



COVID-19, CIVIC SPACE, DEMOCRACY REPORT ON INDIA

FOR

TOKYO DEMOCRACY FORUM

Executive Summary

Ever since the COVID-19 pandemic entered India it has reaped disastrous consequences on the economic and socio-developmental front, causing huge hardships to people at large. Intertwined with the COVID-19 pandemic, was the economic turmoil the country was pushed into via the ill-planned lockdown that resulted in destroying millions of jobs and made the country's economy go for a tailspin. With the twin challenge of an economic and health challenge confronting India, there was a glaring reduction in civic space despite civil society organizations making considerable positive impact on ground. During the year, civil society organizations provided considerable assistance and support to millions of destitute Indians who had been affected by the lockdown. This was despite a financial crunch facing many organizations that were unable to mobilize resources for humanitarian relief. However, these efforts were not recognized, and stringent regulations were slapped over Indian civil society sector which disabled their potency to help people. In similar vein, there have been instances where civic space and democracy have been critically affected due to the COVID-19 pandemic. During the raging COVID-19 pandemic, democratic institutions functioned with full vigor to provide justice and restoration of rights when required. However systemic injustices and erosion of democratic rights was visible in certain cases. Marginalized and vulnerable sections of society faced a huge issue with regards to accessing services and justice. During the pandemic, democratic struggles for rights and entitlements were taken out by farmers, students, medical officers, civil society organizations etc. Quick redressal was provided to aggrieved parties through institutional hearings however many were subjected to police action on the pretext of violating social distancing norms. A distressing feature seen during the course of the pandemic was the incarceration of human right defenders. This has caused huge concerns among civil society on the overreach of the state. Despite these concerns, the democratic framework of India still stands strong with an active and vibrant participation of people in governance and civic organization. The report is an endeavor to highlight the challenges of democracy and civic space during the COVID-19 pandemic and evaluate the response system towards these concerns and point out the challenges. Consequently, it also seeks to be an assessment of the functionality of Indian democracy vis-à-vis rights and entitlements. It lays bare the gaps and provides concrete proposals for action and also synthesizes advocacy goals from a global perspective.

Authors and Organizations

Arjun Phillips
Program Manager
Voluntary Action Network India



Contents

Executive Summary.....	2
Authors and Organizations	3
Abbreviations	5
A. Data and Trends about COVID-19 in INDIA	8
COVID-19 Pandemic Chronology -INDIA.....	8
Testing.....	15
Vaccination.....	16
B. Impact of the COVID-19 on democracy and civic space	17
Impact on Human Rights.....	18
Impact of Human Rights Defenders.....	18
Impact on SDGs.....	19
C. Response to the COVID-19.....	21
Analysis on the numerous legislative measures undertaken to enforce.....	21
Role of Media and Information Sharing.....	23
Major activities and programs carried out by CSOs	23
D. Challenges and Assessment.....	25
SWOT ANALYSIS	25
E. Action Plans and Proposals	26
CSO campaign and activities at the national level.....	26
CSO campaign and activities at the international level	26
To the Government of India.....	26
Suggestions to International Bodies (G20, BIMSTEC, UN, UNDESA, UNESCAP)	26
To Tokyo Democracy Forum	27
Annex	27

Abbreviations

ADB	Asian Development Bank
APMC	Agricultural Produce Market Committee
BIMSTEC	The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation
CAA	Citizenship Amendment Act
CDC	Center for Disease Control
CIT	Commissioner of Income Tax
CMIE	Center for Monitoring Indian Economy
COVID	Novel Coronavirus Disease

CPHS	Consumer Pyramids Household Survey
CSO	Civil Society Organization
EPF	Employee Provident Fund
FAO	Food and Agriculture Organizations
<i>FCRA</i>	Foreign Contribution Regulation Act
FDI	Foreign Direct Investment
FIR	First Information Report
GDP	Gross Domestic Product
GHI	Global Hunger Index
HRD	Human Resource Department
ILO	International Labour Organization
IT	Income Tax
MHA	Ministry of Home Affairs
MP	Member of Parliament
MSME	Micro, Small and Medium Enterprise
NBFC	Non-Banking Financial Company
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NITI Ayog	National Institute for Transforming India
PCI	Per Capita Income
PHRA	Protection of Human Rights Act
PIB	Press Information Bureau
PM CARES	The Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund
PMGKBY	Pradhan Mantri Garib Kalyan Yojana
RBI	Reserve Bank of India
RTI	Right to Information

SARS	Severe acute respiratory syndrome
SBI	State Bank of India
SDG	Sustainable Development Goals
SWOT	Strength, Weakness, Opportunity and Threats
UAPA	Unlawful Activities (Prevention) Act
UK	United Kingdom
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
USA	United States of America
UT	Union Territory
VGP	Viability Gap Funding
WHO	World Health Organization

A. Data and Trends about COVID-19 in INDIA

COVID-19 Pandemic Chronology -INDIA

January 1, 2020 to October 13, 2020

A. The confirmed case – 1st, 100th, 1,000th, 10,000th, 100,000th, 1,000,000th, etc.

The confirmed	date
1 st ,	30 th January 2020
100 th ,	15 th March 2020
1,000 th ,	29 th March 2020
10,000 th ,	14 th April 2020
100,000 th ,	19 th May 2020
1,000,000 th	17 th July 2020
6312584	1 st October 2020
81,37,119	31 st November 2020
1,02,66,674	31 st December 2020

B. The first death – 1st, 100th, 1,000th, 5,000th, 10,000th, 50,000th, 100,000th, etc.

The death	date
1 st ,	13 th March 2020
100 th ,	6 th April 2020
1,000 th ,	30 th April 2020
5,000 th ,	1 st June 2020
100,000 th ,	1 st October 2020

Date	National Events
1st October 2020	MHA issues new Guidelines for Re-opening, Strict enforcement of lockdown in Containment Zones till 31st October 2020
5th October 2020	6,737 recoveries have been registered in the last 24 hours in the country whereas the new confirmed cases stand at 74,442 . The new recoveries have exceeded the new cases in the recent days. India's total recoveries stands at 55,86,703 today
10th October 2020	India continues to report a trend of steadily dipping active cases. After a month, for the first time, active cases fall below the 9 lakh mark. India

	registered 8.93 lakh active cases today after registering 8.97 lakh on 9th September. Presently the active cases stand at 8,93,592 and comprise merely 12.94% of the total positive cases of the country demonstrating a steady falling percentage of the total cases.
15th October 2020	India is reporting a progressively high increase in the recoveries and a persistent decline in the percentage active cases. It is now almost 73 days (72.8 days). This indicates a substantial fall in the daily New Cases and the consequent increase in time taken to double the Total Cases. India has come a long way from registering a doubling rate of 25.5 days in mid-August to now registering a doubling rate of nearly 73 days
20th October 2020	<p><u>Govt enhances expenditure limit of candidates facing Lok Sabha, Assembly elections</u></p> <p>The poll spending limit for candidates contesting Lok Sabha and assembly elections has been enhanced by 10% based on the recommendation of the Election Commission that contestants be allowed to spend more on campaigning keeping in mind difficulties they may face due to COVID-19 curbs.</p> <p>The Jammu and Kashmir administration's move to seal the Srinagar office of <i>Kashmir Times</i> has evoked strong reactions from the media fraternity in the Valley and political parties.</p>
25 October 2020	The country's infection tally had crossed the 20 lakh-mark on August 7, 30 lakh on August 23 and 40 lakh on September 5. It went past the 50 lakh-mark on September 16, 60 lakh on September 28 and crossed 70 lakh on October 11.
30 October 2020	The Centre has asked states to constitute committees for coordination and overseeing COVID-19 vaccination drive while ensuring minimal disruptions in other routine healthcare services, and stressed early tracking of social media to dispel rumours which could impact the community acceptance of coronavirus inoculation
1st November 2020	<p><u>India maintains top Global Ranking with Maximum Recoveries of more than 75 lakhs, Percentage Active Cases have reduced more than 3 times in the past 2 months, India crosses the Landmark of 11 crore Total Tests</u></p> <p>India continues to occupy the top global position as the country with the maximum number of recoveries. The total recoveries have crossed 75 lakhs today (7,544,798). 53,285 recoveries have</p>

	been registered in the last 24 hours in the country. The active cases have sustained on the downslide. The total active cases in India stand at 5,61,908 . The Active Cases comprise only 6.83% of the total positive cases of the country.
5th November 2020	India continues to report a steady trend of declining active cases. The active cases are less than 6 lakh for the last seven consecutive day and stand presently at 5,27,962 . The active cases are now only 6.31% of the total positive cases of the country. Following the national trend, 27 States/UTs have less than 20,000 active cases. 10 States/UT account for 78% of the total active cases in the country. Maharashtra, Kerala, Delhi and West Bengal together account for more than 51% of the active cases.
10th November 2020	India has registered less than 40,000 daily new cases after six days. The number of daily new cases in the last 24 hours is 38,073 . For the third day in a row, daily new cases have been sustained below the 50,000 mark. This assumes significance in the context of some countries reporting a very number i.e. as high as one lakh cases per day since the last 3-4 days.
15th November 2020	India has continued the unbroken trend of the daily new recoveries outpacing the daily new additions for the 44th day. 43,851 COVID-19 patients recovered in the last 24 hours against just 30,548 newly detected cases.
20th November 2020	Centre rushes High Level Teams to 4 States, contemplating for others too; Centre advises States/UTs to increase testing levels to track the undetected and missed out patients, High levels of Testing ensures falling Positivity Rate, Active Caseload remains below 5% of Total Cases
25th November 2020	4,489 new confirmed COVID cases have been registered in the last 24 hours in the country. Of these, 60.72% is contributed by six States/UT i.e. Kerala, Maharashtra, Delhi, West Bengal, Rajasthan and Uttar Pradesh. Kerala leads the tally with 6,491 new COVID cases.
30 November 2020	Indian farmers march on Delhi in protest against agriculture laws More than 300,000 farmers head to capital for 'decisive battle' with government. Police had used tear gas and water cannons against the marching farmers and ripped up highways to stop tractors and

	protesters moving forward
1st December 2020	India's active cases today stand at 4,35,603 , much below the 5-lakh mark. The share of Active Cases in the total Positive Cases has further shrunk to 4.60% . The daily recoveries exceeding new cases has ensured a total net reduction of the Active Caseload. A net decline of 11,349 cases has been recorded in the total active cases in last 24 hours. 31,118 new cases were added to the national tally in the last 24 hours.
5th December 2020	India's active caseload has fallen to 4.35% mark today from 4.44% yesterday . Continuing with the trend of the last 7 days, India has reported more daily recoveries than the daily new cases during the past 24 hours. India's Active Caseload presently stands at 4,16,082 today .
10th December 2020	Exponential rise in India's testing; Cumulative tests cross 15 Cr, 1 crore Tests conducted in the last 10 days; Less than 40,000 Daily New Cases since the last 11 days continuously; For the last Five days, less than 500 daily deaths recorded
15th December 2020	India's total Active Caseload has significantly dropped to 3.63 lakh (3,63,749) today. This is the lowest after 146 days . The total active cases were 3,58,692 on 18th July, 2020 .The country has reported a trend of sustained decrease in the number of active cases. India's present active caseload consists of just 3.71% of India's Total Positive Cases. 37,528 cases recovered and discharged in the last 24 hours
20th December 2020	India on Sunday, 20 December, reported 26,624 fresh coronavirus cases, taking the tally in the country to 1,00,31,223. The death toll increased by 341 to 1,45,477.
25th December 2020	The Minister of Home Affairs has issued fresh guidelines for surveillance, containment and caution in wake of rising number of COVID-19 cases. The guidelines said that "Listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80 percent of contacts to be traced in 72 hours)" Keeping in view the recent spike in new cases in few States/ UTs, ongoing festival season and onset of winter, it is emphasised that to fully overcome the pandemic, there is need to maintain caution and to strictly follow the prescribed containment

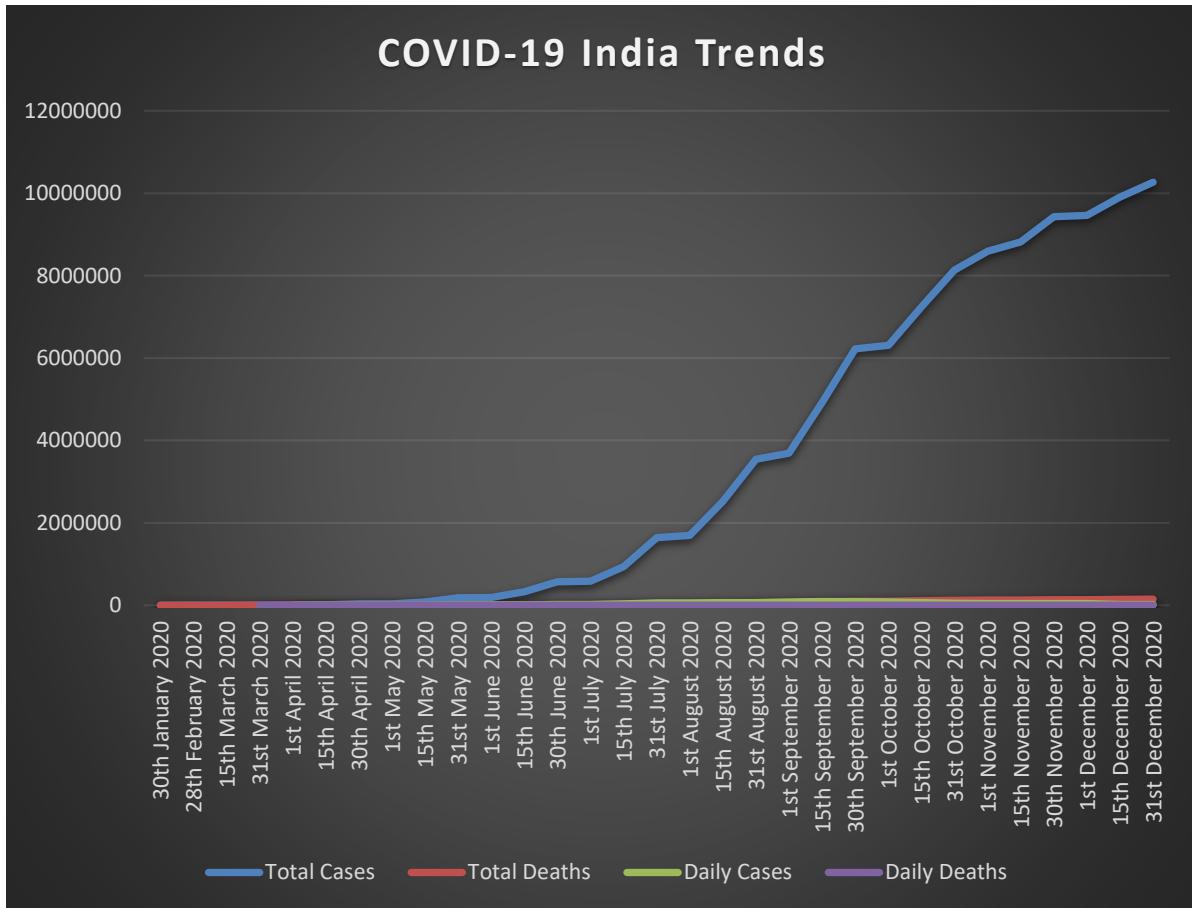
	strategy, focussed on surveillance, containment and strict observance of the guidelines/ SOPs issued by MHA and Ministry of Health & Family Welfare (MOHFW).
31st December 2020	Night curfew imposed from 31st December 2020 to 1st January 2021 keeping in view new COVID-19 strain

Date	Total Cases	Total Deaths	Daily Cases	Daily Deaths
30th January 2020	3	0		
28th February 2020	10	0		
15th March 2020	110	1		
31st March 2020	1397	35		8
1st April 2020	1834	41	545	23
15th April 2020	11933	392	883	29
30th April 2020	33610	1075	1801	75

1st May 2020	35365	1152	2394	69
15th May 2020	81970	2659	3787	104
31st May 2020	182143	5164	8782	223
1st June 2020	190535	5394	7761	200
15th June 2020	332424	9520	10243	395
30th June 2020	566840	16893	18256	506
1st July 2020	585493	17400	19428	438
15th July 2020	936181	24309	32682	614
31st July 2020	1638870	35747	57704	765
1st August 2020	1695988	35747	54865	852
15th August 2020	2526192	49036	63986	950

31st August 2020	3542733	63498	68770	818
1st September 2020	3691166	65288	78169	1025
15th September 2020	4930236	80776	91120	1283
30th September 2020	6225763	96318	86748	1179
1st October 2020	6312584	98678	81693	1096
15th October 2020	7239389	110586	63509	730
31 st October 2020	8137119	121641	48268	563
1 st November 2020	8591730	127059	44281	448
15 th November 2020	8814579	129635	41100	435
30 th November 2020	9431691	137139	38772	443
1 st December 2020	9462810	137621	41985	482

15 th December 2020	9906165	143709	22065	354
31 st December 2020	10266674	148738	21821	299

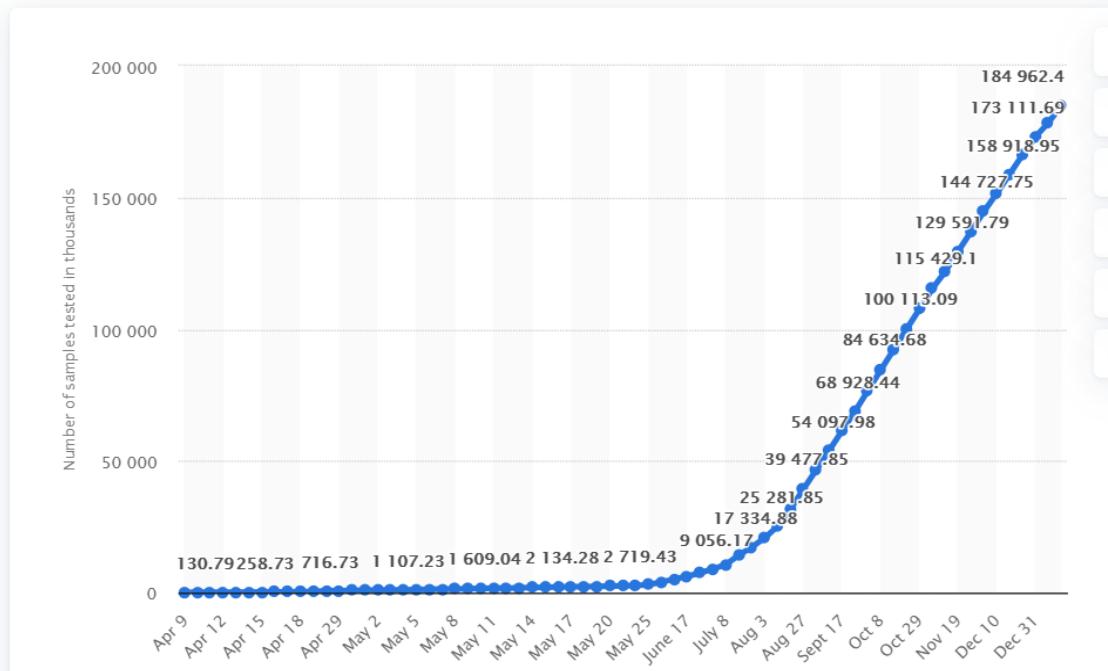


Testing

- The Health Ministry has announced that the real-time reverse transcription-polymerase chain reaction or [RT-PCR is the ‘gold standard’ frontline test](#) for COVID-19. This came into effect after the [rapid anti-body tests](#) showed unreliable results.

- [Anti-body tests](#) also known as serological tests, are used to find out the presence of virus in a body. In this method of testing, blood samples are used to find anti-bodies. This process also detects the quantity of antibodies that are produced by the immune system.

Cumulative number of samples tested for the coronavirus April 2020 to January 2021 (in 1,000s)



Vaccination

India indigenously developed two vaccines- COVAXIN and COVIDSHIELD as part of the Prime Minister's 'Make in India' campaign. The COVAXIN is produced by Bharat BioTech and COVIDSHIELD by Serum Institute of India. The first vaccination drive started on 16th January 2021 providing vaccination to frontline workers. About 87 million people have been vaccinated as of 5th April 2021¹. About 65 deaths have been caused due to vaccinations, which have not been clinically addressed and justified². In the state of Madhya Pradesh, there were instances where consent had not been taken from people over vaccine trials³. Under the banner of south-south cooperation and vaccine diplomacy,

¹ https://github.com/owid/covid-19-data/blob/master/public/data/vaccinations/country_data/India.csv

² <https://qz.com/india/1985742/is-india-analysing-deaths-reported-after-coronavirus-vaccines/>

³ <https://www.nationalheraldindia.com/india/severe-lapses-in-covaxin-trials-in-bhopal-consent-forms-not-given-participants-who-fell-ill-not-treated>

India is supplying vaccines to both global north and south. India has supplied 64.5 million vaccines to 84 countries as of 7 April 2021⁴. From 1st April 2021, compulsory vaccination has been mandated by the government for all those above 45 years of age. On 11th March 2021, the government of India made vaccination available to CSO workers, identifying them as ‘frontline workers.

B. Impact of the COVID-19 on democracy and civic space

- *Freedom to Expression*⁵: In June, UN Human Rights Commissioner Michelle Bachelet expressed alarm over a clampdown on Freedom of Expression in India, citing concern over several journalists and at least one doctor having been charged for their public criticism of the authorities' response to the pandemic. Since the outbreak of the pandemic, state and national governmental actors in India have cracked down on journalists' coverage of the pandemic, and have employed lockdown measures in a way that adversely impacts journalists' ability to cover the pandemic. When writing critical coverage of governmental responses to the pandemic, journalists have been refused curfew passes, arrested under charges of spreading false information when covering governmental responses to pandemic, charged with acting negligently to spread infectious disease, physically assaulted by police, and charged with disobedience under the Epidemic Diseases Act⁶.
- *Freedom of Association and Assembly*⁷: Phase 1 of the lockdown stage bans all gatherings for any reason until further notice. Citing a ban on public gatherings to stem the spread of COVID-19, Delhi police dispersed multi-month sit-in protest against India's controversial citizenship law. Police bulldozers were used to disperse individuals and destroy their temporary site. In the beginning of July, the Government in Kerala issued notification extending the enforcement of COVID-19 regulations until July 2021. No manner of social gathering, with more than 10 people, will be allowed in the state without the written permission of the concerned authority. In mid-September, the Delhi Disaster Management Authority issued an order stating that gyms and yoga institutes can be reopened in the city, with the exception of containment zones, subject to adhering to COVID-19 guidelines. In late September, the United Democratic Front halted its protests against government policies due to the worsening COVID-19 situation in Kerala. It was also stated, however, that it would continue certain protests while adhering to COVID-19 guidelines. During the period from 1st October 2020 to 31st December 2020, innumerable protests were organized by farmer bodies against the ordinances promulgated by the government of India on privatizing farm land and agricultural markets under the guise of market reforms⁸.

⁴ <https://www.mea.gov.in/vaccine-supply.htm>

⁵ <https://www.idea.int/gsod-indices/#/indices/countries-regions-profile?rsc=%5B750%5D&covid19=1>

⁶ <https://www.icnl.org/covid19tracker/?location=56&issue=&date=&type=>

⁷ ibid

⁸ <https://indianexpress.com/article/india/delhi-chalo-on-nov-26-27-farmers-protest-march-call-gets-support-of-472-farm-outfits-7057772/>

- *Freedom to Association*⁹: Acts of reprisal pose a threat to the functioning of UN human rights mechanisms as a whole. Civil society engagement is fundamentally necessary to ensure adequate reporting to these mechanisms and to promote human rights, in and outside the UN. Reprisals lead to self-censorship, weakened engagement and watered-down reporting, and represent an attack against UN mechanisms themselves. Latest case where Amnesty International India section was forced to stop its ongoing work and let go of its staff after a complete freezing of the organisation's bank account. India is a member of this Council, and it is particularly egregious that the country has effectively shuttered a critical voice in researching and reporting human rights violations to UN mechanisms.

The new FCRA amendments introduced by the Indian government are poised to impede the development work of numerous small grassroot groups given that it virtually stops sub-granting to downstream CSOs and puts a cap on administrative expenditure.

Impact on Human Rights

India an alarming deterioration of civic freedoms. The government is using a variety of restrictive laws - including national security and counter terrorism legislation - to attack, arrest and imprison human rights defenders, peaceful protesters and critics. The Citizenship Amendment Act (CAA) – brought in in December 2019 and described by the the High Commissioner as “fundamentally discriminatory in nature” – is in violation of international human rights law.

Despite this, National Human Rights Commission of India (NHRCI) has, to date, taken no concrete steps nor offered more than token rhetoric to safeguard the constitution and publicly condemn the actions of the government to curb fundamental rights.

The NHRC was initially granted an “A” status on the basis of proposed amendments at the time of its accreditation which, since passed, do not fully meet the requirements of the Paris Principles. Of the criteria to which an NHRI must adhere to in order to attain A-status, the NHRCI falls short in several. Its lack of diverse representation is of serious concern. Its appointment process is flawed and opaque. The NHRCI has yet to use its power to review recent restrictive laws, including the FCRA and CAA, and recommend amendments to the government. Despite the appointment of a focal point on HRDs, this appears to be a token gesture rather than a genuine attempt at protecting HRDs, and the position has since been downgraded still further¹⁰.

A very deep seated concern arises when low income households and groups are not covered under the vaccination drives of the Indian government. No government program and policy has not been developed which will address the vaccination concerns of these groups¹¹.

Impact of Human Rights Defenders¹²

⁹ <https://www.civicus.org/index.php/media-resources/news/united-nations/geneva/4667-civil-society-facing-reprisals-for-engagement-in-un-human-rights-mechanisms>

¹⁰ <https://www.civicus.org/index.php/media-resources/news/united-nations/geneva/4672-india-the-national-human-rights-commission-not-upholding-its-mandate-or-protecting-the-constitution>

¹¹ <https://qz.com/india/1983300/indiias-poor-are-being-left-behind-in-coronavirus-vaccine-drive/>

Nearly six months since a national lockdown was announced by Prime Minister Narendra Modi due to the coronavirus pandemic, it has proven to be a complete disaster, with opposition leaders predicting that India's infected tally may touch the 6.5 million mark by the end of September 2020 As at 4th September 2020, More than 76,000 people in India had died due to the coronavirus.

It is in this context that the Narendra Modi government has continued its persecution of human rights defenders, activists, student leaders and journalists. Political activists and student leaders continue to be the government's prime targets, with some detained under the draconian Unlawful Activities Prevention Act (UAPA) and for sedition .

Impact on SDGs

Goals	Impact
Goal2: Right to Food	<p>India ranked 94 among 107 countries in the Global Hunger Index (GHI) 2020 and continues to be in the “serious” hunger category, though it has made some progress, particularly since the enactment of National Food Security Act. Last year, India's rank was 102 out of 117 countries.</p> <ul style="list-style-type: none"> • The Food and Agricultural Organisation (FAO) estimates nearly 40% of the food produced in India is lost or wasted every year due to inefficient supply chains. The pandemic amplified the vulnerabilities of the national food system. It has disrupted local, regional and national supply chains, adding to the impacts of the country’s food waste problem. • The lockdown measures resulted in severe labour shortages, delaying the mid-April wheat harvest by two weeks. In the potato-producing states of Uttar Pradesh and West Bengal, increased demand from returning migrant workers pushed up prices by 9% at the wholesale level and 11% in retail. • Imports of food have also stalled due to the COVID-19 pandemic¹³.
Goal 3: Right to Health	<p>Availability of government beds is abysmally low in India, and an epidemic like coronavirus can very quickly complicate the problem even further. An estimated 5-10% of total patients require critical care in form of ventilator support¹⁴</p> <p>For every 1,000 people, the country has only 0.9 physicians and 1.7 nurses, while the global average is 1.6 doctors and 3.8 nurses¹⁵.</p>
Goal 4: Right to Education	<p>A total of 320 million learners in India have been adversely affected by the COVID-19 pandemic and have transitioned to e-learning;</p> <p>With huge regional and household disparities in access to the internet and technology, this transition has not been possible for all students and educators;</p> <p>The rapid shift to e-learning prompted by the pandemic has resurfaced long-standing</p>

¹² <https://monitor.civicus.org/updates/2020/09/16/activists-academics-and-journalists-india-face-judicial-harassment-despite-pandemic/>

¹³ <https://theprint.in/india/how-covid-worsened-hunger-in-india-the-worlds-largest-food-basket/472124/>

¹⁴ <https://www.brookings.edu/blog/up-front/2020/03/24/is-indias-health-infrastructure-equipped-to-handle-an-epidemic/>

¹⁵ <https://foreignpolicy.com/2020/06/22/india-bungled-coronavirus-crisis-pandemic-reopening-health-care/>

	issues of inequality and a digital divide in India that must be addressed by future economic, education and digitalization policies. ¹⁶
Goal 5: Gender equality	According to the Centre for Monitoring Indian Economy (CMIE)'s Consumer Pyramids Household Survey (CPHS) database, around 17 million women lost their jobs between March and April. This means, of the already meagre population of women in the workforce, four out of ten women were rendered unemployed due to the Coronavirus pandemic.
Goal 8: Right to Work / Job	As many as 6.1 million young people (15-24 years) may lose jobs in India in 2020 if the containment of the virus takes six months (roughly till September), says a report by Asian Development Bank (ADB) and International Labour Organisation (ILO). The unemployment rate in India has risen to 8.35% in August 2020, according to data from Centre for Monitoring Indian Economy Pvt Ltd.
Goal 10: Inequality	In a peculiar trend, the inequality gap in India is expected to narrow after the Covid-19 pandemic even as per capita income (PCI) is projected to decline by 5.4% during the ongoing fiscal to Rs 1.43 lakh, according to a State Bank of India (SBI) Research report ¹⁷
Goal 16	With more than 80 percent of India's workforce employed in the informal sector, and one-third working as casual laborers On March 24, 2020, the government announced a three-week nationwide lockdown to contain the spread of coronavirus in the country. The lockdown has already disproportionately hurt marginalized communities due to loss of livelihood and lack of food, shelter, health, and other basic needs. ¹⁸

Impact on marginalized and vulnerable groups

Goal and Targets	Groups	Impact
Goal 10 and 16 Target 10.7, 16.b	Migrants	Domestic Migrants: the country into a period of lockdown to manage the spread of COVID-19. While India's population of 1.3 billion people came to terms with the changes of enforced social distancing, India's 40 million migrant workers had a different set of challenges to contend with (BBC 2020)

¹⁶ <https://www.weforum.org/agenda/2020/10/how-covid-19-deepens-the-digital-education-divide-in-india/>

¹⁷ https://economictimes.indiatimes.com/news/economy/indicators/inequality-gap-in-india-to-narrow-down-post-covid-19-sbi-report/articleshow/76527662.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

¹⁸ <https://www.hrw.org/news/2020/03/27/india-covid-19-lockdown-puts-poor-risk>

Goal 16 Target 16.b	Refugees	<p>200,000 refugees from Somalia, Afghanistan, Myanmar and other countries,</p> <p>No refugee in India can work legally till they obtain a work visa, a tedious process that can take months.</p> <p>Less than 10% of refugees in the country have work visas¹⁹</p> <p>Refugees were found wanting of special care like provision of food, social protection etc.²⁰</p>
Goal 5	Women and girls	<p>In 2020, between March 25 and May 31, 1,477 complaints of domestic violence were made by women. This 68-day period recorded more complaints than those received between March and May in the previous 10 years²¹.</p>
Goal 10 Target 16.b	Social minorities	<p>Increased discrimination against Dalits during the covid-19 pandemic²²</p> <p>Atrocities and injustices faced by these communities due to forest, conservation and economic policies, too, increased manifold during the pandemic²³</p>

C. Response to the COVID-19

Analysis on the numerous legislative measures undertaken to enforce

The lockdown critically affects democratic and civic space in the country, mainly manifested by the lockdown that ushered an economic and social crisis. Due to this crisis, many governance functioning dispensed by the state was grievously affected. This critically impaired access to justice for numerous

¹⁹ <https://www.livemint.com/news/business-of-life/covid-19-pushes-refugees-in-india-to-the-brink-11598359378255.html>

²⁰ <https://thewire.in/rights/india-rohingya-refugees-starvation-covid-19>

²¹ <https://www.thehindu.com/data/data-domestic-violence-complaints-at-a-10-year-high-during-covid-19-lockdown/article31885001.ece>

²² <https://www.newindianexpress.com/cities/delhi/2020/jul/07/atrocities-against-dalits-see-a-rise-2166477.html>

²³ <https://www.downtoearth.org.in/news/forests/rise-in-atrocities-against-forest-dwellers-during-covid-19-crisis-flags-report-73671>

communities and groups who were previously engaged in deriving justice. Section 144 of the Indian Penal Code was enforced that does not allow gathering of more than 4 people in a place. Stringent police flag march and curfew was imposed that did not allow to step out for basic rations and purchases.

-*Lockdown*: The lockdown resulted in affecting a large section of population. Importantly, the government had issued directives of all government offices to remain closed until further notice. This impacted and hindered several important delivery of public goods. The lockdown was severe in affecting supply of essential services even when the government had made clear directives that these services will not face any problems.

-*Social Distancing*: Strict social distancing measures were enforced, with omnipresence of police officers cordoning and sealing public places or operating them with restrictions. In areas, where social distancing was difficult to enforce, force was applied which resulted in injuries.

-*Health Measures*: Initially health infrastructure was minimally utilized during the start of the pandemic, however normal services were critically affected owing to the increase in numbers of patients. Mid-pandemic in June and July 2020 there was a virtual collapse of health services which was responsible for increase in death rates due to inordinate delay periods in giving first line treatment to patients.

-*Unlock phase*: Immediately after the lockdown phase, the government of India announced the unlock process in which services, public places and offices were opened up for resumption.

- *Parliamentary legislations, ordinances passed during the COVID crisis*: The states government of India, issued short period ordinances during this period which mainly dealt with factories and industries. The Parliament of India recently resumed its functioning in which numerous non-progressive legislations were passed related to farmers, labor laws and foreign funding to Indian CSOs.
- *Extraordinary powers conferred to police*: During and after the lockdown phases extraordinary have been provided to police to fine people who are not wearing masks and moving around in public.
- *Functionality of courts addressing jurisprudence and Access to Justice to*:

The courts were closed during the lockdown, however they were resumed albeit via virtual video conferencing, litigations are taken up which are attached importance by the courts and value to the country's functioning. Access to justice remains essential these times and many critical judgements were passed by the apex court.

-*Dalits*: Access to justice for dalit communities has been difficult with a recent rape and murder of a minor girl in India. While the state administration failed in its duty to protect the girl and hesitated to file a First Hand Information Report (FIR), legal battles for punishing the culprits has started.

-*Tribal*: Many tribal groups have faced hindrances in getting access to justice due to the closure of courts.

-*Women*: Increased crime and domestic violence during lockdown periods has had a devastating effect on women. However, many women groups and National Commission of Women are taking up individual cases of violence against women.

- *Functionality of independent democratic institutions such as Election Commission, Reserve Bank of India etc.*

During this period, institutions such as Election Commission are organizing elections in the coming months for a particular state. Clear guidelines have been notified which notify political parties to only conduct virtual rallies and avoid any crowd gathering.

- *Functionality of local democratic institutions (panchayats, gram sabhas):* There has been an appreciable response by local democratic institutions in guiding mitigation and relief activities and their contribution and collaboration with civil society has been adequately recorded.
- *Accountability and Transparency of government schemes and programs:* While the government has been forth coming in announcing schemes and policies, it has been non-transparent in financial packages announced under the PM-CARES fund. There have been numerous debates in the parliament around the fund's purpose and objectives and non-transparency in disclosing the amount of funding received from donors.

Role of NHRC

- Submitted concerns to the state government over treatment of migrant labor
- Fact finding teams sent for investigations
- Creation of new incident categories in different nature of Complaints for Violation of Human Rights related to Covid-19
- Complaints received online, Cases registration process while functioning work from home.
- Important role played by Focal Point for Coordinator with State functionaries redressal of grievance during the pandemic.

Role of Media and Information Sharing

- Fake News: Press Information Bureau (PIB) highlighted the Supreme Court's directive to the media to maintain a strong sense of responsibility while reporting on issues pertaining to the COVID-19 pandemic and ensure that unverified news capable of causing panic is not disseminated.
- Curtailing media coverages of COVID-19 quarantine centers
- Non-transparency in information of monies collected in PM-Cares fund. Right to Information (RTI) law in this regard not applicable
- Petitions filed in Supreme Court to control digital platforms

Major activities and programs carried out by CSOs

Indian civil society organizations are actively responding to the COVID-19 pandemic drawn into action because of two factors- providing healthcare facilities, associated paraphernalia such as masks, sanitizers and being frontline respondents in supporting poor population affected by the lockdown²⁴. The lockdown imposed by the government to slow the infection spread quickly in creating economic challenges for daily breadwinners and labor classes due to temporary suspension of factory work. This caused en-masse migration of factory workers, daily breadwinners to go back on foot to their villages because public transportation stands closed for duration of the lockdown. Many civil society organizations have undertaken extensive meal distribution, ration facilitation, shelter provision in cities and major highways of the country²⁵. The supreme court of India noted the vital contribution of CSOs in mitigating the pandemic²⁶. NITI Ayog the government of India official policy think tank, which routinely engages CSOs also made solicited/ requested help from civil society to support government initiatives.

Initiatives by CSO community

- During the lockdown 3+ million beneficiaries were reached by CSOs
- CSOs helped in migrant crisis and Covid-19 pandemic
- Educated general public on social distancing, sanitation, hygiene
- Made wide availability of home-made, artisan craft masks to the poor, destitute and needy
- Helped and supported marginal and destitute groups with food rations, digital services, legal assistance and all forms of support

Challenges: The government appreciated the efforts of civil society and requested their assistance for relief work²⁷. However, while assistance has been provided by civil society organizations there is limited mutual support²⁸ in terms of funding or grants that help in mitigating COVID-19 and associated challenges. In some states of India, civil society organizations have not been allowed to work during lockdown period this is even though government has issued an electronic pass to them for travel and relief work.

- However, there no funding available to CSOs; neither state governments nor national government has provided CSO funding resources – many exhausted their existing resources (response funds, community donations, etc.)
- Many CSOs interacted with state governments to help CSOs and provide grants to work with people stuck in lockdown and those affected by Covid-19. Some state governments have been generally receptive to CSOs and issued passes to CSOs so they can help these populations, but others have denied such passes

²⁴ Weaker and poorer, NGOs still the best bet in delivering Covid-19 relief https://www.business-standard.com/article/companies/weaker-and-poorer-ngos-still-the-best-bet-in-delivering-covid-19-relief-120042800370_1.html

²⁵ Coronavirus in India: In 13 states, NGOs fed more people than govt did during lockdown <https://www.indiatoday.in/india/story/in-13-states-ngos-fed-more-people-than-govt-during-coronavirus-lockdown-1665111-2020-04-09>

²⁶ <https://www.thehindu.com/news/national/ngos-deserves-all-appreciation-for-helping-migrants-during-covid-19-pandemic-sc/article31786947.ece>

²⁷ Covid-19: Niti Aayog CEO writes to NGOs for assistance in relief measures <https://economictimes.indiatimes.com/news/economy/policy/covid-19-niti-aayog-ceo-writes-to-ngos-for-assistance-in-relief-measures/articleshow/74994183.cms?from=mdr>

²⁸ Helping hand: How NGOs are trying to ease the suffering caused by coronavirus lockdown <https://www.news Laundry.com/2020/05/01/helping-hand-how-ngos-are-trying-to-ease-the-suffering-caused-by-coronavirus-lockdown>

- There is a need for CSOs to find other funding sources and think about sustainability; CSOs relying on foreign funding are at risk as the Global North is affected by COVID.
- With new laws in FCRA and Income Tax, CSO activity in helping and supporting during this economic and health crisis will be grossly affected.

D. Challenges and Assessment

SWOT ANALYSIS

Strengths

- Young population that offers opportunity for future growth and development
- Vibrant civil society across the country
- Growing economy, infrastructure development
- Capacity to vaccinate
- Laissez-Faire and controlled economic framework to support budding businesses
- Functional democracy
- Functional judiciary
- Institutional integrity
- Multi-culturalism and diversity

Weakness

- Low education proliferation
- Weak public transparency
- Gender dis-empowerment and disparity
- Rising inequality levels
- Low outreach to poor sections of society
- Weak public consultation and CSO engagement

Threats

- Communal disharmony
- Border security and terrorism
- Fake News and disinformation
- Discrimination of all sorts

Opportunities

- Demographic dividend
- Global leadership
- Economic strength: Potential to become a manufacturing hub

E. Action Plans and Proposals

CSO campaign and activities at the national level

- Advocacy with national government on inclusive policy making processes that is tilted in favor of marginalized groups and communities
- Building relationship with progressive media on feeding civil society reports on gaps and challenges that give insights into institutional slippages.
- Advocacy with government on supporting a conducive enabling environment for civil society by providing them data reports on impact and relief deliverables
- Advocacy with members of parliament on raising human rights/ livelihood losses and other concerns in parliament with full zeal and vigor.

CSO campaign and activities at the international level

- Exploring development of digital monitoring tool on COVID-19, SDG 16+ and Human Rights to hold government accountable as well address gaps
- Using social media on highlighting covid created human rights problems as part of mass awareness campaigns
- Creating alliance with private sector for a development fund that finances civil society and rights-based groups
- Ensuring adequate availability of human rights lawyers and enforcement of progressive legislations

To the Government of India

- Increase space for public participation on health policy
- Acknowledge and support the role of civil society in combating the pandemic
- Ensure financial assistance to vulnerable sections of society through cash transfers
- Create special policies of protection for disabled, marginalized children, girls and elderly
- Promote local livelihoods via partnership with civil society organizations
- Create a conducive regulatory regime for CSOs in India

Suggestions to International Bodies (G20, BIMSTEC, UN, UNDESA, UNESCAP)

- UN should collaborate with civil society in India on SDGs via integrated mechanism that allow multi-stakeholder partnership
- G20 should give more weightage to financing development initiatives
- Ensure global and national multi-stakeholder participation of CSOs in all multilateral forums for policy input on social development

- Make UN, G20 and other multilateral forums issue a statement in support of civil society organizations

To Tokyo Democracy Forum

Call on government of India to be more sensitive to concerns of civil society

Annex

Government report on SDGs – roadmap, implementation, VNR

<https://sustainabledevelopment.un.org/content/documents/15836India.pdf>

Government reports on COVID-19

<https://www.mygov.in/covid-19/>

UN human rights reports and recommendations on your government – UPR, Treaty Bodies and Special Procedures, etc.

https://www.upr-info.org/sites/default/files/document/india/session_36 - may 2020/nhrc_india_mid-term_report_on_upr-iii.pdf