gets specific and special training in different forms of operations, including biological warfare. There are very many elements of that training that are relevant to fighting a pandemic. In spite of all this the defence personnel were steadfastly kept out of the picture. So much so, even the top officers of



SWAPAN MAHAPATRA/PTI

**CHIEF OF DEFENCE STAFF**  
General Bipin Rawat.

many battalions and units were asked to comply with the lockdown.”

Retired officers point to the suggestion made by Admiral (ret'd) Ramdas in his letter to the Defence Minister. The perception is that the Army could have at least transported the lakhs of migrant workers who started trudging back to their homes right from the time the lockdown was first announced. Instead of being given concrete tasks that could have made a difference, the forces were employed to put up theatrical displays such as showering flowers or playing music in honour of “corona warriors”.

Brigadier (ret'd) B.K. Ponwar, who is also the Director of Counter-insurgency and Jungle Warfare College in Kanker, Chhattisgarh, told *Frontline*: “With the network and resources at our disposal, we could have set up kitchens and field hospitals along the highways to feed and treat the migrants, within a time span of 12 hours. We could have transported them across the length and breadth of India.”

#### OFFICERS 'ON TOUR'

In the middle of the COVID crisis and the sidelining of the armed forces, the government's proposal to induct civilians into the armed forces for a three-year tenure as “tour on duty” was curious. It has been touted as something that would stir “keen young men” to serve the country for three years and experience the “thrill, adventure and pride in wearing the uniform”. “Given the fact that there is a visible spurt of patriotic and nationalistic fervour among the youth, the response is likely to be good,” the proposal reportedly says.

The proposal envisages a truncated basic Army training, after which there can be a “later movement to other occupations”. Those who finish the “tour” in the Army would depart with a lump sum, with no pension or any other retirement benefits and no ex-servicemen status. The plan seems to be that at the end of three years the government will issue advisories for these young people to be given



**ARMY PERSONNEL** in disaster management operations in Kolkata on May 24 in the aftermath of cyclone Amphan. The Army was not called in to conduct relief operations during the COVID-19 crisis.

preference in civilian jobs even in the private sector. “With their regimentation and discipline training in military style, they would be an asset for anyone,” the proposal argues.

Apparently, 100 officers and 1,000 personnel of other rank could be inducted into the forces every year. Only in the event of a casualty or disability during operations would these “on tour” personnel be given the benefits otherwise available to ex-servicemen. This will apparently mitigate the shortage of officers without causing pension liabilities to mount. The proposal has touched a raw nerve among service personnel, who had apparently expected the CDS to reject it outright. But the CDS told the media that “this proposal is in the nascent stage and is being considered”.

Lt-Gen (ret'd) P.G. Kamath said: “We have tried and rejected such emergency recruitment provisions in the past. Immediately after the 1962 China war, we had Emergency Commission provision, which also was for a three-year tenure. This did not work. Then in 1966, we introduced the Short Service Commission for five years initially, which was extendable to another five years and then eventually another four years, in order to make it more lucrative and to make them eligible for pension and other benefits. The tour-on-duty proposal is nothing but old wine in a new bottle, lacking innovation.”

He said that a three-year tenure would involve a training period of six months or a year at the most. There would be no-post commission training. “This would make them only

semi-trained officers and it would not be fair to send them into battle or command areas,” he said. According to him, a five-year tenure would work better. “Then they would come out with a more rounded personality, having served two tenures, one field and the other, peace tenure.”

Serving officers told *Frontline* said that if the proposal was implemented it would be difficult to justify the three to four years of training imparted at the National Defence Academy (NDA) and the Indian Military Academy (IMA). One officer said: “After all, they would be doing the same work. This ‘cheapest labour available’ philosophy is not good for the Army.” Army officers feel that the “on tour” officers would be more interested in their post-army careers and fear that this would erode the Army's professional capability. “You cannot turn the Army uniform into a tour badge,” one of them said.

That the corporate world has

hailed the government proposal has not gone down well with service personnel. (ASSOCHAM has described it as a game changer and Anand Mahindra has said he will be happy to recruit youngsters with three years in the Army behind them.) “You cannot turn the Army uniform into a billboard to flaunt your patriotic fervour,” said one officer. Another said: “The Army uniform cannot be a tool to brush up your CV for a lucrative corporate job.”

Lt-Gen (ret'd) N.S. Brar viewed the scheme as part of a political agenda. Writing in several forums he pointed out that the “scheme appears to be part of politics built around ultra-nationalism and glorification of military service without actually addressing the concerns of the military”.

“The prevailing nationalistic fervour is expected to attract patriotic youth towards military service. Such patriotism is sought to be a substitute for a deep-rooted institutional and organisational problem,” he said.

Lt-Gen (ret'd) H.S. Panag has been quoted on a news website as saying that using nationalistic/patriotic zeal to bolster the strength of the Army for a short duration would only produce “political militia” and spawn a dangerous trend. Army officers pointed out that not just the Army but even the Indian Administrative Service and the Indian Police Service suffer from staff shortage. Why not recruit personnel for these, too, for short terms?

Brigadier (ret'd) B.K. Ponwar, however, was of the view that this was a good idea for impressionable young people, especially those aspiring for the IAS and IPS jobs. “They would get to know their country before they get into administering it,” he said.

#### OTHER CONTENTIOUS ISSUES

The decision to open roads in cantonment areas for civilian movement, made during Nirmala Sitharaman's tenure as Defence Minister, has also given rise to unhappiness. When General Rawat was the Army Chief, 99 roads across 62 cantonments were apparently

opened to civilian traffic. Serving and retired officers say that this potentially exposes soft targets to terrorists and refer to the Kaluchak terrorist attack of 2002 to drive home their point. (There was a terror attack on May 14, 2002, near the town of Kaluchak in Jammu and Kashmir, leading to the death of over 30 people, including five Army personnel.)

It is also pointed out that the isolation of cantonments from civil areas is an operational requirement to keep the Army safe during a pandemic, when the first duty of the Army's top brass is to preserve its “fighting force”. One officer said: “Keeping the cantonment areas sanitised is an operational necessity because the personnel living here are required to replace those on forward areas on a rotational basis. Besides, the families of those posted in forward areas live in cantonments and are soft targets. The CDS was aware of all this, and yet he allowed the opening up of the roads simply to please his political masters.”

Some of the officers who spoke to *Frontline* alleged that the CDS had approved a government proposal of giving ownership rights to civilians on property in cantonment areas.

Serving and retired officers speak of General Rawat's silence on many other issues such as the denial of Non Functional Upgrade (allowing an officer to draw the pay and perks of the next grade if the officer cannot be promoted owing to a lack of vacancies) to service personnel (it is available to civil service officials and the Central Armed Police Force); the taxing of disability pensions; and the government's backtracking on the grant of full OROP (one rank, one pension).

The murmurs within the defence structure in the background of a crippling pandemic do not bode well for the defence establishment. A widely prevalent view is that the CDS should stop alternating between the roles of a yes-man and a mute spectator. □

# Redesigning J&K

The Jammu and Kashmir administration's May 20 order relating to **domicile status certificates** makes it clear that the BJP-led government at the Centre is pushing ahead with its Hindutva agenda, pandemic notwithstanding. BY **ANANDO BHAKTO** IN NEW DELHI

ON May 20, the Jammu and Kashmir administration made the possession of a domicile status certificate an eligibility condition for admission to educational institutions in the Union Territory (U.T.). Its latest diktat has evoked sharp reactions from parties across the political spectrum. It is becoming increasingly clear that New Delhi is in no mood to retreat from its adversarial position *vis-a-vis* the erstwhile State no matter the political and social costs of such a position and the local support for militancy that it is spurring. While the Peoples Democratic Party (PDP) described the order as a "disempowerment project", the National Conference (N.C.) alleged that the real intent behind it was "effecting demographic change".

On March 31, a government notification replaced the provision in Article 35A relating to "permanent residents" of Jammu and Kashmir with the new concept of "domiciles". Earlier, permanent residents, who were referred to as "State subjects", enjoyed exclusive rights, including land and employment rights. The notification defines a domicile as one "who has resided for a period of 15 years in the U.T. of J&K or has studied for a period of seven years and appeared in Class 10th/12th examination in an educational institution located in the U.T. of J&K or who is registered as a migrant by the Relief and Rehabilitation Commissioner (Migrants)". It also stated that children of officials of "the Central Government, All India Services, PSUs

[public sector undertakings], autonomous body of Centre, Public Sector Banks, statutory bodies, Central Universities, recognised research institutes of Centre who have served in J&K for a total period of 10 years" would be considered domiciles. A fresh order on April 3 provided some protection to domiciles in jobs, including senior level positions in the Group A and Group B categories.

The Valley, however, sees the new domicile law as nothing but a tool to realign the demographic composition of Muslim-majority Jammu and Kashmir by facilitating the influx of settlers. Speaking to *Frontline*, Mohammed Yousuf Tarigami, a leader of the Communist Party of India (Marxist) and a four-time MLA

from Kulgam, said this apprehension was not ill-founded. "The dominant perception across the erstwhile State remains that the new notification is a ploy of the BJP [Bharatiya Janata Party] to continue its Hindutva political project and further disempower and dispossess the people of the Jammu and Kashmir politically, economically and culturally. With such a decision, the gulf between Jammu and Kashmir and the rest of the country will grow wider, and although the BJP government has for now enforced calm, underneath, the uncertainty across the erstwhile State is increasing day by day," Tarigami said.

A government circular relating to the May 20 order said: "With the

enactment of the Jammu and Kashmir Reorganisation Act, 2019, series of constitutional changes have been affected. In terms of the Jammu and Kashmir Reorganisation (Removal of Difficulties) Order, 2019, any reference by whatever form to 'permanent residents of the state or hereditary state subject', wherever they occurred in any Act or notification issued or rules, orders made thereunder, stands omitted with necessary grammatical variation."

Tarigami questioned the timing of the order. "At a time when the people are seriously concerned about the spread of the coronavirus, the BJP government is busy redesigning the 'union territory' of Jammu and Kashmir. The fresh domicile notification issued yesterday [May 20], while the region is under the grip of the deadly COVID-19 pandemic, is an extension of the unconstitutional and undemocratic assault carried out by the BJP government on August 5, 2019. Issuing the rules for domicile notification at this crucial time reveals the paranoid mindset of the BJP wilfully violating the democratic aspirations of the people," he told this reporter.

Both the N.C. and PDP have voiced their reservations. The PDP tweeted from its official handle on May 18: "Even a pandemic is no deterrent for the GOI to continue with its disempowerment project for JK. Orders like the one on domicile certificates don't settle anything, neither do they cover up the August 5 fraud." The N.C. issued a detailed statement in this regard. It said: "...though the Domicile Orders and Rules would not be acceptable at any point of time because of well-known stand of the Party that the measures are aimed at disempowering the people of Jammu and Kashmir and effecting demographic change, yet the timing of the Order and Procedure in question is also grossly inappropriate and unethical in as much as when entire mankind, including the people of Jammu of Kashmir, are in complete lockdown engaged in battle of survival against coronavirus, the Government of India has found it opportune time to push in the measures, palpably anti-people and unconstitutional."

Aga Ruhullah Mehdi, the N.C.'s chief spokesperson who spoke to this reporter over the phone from Budgam, pointed out that the BJP was mistaken in believing that there would be jubilation across Jammu over the party's so-called integrationist policies. In his opinion, the people of Jammu would be the most affected because this move would lead to a loss of their exclusivity in occupational opportunities and their political voice. "The BJP-RSS [Rashtriya Swayamsewak Sangh] is selling an illusory idea to the people that there will be mass migration of people from all over India to Kashmir. A few hundreds or thousands may be ferried in, in Army convoys, and settled in heavily guarded Army camps. But their lives would be confined, their experiences would be akin to living in a concentration camp. It will be Jammu where settlers will actually flood in at the expense of the local people," Mehdi said.

Mehdi raised a valid question: "Who stopped people from Jammu from buying land in Kashmir even before August 5? As permanent residents, they were lawfully entitled to buy land in the Valley, but the fact is they did not as the Valley's climate is not salubrious for settlement."

Senior journalist Anuradha Bhasin too believes that the Centre is taking Jammu for a ride to suit its political agenda. In an article published in *The Hindu* titled "Jammu, the pawn of the Kashmir chessboard", she said: "Jammu's youth are worried that they may lose their jobs and educational seats to the new 'domiciles.'" Shedding light on the BJP-RSS' machinations in Jammu and Kashmir, she noted: "Jammu has long suffered in terms of a political vacuum, which has also deepened the sense of discrimination. Its political significance in national politics has been only to serve as a prop in the hands of New Delhi to counter the Kashmir narrative or to strengthen internationalist politics. Now, with the administrative project of integration achieved and Kashmir's politics stepping down into virtual servitude, Jammu's polit-



NISSAR AHMAD

**SECURITY** personnel cordon off an area after militants fired on a police party in Kashmir's Kulgam district on June 4.

ical worth has further diminished."

On a similar note, Tarigami said: "The [Narendra] Modi government clearly lacks an institutional view and suffers from conceptual disarray, which makes it blind with regard to the essence of constitutional commitments when it comes to it dealing with Jammu and Kashmir. The government continues to concentrate on issues which are detrimental to the interests the people of Jammu and Kashmir."

The signs of it are already coming. A newly active terror network called The Resistance Front has issued threats to the likely settlers. On online messaging platforms, the group alleged that the government intended to settle "RSS fascists" in Kashmir and that any Indian who settled in Kashmir would be treated as "an RSS agent". Last year, following the abrogation of Jammu and Kashmir's semi-autonomous status, there was a spate of attacks on migrant workers in Kashmir. Political experts are of the view that New Delhi's "political incursions" in the Kashmir Valley will fuel the cycles of violence. □



DAR YASIN/AP

**GHULAM MOHAMMAD ZARGAR** shows his "State subject document" in Srinagar on October 31, 2019, the day the legislation abrogating Article 370 came into effect. With the abrogation, this document became invalid.

# Capturing the mainstream space

The political leaders of Kashmir Valley are unable to fathom the endgame of the BJP-RSS as New Delhi lowers the security cover of mainstream players and evicts those kept in safe houses. BY ANANDO BHAKTO

NEW DELHI MAY BE EFFECTING a phased release of leaders of Kashmir's mainstream political parties who were arrested since Jammu and Kashmir's semi-autonomous status was revoked in August 2019, but that is hardly an indication of its softening approach. Many released leaders complain that their security has been withdrawn and that they are staring at forceful eviction from government allotted safe houses in their hometowns. As the threat to their lives has not diminished, these leaders are left with no option but to seek safety at the houses of friends or relatives in Srinagar.

The list of political leaders and former legislators who have been forced to vacate their official residences is baffling. Take the case of Ghulam Nabi Niloora of the National Conference or independent politician Jan Mohammad. Their family members have been victims of targeted attacks. Ghulam Nabi's father, Ghulam Kazi Niloora, who was a legislator between 1977 and 1987 from Wachi in Shopian district, was killed by militants in 1991. In 1990, his brother, who was also a legislator, was shot dead. Jan Mohammad's father, Ghulam Mohamad Wagay, was an active leader of the Peoples Democratic Party (PDP). He was assassinated in Wachi in 2001.

Waheed Para, PDP's youth wing president, who is under house arrest in Srinagar, told *Frontline* over the phone that the "mainstream in Kashmir is threatened by the state itself". He said: "Jammu and Kashmir is the only State in India where political workers are riddled with bullets for upholding the national flag, for identifying themselves with and safeguarding the mainstream. If we are not protected, the mainstream will crumble, the Indian democracy here will crumble."

He is dismayed at the bellicose nationalism of the Bharatiya Janata Party (BJP) and the Rashtriya Swayamsevak Sangh (RSS). "We are clueless; we are trying to understand what their endgame is in Kashmir," he said.

The withdrawal of Waheed Para's security by Governor Satya Pal Malik in February 2019 created a flutter in Srinagar's power corridors. Waheed Para was involved with the Sports Council in the State when Mehbooba Mufti was the Chief Minister between April 2016 and June 2018. He was instrumental in arranging mega sporting events and used sports as a medium to connect Kashmir's youths to the mainstream. "How did we, almost overnight become a constituency of threat from a constituency of peace?" he asked.

He is not the only one to lose his security cover. Following the Pul-

wama terror strike on February 14, 2019, the State government withdrew or downgraded the security of at least 18 Hurriyat leaders and 155 political leaders and activists. This included the veteran Hurriyat leader Syed Ali Shah Geelani and bureaucrat-turned-politician Shah Faesal.

Omar Abdullah, former Chief Minister and leader of the National Conference (N.C.) questioned the government's rationale at the time. "I have no doubt this step was taken without taking into consideration inputs from Central and State intelligence agencies which can only mean it has been done for political purposes," he had said.

## NOTICE TO VACATE RESIDENCE

Waheed Para was asked to vacate his Sonwar residence in Srinagar at short notice. "I was asked to vacate in an hour's time. I could not have gone back to my home town Pulwama, which is in a vulnerable location. I kept shifting from one friend's place to another's. This, when the police had been alerting me about possible attacks on my life."

Notices of eviction were served on the PDP's Ghulam Mohideen Wachi, who lost his brother to militancy; Ameena Bano, the widow of Ghulam Nabi Patel, a PDP leader who was killed by militants in Pulwama in April 2018; and Sheikh Rashid, an



AT SRINAGAR'S MLAs' Hostel, the mainstream leaders in detention. Clockwise from bottom left: Former Cabinet Minister Naeem Akhtar; Bashir Mir (Congress); Shah Faesal (J&K People's Movement); Waheed Para (PDP); Mukhtar Bandh (N.C.); Nizam-ud-Din (PDP) and Aijaz Mir (PDP).

independent politician of Tral (Pulwama).

Ameena Bano was served an eviction notice in December, but it was stayed by the Jammu and Kashmir High Court. On March 24, 2020, a notice was served to her, asking her clear an outstanding rent amount of Rs.7,42,060 within seven days. When this reporter contacted her, she said the administration wanted her to pay the rent for the entire duration of their stay at Pulwama's MLA hostel accommodation, allotted to her late husband in 2003. "This is outrageous. The two-room flat was given to us for security reasons. There was no mention of any monthly rent to be paid. And now they want us to cough up Rs. 7.42 lakh. I do not have any resources. I do not even have any ancestral house to shift to."

Jan Mohammad recounted to *Frontline* over the phone from Pulwama the circumstances under which he fled his home in Shopian in 2002. "It was a tiring campaign day. I was electioneering for Ghulam Hassan Bhat of the PDP. The 2002 Assembly elections were round the

corner. In the evening, a few armed militants barged into our house. Luckily, I was at the rear garden. I sneaked out, never to return." He said "the administration's eviction drive defied logic."

For the past 18 years, Jan Mohammad has been living the life of a fugitive, along with his wife, three sons and a daughter. They stayed at the Gazetted Officers' Hostel in Pulwama, where accommodation was provided to him in 2004 after the security personnel assessed that the risks had not mitigated. Now the government wants him to fend for himself. "Where do I go now? I can't go back to my house in Shopian. Certainly not now, when the possibility of reprisal attacks on politicians is more distinct," he said. The High Court temporarily stayed the eviction order, but the future looked ominous, he said.

*Frontline* has learnt from reliable sources that the administration treated the family of former Shopian MLA Mohammad Yousuf shabbily. Yousuf was given an official accom-

modation in Shopian in 2016. Shortly before August 5, 2019, the security there was withdrawn. The security at his ancestral house at Meenmandar neighbourhood in Shopian was withdrawn in February 2019, despite the fact that a petrol bomb was hurled there in May 2018.

Post August 5, while Mohamad Yousuf was incarcerated at the Sher-i-Kashmir International Conference Centre (SKICC) in Srinagar and his son Zubair was sent to a sub-jail in the Shopian Police Lines, their living quarters was "illegally handed over to Shopian's Additional Deputy Commissioner [ADC]" without any notice served to Yousuf's family members. The ADC "trespassed" their premises.

Since armed insurgency erupted in Kashmir in January 1990, hundreds of political workers and pro-India politicians have been killed in targeted attacks. The N.C. and the PDP claimed that they lost 6,000 and 1,000 political workers to militancy. Pro-resistance leaders and clerics were also not spared. Notable

among the slain were Hurriyat's Abdul Gani Lone, who was shot dead in 2002; and the Mirwaiz of Kashmir, Moulvi Mohammad Farooq, who was killed in 1990. Sajad Lone, president of the Jammu and Kashmir People's Conference and son of Abdul Lone, believes that he lost his father because his security cover had been lowered.

Ever since the popular militant commander Burhan Wani, 21, was killed in an encounter at Kokernag in Anantnag in July 2016, Kashmir has been simmering. There was marked anger against mainstream politicians following the PDP's decision to align itself with the BJP in March 2015. The move was seen as a "betrayal of the mandate". In the November-December 2014 State Assembly elections, no political party secured a majority. The PDP, which had 28 seats in the 87-member House joined hands with the BJP, which had 25 legislators, to form the government.

Anger began to swell when the Narendra Modi government at the Centre turned "militaristic" towards Kashmir, launching "Operation All Out" in early 2017 aimed at eliminating all violent actors from the field without any corresponding engagement with the stakeholders in the conflict.

### **BLOODBATH CONTINUES**

In the months that followed, militants targeted pro-India political workers. Abdul Gani Dar and Shabir Ahmad Wani of the PDP, Gowhar Ahmad Bhat and Shabir Bhat of the BJP, and senior politician G.N. Patel were among those who were killed. The attacks intensified at the time of the election. In October 2018, three days before the local body elections in the State, two N.C. workers were gunned down in Srinagar's Habbakadal. On April 16, 2019, barely 36 hours before the second phase of the Lok Sabha election in the Kashmir Valley, a grenade was hurled at the Tral residence of N.C. leader Mohammad Ashraf Bhat. On May 19, 2019, the PDP worker Mohammad Jamal Bhat, 65, was killed when unidentified assailants fired five shots at him while he was

inside his house at Zungalpora village in Kulgam. The five shots were symbolic of the five votes that his family members had cast on April 29 at his insistence.

As home-grown militancy showed no signs of petering out, the government's decision to deprive mainstream players of their security cover raises serious questions. Ghulam Nabi Nilooru told *Frontline* that the threat had not receded. "The government does not have any idea how many youths joined the militant ranks post August 5. Earlier, the new recruits used to announce on social media that they had become a *mujahideen*. Now they are secretive about it," he said. In December, the District Commissioner of Pulwama sent him a notice to vacate his official residence. He currently resides at a Government Hostel in Pulwama along with his wife and two children.

Nilooru's claims about the adverse law and order situation in the Kashmir Valley matches the government's stated position in the Supreme Court. In April, while defending its decision against restoring high-speed Internet connectivity in Kashmir, the government told the court that Jammu and Kashmir was in a continuous war with militants "aided, abetted and encouraged from across the border".

Ruhullah Mehdi, the chief spokesperson of the N.C., said that no previous regime in New Delhi had let political vendetta determine matters of security. "This is exclusive to the Modi government. This is not just unethical but inhuman," he told this reporter over the phone from Budgam. Ruhullah Mehdi lost his father Aga Mehdi, a Congress veteran, in 2000, when militants blew up the latter's vehicle with an improvised explosive device at Kanihama village in Budgam. Mehdi said mainstream actors without a security cover would become easy prey to those who wanted to spill the blood of politicians.

There is a widespread belief that by mounting an attack on Kashmir's mainstream politicians, the Indian government is hurting its own interests. The glaring absence of a

political process in the Kashmir Valley is bound to attract more and more condemnation from the international community.

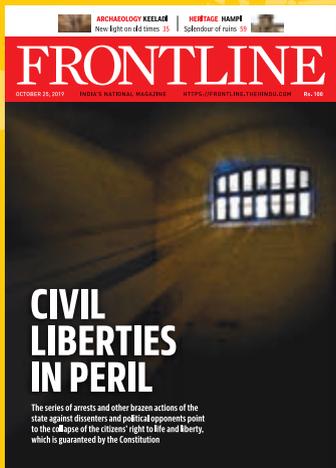
Political workers are indispensable to conducting elections. When this reporter travelled across south Kashmir ahead of the local bodies election in October 2018, some villagers interviewed in Anantnag and Shopian districts said that their decision to participate in the election was largely due to the personal rapport they shared with political workers.

"It's a barter," said Imtiyaz Ahmad, a young cousin of the fugitive militant Owais Malik, at the picturesque Arwani village in Kulgam tehsil in Anantnag, half an hour's drive from Bijbehara, the PDP stronghold and the hometown of Mufti Mohammad Sayeed. "A dependence on the political system has been created over the years. Here, in these villages, if one approaches the authorities to secure an electricity line in one's neighbourhood or install a motor in one's orchard, one is told *chitthi likhwa ke lao* [get a letter of recommendation]. We get it from the local MLA or the Collector. At the time of election, the political workers who had facilitated it ask us to vote; we can't refuse them."

A former MLA from a south Kashmir constituency, who requested not to be named, said "India is destroying its own tools" as he reminisced about the "politically seismic 1990s". "Between 1990 and 1996, no one imagined elections could be held ever again. Our workers have made enormous sacrifices to ensure the operation of political process again."

The question is: who gains from constraining the space for "unionist politicians", a move that was sure to blast the foundations of Kashmir's mainstream. Are the government's adversarial measures an act of impulse? Or, is the RSS eyeing a direct, absolute control of Kashmir?

Ruhullah Mehdi said: "The BJP and the RSS are filled with hatred for Muslims, in particular Kashmiris. Whatever they are doing in Kashmir is a manifestation of that hatred." □



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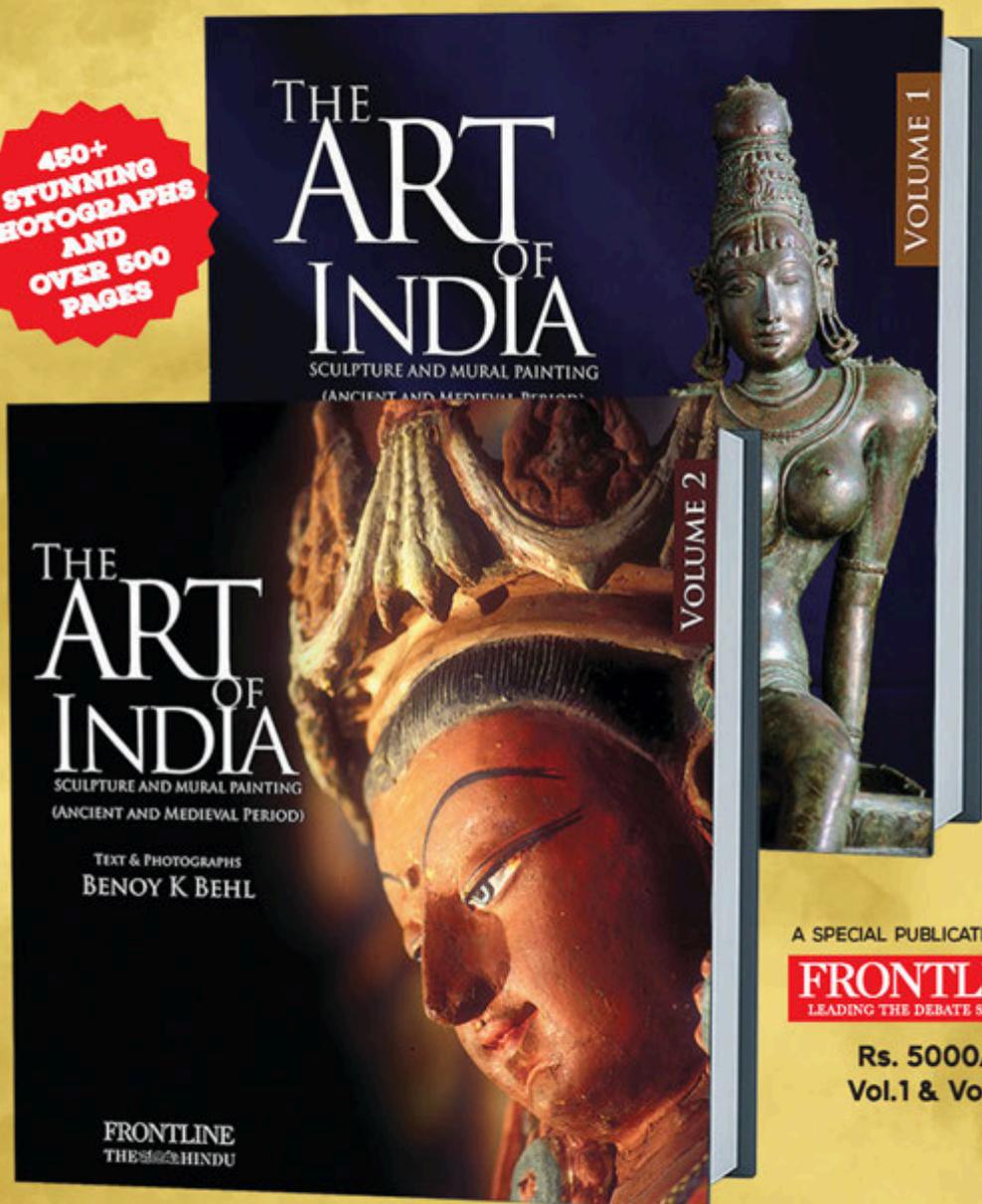
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