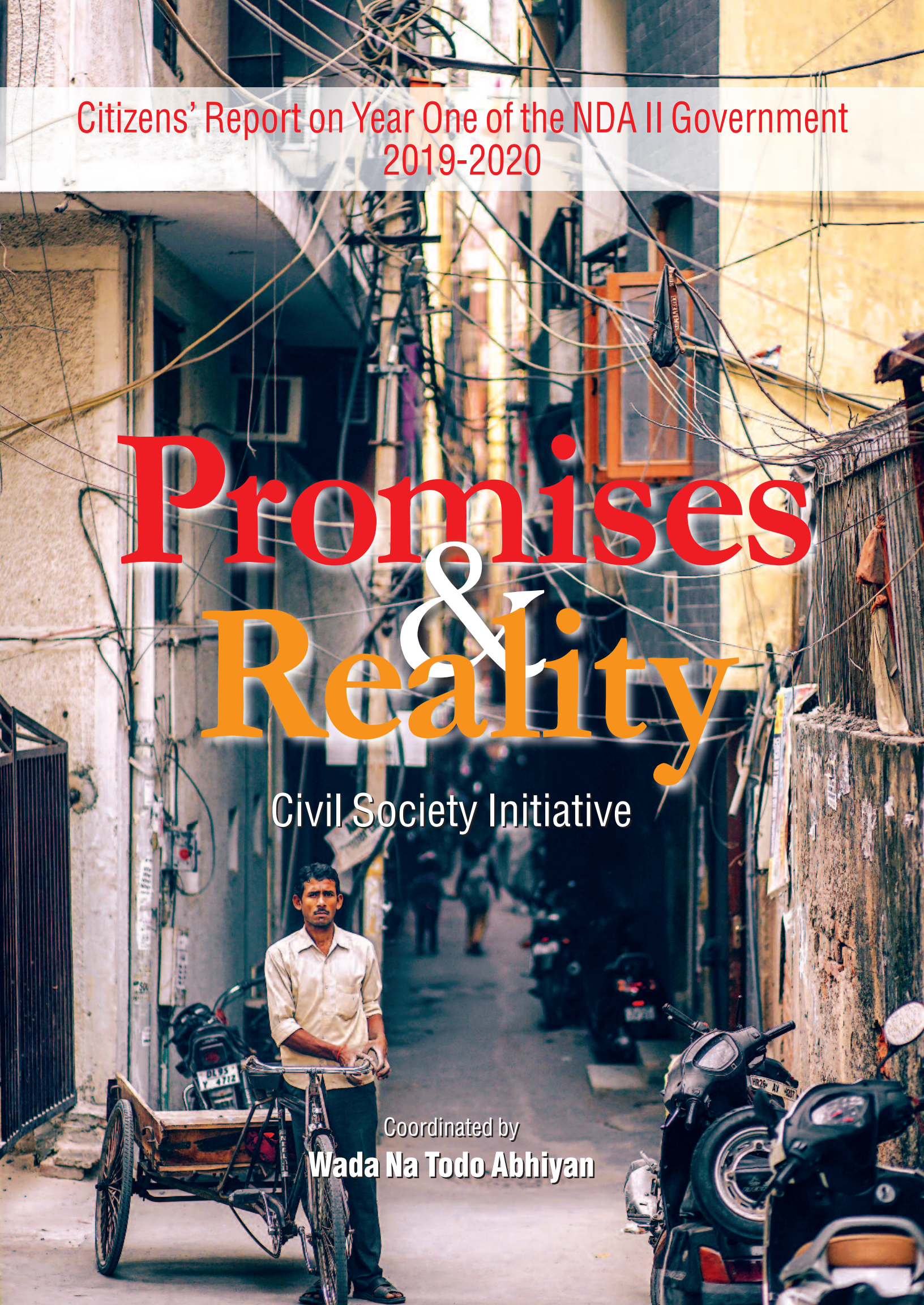Citizens' Report on Year One of the NDA II Government
2019-2020

Promises
& Reality

Civil Society Initiative

Coordinated by
Wada Na Todo Abhiyan

WADA NA TODO ABHIYAN

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

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

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Promises & Reality

Civil Society Initiative

PREFACE

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

An important piece of this process is the Annual Citizens' review of the Union Government and its promises to the people. The first review was held in 2005 of UPA 1 followed by annual reviews every year. In addition to the annual reviews, a consolidated review of the 9 years of UPA (I&II), 100 days of UPA II, 100 days of NDA-I and 4 years NDA-I were also done. All these reviews incorporated people's voices and expert opinions on various development themes.

In our continuous efforts to mirror the concerns and voices of the marginalized people/communities in the process of Governance, WNTA is anchoring the civil society assessment of the NDA-II Government on completion of Year one (2019-2020) in the office. The review is based on its electoral promises, COVID-19 and within the framework of the Constitutional mandates. This becomes an important juncture as the government completes one year in its second term. .

The report "Promises & Reality" — Citizens' Report on the "Year One of the NDA II Government, 2019-2020: is a collective work by experts, development networks and civil society organisations working on diverse concerns and issues with the marginalized and vulnerable communities — Advancing Women Rights, Banking, Budgetary Priorities, Children, Climate Change And Environment, Dalit And Tribal People, Education, Governance And Muslims, Health, Housing, Human Rights, Indian Civil Society, Inequality, LGBT, Livelihoods, Migrant Workers, Parliament, Persons With Disability, PLHIV, Religious Minorities: Christians, Right to Education, Transparency And Accountability, Urban Homeless, WASH, and Youth. The report also includes a set of specific Policy Asks on the different topics.

In the months leading up to the 2019 General Elections, WNTA had anchored a widespread process of reaching out to the citizens, particularly the vulnerable sections across the country through direct and indirect consultations. The concerns, issues and voices scripted the "People's Manifesto 2019 — voices of people". The People's Manifesto was shared with all political parties as inputs for their upcoming election manifestos.

This Citizen's Report on the year one (2019-2020) holds a mirror to how people's lives, particularly of the marginalized and vulnerable are impacted over the past year. The report will be taken back to the people, communities and civil society organisations to further engage with their elected representatives and administration to pursue the objectives of inclusive sustainable development for all people in all places.

As the union Government has just begun the second year of the second term, we hope this report contributes to strengthening governance accountability towards deepening our democracy and inclusive development processes.

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

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EXECUTIVE SUMMARY

Wada Na Todo Abhiyan is a campaign initiated in 2004 by civil society organizations (CSOs) and concerned citizens to promote governance accountability to end poverty and social exclusion, through tracking government promises and commitments at the national and international levels. WNTA has three central pillars to its work — a) brings out a review report of the union government on their performance annually, based on their electoral promises and constitutional mandates; b) brings out an annual review report of the SDG with special focus on the marginalised communities (LNOB groups) and c) articulates people's demands and aspirations, to the political parties, before elections, through 'People's Manifesto'. WNTA is the national partner of the Global Call for Action against Poverty (GCAP), Action for Sustainable Development (A4SD) and other global SDG platforms and processes.

'Since 2004, WNTA has been reviewing and monitoring the performance of the union government annually through 'Promises & Reality'. The report includes expert analysis, field realities and implementation status of legislations, policies and provisions, functioning of key institutions and the experiences of vulnerable sections of the population.

The present report examines some of the key government's policies and interventions for the period May 2019- April 2020 in their impact on the lives of India's marginalized sections.

The NDA government led by Prime Minister Narendra Modi and his party, the Bharatiya Janata Party, secured a comfortable majority in the May 2019 general elections. It has been a tumultuous year since — exhibited first by the introduction of the Citizenship Amendment Act and later, by the lockdown to contain the spread of COVID-19.

The first year has been replete with expressions of intent to reduce poverty and take on the global pandemic. The dominant narrative has, however, been political in nature. Even divisive, as the critics of the government would have one believe.

WNTA, however, has attempted an objective assessment of the government's work, seen from the lens of equity and how government decisions impact the most marginalized and vulnerable and the poorest section of the country's population.

The Governance Review Report is, thus, an important document in WNTA's milestone of activities as it brings together a diverse membership to assess and review the government's performance against its promises, the ruling party's manifesto. This is the first such report of the second term of the BJP-led NDA government at the Centre. It has been, as said earlier, a tumultuous year.

The economy began stumbling much before COVID-19 became part of our lives.

A slowing down of the economy and the dip in India's growth rate (before COVID-19 came into the picture) was only responded to in the shape of an ambitious plan for a USD 5 trillion economy. The need has been to revive private consumption demand by putting money into the hands of the people. However, as the chapter on the government's budgetary priorities, *'Need to Revive Private Consumption Demand'* points out, the slowdown in GDP growth has a negative impact in the increase in the tax revenue collection. The budget did not focus on augmenting resources. A less than commensurate revenue mobilisation has adverse implications for public spending.

Similarly, as the analysis of the budget goes, there are gaps in the provisions for marginalised communities, which show that there is still a long way to go to build a compassionate and 'Caring Society', keeping the specific requirements of the poorest and the most marginalised sections of the society in focus. Hence, there is a need for improving not only the responsiveness of budgeting for schemes related to marginalised population but also reform in the policy design itself.

The chapter on livelihoods argues that though India is considered a country with demographic dividend on account of a large proportion of youth comprising of 34.8 per cent of India's population, this potential remains underutilized as almost 27 per cent i.e. 423 million youth are neither in employment, nor education nor training (NEET) indicating a considerable loss of productive capacity at a macroeconomic level as well (Chapter: *Livelihoods cannot be limited to skill building and entrepreneurial incentives*). The authors point out that a just and inclusive economy cannot be built back by allowing a relaxation in labour laws to revive the economy, especially given that more than 90 per cent of informal workers already lack access to social security, safety and the significant prevalence of child labour.

As the authors argue, the signs of the stumbling economy were visible as the banking system was wailing under the burden of bad loans or non-performing assets (Chapter: *2019-20: A Year of Crisis in the Banking Sector*). The decline in NPAs is mainly due to huge write offs done by Indian banks, especially public sector banks in recent years. Between 2014 and 2019, scheduled commercial banks wrote off ₹ 6.35 lakh crore from their books and have recovered only 9.7 per cent i.e. ₹ 62,220 crores from the loans that banks had written off.

Write offs with negligible recovery are nothing but corporate loans waivers, the authors argue. From claims of ₹ 4.13 lakh crore in 221 cases resolved, only 43 per cent i.e. ₹ 1.84 lakh crores have been recovered and banks took a loss of ₹ 2.29 lakh crore. Out of 12 initial cases identified by RBI for resolution, only eight cases have been resolved in three years with banks taking hair-cut as high as 90 per cent.

Inequality

The chapter on Inequality (*How big is India's Inequality problem?*) points out that India's tax system favours corporates rather than individuals. In September 2019, corporate tax rates were cut from 30 per cent to 22 per cent. Strange, as it might appear, the highest tax slab for individuals is 30 per cent.

Efforts to reduce inequities should be guided by values of equality, justice and fraternity. A first step to move towards equality is to acknowledge that inequities exist. However, as this review argues, the government has not made any effort over the last year to acknowledge and measure the level of inequities in our country. Instead of being guided by principles of justice which recommends redistribution of income, the government has pushed for regressive taxation measures such as GST that have affected the poor disproportionately. Simultaneously, it has failed to create an enabling environment to protect the most marginalized people in the country from the economic impact of COVID-19, choosing instead to provide credit and subsidies to individual businesses and organizations.

This first step to ameliorate the situation could be putting in place adequate social protection mechanisms for all, enforce living wage for all workers, stop labour abuses, protect dignity and rights of migrant workers, and protect the rights of workers to organize, thereby reducing the gap between informal and formal sector workers. As the chapter on inequality recommends, a first step will be to ensure that the Right to Food is implemented in letter and spirit to ensure food security for all.

Human rights defenders faced huge challenges including arbitrary arrests, unlawful detentions and unfounded prosecutions. Despite India prisons becoming COVID-19 hotspots, nine prominent human rights activists arrested in 2018 under the Unlawful Activities (Prevention) Act (UAPA), remained arbitrarily detained for 'waging a war against the country'. (Chapter: *Repression and resistance: The story of human rights in India 2019-20*).

Life only got worse for Women, Dalit and Tribal and LBGTQ+ communities and Children ….

NCRB data for 2018 released by the government reveals an increase in violence and atrocities against Dalit women. Dalit women face the brunt of the violence and are doubly vulnerable to discrimination and atrocities as a result of their gender and caste. The latest NCRB data (2018) also reveals that a minimum of eight cases of rape against women from the Scheduled Castes are reported every day — showing an increase in the incidence of systemic sexual violence from the previous year's NCRB data. As the chapter on the situation of Dalit and Tribal people says, the marginal allocation of Rs.46.20 crores for the access to justice for Dalit women is both a very small amount to implement the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and also does not have specific provisions to ensure mechanisms to support survivors of violence and atrocities. (Chapter: *Un-kept Promises — The Grim Realities of Dalit and Tribal People*).

On April 26th, 2019, Assam's first transgender judge, Swati Bidhan Baruah, said she could not vote as a third gender voter but had to identify as a male voter because of the insensitivity of poll officials. One only has to imagine the plight of other, less influential LBGTQ+ people, if this is the case of a member of the country's judiciary. (Chapter: *Promises and Reality: Being LGBT*QIA+ in India.*)

India abstained from voting on the renewal of the mandate for an independent expert on protection for LGBT rights in the UN. At the Geneva-based 44-member UN human rights body, 27 countries voted in favour to extend the mandate of the Special Rapporteur for protection against violence and discrimination based on sexual orientation and gender identity for the next three years. India could do more, the authors argue.

Crimes against children have increased six times in a decade over 2008-2018 (NCRB 2018). Despite the enactment of laws sexual abuse remain unabated with 109 children being sexually abused every day in 2018. A 2009-2010 study found that almost all the children experience physical or verbal punishment in school (NCPCR, 2012). (Chapter: *A call to focus on children from marginalised social groups.*) The authors argue that the last year has been a mixed story for India's 472 million children who comprise 39 per cent of the country's total population. It needs to be iterated that a considerable section of India's children is not getting their due.

The government has programmes that offer social infrastructure and security for women and girls. These include healthcare services, nutrition, menstrual hygiene products, access to safe and clean toilets, affordable housing, education, water, and promotion of rural development.

However, the challenge of underutilisation of allocated resources and decline in budget allocations remains and needs attention to enable access to women in remote areas. The Ministry of Women and Child Development's share in the Union Budget is just under 1 per cent. And yet, it has reported a total unspent balance of ₹ 667 crore in FY 2019-20(RE). The unspent resources were meant for Working Women's Hostels, Scheme for Adolescent Girls, Mahila Shakti Kendra, One Stop Crisis Centres and Swadhar Greh Scheme. (Chapter: *Commitments to gender equality — still a long way to go.*)

….. Exacerbated by COVID-19

In the wake of the COVID-19 crisis, the government must ensure that no Indian falls into poverty because of health expenses and provides equal chances of survival for the rich and poor through the provision of universal access to free and quality health services. The report recommends the need for an effectively regulated private medical sector and ensure observance of patient's rights, regulation of rates and the quality of various services. (Chapter: *How big is India's Inequality problem?*)

The lives of people with disabilities and those living with HIV/AIDS is especially in turmoil after the lockdown in the wake of COVID-19. PLHIV/AIDS are finding it difficult to keep their drug regimen. (Chapters: *Living with a compromised immunity in the times of COVID-19;* and, *Persons with Disabilities: Just another tick in the box.*)

The urban homeless felt the double-whammy of being evicted from under the flyovers where they had made home — such was the ruthlessness of the State. (Chapter: *Homeless, An Invisible Citizen*). Housing and the lack of it has been a crucial factor in determining an individual's susceptibility to the COVID-19 virus. The author has sought to answer the question of what the impending NRC means to the homeless — asking, in turn, if it is about the enumerator's visit to the homeless on the street during the NPR process to see document of identity and residence. Therein lies the irony.

Similarly, during the lockdown, the pandemic has highlighted the need for adequate housing to be recognised as a pivotal right (Chapter: *The adequate housing situation in India*). Simultaneously, the pandemic has brought attention to the nuanced and complex nature of hygiene at a time when physical distancing measures are difficult to implement in overcrowded slums. (Chapter on Water, Sanitation and Hygiene: *Invest in hygiene to sustain behaviour change*)

63.67 million urban and rural households across the country do not have adequate housing. The numerical figures reflect an aggregate of those who live in unacceptable conditions as well as those who are homeless and that mirror the face of "housing poverty" in urban India. These are also the people worst affected by the lockdown owing to COVID-19.

Such housing is also the migrants' bane. The chapter on the state of the migrants (Chapter: *Migration in India — abandoned by the State*) reminds us that migrant workers, especially interstate migrant workers — living a hand to mouth existence and lacking in any social and familial networks — suffer also because of numerous structural and policy gaps that make their situation further precarious.

Images of stranded migrants and their long arduous journeys back home will remain seared in our collective memories of the COVID-19 pandemic in India. An estimated 200 million people lost their livelihoods and a huge majority of them belonging to the informal sector. It is estimated that there are 100 million circular migrants in India, who contribute upwards of 10 per cent of India's GDP, and yet, the State has ignored their rights as workers and citizens.

What could India have done differently to curb the spread of COVID-19?

Experts have voiced their concerns about the delay in taking steps like screening passengers with a travel history to China and Thailand once cases were found in these countries; locking down international arrivals in January soon after WHO declared COVID-19 a Public Health Emergency of International Concern; invoking the Epidemic Disease Act 1897; boosting local manufacture of PPE kits; delay in imposing lock down, and such.

A lesson from the pandemic brought by zoonotic virus Saro Cov 2 is to respect natural boundaries and not to encroach wild and non-human habitats. India having a high density of people and livestock amidst areas of high biodiversity and potentially very high rates of interaction among them, is one of hotspot for emerging and re-emerging infectious diseases. (Chapter: *Have we cold-shouldered climate change?*)

Though the role of health system governance is critical for improved functioning of health systems, it is often a neglected area in policy making as well as research. Of all BRICs countries, India shows a worsening of the accessibility to health care (Chapter: *COVID-19 pandemic exposes lacunae in health system governance*).

Given the extremely unpredictable nature of challenges posed by the coronavirus pandemic, it is pertinent that all sectors in the country work together and put their energies in communion with other sectors to bring the nation out of these changing times (Chapter: *CSOs — vacillating from being suspects to friends*).

Above all, the report highlights the need for Parliament to organise the political system that will help citizens overcome from issues of mis-governance. This holds particularly true in the light of the COVID-19 pandemic facing the country (Chapter: *Parliament needs to further scrutinise government actions*). Besides, on the issue of transparency and accountability too need to be attended to. Corruption in India has increased by three-point level, as per the 2019 Corruption Perception Index of Transparency International. India has been ranked at the 80th position among 180 countries and territories in Transparency International's Corruption Perception Index (Chapter: *Transparency and Accountability — Missing Links in Modi's Government?*).

The Minorities have been hit hardest, and violently. And the youth is being misled

The consummately organised hate campaign against the Muslim population, beginning mid-December 2019, and erupting violently in mid-February 2020 in the North eastern suburbs of Delhi has raised structural questions on the security of all religious minorities in the country, with the other, smaller communities questioning how safe they are if the Muslims are so brutally targeted. (Chapter: *Lynching tops incidents of ostracization, targeted violence against Christians*).

Nine mosques were burnt to the ground in the violence unleashed in Delhi, as were academic institutions and the small shops that were the economic stay of the Muslims. Thousands were rendered homeless. At least 43 Muslims and 10 Hindus were killed. Front-line lieutenants of the ruling Bharatiya Janata Party called upon their followers to shoot the '@#$*! %', a thinly veiled targeting of Muslims and activists protesting the Citizenship Amendment Act (CAA) passed by the government. The police inaction to control the riots was widely reported.

As the chapter on religious minorities says, NITI Aayog has yet to admit religious minorities as a vulnerable population under its SDG commitments (Chapter: *Governance and Muslims: A year of unparalleled repressions*).

The fear is that communal strategies will force young people to deviate from their real concerns and the dream of "harvesting population dividend" to become the youngest productive country will be ruined. Such an agenda towards "divisive governance" will become a threat to democracy and peace in the coming years. (Chapter: *Youth Rights in India: A dream or reality?*)

Young minds need to learn

The overlap of educational crisis with the deep inequalities in the society has been a lesson that the outbreak of the COVID-19 crisis has taught civil society actors.

Compliance to RTE norms, standards have been very poor. It is extremely important because even after 10 years of the

passing of the law, millions of children are still out of school. Inadequate resources have been one of the pressing challenges along with other factors which emanate indirectly from lack of priority of the state and central governments (Chapter: *A strategy for neglect of the fundamental right to education*).

In 2019 Central government had released only 57 per cent of the approved fund for Samagra Shiksha Abhiyan (SSA) by December 15. There is also a marked difference between budgets proposed by states and those approved by the MHRD's Project Approval Board (PAB) after negotiations with the states. The failure to increase school education budgets centrally has resulted in the education system looking for alternative sources of revenue. This has often resulted in costs being transferred to parents. In August 2019, the Central Board of Secondary Education (CBSE) doubled the board exam fees for Classes X and XII for general category students, from ₹ 750 to ₹ 1,500. For Dalit and Tribal students, the fee was raised 23-times fold from ₹ 50 to ₹ 1,200. (Chapter: *Education — equity remains an issue*).

While the educational status of girls has improved, gains have been slower for girls. Furthermore, the extent to which the status of girls' education can be attributed to the 'Beti Bachao, Beti Padhao' scheme is unclear. In the 2020 budget, a sum of ₹ 220 crores was set aside to the scheme which amounts to ₹ 34 lakhs per district. 56 per cent of the funds allocated under the 'Beti Bachao Beti Padhao' scheme from 2014-15 to 2018-19, were spent on "media-related activities".

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Contributing Organizations

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ADVANCING WOMEN'S RIGHTS

Commitments to gender equality — still a long way to go

India's position has slipped from 108 to 112 in the World Economic Forum's Global Gender Index 2020 and Niti Aayog's dashboard on SDGs in 2019 does not have a single state in India faring well in indicies concerning gender equality.

The Bhartiya Janata Party's (BJP) 2019 election manifesto notes that the government has "gone beyond tokenism to take substantive measures to……. achieve gender equality". It promises upliftment through "Women-led development", "Ensuring equal rights", "Ensuring a dignified life for women", and "Reservation for women" programmes. Inspite of initiatives across several ministries for achieving these goals, a budgetary data analysis indicates regress due to the stagnation of budget allocations as well as an under-utilisation of funds.

A comparision of the Union Budgets of 2019-20(RE) with 2020-21(BE) indicates a decline in the total allocations reported under the Gender Budgeting Statement (GBS), from 5.29 per cent to 4.8 per cent[1]. 'Gender' is being narrowly captured for women only in the GBS, excluding other existing programmes that address a range of gender-based issues. It invisiblizes and excludes a range of identities whose experiences are shaped by their caste, disability, age, religion, geography, gender- and sexual-identities that lie beyond the binary construct.[2]

Ending Gender-Based Violence and Violence Against Women

India's position has slipped from 108 to 112 in the World Economic Forum's Global Gender Index 2020. *Niti Aayog's* dashboard on SDGs in 2019 does not have a single state in India faring well in indicies concerning gender equality.[3][4] The sex ratio at birth continues to be abysmal at 919 girls for every 1000 boys. Only 68.8 per cent of girls who are six years and above have ever attended school. A third of women (31.1 per cent) experience spousal violence. More than 600 women are trafficked every hour. There is a 6 per cent increase in total crimes against women since 2016. There is also a 77 per cent increase in cybercrimes since 2016.[5]

1   Centre for Budget and Governance Accountability. (2020). *Decoding the priorities: An analysis of Union Budget 2020-21*. New Delhi: Centre for Budget and Governance Accountability.

2   Mehta, A. K. (2020, April 18). Union Budget 2020-21: A critical analysis from the gender perspective. *Economic & Political Weekly*, 55(16). Retrieved from https://www-epw-in.ezp.lib.unimelb.edu.au/engage/article/union-budget-2020-21-from-gender-perspective?0=ip_login_no_cache%3D7352e4f2dace8419fa0bd39e7946cfce

3   World Economic Forum. (2019). *Global gender gap report 202srtdgfd0*. Geneva: World Economic Forum. Retrieved from http://www3.weforum.org/docs/WEF_GGGR_2020.pdf

4   Niti Aayog. (2019). *SDG Index & Dashboard 2019-20*. New Delhi: Niti Aayog.

5   National Crime Records Bureau. (2018). *Crime in India 2018: Statistics Volume 1*. New Delhi: Ministry of Home Affairs.

Increase in violence is accompanied by lack of access to employment and other opportunities. The female labour force participation rate has fallen to 23.3 per cent in 2017-18, from 28.15 per cent in 2011-12.[6] Among regular women employees, 63 per cent earn less than Rs. 10,000 a month.[7] Further in rural India, this figure stands at 55 per cent while in urban India, it is 38 per cent. 73.2 per cent of rural women are farmers and yet only 12.8 per cent own land holdings[8]. Less than half the women in the country own a mobile phone.[9]

Violence against women (VAW) has shown an increased reporting since the last few years[5]. Dalit and Tribal women are particularly vulnerable, with eight cases of rape against SC women and three against ST women being reported every day. In FY 2020-21, Rs. 46.2 crore was allocated for ensuring access to justice for SC and ST women. This allocation was more than Rs. 42 crores committed in 2019-20 (BE), declining overall.[10] The 2019-20 Union Budget also allocated 2.1 per cent and 0.73 per cent respectively for SC and ST women from the total eligible Centrally Sponsored Scheme (CSS) and Central Sector Schemes (CS). However, there was a decline to 0.8 per cent for SC women and 0.34 per cent for ST women in 2020-21.[11]

As on 31 March 2020, 681 One Stop Centres (OSCs) out of 728 were functional in 34 States/UTs and Women's Helpline was functional in 32 States/UTs, according to the Ministry of Women and Child Development (MWCD). Funding for the Women's Helpline and OSCs has also increased by 68.72 per cent and 40.5 per cent respectively in 2020-21(BE).[12] In FY 2018-19, only Rs. 11.71 Lakh out of Rs. 257.31 lakh released to the states under Ujjawala were utilised.[13] The total number of shelter homes has reached 417 in November 2019 from 307 in 2014-15 under the Swadhar Greh scheme catering to 12,978 occupants1. A study by feminist groups (coordinated by Visthaar and Jagori) highlighted some key gaps in shelters for women, including lack of awareness about the availability of State-run shelters; disempowering experiences of women residents, lack of support for those with mental health issues; poor delivery and lack of convergence of support services, such as legal aid, medical services, counselling, livelihoods, etc.[14]

Special advisories were formulated by MWCD during the lockdown period,[15] including a special WhatsApp number issued by NCW.[16] An updated list on OSCs was provided on April 25, 2020 by the MWCD[10]. Women's groups continued to provide services to violence survivors even during the period following the lockdown imposed in the wake of COVID-19 and some reported that women faced huge barriers due to lack of access to cell phones, lack of privacy, fear of reporting to the police and lack of mobility and access to public transport. Jagori highlighted how lockdown affected women with the increased burden of unpaid care work, growing food insecurity, and limited access to sexual and reproductive health services.[17]

There has been a relative decline in the budget allocation for the Nirbhaya Fund, relative to FY 2019-20 (BE). The fund was underutilised in FY 2019-20(RE)[2] including funds for Cybercrime Prevention against Women and Children, Emergency Response Support System, and the Central Victim Compensation Fund (CVCF) under the Ministry of Home Affairs[11]. Women's groups have been advocating with the government to open a funding window for women's groups who work on the ground with survivors and in partnership with OSCs.

6 Ministry of Statistics and Programme Implementation. (2019). *Periodic Labour Force Survey (PLFS)*. National Statistical Office. Government of India. Retrieved from http://www.mospi.gov.in/sites/default/files/publication_reports/Annual%20Report%2C%20PLFS%202017-18_31052019.pdf

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8 Agriculture Census Division Department of Agriculture, Co-Operation & Farmers Welfare Ministry of Agriculture & Farmers Welfare Government of India (2019) *Agriculture Census 2015-16 (Phase-I) Provisional Results All India Report on Number and Area of Operational Holdings* Retrieved from http://agcensus.nic.in/document/agcen1516/T1_ac_2015_16.pdf

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Political Empowerment: In the 2019 Lok Sabha elections, 78 out of 542 seats were won by women. A key promise for 33 per cent reservation for women in Parliament and State Assemblies has not got much traction. The Bill has lapsed since was passed in the Lower House almost a decade ago. There has been renewed support to this by Vice President Venkaiah Naidu, during his speech in November 2019.[18] Currently, there are only 13 per cent women in the Parliament and 8.32 per cent women in the State Assemblies[3]. Nearly half of all the elected representatives in the *Panchayati Raj* institutions are women, and they are driving change on all critical issues including literacy, energy and water supply, economic development, etc. This is a great measure of success for India.

Access to Social Protection and Entitlements

The government has programmes that offer social infrastructure and security for women and girls. These include healthcare services, nutrition, menstrual hygiene products, access to safe and clean toilets, affordable housing, education, water, and promotion of rural development. In June 2019, *"Piped Water for All by 2024"* programme was launched under the *Jal Shakti Ministry*.

However, the challenge of underutilisation of allocated resources and decline in budget allocations need attention to enable access to women in remote areas. In this regard, MWCD's share in the Union Budget is just under 1 per cent. And yet, it has reported a total unspent balance of Rs. 667 crore in FY 2019-20(RE).[2] The unspent resources were meant for Working Women's Hostels, Scheme for Adolescent Girls, *Mahila Shakti Kendra*, One Stop Crisis Centres and *Swadhar Greh* Scheme.[20] There has been a 15 per cent increase in the resources earmarked for nutrition-specific schemes under the MWCD in 2020-21 from 2019-20, which includes an increase in allocation for Anganwadi Services[1]. The budgetary allocation for POSHAN Abhiyan also increased by 9 per cent in 2020-21(BE)[1], but only 34 per cent of the funds received from Government of India (GOI) were spent by the states until November 2019.[21] Meanwhile, food subsidy has been reduced in comparison to 2019-20(BE). The *Beti Bachao, Beti Padhao* scheme also faced a decline of 21.4 per cent in budget allocation for FY 2020-21(BE)[11]. Besides, additional funding needs to be allocated to MWCD for advancing the rights of children and women. An analysis of The Ministry of Social Justice and Empowerment indicates an unspent Rs. 93 crores allocated in 2019-20(BE) for hostels meant for girls from SC households[2].

The Pradhan Mantri Matru Vandana Yojana (PMMVY) in FY 2019-20 reached only 42 per cent of the estimated beneficiaries by January 2020. 51 per cent of its allocated funds for 2019-20 were released by November 2019. In FY 2020-21 Budget Estimates (BEs), INR 2,500 crore has been allocated for the scheme, a 9 per cent increase from the previous year's REs, but the same as BEs[22]. These allocations are much lower compared to the actual requirements.[23]

Meanwhile, there has been a cumulative increase of 8 per cent in institutional deliveries under Janani Suraksha Yojana (JSY) by 2019-20[21]. However, the quality of maternal health services is still poor. Across India, 73 per cent of eligible households are covered by the Ayushman Bharat under the PMJAY.[24] It focuses on vulnerable households and individuals, with a focus on female-headed households, and prioritises enrolment for women and girls. This scheme has been limited in providing free care, to reduce catastrophic health expenditure, and can even increase out of pocket expenditures[23]. *'Janaushadhi Suvidha'* launched under the *Pradhan Mantri Bhartiya Janaushadhi Pariyojna* ensures access to cheap menstrual products for all women and girls. More than 60.25 lakh pads were sold for Rs. 1.00/pad in the first 100 days of its launch.[25]

The programme under the Swachh Bharat Mission — Urban (SBM-U), will be important in offering dignity to women and girls by ensuring access to clean toilets, clean water, and menstrual hygiene. It should be noted that in FY 2019-20, only 7 per cent of the total mission allocations under SBM-U were released to the states.[26] Cumulatively, only 40 per cent of the amount

18 Chatterji, S. (2019, November 05). Women's reservation bill to get push from Pranab Mukherjee foundation. New Delhi. Retrieved from https://www.hindustantimes.com/india-news/women-s-reservation-bill-to-get-push-from-pranab-mukherjee-foundation/story-KfbNFLvso30cO3BknjFknI.html

19 UN Women. (2019, July 18). Take Five: *"Elected Women Representatives are key agents for transformational economic, environmental and social change in India".* Retrieved from UN Women: https://www.unwomen.org/en/news/stories/2019/7/take-five-rahul-bhatnagar-india

20 Centre for Budget and Governance Accountability. (2020). *Numbers on the edge: Assessing India's fiscal response to COVID-19.* New Delhi: CBGA.

21 Kapur, A., & Paul, M. (2020). *Budget Briefs - POSHAN Abhiyan.* New Delhi: CPR - Accountability Initiative.

22 Kapur, A., & Yangki, T. (2020). *Budget Briefs: Pradhan Mantri Matru Vandana Yojana & Janani.* New Delhi: CPR Accountability Initiative.

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24 Shukla, R., & Kapur, A. (2020). *Budget Briefs 2020-21: Ayushman Bharat.* New Delhi: CPR - Accountability Initiative.

25 Department of Pharmaceuticals. (2019). *Annual Report 2019-20.* New Delhi: Ministry of Chemicals & Fertilizers. Retrieved from http://janaushadhi.gov.in/Data/Annual%20Report%202019-20_21052020.pdf

26 Kapur, A., & Malhotra, S. (2020). *Budget Briefs: Swachh Bharat Mission - Urban (SBM-U).* New Delhi: CPR - Accountability Initiative.

released to states had been utilised till 30 September 2019 and most of the work remains under Information, Education, and Communication[25]. It should be noted that in the 2020-21(BE), 'Home for Widows', 'Indira Gandhi National Widow Pension Scheme' was also included in the GBS[1].

COVID-19 and the Impact of the Lockdown

The scenario has changed tremendously since the COVID-19 lockdown was imposed throughout the country from March 23, 2020. The pandemic revealed the harsh gaps in India's social, and public health infrastructure. India has a doctor-population ratio of 1:1456, much below the WHO recommendation of 1:1000, causing a serious challenge. On 25 May 2020, there were 1,40,000 COVID-19 patients and over 4,000 deaths caused by the outbreak[27]. The most vulnerable people, particularly women and girls, continue to suffer the most[28]. Women are disproportionately burdened with domestic caregiving responsibilities in the lockdown. It is worsened by the fact that the COVID-19 emergency has a dominant water, sanitation, and hygiene (WASH) connotation and only one-in-five households in India have piped water, leaving women responsible for carrying water from communal sources. As the primary caregivers, they are also taking care of those who are ill at home.

88 per cent of women are in the informal sector; including 40 per cent home-based workers and domestic workers who have lost their livelihoods and do not have any financial security.[29] With inadequate access to helpline services, women are also trapped at home with abusive partners or family members.

In April and May 2020, 3027 complaints across 22 categories of crime were received by the National Commission of Women (NCW)[30], of which, 1428 (47.2 per cent) were related to domestic violence. A memo by women's groups was forwarded to Hon'ble Minister, MWCD, Chair, NCW and Niti Aayog to advocate for essential services[31].

To address food insecurity, The government has promised to give 5 kg of cereals and 1 kg of dal for April, May, and June[25], along with three free cylinders under the *Ujjwala* scheme[26]. Many women have also received Rs. 500 each in their *Jan Dhan* Bank accounts. Yet, there are a number of women who have not received this amount for lack of a bank account.Widows, pensioners, and people with disabilities are to receive their pension of Rs. 1000. However, according to experts, this amount needs to be augmented further[25]. The Feminist Policy Collective (FPC), notes that the current situation is an opportunity to promote a gender-responsive policy framework[23].

Women are also on the frontlines of the crisis working as urban sanitation workers, nurses, midwives, doctors, *Anganwadi* workers, ANMs, running community kitchens, educating on COVID-19, among others. They are struggling with safety kits, including PPEs, transport facilities, and facing stigmatization by community members, landlords and neighbours who treat them as 'carriers' of the disease. While an additional incentive of Rs. 1000 per month for six months has been announced for the ASHA workers for participating in combating COVID-19, using the National Health Mission funds[25], it is insufficient.

Challenges and Concerns

Gender-based violence is a violation of human rights undermining our constitutional values. All forms of gendered violence need to be recognised and addressed through a combination of preventive, redress, and response-based interventions especially to trans and queer people and those most vulnerable due to their caste, disability, marital status, and sexual identity. The issue of the marital rape also remains a concern, as one-in-three women experience spousal violence[3]. Finally, the lack of a cohesive vision and a comprehensive strategy is diminishing the potential benefits of our Gender Budgeting process, limiting it to a few ministries and programmes[2].

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27 Centre for Budget and Governance Accountability. (2020). *Numbers on the edge: Assessing India's fiscal response to COVID-19.* New Delhi: CBGA.

28 Dasgupta, J., & Mitra, S. (2020, May 30). A gender-responsive policy and fiscal response to the pandemic. *Economic & Political Weekly, 55*(22).

29 Institute of Social Studies Trust. (2020). *Impact of COVID-19 National Lockdown on Women Informal Workers in Delhi.* New Delhi: Institute of Social Studies Trust.

30 Pandit, A. (2020, June 2). Domestic violence accounts for over 47% complaints to NCW in .. The Times of India. Retrieved from https://timesofindia.indiatimes.com/india/domestic-violence-accounts-for-over-47-complaints-to-ncw-in-lockdown/articleshow/76161829.cms

31 AMAN - Global Voices for Peace in the Home. (2020, April 14). New Delhi. Retrieved from http://www.jagori.org/sites/default/files/publication/Recommendations%20to%20NCW%20on%20

Recommendations

1. To pass the Women's Reservation Bill in the Parliament to ensure 33 per cent representation for women at all levels of government.

2. The adoption of the National Policy for Women Draft (2016) along with a Gender Equality and Social Inclusion (GESI) action plan to all policies and programmes[7]

3. Community-based monitoring and social audits should also be a part of all government policies. A consistent partnership of Niti Aayog and UN agencies with women's organizations should be established to follow up with periodic and sustained dialogues[7].

4. Ensuring budget allocations and efficient utilisation of resources under existing programmes and schemes, additional budget for increased compensation for the victims of caste and ethnicity-based atrocities, and establishment of special courts for speedy trials related to Dalit and Adivasi community[9].

5. To revise current databases and enable data collection disaggregated by gender, caste, class, disability, employment status, etc.[2]

6. To recognise and address all forms of violence perpetrated against women, girls, and individuals beyond the gender-binary. It is also recommended that the marital rape exception be removed from the Indian Penal Code to ensure the protection of women in marriage and their constitutional rights.[32] A division bench of the Supreme Court of India has already partially read down the exception in 2017[33], and the Justice Verma Committee also recommended its removal in-line with India's obligation under CEDAW.[34]

7. National Funds like the Nirbhaya Fund should also be dedicated to conducting women's safety audits to make cities and public spaces, including public transport, safer for women[7].

8. As we continue to fight the COVID-19 pandemic, it will be critical to support women by establishing a legal aid panel for cases of sexual assault, cruelty, and abuse on an urgent basis[28].

9. Increasing the cash transfers and quantity of food supply announced and making it available for a longer duration[25].

10. Strengthening of the ASHA and Anganwadi workers' networks, with increased pay and funding. The ASHA and Anganwadi workers' networks should also be engaged to monitor vulnerable households, provide hygiene-and-health-related products for women, identify situations of domestic abuse, and to provide support and counselling. Housing security and salary protection should be ensured for all frontline workers.

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32 Makkar, S. (2019, January 1). Marital rape: A non-criminalised crime in India .
33 Agarwal, A. (2017, December 12). The Supreme Court of India reads down the marital rape exception: A partial victory for women's rights advocates. New Delhi.
34 Verma, J., Seth, L., & Subramanium, G. (2013). *Report of the committee on amendments to criminal law*. New Delhi.

BANKING

2019-20: A Year of Crisis in the Banking Sector

◆

Increasing cases of frauds in the banking sector is reversing this hard-earned achievement of an expanded banking sector even as the government talks about financial inclusion of all.

The Indian economy dipped from 6.1per cent in 2018-19 to 4.2 per cent in 2019-20. The economic distress continues with the increasing unemployment, national lock down and the COVID 19 pandemic. The global economic slowdown combined with current policies of the government has not promoted the needed recovery to the falling economy. The year has also witnessed some of the worst crisis in the banking sector.

The RBI

There have been quick leadership changes in the Reserve Bank of India that point to differences in the approach and alignment between the government and the RBI. Various points of differences between the RBI and the government have come to the fore, speculating on the resignation of the RBI governors.

The Bimal Jalal committee recommendation in 2019, that the RBI transfer Rs.1.76 lakh crore dividend and surplus reserves to the government to stimulate the slowing economy has been a point of controversy. There are diverse opinions of how this money should be used to stimulate the economy. All in all, the autonomy and independence of the central bank in guiding and managing India's financial health has been under a cloud, particularly in the current times when clear bold financial and economic directions need to be set.

Cooperative Banks

The cooperative banks have been under a cloud with various frauds unearthed. The Punjab Maharashtra Cooperative Bank scam came as a rude shock in September 2019, when RBI imposed withdrawal restrictions on its customers. This resulted in wide spread panic and protests from the depositors who feared losing their savings. The decision came out of the blue and when the balance sheet of the bank was apparently healthy! Further investigations pointed to serious frauds in terms of false accounts, false statements on NPA, favoured treatment of particular customers putting the bank in jeopardy soon came to light; leaving depositors bereft of their hard-earned savings.

The problems of cooperative banks seem to be multi-fold. Unlike the commercial banks, Urban Cooperative Banks (UCBs) are regulated by both RBI and the Registrar of Cooperative Societies of their respective states. This sharing of the regulatory responsibility between RBI and state governments has allowed for lax regulation and oversight of UCBs. NPAs have grown due to faulty lending. Political interests have also gained control of some UCBs further undermining the professional discipline necessary to regulate their healthy functioning. The role of the government and regulatory authorities in failing to protect the hard earned savings of bank customers and undermining people's confidence in the banking sector cannot be overlooked.

The PMC bank failure was only the tip of the iceberg of the crisis in cooperative banks. In the recent past, multiple cooperative banks had been put on withdrawal restrictions and some even used Financial Resolution and Deposit Insurance (FRDI) like bail in measures to keep the bank afloat. Many ended up being shut down.

Non-banking finance companies (NBFC)

The crisis started with payment defaults by IL&FS (Infrastructure Leasing & Financial Services) in late 2018 and spread to non-banking sector with more falling afterwards. NBFCs have difficulties in raising funds for themselves. It also brought up the issue of asset liability mismatch, with NBFCs using short term funds to lend to long term projects. RBI as a regulator failed in keeping check on NBFCs borrowing and lending practices. The government also took away the powers of National Housing Bank (NHB) to regulate Housing Finance Companies and asked RBI to regulate HFCs as well as to bring them out of the current state. The NBFC crisis is a further blow to credit requirements of the people and small and medium economy, while also jeopardizing the financial protection of depositors.

Money of the people — money for the people

It has taken decades to expand the banking sector and build people's access to and confidence in the banks. However, the increasing cases of frauds in the banking sector is reversing this hard-earned achievement even as the government talks about financial inclusion of all. In answer to a question to the RBI under the Right to Information Act, the quantum of funds under frauds in Indian banks have increased 38 times from Rs. 1,860 crore in 2008-09 to Rs. 71,542 crore in 2018-19. The number of cases of frauds have increased from 4372 in 2008-09 to 6801 in one year alone (2018-19). Punjab National Bank and State Bank of India reported the highest amount of frauds with Rs. 28,701 crores and Rs. 23,735 crores respectively. In terms of incidences of frauds ICICI Bank and State Bank of India had the highest number of fraud cases at 6,811 and 6,793 cases respectively. Among others, the Union Bank of India, Bank of India, Indian Overseas Bank and Bank of Baroda had frauds higher than Rs. 10,000 crores.

Another cause of concern for people's money and money for the people is the revenue forgone due to exemptions availed by corporates. The Finance Ministry reported Rs. 1,08,785.41 crores foregone to corporate exemptions in 2019 in an answer in the Lok Sabha (Nov 2, 2019). For the last four years, the loss incurred due to corporate exemptions is over Rs. four lakh crore rupees (Rs. 4,30,497.64). To put this figure in context, the budgetary allocation for 2019, for education and health put together is 1,57,514 Crore, the defence is Rs. 3,05,296 crore, the subsidies for food, fertilizer and petroleum are Rs. 3,01,694 crores, the budget for railways is Rs. 94,071 crore and agriculture is Rs. 1,51,518 crores. These corporate tax exemptions come at the cost of investing in stated government objectives of social development goals of malnutrition, education and health care in keeping with the promise of 'development of and confidence building among all'; particularly the marginalized communities.

Write offs and Recovery of Bad Loans

Bad loans, called non-performing assets have the primary cause of the ongoing banking crisis for more than five years now. After Asset Quality Review (AQR) in 2015, NPAs rose from Rs. 2.6 lakh crore in 2014 to Rs. 3.23 lakh crore in 2015, peaked in 2018 with Rs. 10.35 lakh crore and after a slight decrease it was Rs. 9.49 lakh crore in 2019. The government claims that bad loans have decreased due to recovery processes including IBC process. But the decline in NPAs is due to huge write offs done by Indian banks, especially public sector banks in recent years, as per data received in response to an RTI application from the Reserve Bank of India. Between 2014 and 2019, scheduled commercial banks wrote off Rs. 6.35 lakh crore from their books and have recovered only 9.7 per cent i.e. Rs. 62,220 crore from the loans that banks had written off. Out of Rs. 6.35 lakh crores, public sector banks have written off Rs. 515,636 lakh crores and recovered only Rs. 51,419 crore (9.9 per cent) in same time period.

According to RBI, 82.2 per cent of bad loans belong to large borrowers, indicating that these write offs with negligible recovery are nothing but corporate loans waivers. The Insolvency and Bankruptcy Code, which was introduced in 2016 to recover the non-performing assets from companies, has not improved loan recovery. Till March 2020, out of total 3374 cases, 43 per cent cases have been resolved. Out of 1604 resolved cases, 221 cases were approved by resolution plan, 914 were liquidated and rest were withdrawn or closed on appeal/settled/review. From the claims of Rs. 4.13 lakh crore in 221 cases resolved, only 43 per cent i.e. Rs. 1.84 lakh crores has been recovered and banks took a loss of Rs. 2.29 lakh crore (called "hair-cut") in IBC resolution process. Out of 12 initial cases identified by RBI for resolution, only 8 cases have been resolved in three years with banks taking hair-cut as high as 90 per cent and over all losing half of the claimed amount in the process. Banking community has been demanding a better law for recovery of NPAs from corporates.

Fixing the economy- for the people?

The Indian economy has been suffering because of a multitude of challenges. The government plan to fix it does not build confidence. As a measure of regulating the banking sector, the government announced mergers of public sector banks. In a drastic step, 10 banks were merged into four. Two mergers were done in the previous term of the NDA government. The benefit of the mergers is not evident — and by the day, it is becoming evident that the promotion of financial inclusion has taken a beating with these mergers of the public sector banks.

The first budget of the newly re-elected government was placed on July 5, 2019, by the Finance Minister Nirmala Sitharaman. The budget failed to address the real problems of the economy like unemployment, agrarian crisis, healthcare, and debt-ridden banking sector. Economists have also pointed out the discrepancies in the presented budget figures, in comparison to interim budget's, previous year's revised figures and revenue collection. The budget focuses on infrastructure and plans to invest Rs. 100 lakh crore in the next five years, with more funds from outside the country. For the first time, India will be raising funds from the international market through the sovereign bond — which will pose a severe threat to the domestic economy due to increased dependence on the volatile global market.

The promise of a five trillion-dollar economy is fast receding from the horizon in the face of rising unemployment, reverse migration of labour, the COVID-19 pandemic and the economic lockdown. The press conference addressed by the Finance Minister Nirmala Sitharaman on Aug 23, 2020 is an indication that the government finally acknowledges the economic crisis. Sadly, there are no steps outlined on the road ahead, especially how the government plans to fulfil the responsibility to protect the health and well-being of its citizens, particularly the vulnerable communities and prevent hard-earned progress to decelerate.

BUDGETARY PRIORITIES OF NDA GOVERNMENT

Need to revive private consumption demand

In the post COVID-19 period, the government should create more fiscal space to revive the economy for addressing the high unemployment rate and stagnating real income.

Democratic India's Constitution makes it obligatory for legislators to scrutinize public expenditure and resource mobilization. However, legislative scrutiny of the budget is generally found to be weak. As per the Constitution, all revenues and receipts go to a consolidated fund and money can be withdrawn only from the consolidated fund in accordance with the laws passed by Parliament. Financial business in the Parliament consists of the budget comprising the General Budget, Demand for Grants, Vote on Account, Supplementary Demand for Grants, Appropriation Bill and the Finance Bill (Article 112-Artile 117 and Article 262-Article 267).

Civil Society Organisations (CSOs) and concerned citizens of the country have been engaged with budgets for a long time. This responsibility entails an analysis of the budgets as the key instrument for demystifying priorities underlying public policies and priorities in budget allocations and effectiveness of implementation of development schemes. A major objective of engaging with budgets by CSOs has been through assessing the impact of government development interventions on disadvantaged sections of the population. CSOs also believe that exercise of budget analysis and advocacy with governments significantly contributes towards increasing accountability and transparency in the governance system at various levels across the country.

Budget is a statement of estimated expenditure and receipts during the ensuing financial year. Larger objectives of the government budgetary policy have to provide effective governance, improving social and physical infrastructure, promoting employment opportunities, increasing human resource development, reducing income equalities and finally to maintain fiscal balance through economic and price stability[1]. Preparation and presentation of the budget is an annual exercise at the various levels of the governance system. The annual budget is prepared for optimal allocation of scarce financial resources taking into account the realities of socio-economic and the country's political situation.

In the given context, the Union Budget 2020-21 was presented in the month of February 2020, at a time when the country was facing economic slowdown in terms of lower Gross Domestic Product (GDP) Growth, decline in private consumption and high unemployment rate. It was expected from this budget that the government would address the decreasing employment and stagnating real income faced by large sections of the population including marginalised communities.

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1   Ministry of Finance (2016): 'Guidelines Note on Merger of Plan and Non-Plan classification', Government of India, New Delhi

The immediate recovery of the economy requires reviving private consumption demand (and investment demand) by putting money into the hands of the people. However, the slowdown in GDP growth has a negative impact in the increase in the tax revenue collection. Therefore, rather than focusing on expanding the fiscal deficit beyond a limit, the budget should have focused on augmenting resources. This is crucial, as less than commensurate revenue mobilisation has adverse implications for public spending.

The past four years have seen a steady decline in the growth rate of actual tax collection. The Union Budget 2020-21 has projected a high growth of 12 per cent for the next year. in this backdrop and as mentioned above, the Union Budget should have provided clear policy directions and targeted priorities of the government for reviving the economy by enhancing public expenditure.

Social Sector Budgets and India's commitment towards implementation of SDGs

India's commitment towards implementation of Sustainable Development Goals (SDGs) has to be achieved by 2030, for which public investment for development of the social and economic sectors is crucial. To achieve the SDGs, public services such as health care, education, nutrition and others have to be provided to the entire population. In this regard, adequate public spending on social sectors and efficiency in the delivery systems is critical. Given the acute shortage of human resources and basic infrastructure, questions about resource adequacy for the social sectors cannot be ignored.

The total Union Budget expenditure as a proportion of Gross Domestic Product (GDP) at market price has remained stagnant over the last many years. Total Union Budget expenditure is around 13.5 per cent of total GDP of the country whereas total public spending of the country (Centre and states combined) is found to be less than 30 per cent of the GDP. The total public spending of 6.43 per cent of GDP is available for social sectors (Centre and states combined). Take the example of the education sector. Instead of 6 per cent, only 3.1 per cent of GDP was spent on education in 2019-20. Similarly, the quantum of health budget as a proportion of GDP remains stagnant at 1.6 per cent at the national level instead of the actual requirement of 3 per cent of GDP in 2019-20 (Before Estimates). Such low investment in the social sector will have a negative impact on the development of marginalised communities.

Table1: Union Budget Allocation/Expenditure for Select Social Sectors Ministries/Departments (Rs. crore)

	2019-20(BE)	2019-20(RE)	2020-21(BE)
Ministry/Department of Drinking Water and Sanitation**	20,016	18,360	21,518
Ministry of Health and Family Welfare (including AYUSH)	66,499	66,466	69,234
Ministry of Human Resource Development	94,854	94,854	99,312
Ministry of Minority Affairs	4,700	4,700	5,029
Ministry of Social Justice and Empowerment	10,090	9,985	11,429
Ministry of Tribal Affairs	6,895	7,340	7,411
Ministry of Housing and Urban Affairs	48,032	42,267	50,040
Ministry of Youth Affairs and Sports	2,217	2,777	2,827
Ministry of Women and Child Development	29,165	26,185	30,007
Ministry of Rural Development	1,19,874	1,24,549	1,22,398
Ministry of Consumer Affairs, Food and Public Distribution (Includes Food Subsidy)	1,94,513	1,17,290	1,24,535
Total Union Budget Expenditure	**23,15,113**	**26,98,552**	**30,42,230**

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

Budgetary Provision for Disadvantaged Groups

The budget speech of 2020-21 mentions that "all sections of the society seek better standards of living, with access to health, education and better jobs". SDGs call for an inclusive, democratic and equitable society with an aim to 'leave no one behind'. To realise the objectives of SDGs, the national, sub-national and local governments need to place a greater policy focus on the marginalised sections of society. In this process, they need to devise a multi-pronged approach of adequate public provisioning, effective and timely utilisation of available resources and strengthening the institutions responsible for implementing government programmes. India can move towards achieving the SDGs only through a holistic approach and inclusion of Dalit, Tribal and Muslim communities.

Despite having budgetary strategies, marginalised groups like SCs, STs, persons with disabilities, transgender persons and religious minorities do not figure among the government's priorities. In the Union Budget 2020-21, the outlays earmarked for SCs and STs (as per statements 10A and 10B) account for only 4.5 per cent of the total budgetary expenditure. The allocation

for SCs is Rs. 83,256.62 crores, and that for STs it is Rs. 53,652.86 crores in 2020-21 (BE). Scheduled Castes and Scheduled Tribes constitute 16 per cent and 8 per cent of total population of the country. Budgets for development of Minorities are allocated to the Ministry of Minority Affairs (MoMA) and the Department of School Education (Madrasa Modernisation Programme), but despite the minorities constituting 21 per cent of the total population (as per census 2011), a negligible 0.17 per cent of the total outlay of Union Budget 2020-21 has been earmarked for them.[2]

Development indices of the minorities, SCs and STs have remained poor, largely due to low allocation, poor utilisation of funds and ineffective implementation of the schemes. The underutilisation of funds was more marked in important schemes relating to health, education and skill development. Poor utilisation of funds happens because of various reasons such as non-submission of proposals by the states on time and the procedural delays in their approval, delays in construction work, non-payment of honorarium to implementing staff, poor coverage of scholarship beneficiaries along with low unit cost of scholarships.[2]

Government's response to COVID-19 and emerging issues related to Public Finance

A sudden national lockdown was enforced on 25 March to check the spread of Coronavirus (COVID-19). This was less than a month after the presentation of Union budget. Since the lockdown came into effect without preparation of a national integrated disaster plan and its financing, strong coordination mechanism and proper consultation with the states, it affected all kinds of socio-economic activities in the country over a long period of time. The most visible crisis has been the return of migrant labourers to their home states and the slowdown of economic growth. The much-hyped fiscal stimulus/ AtmNirbhar Package and Prime Minister Garib Kalyan package announced by the Union government holds little promise of addressing economic slowdown, demand side problems, migrant workers issues and distress in state finances. Many critics too have pointed this out. Large part of the economic package was announced either in the form of a loan or repackaging the ongoing schemes announced in the union budget 2020-21.[3]

Many states are facing delay in release of funds from Centrally Sponsored Schemes and Central Sector Schemes. There is a lower quantum of transfers from the Centre to the states, despite the recommendation of 14th Finance Commission. States have also been requesting the Centre for advance payment under MGNREGA which could mitigate unemployment, food shortage and the hunger crises in the rural areas. Through COVID-19 relief package, a small amount of Rs. 500 is being transferred into the account of every individual woman under the PM *Jan DhanYojna*. This needs to be increased to Rs. 3000 per month.[4] Despite the demand by many state governments for immediate direct cash transfer to migrant labourers, no effort has been made by Union government, so far.

Centre-State Fiscal Relations

To deal with COVID-19 crisis, 19 states have had to borrow an aggregate sum of Rs. 37,500 crores through the sale of bonds. However, they could only mobilise Rs. 32,560 crores. In this situation, states would not be able to borrow for meeting their expenditure needs without permission of the Union government. Due to Fiscal Responsibility and Budget Management Act 2003, the states were not able to exceed their fiscal deficit by more than three per cent of their GSDP, which has now been relaxed.

In terms of distress in state finances, most states including major states led by opposition parties, like Maharashtra, Punjab, Rajasthan, Kerala, Andhra Pradesh, Delhi and West Bengal, are finding it difficult to fund basic relief measures in this crisis and have requested the Centre to release the money urgently. Many states are now facing a financial crunch because they are not able to get their due share from GST revenue collected by the Centre on time.

The Constitution of India has conferred the states with a large responsibility of undertaking various subjects related to the social and economic development. It is paradoxical that fiscal power lies with the Centre and responsibilities of work in COVID-19 period like health, sanitation, testing, quarantine, relief work and migrant labourers are in List II (State List) as per the Seventh Schedule of the Constitution of India, i.e. these functions are to be performed by the states. The 15th Finance Commission could have played an important role to empower the state governments fiscally as the 14th Finance Commission had tried to do. However, the 15th Finance Commission has positioned itself with the Union government concerning the formulation of terms of reference. Many states have expressed their disappointment for not getting due importance in the consultation processes. Due to extension of tenure of the 15th Finance Commission for finalising its report, it has only presented the first report to the Centre for 2020-21 in which the devolution of funds to the states has declined from 42 per cent to 41 per cent for the said period.

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2 https://www.cbgaindia.org/wp-content/uploads/2020/02/Decoding-the-Priorities-An-Analysis-of-Union-Budget-2020-21-2.pdf

3 https://pib.gov.in/PressReleasePage.aspx?PRID=1632863

4 https://www.cbgaindia.org/blog/missing-spirit-cooperative-fiscal-federalism-fight-covid-19/

Concluding Remarks

In the post COVID-19 period, the government should create more fiscal space (enhancing revenue mobilization and public expenditure) to revive the economy for addressing the high unemployment rate and stagnating real income faced by large sections of the population including migrant workers. Similarly, there are gaps in the budgetary provisions for marginalised communities, which show that there is still a long way to go to build a compassionate and 'Caring Society', keeping the specific requirements of the poorest and the most marginalised sections of the society in focus. Hence, there is a need for improving not only the responsiveness of budgeting for schemes related to marginalised population but also reform in the policy design itself. Despite the grave need for educational and economic empowerment of Muslims, Scheduled Castes and Scheduled Tribes, the chronic issues with regard to adequacy of budget allocations and under-utilisation of funds should be given immediate attention.

The federal fiscal architecture of the country has assigned excessive revenue mobilization power to the Union Government. However, in the present situation, there is still an opportunity before the 15th Finance Commission to address the fiscal challenges faced by states. This can be done if following suggestions would be considered:

- Given the severity of the crisis, the 15th Finance Commission should consider for increased and guaranteed devolution to states and to increase financing to National Disaster Risk Management Funds and State Disaster Risk Management Funds which have been allocated Rs. 28,983 crore and Rs. 12,390 crore respectively for 2020-21.

- Further, the Union government should release the 50 per cent of total grant (Rs. 90,000 crore) immediately to local bodies in twenty-eight states as per the recommendation of the 15th Finance Commission for 2020-21.

- In the prevailing crisis, entire grants meant for the local governments must be made basic grants rather than fixing 50 per cent of total grant as tied for the sectors like sanitation and drinking water. It would facilitate Panchayats to prepare need-based plan in the area of health, education, hunger and livelihood given the COVID-19 crisis.

CHILDREN
A call to focus on children from marginalised social groups

◆

While there have been some positive developments in the past one year, it needs to be iterated that a considerable section of India's children are not getting their due.

The Preamble of the Constitution of India defines India a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people including children and for promoting fraternity, dignity of the individual and unity and integrity of the nation. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the states to make special provisions for children. The Directive Principles of State Policy specifically guide the states in securing children in their tender age from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. *However, India is yet to reach the scale in respecting, protecting and fulfilling the fundamental rights of all children irrespective of their class, gender, ethnicity and socio-economic strata.* While there are certain well recognized vulnerabilities among children (including vulnerabilities stemming from caste, religion, area of residence, state of residence, gender and disability), there are some specific groups of children who are deprived from the Constitutional provisions guaranteed to all children. This deprivation denies them their rights and excludes them from services.

The last one year has been a mixed story for India's 472 million children who comprise 39 per cent of the country's total population. While there have been some positive developments, it needs to be iterated that a considerable section of India's children are not getting their due. Outbreak of COVID-19 and the subsequent restrictive measures have further exacerbated children's vulnerabilities. The government has taken many child-focused initiatives and formulated programmes. Yet, a large number of children are denied their rights. Under-five mortality has come down significantly but neonatal mortality rate remains high, with more than a third of children under five years of age being stunted. Violence against children remains unabated in all settings, and children are entering schools but our systems fail in ensuring learning outcomes for many.

Governance Accountability — Promises and reality

Health and Nutrition

India touched the global average of *under-5 mortality* (39 per 1000 live births)[1] with Infant Mortality Rate (IMR) also dropping considerably. However *Neonatal mortality* remains high with neonatal deaths constituting 69 per cent of the total infant deaths (CRSA Report 2019)[2]. The Government has been implementing programmes like Janani Suraksha Yojna, Jannani Shishu Suraksha Karyakram and Universal Immunisation Programme that can positively influence the NMR. The Facility Based Newborn Care (FBNC) and Home Based Newborn Care (HBNC) schemes are also being implemented. The Government is also taking measures to address *childhood pneumonia*. MoHFW has launched Childhood Pneumonia Management Guidelines and also a campaign called SAANS (Social Awareness and Actions to Neutralize Pneumonia Successfully). However 14 per cent of under-five deaths in India — approximately 1, 27,000 deaths annually — are happening due to pneumonia[3]. More than one-third of children under five are still stunted and another third are *underweight* (CNNS, 2019).[4]

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1   *India registers significant decline in under five child mortality rate*; Public Information Bureau, January 2018
2   Child Rights in India — An Unfinished Agenda, Joining Forces For Children-India, 2019
3   14 per cent of India's under-five deaths due to pneumonia: Report, Indian Express, Dated 20th January 2020. Accessed at https://indianexpress.com/article/lifestyle/health/14-per-cent-of-indias-under-five-deaths-due-to-pneumonia-report-6241777/
4   Ministry of Health and Family Welfare (MoHFW), Government of India, UNICEF and Population Council. 2019. Comprehensive National Nutrition Survey (CNNS) National Report. New Delhi.

The government is making efforts for improving *immunization coverage*. An Intensified Mission Indradhanush (IMI) was launched in October 2017 to accelerate vaccination coverage and meet current gaps[5]. Two in five infants (aged 12-23 months) in Bihar and nearly every second infant in Uttar Pradesh did not receive complete immunisation (NFHS 4, 2015-16)[6]. Factors like caste and economic status of family continue to play a role in determining the Immunisation status of a child.

Violence against Children

Violence against children threatens not only children's survival and health but also their emotional well-being and future prospects. Crimes against children have increased six times in a decade over 2008-2018 and there was a 10 per cent jump in number of cases of *crime against children* reported in 2018 (NCRB, 2018). Despite the enactment of laws, sexual abuse remain unabated with 109 children being *sexually abused* every day in 2018. A 2009-2010 study found that almost all the children experience *physical or verbal punishment* in school (NCPCR, 2012). A total of 67,134 children (19,784 male, 47,191 female and 159 transgender) were reported *missing* in 2018 with more than half of them were reported missing from five states of Madhya Pradesh, West Bengal, Bihar, Delhi and Tamil Nadu (NCRB, 2018). It is important to note that data on experience of violence may underestimate the true extent of such violence because only a small proportion of acts of violence, exploitation and abuse are reported.

The *Digital space* poses increasing risk with *child sexual abuse* URLs up by 37 per cent[7] (Annual Report 2017, IWF). There was an 86 per cent rise in use of disguised websites (Annual Report 2017, IWF 2017)[8]. The number of child sexual abuse website brands rose by 112 per cent. Considering the gravity, the Central Bureau of Investigation (CBI) setup an online child sexual abuse and exploitation (OCSAE) prevention/investigation unit under its special crime zone. Internet usage among children is high with 71 million children in the age group of 5-11 years accessing Internet on the devices of family members (IAMAI Report, 2019)[9]. Much of the internet usage by children is unguided.

There has been a 20 per cent-age points decline in *Child marriage* among girls over 2006 to 2016. However more than one-fourth of women are still married before turning 18 (NFHS 4,2015-16), denying them the opportunity to exercise agency and realize their potential. There are more than ten million *child labourers* (5-14 years) which is 3.9 per cent of total population in this age group (Census 2011). The figure jumps substantially to 33 million working children for the age group of 5-18 years (Census 2011). The number of working children in the age group of 5-14 years declined at a mere 2.2 per cent per year over the decade of 2001-2011[10]. More than two-thirds of child labourers are engaged in agriculture followed by services and manufacturing. One third of total child labourers are from the state of Uttar Pradesh (22 per cent) and Bihar (11 per cent) (Census 2011).

In the last couple of years, government has brought some positive and challenging *changes in their laws*, with reference to POCSO, JJ Act and CLPRA 2016 being the prominent one. These changes in some cases are favourable, but in others are against the spirit of UNCRC and Beijing Rules — especially, changes brought in the JJ Act 2015, criminalizing offences by children between the ages of 16 to 18 years. The POCSO Act too has also been amended to bring in death penalty for the rape of girls below the age of 12 years. One of the key provisions in new rules notified for POCSO act is to provide timely compensation to victim child. New rules also reiterate the role of POCSO courts in ensuring the compensation within 30 days. The rules also provide for age specific, gender sensitive and child friendly materials to spread awareness on personal safety.

Education

India has made remarkable progress in *enrolling children* in schools in last two decades. However, children from all the communities and social groups do not have equal chance of completing their schooling. A child from a Dalit or Tribal background is more likely to *drop* out before completing elementary schooling as compared to a child from other social groups. This can be seen at all levels of schooling[11] (See Table 1).

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5 Roadmap for Achieving 90% Full Immunization Coverage in India. A Guidance document for the states. Accessed at: https://nhm.gov.in/New_Updates_2018/NHM_Components/Immunization/Guildelines_for_immunization/Roadmap_document_for_90%25_FIC.pdf

6 India's Vaccination Mission Narrows Focus To Meet March 2020 Target *https://www.indiaspend.com/indias-vaccination-mission-narrows-focus-to-meet-march-2020-target/*

7 Annual Report 2017, Internet Watch Foundation (IWF)

8 Annual Report 2017, Internet Watch Foundation (IWF)

9 DIGITAL IN INDIA 2019 — ROUND 2 REPORT, IAMAI. Accessed at https://cms.iamai.in/Content/ResearchPapers/2286f4d7-424f-4bde-be88-6415fe5021d5.pdf

10 *Flawed Child Labour Law Amendment,* Economic and Political Weekly, August 27, 2016 vol II no 35 Accessed at https://www.cry.org/wp-content/uploads/2017/12/Flawed-Child-Labour-Law-Amendment.pdf

11 "India's Children Continue to Challenge our Conscience" by Haq Centre for Child Rights , 2019

Table 1: Dropout Rate at Different Levels of Schooling by Social Groups

Classes	General	Scheduled Castes	Scheduled Tribes	OBC
I - V	4.3	8.09	8.54	5.95
I -VIII	4.3	8.01	8.88	5.65
I-X	15.68	26.97	20.04	20.04

Source: *U-DISE Flash Statistics (2016-17)*

Enrolment of girls has improved but a greater number of girls continue to drop out after grade 8 as compared to boys. Three-fourths of the children with disabilities at the age of five years do not go to any educational institution[12]. A large number of schools do not have *adequate infrastructure* and only 12 per cent of the schools are RTE compliant[13]. Rounds of ASER and NAS reports confirm that *schooling is not resulting in desired levels of learning* with large number of children falling below their age appropriate levels of learning.

The *National Education Policy (NEP)*, accepted and approved by the Union cabinet emphasises on the need for higher public investment, with a reference to doubling the Centre's spending on education in a period of 10 years. However current pattern of investment by government is not encouraging towards realising the objectives of the NEP.

Challenges and concerns of the government vis-à-vis the issues and concerns of children

- **Lack of focus on vulnerable and at-risk children:** Government policies aim at addressing the concerns of excluded children. However, implementation of these policies fail in bringing a large number of children under service net. Key schemes such as Samagra Shiksha Abhiyan, ICDS etc. have provisions for reaching out to vulnerable children. However, a large number of children are still not able to access their benefits.

- **Lack of disaggregated data on children:** Government has made efforts in generating data on children in recent years. Data availability is relatively better for survival issues like health, nutrition and also for education however there exist huge data gaps on the issues of child protection and child participation. Also, there is lack of availability of data at sub-district level. There is hardly any data on groups of children that are highly vulnerable like children in street Situations or children who are on the move.

- **Low investments on Children:** India constitutes about one-fifth of the world's children. The progress in the situation of its children will have a big impact on the global indicators on child rights. However, the government's per capita spending on key public services like health and education is remarkably low. Although spending on child protection has been increased over the last few years, it is still meagre considering the huge investments that are required.

- **Lack of multi-sectoral engagement and Inter-ministerial and inter-departmental coordination:** There have been efforts to bring civil society, private sector and government together. However, there is a long way to go before strength of multi-sectoral engagement can be harnessed to the fullest for ensuring the rights of children. Culture of inter-departmental coordination and inter-ministerial coordination is not very robust.

- **Weak systems resulting in lack of effective implementation of government programs and schemes:** A strong and robust system is a prerequisite for meeting the child rights obligations of the country. A large number of teaching positions in schools across the country are either lying vacant or these are filled by contract or guest teachers. Similarly, many a times the responsibility for child protection is given to existing officials as an additional charge. Lack of effective monitoring and evaluation of government schemes is also a challenge.

Government's response to the COVID-19 and emerging issues

The world is facing an unprecedented crisis in the wake of COVID-19 pandemic with children as a specific group of population facing additional challenges. The lives and futures of children across India are being torn apart by the COVID-19 crisis. While they may be less susceptible to the virus itself, children are being profoundly affected by the fallout, including the economic and social consequences of the lockdown and other measures taken to counter the pandemic[14]. There are some concerns arising out of this situation. Key among these are the immediate threats to health and nutrition systems; reduced access to

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12 UNESCO State of the Education Report for India 2019
13 Only 12% of schools RTE compliant: Whither 6% budgetary allocation for education?. Accessed at
    https://www.counterview.net/2019/07/only-12-of-schools-rte-compliant.html
14 LIVES UPENDED How COVID-19 threatens the futures of 600 million South Asian children, June 2020, UNICEF

education and learning as a result of school closures; exposure to poverty due to pressure on family income and livelihoods; and, heightened exposure to protection risks. Children are also impacted by control, containment and mitigation measures as these also put their psychosocial well-being at risk.

They also face increased risk of domestic violence, neglect and abuse. ''CHILDLINE 1098'', the Government helpline for children has responded to a total of 4.6 lakh calls in 21 days, with a majority of them received during the lockdown period[15]. The helpline has seen a rise in call volumes by 50 per cent compared to their average regular calls (Childline Newsletter, 6th April 2020). School closures have impacted 247 million children enrolled in elementary and secondary education and 28 million children who were attending pre-school education in anganwadi centres[16].

The imposition of the lockdown has forced millions to move back from urban areas to rural areas. Journey of these children has been ardouos with many facing abuse and uncertainty even after reaching home. There exists huge probability of disruption in continuity of schooling for children of migrants[17]. Children of families who were forced to migrate from urban areas to rural areas due to lockdown are also at risk of being engaged as child labour. COVID-19 and measures to address it have specifically resulted in exacerbated vulnerabilities of those children who live on the streets. India already has a high proportion of children who are malnourished. Reduced incomes and stressed livelihoods are also likely to increase the already high burden of malnutrition among children. There are also estimates of increase in child mortality in India due to factors like reductions in routine health service coverage levels, disruption in live saving immunization activities and an increase in child wasting (UNICEF, 2020)[18].

Recommendations

1. **Focus on "Leave No One Behind':** Development policies and programmes need to have special focus on children from marginalized social groups especially children from Dalit and Tribal communities. Children are a heterogeneous group and many of them suffer from specific vulnerabilities which restrict their access to services. Specific strategies that are sensitive to the context of these children and address their specific vulnerabilities are crucial to reach out to these children.

2. **Disaggregated and Issue-based data on children:** There is a need to invest in data generation mechanisms to collect data on children from marginalized communities as well as about child protection and children having specific vulnerabilities like children in street situations, children with disabilities, working children or child labour, especially children in hazardous labour, children without parents and many other children having specific vulnerabilities.

3. **Increased Investments in Children:** Sufficient funds in health, nutrition, education and protection systems should be invested to help in the growth and development of all deprived and marginalised children. Government budget on health should be increased to 2.5 per cent of GDP by 2021 and up to 5 per cent of GDP by 2025 in keeping with WHO guidelines. Public funding on education should be increased up to at least 6 per cent of GDP. Budget for Integrated Child Protection Scheme (ICPS) should also be increased substantially.

4. **Strengthen the Delivery System:** There is a need to strengthen the mechanisms for ensuring effective implementation of schemes and programmes for children. Strengthening Inter-ministerial and inter-departmental coordination mechanisms is crucial for addressing multi-sectoral issues. Ensuring the availability of qualified and trained professional human resources for implementation of schemes and provisioning of services can play an important role.

5. **Ensure effective implementation of development programmes:** Many well laid out schemes and programmes are not being implemented in the right spirit to reach the most deprived child. There should be robust systems of accountability to enhance their progress towards covering all children. Monitoring key acts formulated for the ensuring access to right to education, protection and survival such as Right to Education Act, 2009, POCSO Act, CALPRA Act, PCMA, PCPNDT Act, etc., is critical.

15 CHILDLINE 1098 responded to 4.6 lakh calls in 21 days, Outlook India, 17th April 2020. Accessed at https://www.outlookindia.com/newsscroll/childline-1098-responded-to-46-lakh-calls-in-21-days/1805661 COVID-

16 Urgent action needed to safeguard futures of 600 million South Asian children threatened by COVID-19, Press Release, UNICEF 2020. Accessed at https://www.unicef.org/india/press-releases/urgent-action-needed-safeguard-futures-600-million-south-asian-children-threatened#_ftn3

17 19 Lockdown Lessons and the Need to Reconsider Draft New Education Policy, dated 10th JUNE 2020, The Wire, Accessed at https://thewire.in/education/covid-19-lockdown-lessons-and-the-need-to-reconsider-draft-new-education-policy

18 Urgent action needed to safeguard futures of 600 million South Asian children threatened by COVID-19, Press Release, UNICEF 2020. Accessed at https://www.unicef.org/india/press-releases/urgent-action-needed-safeguard-futures-600-million-south-asian-children-threatened#_ftn3

6. **Build engagement of multi-stakeholders:** A coordinated and synergised effort is required to have State, civil society organisations, private sector, academia, media, community, citizens and children work together to address the violation of child rights and come up with innovative solutions to address the complex problem. It will also enable effective engagement with national and international accountability mechanisms.

Recommendations to address the impact of Covid-19 on Children

1. **Prioritise and identify the most vulnerable and at risk children for prevention and response interventions:** These include children in street situations, homeless children, migrant and internally displaced children, children working as domestic helps, refugee children, children in child care institutions, children with disabilities and special needs and children of daily wage workers among others. In all these situations, special focus may be given to the girl child.

2. **Provide uninterrupted access to critical services for the most vulnerable children and their families:** These include access to critical services such as healthcare, nutrition, food security, mental health and psychosocial support, protection against violence; and ensure social protection and child-sensitive cash transfer initiatives to the most vulnerable children and poorest families.

3. **Provide child-friendly outreach messages and run child friendly public information campaigns,** in collaboration with civil society organizations, to target parents, caregivers, teachers and others who work directly with children, for effective prevention and psychosocial support.

4. **Scale-up investment in child protection system strengthening** through Child Protection Services (CPS) and juvenile justice system structures, with particular support to states having child protection related vulnerability for large population.

CLIMATE CHANGE AND ENVIRONMENT

Have we cold-shouldered climate change?

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The picture for renewable energy seems grim. As against a target of achieving 175 GW renewable energy installed capacity by 2022, as of 31st May 2020, it stood at 87.38 GW.

The year 2019 was the second warmest year ever recorded. 2010-2019 was the warmest decade with five warmest years since record started being kept in 1850, 2016 being the warmest. Concentration of the greenhouse gases also reached record levels with the World Meteorological Organization (WMO) declaring that the green-house gasses (GHG) in the atmosphere was highest in 3 million years.[1]

A report released on 15th June 2020 says that if the current GHG emissions are sustained, India may witness a 4.4 degrees Celsius rise in temperature by the end of the century. Titled 'Climate Change Assessment over Indian Region,' and published by the Indian Institute of Tropical Meteorology, Ministry of Earth Sciences, the report further adds, the temperature of the warmest day and coldest night of the year have risen by about 0.63 degrees Celsius and 0.4 degrees Celsius respectively in the recent 30 year period. It iterates that summer monsoon precipitation has declined by approximately 6 per cent and the sea surface temperature in the tropical Indian ocean has increased by 1 per cent as against the global rise of 0.7 per cent.

The report further warns that frequency of intense rainfall events, droughts, very severe cyclonic storms and heat waves are likely to increase in the near future. However, the starkest of its findings, is that the sea level rise in the North Indian Ocean — with the current rise in temperature, the sea level will increase by around 300 mm by the end of the century against a globally projected sea level rise of 180 mm.

The Paris Agreement adopted by the UN in 2015 aims at keeping the rise in temperature below 2 degrees Celsius and make efforts to keep this rise below 1.5 degrees Celsius, and countries including India have committed to take actions to contribute (known as Nationally Determined Contributions or the NDCs) towards achieving this Paris Agreement Goals. However, the report says, with current emissions sustaining, the temperature will rise above 3 degrees Celsius despite all commitments under the NDCs being met.

The report of the Indian Institute of Tropical Meteorology echoes the 'Global Climate Risk Index (2020)' brought out by Germanwatch. It considers India as the **fifth** most vulnerable country in terms of extreme climate events. India ranks 13th for overall water stress, fourth for drought risk and has more than three times the population of the other 17 extremely highly stressed countries combined.

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1   WMO's Provisional Statement on the State of the Global Climate in 2019, released during Madrid COP 25

Climate change rampaging India

2,038 people lost their lives (as against 1,396 deaths in 2018) due to record number of extreme climate events in 2019. July 2019 was the hottest July ever recorded, the summer monsoon saw 74 per cent more extreme rainfall events and forest fires rose by 113 per cent (IndiaSpends, 2019).[2] Though delayed in arrival and also in retreat, summer monsoon ended with more than 10 per cent rainfall than the long term average. Yet around one-third of the country faced droughts. The country's capital, Delhi, oscillated between sizzling hot temperatures (48 degrees on June 10) to freezing cold, with the coldest day in December in 119 years. In the last two years, India has been hit by at least one extreme weather event every month (CSE, 2020).[3] 2019 was the second year in the row, when India was hit by record 7 cyclones including Fani (May) and Bulbul (November). Before 2018, these many number of cyclones hit India in 1985, 33 years ago. Around 250 million people living along India's 7500 km long coastline are at a constant threat of rising numbers of cyclones. Due to extreme climate events, 2.17 million people were forced to relocate in the first six months of 2019.[4] Between 2008-2018, about 3.6 million people were displaced each year, mainly by monsoonal flooding.[5] India loses around $37 billion every year due to climate change impacts (GCRI, 2020).

(De)Pressing situation and response by the government

BJP's 45 page election manifesto did mention "forest and environment" in few bullets simultaneously with the oxymoronic boast that "increased speed and efficiency in issuing forest and environmental clearances have helped increase the forest cover of the country by 9,000 square kilometres." Besides, its commitment to reduce air pollution and cleaning of river through *Namami Gange* were also showcased. Commitment to achieve 175 GW of renewable energy, 100 per cent waste collection, the provision of electricity, drinking water and toilet to each household, eliminating crop residue burning etc. were also mentioned.

However, while several things on its core agenda including Ram Mandir, Art. 370, triple talaq etc. have picked up speed, many others, including those in environment have claimed little or no attention. Instead, actions taken by the government have caused serious alarm among the environmentalists in the country. The BJP government has systematically diluted all forest and environment regulations since its first term in the government in favour of corporate interests and for the ease of doing business.

The government has made three notable commitments at the international fora over the period. Firstly, the government has committed to reducing emission intensity by 35 per cent. Secondly, the government has committed to a 40 per cent non fossil electricity in installed capacity. Thirdly, the government has committed to generate 175 GW of renewable energy (notably, in 2018, the government scaled up its earlier 2015 target to install 225 GW of renewable capacity). Lastly, the government committed to creating a sink to sequester 2.5 GT of carbon emission augmenting its forests, by 2030. These commitments encompassed India's Nationally Determined Contributions (NDCs) towards achieving the Paris Agreement.

It is pertinent to examine India's achievement on the climate change front. What has the government achieved against its commitment's towards the NDCs?

India has done well on first two commitments. India's Biennial Update Report (2019) sent to the UNFCCC states that India has already achieved 21 per cent improvement in emission intensity, which makes 35 per cent reduction by 2030 within an easy reach. According to the Central Electricity Authority non fossil electricity in the installed energy capacity mix is already 37 per cent, and India is likely to have this capacity improved to 67 per cent by 2030. However, it would not be out of place to mention that India has been widely criticised on these two accounts for having chosen the lowest hanging fruits much below its actual potential.

The picture for renewable energy seems grim. As against a target of achieving 175 GW renewable energy installed capacity by 2022, as of 31st May 2020, it stood at 87.38 GW. At this speed CRISIL fears that India may miss its target by a good 42 per cent.[6] Lastly, in terms of enhancing forest sinks, the Green India Mission has been missing its annual targets, and 2030 target seems close to impossible.[7]

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2 Environment Vs. Economy; An Approach that Exposes India to Covid 19 Like Infections, Tisa Sanghera, Disha Shetty, May 2, 2020, India Spends at https://www.indiaspend.com/environment-vs-economy-indias-flawed-logic-that-exposes-it-to-covid-19-like-infections/, last accessed 20th June 2020

3 The State of India's Environment Report 2020, Centre for Science and Environment

4 Extreme Weather Events Through 2019; A Record Breaking Year For Climate Catastrophe in India, Bhaskar Tripathi, Dec. 30, 2019, https://www.firstpost.com/tech/science/extreme-weather-events-through-2019-a-record-breaking-year-for-climate-catastrophe-in-india-7824831.html last accessed 10th June 2020

5 In the Indian Sunderbans, the Sea Is Coming, Nicholas Muller, May 01, 2020, the diplomat.com at https://thediplomat.com/2020/05/in-the-indian-sundarbans-the-sea-is-coming/, last accessed 10th June 2020

6 India to Miss 2022 Renewable Energy Target by 42% says CRISIL, PTI, Oct 6 2019, at https://www.bloombergquint.com/business/india-to-miss-2022-renewable-energy-target-by-42-says-crisil, last accessed 15th June 2020

7 Is India on Track to Meet Its Paris Commitments, Kapil Subramaniam, 21st Oct 2019, Down to Earth at https://www.downtoearth.org.in/blog/climate-change/is-india-on-track-to-meet-its-paris-commitments-67345, last accessed 20th June 2020

Air pollution, desertification and plastics

The government of India consistently remained in denial over pollution related deaths until an ICMR Report highlighted that 1.24 million pollution related deaths took place in India in 2017 and that high exposure to pollution reduced life expectancy by 1.7 years (ICMR, 2018). Delhi remained the most polluted capital in the city in the world for the second straight year in 2019 and India held the dubious distinction of having 15 out of 20 most polluted cities in the world. Inspired by the global campaigns 'Fridays for Future' and 'Extinction Rebellion', huge numbers of children and young people took to streets in September 2019 against air pollution and inaction against climate change. These protests have reverberated in several cities well into this year.India did announce a long awaited National Clean Air Programme (NCAP) in January 2019 with the aim to reduce particulate matter pollution by 20-30 per cent in 102 cities. However, the programme has no legal mandate and much less financial backing to make it effective. The lowering of ambitions was manifest as the Minister Environment, Forests and Climate Change had initially declared that the NCAP will aim at reducing 50 per cent PM pollution, which was later scaled down to 20-30 per cent when the programme was actually launched.[8]

Among the other environmental promises has been a commitment to achieve land desertification neutrality by 2030 and elimination of single use plastics by 2022. As against this desertification target, India reported an increase of 1.87 M ha in a decade from 2003-2013. 26 out of 29 states have reported heavy desertification. More than 80 per cent desertification has been reported from 9 states only including Rajasthan, Maharashtra, Gujarat, Jammu & Kashmir, Karnataka, Jharkhand, Odisha, Madhya Pradesh and Telangana. Despite the situation, there was no allocation under the Desert Development Programme (DDP) in two previous budgets in 2018-19 and 2019-20. The CAG report states that allocation to drinking water schemes under the DDP remained unutilized since 2012-13.[9]

Likewise, the elimination of single use plastics by 2022 too seems to have lost steam, with no clear road map nor strategies. A guideline issued by the MOEFCC in January 2019 simply left it to State and Union Territories without any mention of eliminating its use by 2022. India is unlikely to eliminate single use plastics by 2022 and the projections say that India's consumption will rise to 20 MT per year by 2020.

Forest a major casualty

India's push to become a global power and creating a $5 Trillion economy has already claimed much environmental destruction. As if on cue, the government has not only diluted the environmental and forest regulations but also put vast areas of forests into private hands. The MOEFCC boasts of having reduced the number of days taken to give environmental clearances from 580 days to 108 days. It further aims to bring it down further to around 70-80 days. The number of exemptions for environmental clearances too have increased significantly. In 2018, it proposed changes in the National Forest Policy and followed it up with proposing changes in the Indian Forests Act, 1927. Just around the beginning of the lockdown in the wake of Covid-19, the MOEFCC proposed changes in the EIA Notification 2016. All these changes plan to put more powers in the hands of the government and the forest authorities, increase the role of private players in forest management, exempt a large number of projects from seeking environmental clearance and increase *post facto* approval for projects which had already begun even before the clearance.

According to an India Spend analysis, the Ministry of Environment, Forest and Climate Change approved more than 87 per cent proposals for environmental clearance during July 2014 to April 2020. The same analysis goes on to show that since 2015 (till March 2020) the government has given away 409 square km forest area (twice the size of city of Kolkata) for several kinds of projects. The MOEFCC also granted 278 approvals for projects in and immediately around protected areas.[10] To expedite EIA approvals, more and more projects are being delegated to the state authorities despite knowing it fully well that states have little capacity for assessment. A CSE analysis showed that the rate of rejection in states ranged from zero to less than 1 per cent.[11]

8   Javdekar' Earlier Stint as Environment Minister and Lessons for Future Amid Rising Concern Over Climate Change, Rishika Pardikar, June 17 2019 at https://www.news18.com/news/politics/javadekars-stint-as-the-minister-of-environment-forests-and-climate-change-2168337.html, last accessed on 15th June 2020

9   The Growing Threat of Climate Change in India, Vishnu Padmanabhan, Sneha Alexander, Prachi Srivastava, 21st July 2019, at https://www.livemint.com/news/india/the-growing-threat-of-climate-change-in-india-1563716968468.html, last accessed 15th June 2020

10   How India Performed in Managing Forests, Water and Plastic Waste in 2019, Bhaskar Tripathy, January 2, 2020, India Spend at https://www.business-standard.com/article/current-affairs/how-india-performed-in-managing-forests-water-and-plastic-waste-in-2019-120010200113_1.html, last accessed June 20th 2020

11   Environment Vs. Economy; An Approach that Exposes India to Covid 19 Like Infections, Tisa Sanghera, Disha Shetty, May 2, 2020, India Spends at https://www.indiaspend.com/environment-vs-economy-indias-flawed-logic-that-exposes-it-to-covid-19-like-infections/, last accessed 20th June 2020

Weakened NGT

NGT had put a stop to several of the government's initiative to rid environmental regulations over the last five years. As a result, the government is hell bent upon dismantling the NGT itself. India Spends report that till 2017, the NGT had all five of its benches (principal bench in Delhi as well as regional benches in Kolkata, Bhopal, Pune, and Chennai) functioning. However, by March 2020, it functioned out of just two benches, Delhi and Chennai. The NGT Act 2010 requires a minimum of 10 judicial members and 10 expert members in place at any given time. However, currently there are only five judicial members including the chairperson and only four expert members.[12] This is evidence of the Centre's attempts to weaken the NGT by not appointing members for the green court. It may be worthwhile to mention that in July 2017, the government tried to tweak the NGT Act, 2010 in a clandestine manner, to change the constitution of the NGT. As against the requirement of a retired Supreme Court judge or a retired Chief Justice of a High Court heading the NGT, the Government proposed changes to enable that any "expert having 25 years experience in law" could become the NGT Chair.[13] The move has been stayed by the Supreme Court.

Lessons from the Covid-19 pandemic and Conclusion

The COVID-19 pandemic has turned the world topsy-turvy. With a huge section of the population living in the fear of the corona virus and largely within the confines of their homes, the pandemic and the lockdown has turned unimaginable miseries on the poorest people in the world. Among them, women, migrants, workers, indigenous populations, small and family farmers have suffered the most. Sufferings of millions of migrant workers in India will remain a defining image of India in the pandemic for centuries to come.

The biggest lesson from the pandemic brought by zoonotic virus *Saro Cov 2* is to respect natural boundaries and not to encroach wild and non-human habitats. To put that into the context, the human population has increased by four times since the last pandemic of Spanish Flu (1918) and non-human habitats have shrunk accordingly. 70 per cent of disease outbreaks since 1970s including SARS, Ebola, HIV/AIDS, MERS and *Saro Cov 2* have zoonotic origins. The danger of coming into contact with zoonotic diseases increase as humans enter biodiversity hotspots. India having a high density of people and livestock amidst areas of high biodiversity and potentially very high rates of interaction among them, is one of hotspot for emerging and re-emerging infectious diseases.

The current government provides no respite from its frontal unabashed attack on environment and forest. This is despite the fact that the Prime Minister, in a Bear Grylls programme 'Man Versus Wild' in August 2019 said, "We should be careful about the generation which will come 50 years after us. What right we have to consume resources meant for them?"

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12 Environment Vs. Economy; An Approach that Exposes India to Covid 19 Like Infections, Tisa Sanghera, Disha Shetty, May 2, 2020, India Spends at https://www.indiaspend.com/environment-vs-economy-indias-flawed-logic-that-exposes-it-to-covid-19-like-infections/, last accessed 20th June 2020

13 Environment is the most under reported disaster of Narendra Modi Government, Dhruv Rathi, 19th April 2019 at https://theprint.in/opinion/environment-is-the-most-under-reported-failure-of-narendra-modi-government/223670/, last accessed 20th June 2020

DALIT & TRIBAL PEOPLE

Un-kept Promises — The Grim Realities of Dalit and Tribal People

In the year 2019, 110 people engaged in manual scavenging died in the gutters. This reveals how precarious this practice is and how young, healthy people are dying.

While the Dalit community was celebrating the birth anniversary of Dr Babasaheb Ambedkar on April 14th this year, the Government arrested Dalit activist and intellectual Prof Teltumbde on a flimsy charge — and this happened after hounding him for almost a year along with many others for a crime he never committed. This instance portrays the essence of what it means to be a Dalit in India. He remains in prison till today, he is the antithesis of what the right wing forces imagine this country should be and his politics irks the core of their Hindutva agenda.

Prof Teltumbde's case is a reminder that the lives of Dalit people are under threat and bereft of freedom. While the country celebrates independence every year, the Dalit community is still imprisoned by hunger, violence and atrocities. This is the ground reality that the community faces under this regime.

The Novel Corona Virus has exposed the inequalities that exist structurally and has brought to view the hidden layers of caste that exist in society today. This pandemic has also brought to the fore the issues of migrant labourers, most of whom are Dalit people. Their contribution to the economy is critical, yet when the government took the decision to impose a country-wide lockdown, their concerns were never taken into consideration. This not only showed the apathy of the state towards the people who construct, clean and build the blocks of development without having or experiencing the share of their contribution. Their vulnerabilities, exposed during the Covid-19 lockdown, is a result of the lack of social security and other benefits that they deserve from both the state and the private actors they work for. The initial mismanagement of the situation post Covid-19 was both unreasonable and extremely dangerous. This was clearly a lack of governance that slowly turned to a total loss of control over what was happening; strategies of diversion from the real issue by clanging of plates and lighting lamps did not really take off and instead backfired.

Going back a few months prior, when, in February, the Finance Minister presented the budget with much fanfare amidst the backdrop of an economic slowdown. All this while, the country was also hit by several issues of citizenship, unemployment, increasing surveillance on free speech and targeting dissenting individuals. The budget presented was lacklustre and did not reflect the realities. The budget focused on pleasing private players and slashing the allocations towards social sector schemes. Once again an uninspiring budget depriving Dalit and Adivasi people of their due share.

The allocation this year for Scheduled Caste is Rs. 83,257 crores and Rs. 53,653 crores for Scheduled Tribes across 323 schemes for SCs and about 331 schemes for STs. The proportion of targeted schemes is only 19.43 per cent with Rs. 16,174 crores allocated for targeted schemes under the SC budget and about 36.2 per cent with Rs. 19,428 crores for STs. The rest of the schemes do not qualify as SC, ST schemes and as they are general in nature and will not address the development gap between the country's Dalit and Adivasi population and rest of the population.[1]

Higher Education

Higher education is critical to the development of the Dalit and the Tribal communities and the demand has been to increase allocation and effectively implement the post-matric scholarships for students from the Scheduled Caste and Scheduled Tribes category. The allocation for post matric scholarship is Rs. 2,987 Crores for Scheduled Castes and the allocation for the Scheduled Tribes is Rs. 1,900 crores, which is small considering that a huge number of SC/ST students rely on this scheme for pursuing higher education. Amidst the backdrop of an economic slowdown the Dalit and Tribal communities strive hard to reach higher education institutions and overcome this to access higher education despite their poverty. However, some of the very important schemes do not have adequate funds for SC and ST development in this year's budget. For example, University Grants Commission (UGC), Rehabilitation of Bonded Labour, National Fellowship for SC, Kendriya Vidyalaya Sanghathan, Navodaya Vidyalaya Samiti, IGNOU Open University, Grants to Voluntary Organisations, land records modernization etc. are some of the direct benefitting schemes with very low allocation.

Dalit Women's Rights

Beti Bachao Beti Padhao remains a rhetoric when it comes to Dalit women. Dalit women continue to be at the far end of the spectrum of development where neither schemes reach them nor budgets are relevant to their development.

The analysis of Gender Responsive Statement[2] (henceforth GBS) and Allocation for Welfare of Scheduled Caste reveals that the allocations are very little as compared to the demands. The Union Budget 2020-21 allocates 0.8 per cent (Rs. 7,986.34 crores) for Dalit women from the total eligible Centrally Sponsored Schemes (CSS) and Central Sector Schemes (CS).[3]

The NCRB data for 2018 released by the government clearly reveals an increase in violence and atrocities against Dalit women. Dalit women face the brunt of the violence and are doubly vulnerable to discrimination and atrocities as a result of their gender and caste. The latest NCRB data, 2018 also reveals that a minimum of eight cases of rape against SC women are reported every day; showing an increase in the incidence of systemic sexual violence from the previous year's NCRB data. As per the NCRB data, there is an increase from 40,801 cases in 2016 to about 42,539 cases against Scheduled Castes and out of that about 2,936 cases of rape against Scheduled Caste women and about 1,008 cases against Scheduled Tribe women. The marginal allocation of Rs. 46.20 crores for the access to justice for Dalit women is both a very small amount to implement the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and also does not have specific provisions to ensure mechanisms to support survivors of violence and atrocities. There is only one scheme pertaining to the same namely 'Strengthening of Machinery for Enforcement of PCR Act, 1955 and PoA Act, 1989' which focuses primarily on sensitisation programmes and not on equitable redress mechanisms.

Manual Scavenging

Manual scavenging is still practiced in India, despite the several laws against such practices including the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013. Yet, the government does not think it is important enough to eliminate this practice all together. Almost 90 per cent of the sanitation workers are from the Scheduled Castes and a few from the Scheduled Tribes. Within them, more than 70 per cent are women. Most vulnerable of these are women sanitary workers in every way. These sanitation workers, including those engaged in manual scavenging are exposed to the fumes of extremely noxious gases and infections while clearing out septic tanks, dry latrines, dead animals, and picking up faeces. The health problems arising out of handling infected bio medical waste also continues to increase because these workers do not have access to masks, gloves, sanitizers etc.

In the year 2019, 110 people engaged in manual scavenging died in the gutters.[4] This reveals how precarious this practice is and how young, healthy people are dying because of no fault of theirs but due to the negligence of the government and the private actors who employ them. The highest number of deaths was in Uttar Pradesh. This is the same state that also relaxed the labour laws during the COVID-19 so that people can be hired without adhering to any principles of labour rights. The impact will hugely be on the majority of informal sector workers who are casual, self-employed, and migrant workers and most of whom hail from Dalit communities.

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1   http://www.ncdhr.org.in/wp-content/uploads/2020/02/NCDHR-Budget-2020.pdf

2   As one of the mechanisms of Gender Responsive Budgeting the Ministry of Finance introduced Gender Budget Statement in the Union Budget as an initiative to estimate how much government's total budget is flowing for women.

3   http://www.ncdhr.org.in/wp-content/uploads/2020/02/NCDHR-Budget-2020.pdf

4   https://www.news18.com/news/india/110-deaths-due-to-manual-scavenging-in-2019-minister-tells-rajya-sabha-2541793.html#:~:text=New%20Delhi%3A%20As%20many%20as,informed%20Rajya%20Sabha%20on%20Wednesday.

CAAA and its Impact on Dalit and Adivasi People

The Citizenship Amendment Act, an law that promises citizenship to immigrants from Pakistan, Afghanistan and Bangladesh on the grounds of religious persecution, is exclusionary of Muslims. Clubbed with the National Register of Citizens, it is essentially a filter for Muslims. The NRC is aimed at filtering out alleged Bangladeshi infiltrators while the CAA is meant for re-inducting non-Muslims from Bangladesh, Pakistan and Afghanistan, caught in the NRC net by introducing religion-based citizenship. The communities who will be left without a citizenship in this process would be Muslims, Dalits, Bahujans and Adivasis.

Adivasis will lose out much in this exercise. The tribal population in India has been facing a slew of laws that disenfranchise them from their land and excludes them from the places they belong to. Forest rights have been constantly used for forced eviction, displacement and forest and land alienation in the name of development projects. An example is of the Assamese Adivasis. The Assamese Adivasis had expressed their fear in 2015, because many of their predecessors have neither been enlisted in the NRC of 1951 nor entered in the voters' lists till 1971, without which they cannot prove their relationship with their forefathers, who were settled in the state about 175 years ago.

Recommendations

While the situation is grim and every dissenting voice is dubbed as anti-national, it is vital to reflect on the modus operandi of the government. The government needs to take the issues of all on board, specifically those of the most marginalised. Some suggestions pertaining to a dignified life for Dalit people, especially in the wake of the COVID-19 crisis and its aftermath are as follows:

1. Introduce livelihood support compensation packages and undertake a systematic process of enumerating informal/migrant sector workers, together with immediate relief compensation in the form of direct cash assistance as a well-established practice during the times of natural disasters in India and internationally, to enable them to sustain in the absence of (regular) wage work and to prevent them from distress induced indebtedness and exploitation.

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

3. The Scheduled Caste sub-plans are a guideline. The demand is to legislate the Allocation for Welfare of the Scheduled Caste (AWSC) plans.

4. Measures to be put in place to address and prevent violence against Dalit and Tribal women and also enhance the financial allocation for addressing this issue. At least 50 per cent of the funds from the AWSC should be allocated for the schemes for women from these marginalised groups.

EDUCATION
Equity Remains an Issue

◆

While one may look at the role of the states with respect to ensuring spending,
it cannot be ignored that the centre's own releases are often delayed.

The BJP manifesto committed it to creating an education system "oriented towards ensuring a global, scientific, outcome-focused, knowledge-oriented, accessible, inclusive and student-friendly education system in order to ensure that students can optimally benefit from the education system"[1]. It also aimed to invest in India's human potential by focusing on the quality of primary/secondary schools.

The present chapter, consequently, takes a hard look at the extent to which the school education system in India over the last year has been effective in achieving this aim over the last year. In so doing, the focus of the chapter is four fold — the progress made against the commitments explicitly made in the manifesto, the other policy measures undertaken in the previous year, the overall trends in the education sector over the preceding year (and in continuation of trends over the previous half a decade) and the impact of the COVID-19 pandemic on the sector. The latter is particularly critical since it risks derailing the gains made in India's education over several decades. Underpinning this discussion, however, are the existing constitutional and legal obligations of the Indian State with respect to education, particularly the provisions of the Right of Children to Free and Compulsory Education Act 2009.

The Manifesto's promises vs the reality

The manifesto's education section states that "Having achieved access and equity in school education, our emphasis will now be on quality of learning". This statement is problematic at many levels — India is far from achieving universal access and has huge issues with respect to equity of education. The absence of a clear focus on equity in the manifesto is deeply problematic.

The table below provides a summary of the promises made and the progress achieved with respect to school education in the manifesto. This includes the mentions made across the entire text, not restricted to the specific education section.

Promise	Progress
Prioritise attainment of learning outcomes.	Much of the emphasis on learning outcomes has been focussed on attainment of narrowly defined standardized learning outcomes. India's preparation for participation in PISA continued across the year.
Focus on teacher training and capacity building	PISA 2021 Is now postponed to be held in 2022 in view of the pandemic with the field trial expected to take place in 2021 instead[2]. Discussions are apparently underway to expand the list of participating states with the possible inclusion of students from MP in PISA from 2024[3]. Approval was given for conducting a census-based audit called Shagunotsav of all government and government-aided schools in all states and union territories.

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1   https://timesofindia.indiatimes.com/realtime/BJP_Election_2019_english.pdf
2   https://timesofindia.indiatimes.com/home/education/news/pisa-postponed-by-one-year-to-be-held-in-2022-now-mhrd/articleshow/76532569.cms
3   https://www.freepressjournal.in/indore/mp-students-to-be-evaluatedunder-pisa-from-2024

Promise	Progress
	Approval has been given for conducting a school-based assessment of all elementary stage students to evaluate learning outcomes. 7 lakh teachers and head teachers had received training by February 2020[4]. Preparation for the National Assessment Survey (NAS) 2020 is planned for all children in December 2020[5]; albeit the status of the same is uncertain in view of the pandemic. NCERT has been asked to prepare new learning outcomes for all classes in view of the pandemic[6]. A National Assessment Centre, an overarching body expected to set uniform standards of examination and evaluation is expected to be set up[7]. Ironically, the financial support on teacher capacity has seen a decline — the last budget saw a dip in the budget for teacher training. MHRD launched the NISHTHA[8] — National Institute for School Heads and Teachers Holistic Advancement which would follow a ToT approach to deliver a modular standardized training to 42 lakh teachers. At the same time, NCTE has begun the process of weeding out substandard teacher training collages in line with the recommendation of the NEP[9]. A centrally sponsored scheme of Financial Assistance for Appointment of Language Teachers was launched which would support appointment of Hindi and Urdu teachers in the northeast and across India respectively[10]. However, around 84,000 teacher posts remain vacant in India[11]. The focus on the use of distance education for teacher education continued across the year.
Focus on talented children. PM Innovative learning programme for these children.	Pradhan Mantri Innovating Learning Programme "DHRUV" was launched in October 2019 to identify and encourage talented children[12]. 60 talented students were selected in the first batch with a focus on science and performing arts[13].
National Institutes of teacher training providing four year integrated courses	The Central Government has introduced a four-year Integrated Teacher Education Programme (ITEP) for pre-service training, to offer graduation in Primary and Secondary Education. The ITEP will be conducted through National Council of Educational Research and Training and National Institute of Educational Planning and Administration[14].
Use of technology in classrooms and in imparting education. Provide smart classes in schools, starting with secondary classrooms. All Gram Panchayats to be connected with high speed optical fibre network by 2022 to provide services like tele-education.	Various digital initiatives have been undertaken including data management (Shala Darpan, Shala Kosh, GIS, Aadhar database of students and teachers), dissemination of data (E-pathshala, Swayam platform, DTH, TV channels, to name a few), ensuring quality education (E-classroom, Digital classroom labs, Diksha platform) and evaluation and monitoring (Shala Siddhi, Shagun portal). Operation Digital Board[15] was launched to leverage technology in order to boost quality education in the country in 2019. It seeks to ensure that digital / SMART board are eventually provided in all Government and Government-aided schools having secondary and senior secondary classes. A committee was instituted to prepare e-content for the NCERT curriculum and specific

4   https://www.ndtv.com/education/nishtha-teacher-training-over-7-lakh-teachers-have-been-trained-under-nishtha-programme-centre-2174574
5   https://www.tribuneindia.com/news/archive/chandigarh/centre-to-start-school-based-evaluation-in-december-807976
6   https://www.thequint.com/news/india/mhrd-asks-ncrt-to-prepare-new-learning-outcomes-for-all-classes
7   http://www.uniindia.com/govt-body-for-uniformity-in-school-boards/india/news/2046137.html
8   https://www.ndtv.com/education/hrd-minister-ramesh-pokhriyal-nishank-launches-nishtha-national-initiative-for-school-heads-and-teac-2088465
9   https://www.thehindu.com/education/substandard-teacher-training-colleges-to-be-shut-down/article28725866.ece
10 https://mhrd.gov.in/sites/upload_files/mhrd/files/october_2.pdf
11 https://www.ndtv.com/jobs/teacher-recruitment-2019-around-1-lakh-vacant-teacher-posts-identified-says-mhrd-2105565
12 https://www.hindustantimes.com/education/hrd-ministry-launches-dhruv-for-outstanding-students-of-science-performing-arts-creative-writing/story-vrNJLbkV3d0p56Q0aG3SVM.html
13 https://www.india.gov.in/spotlight/pradhan-mantri-innovative-learning-programme-dhruv
14 https://www.indiatoday.in/education-today/news/story/government-introduces-4-year-integrated-teacher-education-programme-1565173-2019-07-09
15 https://pib.gov.in/PressReleasePage.aspx?PRID=1565567

Promise	Progress
Aim to cover all the secondary schools under Operation Digital Board.	content nationally. Other states have also made their own initiatives. Thus, in Delhi, over Rs. 1000 crore have been spent for CCTVs in schools and playing on parents' fears for their children's security, is enticing them into a 'technological fix' of live-streaming classroom activities on their mobile phones. By doing so, the government not only shifted the responsibility of safety and security on parents while their children were in school, but also completely invaded the pedagogical space of the classroom[16] [17]
Add another 200 Kendriya Vidyalayas and Jawahar Navodaya Vidyalaya schools by 2024	Launch of new KVs and NVs is underway. Thus, five new JNVs and 13 KVs were launched in October 2019. A case was filed in the Supreme Court on a proposal to establish KVs in every tehsil in India[18].
The gains made under our pioneering 'Beti Bachao, Beti Padhao' programme have been impressive. We are committed to build on these gains to provide accessible and affordable quality education to all women.	While the educational status of girls has improved, gains have been slower for girls. Furthermore, the extent to which the status of girls' education can be attributed to the scheme is unclear. In the 2020 budget, ₹220 crore was set aside to the scheme which amounts to ₹34 lakh per district. 56 per cent of the funds allocated under the 'Beti Bachao Beti Padhao' scheme from 2014-15 to 2018-19, were spent on "media-related activities"[19]. Less than 25 per cent of funds were disbursed to districts and states; over 19 per cent of the funds weren't released by the government in the first place[20].
To ensure that quality education is available and easily accessible, every block with more than 50% ST population and at least 20,000 tribal persons will have an Eklavya Model Residential School.	The ASER report suggests that a greater proportion of girls are out of school, even though the gap is closing. By some estimates, as much as 40 per cent of all girls aged 15-18 in India are not attending school[21]. Eklavya Schools are intended to be at par with Navodaya Vidyalayas and include focus on sports and skill development and have special facilities for preserving local arts and culture. The Prime Minister has announced the intention to open over 300 Eklavya Model schools in tribal areas by 2022[22]. 462 such schools have been approved so far[23].

Other policy actions undertaken by the government during the year

The New National Education Policy. The year was dominated by continued process of finalisation of the draft National Education Policy, one of the carry overs from the commitment of the ruling party's previous term. The first draft was released on the very first day of the new government. A public consultation on the same was held and over 77,000 comments and letters were submitted by the citizens on the same[24]. Subsequently, a number of drafts were made ready, although higher versions of the same were not publically disclosed. The NEP was finally released in July 2020 after receiving Cabinet approval.

Curriculum and textbooks. In the interim, processes of development of a new Curriculum Framework have been initiated without waiting for the finalisation of the policy. Reports suggest that the interim report on the new National Curriculum Framework (NCF) for school education will be submitted by December; the new curriculum is expected to be ready by March next year[25]. Work on textbook revision is likewise underway and schools are expected to have new textbooks by 2023[26]. This would be accompanied by reform in the assessment and evaluation system including the setting up of the earlier mentioned National Assessment centre. Unlike the previous exercise of curriculum and textbook revision undertaken by NCERT, this round has not seen the same degree of wide consultation with subject experts for the finalization of the materials. However, reports do suggest that 22 working groups have been created for the process of curriculum revision including subject experts[27].

16 https://timesofindia.indiatimes.com/city/delhi/cctvs-in-classrooms-first-address-cause-of-safety-issues/articleshow/70745436.cms
17 https://scroll.in/article/865871/by-making-parents-classroom-snoops-delhi-government-is-undermining-teachers-not-helping-students
18 https://www.republicworld.com/india-news/law-and-order/sc-asks-centre-to-take-call-on-establishing-kendriya-vidyalayas-in.html
19 https://www.bloombergquint.com/quint/truth-of-beti-bachao-beti-padhao-funds-spent-on-publicity
20 https://thelogicalindian.com/news/beti-bachao-beti-padhao-budget-2020-19590
21 https://timesofindia.indiatimes.com/india/40-of-girls-aged-15-18-not-attending-school-report/articleshow/73598999.cms
22 http://bweducation.businessworld.in/article/Over-400-Eklavya-Model-Schools-In-Tribal-Areas-By-2022-PM-Modi/09-12-2019-180048/
23 https://www.indiatoday.in/education-today/news/story/pm-modi-to-launch-eklavya-schools-for-tribals-in-india-1597444-2019-09-10
24 https://www.thehindu.com/news/national/over-77000-feedback-letters-on-draft-national-education-policy/article28751808.ece
25 https://digitallearning.eletsonline.com/2020/06/mhrd-ncert-to-revise-textbooks-after-15-years/
26 https://www.thequint.com/news/education/schools-could-have-new-curriculum-textbooks-by-2023-report
27 https://www.thequint.com/news/education/schools-could-have-new-curriculum-textbooks-by-2023-report

Budgeting for education. Budgetary allocation have remained a bottleneck in delivering education of a reasonable quality for all. While one may look at the role of the states with respect to ensuring spending, it cannot be ignored that the centre's own releases are often delayed. The Union Budget for the Ministry of Human Resource Development for the next financial year has increased by just 4.69 per cent — the smallest increase since 2015[28]. The allocation to school education has increased from Rs. 56,536.63 crore in 2019-20 to Rs. 59,844 crore — an increase of around 5.85 per cent. Funds for teacher training have been reduced by Rs. 15 crores. The mid-day meal scheme — the world's largest school meal programme — saw no increase in allocation. There has also been a marked difference between budgets proposed by states and those approved by the MHRD's Project Approval Board (PAB) after negotiations with the states.
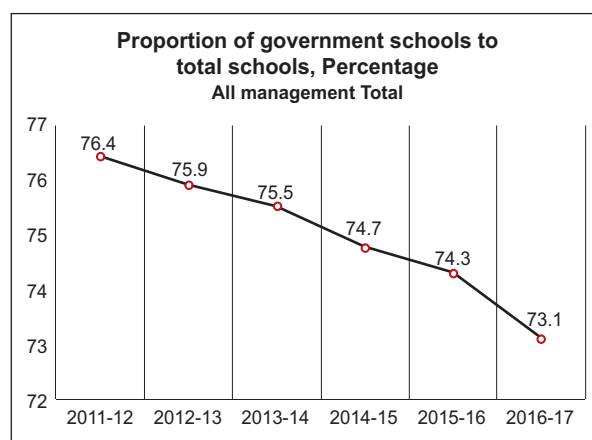
The failure to increase school education budgets centrally has resulted in the education system looking for alternative sources of revenue. This has often resulted in costs being transferred to parents. In August 2019, the Central Board of Secondary Education (CBSE) increased the board exam fees for Classes X and XII — from Rs. 750 to Rs. 1,500, a 100 per cent increase for general category students; and from Rs. 50 to Rs. 1,200, a 2,300 per cent hike for SC and ST students[29].

Other issues encountered over the year

Lack of transparency in government functioning: Transparency about government's functioning is at the heart of the accountability process. However, information about key aspects of the governments' performance is not available in the public domain. Detailed consolidated 2017-18 and 2018-19 UDISE data is not in the public domain. Ironically, this comes at the time when UNESCO has highlighted UDISE data as global best practice for transparency and accountability in India's public education system[30]. Other critical documents like detailed proceedings of CABE Committee meetings are also no longer routinely made available. Information on other critical areas like numbers of out of school children is not available (not updated since the last IMRB Survey).

Ignoring issues of educational inequality and exclusion: As stated earlier, the education section in the manifesto of the BJP starts by referring to equity and access as substantially resolved issues, despite evidence to the contrary. Unsurprisingly though, not enough has been done to ensure that India's historically excluded and marginalized communities perform to their highest potential. Educational performance of Dalit Adivasi and Muslim students lags behind the more advantaged groups. The highest dropout rates are currently among Muslims. One of the most marginalized groups have been children with disabilities. *The UDISE Data of 2016-17, states that out of 12,08,24,282 girls enrolled in school education across all grades only 10,22,665 are girls with disabilities*[31]. The grim scenario of education of children with disabilities has persisted despite the Rights of Persons with Disability Act 2016 (RPWD Act) and the Right to Education Act (Amendment) 2012 (RTE Act). This is, to a large extent a result of historic neglect of the core needs of this community. there is a persistent lack of special educators, counsellors, therapists, and trained caregivers for children with disabilities in schools, while inclusive education remains embedded in the law of the land through the PWD Act. Given these realities, it is obvious that the quality education of these children in an inclusive setup is a distant dream[32].

Continued privatization of education: While the RTE Act and several state legislations lay down clear norms for infrastructure, teacher qualifications and fees and lay down modalities for their regulation, many private schools continue to violate these norms. The rise of private schools has coincided with a rise in parental expenditure on education. The additional cost for private schooling has implications on who attends private schools. This disparity in evident in the enrolment — more boys in private schools, more girls in government schools[33]. Andhra Pradesh and Bihar saw the introduction of new legislation to regulate school fees in 2019[34]; processes of a similar nature are currently underway in Chhattisgarh. However, the sheer existence of legislation does not result in improved implementation of legal provisions without significant increase in the enforcement capacity.

Proportion of government schools to total schools, Percentage
All management Total

Year	Percentage
2011-12	76.4
2012-13	75.9
2013-14	75.5
2014-15	74.7
2015-16	74.3
2016-17	73.1

28 https://news.careers360.com/budget-analysis-education-outlay-up-469-smallest-hike-in-5-years

29 https://www.indiaspend.com/shrinking-education-budget-has-hit-scholarships-for-students-from-deprived-communities/

30 http://www.iiep.unesco.org/en/india-using-open-school-data-improve-transparency-and-accountability

31 http://14.139.60.146/ReporterModule/ReportModule/Startup/ViewReport.aspx?g=&C=0&ST=0&ay=2016-17&rt=2&stc=&dc=&bc=&sm=null&sc=null&lev=10&rur=0&rpt=2_5&rt2=1&ag=&STN=India&DSN=&Bn=&Dis=0

32 https://unesdoc.unesco.org/ark:/48223/pf0000373670

33 U-DISE 2016-17

34 https://news.careers360.com/state-governments-and-battle-against-fee-hikes-in-private-schools

Beginning from the 12th five-year plan in 2012, the state has consistently promoted Public Private Partnerships as a mode for quality improvement of the public education system. This year was marked by India taking a loan from the World Bank for quality improvement. The Project STARS[35] has come up for criticism in promoting privatisation[36] instead of strengthening state capacity and promoting excessive standardized testing.[37] Over 1,400 CSOs, academics, teachers and ordinary citizens have submitted a memorandum to the government asking for changes in the framework[38].

COVID-19 Impact

The pandemic has created new challenges for the education system worldwide. The situation is no different in India, where 32 crore children have been affected by various lockdowns and closures[39]. Examinations have been postponed or cancelled and reports highlight that student stress has spiked. Images of thousands walking home, many leading their children have become the face of the COVID-19 caused lockdown. While UNESCO's report (2019) predicted that up to 40 per cent of children of migrants are likely to end up at work rather than in schools — the pandemic may push many more to child labour. Midday meal delivery has been interrupted in some cases which is expected to have significant impact on child malnutrition[40].

COVID-19 has also has thrown India's digital divide into sharp focus. Much of the instruction had moved online. However, only 15 per cent of rural households have access to internet services and only 4.4 per cent of the rural households have access to a computer (National Sample Survey report on education 2017-17), effectively depriving those from poor households of learning opportunities. Other modes like DTH TV, radio and other modes have also been attempted, but the practice has again been undercut by inadequate access to necessary devices, data and the limited ability to navigate the new medium on the part of both teachers and students.

Other consequences include the robust intervention by several state governments to regulate private schools, especially fees. To offer relief to parents, notifications regarding private school fee payments have been issued by 13 states — Andhra Pradesh, Assam, Chhattisgarh, Haryana, Karnataka, Maharashtra, Mizoram, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh and Uttarakhand. Some of the key features of these guidelines include 1) Private schools are allowed to collect only tuition fees 2) No hike in fees allowed 3) No advance fees to be collected.

In addition, the National Commission for Protection of Child Rights (NCPCR) has also issued a notification advising states to devise solutions such that the best interests of the child are met and to ensure that no child is harassed by the school for non-payment of fees. Despite these notifications, reports have emerged of private schools across India hiking their fees for the next academic year. With little support from the government in enforcing regulation, parents have been forced to take matters into their own hands. Parents have started an online petition to the Prime Minister, requesting for a law to regulate school fees.

Conclusion

Education is potentially a great equaliser as it holds the potential for both individual empowerment and social transformation. Ensuring this potential however, is based on the education being provided being of truly high quality and the educational experience being transformative. Too often, education fails to deliver on this promise. The Right of Children to Free and Compulsory Education Act, rooted in Article 21 A of India's Constitution and emerging from the right to life, holds the potential of achieving some of this potential.

However, the last year continued to see its transformative potential receive inadequate attention from the administration. Ensuring equitable, quality education is critical for India to live up to the values of equality, justice and human dignity enshrined in the Constitution. More robust efforts to strengthen public education and address existing educational inequalities will be critical for India to truly achieve its potential. This investment in the human capacities of people is doubly important in these difficult times. India cannot afford to waste its human potential.

35 https://www.oxfamindia.org/knowledgehub/workingpaper/world-bank-funded-project-stars-critique
36 https://caravanmagazine.in/education/world-bank-disturbing-push-privatise-indian-education
37 https://www.thehindu.com/opinion/the-stars-project-needs-an-overhaul/article31947675.ece
38 https://www.nationalheraldindia.com/national/academicians-urge-world-bank-to-postpone-loan-to-mhrd-for-stars-project
39 https://www.livemint.com/news/india/lockdown-has-put-321-million-indian-children-out-of-school-widened-learning-gaps-11590137598404.html
40 https://scroll.in/article/964033/the-fallout-of-indias-lockdown-on-child-malnutrition-will-be-felt-long-after-the-covid-19-crisis

GOVERNANCE AND MUSLIMS

A year of unparalleled repressions

An antagonism appears in many government policies, allocation of fiscal support, functioning of police and security establishment, government employment, planning and execution of welfare schemes, and the like.

The Governance issues appertained to the vulnerability of Indian Muslims in the context of events and developments during the past one year have been summarized here. The year (2019-20) under review has been nightmarish for many weaker and marginalised sections of the country, especially Muslims. This situation can be figured out from the achievement list of Prime Minister Narendra Modi mentioned by him in May 2020 on the completion of the first year of NDA 2.0, which included abrogation of Article 370, settlement of the Ram Temple issue, criminalization of Triple Talaq and the amendment to the Citizenship Act; all having bearing on Muslim life in some way. The COVID-19 pandemic has given a rare leverage to the Islamophobic sections to make Muslim life further miserable in India.

The apathy and antagonism of the ruling class

The current ruling class in India comprises the adherents of a fascist idea called Hindutva, which is not same as Hinduism. RSS, BJP and several other allied organizations and many of their sympathisers embedded in the system and media find themselves committed to the end product of Hindutva, i.e. 'Hindu Rashtra', where only 'Hindus' have rights and privileges. Though the head of RSS, Shri Mohan Bhagwat, often calls all Indians as 'Hindus' and the NDA 2.0 proclaims its guiding principle to be *Sabka Saath Sabka Vikas Sabka Vishvas* (Cooperation of all, development of all and confidence of all), there is both overt and covert tendencies for segregating Muslims from the said 'all'. In the wake, the entire system may be found to be geared up in the process of marginalizing Muslims. This antagonism appears in many government policies, allocation of fiscal support, functioning of the police and security establishment, government employment, planning and execution of welfare schemes, and the like. Hence, the major issues pertinent to the survival, development and empowerment of the Indian Muslim community are generally shaped by this new exclusionary reality.

Citizenship Rights

One of the key issues that agitated Muslims during 2019-20 is their perceived threat of losing citizenship rights in large numbers. Enactment of CAA in December 2019 and declarations regarding NPR and NRCI from April 2020 onwards, led to an unprecedented political controversy in the country and beyond. Though the government tried to assuage their suspicions, the experience of NRC in Assam could not help iron it out. Consequently, beginning from the student activists of Jamia Millia Islamia, AMU and JNU and a local community like Shaheen Bagh in Southeast Delhi, a strong movement appeared against CAA and soon spread in various parts of the country in which regular sit-in protests were held in about 160 places and protest rallies in many cities, mobilizing masses from 12th December 2019 onwards until they

came to cease due to the pandemic lockdown. Such protests were also held in different parts of the world in solidarity with the cause. According to *wikipedia.org*, 27 people were killed in police firing and thousands were arrested and detained throughout the country. With 19 killed and 1,246 people arrested based on 372 FIRs. lodged in the state, Uttar Pradesh was the worst affected state with the biggest police crackdown in India in the context of anti-CAA protests.[1] Many activists have been released on bail. In some cases, the court's bail orders were made infructuous by subsequent arrests of the alleged activists under the Unlawful Activities (Prevention) Act (UAPA) or sections of the Indian Penal Code/Code of Criminal Procedure.

Communal Violence

Communal violence is a form of recurring persecution of Muslims and other religious minorities in India. During this period, the worst communal clashes broke out for about a week in the Northeast District of Delhi from 23rd February 2020 onwards. The violence erupted on the pretext of stopping protests against CAA. Consequently, 53 persons were reportedly killed, including 39 Muslims, more than 200 injured and many more remain untraceable, the majority being Muslims. Several residential and commercial properties belonging to Muslims apart from 19 mosques and some schools were damaged. The Chairman of Delhi Minority Commission alleged that this was an organized violence in which more than 2,000 rioters were brought to the area from nearby places, trained for two days while staying in local schools and used in the communal attacks on local Muslims.[2] However, a vast majority of those 1,200 arrested are Muslims who were defending themselves or were just innocent and the major onus of the communal rioting was put on Muslim activists who were peacefully leading the anti-CAA protests.

At the same time, Justice Muralidhar was transferred from Delhi High Court to Punjab and Haryana High Court. This happened on the very day he had condemned the Delhi Police for its failure in controlling the riots or filing cases against BJP leaders for hate speech, while hearing a plea against this violence.

Some other communal clashes have also been reported from other parts of the country. Centre for Study of Society and Secularism (CSSS) informed about 25 communal clashes during 2019.

Lynching against Muslims and Others

A trend of a new form of violence against Muslims began with the lynching of retired Muslim army personnel Mohammad Akhlaq in September 2015. The Quint has reported a total of 219 cases of mob attacks from September 2015 to September 2019, including 113 persons killed. Of the deceased, 45 belong to the Muslim community and the rest are from Dalit and other sections. Three Muslims and eight others were killed in mob lynching during 2019.[3] This list has many cases missing. According to the CSSS, there were 108 incidents of mob lynching in 2019.[4] Such instances of violence have come down of late, seemingly following retaliatory action in self defence by Muslims. Such retaliatory actions in October 2019 in Uttar Pradesh have, possibly, paved the way for reduction in this kind of violence. Many organizations and activist have demanded from the government to enact an anti-lynching law but to no avail.

This demand was reiterated by All India Muslim Majlis-e-Mushawarat, an apex body of Muslim organizations in April 2020 following the lynching of two Sadhus by a Hindu mob in Palghar. Such crimes have been allegedly encouraged and supported by the ruling party which embolden criminals to perpetrate such heinous acts. In December 2019, Bihar DGP Gupteshwar Pandey said that unless people stop supporting criminals based on their caste or religion and stop garlanding them, crimes cannot be curbed. He was referring to BJP leader Jayant Sinha's act of garlanding eight people convicted in the Ramgarh lynching case in Jharkhand. The widespread belief that those leading lynching mobs enjoy some sort of patronage is borne out by the fact that the state of Jharkhand has seen a reduction in the incidence of mob-lynching since a new government came into power in the state.

Judicial discrimination

The reported period has seen some judicial decisions which have a lasting impact on the Muslim rights and their rights as equal citizens of the country, including on the status of mosque, Babri Masjid dispute, criminalization of Triple Talaq, etc. Courts stance on hearings in case of CAA, North Delhi riots and bail applications related to anti-CAA agitation could hardly convince many regarding their outcomes. Former judge of the Supreme Court, Justice Markandey Katju, has recently tweeted

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1   https://en.wikipedia.org/wiki/Citizenship_Amendment_Act_protests
2   https://thewire.in/communalism/delhi-riots-outsiders-minorities-chief#:~:text=New%20Delhi%3A%20Nearly%201%2C500%20to,visit%20 20to%20the%20affected%20areas.
3   https://www.thequint.com/quintlab/lynching-in-india/
4   https://csss-isla.com/secular-perspective/communal-riots-2019-communal-discourse-raging-on-in-india/

and alleged that India is witnessing a trend of reverse prosecution wherein the relatives of lynched victims such as Pahaloo Khan and Tabrez Ansari are facing criminal charges and also that such activists as Safoora Zarghar and Dr Kafeel Khan among others are in jail, whereas Kapil Misra and Anurag Thakur (who have an alleged role in instigating North Delhi riots) are moving freely and that the judiciary has closed its eyes.[5] The Supreme Court bench of Justice SK Kaul and KM Joseph upheld on February 17, 2020 that protest is a fundamental right, while hearing pleas over the road blocks due to anti-CAA protest at Shaheen Bagh. Yet, the way the witch hunt of protestors is going on, the system seems to deny that right. Justice is gradually becoming a distant dream for Indian Muslims.

Covid-19 and Muslims

The impact of COVID-19 pandemic has been devastating on the national economy as well for the economic well-being of people. Muslims, being already on the lower rungs of economic development, were destined to face it gravely. They are known for high incidence in urban poverty, around 35 per cent, which has, very likely, pushed them to comparatively more delicate a situation. They comprise a large section of the migrant labours, who were forced by the situation to return to their permanent place of residence during the lockdown. Muslims' inadequate registrations under the PDS, BPL, Labour Card, etc. deprive them to a great extent in availing government relief.

However, it has been a welcome outcome of the crisis that many Islamic charitable organizations and individual Muslim philanthropists came out to help needy members of the community as well to other sections to an appreciable extent. The untoward episode of Tablighi Jamat Markaz left many Muslims to face the stigma of novel corona virus. Consequently, it led to the exaggerated Islamophobia and development of a negative media image, communal blame game, social tensions, economic boycott, administrative harassment, social profiling in the government briefings in the Centre and in some States, generation of Muslim perception that administration is hostile to them, and the like to one or the other extent. One of the major fall out of the pandemic is the need for online education. In this regard, the high incidence of poverty among Muslims may be a major impediment and may lead an already educationally backward community to further deprivation.

Some Other Issues

Some other issues which gravely affect development of Indian Muslims are summarized as under:

- The Budget allocations for the schemes of Ministry of Minority Affairs has not been duly increased during the fiscal year 2019-20, nor have the demand to make the allocations at par with SC and ST Sub Plans been conceded.

- The Government created think tank, NITI Aayog, has not admitted religious minorities as a vulnerable population under its SDG commitments.

- The demand for the availability of disintegrated data regarding various parameters of development in the case of religious minorities has not been accepted so far. Establishing a data bank on the socio-economic status of Muslims was a key recommendation of the Sachar Committee Report.

- Many traditional artisan works in the hands of Muslim families in different parts of the country have been devastated by Chinese imports and in the absence of government support. The situation has become further aggravated during the year under review.

- The gap between reservation quota for OBC and actual recruitment in government employment is yet significantly large. Muslims, as one of the possible beneficiary of this affirmative action are also deprived. Registration for OBC Certificate is cumbersome and not easy for many aspirants. In the wake of unfavourable circumstances, the availing of such a benefit has become ever more difficult during the reported year. This may be understood from the fact that the number of Muslim candidates clearing the prestigious Union Public Service Commission examination has fallen to 28 in 2019 from 50 in 2018, though it may also be a function of the reduction in the total number of candidates recruited to some extent.

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5   https://www.jansatta.com/national/supreme-court-former-judge-markandey-katju-tweet-target-judiciary-mob-lynching-safoora-zargar-sharjeel-imam-delhi-riot/1437892/

Recommendations

Some key issues appertained to governance in relation to Muslims have been described above. Accordingly, some recommendations have been made hereunder for remediation of the grim situation.

1. The government should take Muslims into confidence as regards its plan to prepare the National Citizens Register of India with convincing rules and opportunities to remove discrepancies in personal documents and to defend their case in a trusted environment. Cases filed against protestors of anti-CAA agitation should be reviewed.

2. The pending demand of an Anti-Communal Violence Act should be fulfilled as early as possible so that this menace can be eradicated from Indian society.

3. The government should also enact an anti-lynching law so that it acts as a deterrent against this emerging form of violence against helpless individuals by mobs and perpetrators of such crimes are swiftly brought to book.

4. Special registration drives for religious minorities, including Muslims, should be launched for registration of needy families under the PDS, BPL, etc.

5. The proposed National Education Policy should make special provisions to assist educationally backward communities to reasonably avail education under MOOC and other systems of future education.

6. The budgetary support for the schemes of Ministry of Minority Affairs and other agencies working for the development of religious minorities should be made demographically proportionate to other weaker sections such as SCs/STs.

7. The backlog of employment under OBC reservation in the centre and state governments and PSUs should be fulfilled as early as possible with a sub-quota for Muslims.

8. The pending recommendations of the Sachar Committee Report such as diversity index, equal opportunity commission and social data bank should be accepted and executed.

9. The NITI Aayog should suitably accommodate religious minorities under its SDG commitments.

HEALTH

COVID- 19 pandemic exposes lacunae in health system governance

◆

Though the role of health system governance is critical for improved functioning of health systems, it is often a neglected area in policy making as well as research. Of all BRICs countries, India shows a worsening of the accessibility to health care

Governance in the health system is to ensure strategic policy frameworks for effective oversight, coalition-building, regulation, and accountability of the health system. The State, the health service providers and the citizens are key stakeholders of this process[1]. Though the role of health system governance is critical for improved functioning of health systems to fulfil the vision of Universal Health Care, it is often a neglected area in policy making as well as research[2]. Health system governance also includes normative values (equity, transparency) and political systems within which health system functions[3].

Status of Health Systems and Indicators in different states

The lacunae in the health system governance are getting exposed blatantly in the wake of the COVID-19 pandemic. In India, health is included in the State list and hence, there is an extreme variation in the performance of health systems across the states. The 'Healthy States Progressive India' report published (2019) by the NITI *Aayog* has confirmed huge disparities in overall performance across States and UTs. The report reveals that among the larger States, Haryana, Rajasthan and Jharkhand are the top three states in terms of incremental performance, while Kerala, Andhra Pradesh, and Maharashtra are the top three states in terms of overall performance. It is a worrisome finding that there is a decline in the overall Health Index score for five Empowered Action Group (EAG) states viz., Bihar, Uttar Pradesh, Uttarakhand, Madhya Pradesh and Odisha, due to the deterioration of performance in indicators such as full immunization coverage, institutional delivery and tuberculosis treatment success rate[4]. Another glaring example of inequities among the states is the indicator on maternal mortality ratio (MMR). Overall MMR for India is 113 per 1,00,000 live births. However, Assam has MMR of 215 per 1,00,000 live births while, on the other hand, Kerala with 43 MMR is the best performing state for this indictor[5].

1   https://www.who.int/health-topics/health-systems-governance#tab=tab_1 accessed on 22nd July 2020
2   Frameworks to assess health systems governance: a systematic review Thidar Pyone, Helen Smith and Nynke van den Broek, Health Policy and Planning, 2017, Vol. 32, No. 5
3   Balabanova et. Al., Good Health at Low Cost 25 years on: lessons for the future of health systems strengthening, www.thelancet.com Published online April 8, 2013 http://dx.doi.org/10.1016/S0140-6736(12)62000-5
4   Healthy States Progressive India, Report on the ranks of states and UTs, NITI Ayog, World Bank and Ministry of Health and Family Welfare, June 2019 http://social.niti.gov.in/uploads/sample/health_index_report.pdf accessed on 22nd July 2020
5   https://censusindia.gov.in/vital_statistics/SRS_Bulletins/MMR%20Bulletin%202016-18.pdf accessed on 23 July 2020

Given the deficiencies in the public health system, their utilisation is also lesser than the private health facilities. The NSSO[6] report reveals that at all India level, 30 per cent of ailments were treated in government hospital, the proportion being slightly higher in rural areas (32.5 per cent) than urban areas (26.2 per cent). Among the states, Mizoram has highest utilisation (85.7 per cent) of public health system, whereas Punjab has the lowest utilisation (13.2 per cent) of public health facilities. Mizoram spends Rs. 5862 per capita on health which explains the high utilisation of public health services[7].

Present status of key health related indicators in India[8]

Health Indicator	Total		Rural		Urban	
	2017	2018	2017	2018	2017	2018
Birth rate per thousand population	20.2	20	21.8	21.6	16.8	16.7
Death rate per thousand population	6.3	6.2	6.8	6.7	5.3	5.1
IMR per thousand live births	33 Male 32 Female 34	32 Male 32 Female 33	37 Male 36 Female 37	36 Male 36 Female 36	23 Male 22 Female 25	23 Male 22 Female 23

There is marginal improvement in all the three indicators. However, the rural-urban divide is quite considerable, especially with respect to Infant Mortality Rate (IMR).

Inadequate Health Budgets

Health has never been on the agenda of political parties in India. Rarely has it become an issue of discussion during elections and hence has always remained a neglected area. This neglect is reflected in the consistently insufficient allocations for health department over the years. Health Index (2019) report also highlighted the positive correlation between the Health Index scores and the economic development levels of States and UTs. At the national level, expenditure on health is hovering around 1 to 1.5 per cent of GDP since a long time. Expenditure on health in India is relatively low as compared to other BRICS countries. Of all BRICs countries, India shows a worsening of the accessibility to health care[9].

Over the last 15 years, the allocation to the Department of Health and Family Welfare has increased from Rs. 11,366 crore in 2006-07 to Rs. 65,012 crore in 2020-21. One of the positive findings is that the utilisation of the health department has been over 100 per cent in the last three years. In India, the National Health Mission (NHM) which includes National Rural Health Mission and the National Urban Health Mission is an important system for healthcare delivery. Yet, the percentage share of NHM in the total budget decreased from 73 per cent to 50 per cent during 2006-07 to 2020-21. There is nominal increase in per capita public expenditure on health from Rs. 621 in 2009-10 to Rs. 1,657 in 2017-18, with the Centre: State share in total public expenditure on health being 37:63 in 2017-18[10].

To address the problem of lack of access to health services, the present government launched the Pradhan Mantri Jan Arogya Yojana (PMJAY) in September 2018. This scheme is claimed to be the important instrument for Universal Health Coverage in India. Under this scheme, a cover of Rs. five lakh per family per year has been assured to 10.7 crore families from vulnerable communities. Though the aspiration is attaining universal health coverage, the total allocation for PMJAY in the year 2020-21 is Rs. 6,400 crore, considerably lower than the required funds as estimated by the 15th Finance Commission which is between Rs. 28,000 crore to Rs. 74,000 crore[11].

PMJAY mostly focuses on secondary and tertiary level care, and thus for strengthening the primary health care component, under the Ayushman Bharat program, GoI is aiming at upgradation of 1,50,000 existing sub-centres and PHCs into Health and Wellness Centres by December 2022. These centres will provide comprehensive primary health care, free essential drugs and diagnostic services[12]. As on date, there are 42,900 health and wellness centres in the country[13], indicating the need for intensifying the efforts to reach the target in the stipulated time frame.

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6   http://www.mospi.gov.in/sites/default/files/publication_reports/KI_Health_75th_Final.pdf accessed on 24th July 2020
7   National Health Profile (2019) , CBHI, https://cbhidghs.gov.in/showfile.php?lid=1147 accessed on 24th July 2020
8   https://censusindia.gov.in/vital_statistics/SRS_Bulletins/SRS%20Bulletin_2018.pdf accessed on 23rd July 2020
9   Jakovljevic M, Timofeyev Y, Ekkert NV, Fedorova JV, Skvirskaya G, Bolevich S, et al. The impact of health expenditures on public health in BRICS nations. J Sport Health Sci 2019;8:516 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6835015/pdf/main.pdf accessed on 22nd July 2020
10 National Health Profile (2019) , CBHI, https://cbhidghs.gov.in/showfile.php?lid=1147
11 https://www.prsindia.org/parliamenttrack/budgets/demand-grants-2020-21-analysis-health-and-family-welfare, accessed on 22 July 2020
12 https://pmjay.gov.in/about/pmjay accessed on 22nd July 2020
13 https://ab-hwc.nhp.gov.in/ accessed on 22nd July 2020

Private Sector Regulation

One of the key challenges in successful implementation of PMJAY is harnessing the resources in the private health sector. By February 2020, more than 20,000 hospitals were empanelled under PMJAY[14]. The Clinical Establishment (Registration and Regulation) Act was passed in 2012, which has a provision for registration and regulation of all clinical establishments in the country with a set of the minimum standards of facilities and services provided by them[15]. However, till date only 11 states have adopted this Act. Delhi is the only UT to have adopted this Act[16].

Given the escalating prevalence of COVID- 19, it is becoming more and essential to engage private health sector in the health services delivery. However, it is a challenge to rope in the private sector, given its profit-oriented nature. For example, a private hospital in Delhi had quoted Rs. 72,000 as charges of an ICU bed per day as. This is unaffordable for most of the population in India[17].

Health Governance in urban areas

Delivering health care in urban areas has its own challenges, given the lack of definitive structure of public health system in urban areas. The lacunae in urban health infrastructure are evident in the current COVID-19 pandemic. Due to the gaps in the health care facilities in urban areas, it is a huge challenge to trace the close contacts of COVID-19 positive persons. The urban poor are the worst affected due to lack of quality public health services. Ministry of Health and Family Welfare, urban local bodies, and respective state governments are the key stakeholders in urban health governance in India. Lack of effective monitoring, surveillance and accountability systems among diverse stakeholders, delayed fund flow from NHM to ULBs, poor communication and coordination mechanism are some of the key governance issues in urban health system[18].

Corruption in Health sector

Corruption is one of the indications of poor governance of health system. Along with improving per capita income, additional resources for health system, good governance and low corruption are equally important for better health outcomes[19].

Corruption in the private health sector has been highlighted in the book, 'Healers or Predators? Health care corruption in India'[20]. The book exposes the corruption in the medical education and corruption within the bodies like MCI. Owing to the blatant corruption in Medical Council of India, the Government has dissolved this body. The Lok Sabha passed National Medical Commission Bill, 2019 in July 2019, which talks about establishing National Medical Commission (NMC) as an umbrella regulatory body which subsumes the MCI and is entrusted the responsibility to regulate medical education and practice in India.[21]

Transparency has always been a challenge in health governance. Procurement of drugs and medical equipment is one such area that exemplifies the lack of transparency. A good example and good practice of transparency in health governance is the Tamil Nadu Medical Services Corporation (TNMSC) which follows transparency in the entire process of drugs procurement such as tendering, opening of bids, preparation of the evaluation report and award of tenders. However, such a system of transparency is not followed by most other Indian states.

Social accountability in health sector

Community is one of the important stakeholders in the health governance. To increase the involvement of community, community based monitoring and planning (CBMP) of health services was introduced in the National Rural Health Mission in 2007[22]. This was an important step towards communitization of health services. In CBMP of health services, committees were

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14 https://www.indiabudget.gov.in/doc/Budget_Speech.pdf accessed on 23rd July 2020

15 http://clinicalestablishments.gov.in/cms/Home.aspx accessed on 23rd July 2020

16 https://timesofindia.indiatimes.com/business/india-business/11-states-all-uts-except-delhi-have-adopted-clinical-establishment-act-govt/articleshow/67286073.cms accessed on 24th July 2020

17 https://www.internationalhealthpolicies.org/featured-article/covid-19-and-unregulated-private-hospitals-lessons-for-private-sector-engagement/ accessed on 23rd July 2020

18 https://www.orfonline.org/research/urban-health-governance-india-policy-roundtable-53911/ accessed on 23rd July 2020

19 Governance in healthcare, Bashir Mamdani, Indian Journal of Medical Ethics Vol IV No 4 October-December 2007)

20 https://www.thehindu.com/news/cities/mumbai/medical-profession-sucked-into- corruption/article25626855.ece accessed on 24th July 2020

21 https://www.prsindia.org/content/understanding-national-medical-commission-bill-2019 accessed on 24th July 2020

22 COVID-19: Challenges and its consequences for rural health care in India, Anant Kumar K. Rajasekharan Nayar, Shaffi Fazaludeen Koya Public Health in Practice 1 (2020) 100009

set up from village level up to state level, for monitoring of health services and the same committees also contributed to the planning process through inputs to the Programme Implementation Plan (PIPs). Though the programme started in several states in 2007, currently very few states are supporting this programme, indicating that the role of civil society in health governance is shrinking. Evaluation of CBMP process also underscores the role of elected representatives at Panchayat level in increasing the motivation, performance and accountability of community health workers. Village and Block Health and Sanitation Committees are one such mechanisms for involvement of elected representatives in health governance. However, lack of adequate training to the committee members and an ambiguity in the role they play hinders the effectiveness of these committees[23].

Issues highlighted by COVID-19 pandemic

The first Corona positive case was detected in India[24] on 30th January 2020. Early detection of positive cases is crucial for restricting the spread of this disease. However, availability of limited number of NABL accredited diagnostic labs, gaps in the availability of well-trained human resources and limited availability of testing kits and safety equipment like PPEs made it difficult for quick expansion of testing facilities in the beginning. Eventually, private players stepped in to address these challenges[25].

Historical neglect of health system inequities in the health infrastructure is posing challenges in COVID-19 response[26]. A recent report by Fitch[27] states that with 8.5 hospital beds per 10,000 citizens and eight physicians per 10,000, India is not adequately prepared to tackle the current pandemic.

The consequences for rural India are even more grave. In the rural parts, there are 3.2 government hospital beds per 10,000 people. However, several states have lower capacity than the national average. For example, Maharashtra, which has seen the largest number of COVID-19 cases, has 2.0 beds for every 10,000 people. Further, there is a shortage of specialists working at the CHC level (81.9 per cent)[28].

Frequent change in the advisories has led to a situation of chaos at the local level.

Another major challenge posed during the current pandemic due to the lack of adequate health personnel is the disruption of routine services. For example, reproductive health services have been severely impacted by the COVID 19 lockdown, resulting in unwanted pregnancies, unsafe abortions and maternal deaths. Estimates by Foundation for Reproductive Health Services India (FRHS) India[29] indicate that between 24.55 to 27.18 million couples have not been able to access contraception during the lockdown period, resulting in between 1.94 million to 2.95 million unintended pregnancies, around 1.44 million abortions of which around 834,042 could be unsafe abortions.

Role of technology became pronounced during the current pandemic. GoI launched Arogya Setu app to disseminate the information about the risks, best practices and relevant advisories pertaining to containment of COVID-19[30].

What could India have done differently to curb the spread of COVID-19?

Experts have voiced their concerns about the delay in taking certain steps like screening passengers with a travel history to China and Thailand once cases were found in these countries; locking down international arrivals in January once WHO declared COVID-19 a Public Health Emergency of International Concern; invoking the Epidemic Disease Act 1897; boosting local manufacture of PPE kits; delay in imposing lock down, and such[31,32].

23 Report of the High Level Expert Group on Universal Health Coverage for India, Planning Commission of India, 2011
24 https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1601095
25 https://innohealthmagazine.com/2020/trends/analysis-of-challenges-covid-19-on-indian-healthcare-industry/ accessed on 20th July 2020
26 Koul PA, Dhar R. COVID-19 pandemic in India: A clarion call for better preparedness. Lung India [serial online] 2020 [cited 2020 Jul 20];37:187-9. Available from: http://www.lungindia.com/text.asp?2020/37/3/187/283742
27 https://health.economictimes.indiatimes.com/news/industry/lack-of-medical-investment-healthcare-infra-big-challenges-for-indias-covid-19-fight-fitch/75737892 accessed on 20/ 07/2020
28 COVID-19: Challenges and its consequences for rural health care in India, Anant Kumar K. Rajasekharan Nayar, Shaffi Fazaludeen Koya Public Health in Practice 1 (2020) 100009
29 Impact of COVID 19 on India's Family Planning Program Policy Brief. Foundation for Reproductive Health Services India (May 2020)
30 COVID 19 pandemic: Lessons learned and future directions, Rohit C Khanna, Maria Vittoria Cicinelli , Suzanne S Gilbert, Santosh G Honavar , Gudlavalleti V S Murthy http://www.ijo.in
31 https://www.outlookindia.com/website/story/opinion-what-india-could-have-done-to-better-handle-the-deadly-coronavirus/349649 accessed on 3rd August 2020
32 https://thewire.in/politics/coronavirus-pandemic-india accessed on 3rd August 2020

Role of data in Governance

Updated, sound and reliable health information is the basic necessity for designing of health programmes and adds to good governance. In India, Central Bureau of Health Intelligence (CBHI) has been bringing together health-related information in a form of National Health Profile (NHP), annually since 2005.

In the current pandemic, data about the cases as well as the deaths due to COVID-19 are of paramount importance for proper management of the situation. However, there are several lapses in documentation at the ground level. For example, there have been cases of underreporting of COVID-19 deaths in several states like Delhi, Telangana, Maharashtra, Madhya Pradesh, West Bengal, Gujarat and Uttar Pradesh[33]. In the absence of accurate data, it will be very difficult to bring the rate of infection of COVID-19 under control. The system is still grappling to control the spread of disease.

Recommendations

Given the above challenges regarding governance in health, we recommend as follows-

1. Strengthening of public health system to reduce inequities in health infrastructure across the states and filling the vacant staff positions. Strengthening would also require increased allocations to the health sector.

2. At the same time, regulation of private sector needs to be done urgently. States should enact the Clinical Establishment Act. The State should put a cap on prices for costs of hospitalisation, lab tests, medical devices, medicines.

3. For better accountability of health system, the component of Community Based Monitoring and Planning needs to be strengthened at each level with adequate allocations for this component. Grievance redressing mechanisms need to be institutionalised at various levels.

4. Spaces for multi stakeholder dialogues like Thailand's Annual Health Conventions need to be created.

5. Need to bring transparency in the procurement of drug and equipment using models like the one put to use by the TNMSC.

6. Need to make disaggregated data available for better planning

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33 https://www.nationalheraldindia.com/india/covid-19-deaths-in-india-deliberate-under-counting-fuelled-by-govts-political-need-to-portray-success accessed on 24th July 2020

HOUSING

Unequal Realities: The adequate housing situation in India

◆

India faces an urgent housing challenge, particularly in providing adequate and affordable housing for the urban poor. Housing and the lack of it has been a crucial factor in determining an individual's susceptibility to the COVID-19 virus.

India faces an urgent housing challenge, particularly in providing adequate and affordable housing for the urban poor. This includes creation of a new affordable housing stock, as well as engaging with the existing informal housing stock that has emerged as an affordable yet often inadequate alternative. The Right to Adequate Housing is core to all human rights. Adequate Housing has also been included as a key issue in contemporary global conversations on a shared vision of urbanisation and development, as a part of the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in 2016[1,2].

Housing Rights in Indian Constitutional Law

The Right to Adequate Housing is a core component of the Right to an Adequate Standard of Living (Article 11 of the international Covenant on Economic, Social and Cultural Rights). The right mandates a range of protections, such as legal security of tenure, which encompasses protection against forced eviction, harassment and other threats. The right also mandates the availability of services, facilities, and infrastructure, accessibility and habitability. Thus, when a State forcibly evicts someone they are violating their obligations to respect that person's right to adequate housing.

In India, the Supreme Court has recognised Right to Adequate Housing as a fundamental right protected under Article 21 of the Indian Constitution. This right is defined through judicial interpretation of the fundamental right to life, rather than any direct guarantee in the Indian Constitution. Such interpretation is largely associated with the 'right to live with human dignity' with access to 'adequate nutrition, clothing and shelter'.

However, despite the inclusion of Right to Adequate Housing within the larger scope of right to human dignity, right to equality, social and economic rights, the basic provisions which form the spirit of right to housing are blatantly violated all across the country. The major issues of concern in this regard are forced evictions, violations of pro-poor housing provisions within master plans, legal, administrative and policy barriers to the right to adequate housing, impact of globalisation on the housing situation of the urban poor and, most importantly, effective implementation of the housing schemes in the country[3].

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1   YUVA. (2019). Public Housing Models in Maharashtra. Retrieved from https://yuvaindia.org/wp-content/uploads/2017/03/Public-Housing-Model-in-Maharashtra.pdf

2   Accessed from http://habitat3.org/the-new-urban-agenda/#:~:text=The%20New-,Urban%20Agenda,Ecuador%2C%20on%2020%20 20October%202016.&text=The%20New%20Urban%20Agenda%20represents,better%20and%20more%20sustainable%20future.

3   Singh, P. (2017). Right to Housing under Article 21 in light of Judicial Pronouncements. International Journal of Law, 3(6), 115–119.

Housing Scenario in India

Around 63.67 million urban and rural households across the country do not have adequate housing. In 2012, the Technical Group on Urban Housing Shortage (TG-12), constituted by the erstwhile Ministry of Housing and Urban Poverty Alleviation (MoHUPA) stated that there was a shortage of 1.88 crore housing units over the period 2012-2017. Of these, the Economically Weaker Section (EWS) alone accounts for 1.06 crore units or 56 per cent of the total shortage. The Low Income Groups (LIG) require 74.1 lakh housing units or 39.4 per cent whereas middle and above income groups have a deficit of 8.2 lakhs or 4.4 per cent of the total[4].

The numerical figures reflect an aggregate of those who live in unacceptable conditions as well as those who are homeless and mirror the face of "housing poverty" in urban India. Poverty is a state of deprivation of basic human needs. Housing poverty is defined by lack of adequate housing. In addition to basic services, it extends to the need for enough income to be able to access a housing loan or even rent a house. Housing poverty affects one's ability to be physically and mentally healthy, and economically and educationally productive. It affects one's capacity to access employment, and social relations. Therefore, policies addressing housing shortage should include access to employment and social security, access to housing loans, tenure security, hygienic and disease-free surroundings, clean water, parks and open spaces, and social relations[5].

There have been many major urban housing schemes launched by various Indian government agencies following independence to address housing poverty. The latest of these is the Pradhan Mantri Awas Yojana (PMAY) 2015 or "Housing for All by 2022", as the scheme was called when it was launched in 2015 as the PMAY by the Government of India. At the launch of the scheme, Prime Minister Narendra Modi had said that a home is not just four walls and a physical structure but is also a means for social transformation as it provides aspirations for a better life. He added that by 2022, when the nation celebrates the 75th year of Independence, the government will provide every homeless family with the means to own a house. Amidst these promises, the PMAY (Urban) [PMAY (U)] was launched as a unique scheme to solve India's 'housing shortage' by offering four different housing options (verticals) for those belonging to the economically weaker section (EWS) and low-income groups (LIG). Later the scheme guidelines were amended in 2017 to include the middle income group (MIG) as well.

The Status of Pradhan Mantri Awas Yojana (Urban) PMAY(U)

This scheme initially had a target of constructing 2 crore houses by 2022. This was later reduced to 1 crore (according to the demand survey conducted in different states). Overall data indicates that there has been only a 12 per cent completion rate against the target of building one crore houses, and 6 per cent against the original target of two crore houses, four years into implementation. The year-wise details of houses constructed also includes the subsumed projects of the erstwhile housing scheme under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) implemented by the UPA government.

Of the four verticals of the mission, the maximum number of houses (55 per cent) were sanctioned under the Beneficiary Led Construction (BLC) component, which can be availed by fulfilling terms and conditions, including presenting proof of ownership of land and the means to bear the full cost of construction after availing government subsidy. The Affordable Housing in Partnership (AHP) vertical has the second highest number of houses sanctioned (33 per cent). The percentage share of the other two components, In-situ Slum Redevelopment (ISSR) and Credit Linked Subsidy Scheme (CLSS), is significantly low — these two components, combined, make only 12 per cent share of the total houses sanctioned. Additionally, under the ISSR vertical, state governments are considering only notified slums to be redeveloped. According to the Census of India, only 36.1 per cent of the total slums households are notified[6].

Although similar in vision to the earlier housing schemes like RAY, the PMAY(U) adopted a further decentralised system in financing the construction and development of housing. This generated a hope that the PMAY(U) would overcome the challenges of previous schemes and would introduce new ways of providing 'affordable houses'. However, overall data depicts that PMAY(U) has performed sluggishly ever since its implementation. It has failed to take practical challenges into account. There is a glaring gap between people's aspirations, their capabilities and state imagination of housing provision. Therefore, there is a mismatch between the people's needs and what the housing mission has to offer[7].

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4   YUVA. (2019). Parliamentary Watch Report: An Analysis of Questions Asked on Urban Issues in the Indian Parliament in 2018. . Retrieved from http://yuvaindia.org/wp-content/uploads/2017/02/PWR-2018.pdf

5   D'Souza, R. (2019, March). Housing poverty in urban India: The failures of past and current strategies and the need for a new blueprint. ORF Occasional Paper. Retrieved from https://www.orfonline.org/research/housing-poverty-in-urban-india-the-failures-of-past-and-current-strategies-and-the-need-for-a-new-blueprint-48665/

6   Government of India, MoHUA (2015). Pradhan Mantri Awas Yojana. Retrieved June 12, 2020, from http://mohua.gov.in/cms/pradhan-mantri-awas-yojana.php

7   YUVA and IHF (2018). Housing Needs of the Urban Poor in Nagpur. Retrieved from https://yuvaindia.org/wp-content/uploads/2017/03/City-se-Nagpur.pdf

The other issue is that in spite of the availability of flexible and low-interest housing loans, people are not coming forward for executing housing projects due to the high costs of land, particularly in urban areas. In addition, as ownership of land is a prerequisite for availing two of the four options (BLC and CLSS), a majority of the urban slum households that do not own land are automatically excluded from availing the benefits under the scheme. Moreover, it is essential to possess a host of identity documents in order to access certain verticals (BLC and CLSS) of the PMAY (U). While the Aadhaar card is a document which almost all individuals possess, there is a variance in the possession of other required documents to access housing[8].

Another major drawback of the scheme, especially the AHP component is that affordable housing projects can only be built on the outskirts of the city, far away from people's workplaces, especially in metro cities. If location is not taken into account, there will be very few takers for these houses as some of the biggest factors influencing people's decision to purchase a home are based on travel time to the workplace and affordability.

COVID-19 Pandemic and India's Housing Crisis

Millions of people in India live in informal settlements with poor infrastructure and in overcrowded living conditions. This makes maintaining physical distance during the COVID-19 pandemic difficult, if not impossible. Violation of the right to housing is prominent among human rights violations faced in particular by the urban poor due to the lockdown. Its effects will be long-term. On an immediate basis, there is a need to increase the number of shelters with appropriate facilities to accommodate homeless persons and informal sector workers who find themselves without accommodation especially during/post lockdown and in the ongoing crisis (as a result of the pandemic). Additionally, the government should enact a moratorium on all forced evictions. People should not be forcibly evicted from their homes under any circumstances[9].

From a long term perspective, a paradigm shift in the very conception and understanding of housing is required in the larger interest of housing for all, in the post pandemic scenario. Development works which include housing should be considered as a 'social good' (in the interest of equality and justice) rather than a 'commodity'. The Government should focus on the many endemic social, political and environmental conditions that people living in informal settlements are subjected to in their daily lives in the city. Housing is intimately intertwined with health and quality of life — this particularly holds true for millions of working class people who live in informal settlements.

As a part of the economic stimulus package, the government announced an affordable rental housing for urban poor, including migrants, under PMAY. As per this, government funded housing in urban areas/cities will be converted into Affordable Rental Housing Complexes (ARHCs) through public-private partnership model. Though this is yet to be implemented, it can be regarded as a much-required impetus. The COVID-19 pandemic has compelled the need to critically review and change the state of housing, and at this juncture it will be necessary for the government to initiate comprehensive and integrated planning on a participatory basis — a role that the government has abdicated under the guise of privatisation and their commitment to follow the path of neoliberal globalisation[10].

Recommendations

Housing and the lack of it has been a crucial factor in determining an individual's susceptibility to the Covid19 virus. During the lockdown, the pandemic has highlighted the need for adequate housing to be recognised as a pivotal right. The recommendations below come from experience of civil society actors working for adequate housing, and are as follows:

1. **Upgrade existing slums as viable models:** The upgrading of existing slums by providing them with basic amenities and improving physical and social infrastructure such as roads, sewage and drainage systems, parks, waste disposal and management, hospitals, schools, etc. is critical as it would be the most economically viable option to improve the living conditions of over one crore households living in slums. This will also avoid their displacement to far-off locations.

2. **Encourage and promote provision of land tenure rights:** In Nagpur, select cities in Odisha, Guwahati and Vishakhapatnam, the state government has provided/is in the process of providing land tenure rights or pattas to

8 YUVA and IHF (2018). Housing Needs of the Urban Poor in Nagpur. Retrieved from https://yuvaindia.org/wp-content/uploads/2017/03/City-se-Nagpur.pdf

9 ICJ. (2020, May 7). COVID-19 pandemic exposes India's housing crisis — ICJ Briefing Paper. Retrieved June 11, 2020, from https://www.icj.org/covid-19-pandemic-exposes-indias-housing-crisis-icj-briefing-paper/

10 Das. (2020). *Sustainable Housing Can't Slip Under the Radar Once the Covid-19 Crisis Subsides.* The Wire. Retrieved from https://thewire.in/urban/mumbai-housing-social-distancing

individuals living in slums. In situ upgradation and beneficiary led construction should be prioritised in these cities. This allows for families to accommodate natural growth without further densification of an existing household.

3. **Strengthen Beneficiary Led Construction with upgradation of overall settlement:** There must be an acknowledgment of existing informal settlements as self-constructed affordable housing stock. Support is, however, required to ensure adequacy of the overall settlement, in the form of tenure security, service provision and resilience building. Households across the country are demanding support to develop housing through self-construction and ensure overall upgradation of the settlement.

4. **Develop parameters for adequate housing provided under PMAY (U):** The scheme guidelines must include strict directives for method and justification of need for chosen mode of rehabilitation with provision for consent clause and complaint redressing regarding the same.

   Many cities like Ranchi, Patna, Visakhapatnam and Indore have a housing stock that has been created by earlier housing schemes (BSUP/RAY). These housing units are not fit for human habitation. Yet, people are being forcefully rehabilitated in these under the PMAY (U). In many instances, these are as far as 20 km from the original residence. Even if the scope of PMAY does not mention evictions, there is emphasis in two of its verticals — ISSR and AHP — on the tenability of a settlement.

5. **Define Tenability:** Definition of tenability varies across different Acts and policies and is inadequately formulated making it impossible to quantify. This leaves a lot of room for subjective interpretation on an ad hoc basis, leading to forced evictions and compulsory rehabilitation.

6. **Incorporate participation of people in housing provision through PMAY (U):** Design and size of housing must evolve through a participatory method and must be incorporated within the guidelines. Citing un-tenability of a settlement on an ad-hoc basis, many settlements irrespective of previous tenurial provisions are being rehabilitated through the supply side provisions — ISSR and AHP — where location, typology, size, community and services of the housing units are predetermined with very little or no participation from the targeted group.

   In cities like Ranchi, Patna, Indore, Lucknow and Ahmedabad the vertical that can be availed of through the PMAY (U) is enforced on people without consent. People need to have the right to choose which of the four verticals is suited to their needs. Tenure is a prerequisite for the two verticals — BLC and CLS — which are demand driven. But it seldom applicable for a majority of the urban poor. This is because their residence in settlements recognised as 'slums' are often deemed untenable based on subjective and varyingly quantified indicators.

7. **Build greater synchronisation between MoHUA schemes and other Central Ministries:** In-spite of scheme guidelines emphasising on convergence repeatedly, there are wide gaps in its implementation to an extent that one scheme defeats the goal of the others. For example, in cities where SBM and AMRUT — not limited by tenability clause — have upgraded basic services in informal settlements, PMAY's tenability clause marks the same settlements for rehabilitation and is demolishing the infrastructure built by former schemes along with the houses. True and complete convergence will be realised when there is a strong push for implementation of the PMAY (U) guideline that calls for coordination between state governments and central authorities — railways, defence, forests and ports to use their resources and reach the 'Housing For All' goal together.

8. **Monitor qualitative aspects of new housing construction, not just number of units constructed:** The Ministry has an MIS system to track achievement of targets of housing construction and the PMAY Capacity Building Guidelines outlines Third Party Quality Monitoring Assessment (TPQMA) with the need for social audit. This is not happening. The government must ensure monitoring qualitative aspects of housing provision. Qualitative indicators of housing should include material quality assessment, adequacy, accessibility etc. Performance of the scheme should be evaluated based on these indicators to monitor and ensure success of the scheme.

   There is a need for real-time data on location, vertical, targeted population and funding, which will enable transparency and accountability. It will also ensure cooperation and participation from the wider civil society.

9. **Need to shift from 'market driven housing provision' to 'housing as a non-profit making exercise' for housing the urban poor:** Provision of housing through the PMAY (U), especially in large cities is through public private partnerships (PPP) is seen as a profit making exercise that is benefitting private developers more than the urban poor. Land as a resource should go back to people in order for housing to be provided for all.

HUMAN RIGHTS
Repression and resistance: The story of human rights in India (2019-20)

◆

The punitive emergency measures invoked by the
Government of India and various state governments to curb
the spread COVID-19 pandemic have only worsened the
human rights situation in the country.

It was a year of repression, but also of resistance. Month after month, in the face of the state's abusive methods — including draconian laws, arbitrary arrests, physical assaults, shootings, abuse in detention — millions showed their resolve, demanding accountability and insisting on their human rights to free expression and peaceful assembly. India witnessed its government ritually demonising its critics as pawns of "foreign forces", 'terrorists and anti-nationals' — all toxic smears amplified through sophisticated social media operations.

The punitive emergency measures invoked by the Government of India and various state governments to curb the spread COVID-19 pandemic have only worsened the human rights situation in the country.

Jammu and Kashmir

In August 2019, the government revoked the special status of Jammu and Kashmir (J&K) guaranteed under Article 370 of the Indian Constitution and bifurcated the state into two union territories.[1] This was preceded and followed by a region-wide clampdown on civil liberties, increased deployment of the army, a communications blackout and detention of key political leaders under various administrative detention laws, including the draconian Public Safety Act (PSA) and Section 107 and 151 of the Code of Criminal Procedure. To date, no official information has been made available on the number of people detained, their access to lawyers or family members, where they are held and, under what charges.

Government-imposed restrictions prevented journalists and activists from independently documenting and sharing information about the situation, including allegations of human rights abuses.[2] Access to emergency services, healthcare, education and other services were highly restricted.[3] The United Nations human rights experts, including the Special Rapporteur on the promotion and protection of freedom of expression, the Special Rapporteur on the situation of human rights defenders, Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the right to peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions described the crackdown as 'a form of collective punishment'.[4]

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1   Vijaita Singh and Devesh K. Pandey, The Hindu, J&K loses its special status, divided into two UTs, 5 Aug 2019, https://www.thehindu.com/news/national/jk-loses-its-special-status-divided-into-two-uts/article28827159.ece
2   Amnesty International India, Situation Update and Analysis: Jammu and Kashmir After One Year of Abrogation of Article 370, 5 Aug 2020, https://amnesty.org.in/wp-content/uploads/2020/08/Kashmir-report-updated_06_for-WEB.pdf
3   Amnesty International India, Kashmir Situation Update and Analysis, 18 Oct 2019, https://amnesty.org.in/wp-content/uploads/2019/10/Amnesty-International-India-Kashmir-Situation-Update-Final.pdf
4   United Nations Human Rights Office of the High Commissioner, UN rights experts urge India to end communications shutdown in Kashmir, 22 Aug 2019, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24909&LangID=E

In January 2020, the Supreme Court of India, while hearing a petition on lifting the restrictions, held that any restriction on the internet must satisfy the test of necessity and proportionality.[5] It directed the government to review each internet shutdown against such tests and lift the restrictions that were not necessary. For the purpose of review, it ordered the government to constitute a review committee. Since its formation, the Committee has denied 4G mobile internet making it difficult for hospitals, judiciary and schools to function smoothly with 2G mobile internet during the lockdown imposed by the government to curb the COVID-19 pandemic.[6] Until now, the Special Committee has not put any information on its functioning in the public domain, particularly on its constitution, the number of meetings held, reviewing of the government orders imposing internet shutdowns and its decision.[7]

Since the judgment by the Supreme Court of India and until 4 August 2020, there have been 67 government-imposed internet shutdowns in Jammu & Kashmir.[8] These communication restrictions have heavily curtailed media's freedom of expression and opinion in the region. Several journalists have been physically attacked, arbitrarily arrested, unlawfully detained and prosecuted for their critical reporting.[9] This has resulted in journalists policing and censoring themselves and government enjoying unbridled control on the information coming out of the region.

Discrimination

On 31 August 2019, the Government of Assam published the National Register of Citizens which excluded almost two million, pushing them to the brink of statelessness.[10] The only remedy available to those excluded from becoming stateless was through the Foreigners Tribunals, a quasi-judicial body where, in many cases, proceedings were arbitrary, and decision-making biased and discriminatory. It particularly discriminated against women who were less likely to have access to identity documents to prove their status. The Tribunals, chaired by members with limited judicial experience, frequently declared individuals as "irregular foreigners" as a result of clerical errors like minor differences in spellings of names or date of birth on electoral rolls.[11]

Over 1,000 declared foreigners were detained across six detention centres in Assam which are rife with overcrowding and lack of segregation between under-trials, convicts and the detainees.[12]

Repressive Laws

Many repressive amendments were made to laws such as the Citizenship Amendment Act (CAA), Unlawful Activities (Prevention) Act (UAPA), Transgender Persons (Protection of Rights) Act and the Right to Information (RTI) Act etc.

The UAPA, India's principal counter-terrorism law was amended to allow the government to designate an individual as a terrorist. It gives an overbroad and ambiguous definition of a 'terrorist act' giving unbridled power to the government to brand any ordinary citizen or activist a terrorist with a trial.[13]

The Right to Information Act, 2005 was also diluted. The amendments to the Act weakened the independence of the Information Commissions by resting the power to determine their tenure, salary and conditions of service with the central government.[14]

In December 2019, during the winter session of Parliament, the Transgender Persons (Protection of Rights) Act was passed. The Act undermines the rights of transgender and intersex persons, and violates India's international human rights obligations

5   Anuradha Bhasin v. Union of India, Writ Petition (Civil) 1031/2019, https://indiankanoon.org/doc/82461587/

6   Amnesty International India, Situation Update and Analysis: Jammu and Kashmir After One Year of Abrogation of Article 370, 5 Aug 2020, Pg. 24, https://amnesty.org.in/wp-content/uploads/2020/08/Kashmir-report-updated_06_for-WEB.pdf

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and the 2014 ruling of the Supreme Court in the case of *NALSA v. Union of India*.[15] Amongst other flaws, the Act lays out a vague bureaucratic procedure to be followed for legal gender recognition of the transgender persons.

During the same session, the Citizenship (Amendment) Act was passed amending the Citizenship Act of 1955 to enable irregular migrants to acquire Indian citizenship through naturalisation and registration. However, it restricts the eligibility to only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 December 2014.[16] The Act also reduces the requirement of residence in India for citizenship by naturalisation from 11 years to 5 years for these particular communities.

Besides adversely impacting the refugees and asylum seekers, the amendments also impinge on the human rights of Indian citizens, particularly Muslims. In the winter session of the Parliament, the Union Home Minister, Amit Shah announced a nation-wide National Register of Citizens (NRC) which will document the citizenship of more than 1.3 billion people in the country raising concerns on the fate of excluded Muslims from the Register. In wake of nation-wide protests against the Act, the Government of India has temporarily withdrawn its announcement.[17]

Freedom of Expression

Human rights defenders faced huge challenges including arbitrary arrests, unlawful detentions and unfounded prosecutions. Despite India prisons becoming COVID-19 hotspots, nine prominent human rights activists arrested in 2018 under the Unlawful Activities (Prevention) Act (UAPA), remained arbitrarily detained for 'waging a war against the country'. All nine have worked with the most marginalised people of India, such as Dalit and Adivasi (India's indigenous community) people, and held views opposing the government. Earlier this year, Gautam Navlakha, a prominent journalist and human rights activist and Anand Teltumbde, a well-known academic were arrested despite the fact that they both are over 65 years of age.[18] In the same case, on 28 July, the National Investigation Agency arrested MT Hany Babu, a professor of English in Delhi University.[19] Varavara Rao, an 80-year old poet and author and one of 12 arrested in the case has already tested positive for COVID-19.[20]

In June last year, the Central Bureau of Investigation filed a criminal case against the Lawyers Collective for allegedly violating the Foreign Contribution (Regulation) Act, a law that unduly restricts the right of organizations to access foreign funding.[21] CBI also walked inside Amnesty International India's offices in November 2019 filing a case alleging violations of the vague and overbroad Foreign Contribution (Regulation) Act, 2010 against it, in a series of ongoing harassment tactics against the organisation which continue till date.[22]

Draconian sedition charges under Section 124A of the Indian Penal Code continued to be used for criminalizing dissent. Pa Ranjith, a film maker and Dalit rights activist, Hard Kaur, a rapper, and Shehla Rashid, a Kashmiri politician and activist were amongst many others who were slapped with sedition charges for criticizing the government.[23] On 3 October, 49 renowned celebrities were charged with sedition for writing an open letter to Prime Minister Narendra Modi urging him to take meaningful action against hate crimes.[24] On 30 January, two people including a teacher and mother of a student were arrested for sedition in a school in Bidar, Karnataka. The Bidar police had registered the case for "insulting" Prime Minister Narendra Modi by allowing

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the performance of a play on CAA and the NRC.[25] Earlier, a student in Mysuru, Karnataka was charged with sedition and arrested for carrying a "Free Kashmir" placard at a solidarity march in support of the students who were protesting against CAA in New Delhi.[26] Amulya Leona, a teenage student was also slapped with sedition for raising "Pakistan Zindabad, Hindustan Zindabad" (Long live Pakistan, Long Live India) slogans and imprisoned for over three months.[27] Zafarul-Islam Khan, the head of Delhi Minority Commission was also slapped with sedition after he thanked Kuwait for "standing up for Indian Muslims".[28]

Central and state governments across India also cracked down on peaceful protests (including various universities and minority institutions) against the discriminatory Citizenship (Amendment) Act, 2019. Various state governments either arrested those protesting against the Act or imposed prohibitory orders under Section 144 of the Code of the Criminal Procedure. Protesters were also met with a show of force, mass detention and large scale internet shutdowns. In Uttar Pradesh alone, over 18 people were killed including an 8-year old child and over 5,000 were detained.

Journalists reporting on the COVID-19 situation in India have been summoned to police stations and forced to explain their stories like in the case of Peerzada Ashiq — senior journalist with The Hindu in Kashmir and Siddharth Varadarajan, founder and editor of The Wire in Uttar Pradesh. The colonial Epidemic Diseases Act has been used to censor and police journalists for their critical reporting during the lockdown imposed by the government to curb the COVID-19 pandemic.[29]

Communal and ethnic violence

Mob violence against a landscape of compromised and ineffective institutions, whether police or judiciary seem to be the highlight of the year. Scores of hate crimes against Muslims and other religious groups, ethnic groups, including Dalit and Adivasis, as well as caste and gender-based crimes, took place across the country. Many were carried out by vigilante groups and mobs. Violent attacks included mob "lynching".

Legislation against these crimes remained inadequate. In August 2019, the Rajasthan government passed its Rajasthan Protection from Lynching Bill making it the second state after Manipur to criminalize mob lynching as an offence separate from murder with stronger penalties.[30]

Government data on mob lynching by "cow protection" vigilantes remained inadequate because it failed to recognize the gravity of and discriminatory motive behind the crime and rather addressed it under provisions of the Indian Penal Code related to "rioting", "unlawful assembly" or "murder".

(The National Crime Records Bureau has not released its annual report of crime, prison and suicide statistics for the third consecutive year. The failure to collect and preserve data, along with the police's failure to conduct an effective investigation, resulted in dozens of perpetrators being acquitted.)

In June 2019, a video of the brutal mob killing of Tabrez Ansari, a 24 year-old Muslim labourer in Jharkhand went viral.[31] It showed him tied to a pole and being beaten by men armed with iron rods and sticks, while his attackers forced him to chant 'Jai Sri Ram' (Hail Lord Rama) and 'Jai Hanuman' (Hail Hanumana). Eleven men were charged with his murder, but the murder charge was dropped and converted to culpable homicide not amounting to murder when police claimed that the post mortem and forensic reports found he had died of a heart attack and that the killing was not premeditated. However, on September 18, 2019, the police filed a supplementary charge sheet retaining the murder charge against 11 accused based on a fresh medical report after the police sought a second opinion from specialist doctors.[32]

25 'Sukanya Shantha, The Wire, Sedition' for School Play on CAA: Student's Dialogue 'Insult to PM'; Parent, Official Arrested, 30 Jan 2019, https://thewire.in/government/bidar-karnataka-anti-caa-play-school-sedition

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In August 2019, six out of nine men charged with the murder of Pehlu Khan, a dairy farmer who was lynched on the suspicion of cow smuggling, were acquitted by a lower court in Rajasthan.[33] The remaining three are juvenile and being tried by the court designated for trying juvenile offenders. While ordering their acquittal, the court held that the video which captured the attack on Pehlu Khan was not admissible evidence. At the same time, the police filed a case against the deceased Khan and his two sons for smuggling cows.

The Delhi riots that took place in February 2020, along with the earlier instances of violence in Jamia Milia University and Jawaharlal Nehru University were also preceded by the hateful speeches made by political leaders.[34] From union ministers like Kapil Mishra, Anurag Thakur to chief ministers like Yogi Adityanath, elected representatives had called for people to shoot down 'traitors' and 'take revenge'. Even Prime Minister Narendra Modi said that the protestors who were destroying the property "can be identified by the clothes they are wearing". However, since December 2019, not even a single elected representative has been prosecuted for advocating hatred and violence.

On the contrary, the Delhi police while investigating the Delhi riots that killed at least 53 people, large number of them being Muslims, arrested student activists and other organisers of peaceful protests under the Unlawful Activities (Prevention) Act — a repressive anti-terror law. One of them was Safoora Zargar, a 27-old research scholar from Jamia Milia University. She was three-months pregnant when she was arrested in April. After being repeatedly denied bail, the Delhi High Court granted her bail on 24 June 2020. Many other activists continue to remain imprisoned despite the alarming rate at which COVID-19 is spreading in Indian prisons.[35]

Extrajudicial Execution

On 6 December 2019, four under trial prisoners were extra judicially executed by the Telangana police. The prisoners were accused of raping a 25-year old veterinarian and burning her body in Hyderabad.[36] The incident occurred when the state police had taken the under-trials to the site where rape had been committed as part of the investigation. The state police have alleged that the under trials snatched the police firearms, attacked the police officials and tried to flee, which led to the police firing at the under-trials and subsequently killing them.

The reported delay in filing the First Information Report by the Telangana Police in this case coupled with the shoddy investigation and the general low conviction rate for those accused of rape raises deeply disturbing questions about the state of justice in India.

On 10 July 2020, a criminal suspect Vikas Dubey was also extra judicially executed in a similar manner by the Uttar Pradesh Police. In December 2019, the Uttar Pradesh Police had patted itself on the back last year by claiming that it had killed 103 criminals and injured 1859 others in 5178 'police engagements' over a period of two years.[37]

In conclusion, while the human rights violations continue and have taken an urgent note with the government using pandemic led state of emergency to crack down against young student activists and human rights defenders, the massive mobilisation that took place during the anti-CAA protests of which Shaheen Bagh became an international symbol of protest, continues to give hope towards the restoration of Constitutional values.

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INDIAN CIVIL SOCIETY

CSOs — vacillating from being suspects to friends

Given the extremely unpredictable nature of challenges posed by the Covid-19 pandemic, it is pertinent that all sectors in the country work together and put their energies in communion with other sectors to bring the nation out of these changing times.

India witnessed momentous decisions of a newly elected government by way of revocation of Article 370 and the introduction, in Parliament, of the Citizenship Amendment Bill (now an Act). Both moves were viewed as an attempt to damage the democratic fabric of the country and were responded to by nation-wide public protests led by university students and women. The Government tried to rebuff the protests using all tricks in the book, including force. However, the protestors refused to be cowed down. This was followed by violence in Delhi. By early 2020, an unprecedented challenge in the form of COVID-19 made its appearance. Not knowing anything better, the government announced a nationwide lockdown in March.

In this highly charged atmosphere, the third sector organisations vacillated between being suspects and the government's best friends. In light of these facts this article tries to look into the relationship between the civil society sector and the Government.

Context

Article 19 of the Constitution of India guarantees its citizens **freedom of speech and expression; to assemble peacefully; to form associations or unions;** to move freely throughout the territory of India; to reside and settle in any part of the territory of India; and to practise any profession, or to carry on any occupation, trade or business. Right to Freedom of Speech and Expression gives one the right to express one's opinions without restriction or legal penalty. Unhindered and fear-free expression of thoughts in an open forum, in any form (verbal, written, printed, pictures or through any other mode), forms the basis of a healthy and strong society. This needs to be protected at all times. Right to Freedom to Form Association and Assembly fulfils social, economic, political and cultural needs. Many different types of associations are formed and the State recognises their right to do so. Ever since the NDA government returned to power in May 2019, with an even bigger mandate than 2014, the blow-hot-blow-cold relationship with between Government and the CSOs continued. The cold vibes reflecting through throttling moves including raids, arrest, license cancellations and stringent regulations[1]. The warm vibes were more in the form of inclusion of key representatives of the sector into task forces, special groups and committees and, more recently, the pat on the back and collaborative initiatives in the times of COVID-19.

1   Livemint Article: 14,500 NGOs banned by govt from receiving foreign funds dated 04 December 2019

In the latter part of 2019 and until recently, the Government continued to engage with civil society organisation through including its representatives as members in its various committees, including Advisory Committee of National Action Plan on Business and Human Rights, Advisory cum Technical Committee for development of CSR Exchange Portal. In December 2019, Niti Aayog engaged the CSOs for a planning meeting on India's Voluntary National Review (VNR) 2020. During the meeting, CSOs were urged to organise nation-wide thematic consultations for possible inputs into India's VNR 2020 report.

Announcement of setting up of social stock exchange (Union Minister of Finance Ms. Nirmala Sitharaman budget speech in July 2019[2]), to bring capital markets closer to meet social objective for inclusive growth and financial inclusion, reflects governments focus on the sector. Mr Ishaat Hussain, the Chairperson of the Working Group formed by Securities and Exchange Board of India (SEBI), in his note in report on Social Stock Exchange, made a forceful articulation of the positive sentiment. The note says…. *"India's economic imperative is to feed, clothe, educate and empower more than a billion people, in ways that conserve and grow its natural, cultural and social heritages. It cannot expect to accomplish this lofty objective on the strength of conventional commercial capital alone. If that were possible, India would not be home to over 3 million non-profit organizations who are working tirelessly to close the capabilities gap for hundreds of millions of Indians. These NPOs must receive adequate financial assistance to continue and multiply their stalwart efforts. They represent the core of the Hon'ble Finance Minister's vision for a new form of enterprise in India, one in which the entrepreneur is an agent of positive social impact more than anything else."*

The working group recommends creation of Zero Coupon Zero Principal Bonds for not for profit organisations (NPOs), setting up of a Self-Regulatory Organisation (SRO) to bring together existing Information Repositories (IRs) and creation of common minimum reporting standards on social impact by IRs including GuideStar India, Credibility Alliance and other similar organisations along with the Institute of Chartered Accountants of India (ICAI). It further recommends setting up of a capacity building fund to strengthen the reporting capacities of not for profit organisations. It also suggests certain tax concessions to NPOs listed on SSE; 100 per cent tax exemption under 80G, removal of 10 per cent cap on income eligible for deduction under 80G for donations to all NPOs that benefit from Social Stock Exchange, and, an increase in the limit of income from commercial or semi commercial activities of NPOs to 50 per cent from the current 20 per cent. It further recommends fast tracking of cases of 12A, 12AA and 80G for those NPOs complying with reporting requirements.

In March, with the spike in number of cases in Corona virus disease, Niti Aayog set up an empowered panel under the leadership of Mr Amitabh Kanth that "galvanised a network of 92,000 CSOs to harness their strengths and resources, expertise in key social sectors and extensive reach in the community[3]". The same press release issued by Niti Aayog, acknowledged the efforts of CSOs including Akshaya Patra, Rama Krishna Mission, Tata Trusts, Piramal Foundation, Piramal Swasthya, Bill and Melinda Gates Foundation, Action Aid, International Committee of the Red Cross Centre (ICRC), Pradhan, Prayas, HelpAge India, SEWA, Sulabh International, Charities Aid Foundation of India, Gaudia Math, Bachpan Bachao Andolan, the Salvation Army, Catholic Bishops' Conference of India and more, many of whom are VANI members. The civil society sector has been working along with the central and local governments ever since the start of the pandemic directly as well as facilitating disbursal of meals, dry ration, PPE Kits medicines and medical equipment, counselling etc. Civil society actors have been playing a key role in information spread through innovative ways and are also contributing towards arresting stigmatization of those affected as also the health professionals.

On the other hand, the government continued imposing stricter compliances, laws, cancelling FCRA registration (FCRA of 1,808 NGOs were cancelled in 2019 for non-filing of annual returns in FY 2017-18 taking the total number of cancellations to 14,500 over five years[4]), conducting raids on the premises of NGOs like Lawyers Collective (demanding subsequent arrest of its Senior Leadership on charges of alleged FCRA violation) and Amnesty India. Th treatment meted out to the students and activists raising voice against amendments to the constitution on citizenship, change in the status of Jammu and Kashmir revealed the intention of the government to stifle dissenting voices with a heavy hand.

Since the beginning of 2020, NGOs in India have been under immense pressure due to challenges emanating from different quarters. Beginning with the enactment of the Finance Bill 2020. The amendments are likely to impact approximately 2.20 lakh institutions exempted under the Income Tax Law. NGOs are required to file for a revalidation of their registration (under Section 12 A, 12 AA, 10(23C) and 80G) within three months from October to December 2020 (initially the revalidation was to take place from June until August). Thereafter, a renewal of registration is required to be repeated after every five years. The move has not just increased the administrative obligations on NGOs but put their very existence at stake. There are financial implications, by way of heavy penalties in case of non-renewal, that can be way beyond the paying capacities of NGOs working on meagre resources. The next blow to the sector came in March with the proposed amendments under the CSR Act stipulating

2   https://www.ndtv.com/india-news/union-budget-2019-nirmala-sitharaman-proposes-creating-social-stock-exchange-2064968
3   https://pib.gov.in/PressReleasePage.aspx?PRID=1620908
4   livemint Article: 14,500 NGOs banned by govt from receiving foreign funds dated 04 December 2019

CSR activities by companies in India to be undertaken by Companies themselves or through other Section 8 Companies or any entity established under an Act of Parliament or a State legislature (mainly autonomous bodies). The implementation of this would mean excluding registered charitable Trusts and Societies. Most of the NGOs in India are registered either as Societies or Trusts. Information on furtherance on the proposed amendments and action on suggestions from stakeholders is awaited from the government.

While the so-called 'third pillar' of our society was struggling to deal with the above, it came face to face with its next challenge (and perhaps a bigger one) in the form of Coronavirus and its allied affects in the form of hunger due to mass-exodus requiring its un-divided attention. The Civil Society Organisations, in their true spirit of volunteerism and social work, focussed their entire attention on providing relief to millions of migrant workers on their homeward journey, mainly on foot, due to uncertainty, loss of job and fear of getting infected.

Another bolt from the blue came from the setting up of PM Cares Fund on 28th March. The appeal from Corporate Affairs Secretary, Mr Injeti Srinivas, to company's chiefs, "Even if you have contributed the prescribed amount, which can later be offset against the CSR obligation arising in subsequent years, if you so desire", illustrates the intention of the Government. It is estimated that (until May 2020), approximately INR 9,677.9 crore[5] has already been contributed to the fund. Moreover, with the expected slowdown in economy due to lockdown, many companies have started reducing their committed CSR budgets to the projects in the voluntary sector. With the economic downturn and poor becoming poorer and not much coming their way through direct cash transfers, the voluntary sector may find it difficult to raise the concerns of such people in an effective manner due to the prevailing environment of stifling open protests.

Given the extremely unpredictable nature of challenges posed by the coronavirus pandemic, it is pertinent that all sectors in the country work together and put their energies in communion with other sectors to bring the nation out of these changing times. For the third sector to play a constructive role, it is vital that an enabling environment is provided to it by way of more funds, inclusive decision making and facilitating in service delivery. The sector expects the government to allow the ease of doing business in the coming times.

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5 https://www.indiaspend.com/pm-cares-received-at-least-1-27-bn-in-donations-enough-to-fund-over-21-5-mn-covid-19-tests/#:~:text=The%20actual%20corpus%20would%20be,by%20government%20agencies%20and%20staff.&text=PM%20CARES%20also%20receives%20foreign,owned%20defence%20exports%20company%2C%20Rosoboronexport.

INEQUALITY
How big is India's Inequality problem?

◆

The word Inequality does not make a single mention in BJP's
2019 election manifesto. No specific promises were made with regard
to inequality or with regard to income inequality.

According to Amartya Sen[1], *"There is empirical evidence that living in unequal societies with some people being much worse off, economically and socially, tends to produce deprivations in the absolute quality of life that people enjoy"*

India is one of the most unequal countries in the world. The top one per cent of the country's population holds 42.5 per cent of national wealth while the bottom half own a mere 2.8 per cent of the national wealth[2]. The wealth of nine billionaires alone is equivalent to the wealth of the bottom 50 per cent of the population.

Evidence also shows that inequality has become worse over time. A century ago, the top one per cent held 13.1 per cent of the total wealth[3]. Now, the top 1 per cent hold 42.5 per cent[4] of the total wealth. According to Credit Suisse, the Gini Wealth coefficient has risen to 83.2 per cent in 2019 from 81.2 per cent in 2008. Based on the All India Debt and Investment Surveys, the Gini coefficient for wealth rose to 0.75 in 2012 from 0.67 in 2002. India also fares poorly on various inequality indices. The UNDP Human Development Report 2019[5] showed that rise in inequality in India was second highest amongst all countries in the world. India ranked 76th out of 82 countries[6] on the 2020 Social Mobility Index by the World Economic Forum.

While it is well established that income inequality is an issue in India, this review evaluates efforts by the ruling government over the past year (2019-20) to reduce inequality, particularly income inequality. It does so, based on four parameters:

- Promises made by the government towards reducing inequality;
- Commitment to measuring and tracking data on inequality;
- Taxation policies and redistributive measures undertaken, if any; and,
- Relief package during the COVID-19 pandemic.

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1 At a public lecture in Ohio in 2017
2 https://www.oxfamindia.org/workingpaper/timetocare-india-supplement
3 World Inequality Database
4 https://www.oxfamindia.org/sites/default/files/2020-01/India%20supplement.pdf
5 https://www.bloombergquint.com/business/income-inequality-in-india-rise-in-inequality-in-india-second-only-to-russia-shows-un-report
6 https://www.indiatoday.in/business/davos-2020/story/india-ranks-7th-lowest-on-countries-providing-equal-opportunity-to-all-wef-report-1638550-2020-01-20

Review of promises made by the government to reduce inequality

The word *Inequality* does not make a single mention in BJP's 2019 election manifesto. No specific promises were made with regard to inequality or with regard to income inequality. For the purpose of this review, promises made with regard to social protection, food security and universal access to health are included for evaluating efforts by the government to reduce inequality. The promises and progress made on each promise is given below:

Promise	Progress
Cash transfers of Rs. 6,000 (in three installments) annually to small and marginal farmers under the *Pradhan Mantri Kisan Samm Nidhi Yojana*	**Plagued by implementation issues** — less than 30 per cent of intended beneficiaries received all three instalments while **almost 50** per cent **did not receive a single instalment**[7]. Progress on registration of beneficiaries has also slowed considerably, with more farmers registered before the Lok Sabha Election than those between April to November 2019[8].
Launch of pension scheme for small and marginal farmers	The *Pradhan Mantri Kisan Maandhan Yojana* was launched this year. It is a voluntary pension scheme where the government will make a matching contribution. Farmers who enroll for the scheme will receive Rs. 3,000 per month after they turn 60. According to the scheme's website[9], **only 20,40,258 have enrolled so far, less than 2 per cent of the eligible farmers**.
Launch of pension scheme for traders, shopkeepers and self-employed persons	While not part of the manifesto, the national pension scheme for traders, shopkeepers and self-employed persons was launched in September 2019. However, uptake of the scheme has been poor, with only around 30,000 accounts have been opened as on February 2020[10].
Provision of annual health cover of INR 5 lakh to over 10 crore families	According to the government[11], health cover has been rolled out for 53 crore intended beneficiaries. In May 2020, it was announced that over 1 crore[12] people had successfully availed treatment under the AB-PMJAY scheme. However, implementation of the scheme has been hit by cases of denial and fraud, with over 3,000 cases of fraud[13] reported and over 35 per cent[14] claims not paid.
Creation of 1,50,00 health and wellness centres by 2022	Close to 30,000 health and wellness centres have been established so far[15].
Widening food security cover (provision of subsidised food grains) to include subsidised sugar at Rs. 13/kg; ensuring it reaches 80 crore people	The Central government's expenditure on food subsidy increased by 8 per cent in 2019-20 compared to the previous year[16]. However, this has also been plagued by implementation issues, especially during COVID-19. Despite announcements by the government about the one nation-one ration card, 96 per cent migrant[17] workers did not receive rations from the government during the lockdown.

7   https://thewire.in/economy/pm-kisan-farmers-instalments-modi-government

8   Ibid

9   https://pmkmy.gov.in/

10 https://www.financialexpress.com/money/not-many-takers-for-this-national-pension-scheme-only-30000-accounts-opened-goa-has-just-one/1866638/

11 https://pmjay.gov.in/sites/default/files/2019-09/Annual%20Report%20-%20PMJAY%20small%20version_1.pdf

12 https://www.telegraphindia.com/india/over-1-crore-people-have-availed-free-treatment-under-ayushman-bharat-so-far-nha/cid/1774563

13 https://pmjay.gov.in/sites/default/files/2019-09/Annual%20Report%20-%20PMJAY%20small%20version_1.pdf

14 Lok Sabha Unstarred Question No. 1,066, Ministry of Health and Family Welfare, answered on November 22, 2019; HWC Portal, Ayushman Bharat; PRS.

15 Ibid

16 https://www.prsindia.org/parliamenttrack/budgets/demand-grants-analysis-food-and-public-distribution

17 https://www.thehindu.com/data/data-96-migrant-workers-did-not-get-rations-from-the-government-90-did-not-receive-wages-during-lockdown-survey/article31384413.ece

Commitment to measuring and tracking data on inequality

India has committed to meeting the Sustainable Development Goals by 2030. Reduction in inequality (SDG-10) is a key part in achieving these goals. In 2020, the government released *Sustainable Development Goals-National Indicator Framework Progress Report, 2020*. It provided data on three key sub-indicators related to SDG-10 Reduction in Inequality.

Indicator	Latest available data
10.1.1 - Growth rates of household expenditure per capita among the bottom 40 per cent of the population and the total population.	2011-12
10.1.2 - Gini Coefficient of Household Expenditure	2011-12
10.2.1 - Percentage of people living below 50 per cent of median household expenditure	2011-12

As is evident from the table above, the latest data being referenced dates back to 2011-12, indicating that no recent data on inequality has been collected by the government. The two voluntary national reviews undertaken by the government in 2017 and 2020 also provide no information on these indicators. While the 2020[18] report actually includes a section on inequality unlike the one in 2017[19], it does not provide any specific information on the progress India has made on the three inequality indicators mentioned above.

In contrast, the United Kingdom measures how evenly household income is distributed amongst the population, which is shared publicly by the Office of National Statistics in the annual Household Income Inequality reports[20]. India has no comparable public statistics; it has not even begun the process of developing indicators to measure income inequality. The policy discourse remains fixated on GDP growth, with calls by the Prime Minister to make India a USD 5 Trillion GDP economy by 2024[21].

The government's commitment to reducing inequality can be evidenced by whether inequality data is measured scientifically, spoken about in policy debates and shared publicly. On this parameter, the ruling government fares poorly given that no recent indicators for measuring income inequality are available nor is any process underway to develop such indicators.

Redistributive measures — Taxing the poor

Progressive taxation is one of the most important ways of reducing income inequality by ensuring that that the wealthy pay their fair share, and then making sure that the collected amount is appropriately redistributed.

India's taxation system remains more extractive rather than redistributive. While the country's direct taxation system appears progressive on paper, its increasing reliance on indirect taxes is clearly regressive. Indirect taxes contribute more to the total tax revenue than direct taxes[22]. Of the total indirect taxes collected in 2019-20, 62 per cent were from the Goods and Services Tax. The GST tax is a consumption based tax that penalizes the poor more than the rich, since they spend most of their income on consumption.

Further, India's tax system in India favours corporates rather than individuals. In September 2019, corporate tax rates were cut from 30 per cent to 22 per cent[23]. This is while the highest tax slab for individuals is 30 per cent[24]. This resulted in a reduction in tax revenue by Rs. 1,50,000 crores[25], reducing availability of resources for social sector spending and other redistributive measures.

18 https://sustainabledevelopment.un.org/content/documents/26279VNR_2020_India_Report.pdf
19 https://sustainabledevelopment.un.org/content/documents/16693India.pdf
20 https://scroll.in/article/963088/why-india-must-look-beyond-gdp-dont-tell-me-the-size-of-the-pie-tell-me-the-measure-of-my-slice
21 https://economictimes.indiatimes.com/news/economy/policy/modi-govts-usd-5-trillion-gdp-target-by-2024-looks-unimaginably-ambitious/articleshow/73212751.cms?from=mdr
22 https://www.prsindia.org/parliamenttrack/budgets/union-budget-2020-21-analysis
23 https://www.cbgaindia.org/wp-content/uploads/2020/02/Decoding-the-Priorities-An-Analysis-of-Union-Budget-2020-21-2.pdf
24 https://economictimes.indiatimes.com/wealth/tax/latest-income-tax-slabs/articleshow/62751981.cms
25 Ibid
26 https://www.chicagobooth.edu/research/rustandy/blog/2020/how-are-indian-households-coping-under-the-covid19-lockdown
27 timesnownews.com/business-economy/companies/article/mukesh-ambani-added-rs-95-crore-to-his-wealth-every-hour-in-last-two-months-poonawalla-gains-most/611040

The COVID-19 Pandemic's inequality impact

Inequality in India has never been starker. 84 per cent households have suffered a reduction in income, of which 34 per cent will not survive a week without additional assistance, all of whom belong to the lowest three quartiles[26]. At the same time, Mukesh Ambani has added Rs. 95 crores[27] to his wealth every hour over the space of two months.

The COVID 19 economic crisis required the government to take redistribute measures that put cash into the hands of people who needed it the most — migrants, daily wage earners and other individuals at risk of extreme deprivation. However, the package chose to focus on provision of credit to individuals and businesses rather than providing direct cash transfers to those in need. The provision of interest-free loans to Medium and Small Enterprises alone is worth Rs. 3 lakh crore, almost ten times[28] the amount of funds directly given to the poor (including Jan Dhan, PM Kisan Yojana and transfers to old persons, widows, disabled and construction workers).

The only new, direct cash benefit (beyond existing schemes such as PM-Kisan)[29] was a meagre Rs. 500 per month for women Jan Dhan account holders. However, reports show that even this benefit could not be accessed by 40 per cent of account holders[30]. For supporting street vendors, the government chose to offer credit rather than cash transfer at a time when they have lost their livelihood and there is uncertainty about when their business will resume.

As part of its manifesto, the government had promised free food grains and sugar to 80 crore individuals under the Pradhan Mantri Garib Kalyan Anna Yojana. On July 1st, the government announced extension of the scheme where all eligible beneficiaries will receive additional 5 kilograms grain per household and each household with a ration card will get 1 kilogram of chana.[31] However, this scheme leaves out of its ambit the most marginalized families, particularly migrants who lack the necessary documents[32].

Conclusion

Any effort to reduce inequality should be guided by values of equality, justice and fraternity. A first step to move towards equality is to acknowledge that inequality exists. However, the government has not made any effort over the last year to acknowledge and measure the level of inequality in our country. Instead of being guided by principles of justice (fiscal) which recommends redistribution of income, the government has pushed for regressive taxation measures such as GST that have affected the poor disproportionately; instead of putting money in their hands, it has taken from them. Lastly, it has failed in its efforts to create an enabling environment to protect the most marginalized people in the country from the economic impact of COVID-19, choosing instead to provide credit and subsidies to individual businesses and organizations.

Recommendations

1. Develop scientific indicators to track data on income inequality and make it available publicly.

2. Strengthen progressive taxation, including implementation of increased taxation on the super-rich and redistribute income thus generated to bolster social services and social security for the poor.

3. Put in place adequate social protection mechanisms for all, enforce living wage for all workers, stop labour abuses, protect dignity and rights of migrant workers, and protect the rights of workers to organize, thereby reducing the gap between informal and formal sector workers.

4. Ensure that no Indian falls into poverty because of health expenses and provide equal chances of survival for the rich and poor. Provide universal access to free and quality health services including entire range of essential drugs and diagnostics at public funded health facilities with adequate infrastructure and human resources. Effectively regulate private medical sector and ensure observance of patient's rights, regulation of rates and quality of various services.

5. Ensure that the Right to Food is implemented in letter and spirit to ensure food security for all, including the most deprived communities in India.

28 https://indianexpress.com/article/explained/atmanirbhar-package-full-break-up-of-rs-20-lakh-crore-nirmala-sitharaman-lockdown-6414044/
29 https://static.pib.gov.in/WriteReadData/userfiles/Aatmanirbhar%20Presentation%20Part-1%20Business%20including%20MSMEs%2013-5-2020.pdf
30 https://www.indiaspend.com/40-of-jan-dhan-account-holders-could-not-access-govts-covid-19-relief-survey/
31 https://www.hindustantimes.com/india-news/pmgky-extended-till-november-80-crore-people-to-get-free-ration-for-5-more-months-pm-modi/story-L69DCOiPJ4IJqTWYtux7PJ.html
32 https://scroll.in/latest/966143/food-rights-activists-criticise-extension-of-free-food-grain-scheme-say-it-wont-help-most-migrants

LGBTQIA+

Promises and Reality: Being LGBT*QIA+ in India

◆

The trans* community is fighting a losing battle especially because it is impossible for members of India's trans* and intersex community to be a part of the consultative process on the Transgender Persons (Protection of Rights) Act 2019.

The Supreme Court of India read down IPC Section 377 to decriminalise sex between two consenting adults on 6th of September 2018. On the occasion of this historic judgement, Justice Indu Malhotra said in her verdict, *"History owes an apology to the members of this community and their families, for the delay in providing redressal for the ignominy and ostracism that they have suffered through the centuries. The members of this community were compelled to live a life full of fear of reprisal and persecution"*[1].

Fast forward two years: Amidst the news of lockdown lie the cries of many LGBT*QIA+ individuals, still living in fear, or paying a hefty price for coming out. In this review we reflect on how the last one year has been for the LGBT*QIA+[2] community in India vis-à-vis government policies, social acceptance, and the current global pandemic.

Social and familial acceptance

After the legal battle was won in 2018, many queer[3] individuals came out. Even famous ones like Indian sprinter Dutee Chand, who then became the first openly gay Indian athlete.[4] But legal acceptance does not equal social acceptance. Dutee Chand faced a lot of backlash from her family and her community in Odisha. People from the queer community, experience a range of social, economic, health, and political disparities — often as a result of a culture that silences and invisiblises identities that don't conform to the norm. They suffer from social isolation and are placed at a higher risk of mental health problems for this reason. Hence, in the 2018 verdict, the Supreme Court issued guidelines to sensitise the public and government officers in order to eliminate social stigma and structural discrimination against the community[5]. But two years have passed since the

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1 Press Trust of India, "History Owes Apology to LGBT Community and Kin: Justice Indu Malhotra," September 6, 2018, https://economictimes.indiatimes.com/news/politics-and-nation/history-owes-apology-to-lgbt-community-and-kin-justice-indu-malhotra/articleshow/65708442.cms?utm_source=contentofinterest.

2 Lesbian, Gay, Bisexual, Trans*, Queer, Intersex, and Asexual. + denotes people with diverse gender identities and sexualities. Trans* refers to all persons whose sense of their gender does not match the gender assigned to them at birth. The star/asterisk in 'trans*'refers to all non-cisgender gender identities. These will include transwomen, transmen, gender non-conforming, genderqueer, gender non-binary, etc.

3 It is an umbrella term for people with diverse sexual and gender identities.

4 "Dutee Chand Becomes First Openly Gay Indian Athlete," May 19, 2019, https://www.bbc.com/news/world-asia-india-48327918.

5 Navtej Singh Johar & Ors. versus Union of India thr. Secretary Ministry of Law and Justice. W.P. (Crl.)No.76 of 2016 D.No.14961/2016. https://main.sci.gov.in/supremecourt/2016/14961/14961_2016_Judgement_06-Sep-2018.pdf

judgement and multiple disturbing headlines have surfaced in the past year, covering cases of discrimination against people marginalised on the basis of their gender identity and sexual orientation in India. Many queer and trans* individuals' lives have been lost or violated due to the existing transphobia and homophobia across the country. In these headlines, violators can be seen varying from strangers[6] to employers[7] and even family members[8,9]. Families, after all, are also part of society and are socially conditioned into accepting a threatening "cure" (conversion therapy[10]) over their child's identity. The basis of conversion therapy is the belief that homosexuality is an illness, not an identity. Although there is no provision that outlaws conversion therapy, it is a clear violation of 21 (a) of the Mental Health Care Act 2017[11] which refrains mental health practitioners from discriminating against patients based on gender and sexual orientation.

In Tamil Nadu, a lesbian couple was pushed to suicide by fear of separation, when one of them was being forced into a marriage by her family[12]. This couple was working under the same roof and under the same employer, who fired them on the suspicion of them being queer[13]. It is important to see this as structural discrimination.

This insensitivity is seeped into our system too. On April 26th, 2019, Assam's first transgender judge, Swati Bidhan Baruah, said she could not vote as a third gender voter but had to identify as a male voter because of the insensitivity of poll officials. She had approached the booth-level officer to get her ID corrected to reflect her gender identity. The officials said it would take time and elections would be over by then. They asked her to come back after the Lok Sabha election and said they'd rectify it before the assembly election (to be held in 2021). In a way, she was compelled to vote as a male voter.

Despite the facts enumerated above, India abstained from voting on the renewal of the mandate for an independent expert on protection for LGBT+ rights in the UN. At the Geneva-based 44-member UN human rights body, 27 countries voted in favour to extend the mandate of the Special Rapporteur (SR) for protection against violence and discrimination based on sexual orientation and gender identity (SOGI) for next three years.[14] These examples make evident the plight of LGBT*QIA+ individuals, which has grown, during the lockdown imposed to combat the COVID-19 pandemic, as cases of suicides and domestic violence rise[15,16].

The community and COVID-19

A recent study revealed financial distress and starvation to be the leading reason for the rise of suicides reported during lockdown, with loneliness and restriction on movement being a close second. Gender and sexual minorities are more vulnerable to the financial crisis as jobs become even harder to find or sustain.

On 11th May a petition was filed in Kerala High Court for protection of transgender community against discrimination in the grant of relief measures during COVID-19. The petitioner, Aneera Kabeer, a trans* person, submitted that since the nationwide lockdown on March 25th, the trans* community has been facing a lack of access to essential food supply, medicines, and

6   Soumya Chatterjee, "2 Trans Women from Manipur Allegedly Raped in Bengaluru, Cops Arrest 3 Men," The News Minute, May 19, 2019, https://www.thenewsminute.com/article/2-trans-women-manipur-allegedly-raped-bengaluru-cops-arrest-3-men-102019.

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

8   NH Web Desk, "Transgender Woman Shot at by Father for Joining Trans Community in Greater Noida," National Herald, April 26, 2019, https://www.nationalheraldindia.com/india/transgender-woman-shot-at-by-father-for-joining-trans-community-in-greater-noida-lgbtq.

9   Parvathi Benu, "A 21-Year-Old Queer Student Dies in Goa. Homophobia Triggered Her Suicide, Say Friends," May 15, 2020, https://www.edexlive.com/news/2020/may/15/a-21-year-old-queer-student-dies-in-goa-homophobia-triggered-her-suicide-say-friends-12035.html.

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

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

12 Nishant Ranjan, "Fearing Separation, Lesbian Couple Commits Suicide In Tamil Nadu," May 21, 2020, https://thelogicalindian.com/news/fearing-separation-lesbian-couple-commits-suicide-in-tamil-nadu-21206.

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

14 Devirupa Mitra, "Despite SC Ruling, India Abstains Again on Vote on LGBT Rights at UN," The Wire, July 13, 2019, |PAGE|, accessed August 04, 2020, https://thewire.in/diplomacy/india-abstains-again-on-vote-expert-lgbt-rights-at-un.

15 Vinay Arote, "IDAHOTB 2020: Coronavirus Lockdown Brings in a Wave of Hostility for the LGBTQIA+ Community," Mumbai Mirror (Mumbai Mirror, May 17, 2020), https://mumbaimirror.indiatimes.com/others/health-lifestyle/idahotb-2020-coronavirus-lockdown-brings-in-a-wave-of-hostility-for-the-lgbtqia-community/articleshow/75784985.cms.

16 Vignesh Radhakrishnan, Sumant Sen, and Naresh Singaravelu, "Data: Domestic Violence Complaints at a 10-Year High during COVID-19 Lockdown," The Hindu (The Hindu, June 24, 2020), https://www.thehindu.com/data/data-domestic-violence-complaints-at-a-10-year-high-during-covid-19-lockdown/article31885001.ece

treatment. They also face a threat of torture at the hands of police authorities. Many trans* people are unemployed due to the prohibition on institutions and shops to work since the lockdown. According to one study, more than 87 percent of trans* persons are dependent on traditional forms of livelihood like 'badhai' — earning money by giving blessings during private celebrations. Additionally, people from the from the trans* community also rely on begging and sex work and due to the lockdown. They have been completely without any form of livelihood or earnings. The ones who are working in petty shops or other small contractual employment are also unemployed since the lockdown.

Trans* persons also reported how the lockdown impacted their access to medicines like Antiretroviral Treatment (ART) for Persons living with the Human Immunodeficiency Virus (HIV)/Acquired Immuno-Deficiency Syndrome (AIDS), and those undergoing Hormone Replacement Therapy (HRT) required for gender transitioning. India is home to the world's third largest population living with HIV, and according to UNAIDS, the prevalence in trans* communities is 3.1 per cent compared to 0.26 per cent among all adults. Given their immuno-compromised state, this makes the HIV+ trans* community even more vulnerable to COVID-19.

While there are provisions and recognition of Trans* individuals and their situation during the pandemic, in different states[17,18,19], the central government has failed to meet the demands raised by the community. More than 2,000 people wrote to a letter to the Ministries of Finance, Home Affairs and Social Justice & Empowerment (MoSJE) on April 29th 2020 urging immediate assistance in food security and health of lakhs of trans*people across the country. They demanded an assured subsistence income of at least Rs. 3,000 per month to each trans* person until the pandemic got over. The National Institute of Social Defence, which comes under the MoSJE, provided Rs. 1,500 to around 4,500 trans* persons from different states. This is a small proportion of the trans* community reached as there are at least 4.88 lakh trans* persons in India according to the 2011 Census. Even the Pradhan Mantri Garib Kalyan Yojana, announced by the Finance Minister, did not make any reference to the trans* community.

Policy/institutional interventions

There were other policies and interventions at state level in the past year, that have been helpful for the community. For instance, the Uttarakhand High Court has acknowledged that while same sex couples may not be eligible to tie the knot yet, they still have the right to live together. This move, especially, helps individuals from the community to cohabit a space with their partners and move away from toxic environments without the fear of any legal objection.

The Madras High Court directed the Tamil Nadu government to ban sex-reassignment surgeries on intersex[20] infants and children. In numerous cases, doctors and parents decide to perform surgeries on intersex infants and children to make their bodies conform to the male-female binary and often this leads to disassociation. This ban would allow people with intersex variations to choose what they want to do with their bodies, instead of imposing an identity upon them.

A major initiative was undertaken by the Rajasthan Government to connect the trans* community with mainstream society that provides transgender people in the state with separate identity cards so that they can get the benefit of government jobs as well as all government schemes.

However, there have been notable commissions and omissions by the government in the year under review.

The Transgender Persons (Protection of Rights) Bill introduced in Lok Sabha on July 19th, 2019 by the MoSJE, was heavily critiqued[21] by the trans* community. One of the points raised was that the Bill requires trans* persons to undergo Gender Affirming Surgery (GAS) or Sex Reassignment Surgery (SRS) which is in clear contravention of the NALSA judgement 2014 that granted the right to self-identification. The Bill was passed by Parliament on November 26th and given Presidential assent

17 New Indian Xpress, "Earmark Special COVID-19 Wards for Transgender Community in Hospitals: Telangana High Court," The New Indian Express (The New Indian Express, July 1, 2020), https://www.newindianexpress.com/states/telangana/2020/jul/01/earmark-special-covid-19-wards-for-transgender-community-in-hospitals-telangana-high-court-2163627.html.

18 Radhika Roy, "Patna HC Issues Notice On Plea Regarding The Pitiful Condition Of The Transgender Community During COVID 19.[Read Order]," Live Law (Live Law, May 3, 2020), https://www.livelaw.in/news-updates/patna-high-court-issues-notice-to-the-government-of-bihar-regarding-the-pitiful-condition-of-the-transgender-community-156149?infinitescroll=1.

19 Karishma Hasnat, "As Manipur Gets First Covid-19 Quarantine Centre for Transgender Community, Demand Echoes in Assam Too," News18 (News18, May 23, 2020), https://www.news18.com/news/india/as-manipur-gets-first-covid-19-quarantine-centre-for-transgender-community-demand-echoes-in-assam-too-2633337.html

20 Human bodies have many variations, and these could be at multiple levels — reproductive, hormonal, physical, etc. Intersex variations are congenital differences in reproductive parts and/or secondary sexual characteristics, and/or variations invisible to the eye such as chromosomal and/or hormonal differences. Since human bodies are so diverse, there is no absolute standard of a 'normal' male or female body.

21 Megha Mehta, Soumya Mishra, and Sukanya Shaji, "A Critique Of Transgender Persons (Protection Of Rights) Bill, 2019," Feminism In India, August 5, 2019, https://feminisminindia.com/2019/08/05/critique-transgender-persons-protection-of-rights-bill-2019/.

on December 5th, 2019, despite protests from the trans* community. The MoSJE, issued a notification on January 10th, 2020, notifying the Trans* people about the Act.

On April 18th, 2020, the Government of India released draft rules on Transgender Persons (Protection of Rights) Act while the country was under lockdown. The set of draft rules released by the government constitutes a blow to the community. The government set April 30th as the last date for submission of comments. As a result of mounting public pressure, the deadline was extended to May 18th. The Rules were subsequently published in the Gazette and the Government further asked for more comments. The Bill provides for the provision of accommodation and schooling by the government, according to the Transgender Persons (Protection of Rights) Rules, 2020. But the price to pay is to affirm to the gender binary and undergo GAS/SRS. According to a news article[22], trans* persons who had to run from pillar to post for GAS/SRS will soon be able to get the procedure done for free at state-run hospitals. The rules, which are expected to be notified soon, would make it mandatory for at least one government hospital in every state to provide GAS/ SRS.

The trans* community is fighting a lost battle especially because it is impossible for members of India's trans* and intersex community to be a part of the consultative process on the Transgender Persons (Protection of Rights) Act 2019. The government continues to be apathetic to the voices raised challenging the act and the changes demanded by the community[23,24,25].

Recommendations

1. Pass a law on non-discrimination in the context of LGBT*QIA+ persons.

2. Revisit the NALSA judgement 2014 and amend the Trans* Act 2019 and recognise trans* persons the right to self-determination.

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

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

5. Recognise ART and HRT as essential medical health services, and facilitating trans*persons' access to these services through district and local hospitals and medical health centres.

6. Sensitise medical healthcare professionals to the particular needs of the LGBT*QIA+ community in order to combat discrimination and stigma.

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

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

22 Neelam Pandey et al., "Free Gender Reassignment Surgeries Soon at Govt Hospitals under New Transgender Rights Rules," June 8, 2020, https://theprint.in/india/governance/free-gender-reassignment-surgeries-soon-at-govt-hospitals-under-new-transgender-rights-rules/437561/.
23 Human Rights Law Network, "Challenge to the Transgender Persons (Protection of Rights) Act, 2019," HRLN, accessed August 7, 2020, https://hrln.org/litigation/untitled-5eb27e169a155.
24 Gaurav Das, "Assam's First Transgender Judge Awaits Centre's Response to SC Plea Against 'Humiliating' Act," The Wire, February 3, 2020, https://thewire.in/lgbtqia/swati-bidhan-baruah-transgender-act.
25 Almas Shaikh, "Grace Banu Ganeshan & Ors. v. Union of India & Anr.: A Constitutional Challenge to The Transgender Persons (Protection of Rights) Act 2019," July 28, 2020, https://clpr.org.in/litigation/grace-banu-ganesan-ors-v-union-of-india-anr/.

LIVELIHOODS

Livelihoods cannot be limited to skill building and entrepreneurial incentives

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A just and inclusive economy cannot be built back by allowing a relaxation in labour laws to revive the economy, especially given that more than 90 per cent of informal workers already lack access to social security, safety and the significant prevalence of child labour.

India's report on progress towards sustainable development goals submitted for the voluntary national review 2020 shares how the national development agenda of *Sabka Saath Sabka Vikaas* (Collective Effort for Inclusive Growth) mirrors the principle of SDG's i.e., leave no one behind. The idea of inclusive growth, however, remains elusive in practice in a condition where 90 per cent of the workforce is employed in the informal economy with contractual work and vulnerable conditions as labour reforms do not apply to informal work[1]. India has shown tremendous growth, being ranked as seventh-largest economy in the world and the third-largest economy in terms of purchasing power India. But India also records a dismally high rate of unemployment, especially among the youth (who constitute 18 per cent of the population). A report by UNICEF, 2019[2] stated that more than half of the South Asian youth (a major percentage of which is contributed by India) do not have the necessary skills to meet the demands of the labour market. India has risen to the 68th position in the Global Competitiveness Index of the World Economic Forum but it records a low position 108th in the World Economic Forum's Global Gender Gap, having fallen to the 112th position in 2020. All of these are contrary to the idea of inclusive growth.

This report attempts to understand the critical gaps that remain in achieving the SDG Goal 8 — Decent Work and Economic Growth (which is inclusive and sustainable) by analysing the mismatch between various missions, programmes and initiatives launched by the Government, their adequate implementation and non-alignment with the multiple intersections of marginalization that exclude sections of youth, women, socially marginalized caste and class groups.

Rural Livelihoods and access

India has various targeted initiatives for ensuring livelihoods, skill training as well as social security. India's rural population has a targeted livelihood support through the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) which promises 100 days of guaranteed wage employment per household in a year and a compensation in case of the

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1   This is mentioned as a challenge in India's VNR2020 pg 83
2   UNICEF 'Voices of Youth' survey, 2019, https://www.unicef.org/press-releases/more-half-south-asian-youth-are-not-track-have-education-and-skills-necessary

State's inability to provide jobs on demand. The official records share that 136 million job cards have been issued under MGNREGA and there has been a 12 per cent increase in employment generated in 2019-20 as against 2016-17 with a larger share of women who have benefited from it. Budgetary allocation MGNREGA were decreased when compared with the revised estimate of FY 2019-20, despite an acute funds shortage faced in the implementation of the job guarantee scheme[3]. This has resulted in delays in wage payments, non-payment of compensation for these delays, rationing of available work (to levels far lower than the guaranteed 100 days paid work), and non-payment of minimum wages. With respect to women's participation in MGNREGA, there definitely has been an increase in access to wages, leading to better income for rural women. But problems like not giving valid job cards to women, wage differentials and most critically non-availability of gender sensitive infrastructure like crèches, restrooms or washrooms at job sites have impacted the actual participation of women in MGNREGA.

Besides MGNREGA, there has been an investment in the agricultural sector through interventions like *Pradhan Mantri Fasal Bima Yojana* (Prime Minister's Crop Insurance scheme), increasing irrigation efficiency through the *Pradhan Mantri Krishi Sinchayee Yojana* (Prime Minister's Irrigation Scheme), strengthening agricultural marketing, connecting farmer-producer organisations for farm entrepreneurship as mentioned in the India-VNR report 2020. However, despite such interventions, the non-recognition of marginalized groups, like women farmers agricultural labour (48 per cent of women are self-employed farmers and 33 per cent of the agriculture labour force comprises women)[4], poor tenant farmers and landless labourers. Marginal farmers account for more than 85 per cent of total farm holdings, their share in operational area is only 41.2 per cent[5] which excludes them from access to many of the government schemes or services. As against 75 per cent of rural women who are engaged in agriculture, only 13 per cent own land and are recognised as farmers while others become unpaid agricultural labour impacting their ability to access credits, marketing benefits, crop insurance schemes etc. which pushes them into poverty. Similarly, tenant farmers remain hidden and invisible in India due to restrictive tenancy laws in the country that make land-lease arrangements for agriculture largely informal, leaving tenant farmers out of the government's ambit of services (Haque, 2001). Hence, while policies exist, the structural exclusions, non-recognition of marginalized groups like women farmers, landless labour or tenancy farmers, makes them invisible from a policy perspective and hence they are left behind.

Livelihoods and Skill-building

India is considered a country with demographic dividend on account of a large proportion of youth comprising of 34.8 per cent of India's population (Census 2011). However, sadly this potential remains underutilized as in India, almost 27 per cent i.e. 423 million youth are neither in employment, nor education nor training (NEET) indicating a considerable loss of productive capacity at a macroeconomic level as well. This situation would have exacerbated during COVID-19 as the Centre for Monitoring Indian Economy (CMIE) reported a spike in the country's unemployment rate from 7 per cent — 27.11 per cent between March-May 2020.[6]

Hence unemployment of youth is an issue, despite the fact that India has a specific policy, The National Skill Development and Entrepreneurship Policy, 2015, and a ministry in the Union Government dedicated to the development of skills and entrepreneurship, the Ministry of Skill Development and Entrepreneurship, besides the *Pradhan Mantri Kaushal Vikas Yojana* (PMKVY)[7] and campaigns like 'Skill India'[8] and 'Make in India'[9] that set the context of skill development initiatives in the country targeting to skill 400 million people by year 2022.

The PMKVY has trained 8.7 million till 2019 and also attempts to be inclusive with reservations for women, quotas for women candidates, incentives such as[10] travel allowances and post-training allowances for women (subject to few conditions) along with specific quota for the differently abled. Through these initiatives it claims a high enrolment of women under the scheme. However, the fact remains that despite these measures the female workforce participation rate continues to decline from 36 per cent (as in 2005-2006) to 24 per cent in 2015-16 and further to 18 per cent (SDG India Index 2019) with a further decline

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3   https://www.businesstoday.in/union-budget-2020/decoding-the-budget/budget-2020-govt-reduces-spending-on-mgnrega-allocates-rs-60000-crore-for-fy21/story/395294.html

4   https://www.oxfamindia.org/women-empowerment-india-farmers

5   https://www.financialexpress.com/opinion/why-india-needs-a-land-leasing-framework/1517849/

6   https://www.thehindu.com/business/indias-unemployment-rate-rises-to-2711-amid-covid-19-crisis-cmie/article31511006.ece

7   PMKVY was launched in 2015 to impart skills to 2.4 million people (1.4 million new and 1 million through up gradation of skills through the Recognition of Prior Learning).

8   Launched on July 15, 2015, by the Government of India meant "to train over 40 crores (400 million) people in India in different skills by 2022". See https://www.narendramodi.in/pm-s-remarks-at-the-launch-of-skill-india--206106

9   Launched on September 25, 2014, by the Government of India meant to "facilitate investment, foster innovation, enhance skill development, protect intellectual property and build best-in-class manufacturing infrastructure". See http://www.makeinindia.com

10 Incentives under PMKVY to encourage women participation in the skills training include the provision of traveling allowance of Rs. 1,000/1,500 per trainee per month depending upon whether TC is within the district of domicile of candidate or outside. Similarly, post-placement support of Rs. 1,450 per month per trainee is applicable for a special group including women for 2 or 3 months' post-training depending on placement within or outside the district of the domicile of the candidate

projected post COVID-19 lockdown. Therefore, despite focus on skill building of women, the participation of women continues to fall out/ stay away/or are unable to participate in the workforce which indicates that it is not just enough to impart skills. It indicates a lack of understanding of the underlying structural inequalities that impact women's entry and sustenance in the workforce, and, interconnections which are crucial not just for women but for all marginalized sections access to decent work[11].

In fact skilling is not an end in itself, but a means to decent jobs which is still wanting in India, given the rate of unemployment[12]. Data from the ministry of youth affairs on skill trained youth who received certification and placement in 2019-20 indicate that out of 97,091 youth who were trained, 68 per cent received a certification and 33 per cent were ultimately placed in jobs. The retention rate of trainees in jobs remains a challenge for PMKVY as well[13] with a combination of issues being attributed to this — both demand side failures like mismatch of aspirations of youth and supply side problems like lack of industry-relevant skills and new entrants leaving opportunities within three months due to lack of mentoring facilities needed for first time job entrants. There are also structural issues like distance of workplace from home etc.

The India-VNR-2020 report speaks of promoting entrepreneurship as a vehicle for growth in jobs in the economy through financial incentives like micro and medium finance for start-up projects and micro-enterprises. However, there is a need to question this new age paradigm, especially if we look at livelihoods of the marginalized. Marginalised sections of the society have been entrepreneurs, sell vegetables, run tea kiosks and other local community shops for their survival. But in the absence of a social security net, basic public services like public health infrastructure, decent government schools regular supply of clean drinking water[14], they a deprived of an opportunity for a 'decent livelihood'. In this backdrop, it seems that the State is abdicating its responsibilities for securing basic labour norms. Besides, a recent study by Observer Research Group and World Economic Forum 2018[15] indicates that youth in India aspire for a job with good salaries, ample opportunities for promotion career development, and job security. The research indicated that 49 per cent of youth preferred a job in the public sector; 23 per cent preferred the private sector while only 17 per cent chose entrepreneurship. 82 per cent of the young women chose full-time employment. With reference to the 'gig economy', 63 per cent of the youth reported being interested but as an additional source of income. This indicates that the future generations demand for decent jobs, with career growth and security. In the situation where such jobs are unavailable, youth are choosing to stay away from jobs if they can afford to or entering jobs which not match their aspirations, a situation that is applicable for most marginalized sections of youth.

The impact of COVID-19 pandemic on livelihoods

India was forced to lockdown in the wake of the COVID-19 pandemic. As noted by ILO, globally almost 1.6 billion informal economy workers out of a worldwide total of two billion and a global workforce of 3.3 billion, have suffered massive damage to their capacity to earn a living. India currently has a total of 465 million workers in the informal sector, which has been the hardest hit with long term repercussions on both the economy and individuals.[16] This group of workers have irregular incomes and are highly vulnerable to economic slowdown and health crisis. According to the Centre for Monitoring Indian Economy (CMIE), India's unemployment rate has risen to 27.11 per cent during the COVID-19 crisis[17]. Rural areas have been hit harder, with seasonal migrants, smallholder farmers, the landless, and daily wage labourers being dependent on additional income from the informal sector. Many of these workers take on jobs in the construction industry, as taxi and auto rickshaw drivers, or in petty shops etc.[18]

Indian Institute of Social Studies Trust, in its studies on impact of COVID-19 on informal sector workers particularly construction workers, domestic workers and female waste pickers highlights the major challenges in terms of loss of job, lack of alternative livelihood and denial of payment of wages. Of the 36 women construction interviewed, all reported loss of job, 32 per cent shared that they could not find alternative livelihood and 25 per cent shared that they were denied wages for the jobs completed.

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11 ILO defines decent work as "Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men

12 Despite the impressive rate of growth of output, the unemployment rate (15-59 years) in 2017-18 was 8.2 per cent in urban areas and 5.7 per cent in rural areas. The target of promoting job-creation and entrepreneurship is thus yet to be fully realized. (India VNR 2020, Niti Aayog, Pg 83)

13 Azad-ASPBAE Study, 2017, Financing Options for Skills for Work of Marginalized Women

14 In urban slums 74 % areas have piped connection as per government statistics but access to tap water is not through individual connections but a community stand-post where people have to line up and wait to collect water.

15 The Youth Aspirations in India Survey by Observer Research Group (2018) covered a sample of 5,764 youth between the ages of 15 and 30 were asked about their employment, education and skilling aspirations. Data was collected from seven states in India, including Andhra Pradesh, Assam, Maharashtra, Odisha, Uttar Pradesh and West Bengal, as well as Delhi

16 https://www.icrisat.org/double-burden-of-covid-19-declining-livelihood-opportunities-and-aspiration-failure-among-poor-people/

17 https://www.thehindu.com/business/indias-unemployment-rate-rises-to-2711-amid-covid-19-crisis-cmie/article31511006.ece

18 https://www.icrisat.org/double-burden-of-covid-19-declining-livelihood-opportunities-and-aspiration-failure-among-poor-people/

Further opening up of the economy might not ensure jobs to all labourers, for instance house painters may not be accepted inside homes citing health advisory.

Another study[19] indicates massive shock to the livelihoods and wage earnings of families involved in the informal sector. Of the 1,000 families surveyed in Delhi, 91 per cent of male workers have been completely unable to work. Around 85 per cent of the respondents who were employed before the lockdown have not earned any income from their main occupation while over half (53 per cent) of those who were employed before March 24 did not receive their full salary for the month of March. The majority of those reporting not doing any work or earning any income since the lockdown are the self-employed (32 per cent) and wage labourers in factories or construction jobs (30 per cent). Of those who were gainfully employed before March 24 and report some days of work post-lockdown, the daily earnings declined significantly by 87% — from an average of Rs. 365 to Rs. 46 per day.

The above data clearly presents a dismal picture of livelihoods in India. A majority of the population is dependent on the informal sector, living hand to mouth even in normal times, without any social security net, health benefits or margin of savings. A study conducted by Azad[20] using digital tools to map community needs indicated that despite 67 per cent of households reporting that they had access to a ration card, 50 per cent were still in immediate need of food with reserves as low as one week. The reasons cited were inability to access ration due to ration shops being closed, migrants not being able to access ration as their card was of a different state, or their card was not a BPL card and no diversification of the food basket with availability of only low quality wheat or rice. This is despite policies that have indicated a 'one nation one ration card' scheme with additions of pulses to diversify the food basket.

Hence the interventions have to be more structural and interlinked in a situation that has laid bare gaping holes in our structural fabric if we are to build back better through inclusive and just livelihoods and decent jobs. A just and inclusive economy cannot be built back by allowing a relaxation in labour laws[21] to revive the economy, especially given that more than 90 per cent of informal workers already lack access to social security, safety and minimum wages and the significant prevalence of child labour. We cannot build back if we only think of skills as a means to an end, or think of technology driven skills, digital skills without considering the significant digital divide. As per the National Family Health Survey 4 (2015-16), less than 46 per cent of women own and use a mobile phone and in the current context of restrictive mobility, rise of violence the usage will be even more curtailed. To build back we have to do away with the illusive sense of homogeneity which considers that all farmers are equal, have equal access, without recognizing that women farmers need recognition. To build back, we will also have to revisit the thought that youth have similar aspirations negating the intersectional needs of different demographic groups with special focus on marginalised groups like young people from LGBTQI community, Muslims, Dalit and communities and OBCs.

Recommendations

The discussion above indicates that livelihoods for the marginalised require a more structural approach especially in the context of COVID-19. Livelihood platforms, promotion of self-employment and skill programs cannot be the only answer to promoting employment and capitalising India's demographic dividend as we need a social security network, in the form of supportive infrastructure and labour laws while also ensuring that social security benefits like ensuring basic food security, ensuring state intervention to deliver 'public goods' in the form of universal healthcare, universal education that create a support system for the vulnerable population. This is an immediate need. Some specific recommendations for long term policy intervention on inclusive livelihoods are detailed below

1. Policies pertaining to promotion of livelihoods cannot be limited to skill building and incentives for entrepreneurial ventures. They have to build market-relevant skills, decent jobs and inclusive labour laws that permit marginalised sections like women, lower caste groups like Dalit people and Tribal people to seek opportunities beyond the occupational segregations that limit their current access to livelihoods with dignity.

2. Policies related to livelihood promotion should include governance around structural inhibitors like unpaid care work, prevalence of violence at home and in public spaces to enable an increase in work participation of women.

3. Creating facilitative infrastructure and legal mechanisms to formalise labour laws is critical e.g. doing away with contractual employment across sectors or crèches and hygienic washrooms for women at workspaces that create an ecosystem and participation and sustainability of women in the workforce.

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19 https://thewire.in/rights/how-has-covid-19-crisis-affected-the-urban-poor
20 Azad Foundation is conducting a community based mapping using a mobile based application. It has covered 20,000 people across urban resettlement colonies of Delhi, Jaipur and Kolkata. The study is still continuing and the results shared are based on data as of 16th June.
21 Actions like deregulation of factories from labour compliances, amendment of Factories Act 1948 to allow extension of working hours from 8- 12 hours
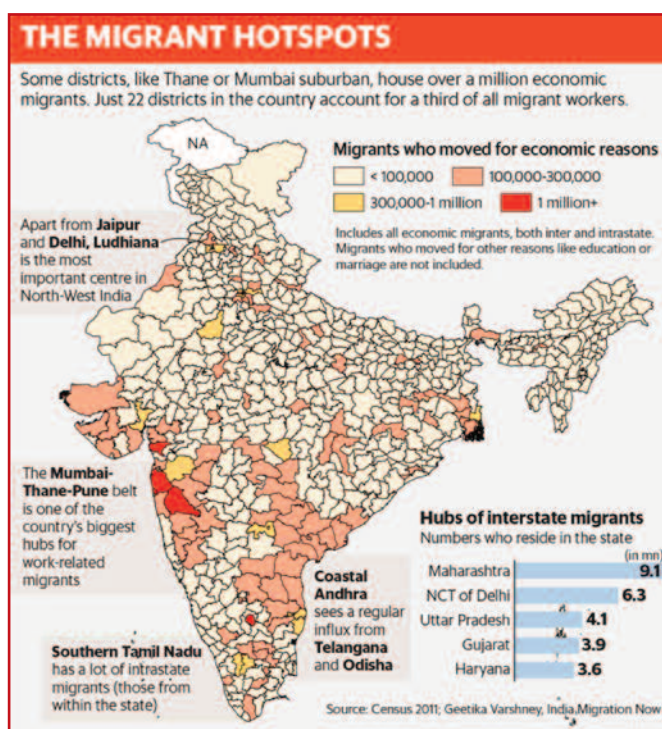
MIGRANT WORKERS

Migration in India — abandoned by the State

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Migrant workers, especially interstate migrant workers — living a hand to mouth existence and lacking in any social and familial networks — suffer also because of numerous structural and policy gaps that make their situation further precarious.

Migration is the movement of people away from their usual place of residence, internal or from outside of state borders. The official data on migration in India is from the 2011 Census, which says 45.5 crore Indians or 38 per cent of the population could be classified as "migrants"[1]— a marked increase compared to 31.5 crore migrants in 2001, then 31 per cent of the population.   While population grew by 18 per cent, the number of migrants increased by 45 per cent between 2001 and 2011. As per the 2016 Economic Survey, the size of the migrant workforce is over 10 crores.[2]

At just 4.5 crores, economic migrants make up less than a tenth of all migrants in India.[3,4,5] This includes inter-state migrants as well as migrants within each state. Migrant flows can be classified on the basis of origin and destination — in rural and urban binary; i.e.: i) rural-rural, ii) rural-urban, iii) urban-rural and iv) urban-urban. Rural-urban and urban-urban movement accounted for around only 8 crore migrants. Another way to classify migration is: (i) intra-state, and (ii) inter-state. In 2011, intra-state movement accounted for almost 88 per cent of all internal migration (39.6 crore persons) and there were only 12 per

THE MIGRANT HOTSPOTS

Some districts, like Thane or Mumbai suburban, house over a million economic migrants. Just 22 districts in the country account for a third of all migrant workers.

Migrants who moved for economic reasons

< 100,000   100,000-300,000
300,000-1 million   1 million+

Includes all economic migrants, both inter and intrastate. Migrants who moved for other reasons like education or marriage are not included.

Apart from **Jaipur** and **Delhi, Ludhiana** is the most important centre in North-West India

NA

The **Mumbai-Thane-Pune** belt is one of the country's biggest hubs for work-related migrants

Coastal Andhra sees a regular influx from **Telangana** and **Odisha**

Southern Tamil Nadu has a lot of intrastate migrants (those from within the state)

Hubs of interstate migrants
Numbers who reside in the state

(in mn)
Maharashtra	9.1
NCT of Delhi	6.3
Uttar Pradesh	4.1
Gujarat	3.9
Haryana	3.6

Source: Census 2011; Geetika Varshney, India.Migration Now

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1   https://censusindia.gov.in/2011census/migration.html
2   https://www.prsindia.org/theprsblog/migration-india-and-impact-lockdown-migrants
3   https://www.livemint.com/news/india/why-india-s-migrants-deserve-a-better-deal-11589818749274.html
4   The Census defines a migrant as a person who is at a different place from his or her "usual place residence" at the time of the Census enumeration. However, the vast majority of these "migrants" are women who have moved out of their village or town to get married.
5   https://www.thehindu.com/data/45.36-crore-Indians-are-internal-migrants/article16748716.ece#:~:text=45.36%20crore%20Indians%20 (37%20per,data%20released%20on%20Thursday%20reveal.&text=Around%2021.7%20crore%20of%20the,per%20cent%20%E2%80%9 4%20cited%20this%20reason.

cent (5.4 crore persons) as inter-state migrants.[6] Of course, there is variation across states in terms of inter-state migration flows. The better developed west and southern regions of the country received the migrants as destinations, whereas northern and eastern regions acted as origin states, thereby exhibiting a clear spatial trend. It is estimated that Uttar Pradesh and Bihar account for the origin of 25 per cent and 14 per cent of the total inter-state migrants, followed by Rajasthan and Madhya Pradesh, at 6 per cent and 5 per cent respectively.[7]

The most marginal and vulnerable are the inter-state workers. A huge number of them work in the informal sector and are short-term migrants. Unlike overall migration, which is far more intra-state than inter-state, short-term migrants are more likely to migrate between states and they move largely to urban areas and over longer distances than long-term migrants for economic opportunities.[8] Long-term migrants are more likely to be educated, come from upper income groups, are mobile, with social networks/ privileges. In contrast, short-term migrants are less educated, tend to be of Dalit or of Adivasi origin, and come from the poorer sections of the society. They come from households where the head was either illiterate or had only completed primary education.[9] They occupy the lowest ladder of migration. The monthly household income of 22 per cent daily and weekly wagers is lower than or up to Rs. 2,000; of 32 per cent, between Rs. 2,000 and 5,000; of 25 per cent, between 5,000 and 10,000; of 13 per cent, between Rs. 10,000 and 20,000; and of 8 per cent, more than Rs. 20,000 — thereby leading a hand to mouth existence in urban India.[10]

Existing Policy Gaps — Why the Migrant Workers Suffer the Most

Migrant workers, especially interstate migrant workers — living a hand to mouth existence and lacking in any social and familial networks — suffer also because of numerous structural and policy gaps that make their situation further precarious. Three main reasons can be identified. Firstly, **Poor implementation of protections under the Inter-State Migrant Workmen Act, 1979 (ISMW Act)**.[11] It is the only law specific to the migrant interstate workers that provides certain protections for inter-state migrant workers. Over the last 40 years of the Act, the Central and state governments had not made many concrete, fruitful efforts to ensure that contractors and employers mandatorily register the workers employed with them enabling access to benefits.[12] This law is not observed as workers are nor registered nor are they getting any benefits as inter-state migrant workers.

Secondly, **Lack of portability of benefits and entitlements** — With the short-term migration pattern, it is very tough to register oneself in a specific geography. And even if migrants register to claim access to benefits at one location, they lose access upon migration to a different location. Thus workers are unregistered, undocumented and living/working without any or little recognition as workers.

Thirdly, **Lack of affordable housing and basic amenities in urban areas** — Migrant workers do not have any official scheme or policy that provides for the housing needs of such groups. They are dependent on the renting habitable spaces in already overcrowded informal settlements or dependent on contractors for housing close to work/ livelihoods sites.

The COVID-19 pandemic and the Migrant Crisis

Phase 1 — Unplanned Lockdown and Stranded Migrants
The nationwide lockdown in March caught millions of migrant workers and the bureaucracy off-guard, leaving them no time to plan and prepare. With factories and workplaces shut down due to the lockdown imposed across the country, migrants had to deal with loss of income, food shortages and uncertainty about their future. The earliest reports from a rapid assessment survey of the impact of COVID-19 on migrant workers had carried suggested that 92.5 per cent of the labourers surveyed had already lost anywhere between one to three weeks of work. The report highlights that 62 per cent of the interviewees did not know the emergency welfare measures, and 37 per cent of them did not know how to access the schemes, while almost 42 per cent of the workers said they had little to no ration.[13] According to another study carried out by the Stranded Workers Action Network (SWAN), 33 per cent of the respondents said they were stuck in cities due to the lockdown with little or no access to food, water and money.[14] Following this, many of them and their families went hungry. Due to sudden announcement of lockdown and unprepared for the suspension of public transport, a large number of migrant and their families began undertaking their journeys on foot to go back to their villages and hometowns. The Ministry of Home Affairs authorized state government to use their disaster response funds to support these migrants' labours with shelters and food. Those were the first wave of migrants walking back home from March end onwards. This phase saw at least 300 number of migrants deaths.[15]

6   https://www.prsindia.org/theprsblog/migration-india-and-impact-lockdown-migrants

7   https://indianexpress.com/article/explained/coronavirus-india-lockdown-migran-workers-mass-exodus-6348834/

13 https://idronline.org/covid-19-voices-from-the-margins/

14 https://www.thehindu.com/news/resources/article31442220.ece/binary/Lockdown-and-Distress_Report-by-Stranded-Workers-Action-Network.pdf

15 https://gulfnews.com/world/asia/india/the-human-cost-of-indias-coronavirus-lockdown-deaths-by-hunger-starvation-suicide-and-more-1.1586956637547

Phase 2 — Lockdown Extended and Chaos Followed

By the end of April it was amply clear that the State had lost its plot. Scenes of migrant workers discontent was clear as thousands gathered on the streets in Mumbai, Surat and many other cities. Only a miniscule minority of which some 6 lakh workers have found relief in government-run shelters and 22 lakh have been provided food. Quick assessment reports revealed that 96 per cent had not received rations from the government and 70 per cent had not received any cooked food.[16] It was reported in a study by SWAN, that 78 per cent of people have less than Rs. 300 left with them and 89 per cent have not been paid by their employers at all during the lockdown; thereby suggesting glaring gaps in relief efforts by the state and central government.[17]

In a delayed response, after a full month, the Central and state Governments took various measures to help the migrant workers, and later arranged transport for them. An MHA order dated May 1 permitted the travel of inter-state migrants by special Shramik Trains to be operated by the Ministry of Railways.[18] But this also was uncoordinated and resulted in chaos and struggle for stranded workers to travel. Since April 29, the MHA has issued at least eight different travel orders and the number of trains running has also been inadequate. This stage of lockdown was also heavily critiqued for conflicting orders and announcements, unhelpful helplines, complicated portals and an entirely opaque system of scheduling trains and assigning priority for travel.[19] It was apparent that there was centralization of planning and also, in all state responses, policy afterthought and implementation were not considered. This extension of the lockdown saw another wave of migration, now with more people desperate to get home. The spate of deaths of migrant workers continued in road accidents, exhaustion due to walking long distances, dehydration and hunger.[20]

Phase 3 — Atma Nirbhar Bharat Abhiyaan and Migrants Let Down Again

Between May 1 and June 3, Indian Railways operated 4,197 Shramik trains transporting more than 58 lakh migrants.[21] Top states from where Shramik trains originated are Gujarat and Maharashtra. The destinations were Uttar Pradesh and Bihar. Subsequent to the first four stages of lockdown, there was an announcement of the Atma Nirbhar Bharat Abhiyaan (ANBA) package. Though migrant workers and their concerns were voiced as critical factor in the lead up to ANBA, the short and long-term needs of migrants were left unattended. On 14th May 2020, under the second package of the ANBA, it was announced that free food grains would be provided to migrant workers who do not have a ration card for two months and it was expected to benefit eight crore migrant workers and their families. The ANBA also launched a scheme for affordable rental housing complexes for migrant workers and urban poor to provide affordable rental housing units under PMAY. Ironically, some of these policy measures were welcomed though the immediate challenges the migrants faced were not really attended to. Most importantly, ANBA failed to live up to providing migrants with food, travel and livelihoods.[22] Aside from this, some state governments (like Bihar, Rajasthan and Madhya Pradesh) announced one-time cash transfers for returning migrant workers. Some other states, like Uttar Pradesh announced the provision of maintenance allowance of Rs. 1,000 for returning migrants who were required to quarantine. This phase also, very surprisingly, saw the massive dilutions of labour law in the guise of policy reforms.[23] These laws are bound to impact and further deteriorate the condition of migrants in cites.

17 https://covid19socialsecurity.files.wordpress.com/2020/05/32-days-and-counting_swan.pdf
18 https://www.thehindu.com/news/national/railways-to-run-shramik-special-trains-to-move-migrant-workers-other-stranded-persons/article31481996.ece
19 https://www.newsclick.in/Majority-Migrant-Workers-Stranded-No-Money-SWAN-Report
20 https://thewire.in/rights/migrant-workers-non-coronavirus-lockdown-deaths
21 https://www.livemint.com/news/india/indian-railways-transports-over-58-lakh-passengers-in-4197-shramik-trains-11591235122774.html
22 Forthcoming IGSSS publication — Decoding Atma Nirbhar Bharat Abhiyaan, June 2020
23 https://www.newindianexpress.com/business/2020/may/25/ilo-expresses-deep-concerns-over-labour-law-suspension-tweaking-to-pm-modi-2147853.html

Recommendations

Images of stranded migrants and their long arduous journeys back home will remain seared in our collective memories of the COVID-19 pandemic in India. An estimated 200 million people lost their livelihoods, a huge majority of them belonging to the informal sector. It is estimated that there are 100 million circular migrants in India, who contribute upwards of 10 per cent of India's gross domestic product (GDP). Yet, the State has ignored their rights as workers and citizens.[24]

Strong and decisive steps are required to ensure the inclusion of migrant workers in society, polity and policy frameworks for migrants. Some of them may be as below:

1. Effective implementation of protections under the Inter-State Migrant Workmen Act, 1979 (ISMW Act): The rules and regulations that to with this law must be implemented and the Act must be reviewed in consultation with representative bodies of migrant workers, labour unions and civil society.

2. Immediate cash transfers for registered workers and opening registration drives for unregistered migrant workers: Like many other registered workers, the state governments or central government should do direct bank transfer of economic support for their loss of livelihoods, small amounts that can help them as emergency relief and compensate for the unemployment caused due to lockdown in the last few months.

3. Food security to all: While the announcement of One Nation, One Ration Card does allay some fears and suggests at a long term PDS access to migrant workers, there is a need to allow free PDS to anyone who needs dry ration at least for the coming months while the pandemic is prevalent. Aside from this numerous people's food centres should be opened in major cities for providing food to the poorest populations for free/ or highly subsidised rates that will benefits poor migrant workers.

4. Transit shelters for migrants stranded in cities: Using schools and other public institutions like colleges for making temporary relief shelters where migrants can be directed. These centres can also have common kitchen where workers can cook themselves and feed others till they go back / return back in a phased manner with their travel arrangements taken care by their respective state governments. Such centres should also later transform into migrant assistance kendras so that livelihood linkages, training and registrations can be provided.

5. Rental housing and worker hostels: Aside from ANBA and provision of rental housing under PMAY scheme, the migrant workers require different forms of state led housing provision like workers hostels, transit shelters, rental housing policy, and other forms of housing options for migrants. Addressing this is a current need.

6. Training and Skilling for a post-COVID-19 Workforce: The State needs to set up enquires on need assessment and mapping of worker trainings / skills required in a post/ with COVID-19 world. As per Central Government's orders, migrants and workers and their skills should be mapped to put to work and for analysis for future skilling. Such skilling programs need to be more focused to migrant workers and their needs.

7. Urban & Rural Livelihoods Restoration for Migrant Workers post-COVID-19 Scenario: Finding livelihoods will be tough in the coming months and hence increased focus on registering migrant workers and connecting them to the existing schemes in rural areas (like MNREGA), and need for devising schemes in urban centres, with assured minimum income and social security will be helpful.

8. To constitute a commission to formulate a policy for Migrant Workers at the Central level: The State needs to act now and immediately constitute a commission to study the impact of COVID-19 on migrant workers and suggest policy mainstreaming of migrant issues or formulate a policy for migrant workers' welfare and actions.

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24 https://www.livemint.com/news/india/why-india-s-migrants-deserve-a-better-deal-11589818749274.html

PARLIAMENT

Parliament needs to further scrutinise government actions

◆

Both the houses of Parliament should conduct discussions
and debates on all the Bills. If it is required, the Bills should be sent
to the Parliamentary committees for their feedback and response.

Parliament performs a key role in the life of the nation. It plays pivotal role to guide the nation through its legislative and executive functions. India's Lok Sabha (Lower House) and Rajya Sabha (Upper House) perform a pillar role to protect and promote democracy. Parliament not only performs the function of examining bills and passing them into laws, checking the work of the executive, but also closely watches the functioning of the government. It also reflects the direction and growth of the nation. It also carries the roles and responsibilities of citizens. The role and responsibilities of India's Parliament is also broadened, given that India is a large, developing country.

India's Parliament has witnessed the formation of 17th Lok Sabha and the formation of NDA-II government during the past year. During this period (May 2019 - April 2020), the 17th Lok Sabha had 80 sittings, in which over 520 hours were utilized. Most importantly, the first session did not lose any time. On the other hand, there was a total of 36.69 hours' time loss witnessed in 2nd and the 3rd sessions. The Lok Sabha worked around 281 hours in 1st session. This is higher than the any session of Parliament in the past 20 years. The Upper House i.e. Rajya Sabha had 79 sittings in which 393.08 hours were utilised and 68.27 hours were lost[1].

The Budget session — which is considered as the centre of Parliament's economic decision activity — saw a total 38 Bills introduced of which 28 were passed. This is the highest numbers of Bills passed in the Budget Session in last 10 years. Discussion-wise, around 66 per cent bills (25) were discussed in five days. However, none of the Bills were referred to a committee for scrutiny[2]. Apart from this in 10 Bills were introduced and passed on same day. Interestingly it can be noticed that on an average, a Bill was discussed for 3.6 hours in the Lok Sabha and 3.3 hours in the Rajya Sabha. Apart from this, the session clocked up 250 hours, which is the highest in the last fifteen years[3].

The Winter Session of Parliament (November 18, 2019 to December 13, 2019) celebrated two milestones — Parliament commemorated the 70th anniversary of the enactment of the Constitution and the 250th session of the Rajya Sabha. A total of 17 Bills were introduced (excluding an appropriation Bill) and 14 Bills were passed by the both the houses during this period. On the other hand, in the budget session saw a lower productivity of both houses than the previous two sessions. Both houses were interrupted on the issue of lack of law and order in multiple parts of Delhi. Due to this seven MPs from Lok Sabha were suspended on March 5 for the remaining time period of the session. However, the suspension was revoked on March 11. But due to the outbreak of COVID-19, both the houses were adjourned sine die on March 23, 2020. In this session, Lok Sabha spent around 39 percent time to discuss the budget.

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1   Statement of work, Loksabha website, http://loksabhaph.nic.in/Business/StatementOfWork.aspx
2   Krishnan (2019), The Hindu, None of the Bills introduced in Budget session were referred to Parliamentary Committee for scrutiny, https://www.thehindu.com/news/national/bills-passed-in-budget-session-2019/article29001100.ece
3   PRS Legislative (2019), Vital Stats - Budget Session 2019, accessed from https://www.prsindia.org/sessiontrack/vital-stats/842097

Major Bills passed by Parliament were The National Medical Commission Bill, 2019; The Right to Information (Amendment) Bill, 2019; The Consumer Protection Bill, 2019; The Motor Vehicles (Amendment) Bill, 2019; The Companies (Amendment) Bill, 2019; The Repealing and Amending Bill, 2019; The Insolvency and Bankruptcy Code (Second Amendment) Bill, 2019; The Jammu and Kashmir Reorganisation Bill, 2019; The Code on Wages, 2019; The Central Sanskrit Universities Bill, 2019; The Citizenship (Amendment) Bill, 2019; The Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Bill, 2019; The Supreme Court (Number of Judges) Amendment Bill, 2019; The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Bill, 2019; The Mineral Laws (Amendment) Bill, 2020; and the Direct Tax Vivad se Vishwas Bill, 2020[4].

A major Bill passed by Parliament during this period is *the Jammu and Kashmir Reorganisation Bill, 2019*. This Bill has changed the special status of Jammu and Kashmir as mentioned in the article 370. This Bill has modified the Article 370. According to this Bill, the state of Jammu and Kashmir has been changed into the two Union territory — one is Jammu and Kashmir and the other is Ladakh. This Bill has also changed the nature of administration. Now, Lieutenant Governor" means the administrator of the Union Territory appointed by the President under article 239. Around 153 state laws have been repealed following this amendment. One of the important laws lifted was on the prohibition on the lease of land to persons who are not permanent residents of Jammu and Kashmir. According to the new Bill, the Legislative Assembly can make laws for any part of the Union Territory of Jammu and Kashmir. Furthermore, Parliament will also have the power to make laws in relation to any matter for the Union Territory of Jammu and Kashmir as it can in the case of other UTs of India. Apart from this it has also changed election system, according to Articles 324 to 327 and 329, including the delimitation of constituencies, would be applicable to the UTs[5].

Apart from this another important Bill passed is the Code on Wages, 2019. According to this Act, the central government will fix a floor wage. The minimum wages decided by the Central or State governments must be higher than the floor wage. The Bill has also specified the clause of penalties for offenses seeks to amend the Motor Vehicles Act, 1988. The major objective of this Bill is to provide for road safety to all the citizens[6]. In continuation of this, Parliament has also passed another major Bill, the Consumer Protection Bill, 2019. This Bill has replaced the old 'the Consumer Protection Act, 1986'. According to this Bill, there are six consumer rights. The rights include, (i) protection against marketing of goods and services which are hazardous to life and property; (ii) it has also mentioned to inform of the quality, quantity, potency, purity, standard and price of goods or services; (iii) this Bill also seeks to redress the unfair or restrictive trade practices. This Bill now can also govern the e-commerce business and selling[7].

In this light, it can be said that apart from passing and preparing Bills, both the houses — Rajya Sabha and Lok Sabha have also the responsibility to organise the political system that will help citizens overcome from issues of mis-governance. This holds particularly true in the light of the COVID-19 pandemic facing the country. On the subject of COVID-19, the various Houses if Parliament (executive) across the world have organised meetings through video conference — Canada, Britain, France, Italy, Argentina, Brazil, Australia and New Zealand, to name a few. But, the Indian Parliament — which prides itself as the apex representative body in the world is absent from this list. Apart from this, Parliament has a central role in our system of governance in terms of reviewing and hearings of committees. But, Indian Parliament and its committees have not met in over two months. This indicates the absence of scrutiny of government actions.

Recommendations

1. Both the houses of Parliament should conduct discussions and debates on all the Bills. If it is required, the Bills should be sent to the Parliamentary committees for their feedback and response.

2. The role of the opposition political party should not only be seen as disrupting the houses, but it also contributes to the proceedings of Parliament through participation in discussions and response on any Bill. Both the houses (Lower and Upper) should take initiatives to solve the issues of disruption and time loss of both the houses.

3. In the light of the COVID-19 pandemic, the government should organise video conference-based session of both the houses to meet and solve the issues.

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4   All the information collected from Ministry of Parliament Affairs website https://mpa.gov.in/bills-list
5   The gazette of India, 9th August 2019, http://egazette.nic.in/WriteReadData/2019/210412.pdf
6   Gazzet of India, http://egazette.nic.in/WriteReadData/2019/210356.pdf accessed from egazette.nic.in — 8 August 2019.
7   Shipra Singh, Here's how consumers will benefit under the new Consumer Protection Act, Economics Times, 19 August 2019 link https://economictimes.indiatimes.com/wealth/spend/heres-how-consumers-will-benefit-under-the-new-consumer-protection-act/articleshow/70711304.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

PERSONS WITH DISABILITIES
Just another tick in the box

◆

The Registrar General of Census should engage subject matter experts on disability to coordinate and engage with Disabled Peoples Organisations to finalise questions that would help get more authentic data for the Census 2021.

Globally 15 per cent of the population lives with some form of disability. In India, the Census 2011 puts the population of people with disabilities at 2.21 per cent or 2.68 crore. The country has four legislations for disability rights and rehabilitation — The Rights of Persons with Disabilities Act 2016 (RPDA); the Mental Healthcare Act 2017 (MHCA); The Rehabilitation Council of India Act, 1992; and, The National Trust Act, 1999. As we deep-dive into each of these Acts, the resultant policies and steps for implementation, we find them all failing the litmus test of implementation, or even alignment with each other. Little wonder then that, for the government, inclusion of people with disabilities remain an afterthought and always just another tick in the box.

Governance accountability — promises and reality

2019 saw many events — the 17th Lok Sabha elections, the 2nd anniversary of the RPDA, India's review by the United Nations' CRPD Committee, release of the report of the NSSO 76th questions on disability and the COVID-19 pandemic that brought unprecedented panic in its wake. An analysis of the Government's response to each of these, were once again just a tick in the box — done, because they had to be done but without proper thought for implementation.

Election Manifesto

April 2019 saw the Lok Sabha elections and the BJP Government coming to power again. While people with disabilities were included in the manifestos of the Congress and the CPI(M) as well, the BJP election manifesto promised the following for people with disabilities.[1]

- Building on the Accessible India Campaign, collaborating with industry and civil society organisations to put in place a system of continuous accessibility audits and ratings for cities, public infrastructure and public transport systems to ensure that they are fully accessible.

- Prioritizing beneficiaries with disabilities under Pradhan Mantri Awas Yojana and mandating accessibility benchmarks in the Pradhan Mantri Awas Yojana.

- Strengthening Anganwadi and pre-school system for early detection of disabilities.

- Offering higher interest rates on fixed deposits by people with disabilities.

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1   https://enabled.in/wp/election-manifesto-2019-for-persons-with-disabilities/

Till date, none of these promises have seen light of the day. The deadline for the Accessible India Campaign[2] was extended to March 2020. Till December 2019, only 36 per cent (336 of the 917) identified websites across 23 participating states had been made accessible, as against 95 of 100 Central government websites. Only 55 of 104 domestic airports had been provided accessible features and only 3.6 per cent buses were accessible.

While the Election Commission called for 'Accessible Elections', and took several steps for its implementation, there were still several gaps.[3] There were also no steps to ensure political participation of people with disabilities.

Two years of the RPDA

Even as June 2019 marked the second anniversary of the notification of the Rules under the RPDA, hardly any steps had been taken towards its implementation. State governments should have notified the rules within six months of the commencement of the Act — only 30 of the 36 States and Union Territories have done so till date. Only 26 states have constituted State Advisory Boards and six States have a State Disability Fund. The responsibility for regulation and monitoring rests with the Chief Commissioner for Persons with Disabilities, and the State Commissioners. As per the latest update from the Department of Empowerment of Persons with Disabilities (DEPwD), there are only 15 State Commissioners with independent charge and 21 holding additional charge. All key positions — Chief Commissioner of Persons with Disabilities, Chairperson — National Trust and Chairman, Rehabilitation Council of India are lying vacant.

The two-year deadline for ensuring accessibility of services too lapsed in June 2019, and the Central Government has yet to specify standards of accessibility in respect of services and facilities, including ICT. The Ministry of Information and Broadcasting issued guidelines to make television programmes accessible for people with hearing disabilities[4] (Section 29(h) of the RPDA) across specified television programmes. Implementation of these guidelines however is currently limited to sign language interpretation at certain specific hours for a government news channel. The guidelines violate Section 40 of the Act as they fail to address the needs of people with visual disabilities and this posed a huge challenge during the COVID-19 pandemic.

The law mandates that no certification of completion shall be issued for new constructions unless they adhere to the rules formulated by the Central government (Harmonised Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons) but nothing has been done to ensure its implementation. Multiplicity of guidelines (the most recent being the CPWD Manual on accessible built environment released in July 2019) creates further confusion and inaccessible buildings continue to come up all around us.

Schemes and benefits under the RPDA can be availed by people with a benchmark disability i.e. of 40 per cent disability or more. As per the NSSO Report however, only 28 per cent people in India have a disability certificate which also is not universally accepted across states and departments thereby excluding large numbers from availing benefits that are due to them. The ambitious unique disability (UDID) project too has had an extremely slow start.

Budgetary allocations and social protection

The Union government's allocation for inclusion of persons with disabilities through DEPwD remains at 0.04 per cent of the total Government expenditure in the last three financial years and the Finance Minister's announcement raising the 'Senior Citizen and DIVYANG budget' to Rs. 9,000 crore disappeared with a marginal increment of 122.77 crores from DEPwD's budget estimate for the financial year 2019-20[5]. Under the Indira Gandhi National Disability Pension Scheme (IGNDPS), an amount of Rs. 300 per month is provided to States/UTs for people in the age group of 18-79 years, living below the poverty line and having 80 per cent and above of one or more disabilities[6]. This amount is topped up with contributions from states that range from zero contribution from states like Bihar to Rs. 500-3,000 in other states. The numerical ceiling for each State / UT is fixed based on Census 2001 population figures and the poverty ratio determined by the Planning Commission, thus capping the number of beneficiaries under this scheme at less than 7 per cent. No steps have been taken to revise this amount or extend the scheme to people with benchmark disabilities as mandated by the RPDA. A Rs. 260.62 crore National Fund for Persons with Disabilities[7], earmarked for implementation of the RPDA is used instead to grant financial assistance for organising exhibition to showcase products made by persons with disabilities[8] .

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2   https://economictimes.indiatimes.com/news/politics-and-nation/fresh-deadline-for-accessible-india-drive-set-to-march-2020-targets-missed-by-1-to-3yrs/articleshow/73003269.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

3   https://www.deccanherald.com/national/braille-ballots-ramps-missing-at-booths-during-polls-736236.html

4   https://mib.gov.in/sites/default/files/Accessibility%20Standards%20for%20Persons%20with%20Disabilities%20in%20TV%20Programmes%20.pdf

5   https://enabled.in/wp/budget-2020-21-is-yet-another-disappointing-budget-for-persons-with-disabilities-in-india-equals/

6   http://nsap.nic.in/Guidelines/Revised_guidelines.pdf

7   https://indianexpress.com/article/india/rs-260-62-crore-national-disability-fund-lying-unused-reveals-rti-5860598/

8   https://www.indiafilings.com/learn/national-fund-for-persons-with-disabilities/

India Country review by the CRPD Committee

2019 also saw India's Country Report reviewed by the United Nations Committee on Rights of Persons with Disabilities. This country report should have been submitted by the Indian Government four years after it ratified the United Nations Convention on the Rights of Persons with Disabilities in 2007. Instead it was submitted in 2015. No effort has been made to align the Country Report to the RPDA in the years between 2015 and 2019. The CRPD Committee's concluding remarks[9] bear testimony to the glaring gaps in the Report, especially on data on persons with disabilities and the need for independent monitoring frameworks under the Convention.

Disability data

The Census estimate of 2.21 per cent was based on the seven disabilities recognised under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. A more recent report on the Survey of Persons with Disabilities in India[10] conducted during the NSSO 76th round puts this percentage at 2.2 per cent. This is surprising since the number of disabilities recognised under the RPDA, 2016, went up from 7 to 21 different forms of disabilities. Yet, the numbers remained miraculously constant! As we head towards the Census 2021, survey questionnaires have been finalised and no inputs are being accepted from disability organisations on the kind of questions that would result in a more accurate and comparable data.

Mapping effectiveness of practice as per constitutional values

Continued use of derogatory language: The RPDA mandates non-discrimination and equality for all. Yet there are sections within it that are contradictory to this spirit and justify discrimination if any act or omission had a "proportionate means of achieving a legitimate aim", thus providing scope for widest possible interpretation and misuse. The word Divyang — coined by the government to impress an unsolicited and strongly resisted divine identity on people with disabilities, is now used in all current government communications. Older Acts, documents, and forms still use derogatory terms like "leper' and ' lunatic'.

Violations by Governments

- The Medical Council of India limits eligibility for the disability quota to people with locomotor disabilities with 40 per cent to 80 per cent disability. After much agitation by the sector in 2019, this was amended to include people with over 80 per cent disability after determining their functional competency with the aid of assistive devices. Only people with less than 40 per cent visual or hearing disability are eligible to pursue medicine.

- 2018-19 saw the repealing of some of the 119 laws[11] discriminating against people affected by leprosy e.g. Divorce Act (1869) etc. but 102 laws still remain. The RPDA recognises 'leprosy cured' as a disability category as against people living with leprosy.

- Violence against girls and women with disabilities has seen a spike in recent times and slow redress. The National Policy for Women, Gender Budgeting Handbook, Domestic Violence Act and the Sexual Harassment of Women at Workplace Act 2013 do not include needs of women with disabilities.

- 3/4th children with disabilities at the age of 5 years and 1/4th between 5-19 years do not go to any educational institution and the number of children enrolled drops with successive levels of schooling[12]. Two drafts of the National Education Policy have been released and have not included measures for children with disabilities.

- There are no audits of homes and institution for persons with disabilities. Special courts have been created only in a handful of states and an inaccessible justice system leaves people with disabilities in India with few avenues for grievance or redressing complaints. There are no social audits of schemes and policies to verify if provisions of the Sections 24 and 25 of the RPDA are being implemented.

COVID-19

The RPDA has several provisions to ensure non-discrimination, safety, protection and support to people with disabilities during disasters but these too have remained unimplemented. The DEPwD issued Comprehensive Guidelines for Safety and Protection of People with Disabilities in the COVID-19 pandemic[13] but none of their suggestions were implemented.

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9   https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fIND%2fCO%2f1&Lang=en
10 http://www.mospi.gov.in/sites/default/files/publication_reports/Report_583_Final_0.pdf
11 https://vidhilegalpolicy.in/2019/01/10/leprosy-no-longer-grounds-for-divorce-but-a-long-way-to-go-before-stigma-is-removed/
12 https://en.unesco.org/news/n-nose-state-education-report-india-2019-children-disabilities
13 https://pib.gov.in/PressReleasePage.aspx?PRID=1608495

The guidelines, contradictory to their own recommendations, were not in accessible formats — as also were no subsequent government guidelines/ announcements. Helplines were not reachable or accessible to people with hearing disabilities and nodal officers announced for redress of issues faced by people with disabilities could not be contacted.

Barring Kerala, no state has updated data on people with disabilities and therefore State and District Disaster Management Authorities were unable to respond to them during the disaster. A survey conducted by the National Centre for Promotion of Employment for Disabled People (NCPEDP) revealed that over 73 per cent respondents had faced severe challenges on account of the lockdown. 67 per cent had no access to doorstep delivery of essentials — food, ration, or medicines; 48 per cent had no access to a government helpline and 63 per cent had not received the financial assistance of Rs. 1000 announced by the finance ministry. This ex gratia — payable over a period of three months, was also available only to the 7 per cent of the people with disabilities who were also beneficiaries of the IGNPDS. The lockdown, in particular, impacted people with high support needs and people with blood disorders like thalassemia who were faced with shortage of blood for transfusions. This could have been averted if the Government had focused on the implementation mechanisms rather than just issue recommendatory guidelines.

Recommendations

1. Relevant Ministries must announce plans for urgent and immediate implementation of the RPDA, particularly provisions related to equality and non-discrimination, education, employment, accessibility, health, skill development, employment and social security with appropriate budgetary and realistic allocations.

2. Immediate appointments must be made to all key national positions and statutory bodies mandated under the RPDA.

3. All relevant laws and schemes must be updated and aligned with the RPDA.

4. The Committee of Secretaries formed under the Cabinet Secretary to monitor the Accessible India Campaign expand its mandate to monitor implementation of the RPDA within definite timelines.

5. DEPwD must be updated to a separate Ministry with increased human and financial resources.

6. Creation of a Disability Cell at the NITI Aayog for better planning and monitoring of SDG implementation with regard to persons with disabilities.

7. The Indira Gandhi National Disability Pension Scheme must be aligned with the RPDA, and pension amounts increased to a minimum of $1.25 per day — corresponding to the international poverty line. Uniformity of all state pensions must be ensured.

8. The disability certification process must be simplified.

9. All Government procurement of works, good and services must be accessible to persons with disabilities

10. Disaggregated data should be maintained on persons with disabilities across all ministries and departments.

11. The Registrar General of Census should engage subject matter experts on disability to coordinate and engage with disabled peoples organisations to finalise questions that would help get more authentic data and for training on enumerators across all levels for the Census 2021.

PLHIV

Living with a compromised immunity in the times of COVID-19

◆

Due to the sudden lockdown situation, People Living with HIV/AIDS were unable to decide where to go for any health emergencies. They faced a dilemma as critical health services and outpatient services were closed in all government and private hospitals.

National Coalition of People living with HIV in India (NCPI+) is a national network of People Living with HIV (PLHIV) individuals and organisations with the vast range of experience and expertise from grassroots to policy level. NCPI+ was formed in 2012 on the principle that the experience and expertise must contribute constructively and meaningfully in the policy and programme decisions to bring positive changes to the lives of PLHIV in India. The coalition works with the aim to increase active, transparent and constructive participation of PLHIV and health activist to strengthen care, support and treatment response of the country and improve the quality of life of individuals and families.

Recent development on Health

Government of India has pledged to deliver health and well-being for all. India has also committed to achieving the Sustainable Development Goal- 17 and under Goal Three, it is committed to improving the health, increase life expectancy, reduce maternal and child mortality and fighting against leading communicable diseases including ending AIDS and TB epidemics by 2030[1].

The Global Fund is largest donor for HIV/AIDS. For the first time, India hosted the preparatory meeting of GFATM's sixth replenishment. On the occasion, the Indian Government announced an increased commitment of US $ 22 million to the Global Fund for the next three years, highlighting India's leadership in global efforts to end AIDS, TB and malaria as epidemics and to build stronger health systems[2]. This was also the first time an implementing country hosted such meeting with the aim to mobilize the US $ 1. 4 billion for next replenishment[3]. The global fund has allocated for India US $ 500 Million until 2024. The Government of India is significantly increasing its investments in health and in the fight against the three diseases.

According to UNAIDS, 69,000 people died from an AIDS-related illness. There has been progress in the number of AIDS-related deaths since 2010 and the number of new HIV infections has decreased, from 1,20,000 to 88,000 in the same period[4]. Only 56 per cent of people living with HIV who required ART received the treatment (against 2020 target of 71 per cent) and 79 per cent knew their HIV status in 2017 (against 2020 target of 90 per cent) as per UNAIDS[5]. However as per NACO estimation 21 lakh people are living in HIV whereas 14 lakh people are on ART. There are 1/3 people who don't know their HIV status.

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1 UNAIDS Global target for 90-90-90
2 https://www.theglobalfund.org/en/news/2019-09-03-india-makes-strong-commitment-to-global-fund/
3 http://india-ccm.in/wp-content/uploads/2020/01/Minutes-of-76th-CCM-meeting.pdf
4 https://www.unaids.org/en/regionscountries/countries/india
5 https://www.unaids.org/en/regionscountries/countries/india

The interrupted supply of ART medicine is very crucial as PLHIV have to adhere to ART throughout their life. Their communities, especially the community of people living with HIV/AIDS has been extending all possible support to State AIDS Prevention and Control Societies (SACS) and NACO to ensure ART centres have regular supply of ART medicine. However, ART getting out-of-stock is becoming a regular phenomenon. There are several instances when 2nd and 3rd line drugs have been out of stock in many place such as Maharashtra, Bihar, Karnataka and Tamil Nadu in the past year.

The Government of India has passed HIV Act, 2017 to safeguard the rights of PLHIV and protected person from any form of discrimination in the family, society, from health service providers, education, workplace and other surroundings setting. Central government has enacted the law with central rules. However many state governments have not framed/finalized the state rules. Hence, a grievance redressing mechanism in district and state has not yet established.

India has promised to achieve SDG 3 by 2030. However, it is critical that the Government of India must increase the proportion of public spending on health to meet the goal. The Union Government announced the *Ayushman Bharat* policy to provide access of health coverage to half of the population of India in 2019. Similarly, the Delhi government too has started mohalla clinics which extend health services to nearby communities.

Living with HIV in the times of COVID-19

The first novel coronavirus was identified in India in January 2020. By March the number of COVID-19 cases in increased many-fold, which led to increased pressure on the health system. Many hospital were converted to COVID-19 treatment centres and remaining health services were either shifted to alternative place or stopped.

In this situation, it is important to bear in mind a person living with HIV/AIDS has a compromised immunity. PLHIV face the risk of getting infected with the Covid19 virus. The government needs to work with organisations working with PLHIV to make sure that their care and support is not compromised in the times of Covid19. Stigma and discrimination against PLHIV will only add to the long-term health burden of the country.

The ART treatment has somehow been managed by the community of PHLIV and civil society organisations who reached out the PLHIV and gave them multi-month dispensing. However, there are challenges being faced by PLHIV communities:

Many PLHIV have migrated out of their homes[7]. As a result, access to ARV treatment has been a big challenge for the PLHIV in different part of India.

Due to the sudden lockdown situation, many PLHIV were unable to decide where to go for any health emergencies. They faced a dilemma as critical health services and outpatient services were closed in all government and private hospitals. Prominent difficulties faced by people living with HIV/AIDS include:

- No options of livelihood for PHLIV among migrated labourers and the general migrant communities. Meeting basic needs like shelter and food was a huge challenge for PLHIV stuck in other states and district during total national lockdown situations.
- Receiving immediate health services is still a big challenge as urgent surgery, co-infection management etc.
- An unforeseen and unplanned for situation has arisen in the health services comprising both, public and private hospitals, due to increased infection as community spread .
- Huge stigma that PLHIV face is a challenge, especially for those working as frontline workers. They live in fear because they do not have any health or social security during this pandemic.
- No health insurance schemes, no social security given to high risk PLHIV who are sex workers or drug users.

Gaps identified during COVID-19 for PLHIV community include the following:

- No availability of OPD services in hospitals in case of any health problem other than COVID-19, (like planned surgery or any other infection besides HIV), unless it turns into an emergency situation.
- Many migrant PLHIV who were living in metro cities (or other big cities) suddenly lost their jobs, faced salary cuts and faced violation of their labour rights.
- Children living with HIV/AIDS in faced problems in pursuing their education.
- Loss of livelihood for single mothers among who are PLHIVs and have been working as domestic workers in private settings.

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6   http://naco.gov.in/sites/default/files/HIV%20Estimations%202017%20Report_1.pdf
7   Accessed from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4231641/

Recommendations

1. There are 7 lakh people who still do not yet know their HIV status. A focussed intervention is need to identify missing people.

2. Interrupted supply of ART medicine to all PLHIV.

3. HIV Act, 2017 needs to be implemented across country

4. Increase health expending to 2.5 per cent of the GDP immediately to strengthen the public health care system. Emergency and other health services should be continued even in COVID-19 situation.

RELIGIOUS MINORITIES: CHRISTIANS

Lynching tops incidents of ostracization, targeted violence against Christians

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The consummately organized hate campaign and the violence against the Muslim population has raised structural questions on the security of all religious minorities in the country, with the Christian community questioning how safe they are if the Muslims are so brutally targeted.

The impunity generated by the Corona pandemic lockdown, and the consequent absence of civil society on the streets and in the courts, has aggravated the environment of targeted hate and violence. The targets are not only Muslims, but also Christians in most of the major states and the National Capital Territory. This is complemented with the insufficient, even suppressed, crime data.

The near collapse of the media because of a shrinking economy, and the consequent absence of journalists in the field has severely constrained accurate collection of data of the persecution of religious minorities. Even in normal times, the police were loath to register cases. Communally motivated crime is either unreported, or under reported. The victims have no recourse to the normal systems of reporting to the police, and severely restricted access to courts for relief.

The consummately organized hate campaign against the Muslim population, beginning mid-December 2019, and erupting violently in mid-February 2020 in the North eastern suburbs of Delhi has raised structural questions on the security of all religious minorities in the country, with the Christian community questioning how safe they are if the Muslims are so brutally targeted.

In the violence that was unleashed in Delhi, nine mosques were burnt to the ground, as were academic institutions and the small shops that were the economic stay of the Muslims. Thousands were rendered homeless. At least 43 Muslims and 10 Hindus were killed. Front-line lieutenants of the ruling Bharatiya Janata Party called upon their followers to shoot the '@#$*!%', a thinly veiled targeting of Muslims and activists protesting the Citizenship Amendment Act (CAA) passed by the government.

According to data available on the website www.dotodatabase.com, at least 65 persons from the minority communities, mainly Muslims, have been murdered or lynched in over 25 incidents only in 2019. The Doto database is not exhaustive and is based on secondary sources like published online news, newspaper clippings, and fact-finding reports.

The Christian community, in general, had supported the citizen agitation against the CAA, particularly the protest at Shaheen Bagh, the site of the protest by women which triggered over 250 similar agitations across the country by women and youth. Sikhs, Dalit and Tribal people also joined the protests. The visible bias in police reporting and investigation of the murders, and the cases filed against the minority community has registered in the minds of the members of the Christian community. In the year 2019, the Christian community in India continued to face incidents of targeted violence and hate crimes. Incidents collated by the Religious Liberties Commission of the Evangelical fellowship of India, the United Christian Forum Helpline and Persecution Relief showed over 370 cases of violence against Christians during the year. These included violence, intimidation or harassment against worshippers and priests, as also attacks of various intensity on church buildings and house churches in villages.

Uttar Pradesh, the most populous state of India maintained its position as the worst offender in the persecution of Christians. Compared to the 2018 high of 132 incidents, anti-Christian violence in Uttar Pradesh reduced somewhat to 86 incidents with the focus shifting from the eastern districts around Jaunpur which had been targeted in the past.

Disturbingly the state's Law Commission, in November 2019, drafted a controversial report recommending heavy penalties of up to seven years in prison to persons deemed to be violating a proposed new law against conversions. The cover page graphic and illustrations of the 268 paged report are taken from www.hindujagruiti.org, the website of Hindu Janajagruti Samiti, whose explicit goal is to establish a Hindu Rashtra.

The anti-Christian violence in Tamil Nadu, which stands second with 60 incidents, is traced to caste supremacist attitudes in villages and their linkages with political elements currently positioning themselves for power in the state which goes for elections soon. The lack of empathy from the police forces is also rooted in the fact that recruitment to the constabulary is largely from a particular politically dominant caste whose leadership has been largely opposed to the work of Christian evangelists.

In Chhattisgarh, now at number three from its earlier sixth position, the rise is attributed to Christians more willing to report violence in the Bastar region where there had been so far a blanket of fear of both underground militant Maoist forces and the police.

The incidents peaked in November 2019 as congregations increased their prayer/religious activities prior to Christmas. The anticipated violence during the Christmas season, a reality in previous years, did not take place and was overtaken as it was by the protests around the changes in the citizenship laws.

It is, however, important to point out that the numbers of cases recorded by Christian groups are only indicative, and the actual numbers may be much larger. The reasons for underreporting are: fear among the Christian community, a lack of legal literacy and the reluctance/refusal of police to register cases. Even in the cases registered with the police, most never reach court.

The situation has remained grim after the lockdown due to COVID-19. More than 20 major cases have been reported in since April. Alliance Defending Freedom (ADF), which helps victims in accessing courts, Chhattisgarh witnessed six documented cases of targeted violence against Christians in April 2020 despite the national lockdown being in place.

In most incidents, Christians were summoned to village meetings when they refused to participate in religious rituals that violate their conscience. They were called on the pretext of working out a compromise but were instead threatened to either comply with the diktats of the village council or face consequences. When the Christians refused to go against their own beliefs, they were physically attacked by mobs, often 50-strong.

The police have been very reluctant and slow to register FIRs in these cases involving cognizable offences despite being duty-bound to do so under Section 154 of the Code of Criminal Procedure.

In addition to all this, in three separate incidents on May 5, May 7 and May 18, in Bastar and Dante Wada districts, Christians faced stiff opposition to bury their dead. They were told that since they haven't been partaking in the religious rituals of the village, they ought to make "restitution" for all the years gone by without their monetary contributions, along with a fine, before their dead can be buried in the village. There was a similar incident that occurred in Kondagaon on February 1, 2020. There have been 15 such confirmed incidents in these districts since 2019.

Jharkhand, which had seen two cases of lynching of Christians in 2018 during the rash of similar cases against Muslims by cow vigilantes, saw four major assault cases in May alone. Though no one was killed, women were molested. On May 25, local authorities had banned Christians in Pundiguttu village from getting rations from the government outlet.

The ADF India team also reported that in several villages in Jharkhand, Christians were being socially ostracized. At a village council meeting at Pundiguttu village on May 27, 2020, the following decisions were taken: Christians should revert to their previous religion within a period of five days or else face the consequences; they will not be allowed to use the village watering well, or to buy from the local shops. In fact, they were not allowed to talk with non-Christians, and told they would be fined Rs. 5,000 if they broke these rules.

It was not in distant villages alone that violence took place. In Faridabad, bordering Delhi in the thick of the lockdown, an aggressive group forcibly occupied a Christian education centre in the Assemblies of God Church on 21 June 2020. It took a 100 string police force to evict them a week alter.

The most horrendous case of lynching and dismembering of the victim's body was reported from Odisha's Kenduguda village in Malkangiri district on 4 June where a 14-year-old Christian boy was allegedly crushed to death with a stone by a group of people who then chopped the body into pieces and buried in several places. In the FIR, the police noted that the victim and his family including his father had adopted Christianity three years ago. Since then, a few of the villagers have been harassing them.

"Christians in this village have been facing many threats and are being continually harassed by religious fanatics," Pastor Kosha Mosaki said. "He was earlier attacked in February this year. I have made 4 complaints at the Malkangiri police Station regarding these attacks," he told Persecution Relief.

RIGHT TO EDUCATION

A Strategy for Neglect of the Fundamental Right to Education

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The overlap of educational crisis with the deep inequalities in the society has been a lesson that the outbreak of the COVID-19 crisis has taught civil society actors.

Elementary education for children of 6-14 years became a fundamental right in 2009 with the passing of the 'Right of Children to free and compulsory education Act 2009'. India is now in the 10th year of the Act's implementation on 1st April 2020.

Yet, compliance to RTE norms and standards have been very poor. It is extremely important because even after 10 years of the passing of the law, millions of children are still out of school. Inadequate resources have been one of the pressing challenges along with other factors that emanate indirectly from lack of priority of the state and central governments. The education departments are plagued by a lack of basic infrastructure, high teachers' vacancies, a lack of trained teachers and, in-service training, to mention a few. Poor quality textbooks and untimely distribution of textbooks is another challenge that impacts quality of education in schools.

The Act has already been amended thrice before the completion of a cycle of eight years of elementary education. A new scheme, the Samagra Shiksha Abhiyan (SSA) which encapsulates three Centrally sponsored schemes including SSA (Sarva Shiksha Abhiyan the umbrella scheme for implementation of the RTE Act 2009) has sketched an unclear picture of implementation of the Act which gives every child from 6-14 years a fundamental right to education.

Despite such pressing concerns, the recently approved New Education Policy has, instead of prioritizing RTE Act 2009 and strengthening it, suggested to restrict RTE norms in its pursuit of learning outcomes. Further, despite the role of the State being emphasized, private schools and philanthropy have been encouraged — making an already multilayered education system more divisive and challenging the basic premise of universalization of school education through free and compulsory education.

This neglect has thrown up real issues during the COVID-19 crisis. The overlap of educational crisis with the deep inequalities in the society has been a lesson that the outbreak of the COVID-19 crisis has taught civil society actors and activists in the RTE sector.

Highlights of implementation of RTE Act 2009: 2019-2020

Digitalisation and Online Education: Challenging universalization of education

Temporary closure of schools as a preventive measure to contain the spread of COVID-19 across the country has affected 27 crore children in India[1]. Even though digitalisation has emerged as a mode of education during the crisis, it has been found that its reach is limited. The major challenge of remote learning is disparity in access — from electricity and internet connections to access to devices like computer or smartphones.

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1   https://timesofindia.indiatimes.com/india/school-closure-has-affected-27-crore-kids-in-india-unicef/articleshow/76541506.cms

Access to electricity is crucial for digital education, both for powering devices as well as for connecting to the internet. While the government's **Saubhagya scheme** (Pradhan Mantri Sahaj Bijli Har Ghar Yojana) to provide electricity to all households shows that almost 99.9 per cent of homes in India have a power connection, the picture is different on the ground, especially regarding the quality of electricity and the number of hours for which it is available every day.

Mission Antyodaya, a nationwide survey of villages conducted by the Ministry of Rural Development in 2017-18, showed that 16 per cent of India's households received one to eight hours of electricity daily, 33 per cent received 9-12 hours, and only 47 per cent received more than 12 hours a day. While 24 per cent Indians own a smartphone, only 11 per cent of households possess any type of computer, which could include desktop computers, laptops, notebooks, netbooks, palmtops or tablets.

The deficient and limited access to online education will exacerbate the already existing inequalities in education. A factsheet released by RTE Forum in 2019 found that girls are twice less likely as boys to receive four years of schooling. 30 per cent of girls from the poorest families have never set foot inside a classroom, and 40 per cent of adolescent girls between ages 15-18 years are not attending any educational institution. There is a risk that these children will be doubly jeopardised in the current digital mode of education. Further children from Dalit, Tribal and minority families will also face similar difficulties if education continues in a digital mode. COVID-19 has shown how educational inequalities overlap with other form of inequalities, mostly social and economic. Children of migrant worked will bear the brunt in a big way and may add to the already huge number of out of school children.

Secondly, a major challenge to digital education is reducing education to an exchange of information. Without dialogue and engagement, remote learning deprives education of its main meaning and purpose. Teaching learning experience through this mode reinforces the traditional rote learning without connecting to the world view and lived experiences of teachers and students. In this manner, education becomes hollow and a ritual and challenges the basic premise of free and compulsory quality education to all.

Finally, the role of the community and their involvement in making education participatory and democratic is challenged in the times of COVID-19. In most cases, online mode of education promotes individual centred learning where a child receives basic information of the subject taught. The collective spirit of education and for social transformation is not possible through this. This defeats the purpose of public education for responsible citizenship.

Financing of School Education

Union Budget 2020-21 allocates a mere Rs. 99,300 crore for the entire education sector and Rs. 59,845 crore for school education (a minimal increase of Rs. 3,308 crore from previous year's 56,537 crore). This is inadequate to universalise education. Further, the State Implementing Societies were consistently unable to utilize funds and the amount of unspent funds varied from 21 per cent to 41 per cent between 2010-11 and 2015-16. Instead of addressing the reasons and strengthening the states' capacity, this has become an excuse for lower investment in education. While one may look at the role of the states with respect to ensuring spending, it cannot be ignored that the centre's own releases are often delayed. Thus, in 2019 Central government had released only 57 per cent of the approved fund for Samagra Shiksha Abhiyan (SSA) by December 15[2]. There is also a marked difference between budgets proposed by states and those approved by the MHRD's Project Approval Board (PAB) after negotiations with the states. The failure to increase school education budgets centrally has resulted in the education system looking for alternative sources of revenue. This has often resulted in costs being transferred to parents. In August 2019, the Central Board of Secondary Education (CBSE) doubled the board exam fees for Classes X and XII for general category students, from Rs. 750 to Rs. 1,500. For SC and ST students, the fee was raised 23-times fold from Rs. 50 to Rs. 1,200[3].

Closure of Schools through the policy of rationalisation/ consolidation of schools

Under the guise of rationalization, closure of small, low-enrolment government schools is adversely impacting education of young children, especially of girls and children from disadvantaged and tribal communities besides others living in remote areas. A number of reasons have been given for this trend — ranging from the economic (it is expensive to run many small enrolment schools) to the pedagogical (creating a bigger community of teachers). There is no pan-national measure of the schools thus affected. However, media reports suggest almost 1,50,000 schools may have been ordered closed. Processes of closure are still underway in several states. More recently, in 2018, NITI Aayog announced[4] the SATH-E project for system-wide improvements in three states — Jharkhand, Odisha and Madhya Pradesh, which would be implemented jointly by the

2   https://news.careers360.com/school-education-budget-only-57-funds-for-scheme-released-dec
3   https://www.indiaspend.com/shrinking-education-budget-has-hit-scholarships-for-students-from-deprived-communities/
4   https://niti.gov.in/sustainable-action-transforming-human-capital-sath

education department, Boston Consulting Group and the Piramal Foundation. On December 2, 2019, MHRD Minister Ramesh Pokhriyal 'Nishank', in response to a question in the Lok Sabha[5], said that recommendations under the SATH-E project have led to merger (effectively closure) of over 40,000 schools across Jharkhand, Odisha and Madhya Pradesh.

Privatisation of Schools

NITI Aayog, in its three-year action plan has recommended handing over 'non-performing' public schools to private players. Evidence from India as well as globally point towards the risks of doing so. In Punjab, Sukhsagar Avenue Welfare Association, responsible for the management of 3 Adarsh Schools in Faridkot was found guilty of charging students for textbooks (provided free of cost), creating fake firms to claim bills and receiving salaries against fake appointments. In addition to fund misappropriation, the regular government funded teachers in these schools were paid only 50-60 per cent of their salaries, despite being reimbursed the full amount from the government.

(In similar efforts in Liberia, the government had handed over 93 randomly selected schools to private operators. An evaluation after three years of the programme found that there were instances of large-scale expulsion[6] of students by private operators, cover-up of cases of sexual abuse[7] and overall, increase in dropouts by 3.3 per cent.)

Ignoring the lessons from other countries, the Indian government passed a massive three-billion-dollar project — **Strengthening Teaching-Learning and Results for States, or STARS** — designed in collaboration with the World Bank to improve the country's education system, in six states (Maharashtra, Himachal Pradesh, Kerala, Rajasthan, Madhya Pradesh and Odisha). While 85 per cent of the project's cost would be borne by the Indian government, the rest would come through a World Bank loan. The loan has been passed despite a huge civil society protest for further negotiation and discussion. Even though the project is based in six states, selected centrally, there is no information on consultations conducted at the state level.

In addition to the challenges referred above, massive roadblocks to RTE and universalisation of education which have emerged because of the situation emanating from the COVID-19 pandemic, requires immediate attention. Else, a whole generation of young learners will be pushed out of the school education system. This will have serious repercussions on the protection, health and overall life of children in the coming years.

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5   http://164.100.24.220/loksabhaquestions/annex/172/AU2237.pdf

6   https://bushchicken.com/at-kendeja-public-school-more-than-300-students-left-unenrolled/

7   https://features.propublica.org/liberia/unprotected-more-than-me-katie-meyler-liberia-sexual-exploitation/

TRANSPARENCY AND ACCOUNTABILITY

Missing Links in Modi's Government?

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As per the 2019 Corruption Perception Index of Transparency International, corruption in India has increased by three-point level. India has been ranked at the 80th position among 180 countries and territories in Transparency International's Corruption Perception Index.

The year gone by has raised a number of questions pertaining to governance in general. For instance, has the government given the necessary space for the country's over-arching institutions, such as the Supreme Court, Controllers and Auditor General of Accounts, Election Commission, Information Commission, Anti-corruption Bodies etc. to work freely, independently, and without any interference from the government?

Besides, what has the government done to ensure that corruption and inefficiency are completely removed from all the segments of governance — administration and management, resources and wealth, financial management, selection and recruitment of personnel for supporting the government, purchases, awarding of contracts etc.?

In the midst of these two questions lies the concept of good governance. Defenders of the government's track record on the two above questions might say, and with some justification, that 'good governance' is not a legal term. It is an extra-judicial and extra-legislative term. Our Constitution binds us to do things constitutionally. There is no charter of good governance that the government is bound by. After all, the Constitution alone is the implementation framework.

One of the answers to such critics might be that good governance is part of 'Raj Dharma', while democratic governance and the Constitution are the basis of 'Lok Tantra'.

But there will be agreement that an independent, bold and well-performing justice system need not be within the financial or administrative control of the Government or the bureaucracy. Such a strong judicial system alone can critically examine the actions and inactions of a government.

In the situation, it becomes incumbent on civil society actors to examine the government on such elements of governance as corruption and transparency, curtailment on the freedom of the media etc. that impinge on the rights of citizens.

Corruption

The government has created a clear path for larger corruption by bringing in electoral bonds which legalise corruption for the benefit of political parties. The main beneficiary is the ruling party at the Centre. Figures reveal that BJP's income has risen by more than 134 per cent to Rs. 2,410 crore in the year 2018-19 (the party's income in 2017-18 was Rs.1,027 crores). Almost 60 per cent of this income came through electoral bonds[1,2]. It should be remembered that the Supreme Court had ordered in 2013 that all donations above Rs. 20,000 should have details of name, address, and PAN card. Yet, according to The Print, details of the contributors provided by parties were missing — 916 donations did not mention address details, while 76 were missing PAN details. Nearly 98 per cent of these cases were in donations made to the BJP. A total of 347 contributions were from companies with either zero internet presence or ambiguity about their nature of work[3].

The BJP raised Rs. 2,410 crore ahead of the 2019 Lok Sabha elections. Notably, 60 per cent of this sum, amounting to Rs. 1,450 crores came through electoral bonds, the controversial instrument in which donors' identity is not revealed[4]. The government did not respond, despite questions being raised, given the ruling party enjoyed the larger fruits of the controversial electoral bonds.

Questions have also been raised about the preferential support of the government to select corporate bodies and their exponential growth during this phase — notably of Reliance, Patanjali, privatisation of coal mines, purchase of Rafael jet liners etc. Clarifications have been hard to come by in their cases.

As per the 2019 Corruption Perception Index of Transparency International, corruption in India has increased by 3-point level. India has been ranked at the 80th position among 180 countries and territories in Transparency International's Corruption Perception Index (CPI)[5]. The CPI ranks countries by their perceived levels of public sector corruption. While in 2015, 38 per cent of people have felt that corruption has increased, in 2019 more than 41 per cent of people felt so. Likewise, while 61 per cent of people in 2016 have paid bribe for availing public services, more than 63 per cent of people have paid bribe for using such facilities in the year 2019.

Transparency in Data dissemination, and NITI Aayog

The reports released by the earlier Planning Commission was a good source of data for the public and there was a wide room for public debate and discussion on it before and after release of such reports. But with the new set up as NITI Aayog, such information source is missing, as also it has no space for receiving comments and its incorporation in it. The perception therefore is that NITI Aayog is a Think Tank by the government and for the government, and no serious analysis or verification of government data is done by NITI Aayog.

For instance, the NITI Aayog has not clarified the real picture of the unemployment crisis. Following demonetization and an unplanned imposition of the Goods and Services Taxes regime and a host of other economic disadvantages, a number of companies have been closed down since the past years. With the result, unemployment has shot up since 2017, and the government has failed to curtail the rate of unemployment even though volumes have been talked about it and the figures are not acknowledged by the government.

As per CMIE, there is a 1.1 crore reduction in total employed person from 40.8 crores in year 2016 to 39.7 crore in the end of 2018, and the downward trend is still continuing. Along with it, the number of jobless persons has increased from 5.4 crores in January 2017 to 6.9 crores in December 2018, an increase of more than 1.5 crores[6]. The unemployment rate increased to 7.8 per cent in February 2020 from 7.2 per cent in the year 2019[7].

Moreover, the NITI Aayog has been assigned with the role of coordinating 'Transforming our world: the 2030 Agenda for the Sustainable Development Goals' (SDGs). The NITI Aayog's task at hand is to act proactively and not just to periodically collect data on SDGs to fructify the goals and targets by maintaining high standards of quality and not just quantity which is being compiled by the Ministry of Statistics and Programme Implementation (MoSPI).

1   https://www.theweek.in/news/india/2020/01/10/bjp-income-doubles-to-rs2410-crore-in2018-19.html

2   https://www.businesstoday.in/current/economy-politics/bjp-highest-earner-in-fy19-rs-2410-crore-tmc-income-spikes-3628/story/393965.html

3   https://theprint.in/politics/bjp-got-93-of-the-rs-985-crore-corporates-donated-to-national-parties-in-2016-18/260764/

4   https://economictimes.indiatimes.com/news/politics-and-nation/at-rs-1450-cr-bjp-got-61-funding-via-electoral-bonds-before-ls-polls/articleshow/73181670.cms?from=mdr

5   https://economictimes.indiatimes.com/news/politics-and-nation/india-ranked-80th-in-corruption-perception-index/articleshow/73560064.cms

6   https://www.financialexpress.com/economy/1-crore-jobs-lost-in-2018-unemployment-rate-hits-27-month-high-in-december-says-cmie-key-things-to-know/1435748/

7   https://www.business-standard.com/article/opinion/labour-metrics-flounder-in-february-120030201462_1.html

Working as a think tank and an advisory body of the government, the NITI Aayog provides advice to the government on matters related to strategic policy, especially fiscal policies governing Centre-states relationships. Unlike the Planning Commission, it is considered as an extension of the PMO. In this situation, it has no specific strategy other than echo whatever the PMO fancies, all success hailed as PMO's — programme failures will rest on the think tank[8].

Growing impunity

There is a growing trend of impunity on serious criminal cases across the nation. Custodial deaths, encounter deaths, cow vigilantism, atrocities on women, atrocities on Dalits and Minorities have become common-place. There is little accountability from the law enforcing agencies. A spate of public violence on citizens by the police force was reported by social media during and after the COVID lockdown. However, there has not been commensurate action by the state to build people's confidence in the law enforcement machinery. The custodial deaths in Telangana, the encounter of Vikas Dubey have been presented as beneficial and protective for the wider society, confusing the set procedures of rule of law. Important cases like the death of Judge Loya, Gauri Lankesh, Dr MM Kalburgi, Dr N Dabholkar are yet to be tracked.

Political targeting

The electoral results in many states — Madhya Pradesh, (a few more states ….) have been overturned by elected members changing sides, and in all cases they have been to the advantage of the BJP. Further, state agencies like the CBI, ED, IT etc have selectively taken up cases against members of the opposition parties, without any apparent rationale, except in pursuance of the centre's interest. The latest in the series is that of the Rajasthan government.

Government has been using agencies such as the CBI, ED, Income Tax Department etc. for drawing political mileage. By the omission of not making investigation into the Sohrabuddin murder, inaction by not making thorough investigation into the rape incident by a BJP MLA in UP (till the High Court's involvement), not taking up a thorough inquiry into Judge Loya's death etc., the Government has let a message of impunity get across to the people. This image has been further boosted by the incidence of custodial deaths, as by the Telengana police in the case of rape suspects in Hyderabad[9] or in the Vikas Dubey case in Lucknow[10].

The agencies have given the impression that they have been let loose on those opposing the government. This has prompted the opposition to allege that the agencies are being "misused" by the Centre to further its political agenda — a case of vendetta rather than a crusade against corruption[11].

Curtailment of Press Freedom

There is a lack of freedom for the press to work independently. One speaks against the failures of the government risks being labelled as anti-national and civil or criminal cases are filed against them.

This defies the space a free press has in a democracy like India where the freedom of expression is fortified within its Constitution. Statistically driven analysis, such as the country's ranking on the World Press Freedom Index have a grim story to tell. In 2020, India ranked 142 out 180 countries on the World Press Freedom Index.

The descent in ranking can be attributed instances of violence against media personnel, increase in the gag on the media, the general decline of pluralism in society and the political/governmental influence on the media, besides others. According to Reporters sans frontières (Reporters without borders), there have been constant press freedom violations in India, including police violence against journalists, ambushes by political activists, and reprisals instigated by criminal groups or corrupt local officials[12].

Kashmir offers an example of such media restrictions. Several journalists are being prosecuted for their critical reporting. There have been other forms of attacks too. This has resulted in journalists policing and censoring themselves and government enjoying unbridled control on the information coming out of the region[13].

8   https://www.businesstoday.in/magazine/the-hub/why-governments-continue-to-fail/story/280545.html
9   https://www.thehindu.com/opinion/editorial/probing-the-police/article30313848.ece
10 https://indianexpress.com/article/cities/lucknow/vikas-dubey-killing-judicial-panel-begins-probe-from-bikru-6540576/
11 https://thewire.in/politics/chidamabaram-shivakumar-arrest-central-agencies
12 https://theleaflet.in/shooting-the-messenger-restraint-on-free-press-in-india/
13 https://amnesty.org.in/wp-content/uploads/2020/08/Kashmir-report-updated_06_for-WEB.pdf

Curtailment of CSO Space

From the year 2016 to 2019, FCRA registration of NGOs have been rejected on flimsy grounds[14]. The NGOs which raise voices against the government have been put to the toughest task of explaining various programme expenses or other costs incurred without any rhyme or reason.

In June last year, the Central Bureau of Investigation filed a criminal case against the Lawyers Collective on charges of violating the Foreign Contribution (Regulation) Act[15]. In another instance, CBI officials walked into the office of human rights watchdog, Amnesty International India's offices in Bangalore November 2019 and filed a case alleging violations of the vague and overbroad Foreign Contribution (Regulation) Act, 2010 against it[16].

Pre-emptying volunteerism — the PM Cares Fund

The Prime Minister's office announced the PM Cares Fund in the aftermath of the announcement of a lockdown that exasperated the COVID-19 crisis. All effort to question the necessity of raising another fund in the name of the disaster (there has already been a PM National Relief Fund) were scuttled. The trustees of PM Cares Fund are the PM and other four ministers in his cabinet and the Trust Deed makes the fund unaccountable to Parliament nor any public authority, like the CAG for auditing its income and expenditure. The trustees being cabinet ministers (therefore considered as public servants) should have been answerable to Parliament — but the argument offered is that the ministers are trustees of a private trust.

The controversy has been snowballing and even Parliament's Public Accounts Committee, headed by the Leader of the Opposition in the Lok Sabha, being unable to arrive at an agreement on examining the Fund, essentially because it is blocked by members of the BJP who constitute a majority in the Committee on the argument that the funding is not sanctioned by Parliament[17].

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14 https://www.firstpost.com/india/fcra-licences-of-20000-ngos-cancelled-act-being-used-as-weapon-to-silence-organisations-3181560.html
15 https://www.thehindu.com/news/national/cbi-registers-criminal-case-against-lawyers-collective-names-anand-grover-in-fir/article28051166.ece
16 https://www.hindustantimes.com/india-news/cbi-raids-amnesty-international-india-office-in-bengaluru/story-1zhJsrAUrtJqcUv4GeQx5I.html
17 https://www.indialegallive.com/special-story/pm-cares-fund-shrouded-in-secrecy

URBAN HOMELESSNESS

Homeless, An Invisible Citizen

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What does the impending NRC mean to the homeless? It is the enumerator's visit to the homeless on the street during the NPR process to see document of identity and residence. Therein lies the irony.

"Home" is a place that keeps one safe, secures and protects families to grow physically and mentally. It is a place where a family stays together, shares everything cries together, eats together and laughs together. There is a large section of people who do not have a place to stay. They are called "homeless".

In this era of development and race to achieve a high GDP growth, there are many people who do not have even basic amenities to survive. The homeless top the list of those belonging to this category. Homeless people and families eat on roads and have their bath in open; their children sleep under flyovers; hunger pervades their lives. They wake up daily with the worry of arranging for their day's food.

India has one of the largest population of homeless in the world. According to census 2011, the homeless number 1.7 million (10 lakhs in urban areas) in the country. But several civil society organisation have claimed that it is more than 10 lakh homeless just in cities like Mumbai, Delhi, Chennai and Bengaluru. A recent study done by Indo Global Social Service Society (IGSSS) reveals that the majority of the respondents belonged to oppressed and marginalised sections of the society with staggering 36 per cent of respondents found to be from Scheduled Castes (commonly referred as Dalit), 23 percent of respondents from Scheduled Tribes (Adivasi), and 21 percent of respondents from Other Backward Classes.[1] It suggests that homelessness exists not only because of failure of the State (by supporting with livelihood opportunity, education, housing) but also due to deep-rooted caste practices in India as the choice of opportunity, a dignified life, education, and social status are denied to them.

National Urban Livelihood Mission- Shelter for Urban Homeless (NULM-SUH)

Of India's population of 1,210.2 million (as on 1st March, 2011), about 377.1 million dwell in urban areas. The level of urbanisation increased from 27.82 per cent in 2001 to 31.14 per cent in 2011. There has been an increase of 3.3 per cent in the proportion of urban population in the country during 2001-2011. Census 2011 reveals that there is an increase of 2,772 towns comprising 242 statutory and 2530 census towns over the decade. Considering the urbanization, NULM was launched on 23rd September 2013. One of NULM's components, Shelter for Urban Homeless (SUH), directs that one shelter (50-100 capacity) should be constructed for every one lakh population. Shelters may cater to single women and their dependent minor children, the aged, infirm, differently abled and people with mental health disorders. There is a provision of separate shelter for men, women, families, as well as special shelters.

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1   Enabling Inclusive City for the Homeless", Indo-Global Social Service Society (IGSSS), & Organisation Functioning for Eytham's (OFFER) New Delhi, 2019. Available at https://igsss.org/wp-content/uploads/2019/10/Baseline-Study-Enabling-Inclusive-Cities-for-Homeless.pdf

A shelter audit carried out by IGSSS in 14 cities covering five states presents a different picture on the ground. As Table-I shows, three states out of 14 provide shelter as per NULM-SUH guideline. The rest lag behind. The worst implementation of the scheme can be seen in Mumbai, the country's economic capital. *Mumbai requires 124 shelters, but the government has provided only 18 shelters.* It has also been noticed that most of the shelters, except shelters in Andhra Pradesh and Tamil Nadu, have failed to connect homeless with welfare schemes as directed by NULM-SUH.

TABLE: I

City	Population[2]	Shelter required in personate to population	Shelter on ground[3]	Difference
Dhanbad	11 lakhs	11	2	-9
Ranchi	10.7 lakhs	10	12	2
Jamshedpur	6 Lakhs	6	10	4
Patna	16.4 lakhs	16	4	-12
Gaya	4.70 lakhs	4	5	1
Muzaffarpur	3.5 lakhs	3	10	-7
Greater Mumbai	1.24 crores	124	18	-106
Pune	30 lakhs	30	7	-23
Nashik	15 lakhs	15	4	-11
Vizag	17.70 lakhs	17	8	-9
Guntur	7.43 lakhs	7	3	-4
Vijayawada	10.3 lakhs	10	5	-5
Madurai	15 lakhs	15	13	-2
Coimbatore	16 lakhs	16	5	-11

As per the scheme, homeless people living in shelter should be connected with entitlements and other welfare schemes. 12 per cent said they were aware about the shelter facility, 31 per cent never used the shelters, while 45.2 per cent used shelters regularly and 23.7 per cent used the shelters occasionally. 20 per cent said they do not use shelter due to poor living condition. 30 per cent homeless sleep at railway station and bus stations, 42 per cent live on pavements, and 15 per cent under flyovers. The use of open/public places by homeless unfolds the ground reality of policy and clearly indicates towards its failure.

National Register of Citizen and Homeless

Government of India vigorously pushed the implementation of NRC all over the country. The most economically and socially marginalized communities in the country will be harshly impacted by the policy. As per guideline, an only individuals capable of producing authentic legal documents of their identity and address will only be allowed to stay in India. But the process of its implementation is still unclear. Neither is there clarity on the documents that will be accepted. This is going to hit homeless people all over the country. Study conducted by IGSSS[4], in 15 cities of five states (Bihar, Maharashtra, Jharkhand, Tamil Nadu and Andhra Pradesh), revealed that 30 per cent of the homeless do not have any legal identity proofs. It means that when the enumerator will visit the homeless on the street during the NPR process (if they visit) and ask them for their document, 30 per cent homeless will fail to produce the relevant document and information will be filled in National Population Register (NPR) verbally by the enumerator. This will definitely lead to discrepancy in the information. The study says that 53 per cent of the homeless are illiterate. This means that homeless people will not be able to spell their name neither in their native language nor in English. There is high probability of most homeless being left out of the NPR and, as a result, will not be able to make it to NRC and they face the risk of being sent to detention centres.

COVID-19 Pandemic and Response from government

During the lockdown, it seems that the Centre and states largely turned their back on the homeless. Calls for "staying at home" and maintaining physical distancing ignore the plight of the homeless who do not have a home and cannot maintain the one meter of distance in the overcrowded shelter provided by the state. The homeless population have considerable difficulties accessing basic services, health facilities, shelters etc. They have been ignored in the announcement of the lockdown. The homeless, who largely spent their lives in the open were harassed by the police to follow the lockdown and were evicted from under flyovers where they had settled. The political panorama of the government in dealing with the COVID-19 infection seems to have failed in addressing this population, especially their safety and nutrition security. Recent studies[5] have pointed that

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2   2011 census
3   Records from survey
4   https://igsss.org/wp-content/uploads/2019/10/Baseline-Study-Enabling-Inclusive-Cities-for-Homeless.pdf
5   Enabling Inclusive Cities for Homeless; IGSSS, ibid

only 37.3 per cent homeless have access to ration card, 27.7 per cent have access to back account, 2.9 per cent have caste certificates, 0.9 per cent have labour card and almost 30 per cent homeless do not have any identification document. Similarly, in PDS, only 18 per cent of the homeless populations are able to avail entitlements. Only 38.3 per cent populations have access to health facilities. More than 78 per cent of the homeless do not receive any entitlements from the government.

Around 16 states and one Union Territory (of 28 states and one UT analysed) have no mention of homeless in their general circulars, according to an IGSSS report[6]. Only the governments of Andhra Pradesh, Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Tripura have mentioned about the provision of meals to the homeless population.

Andhra Pradesh, Delhi, Karnataka, and Maharashtra are the only states providing sanitation facilities comprising of sanitisers, hand wash, face mask and cleaning of shelters during the time of the COVID-19 pandemic. Only the Maharashtra and Delhi Government talk about regular health check-ups for the homeless. Karnataka and Andhra Pradesh mentioned about medicinal kit being provided while Kerala has mentioned it as a general measure. During the lockdown, the homeless have suffered socially, economically, in accessing food and sanitation and worse having to "staying at home."

Recommendation

1. **Facilitation of the government schemes to the residents:** The residents of shelters should be facilitated to avail of government schemes such as Jan Dhan Yojana, Adhaar Identification, Training under Skill India, accessing labour card, Voter ID Card, and pension schemes.

2. **Implementation of NULM provisions:** The provisions of DAY SUH NULM on papers such as providing eco-friendly shelters, security guard in case of special shelters, etc. needs to be implemented.

3. **Discrimination on the basis of caste and religion:** There have been cases where food cooked by cooks from the Dalit community was rejected. Also Muslims have been targeted as carrier of COVID-19. Such incidents are the violation of Article 15 of Indian constitution. Strict action needs to be taken against perpetrators of such acts and ensure the safety of homeless people.

4. **Allocating more resources and developing an action plan for homeless under NULM SUH:** The increased allocation of resources will help in setting up of more shelters and further the livelihood/ trainings that the NULM SUH should pursue in the post COVID-19 scenario. This can also be used as an opportunity to re-think about NULM SUH guidelines and broaden these to include disasters and the role that NULM SUH provision should play in such scenarios.

5. **Reviewing NDMA and state disaster management plans for inclusion of homelessness:** There is a need to mainstream the issues of homelessness into disaster management practices, laws and guidelines and ensure that SOPs for how the crisis of homeless can be handled during disasters.

6. **Formulating a policy on homelessness:** This is also an opportunity and time to think beyond a scheme to address such a complicated and grave challenge as homelessness. MoHUA needs to draft a policy on urban homeless to be adopted by states. This policy can be further linked to housing and other urban development schemes and be inclusive of the post COVID-19 reality of various kinds of urban disasters.

   As per National Urban Livelihood Mission (NULM) guidelines, adequate shelters should be constructed immediately. Shelter is not the permanent solution hence as a next step, urban homeless should be mainstreamed in government schemes such as Pradhan Mantri Awas Yojana and the Smart Cities Mission to be provided with homes.

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6   Seeking justice for the informal sector during lockdown; Web- https://igsss.org/wp-content/uploads/2020/05/Analysis-of-Informal-Sector-Circulars_COVID.pdf

WATER, SANITATION AND HYGIENE

Invest in hygiene to sustain behaviour change

◆

Research on measures that promote and sustain hygiene behaviours during and post the pandemic is needed.

The political will of the Government of India towards increasing access to clean water, sanitation, and hygiene (WASH) has manifested in various policy measures and programmes. These include revamping the erstwhile Government of India ministries into one Ministry of Jal Shakti, announcing the Jal Jeevan Mission for piped water supply in every rural household, launching SBM-2.0 to deliver safe and hygienic sanitation to all citizens, and efforts towards ending manual scavenging by 2022. But the question is whether these policy commitments are leading to outcomes, or are they benefitting just a handful, leaving the last mile, poorest and the most marginalised in the same state of deprivation.

The importance of accessible, functional and sustainable water, sanitation and hygiene (WASH) facilities/services and related behaviours have been further underscored by the COVID-19 pandemic. The highly protective behaviour of handwashing with soap illustrates this well — the need for context relevant handwashing stations or spaces at home, public spaces, community toilets and institutional settings (worksites, schools, health facilities, anganwadis), that have sufficient soap and water to facilitate handwashing by all at all needed times. The COVID-19 pandemic has further brought to light groups who are at great risk due to the nature of their dwellings (e.g., slums dwellers) and the nature of their work — i.e., sanitation workers, health care providers, and how these factors interact with their access to essential WASH facilities.

This Governance review of the WASH sector presents a brief analysis of one past year of the government's performance — achievements, failures, good governance, rule of law and delivery of services.

Water

Last one year — Governance Accountability — Promises and reality and Constitutional values

In June 2019, the Centre restructured various water related ministries under one Ministry of Jal Shakti (MoJS) and, thereafter, announced two key programmes — Jal Jeevan Mission (JJM) and Jal Shakti Abhiyan (JSA). The restructuring of the Ministry was in tune with the governing party's election manifesto and promises in its interim budget in February 2019.

In the financial year 2019-20, the National Rural Drinking Water Mission (NRDWM) was subsumed into Jal Jeevan Mission (JJM). The Mission aims to provide a Functional Household Tap Connection (FHTC) to every rural Indian household by 2024 and water in adequate quantity of prescribed quality, with key focus on source sustainability. But the increase in coverage of Piped Water Supply (PWS) has been less than 3.15 per cent in the first year of the scheme's implementation.[1] With four years left for the scheme to be complete, we still have around 78 per cent rural households left to be provided with assured water supply services within their individual premises.

The Government of India allocated Rs. 21,518 crore for Department of Drinking Water and Sanitation (DDWS), an 18 per cent increase from the previous year's revised estimates of Rs. 18,360 crore, in terms of allocation for the water sector in the financial year 2020-21.[2] Jal Jeevan Mission (JJM), the largest scheme under DDWS, accounted for 53 per cent of DDWS allocations in FY 2020-21.

The second initiative by the Ministry of Jal Shakti (MoJS), called the Jal Shakti Abhiyan (JSA), has been a water conservation movement launched during the monsoon months of 2019. It identified water stressed districts and municipalities across the country. Ground experiences suggest that the focus on planning and implementation was weaker in many districts, while attention was accorded to reporting and publicising the achievements.

COVID-19

Assured and clean drinking water, safe sanitation and proper hygiene are said to act as the first line of defence in preventing transmission of Coronavirus during the pandemic times. While the government came into action with respect to its flagship programme on rural piped water supply directing states and UTs to prioritise activities related to creation of water supply infrastructure under JJM and for water conservation through MGNREGA, its response to piped water supply in urban poor settlements was particularly weak during COVID-19 and the subsequent lockdown. Most informal settlements reliant on tanker-based water supply faced a situation wherein tanker supply was either unavailable or intermittent, forcing people to walk long distances to fetch water.

Challenges and Recommendations

1. Under JJM, the Gram Panchayat (GP) and its subcommittees have a role in planning, management, operations and maintenance (O&M) of piped water supply (PWS). While in a single village scheme (SVS), the GPs have been given an active role, a multi village scheme (MVS) completely isolates the GP from planning PWS schemes. However, to avoid large schemes from being contractor/ agency driven, it is essential for the GPs or its sub-committee to be involved in in-village planning too.

2. There are several ongoing Central and state funded schemes for water conservation, ground water recharge, and rainwater harvesting and most of these go unmonitored. These multiple schemes can, rather, be clubbed under one broad scheme (eg. JSA) for both urban and rural local bodies with dedicated funds for implementation, operation and maintenance, and monitoring. Water conservation at household level should be incentivised by subsidising rainwater harvesting, promoting water efficient appliances, and developing simple wastewater management practices.

3. Despite groundwater levels falling sharply in the country, the government has failed to regulate its use. Water being a state subject, makes it the responsibility of the state to regulate extraction and make laws binding on both individuals and companies than accept penalty and let go off defaulters easily.

4. While regulations on untreated discharge of sewage and industrial effluents into surface and ground water are already in place, enforcement of regulation is weak. For that reason, measures need to be more stringent, going beyond the polluter-pay principle to mandatory compliance. Consistent non-compliance should lead to rapidly enforced punitive actions.

5. Access to safe and reliable drinking water supply, free of cost, during COVID-19 pandemic in urban settlements has been primarily dependent on tanker or public tap posts.

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1 The household coverage increased from 18.33 per cent in April 2020 to mere 21.48 per cent by June 2020.
2 CPR Budget Brief. Jal Jeevan Mission. Vol 12/ Issue 8.

Sanitation and Sanitation workers

Last one year — Governance Accountability — Promises and reality

Rural India was declared open defecation free (ODF) with the culmination of the Swachh Bharat Mission-Gramin (SBM-G) in October 2019[3]. Urban India too was declared ODF[4] in December 2019, with the exception of West Bengal. Concerns[5] still remain about equitable and inclusive toilet access, sustained toilet usage, gaps in toilet construction leading to water contamination and health risks, and sustainable solid and liquid waste management. However, some of these aspects have been partially covered under the Phase-II guidelines of SBM-Gramin[6], though the budget allocations and funding priority for community-level assets over household-level assets may be challenging.

Toilet construction under SBM has led to a decrease in number of insanitary dry latrines. However, in the absence of proactive government efforts and continuing caste-based discrimination, many women manual scavengers have lost their only livelihood source without alternate employment options. Moreover, a large number of toilets constructed would require periodic emptying of faecal matter, leading to growing concerns around rise of manual cleaning and emptying of toilet substructures in future. In 2019, an advisory on Emergency Response Sanitation Units (ERSU)[7] was released and an inter-ministerial coordination effort towards ending manual scavenging, with a deadline of August 2022, was announced. However, several critical initial deadlines have already been missed.

Constitutional values

Human rights violation of manual scavengers continues, along with the denial of justice, equality and dignity due to several lacunae in implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation (PEMSR) Act. Studies undertaken by Association for Rural and Urban Needy, Centre for Equity studies and WaterAid India and supported by the European Commission — European Instrument of Democracy and Human Rights, have provided important findings[8]:

- The practice of manual scavenging still exists, even though local and state governments in the study locations have denied the existence of dry latrines and manual scavenging.

- People engaged in manual scavenging continue to face caste-based discrimination violence, untouchability, as well as systemic exclusion from government provisions related to rehabilitation, alternative employment, and children's education.

- There is poor implementation of punitive actions for violations of PEMSR Act 2013

- Significant decline in budget allocations under the self-employment scheme for rehabilitation of manual scavengers in recent years.

Another important unaddressed area is the need for equitable and inclusive sanitation infrastructure and services for vulnerable groups such as women, persons with disabilities, transgender persons, migrant workers, elderly persons etc.

COVID-19: Government's response to the COVID-19 and emerging issues

The pandemic has posed challenges in adequate sanitation services for the urban poor residing in slums and informal settlements[9], and migrant workers[10]. Advisories for urban slums by the Ministry of Housing and Urban Affairs[11] and the Health Ministry touch upon the issues but do not provide detailed and effective strategies.

Health and safety related vulnerabilities of sanitation workers[12] have also multiplied, since they not only lack access to adequate personal protective equipment and handwashing facilities for prevention of COVID-19, but also don't have easy access to health care and insurance coverage. Guidelines by Health Ministry[13] and Central Pollution Control Board[14] mention some of these aspects, but do not address the risks for all the categories of sanitation work.

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3 https://www.livemint.com/news/india/pm-modi-declares-india-open-defecation-free-country-11570030303420.html
4 https://www.thehindu.com/news/national/urban-india-except-bengal-declared-open-defecation-free-says-ministry/article30381566.ece
5 https://thewire.in/government/swachh-bharat-open-defecation-free-data and https://www.thehindu.com/data/data-mismatch-is-rural-india-100-open-defecation-free-like-swachh-bharat-data-concludes/article30460909.ece
6 https://jalshakti-ddws.gov.in/sites/default/files/SBMG_Phase_II_guidelines_July_2020.pdf
7 https://pib.gov.in/PressReleasePage.aspx?PRID=1582294
8 https://www.wateraidindia.in/sites/g/files/jkxoof336/files/the-hidden-world-of-sanitation-workers-in-india.pdf
9 https://indianexpress.com/article/opinion/columns/coronavirus-covid-19-slums-dharavi-mumbai-delhi-v-r-raman-nirma-bora-6410681/
10 https://www.firstpost.com/india/coronavirus-outbreak-ensuring-water-hygiene-facilities-for-migrant-labourers-can-safeguard-millions-stranded-during-shutdown-8228331.html
11 http://mohua.gov.in/pdf/5edf84915e23aCOVID%2019%20-%20Advisory%20on%20Water%20and%20Sanitation%20Services.pdf
12 https://thewire.in/rights/coronavirus-health-safety-sanitation-workers
13 https://www.mohfw.gov.in/pdf/Guidelinesondisinfectionofcommonpublicplacesincludingoffices.pdf and https://www.mohfw.gov.in/pdf/GuidelinesonrationaluseofPersonalProtectiveEquipment.pdf
14 https://cpcb.nic.in/uploads/Projects/Bio-Medical-Waste/BMW-GUIDELINES-COVID_1.pdf

Most sanitation workers involved in informal work, such as dry latrine cleaning and rag picking have been out of work since the lockdown was imposed. The situation of dry latrine cleaners is particularly challenging, since though the lockdown is being gradually relaxed, they may still not be called for work due to the fear arising out of COVID-19.

Recommendations

1. Prioritise vulnerable groups under government's sanitation programmes as well as in immediate COVID-19 prevention and relief measures, with intensive efforts for their inclusion and equitable access to sanitation.

2. Continue focus on safety of sanitation infrastructure and sustainable solid and liquid waste management, with retrofitting/corrective measures wherever needed.

3. Fix accountability and responsibility of officials in implementation of the PEMSR 2013, with provisions of incentives for officials to report the prevalence of manual scavenging and to rehabilitate the sanitation workers involved.

4. Explore and deploy technology-centred alternatives to reduce risks associated with sanitation work, and strictly implement the SOPs and Emergency Sanitation Response Systems for desludging operations in sewer lines and septic tanks.

5. Provide for supporting existing sanitation workers or dependants of deceased workers to move into alternative professions; and social security provisions and support for children's education.

Hygiene

Last one year — Governance Accountability — Promises and Reality and Constitutional Values

Hygiene has often been the overlooked as a soft component of WASH interventions. Organizations have typically focused on hygiene through School WASH interventions whereby children were taught to wash hands. The Swachh Vidyalaya Swachh Bharat Abhiyan increased attention to hygiene by iterating the importance of both hygiene promotion and requisite hygiene infrastructure in schools. The Swachh Bharat Mission (SBM), promoted toilet construction and use, with the latest National Annual Sanitation Survey (NARSS) noting that 96.5 per cent of those who had toilets used them. Under SBM 2.0, hygiene has received limited attention while attempts were made to position hygiene as a critical component of ODF sustainability.

In addition to sanitation, hygiene has received subtle and limited mention in policies and programmes on health and nutrition. Some health programmes emphasise hygiene through infection prevention and control (e.g., the LAQSHA Guidelines for quality care in labour rooms), but hygiene promotion as a part of routine child and maternal health programmes is lacking in operational terms. The POSHAN Abhiyan notes WASH as one of the 10 components, and provides some attention to hygiene. However, apart from handwashing, other aspects of hygiene are poorly addressed in the Abhiyan.

COVID-19

The COVID-19 pandemic has underscored the importance of hygiene as a critical disease prevention measure. The Ministry of Health and Family Welfare, and other government ministries have emphasized hygiene behaviours through several communication channels. Hygiene behaviours of focus include hand hygiene, respiratory hygiene, and physical or social distancing measures. In health care settings, infection prevention and control measures and the use of personal protective equipment have been stressed more than even before.

Various aspects of hygiene were emphasised early in the pandemic and lock down phase. However, as the pandemic progressed, hygiene promotion has assumed less importance, with testing and treatment related efforts taking precedence over preventative actions. This can prove detrimental in the long run, given that primary health care (health promotion and disease prevention) is critical to keep populations healthy and safe.
Challenges

The pandemic has brought attention to the nuanced and complex nature of hygiene. For instance, hand washing is undoubtedly important yet challenging in areas and in communities facing acute water shortage. Physical distancing measures are practically difficult to implement in overcrowded slums where hundreds use common toilets and water points.

The other challenges relate to greater emphasis on contact tracing, surveillance, testing and treatment, undermining the need for disease prevention and health promotion actions. Frontline workers like ASHAs and Anganwadi workers, have been tasked

with COVID-19 related surveillance, and while many can provide basic information on hygiene, most are ill equipped to provide practical lessons to engage in hygiene behaviours with limited resources. As the pandemic has affected several families with loss of income and livelihoods, they are unable to prioritize hygiene practices.

Recommendations

1. Integrate hygiene promotion into routine health and nutrition services to sustain attention to these health promoting and disease preventing actions.

2. In addition to spreading awareness about hygiene practices, hygiene infrastructure must be addressed in terms of soap availability, water availability, and hand washing stations that are easy to access, and context appropriate.

3. Hygiene promotion must be undertaken in schools, as well as in anganwadis and at the community level. This way, hygiene is not just seen as actions for children — but actions that need to be taken by the entire community.

4. Governments and civil society must invest in hygiene to sustain these behaviours in the long run.

5. Research on measures that promote and sustain hygiene behaviours during and post the pandemic is needed.

The way forward — towards safe, assured and reliable water, sanitation and hygiene

While the political leadership and action towards access to safe WASH exists, accountability towards its successful implementation is low. Therefore, central to any planning will be (i) Sustained advocacy to improve accountability towards WASH; (ii) Greater and better utilizations of funds to meet the targets in time; (iii) Inclusion and prioritisation of the most marginalised communities; and, (iv) Increasing participation of community based institutions in urban and rural local bodies.

YOUTH

Youth Rights in India:
A dream or reality?

◆

The demographic dividend will become a demographic disaster
and a threat to democracy and peace if we do not move beyond our
tokenistic and instrumental view of young people.

The year 2020 and coming five years are going to be significant for youth in India as the government draws up yet another National Youth Policy (NYP 2020 - 2025) — a vision and policy document that will determine the future and present of young people.

There is neither any standing committee report nor any status report on youth by the department of youth affairs so far. Nor is there is enough discussions or data available to illustrate how youth in India, especially marginalised youth are facing severe challenges in terms of their health status, educational development, employment, migration, poverty, addiction and loneliness, discrimination and neglect by family and society at the policy level.

The on-going pandemic seems to have additionally jolted the aspirations, living conditions, employment/livelihood scenario of young people. The overall situation seems to be resulting into "social unrest" and "economic crisis" as their participation in the economy and social development is constantly eroding.

According to NYP 2014, youth in India constitute 27.5 per cent of the population and majority, around 60 per cent of them belong to Scheduled Castes (SCs), Scheduled Tribes (STs), Nomadic Tribes/De-notified tribes and minorities and other marginalised communities who always need special efforts to feel included in the development agenda of the government. However, since independence, governments have been replicating and running the same programmes like NYKS and NSS as the only way for youth development. These programmes have not yielded desirable results towards transformation and youth development, whereas the context of youth, their needs along with socio-economic reality has changed manifolds.

Needless to mention, India is the youngest country among the BRICS nations with a high working population that is expected to increase to 592 million by 2020, next only to China (776 million) with a median age of 28, which is considerably less than the expected median ages of China and Japan. Based on census 2011, around 133 million "first time voters" have entered into general election process of 2019, which no political party can afford to ignore.

Review of National Youth Policy 2014-2019

The ruling Bharatiya Janata Party (BJP) came into power in 2014 with the agenda of creating jobs. Within six months, it set up a Ministry of Skill Development, which immediately announced a grandiose plan to assess and map the skills of 402 million workers, or the entire workforce, by 2022. In the same year, Ministry of Labour and Employment (MoLE) launched "National Career Service" and the Ministry of Small and Medium Enterprises (MSME) launched "Digital Employment Exchange" — both schemes meant to create jobs or connect job seekers to employment. But it took over a year for the two departments/ministries to notice similarities and integrate their systems, perfectly demonstrating the lack of communication between independent

departments, central and state governments.[1] In 2019, NSSO data on unemployment rate recorded a high of 6.1 per cent, the highest 45 years. But this report was not released publically by arguing that it was "draft report and not available for comparison with previous years".[2]

Similar form of "miscommunication and incoordination" could be clearly seen between the Ministry of Youth Affairs and Sports (MoYAS) and other branches of the central government as well as with the state governments. Central government had a National Youth policy 2014. But majority of state government (even BJP ruled) could not evolve their policy, and some of them copy-pasted central government policy to align and work with youth. Rarely did any state take the efforts to study their own context and need for youth policy which could have catered to youth development and leadership in their states.

It is important to highlight that NYP 2014 did recognise the important areas of youth development. Though very limited on marginalised youth, yet the policy could not be given priority in those five years. If we understand the efforts of the current government on youth development through the prism of its budgetary allocations to the ministry, the Standing Committee on Human Resource Development (2018-19) noted that "the allocations have been lower than the projected demand, year after year. For example, in 2018-19, the projected demand for Department of Youth Affairs was Rs. 873 crore. Against this demand, the allocated budget estimate was Rs. 621 crore.[3]"

The Ministry of Youth Affairs and Sports (MoYAS) has been allocated Rs. 2,216 crore (BE) in 2019-20, making an overall budget of around Rs. 80/- per youth development (targeted and non targeted). This is a 11 per cent increase over the revised estimates of 2018-19 (Rs. 2,002 crore) where the budget estimate for Department of Youth Affairs was Rs. 621 crore, and the budget estimate for Department of Sports was Rs. 1,575 crore. If we analyse the allocations expenditures of MoYAS, it is evident that the department has been busy in promoting "Khelo India" as a major programme of the ministry where very little focus has been given towards developing new infrastructure and sports facility in 2nd tier cities and far reaching rural areas to promote sports. National Sports Federations and the Sports Authority of India have the highest allocations. Together, 58 per cent of the Ministry's allocations have gone to these heads. Only 12 per cent have been allocated to Nehru Yuva Kendra Sangathan (NYKS) as one of the biggest youth development and organisation building process of youth in the country.

Other youth development programmes, which are clubbed under "Rashtriya Yuva Sashaktikaran Karyakram (RYSK)" such as National Youth Corps (NYC), National Programme for Youth and Adolescent Development (NPYAD), International Cooperation, Youth Hostels (YH), Assistance to Scouting and Guiding Organisations, National Discipline Scheme (NDS), National Young Leaders Programme (NYLP), National Service Scheme (NSS) and Rajiv Gandhi National Institute of Youth Development (RGNIYD) have got meagre 6 per cent of allocation (138 crore) which probably has been utilised largely on management of these institutions and programmes.

The expenditure pattern of the budget clearly indicates that the priority for youth development has been minimal with large budget being spend on the promotion of "Khelo India" through advertisements and symbolic events which is against the spirit of NYP 2014 or holistic youth development. Similarly the expenditure on SC/ST youth development has largely been through "notional allocations" without real planning and execution.

National Youth Policy 2020 and way forward

The Pandemic and concerns of young India

The collection of data to study and understand the ground situations of young people has been a regular phenomenon for several years. There was a similar attempt to collect data immediately after the announcement of lockdown due to COVID-19 pandemic. The central government along with "pushing" it's agenda attempted to collect data of "walking workers" towards mapping their skills so that they could be provided/linked with a locally available jobs/employment. It was an additional effort which treated millions of daily wage/migrant workers merely as "numbers" who were forced to "walk on foot" without food and water, majority of them being the young population who have migrated to other states due to lack of locally available jobs/employment. Millions of young people are living in despair situations and worry about their education, livelihood and career in this pandemic. The central and state governments need to move beyond the "mapping skills" and proactively create avenues and opportunities where these young people can be engaged productively in their social and economic life.

1   https://asia.nikkei.com/Opinion/Another-government-database-is-not-going-to-help-India-s-unemployed

2   https://economictimes.indiatimes.com/jobs/india-jobless-rate-swells-above-23-amid-coronavirus-lockdown-survey-shows/articleshow/75023958.cms?from=mdr

3   "Report no.303: Demands for Grants 2018-19 (Demand No. 99) of the Ministry of Youth Affairs and Sports", Standing Committee on Human Resource Development, March 8, 2018, https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ ReportFile/16/98/303_2018_6_17.pdf.

Need for holistic youth development agenda with adequate budgetary provisions

As per standing committee's latest report in 2019, youth development now has been clubbed into three major areas of youth development which are i) Rashtriya Yuva Sashaktikaran Karyakram (RYSK) ii) National Service Schemes and iii) Raiiv Gandhi National Youth Development Institute (RGNIYD), which will further help and facilitate the department for better coordination and expenditures on youth development. But it is also important to evolve a "holistic development plan" in the form of National Youth Policy 2020 and each state needs to evolve its youth policy in consultation with all stakeholders and based on local needs and in the context of young people in the country.

There is a need to look at young people beyond the demographic dividend. Investing in young people to build their agency to invest in themselves will instead cause a multiplier effect. This rings true for all facets that impact young people, be it education, livelihoods and entrepreneurship, health and wellbeing, governance, relationships and overall social development. There is, therefore, a critical need to build capacities of young people to be able to participate in decision making, in all the afore-mentioned facets, and more. A concerted effort needs to be made to create experiences that build the relevant capacities and spaces that invite and respect their participation.

Promotion of constitutional rights and values towards strengthening democracy

Every year and in every policy, it is reiterated that "youth in India needs to be harvested as important population dividend". But, in reality they are being manipulated to live behind a "smokescreen" and distracted from their real concerns/issues that affect their lives. The entire 2019 and 2020 have been "misused" by the government to supress "voices of dissent" and police have slapped severe law such as National Security Act against who rise to speak for real issues faced by youth. 2019 and 2020 have seen young people across India hitting the roads for their constitutional rights and promotion of constitutional values. But It is unfortunate that they are being categorised as "anti-nationals" and forced/manipulated to deviate from real issues and concerns of young India.

Polarisation among youth has resulted in riots and an increase in violence, especially gender violence and violence against marginalised communities. Forms of "communal engagement" are being celebrated in the name of 'pseudo — nationalism', promotion of concepts like *'hindu rashtra'* and being mobilised to be part of *'Gau Raksha Dal'*, Anti-Romeo Squads, Shakti Kendra etc. to promote communal politics and polarise young people. These strategies will force young people to deviate in fact, such an agenda towards "divisive governance" will become a threat to democracy and peace in the coming years.

Youth for Development and Peace

In the contemporary context, where the entire world is fighting to overcome the "global pandemic" and possible economic crisis, it is important to recognise the real concerns of young people — education and transition of youth into higher and vocational education, employment, migration, violence and discrimination free society, poverty to save them from falling into exploitative work situation and further being carriers of "social unrest." It is important to give priority to NYP 2020 and create that "vision and social hope" that youth can expect from the government to break the cycle of poverty, unemployment and all forms of exploitation. Young people in the country need to be given space and opportunity to participate in the governance and political process where they can contribute to the creation of the necessary policy and schemes that will be for the youth and by the youth of India.

Youth Commission to foster synergies between multiple ministries/departments for youth development

The growing young population and their concerns needs special attention and strategies. These require a "nodal agency or institution like "Youth Commissions" which can create an enabling environment and process where all departments and multiple ministries such as Ministry of Youth Affairs and Sports, Ministry of Small and Medium Eenterprises (MSME), Ministry of Labour and Employment (MoLE), Ministry of Women and Child Development (MoWCD), Ministry of Human Resources Development (MoHRD), Ministry of Social Justice and Empowerment (MoSJE), Ministry of Tribal Affairs (MoTA), Ministry of Urban Development and Ministry of Minority Affairs can communicate and coordinate between each other to build synergies and develop an effective policy and strategies for youth in India which will create an empowered and economically productive force needed for the development of country.

POLICY ASKS

1) ADVANCING WOMEN RIGHTS

- Pass the Women's Reservation Bill in the Parliament to ensure 33 per cent representation for women in state and national governments.
- Protect and promote women's safety through fast paced, optimal utilisation of Nirbhaya Fund for setting up One Stop Centres and a national Women's Helpline.
- Ensure continued provision of social security measures including cash transfers for women workers from informal sector and frontline workers.
- Ensure effective and urgent delivery of health and nutrition schemes for pregnant women and adolescent girls, including budget allocation amounting to 5 per cent of GDP.

2) BANKING

- Bring back 'Development Banks' as development banking, funded by budgetary allocations and RBI surplus and ensuring accountability. Build them, as an option to the proposed National Investment and Infrastructure Fund (NIIF) meant to cater to large scale lending for developmental projects.
- Include social and environmental safeguards in commercial banks. Banks social responsibility should include ethical investing and should have clear policies which protects environment, livelihood, and human rights.
- Ensure transparency and accountability of banks regarding Non Performing Assets (NPA). There is acknowledgement that much of the NPA are frauds and wilful default where the loans have been diverted from their purpose.
- Build policies for disclosure of wilful defaulters in the banking sector to enhance accountability and transparency of banks. Present archaic laws prevent banks from disclosing the names and details of defaulters.

3) BUDGETARY PRIORITIES

- Create more fiscal space (enhance revenue mobilization and public expenditure) to revive the economy to address unemployment and stagnating real income faced by large sections of the population, including migrant workers.
- Give immediate attention and take measures to the chronic gaps with regard to adequacy of budget allocations and proper utilisation of funds in promoting educational and economic empowerment of Scheduled Castes and Scheduled Tribes, women, Muslims, disabled people and other vulnerable sections.

4) CHILDREN

- Enhance education budgets to 6 per cent of the GDP.
- Increase budgets for Integrated Child Protection Scheme (ICPS), to effectively address enhanced protection needs of children.
- Effectively implement schemes and programmes, especially in the context of COVID-19, to ensure uninterrupted access to critical services, such as healthcare, nutrition, food security, mental health, psychosocial support and education.
- Address issues of violence and build social protection and child-sensitive cash transfer initiatives to the most vulnerable children and families.

5) CLIMATE CHANGE AND ENVIRONMENT

- Give National Clean Air Programme (NCAP) a legal mandate, appropriate resources and an effective institutional mechanism (also to include regulation of emissions from coal power plants) so that it achieves its purpose by 2024.
- Review the draft EIA Notification. It provides arbitrary discretionary power to the government, undermines environmental and social standards, and public participation. It militates against India's international commitments towards the environment.

6) DALIT AND TRIBAL PEOPLE

- Put in place measures to address and prevent violence against Dalit and Tribal women and also enhance the financial allocation for addressing violence.
- Introduce livelihood support compensation packages and undertake a systematic process of enumerating informal/migrant sector workers.
- Enhance financial assistance for informal sector workers and create and extend provisions as per the Unorganized Workers' Social Security Act of 2008 and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
- Legislate the Allocation for Welfare of the Scheduled Caste (AWSC) plans, using the Scheduled Caste sub-plans as guidelines.

7) EDUCATION

- Table National Education Policy in the Parliament and ensure that it is widely debated, including in Parliament, prior to implementation.
- The universalisation of education for all children under the NEP must be done within a legal frame work and the framework of the Right to Education (RTE) Act, 2009.
- Enforce comprehensive regulatory framework for non-state actors and private players in education (philanthropic schools, Public Private Partnership-PPP) and eliminate existing inequalities in provision of education.
- Address discrimination faced by girls, Dalits, Adivasis, Muslims, children with disabilities and children from other marginalized groups.
- Ensure the right to education, health and nutrition of children from migrant families affected by the COVID-19 pandemic.
- Stop exclusion through online instruction and ensure rights of migrant children during the Pandemic.

8) GOVERNANCE AND MUSLIMS

- Restore the trust of the Muslim community by making suitable modifications in the CAA and NPR Rules.
- Assuage the fear of insecurity among Muslims
- Promulgate appropriate laws against communal violence, mob-lynching and witness protection.

9) HEALTH

- Reduce inequalities in health infrastructure and services across the states by increasing the budget and filling vacant staff positions to strengthen public health systems.
- Regulate private health care sector needs by ensuring all states enact the Clinical Establishment (Registration and Regulation) Act, 2010 and provide the prescribed standards of facilities and services.
- Put a cap on prices for costs of hospitalisation, lab tests, medical devices, medicines.
- Make disaggregated data available for better health services planning.

10) HOUSING

- Upgrade existing slums as viable models with basic amenities and improved physical and social infrastructure such as roads, sewage and drainage systems, parks, waste disposal and management, hospitals, schools, etc.
- Create provisions for slum dwellers to access land tenure rights, in-situ upgradation and beneficiary led construction to allow for families to accommodate natural growth without further densification of an existing household.
- Strengthen beneficiary-led construction with upgradation of overall settlement; acknowledging existing informal settlements as self-constructed affordable housing models and supporting to ensure 'housing for all'.
- Incorporate participation of people in housing provision through PMAY (U) and impose a moratorium on forced evictions.

11) HUMAN RIGTHS

- Repeal unjust laws that help criminalise our Constitutional right to dissent and deprive people of their right to enjoy freedom of expression, association, peaceful assembly, belief or equality and non-discrimination.
- Release those who have been wrongfully imprisoned under repressive laws like- Sedition, Unlawful Activities (Prevention) Act and National Security Act, including political leaders.
- Stop criminal investigations against journalists under PSA and UAPA and withdraw the new media policy.

- Restore 4G mobile internet in Kashmir. NHRC should appoint a special monitor for the region and to take up cases pending with the erstwhile State Commission. The NCW should set up a J&K cell for addressing problems faced by women.

12) INDIAN CIVIL SOCIETY

- Promote enabling partnership environment with/for the civil society organisations, in keeping with their role and contribution in the welfare and development sector, particularly in reaching the more vulnerable sections of the population.
- Rationalise legal and institutional accountability mechanisms including the requirements of re-validation and renewal of FCRA,12A, 12AA, 10(23)C and 80G certifications every five years.
- Develop the concept of Social Stock Exchange in consultations with and to benefit both not-for-profit organisations and for-profit enterprises and amend prevailing legislations for drawing smooth co-ordination and implementation.

13) INEQUALITY

- Track data on income inequality and make it available publicly
- Strengthen progressive taxation and redistribute income to bolster universal public services and social security for the poor. Implement the Right to Food to ensure food security for all.
- Enforce living wage for all workers and protect their rights to organize.

14) LGBT

- Revisit the Transgender Persons (Protection of Rights) Act, 2019 and remove the condition of proof of surgery to access rights and services which is in violation of . the order of the Supreme Court of India (in NALSA Vs Union of India 2014).
- Recognise the international standards set by United National agencies, World Medical Association, The World Professional Association for Transgender Health (WPATH) in the protection of rights and provision of services to transgender persons.
- Take necessary legislative, administrative, and other measures to fully recognize each person's self-defined gender identity, with no medical requirements or discrimination on any grounds.
- De-link LGBT*QIA+ persons' access to social security benefits in times of crises from the need to submit ID documents like ration cards or Aadhaar cards which the community often finds difficult to acquire.

15) LIVELIHOODS

- Build market-relevant skills, decent jobs and inclusive labour laws. These will enable Dalit, Tribal, women and other marginalised sections to seek opportunities for 'decent work'.
- Create engendered infrastructure to promote women's work and participation; legal mechanisms for inclusive access to social security and labour rights across formal and informal employment.
- Expand livelihoods opportunities beyond skill building and incentives for entrepreneurial ventures.

16) MIGRANT WORKERS

- Develop and include housing and shelter policy for migrants and workers in continuation to the affordable rental housing policy.
- Provide state-led rental housing and worker hostels.
- Include livelihood skilling for migrants and livelihoods guarantee scheme in urban areas.
- Set up central committee to formulate scheme for migrant workers.

17) PARLIAMENT

- Both houses of Parliament should conduct discussions and debates on all Bills. Where required, the Bills should be sent to the Parliamentary committees for their feedback and response.
- The role of the opposition political party should not be seen as disrupting the houses, but contributing to the proceedings of Parliament through participation in discussions and response on any Bill.
- Both houses (Lower and Upper) should take initiatives to solve the issues of disruption and time loss of both the houses.
- In the light of the COVID-19 pandemic, the government should organise video conference-based session of both the houses to meet and solve the issues.

18) PERSONS WITH DISABILITY

- Make immediate appointments to all key positions and statutory bodies mandated under the Rights of Persons with Disabilities Act 2016 (RPDA) and align and update all relevant laws and schemes with the RPDA.
- Upgrade DEPwD to a separate Ministry. This must be complemented with the creation of a Disability cell at the NITI Aayog for better planning and monitoring of SDG implementation with regard to PWD.
- Simplify the disability certification process and align the Indira Gandhi National Disability Pension Scheme with the RPDA.
- Maintain disaggregated data on persons with disabilities across all ministries and departments. The Registrar General of Census should engage subject matter experts on disability to finalise questions to get authentic data for the Census 2021.

19) PLHIV

- Recognise HIV as a social development issue and a critical health challenge among productive age groups.
- Include and put in place structured measures required to address the impact of COVID-19 as a critical, life threatening pandemic that has a bearing on the lives of People Living with HIV/AIDS
- Augment current measures for the treatment and welfare to reach all members of the people living with HIV.

20) RELIGIOUS MINORITIES: CHRISTIANS

- Enact a comprehensive and strong legislation to make hate inciting violence a cognizable crime.
- Provide for representation to religious minorities in Union and State police forces, with special recruitment drives if necessary.

21) TRANSPARENCY AND ACCOUNTABILITY

- Implement the NDA electoral promise of ending corruption — Make transparent funds received through electoral bonds.
- Revoke the RTI Act amendments-2019 and ensure autonomy and independence of officials, fill vacant positions in information commissions

22) URBAN HOMELESS

- Formulate National Policy for the Urban Homeless building a time frame for providing permanent housing to all homeless, moving away from the temporary solution of shelters.
- Homelessness should be recognized as a social and economic issue and this recognition should reflect in the planning and execution of all development and welfare schemes of the government.
- Undertake an enrolment drive and provide legal identity to the urban homeless.

23) WASH

- Ensure necessary water supply and hand hygiene arrangements at households, schools, anganwadis, workplaces and public places.
- Prioritise infection prevention arrangements and proper waste management in health care facilities.
- Ensure regular and free provision of water supply, safe maintenance of public toilet facilities and adequate arrangements for hand hygiene in urban settlements.
- Prioritise and strengthen at all levels the safety and welfare measures for sanitation workers.

24) YOUTH

- Make youth rights an integral part of National Youth Policy (2020) and programmes across ministries where "national youth commission" play a vital role in promoting and protecting rights/or duties of young people.
- Provide additional care and protection to young people from marginalised and socially excluded sections of the population to protect them from marginalisation and discrimination with adequate space and opportunity to be part of country's growth.
- Provide young people with adequate representations in the strategic and decision- making bodies of corporate, political parties, government, CSOs, educational institutions/firms in all sectors.

LIST OF PARTNERS

1. Abhigyan Disha
2. Abhilasa Pariwar
3. Adarsh Seva Sansthan (ASES)
4. Ankit Anusuchit Samaj Klyan Technical Nari Utthan Evam Shikshan Snasthan
5. Antodaya Chetna Mandal
6. Arj Foundation
7. Awadh Peoples Forum
8. Bal Vikas Evam Mahila Utthan Sansthan (BVMUS)
9. Bihar Voluntary Health Association
10. BREAD
11. Brij Jan Jagran samiti
12. Dalit Arthik Adhikar Andolon/NCDHR
13. Dalit Vikas Sansthan
14. DHARA
15. "Deepshikha" Presentation Sisters
16. Ekal Nari Shakti
17. Forum Against Corruption & Threats (FACT)
18. Global Vision
19. Gram Jyoti
20. Hanuman Prasad
21. Human Rights Alert
22. Hunger Free Bihar Campaign,
23. India Alliance for Child Rights (IACR)
24. Indian Social Institute, Delhi,
25. Indo Global Social Service Society
26. Institute of Policy Studies and Advocacy
27. Jai Sri Laxmi Mahila Vikas Kendra,
28. Jan Sarokar
28. Jan Vikas Kendra
30. Janklyan Sansthan Bhadohi
31. Jharkhand Mahila Uthan
32. Kanak jan kalyan samiti,
33. Karmawati pal memorial society
34. Lalita Jansewa Foundation (Dalit Vikas Parishad)
35. Lok Kalyan Sewa Kendra
36. Lok Manch, New Delhi.
37. Lok sewa evam gramin prodhogiki vikas sansthan
38. LOKDEEP
39. Lokprerna Samadhan
40. Lokpriya Janhit Sewa Sansthan (LJSS)
41. Mahila Gramodyog Seva Samiti (MGSS)
42. Mahila Vikas Manch
43. Manav Deva Bharati
44. Margshree Charitable Trust
45. Mass Welfare Society
46. Mayaram Surjan Foundation
47. MMKK
48. Nari Jirnodhar Gram Chetna Sansthan,
49. NCPI+(national coalition of people living with HIV in India)
50. Oxfam India
51. People's Monitoring Committee
52. People's Campaign for Socio-Economic Equity in Himalayas
53. Purwanchal
54. Rapid Action for Human Advancement Tradition (RAHAT),
55. Sahabhagi vikas
56. Samarth founfation
57. Serva Sewa
58. Shree Bhaskar Samaj Kalyan Kendra
59. Sitara Swayam Sevi Sanstha
60. SMVM
61. Society for Development Action
62. South Asian Network for Social & Agricultural Development (SANSAD)
63. Supporting Association for Thematic and Holistic Initiatives-SATHI
64. SUTRA
65. TRCSC
66. Urban Poverty Reduction
67. Uttar Pradesh Voluntary Action Network (UPVAN)
68. Vaishali Samaj Kalyan Sansthan,
69. Vikas Path
70. Youth for Peace International
71. Youth for Unity and Voluntary Action (YUVA)
72. Yuva Rural Association