

SOLIDARITY SERIES

Conversations
during
Lockdown
& *Beyond.*

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SOLIDARITY SERIES:

CONVERSATIONS DURING LOCKDOWN AND BEYOND



Centre for Financial Accountability



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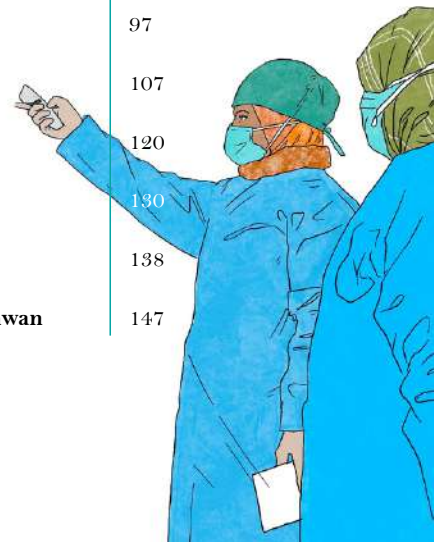
Our appreciation to all our friends and comrades in the many networks, you epitomize the strong solidarity that can take over the world.

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Our earnest thanks to everyone in the CFA Team

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Foreword

There has perhaps never been such a need as there is today to develop critical, rational, and compassionate public opinion. The COVID-19 pandemic has brought with it a plethora of issues; crises that we do not yet know the scale of. Over the years, the space for analytical thought and productive criticism has been shrinking, resulting in mindless populism, fear and a herd mentality. In India, this has manifested in a deepening of the structures of inequality across gender, religion, class, and caste lines. The ‘Solidarity Webinar Series’, organised by the Centre for Financial Accountability (CFA), comes at the critical juncture of a government-imposed lockdown, where many isolated at home, had an incomplete understanding of the social, economic, cultural and political impact of the crisis.

While the coronavirus itself may be blind to religion, caste, class, race, ethnicity, nationality, gender, language, or sexual orientation, its impact cannot be divorced from the multiple forms of structural discrimination that exist in society. Many of the conversations brought together by the CFA, interrogate the disproportionate consequences that COVID-19 and the lockdown have on vulnerable sections of society the world over.

Governments and governance have always been contentious for the concerned Indian. The decisions taken during this crisis by the current ruling dispensation, prove that the non-consultative, non-transparent, non-accountable positions taken have impacted services, delivery as much as fundamental right to liberty and expression. They disproportionately affect the vulnerable, the poor and lack empathy for the marginalised. But the COVID-19 agenda, has the potential of enslaving civil society, to make us victims of our own fears, of vulnerability to fatality, and use them to control our hard won democratic and constitutional freedoms. The dependence on technology has increased manifold because of necessity. As a people we must understand the intersectionality of the Covid crisis and the use of tools of control, we have allowed to impinge by default on our lives.

Against this backdrop of denial, the future is bleak. For the vulnerable the implications are alarming. The future of women in situations of domestic violence, or Dalit workers who migrate from their villages to escape caste violence, will stand between two choice less situations. Increased centralisation of power hits at India’s federal structure. We are witnessing the attack on religious minorities and those who support their right to protest, framed by the propaganda of nationalism, playing on fears to communalise the coronavirus. The role of dissent and even questioning, political activism and people’s movements, is whittled down and threatened. For the worker whose labour rights stand corroded and laws tailored to suit the employers, life in post-Covid India will be a regression to bondage of a new kind. Surveillance technology will remain as a critical method of control over peoples’ physical movements and expression. Questions arise across the spectrums of our lives - climate change, caste, tribal rights, economy, gender, class, technology, education, political and market ideology, law and order, public health, in fact everything.



In this extraordinary period of forced immobility for many, virtual discussions and lectures synthesise address the many questions on issues of concern and provide both a theoretical and experiential framework for imagining future alternatives.

The emergent world will see a radical restructuring of a new order overarching everything we have known – in society, polity and economy. Social interaction has changed drastically. Solidarity between civil society, policy-makers, activists, journalists, academics, practitioners and across ideologies is necessary to overcome this crisis. This series is a move towards generating a discourse arising from a precarious moment in our history. The nightmare can only be countered if we fight for the right to dream and re-imagine our world, with justice, equality and peace. To quote Eduardo Galeano:

"While we can't guess what will become of the world, we can imagine what we would like it to become. The right to dream wasn't in the 30 rights of humans that the United Nations proclaimed at the end of 1948. But without it, without the right to dream and the waters that it gives to drink, the other rights would die of thirst."

Excerpt from "The Right To Dream."

Aruna Roy and the MKSS Collective

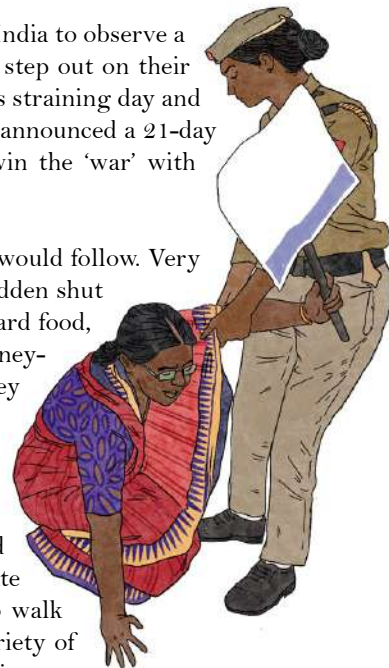
Introduction

On Sunday, 22nd March 2020, Prime Minister Narendra Modi called upon people of India to observe a country-wide curfew towards tackling the COVID pandemic. People were asked to step out on their 'balconies' that evening and bang vessels (*thali bajao*) in gratitude for frontline workers straining day and night to keep us all safe. A couple of days later, at 8 pm on Tuesday 24th March, he announced a 21-day lockdown, and from that very midnight. He argued it was critically essential to win the 'war' with COVID-19.

Lockdown is a term very unfamiliar for people. Besides, there was no clarity on what would follow. Very few were aware of its devastating consequences and were caught unawares by the sudden shut down of the entire country. Chaos reigned as people thronged grocery stores to hoard food, medicines and other consumables, or to simply get home. For those without money—especially informal workers and daily wagers, the consequences were brutal. They didn't know where they would get their next meal, how to get back home, or access critical health care. A climate of fear was employed to shut down an entire country, warning serious jail terms for those not complying with the lockdown conditions.

As days under lockdown turned into weeks, several versions of the lockdown followed each with its own distinctive sets of conditions. Confused, scared, hungry and desperate to get home, crores who lived on the margins, mainly migrant workers, decided to walk home braving harsh summer conditions. The Government of India announced a variety of economic measures to deal with lockdown, mostly on protecting business and promoting e-commerce! There was little, very little offered, to address the crisis of the poor and the marginalized. Resource rich middle classes benefitted from this, staying home and working from home. Crores slept hungry, tired and without shelter. With inter-state and public transport services brought to a grinding halt, the entire nation was stranded.

The promise was that this will rescue from being infected by the deadly corona virus. Given that cure was far and still unknown, people complied. But soon it became evident that the strategy was not succeeding. Crores across India who slipped through these widening cracks, stripped off their dignity—children, pregnant women, senior citizens, disabled included, continued walking hundreds of kilometres to be back with their families. If one was destined to die of Covid, they preferred to die in their homes, with their loved ones. Many migrants were thrashed by police, sprayed with chemical disinfectants, humiliated, and forced to quarantine on trees even, and that after reaching their destinations—tired to their bones. Dozens did not make it: some were killed in brutal accidents, many others simply collapsed in exhaustion and died.



A political theatre of regression, repression, oppression and utter confusion had unfolded, leaving most clueless; the collapse of governance across India was evident. To deal with this depressing situation, civil society networks and trade unions stepped out extending relief in cities and villages to those who were without food and shelter.

The Centre took advantage of the pandemic to relegate to the background massive resistances growing nation-wide against abrogation of Article 370 in Jammu and Kashmir and to the Citizen Amendment Act/ National Register of Citizens. The attacks that followed on students who were part of this resistance at Jamia Millia Islamia, Jawaharlal Nehru University and other universities, were serious matters of enquiry, which were ignored. The disastrous consequences of the carnage in Delhi, associated with elections, was off focus. Many who suffered in these horrific situations were quite simply forgotten. The Modi administration instead had been busying itself with *Namaste Trump* event and the organizing the collapse of an elected government in Madhya Pradesh. With the lockdown in place, even before many reached their homes the Modi government went on to make massive policy changes by amending crucial laws of the country such as the Electricity Act, the Environment Impact Assessment Notification and Labour laws. The amendments mostly in favour of the industry to facilitate the ease of business and attract greater foreign investment to restart the economic engine with little care towards the emerging public health crisis. During these precious weeks, World Health Organization's serious warnings to India to take effective steps to tackle the pandemic, also fell by the wayside.

In such an abysmal state of affairs, rather than feel despondent, civil society networks, trade unions and people's movements came together to organize a series of webinars entitled: *"Solidarity Series: Conversations during Lockdown and Beyond"*. This was a coming together of multiple solidarities, and in the best way possible during lockdown. In all 17 webinars were organized between 31st March – 17th April 2020 drawing participation of hundreds from across India and abroad. Video recordings of these critical conversations are accessible at: <https://www.cenfa.org/webinar-solidarity-series/>.

These conversations drew people from multiple sectors, with diverse perspectives on a range of themes, all of which independently and collectively interrogated implications of the lockdown and critically analyzed its repercussions. Speakers in this series were a rich and rigorous mix of scholarship, activism and experience from diverse backgrounds.

Gautam Mody discusses how the capitalist system takes advantage of such a global crisis, and increases existent disparities. *Leo Saldanha* emphasized how during the pandemic, efforts are underway to centralise power claiming this efficient delivery of public services. *Kiruba Muniswamy* explains how the lockdown has been brutal on the working classes and especially frontline workers. *Soumya Dutta* deepens our understanding of how climate crisis and COVID 19 pandemic are similar leaving one pondering on the nature of preparedness required. *T. Sundararaman* argues health systems needed 10-15 years back are not available even now, and thus makes a case for a robust role for the State in financing and building up such systems without relegating the role to profit-making private sector. *Shalmali Guttal* debates that governments are employing the Covid crisis to consolidate state power. And she raises serious concerns over erosion of privacy. *Chandan Kumar* raises concerns that a large part of the country's work force is informal, and yet there is no comprehensive effort to address their needs and demands.

Madhu Bhushan underlines the crisis is developing into a situation where the socio-political fabric of society is being disrupted. 'Lakshman Rekha' employed by Prime Minister Modi, she argues, is deeply patriarchal. *Meera Sanghamitra* focuses on how the Trans community has become more vulnerable due to lockdown policies, such as 'stay home stay safe' and 'social distancing'; which she emphasizes are oxymorons. *Manjula Pradeep* highlights the critical importance of developing Intersectional perspectives and narrates how multiple forms of discriminations operate, and are exacerbated by the lockdown. *Avinash Kumar* stresses the COVID pandemic has made the State's obligations to protecting Human Rights even more relevant, especially given expansion of structural inequalities and discrimination. He highlights UN Charter on Human Rights and various other international standards are all the more relevant today to secure vulnerable groups and populations.

Thomas Franco analyses that while the banking sector has been in crisis for a while now, the lockdown has made it worse, and calls for real remedial action. *Punit Minj* discusses how disruption of access to food and livelihoods has been forced millions to leave home, and calls for a revisit of 'Jal Jungle Jameen' natural resourced dependent communities. *Paul Divakar* addresses issues of Adivasi and Dalit Exclusion in COVID relief efforts and discusses their varying impacts, highlighting how it has worsened vulnerabilities. He dreams of an India with Social justice as its foundation, followed by economic and developmental justice. *Prakash Kashwan* discusses how the it is critical to look beyond conventional approaches in tackling environmental emergencies and the pandemic, and calls for inter-disciplinary responses. The webinar transcripts of *Jayati Ghosh* and *C.P Chandrashekhar* have not been included due to some operational reasons.

These vignettes weave together an inter-sectoral solidarity, and a commitment to struggle together. Each webinar was followed by rich discussions. Such enthusiasm, especially the overwhelming response, inspired us to transcribe these webinars into a readable volume accessible to a wider audience. Several student volunteers have helped transcribe these conversations, followed by editing by speakers.

We are energized to share this compilation with you.

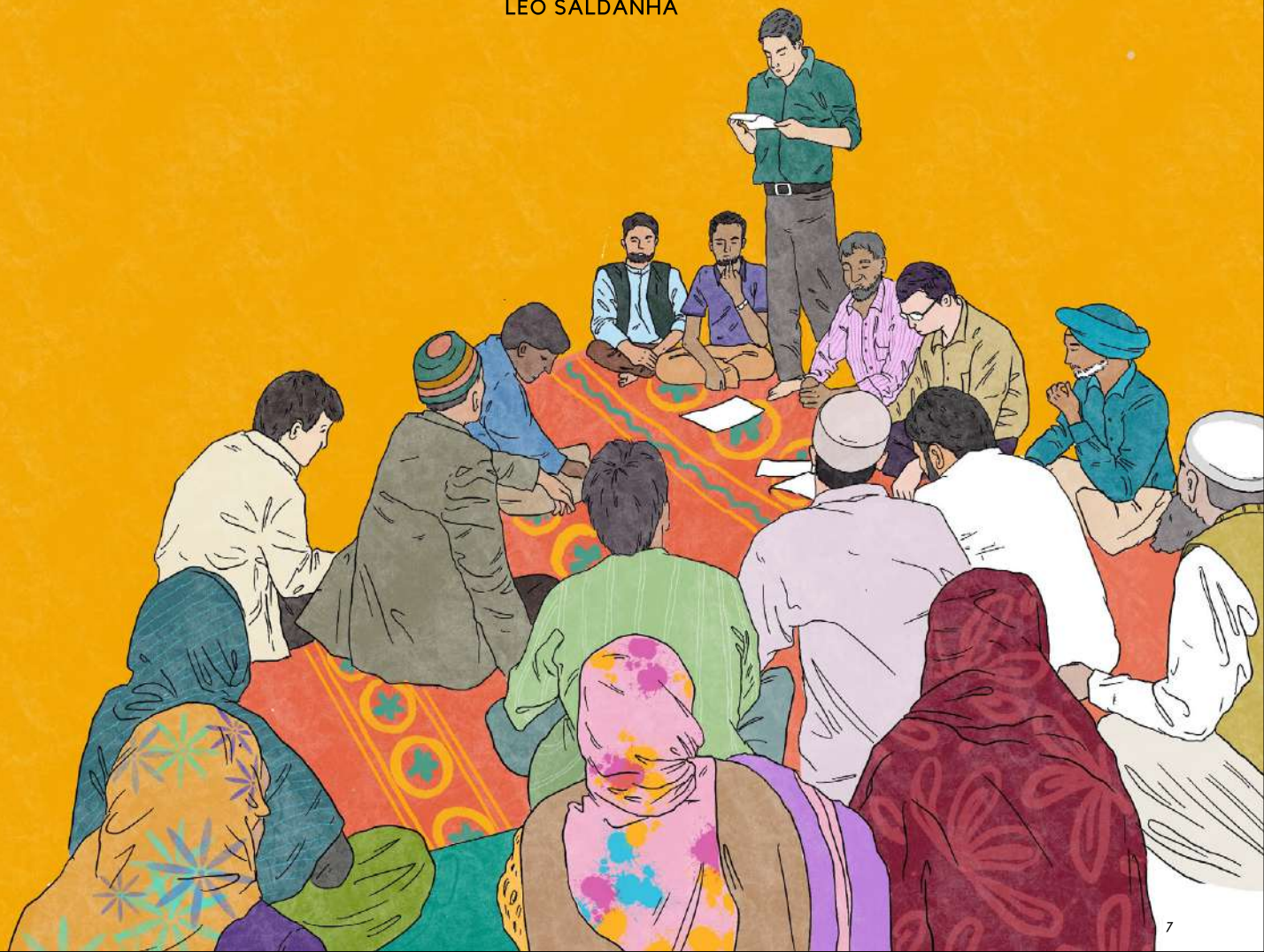
We hope that these conversations will help you relate to the situation today and take it forward into your classrooms, meeting rooms, streets and beyond – wherever you are active.

In solidarity!

Bhargavi S. Rao

DECENTRALISED GOVERNANCE AND RESPONSES TO SURVIVE COVID-19: SECURING CIVIL AND POLITICAL RIGHTS

LEO SALDANHA



Speaker Bio

Leo F Saldanha is the full-time Coordinator and a Trustee of Environment Support Group. He has gained wide-ranging experience in the areas of Environmental Law and Policy, Decentralisation, Urban Planning and a variety of Human Rights and Development related issues, working across many sectors for over a decade. He is a keen campaigner on critical environmental and social justice issues and has guided several campaigns demanding evolution of progressive laws and effective action. He has creatively supported various distressed communities to secure justice through public interest litigations and advocacy efforts, arguing as Party in Person several Public Interest Litigations, many of which have resulted in remarkable judgments. He has a background in Environmental Science.

Introduction

In this webinar Mr Saldanha discusses the history and importance of decentralised governance, especially in the times of crisis such as the COVID-19 pandemic. He traces the current trend of drastic centralisation and weak attention to decentralisation to the 1970s when the Central Government took similar measures with dangerous outcomes.

Using examples, Mr Saldanha shows how important decentralised governance is in the Indian context, particularly in tackling the pandemic, and highlights the need to protect and deepen democratic engagements.

He also discusses the need for civil society organisations to stay particularly vigilant to governmental actions and communications at the current time when the State has proclivity to centralise more power in the garb of crisis management. Since it is impossible for a public movement to be initiated at a time like this, civil society organisations have to be far more vigilant, Mr. Saldanha highlights.

During the Q&A session, Mr Saldanha discussed the issue of migrant labour after the lockdown was announced, of the worsening condition of the poor and disenfranchised who were made to bear the brunt of this pandemic, and the role of institutions like the police and the courts.

Leo F Saldanha's Talk

Let me begin this discourse on decentralised administration from India's pre-independence era, during the British rule of India. In fact the story of India's decentralised governance does not begin with Independence or the 73rd and 74th Constitutional Amendments; it predates even India's colonial rule. Panchayats, for example, are an ancient form of self-government that survived and played a vital role even when the Indian subcontinent was a collection of small kingdoms and fiefdoms. Despite their flawed structure and caste-based exclusions (once the Varna system became quite widespread), Panchayats played an important role in negotiating governance across a large and linguistically diverse expanse, and also enabled communication at a time when even rudimentary communications technologies were scarce.

Soon after the Sepoy Mutiny of 1857, the British under the Mayo Reforms tried to improve their control over the Raj through a centralised, command and control approach, concentrating state power in the hands of a few, and following the policies dictated by the British Crown. This approach backfired, and amongst other things, led to famine and chronic persistent hunger across the country, resulting in a lack of productivity and increased migration. The Rippon Reforms that followed re-evaluated this approach. It acknowledged that more efficient and effective governance of a country as large and diverse as India requires greater contextualisation and decentralisation, in fact

representativeness. Thus, Rippon oversaw the setting up of a network of local governments and municipalities which had some amount of sovereignty and could take decisions on local issues.

The system of local self-government that we enjoy even today thus saw its origins in the Rippon Reforms. Many of India's freedom fighters who emerged in the 1890s and after, including Ambedkar, Gandhi, Radhakrishnan, Nehru, Motilal Nehru, are all leaders who emerged out of this local self-government revolution.

Let us now see what happened during the Emergency imposed in India during 1975-77, which most of today's generation might have just read in their curriculum. In the 1970s, after Indira Gandhi amassed a fair amount of state power by exerting control over local and regional governments. This was a time of strife—there was a war and massive movement of population in Bengal. There was also the oil crisis and a faltering economy. And there was widespread dissent against Indira Gandhi's efforts to monopolise a view of what India is. In order to ensure that new leaderships do not emerge, Mrs Gandhi crushed local self-government. Subsequently, when resistance broke out nation-wide, Emergency was imposed and civil and political rights were suspended—everything that Indians assumed would always be there was taken away.

This history is important to understand better the current context. Today, while there has been no imposition of Emergency, there is nevertheless the usurping of local functions, including of state governments. There is also the drive on the part of the central government to present the idea of India as a singular idea. Since the World Health Organisation announced COVID-19 is a pandemic, notwithstanding the WHO's timeliness, the central government's responses have been inadequate.

These inadequacies and its lack of preparedness are made starker by the responses of certain states that have used their systems of local government to stem the spread of the virus. The case of Kerala will be discussed in greater detail below.

What is the job of the government and what can citizens expect from our elected representatives? The answer is straightforward: a government does not have only normative functions but has to respond to emergent situation. Furthermore, budgets do not exist to be cannibalised, but must be used for the purpose they were intended for. A government's job is to assure and reassure citizens, to comfort, and guide citizens, especially in times of crisis.

It is also important to understand various positions within the government; a government as a union of states. Governance is a highly textured system where there are checks and balances, where the Prime Minister is one amongst the Union Council of Ministers - he is prime amongst them. The Council of Ministers is accountable to the Parliament – the peoples house. That is how India's Parliamentary system is set up. In the same way the Chief Minister is one amongst the

Council of Ministers and is a person who coordinates. Nobody wields greater power apart from the power endowed in the allocation of portfolios; the Prime Ministers and Chief Ministers are not necessarily those who can overpower individual ministries. Each ministry has its degree of sovereignty, and in a similar way every State has its own degree of sovereignty within the Union of States.

In the PM's first COVID-19-related speech to the country, he announced the 'Janata curfew'. This had a damaging impact on decentralisation and emergency response systems. Rather than address the crisis at hand, Mr Modi played on symbolism and sought to bring attention to himself. The symbolism itself attempted to show an idea of the unity of India that does not indeed exist—while we maybe one nation, we are not one people. The curfew and the 5 pm solidarity clapping that followed in subsequent speeches were attempts to culturally overpower citizens and give the impression that they need to be rely on and be led by one man—a dangerous prospect for democracy, decentralisation, and crisis response.

Subsequent addresses followed the same pattern. This has had a direct impact on how the lockdown has been carried out and defined the role of other institutions like the police and local governments in ways that was not reflective of the federated system of governance India has adopted.

The message from the Prime Minister's Office, echoed by the Home Ministry, was to stay within the *Lakshman Rekha* drawn by 'me, Mr Modi'.

The 'I' is very important here, suggesting that anyone who steps out shall be punished. This is what led to police violence, except in those states that tempered the message. Furthermore, by closing down State borders without adequate planning or discussion, it became impossible to transport medical supplies or allow the passage of ambulances. Importantly this took away the agency from States to determine and coordinate interdependencies among themselves and based on their particularly very local needs.

A number of states responded very differently to this crisis. Take for instance how Kerala responded to the pandemic quite early on. It was clear headed, it was dynamic, it was compassionate, and it was decentralised down to the level of Panchayat. Here was a State trying to warn everybody to be ready because something terrible is imminent, to use the resources that are within its control, and try to build a society which is humanely responding so nobody falls through the cracks.

In other words, Kerala's Chief Minister Pinarayi Vijayan responded in the way the Constitution expects States to function. We see similar responses in Odisha and West Bengal. In BJP ruled States, and in states where it has political allies, the story plays out quite differently, with the exception of Karnataka.

How might these experiences of reducing decentralisation play out in the future and what might it mean for Indian democracy?

What we can see in the future is greater systematised social distancing – lending itself to the already prevalent and discriminatory caste system – and greater repression. Coming back to the concept of the *Lakshman Rekha*, it is important to understand that this is a deliberate tool that has been used, a well thought-out metaphor for the State to use in order to exercise control over the population. We can expect its use to become more dynamic as the pandemic wanes. It can become a tool of ostracization, a tool of safeguarding those who can protect themselves like the middle class, a tool to assert power and dominate over repressed communities. What is frightening is that this could become the 'new normal'.

Interestingly, we do not need to start from scratch in order to address this crisis and management lacuna that we are witnessing. In 2008, guidelines were framed, for instance, by the National Disaster Management Authority. These guidelines cover a variety of disasters, including biological disasters like pandemics, and also bio warfare, with detail and nuance. Importantly, these guidelines underscore the importance of local government in comforting and protecting people, the need for local government to always be in a state of readiness by creating plans right down to the level of the hospital, school, ward unit, and village unit —plans which must be made public. The guidelines clearly state

that the first and most effective step is to reach out to the most vulnerable and assure them that help is coming, to provide them relief and setting up of relief centres.

Between 2008 and today, Central, State and Local Governments have not drawn up these plans. State-level disaster management authorities remain dysfunctional and district authorities are absent. District level manuals, which should be displayed, do not exist.

This is a failure on the part of current and previous Central administrations, as well as a failure of State Governments. It has also led to the exercise of police power as we are seeing now, millions of migrant workers are forced to walk home, or struggling to make ends meet. These are situations that could have been avoided.

What lessons can we learn going forward?

The first lesson that we should learn from the COVID-19 pandemic is the need to strengthen local governments and the need for them to assert their power. This is the form of federalism that the Constitution celebrates and is the only way to make sure that the suffering of people reduces. Furthermore, while we may not see another pandemic soon, we can expect to see other types of disasters especially those caused by climate change. These might have more localised impacts and therefore state and local governments will be the first responders—they should also be prepared.

The other lesson that we can draw from this pandemic is the need for citizens and civil society organisations (CSO) to remain vigilant, even more so in times of crises. As has been discussed, governments might use such unprecedented situations to appropriate and centralise more power.

Citizens and CSOs must scrutinise every tweet, every email, every circular that has been put out by the Ministry of Home Affairs or from the Prime Minister's Office, or any other government body, and examine these documents in terms of the damage being done to the Constitutionalism of this country, to its democratic fabric, and to its federalism.

Most importantly we must, if necessary legally, challenge and attack each and every part of these circulars which extract power from the local and put it in the hands of the centre. We have seen the Centre try to grab emergency powers in other ways, for example by approaching the Supreme Court to curb freedom of the press. The Centre has also asked that it be allowed to overcome the power of State Governments. These are aspects that civil society has to be particularly vigilant about, especially that part of civil society which has thus far been targeted by government and its agencies.

This is a unique situation not only because people cannot gather to express dissent or demand their rights but also because the movement of those who otherwise play a role in securing human rights, is curtailed such as of lawyers and trade union leaders.

Q&A

What can the COVID-19 pandemic tell us about the future of the city?

The post-Coronavirus city will be much like the ones we're living in now—gated, restricted, divided, and ghettoised. Previous pandemics like the plague also led to greater divisions in urban areas, especially along class, caste, and religious lines. These divisions continue till date and are likely to deepen post-COVID-19. What we are seeing today among gated communities is the enforcement of rules even beyond what the state demands. Supplies and movement of people have been blocked. In response to this, there are only a few voices of dissent, which are further marginalised by the majority that conforms to these rules and regulations.

What stops leaders in other states – like Nitish Kumar in Bihar or Naveen Patnaik in Odisha – from using this crisis to assert their authority and counter the national centrism that is taking place? Is this also the case with the Epidemics Act or the NDMA?

Following the plague, the British introduced the Epidemics Diseases Act of 1897. This gave draconian powers to the police, allowing them to enter the houses of those suspected to have caught the plague. Similarly draconian powers are being exercised even today. The Disaster Management (First Amendment) Bill 2015 had some draconian provisions that would allow state governments and police forces to use undue interventions; it is no wonder that the bill did not pass. When it was tabled in 2016, it failed to pass again. In a situation where there is no clarity on what happens during a crisis such as this one, the central government has the opportunity to use that chaos and confusion to its benefit and appropriate more power. Furthermore, the chaos and confusion that has been caused by Mr. Modi has left CMs and other government officials powerless.

The COVID-19 threat began in November-December, 2019. Rather than ensuring stockpiles and supplies of PPEs (which should always exist), the government allowed exports to continue until March this year. The health workers have been made vulnerable and exposed to the virus; an emergency that nobody is talking about.

We have also witnessed a communal response to the COVID-19 pandemic which is very dangerous. In some cases, CMs have spoken out and they must continue to do so. It is necessary to use this crisis as an opportunity to protect India's federalism – it is, after all, a union of states – and for CMs and district authorities, village councillors, city corporations to assert their sovereignty.

How can local bodies take action in such a scenario? Doesn't the government have to act immediately and is it possible then to coordinate with local bodies?

Local bodies must take action by ensuring that the Disaster Management Authority is set up at the district level and is made functional immediately. And if this Authority is not set up, local bodies can still do a lot, especially since they are nodal authorities at the district level. They can ensure communication and diffusion of information.

With the present migrant crisis, for example, local governments can ensure that relief camps are set up and that migrant workers are made aware of these camps. Accounts of expenditures should be kept and should be shared with State governments so that they can demand reimbursement from the Centre.

Lack of finances cannot be used as an excuse given that in an emergency situation one cannot wait for the money to come in before providing relief or support.

Are we reaching a situation where the blame is going to be shifted to the poor? We have already seen a religious angle being given to the pandemic, can we next expect the poor and working classes to be blamed for the spread, thus resulting in more ghettoisation?

In most Indian cities, 30-40% of the population resides in slums; in some cities this number goes up to 60%. In such a scenario, physical distancing is impossible to practice. Where are people going to go? There's simply no space to go anywhere.

The poor are going to be most impacted by this pandemic and if we begin to see community transmission, a lot will need to be done to stem the spread in these densely populated areas. Whether or not we have the resources to deal with such a situation remains a question.

70% of the health care services in India are in the hands of private sector. Spain, for example, took a stand of nationalising private health care facilities. Why is there resistance even now to do the same in India? Why does testing continue to be unaffordable in many cases? We need far more critical engagement on this issue.

There is a lack of testing which is leading to a waste of resources and misallocation. Much of the available resources have been diverted to international arrivals, even those who do not show symptoms. There is a clear class bias here, meaning that the poor will be worst affected.

Is social distancing a systematisation of the caste system? How might this play out in the days and months to come?

We can see how the caste system is defining those who matter and those who don't. Those who are the heroes and deserve our show of support and those can continue to be invisibilised, if not brutalised. Waste workers or safaikarmacharis are not given proper safety equipment, exposing them to infections and also making them carriers of the virus. Most sanitary workers in the health sector also come from lower castes. But they did not find a mention in the Prime Minister's speech. Even from (the wrongly) self-centred approach of curbing community transmission, these workers should be protected. The underlying message is one of who matters to the government and who does not; where resources should be concentrated to protect and who should continue to risk their lives, nonetheless, without support.

Similarly, many street vendors also belong to lower castes. For them it might be impossible to access permits that allow their movement. Many of these people provide or support essential services but have been left off the list.

This brings us to the important point of the role of the police and the policing strategies in the present pandemic. Under the Disaster Management Act, the police are expected to support interventions but are not central to them. Given the role that they are presently playing, we run the risk of normalising excessive policing and are headed towards the instituting of a police state.

The tasks of determining what constitutes an essential service or the issuing of passes should be carried out by ward committees or village committees. They are better equipped to assist people in need.

A pandemic is not a time for us to exert police power; it is a time to show humanity. It is a time when the government has an extraordinary opportunity of saying that it really cares. The exact opposite is happening in this crisis.

Barring a few exceptions, we have hardly seen an attempt to either use or revamp municipal bodies or its networks. Have we already lost the battle in terms of decentralisation?

Will we be able to build decentralised governance systems?

While the pandemic is being used as an opportunity to centralise control, we have not yet lost the battle of decentralisation. The people will, in the coming months and years, have to resist the centralisation of power that we are seeing and protect India's federalism.

At the same time we are also seeing that countries that have been particularly successful in mitigating the devastation of the COVID-19 pandemic, like South Korea, have extremely decentralised systems. South Korea decentralised to such an extent that local units and local hospitals could actually test, contain and isolate infected persons, and treat them in the most humane way possible.

On the other hand, while China has decentralised governance systems, power and decision-making are centralised. This led to a collapse of China's systems in the face of a crisis. If anything, this pandemic should teach us the importance of decentralisation and of the importance of safeguarding our federal structure.

Can medical responsibilities be decentralised to anganwadi workers?

There may be crises when communication lines are cut off, when an area is physically cut off from the rest of the country, unlike this one, but like during a war or a natural disaster. The only way people and communities can survive in a time like that is by creating village units and city units which are able to survive resiliently for the longest period with minimal resources that come from outside, and the optimisation of use of such resources within their jurisdiction.

This means that each city and village must build its own capacity, health-wise, communication-wise, etc. We saw this during Kerala floods and during the Kodagu floods. So once this is over, we have to build ward units, village units, and panchayats in particular and ensure that what is written in the disaster management guidelines become a reality. The anganwadi worker will be very central to this type of work, as will be ASHA worker.

Could we have stopped the reverse migration that we saw at such a significant scale?

If decentralised government functioned effectively in India, we would not have seen the kind of reverse migration that we are witness to. Even in Kerala there were migrants who wanted to return home. But the response that we saw from the State government there was markedly different, the language that was used was different. People had access to food and medical care, the government's attitude was 'you are my guest'.

In order to ensure that the most vulnerable is not left behind, decentralised governance is necessary—a centralised approach cannot think or execute in the same way. Relief and rescue, especially during an emergency, have to be from within the vicinity of the impacted area. If citizens have to seek out relief, democracy has failed, the administration has failed.

Finally, on the aspect of language and message, there is much that can be learnt from European countries. Leaders offered comfort and reassurances, not directions and apologies.

We will have to hold our government responsible for its response to the COVID-19 pandemic and we will have to demand and ensure decentralisation, from the state-level down to the district, village, and wards levels.



THE WORKING CLASS AMIDST THE LOCKDOWN

KIRUBA MUNUSAMY



Speaker Bio

Kiruba Munusamy is a practicing lawyer at the Supreme Court of India. She is also the founder of Legal Initiative for Equality, a Chennai based institute that works in training lawyers especially from the dalit, adivasi and underprivileged background. She is also the first guest to be invited by the Dutch ministry of foreign affairs, Netherlands. She takes up legal activism and judicial activism working towards annihilation of the caste system, empowerment of dalit women, upholding indigenous people's rights and LGBTQI rights.

Moderator: Priya Darshini, Centre for Financial Accountability

Introduction

With the lockdown in place and with absolutely no production at any level, we are seeing a large number of formal and informal labourers who are completely jobless and a situation like this is unprecedented, not just within the country but also globally.

Amongst the informal workers, the plight of migrant labourers is something that we all witnessed in the last few days with the long walks, of being sprayed with disinfectants and even reports of a few deaths.

A situation like this has thrown a lot of questions and taking cue from Leo, about the first rule of disaster management being actually to reach out to the most vulnerable and ensure their safety and their survival, the system has terribly failed.

How to ensure the survival and safety of these people, ensure their livelihood once the lockdown is over.

Is this a reverse migration or is this just a temporary thing and especially how do we see social distancing in a country like India, which is inherently casteist and communal.

Kiruba Munusamy's Talk

Priya said that the first rule of disaster management is to reach out to the vulnerable but I think the system has not failed.

In fact, the system has actually done it right because for the system, the upper class and the rich are the vulnerable ones and working class have always been ruled out or outlawed from the usual systemic rule of law.

For instance, whenever there is a natural calamity it is not the upper or middle class who are suffering the most but the working class and the lower class, especially the lower caste who also happen to be the daily wage labourers or sanitation workers.

So as such even in Covid 19 pandemic, before the 21 day lockdown when the Janata curfew was invited by Prime Minister Narendra Modi, I saw many people especially from the upper and upper middle class stock-piling goods and also panic buying.

The working class or the lower caste people, though perhaps aware of the impending disaster coming in their daily lives and livelihoods, did not have the luxury to prepare in advance.

But for the working class this lockdown is like any other disaster, like the Chennai floods or any other emergency like earthquake, but the thing is now while the upper class and the upper-middle class and the middle class are safe in their homes

and talking about the other steps and the future preventive steps that the government should take, some from the working class are still working, while some are jobless, deprived of daily livelihood.

That's the irony in this. Sanitation workers were forced to come to work but they have not been given any gloves, mask or any protective gears to safeguard them.

When they were forced to come to work, they were told they'll be paid additionally because they are coming to work in a period of crisis. Workers they say they have not been paid their regular pay, plus the additional pay. Most of the sanitation workers in the hospitals, or streets are women.

This is a kind of intersectional problem again, when the working class comprising of women, has to come and work in the frontlines of the health hazard. Most of the working class men were daily wage labourers, auto drivers or rickshaw pullers or working as securities, selling vegetables, food or tea.

Most of them have lost their jobs or livelihoods, sitting at home with no clue of what would be their future or how they are going to survive during and after this lockdown.

Amidst all this negativity, hope is alive in a Chennai slum clearance board where there are

750 families comprising of daily wage labourers, auto rickshaw drivers etc with most of them having no savings or resources to support them throughout this lockdown.

These people have started raising funds from themselves and their friends, to have a common community kitchen asking only for groceries, rice and vegetables, not money. Their concern is hunger, surviving this lockdown with food.

Similarly in Coimbatore, there are 500 families in a slum clearance board, most of them dalit sanitation workers, who approached us through a journalist and we provided them with ration through fund raising.

Apart from this kind of sufferings of the working class, the other thing that is very disturbing is the police brutality. In Tamil Nadu, all the people who have been beaten up by the police are people belonging to the working class and lower caste so police brutality is targeted against people who are vulnerable and people who can't fight back and people who don't have the support of the system.

Our failure to address such unnecessary police violence against the lower caste and the working class has encouraged the police officials to continue their violence, even during this pandemic.

Instead of educating and bringing a sense of security amongst the communities which are more vulnerable and suffering many intersectional issues during this lockdown, the government and the police officials have decided to just control them using brute force.

'Instead of giving any explanation, any public consultation, or advance intimation, about providing the essential goods to the working class people during the proposed lockdown period, the government did not even bother to look at the impacts of this lockdown.

The government chose not to tell the people what kind of medical emergency it had in hand, what are symptomatic and asymptomatic manifestations, and simply how prepared it was in handling this pandemic, given the dismal state of the public health system in the country.

Another fallacy is that the government has decided to communicate with the working class through twitter only, knowing well that most of these people are not fortunate enough to be using a twitter handle or internet for that matter. Most state governments except perhaps Kerala, instead of providing relief measures for migrant workers and ensuring their safety, have actually left them alone to fend for themselves. No wonder we saw people walking 300 km.

Q&A

Do you have any information on the anganwadi workers or the asha workers, have been working with them?

In Tamil Nadu Anganwadi or Asha workers I think have been asked not to come to work , the anganwadi centres and all the primary schools have been closed even before this janta curfew . I think the problem would be the pay but not sure, also not sure about other circumstances.

Most of the anganwadi workers and asha workers stay in the localities and neighbourhood of the slum clearance board and other non urban areas, so they would be suffering as the other working class I don't have any other information about them.

For the Indian state, the rich and the upper class are always the concerned people and they are vulnerable in the eyes of the system so the government and the state has been protective of only them and it is very obvious from the fact that maybe foreign returns have been let go to their homes, they were not followed up, beaten, or sprayed with disinfectants.

Upper castes coming from abroad were provided Air India flights, whereas working class people had to walk 300 km, get beaten by police, sprayed by disinfectants and some even died trying to reach their homes.

The main problem is that the government didn't seriously quarantine people who came from foreign countries especially high risk countries, and secondly locking down is not the only solution, testing and preventing the spread of Covid 19 is the primary thing they should have done.

Educating the working class about what corona is and how you could contract it, how to prevent it and if the situation goes bad, there might be a lockdown, was very much needed. Some kind of prior information could have reduced the panic and ensured better preparedness of the vulnerable sections of society.

On intersectionality that you mentioned; is a structural Brahmanism in place in the Indian state?

Do we even need to ask if there is structural Brahminism? It is operating in all possible ways. Can you imagine that the government is asking for funds from the public , when the vast majority are facing job loss and livelihood crisis, the government should give us the funds and support us; on the contrary, we are raising all the funds, building our own community kitchens , providing relief, what is the government doing?

What is your take about preparedness of Covid 19 by the government?

I already told for the working class and sanitation workers, natural calamity or any natural disaster is not a new thing and this is what they face on a very normal course so this is during the Chennai flood all the relief works went to the upper class in the posh areas.

In the north regions of Chennai which includes dalit working class, most backward classes and other de notified tribes and other migrant workers, no relief work was extended and also when the relief workers were passing through upper class area, all the goods were stolen by the upper class to make sure that no relief work reached the slums or dalit localities, this happens every time.

Disaster management speaks only of how the government will handle disaster but it never speaks of categorising people according to their vulnerability, so again unless government actually has a perspective of caste into every legislation this is not possible and I don't expect this will ever happen because we are living in a time when even the Supreme court is Brahmanical.

We have everything on paper but who is going to implement it? Who is having all the power to execute it?

The government will never act in favour of the working people because working people are always expected to work without expecting any returns so that is the reason why we have no plan

or any preparedness to address the issues that the working class will be facing and judiciary played a key role in protecting the rights of the working class

Has the government used the pandemic? Was this pandemic employed to normalise?

Government has no resources, it has not prepared itself and no medical facilities made available to handle this Covid 19 threat, so I think the govt merely wants to show that it's keeping everything under control so for that reason it has given unofficial instructions to the police to control whoever comes out, particularly the dalit and backward classes using police brutality.

People not getting ration, is there any means to change the current situation?

The government should have provided ration to the poor people regardless of whether they had a ration card or not because this is a pandemic situation.

We need a liberal government and not a conservative one like we have now; of course we have to have radical socio economic solutions. We need a policy making with all the intersectional perspectives.

Unless policy making is diverse, anti caste and secular, all the legislations would be in a way or other benefit the Brahmin ruling class. Even

Ambedkar wanted to burn the constitution, why? Because he knew pretty well the constitution will be handled by the Brahmin ruling class and the implementation of our constitution will be actually Brahminical.

As far as legal position against any public, you can only ask the people who gather in more numbers like above 4 to scatter and that too after proper notification and proper announcement.

It is the duty of the police officials to call the tehsildar or district collector to come and ask the people to disperse, police cannot use violence at any cost.

The other legal position we have is protection of the right to life and right to dignity, which includes right to food and right to decent living environment. I wonder if the SC goes onto say that this is not your fundamental rights and the state is not bound to give it, the way things are turning out.

Is the current situation of social distancing reinforcing the casteist and Brahminical ideology that we inherently have?

The people who are justifying social distancing with untouchability actually don't have any sense; these people are justifying untouchability under the guise of social distancing.

For instance social distancing actually cares for the other person, it has some kind of concern that the infection should not spread to the other person so I need to contain my contact. Social distancing means you and I are part of the same society but we keep distance from each other.

Is there a dilution of federalism happening over the years, including the dilution of financial power of the states?

Some of the states have been denied their independent rights and financial powers. Exceptions are there like Kerala, West Bengal to a lesser extent.

Diluting of federalism is a very big problem, had it not been so, many issues could have been handled differently at least to an extent by the states. Our states too are not very progressive in outlook barring a few.

The government should provide and extend the relief work, it is the duty of any government not only the Indian government as a basic human right; any human being deserves to get relief work or to get food during an emergency.

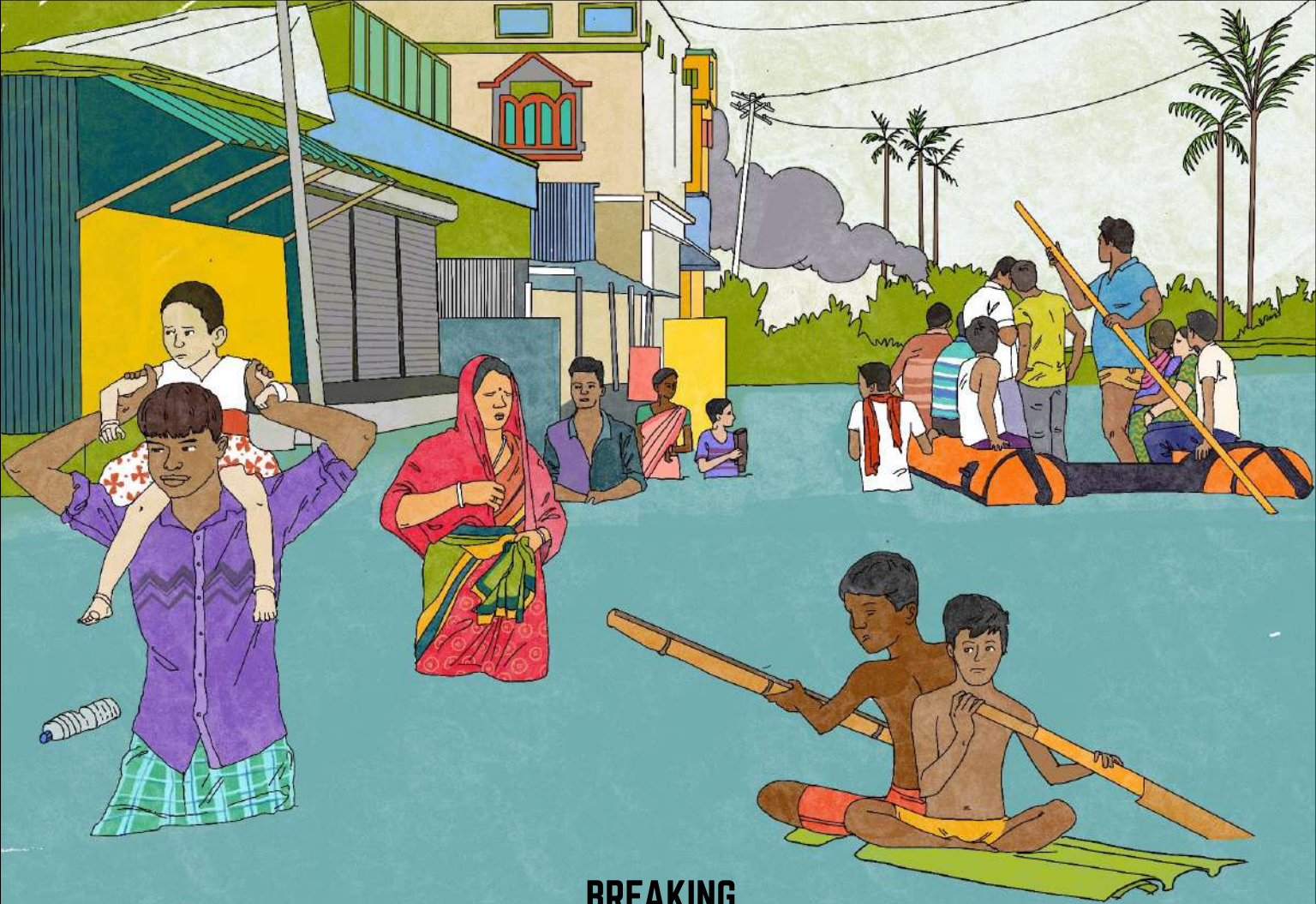
Instead of asking the government to extend the relief to the poor and vulnerable communities and grant funds to them, or to distribute foods through the district collector, we are raising funds from the public. We ourselves are doing this.

This is the kind of NGO work which is encouraging government to be more lethargic and more careless towards backward and deprived communities.

Do you think there is marginalisation of religious minorities happening now?

This was the debate that has been going on in the social media, given a slightest opportunity, the right wing IT cells and other Islam phobia groups try to further marginalise oppressed communities and minority communities and that's not a new thing. An organised team is a speciality of the BJP-RSS wing so not only is the hatred and false propaganda directed against Muslims, but even against dalits and other ostracised communities too.





**BREAKING
NATURE'S BOUNDARIES:
NOVEL CORONAVIRUS AND CLIMATE CRISIS**


SOUMYA DUTTA

Speaker Bio

Soumya Dutta is the co-convenor of South Asian People's Action on Climate Crisis and he has been leading the Climate and Energy related work of MAUSAM (Movement for Advancing Understanding on Sustainability And Mutuality). He has been a constant presence in the Peoples' Science Movement and Climate Justice Movement for the last 28 years. He was also one of the founder members of some very large, nation-wide science for common people and school science education improvement interventions, as national convener of the network that created & nurtured the National Children's Science Congress, and national organizing secretary of Bharat Jan Vigyan Jatha-II etc. Many in the social movements know him as a peoples' scientist who portrays the capacities in understanding nature, processes, policies and alike. He is also an author who has written over eight books and there are hundreds of articles in his name. Currently he is also a member of the Advisory Board of UN's Climate Technology Centre and Network.

Moderator: Maju Varghese, Centre for Financial Accountability

Introduction

The Novel Coronavirus has come at a time when the world has been battling the other major crisis- the climate crisis. Students, activists and vulnerable communities whose lives directly depend on natural resources are concerned not only about the public health issue and corona but also of the crises of nature's processes.

There are questions whether the emergence of this virus are linked with human interferences such as deforestation, encroachment on animal habitats and biodiversity. Whatever be it, the virus has brought to us a major learning - there are limits to human beings' interference in nature and we need to move towards sustainable consumption and production if we have to survive as a race.

Also, there are many questions which this crisis has brought before the general public on how to address crises per se. How governments and multinational institutions addressed the crisis and how some of the ways of addressing have excluded vulnerable communities, and haven't taken into account the inequality existing in this country. There is also a lot to learn about the climate crisis and activism towards a just transition.

Soumya Dutta's Talk

The issue we are talking about today is very vast, so I have no presumption of addressing every connected issue because the climate crisis issue is equally vast. What I'll try to do is to bring out some points which are visible but are not being discussed in the media.

All of us know about the news around COVID-19, the number of people killed, the action taken or not taken and the social problems. Let me focus a little more on the systemic aspects of COVID-19 and its related crisis. On how we can try to understand it not only as a virus attack, but with a systemic approach and the lessons we can learn for what we consider to be a much larger crisis in its dimensions, the climate crisis.

Climate crisis is one of the major crises that we are facing in the 21st Century. So let me point out a few systemic issues first. As I see it, both the COVID-19 crisis, caused by a novel (or new to humanity) virus and the climate crisis are similar in that we have not yet encountered some of the things that are supposed to be there in a climate crisis.

In both cases, the major factor that seems to be operating is that we are breaking some boundaries of natural systems -- whether it is an ecosystem or a collection of ecosystems or the entire earth. A living system including a virus, its original host (in this case a bat and then a pangolin or something else) and the human bodies along with the environments they are interacting in, constitute a system.

Such systems, usually any natural system, have boundaries. We call these natural systems as complex adaptive systems. These complex adaptive systems have characteristics through which we can try to understand all individual elements. But we cannot predict what will happen if something changes somewhere in the chain, even if we know all the separate elements very well. So there is a need for a systematic study. Both COVID-19 (combined with all that it has triggered) and the larger climate crisis involving many elements are complex adaptive systems.

In nature's systems, most of the boundaries are a little flexible, they have resilience, allowing them to adapt to some changed conditions, to some extent. For instance, in nature, a virus is not an enemy of anything. It is like any other life form. But a virus which is infecting us, which is from a bat, would not affect the bat. Similarly the original host of SARS was a bat, but the bat is not affected because for a very long time in nature they coexisted and these boundaries were not broken. That was an eco-system in balance, with boundaries developing over millennia.

But when we break into forests, create deforestation, extraction of forest resources including wild animal meat in large amounts bringing them in contact with people who have never before encountered this, you break a natural barrier that nature had created by a long and complex adaptive process.. That is why we are talking about breaking the boundaries that

caused crises.

There is another kind of self-limiting behavior in the natural systems. A virus, for instance, has a limited lifetime. In this lifetime, if you can limit it within its known surroundings where some immunity has been developed in the organisms that are hosting this virus, the some of these viruses dies out on its own, in due course, without causing any disease. The Yunan horse-shoe bats, which are presumably the original host species of SARS-COV-2 virus, don't need to wear masks or shut down their lives to be safe. They are within their natural boundaries. It's we humans who are in danger because we broke through those boundaries and our bodily systems are now in a somewhat "unknown territory".

In a similar fashion but in much larger way, in most complex climate systems like carbon dioxide, nitrogen, water or the biodiversity cycles, we have gone close to or even beyond (for Phosphorus and likely for Biodiversity) this boundary. That is not to say that any use of those systems or its 'resources' are destructive. But what we are doing is, knowingly or unknowingly (probably no longer true at the present time), breaking many of these boundaries and going beyond. And the complex systems of nature are responding to these stimulus, these intrusions, without any specific "ill-will", as some are describing by phrases like "Natures revenge starts"...

One of the driving forces for these continuing pushing of natural system boundaries is the philosophy and pursuit of endless growth- we have to extract more to produce more, earn more, profit more, leading to more consumption which means we need to have more 'natural

resources'. So when we are increasingly extracting more and more of Nature, close to or beyond the resilience of these systemic boundaries, labeled 'natural resources', we are breaking these natural boundaries sometime, resulting in crises, whether Covid-19 or Climate or Water or collapse of global fisheries.....

The COVID-19 crisis is not the first such infectious disease that has become a pandemic. It has happened earlier in 1918-20, also called the Spanish flu, killing fifty to hundred million (5—10 crores) people. Back then, we knew much less about pandemics and zoonotic diseases (diseases which jump from some host animals to humans, like SARS, Ebola, Covid-19 etc).

There are human to human viral transfers like tuberculosis or animal to human to other humans like COVID-19, SARS and MERS. There are indirect transmissions like dengue and malaria which need a vector. But in all these transfer there is a natural barrier, and if you don't break the barrier, the disease and the problems might still exist to some extent but it will not become a crisis. This has been seen in many diseases. COVID-19 is not the first virus borne disease. There are many virus borne diseases including influenza. When it becomes a pandemic or of catastrophic proportions, it means humans are breaking some limits of natures systems.

And the great danger is, by breaking these barriers, we are causing the integration of a small confined ecosystem (like the caves where the bats stay and the areas they fly about for food and the limited number of other animals that come in regular contact in that circle, without human presence) to integrate with a much larger ecosystem where we are present in large

numbers, without the resilience that the other species in that long-exposed confined ecosystem have. This is exactly what happened for SARS, for MERS, for Ebola, and now for Covid-19.

Another popular statement that has been circulating is that "nature is striking back". Though this sounds quite dramatic and might have some deterrent value, we have to understand that nature has not chosen any agent or human and is not striking back. Parts of the natural complex adaptive system are just responding to a changed condition, a breaking of previously existing boundary and an integration with another set of complex systems. It is the humans who are going into restricted boundaries and breaking them. In that sense, they are becoming part of that without the resilience to withstand. If a group of Delhi residents in their summer cottages land up on top of Tanglang La at 17,000 ft+, sooner or later they are going to be in serious trouble, or even die of hypothermia. The high altitude animals who live there will roam quite comfortably though. That's not the Tanglang La or Nature striking back. It's breaking into ecosystems where you have no capacity to cope, where you should not have been.

These changes and disruptions in established natural systems can sometimes happen even without human interventions, like a massive super volcano eruption about 74,500 years ago, which nearly wiped out our species, Homo Sapiens, at the time. At that time, human pressure on nature was insignificant, even long before the introduction of agriculture (about 11,000 years ago, which was the first large scale destruction of natural boundaries). So who was "Nature striking back" at nearly 74,500 years ago, and

for what reason or crime? The selective pressure in nature is not born out of any ill-will or vengeance. It's a complex natural process without a "conscientious god /goddess".

The bats which are moving around with all those Corona viruses are not dying. It's the humans who have intervened in that system who are affected because humans have no resistance, immunity or resilience against this kind of agent. Given enough time, say hundreds of years, humans will also develop herd immunity - a lot of people will get infected and some selection will occur in our genetic makeup, antibody production will go up and we will develop some resistance. But every transgression has to go through this new adaptation, and for some, the human cost can be high, like for this pandemic (and its societal response).

But as of now, since human lifetime is much larger than that of the virus, bacteria and microbes, they will be adapting much faster to us, than we adapt to them. SARS-CoV-2 has adapted from a bat to a probable intermediate host, a pangolin or something else which is not yet known, and then has adapted to infect humans. These adaptations do not happen unless you break their boundaries. However, the idea of nature striking back might have some influence on how people think about this.

I would like to point out another danger to this analogy. For example, long ago, by understanding the value of rivers, we considered them as gods, like the Ganga and Yamuna. But that thinking has a danger of falling into ritualistic worship and causing damage. In spite of "worshiping" the Ganges, we have exploited and polluted it and other rivers, oftentimes, because

of our 'reverence' too. Giving Godship to nature or considering them as a deity who is taking revenge on us might be popular and may temporarily help, but it is a danger in the hands of fundamentalists, when they say that the end is coming and they ask you to get religious and to join a cult. So we need to understand that nature as a whole or conscious being is not attacking us. It is up to us, what we do and do not to break the barrier.

Let me also talk about the kind of responses we give during the COVID-19 crisis, and what kind of responses we should be giving, but are not, to the climate crisis. As we all know, the climate crisis is multidimensional. There has been massive and will be even larger impacts on our cropping systems because the insect population is collapsing.

As the pollinators collapse, there will be a massive impact on all crops, mostly fruits and vegetables, as well as many wild flowering plants. An IPBES report in 2018 estimated that 1 million species are facing extinction and a large part of them are insects. Roughly 16% of the insect populations are losing the temperature and humidity range that they live in.

Either they shift, die out or become pests as the other crops grown in the area are not suitable for them. So this kind of massive unrest is happening all over the world and this is very clearly partly the result of coming close to the carbon cycle boundary. We haven't broken the carbon cycle yet, but we are about to. And we have overshot the capacity of natural systems to take on our massive agri-horticultural pesticide loads and neutralize these within the systems. So one of the first response of the complex adaptive natural biodiversity is to reduce the vulnerable life forms

(the species that are facing extinction). The rise of pesticide tolerant /resistant insect species is another such response, through "natural selection" as Darwin showed. Only in this case, the change agent is Humanity, and the time scale is very short.

The earth has complex adaptive systems and you cannot assign a fixed value to the earth's capacity. These capacities adapt to varying situations. The earth's natural system's capacity to absorb carbon dioxide from ocean, land vegetation and partly rock carbonations is roughly about 18-20 billion tonnes. We are emitting more than 34-35 billion tonnes of carbon dioxide and 53-54 billion tonnes of carbon dioxide-equivalent. We are breaking the limits of earths carbon systems capacity to safely circulate C between various states of carbon, and maintain a stable condition. We are close to the total limit of emissions set by the present understood science. And obviously, we will have to face the "resulting turmoil" as the carbon system adjusts to a new state, which may not be very good for us or for many other existing life forms.

We should also ask the question – can or will there be more such out-of-control virus attacks if we keep breaking natures boundaries ? Towards the end of last year there was a study on a Tibetan glacier, in the Gulia ice cap. The scientists found 33 virus groups (not just 33 virus, but 33 genus) are trapped in the ice cap and out of that, 28 are novel (new to Humans) virus groups. These were and still are locked in the ice cap, but we are on way to releasing this slowly by warming the earth beyond the heat systems limits or systemic boundary, by our massive greenhouse gas emissions from fossil fuel

burning. These 28 new genus of viruses are completely unknown 'creatures'. We simply don't know what kind of diseases they can cause. And these ones trapped in this Tibetan ice cap, are not the only group that can soon be released into human environments. This is where complex adaptive systems come into place - even if we know all parts; we cannot tell how they would react with each other (some of the other, are humans) and its resultant impact.

There is a remarkable difference the way the global government system has responded to the COVID-19 crisis and the climate crisis. Many are calling this a black swan event, an event which is very rare, massively disruptive in terms of economic, political, social or multiple, and which cannot be fully predicted normally.

These events also have a characteristic that after the event starts, it seems to have been predictable, but it would not have been predictable before the event happened. For example, the 2008 economic breakdown has been categorized by many as a black swan event. Though the economic bubble was rising, and a few concerns were being expressed, reaction to its multifaceted and large impacts were 'surprising'. In the case of a pandemic from a Novel Virus, a somewhat similar situation existed. Not so surprisingly, three years ago, the WHO did a modeling of a new virus which could create a pandemic. This exercise was triggered by the experience of the original SARS (caused by SARS-CoV-1), 2002.

In that sense, this should have been prepared for. Of course the COVID-19 case is very rare and nothing has happened at this scale for a long time, since 1918. Post facto, it seems to be

predictable, giving rise to a justification that it could not have been predicted and prepared for earlier. But, black swan events also say that even though they cannot be accurately predicted, we can (and should) prepare for similar situation. The climate crisis, which is of a much larger dimension, and its impacts which will be much larger, is already happening. But the responses are very different.

What is of utmost importance for us, is to ask - How do we prepare? What do we learn from this? Do we use this kind of knee-jerk reaction, which is extremely unjust, unequal and creates more stress for a large segment of people who are disempowered? In India, for example, the migrant workers, the poor, the farmers and fish workers are all in dire straits.

The government has clamped down irrespective of where you are, what you need to survive with, because they haven't prepared themselves in anyway in anticipation for such a crisis. This is again visible from the climate crisis response perspective because all the governments know of the increasing climate crisis. There are regular major reports of something massive and disruptive in the climate sphere, like the recent report of the Arctic (Greenland) ice sheets now losing ice at 6 times the rate of that about 25-30 years ago. In its approximate predictability, the Climate crisis kind of events (or chain of events) are labeled as Grey Swan (or Grey Rhino - because of the magnitude of impacts) events, which are expected to happen with massive impacts etc. It is very important to understand that these kinds of events don't have a linear impact. The rise of the impacts are often exponential - look at how the infection rates or deaths from Covid-19 rose, despite an

unprecedented global lockdown /shutdown.

There are also a few dissimilarities which might explain the difference in responses —two notable being time scale and predictability. COVID-19 crisis is acting at a very short time scale where it's beginning and exponential rise can be seen in weeks. For the climate, inequity, water, oil or energy crises, the time scales are much larger — in decades, and are not immediately visible. There is a tendency to overlook or postpone for a later day. The other dissimilarity is predictability. The climate crisis is in many senses predictable and that might have given the powers that be a dangerous sense of "manageable later action".

Another major difference is that the COVID-19 disease itself is impacting people of all classes and castes. There are two kinds of impacts. The impact agent is biological and the ecosystem where the virus is carried and primary medium of impact is on the human body. Whether you are rich or poor, your body is not much different, though what you do (or are able to do afterwards) will be very different.

Covid-19s first level impact is on the human body and we don't have much of a choice of not getting it, even if you are a hollywood 'celebrity' or a prime ministers of a rich economy. That's one aspect where it is impacting the rich and powerful stronger than any other crisis, where they get largely insulated because of their access to money, power and the instruments of governance. The poor don't have that.

In such crises, the global government system doesn't respond with this kind of speed. The second level is the kind of medical care and attention accessible. Everyone infected is not

equally impacted. A poor person will not have access to testing. Forget about care which comes later. Here it matters whether you're rich or poor.

In other crises, the agencies are not only biological. They are human governance controlled. In those agencies, the rich and powerful have far greater control. Although we say all are impacted, it is not exactly true. Take for example the multidimensional climate crises. If there is food shortage, or even a famine, due to wide-spread extreme event, or a massive locust attack for climatic reasons, the global elite will have first access to the food-grain stores, while billions of poor and disempowered could starve. If there are a cascades of severe cyclones in the coasts, flimsy houses of the poor will get destroyed, while strong concrete houses of the better off will withstand this much better. It's this kind of very differential impacts that might also be allowing the global ruling elite to give a casual or callous response to the climate crisis, while the first level 'equality' of impacts in case of covid-19 would drive them to be more aggressive in tackling this, to their own safety.

Q&A

Has the carbon, nitrogen and other boundaries been breached or are they about to be breached in the immediate future? How ready is our species to combat such a virus?

No, the carbon cycle has not been breached yet. Comparing earlier papers on planetary boundaries and the revised planetary boundaries show that the nitrogen cycle has been breached. There is still no consensus on whether we have breached the biodiversity cycle. This will mean that we cannot restore the biodiversity richness we had earlier. Humans have contributed to eliminating roughly 200 times as many species a day when compared to a natural background rate.

Immediate is a relative term. This year we won't break most climate boundaries. With the current scientific understanding, in the next 5-10 years we are going to break the biodiversity boundary. This is going to be extremely disruptive.

Because if the major part of the insect population which are pollinators of our fruits and vegetables and most flowering plants, get extinct or collapse, who is going to pollinate those crops? If the present reign continues, as per IPCC, we will break the carbon boundary between 2040 to 2050. But it's often seen that the climate crisis is moving faster than these predictions.

Is our species prepared? The short answer would be 'no'. We have not really addressed the driving factors, which are clearly extraction at unlimited scale, unlimited growth, massive fossil fuel burning and not stopping expansion into nature's boundaries. If we don't stop these it means we are not prepared.

The Chinese and some tribal population have been consuming bats for a very long time, so is there a specific boundary that was broken that caused the Wuhan COVID-19 crisis?

It is not the bats but pangolins or civet cats or the other intermediate host animal they were consuming. In the wet market wild animals caught from the wilderness and domesticated animals were put together in the market causing their blood, urine, sweat, everything to mix together. So the virus which was in the bat got transmitted and as I said viruses have short life spans and multiply quickly. So if they get a host, they can mutate and adapt to it quickly. In this mixing, the boundary was broken between wild caught animals and domesticated animals.

After the COVID-19 crisis, is there a possibility of a change in the relationship between humans and nature?

This clearly shows that our relationship with nature of extraction and exploitation cannot continue. I am very clear that the narrative that nature takes revenge should be countered with rational thinking and logic.

Our old thinking, that nature can be exploited to any extent as a natural resource, should change. In fact, our definition of nature as a natural resource is also questionable. Who gives us the authority, as one species to quantify everything that is there in nature – so much of wood, biodiversity, water, oxygen and then calculate how much we take or leave? That relationship needs to change.

And there, the old indigenous /Indian understanding of Mother Nature should come back. But again, it cannot be going back to the old understanding completely. It has to reject the modern industrial, technological, capitalistic approach of exploiting natural resources without limits. It has to be based on rationality, respect and prioritizing nature. Nature is first priority followed by our needs.

Should citizen groups, scholars work together to build an alternative economic society?

With this crisis, because of the suddenness and massive disruptive effect of crisis we see an upsurge in actions by civil societies. Unfortunately, in India, apart from a narrow section of civil society who tries to understand the social equation and how our society is placed, most of society is getting into the same tune as the government - believing that imposing a lockdown and other things is a must.

There is a disruption that has not been taken into account. A massive distress has been caused in the general public. One would hope that people will get disillusioned or realize the kind of governance and the character that's actually there, and then will react in a manner which will be disruptive of this system. Now we need a disruption of the governance system, I don't see any other way out.

You said that going back to the perception of nature with some ritualistic status is dangerous. So what kind of alternative can be proposed in this regard?

I agree. Ideas like nature is striking back have some utility in the beginning. For some people who don't have power to exploit nature, it might put them in fear for some time. But it always has

the danger of falling into ritualistic, rightist, fundamentalist reaction and control. I agree that we cannot go ahead with business as usual either, exploiting nature.

Now the clear way ahead is to understand the natural boundaries, the limits we shouldn't cross, the social equation that needs questioning. It is not only about virus or climate. Questions of equity and social differentiation, access of different segments of society to natural resources also need to be simultaneously addressed. The moment you totally disempowered one section or separate them from resources, at some point there will be a reaction. So, the way forward is knowledge and understanding based analysis with a reduced speed and spread. The well-known modern technological way of farther, faster, higher will not work. We are breaking the limits.

Is this a call for us to new forms of resistances within our family, friends and work circles? As what it has done is isolate us, and create an island mentality of a rescue strategy. This is an antithesis of survival on this planet, your take?

That is in the interest of the governance system. I think we have seen this many times. Whenever there is a crisis, the state and the governance system try to take advantage of it. To a certain extent they are trying to solve the problem alone. But equally they try to take advantage of it and

try to reinforce their power control even further. And that is exactly what we are seeing. By the orders given asking us to do or not do something, not go out, or if we do we will get beaten up.

These are actually enforcing a more authoritative, fragmented state. If people and groups of people do not collaborate or share ideas or collectivize, then it is much easier for the state or corporate structures to carry out their own tasks /agendas.

I think they are using this crisis to reinforce that power and that is why our responsibility is to break this, take this understanding wider. Otherwise everyone is sitting and the upper middle class is sharing the special recipe they cooked or the yoga they tried which is really sickening. Even if they're unprepared, every time they have an opportunity, they use it to reinforce their power and our response should be to break that. How that happens, is a much larger discussion.

We had enough warning of something of this nature coming. Don't you think labeling this as a black swan event gives governments an excuse to underperform?

Black swan events are characterized by their seemingly predictable appearance after the event. A virus attack of this nature was known. The 1918 Spanish flu was a pandemic. But we need to look at the recent history -- the 2002-2003 SARS was a limited but a new viral attack and

was contained quickly. Then came Ebola, a similar attack, which was due to breaking nature's boundaries, going into uncharted territories, eating bush meat and interacting. Then there was the 2012-13 MERS which again was contained very quickly. So the impression was gained that we, and our modern science and technology is in a position where we can contain a viral infection to prevent it from becoming a pandemic. That was a dominant thinking in the global medical governance system. COVID-19 is a tragic case but it has at least broken that myth, that humans can easily contain and control and we don't need to care for nature's boundaries.

What sense can we evoke to convey the urgency of response to climate crisis? As activists working on social and environmental justice campaigns, how can we use this moment?

The governance structure has responded with alacrity to COVID-19 but has not acted with anything similar to the larger problem of climate crisis and global inequity. One thing that struck me is that this (not only the viral disease, but along with its response) is something that has impacted a lot of people personally.

The time scale is also very important. In any human's perception, "I am impacted, my family could be impacted" carries a value, giving a "my life today" scale.. This is apparent in this COVID-19 crisis. In the climate crisis we always have brought up news about things happening in the Antarctic or fires in Australia, and also about "what will happen" some decades hence. That's

not urgent enough, or high priority in my today's life, is the perception.

In Australia, after the fires, Australians are reportedly more receptive to the climate/ecological crisis. We have not and should not face something like that on a national scale. But unfortunately our responses are probably limited by that personal or close community experience. I have no clear answer to what exactly will trigger better action from the people and the government.

What do you think is the role of food choices while combating both these crises? Should we work towards reducing meat consumption at our individual levels?

The question should not be about meat eating. The question is eating bush meat or our preference for exotic meat. If you have been eating fish for many years, like all coastal populations, you are accustomed to this kind of fish and its biological systems.

We have developed some kind of immunity to the bacteria/virus that every fish we eat has. But if I break that by choosing something exotic, which sense largely is the gift of a capitalist system, it is dangerous. It is not meat eating, but particularly the factory grown meat, not so much free range farming, that has a far larger impact on the climate system, on GHG emissions. That is undeniable. In that sense, reducing meat consumption has a value.

The coronavirus crisis is creating fear among people and the government, so the responses are quick. The climate crisis, with its slow and invisible impacts, fails to create fear.

Do you think it is the fear factor and not the knowledge factor that climate activists have to focus on cultivating?

Whenever climate justice activists use the fear factor, it does mobilize people immediately. But it also has a limitation of sustaining that mobilization and action. So yes, fear particularly of oneself dying or being badly affected often mobilizes people to action. But then that is very individualistic or self-centered, which is counterproductive because it breeds competition with other neighbors or fellow human beings who might be equally impacted unknowingly. To combat this, know that if you are the only one who is safe, you cannot be safe.

And this virus is an ideal example. So mobilizing for action by fear is more effective in the immediate sense but is counterproductive for the long term. We have to come back to the combination of knowledge and respect and fear. Without the understanding and the knowledge, I don't think this can be sustained for long.

What is the message that the Indian environmental movements should take from this crisis? Is it offering a pessimistic challenge or an optimistic opportunity?

I think this is an optimistic message. These are clear lessons that we cannot break nature's boundaries like we have been doing. For activists, there is a possibility to take this message around. If we took this message, say last year, we would not have had such a strong incident to substantiate our message. But now it's at the top of our minds and at least for a few years it will stay in the minds of the global population. This can be tied with the climate crisis, for example – with the frozen areas containing many unknown virus threats fact. So in a sense, this is a positive opportunity.

In India, climate change is nowhere on the agenda of any political party. What kinds of efforts, approach or lobbying can be done to push climate change to the forefront of public policy?

Hopefully as the poor have been massively impacted, there would be a realization that the governance systems need to be challenged and demolished. Similarly we can bring up the climate crisis message along with its repercussions such as it is going to create more such pandemics.

Like I said, in the Gulia ice cap 28 new genera of virus have been found which are going to be released unless global warming trends are reversed. So this probably strengthens our messaging since we know the damage a single novel virus can create. What will happen if we don't address the climate crisis, if multiple such viruses are released in our environment? So it's better to act rather than wait for complete destruction. That will add a little urgency and strength to the arguments.

We have observed the anthropocentric approach to reducing animal trafficking and trade in China to avoid crises such as this. How could the shift of ecocentrism be secured with economy oriented countries such as Brazil and China in this day and on a global level and how can this international obligation be imposed?

Imposing international obligations as of now is very difficult. Unless a country signs and ratifies a UN compact, it is not bound to implement it. Hopefully, since this crisis has spread across the globe, this will not be an imposition, but an understanding. Consumption of bush meat or wild caught animals happens in many places, not just China and Brazil.

As I said, this is not against indigenous peoples having their access to wilderness resources. It is a question of having boundaries. If I am not part

of a certain ecosystem, and I am intruding into that ecosystem, I will bring whatever bacteria or virus when I come out of it, thus breaking a boundary. That needs to be taken care of. But I am doubtful if an imposition by an international body like the UN will help, because rarely has it happened and whenever it has happened, like the interventions in Yugoslavia or Iraq, it has had a devastating consequence. So I don't think that is very advisable.

What might be the key elements for accelerated disruptions in governance in India? Any strategic lessons to be learnt from other countries or cultures that could be immediately prompted in India? Should the Indian environmental climate activism reflect inwards quickly, do something very different now and here?

This is a critical time for activists, activist groups and movement groups to really introspect, understand better and re-strategize. This needs to be a much larger exercise and a lot more people and movement groups need to churn this within themselves collectively.

Till now the best public health system in the developed countries is the UK National Health Service which is also being overrun. So this is a good opportunity where the global population is forced to rethink the governance system which is built on the last two centuries of capitalist ideas,

this is the time where we need to go beyond that.

But unfortunately, as of now, the call to decentralize decision making is not feasible. As a result of the COVID-19 crisis, globally there is a tendency for a larger population to support the centralized government decisions and imposition, which temporarily seems to have worked in China. But we need to understand that China has a long history of obeying commands. But it doesn't mean there is no resistance there.

There are resistances, but there is a cultural imposition over a very long period. Not every country has that. If that opportunity arises, like the climate crisis, hopefully that will happen. Now there is a global openness to question this model of capitalistic, centralized, government controlled system with people only as recipients. People are now open to question that kind of philosophy, even in the better governed countries.



STATE'S POWER AND SURVEILLANCE IN THE TIME OF LOCKDOWN

SHALMALI GUTTAL



Speaker Bio

Shalmali Guttal is the executive director of Focus on Global South, which works on the issues of economic development, trade, investment, debt, poverty, ecological and social justice issues in Asia.

Shalmali has worked in solidarity with various social movements in India and across the world from the 1990s. She has written a number of articles on trade, land rights, poverty, food security, etc.

Moderator: Anil Varghese, Delhi Forum

Introduction

What we are looking at is the State Power and Surveillance in the time of lockdown. So as we know that the relationship between the State Surveillance and the democracy in India has shifted its gears in the times of the modern digital technologies and as of now, we know that data is the new oil.

So data collection right now, is aiming to rejuvenate governance, democracy, development, etc. which India has in a way, reconceived in this century by basically introducing new layers of institutional agencies, legal procedures and technological mechanisms to monitor and also control larger areas of the society.

At this point, we are looking at the fact that surveillance is not merely a technological entity but it is a big narrative that is being constructed which apparently says that it reduces fear, insecurity, mis-governance and the fundamental thing is that it reduces corruption.

However, the paradox in the technology promise is that.... They promise public service and delivery and welfare is what the grand narrative says. But, in this production of cultural discourse, we see that the utilization of this kind of surveillance technology is used for mass surveillance and for state's ideological development discourse which is something out of the grand narrative that was mentioned before.

So, we have, in this context, when we are actually facing lockdown, we need to look at the political vocabulary of the State which is again reforming and relooking itself under the rhetoric of security and development discourse. So that is the context in which we are actually living and the lockdown again has thrown up many other questions.

Shalmali Guttal's Talk

Let me start with making a few general comments about the COVID-19 situation that we are in. We are experiencing a series of events that have gone from a viral outbreak to a pandemic, which has now become a systemic crisis.

And this trajectory is not because of the virus alone but because of the responses by governments and societies to the spread of the virus and disease.

We live in an extremely globalized world, where national economies and much of the world's welfare depends on global supply chains that span the entire world, which in turn requires international travel and mobility, allowing the virus to spread exponentially.

The globalisation of the supply chains also mean that most countries depend upon goods produced in quite distant places for meeting the everyday consumption, medical needs, public health and food staples. In fact, many countries in the world do not manufacture masks, personal protective equipment (PPE) and even medicines. A lot of that comes from China.

A lot of countries do not even have enough supplies in their national stocks to manufacture essential medicines. As governments close borders, stop international travel and restrict the movement of people to stop the spread of the virus and disease, shortages increase of essential supplies such as medicines, gloves,

masks, protective gear and food.

We see this also in the national arenas with the closure of state borders. In India, the lockdown has resulted in brutal impacts because of entrenched social and economic inequalities, become particularly gruesome at the ground level.

The virus itself does not discriminate who it infects by age, class, caste, gender, ethnicity, race, etc., but age, class, caste, social privilege, race and gender are important in determining who are more exposed and vulnerable to the virus and who experience the worst impacts of the pandemic. These impacts include only the infection but also, the economic, social, health and political impacts of the measures that the government is taking in the name of fighting the disease.

The majority of the working class population-- in agriculture, domestic work, chemical plants, extractive industry and the informal sector; fish and forest workers; sewage and street cleaners; street vendors and delivery persons—people, on whose labour our lives and much of the economy depends, they are the most vulnerable to the disease and among many of them, their immune systems are already compromised to fight new viruses.

But the middle, upper middle and richer classes can distance themselves and already have stronger immune systems than the millions who

are at the front lines of confronting and addressing the pandemic.

How are governments confronting the COVID crisis? Are they actually battling the pandemic, or are they consolidating state power?

If we try to assess government responses in terms of effectiveness, equality, justice and human rights, we will see a repetition of past patterns in terms of inequalities of impacts. We see that natural calamities, economic crisis, epidemics, pandemics hit the poorest and the most marginalized communities the hardest. It is these sectors that are most ignored, discriminated against and marginalised further through formal and societal responses.

On one hand, Covid 19 has exposed the weaknesses of the public health system across the board: the crowded and ill equipped government hospitals simply cannot accommodate the needs, especially of the poor during health crises. However, public health is related to many more factors than medical facilities although medical facilities are important: these include access to essential goods and services, adequate food and shelter, safe working and living environments, affordable medicines, fundamental rights (including right to information, right to freedom of expression), social justice, legal justice, etc.

It is clear from what we see in Asia, Europe, North America and Latin America that many governments are taking advantage of the pandemic to consolidate power and cement authoritarian rule and further erode human rights. Emergency powers have been invoked by governments and either passed by parliaments,

or bypassed them altogether. The public, for the large part, is so frightened and taken by surprise that we are willing to accept the “firm hand” needed to combat the crisis.

Again, we see a repeating pattern: in times of crises, human rights, civil liberties and public scrutiny/oversight are the first systemic casualties. Joseph Cannataci, UN Special Rapporteur on the Right to Privacy recently said recently in an interview to Reuters, that dictatorships and authoritarian societies often start in the face of a threat, and he cautioned on the importance of being vigilant today and not giving away all our freedoms because we are frightened today and do not know what to do.

The coronavirus pandemic has led governments to declare themselves essentially on a war footing – with many politicians referencing an “invisible” enemy or attacker. The military and special police are called up because they can supposedly get things done and enforce the order needed to address the emergency.

What we are facing is a public health emergency that has been precipitated because of a highly infectious pathogen, and because our public health and welfare infrastructures have been weakened tremendously by decades of neoliberalism and capitalism.

The “law and order” problem is created by pharmaceutical and other corporations who benefit from these crises, and by politicians, right-wing opinion leaders, police and military who persecute the poor, defenseless and any person who asks for the truth, or asserts their rights.

Full and accurate information is not being shared by the authorities, ostensibly to avoid panic, allow the professionals to do their jobs, journalists to report the real situation and ask questions. This, of course, we see in India. The tragedy is that many governments who are passing these emergency orders do not know the full facts themselves. They do not share full information about the national situation, or even admit they do not know; they prevent medical professionals, health workers, researchers and journalists from sharing information by arresting them for spreading fake news, creating unrest, etc.

They also do not have clear plans for combating the pandemic, building trust with the public to win compliance for severe measures, and for ensuring that those who are economically and socially vulnerable are looked after. Instead, they are using their powers to herd people into believing that if they don't believe in what the government says, they are somehow being unpatriotic or anti-national. Even the Supreme Court in India has taken the unprecedented step of saying that the government must be the first port of call for the news, in a major blow to press freedom.

On March 16, many UN Special Rapporteurs on human rights issued a statement asking governments to avoid "overreach" of security measures and make sure that human rights are at the core of their efforts to tackle COVID 19. They pointed out that declarations of state of emergency, whether for health or security reasons, have clear guidelines from international law that must be followed.

They added that the use of emergency powers

must be publicly declared, notified to all relevant bodies and actors, and very importantly, emergency declarations based on Covid-19 should not be used to target particular groups, minorities and individuals; they should not function as a cover for repressive action under the guise of protecting health, nor should they be used to silence the work of Human Right defenders. Restrictions taken to respond to the virus must be taken to motivate legitimate public health goals and should not be used simply to quash public dissent.

Now, let me give examples of how exactly the opposite of what the UN Special Rapporteurs propose is happening. We start the Philippines. The Philippines Congress has given President Duterte blanket emergency powers which allow him full power over the country's economy, security apparatus, finances, legal systems, governance, media and telecommunications. Philippines Congress has given up its power to legislate and has abdicated its responsibility to provide checks and balances to the actions of the executive or to challenge the abuse of executive power.

Let's not forget that this is the same President under whose rule more than 40,000 people have been killed under his War on Drugs – people from poor communities, human right defenders, workers, peasants, indigenous peoples. At the same time, the Philippines government has not unveiled any comprehensive plan to deal with the Covid - 19 pandemic.

At the same time, the Philippines govt has not unveiled any kind of comprehensive plan to deal with the COVID 19 pandemic. Instead, has imposed enhanced community quarantine across

the island of Luzon, where people have to stay at home and only one family member can go out to get food and medicines; armed police and military are on the streets.

Many weeks into the lockdown, there has been no mass testing, support to hospitals and medical personnel to help them deal with the influx of cases has not increased, there is no support for the daily wage earners (who do not have enough food), no financial subsidies for people unable to work, and no help for those who cannot get food delivery in households and are worse affected economically.

Instead a wave of VIP testing has taken over the health department, hampering the crucial work in the frontlines. Human rights violations continue, such as illegal arrests and detention, including of minors and mostly the poor. Minors who were caught breaking quarantine were put in cages, crammed together; there are criminal penalties for any perceived violation of government orders.

There are criminal penalties for any violation of court orders. Journalists, lawyers and civil rights activists have pointed out that peoples' right to information and freedom of the press are in danger because of the government's control over telecommunications. There are also concerns that state-controlled telecommunications will become a source of indoctrination, misinformation, and/or under-reporting.

On April 2nd, Duterte gave the police and military permission to shoot civilians if they don't follow quarantine rules. And a man, in his 60s was shot right on that day or the day after that. Duterte said: "I will not hesitate. My orders to the

military, police and the village officials that if there is any trouble or occasions where your lives are in danger, shoot them dead. Do not intimidate the government, do not challenge the government. You will lose." This is the President's address to his nation in the middle of a crisis. A public health crisis has been militarized.

In Cambodia, the council of ministers approved a law on governing the country in the state of emergency, which aims to limit all civil and political liberties, and targets journalists and human rights, democracy, media groups.

The law gives the government unlimited power for the surveillance over telecommunication. They can put in place measures to keep track of all modes of communications, and control of conventional and social media; they have unfettered power to arrest anybody they think is going against the national interest, impose restrictions on movement and assembly, and even after the Covid - 19 ends, the law allows the government to decide when the state of emergency is over.

In Hungary, the Hungarian Parliament voted itself out on March 30th, i.e. it suspended its own ability to legislate and gave the Prime Minister Viktor Orban the power to rule by decree indefinitely, and these powers are ostensibly to be exercised to tackle Covid-19. The Corona Virus Protection Act, which indefinitely extended the state of emergency in the country, was declared on March 11th.

But what is interesting is that right after these powers were passed, the Hungarian government did not tackle Covid-19 but used them to pass other edicts – a museum construction, prohibition

of trans-genders from legally changing their sex, and classifying all information about a major Chinese railway investment in the country which is the largest infrastructure investment in Hungarian history.

This has nothing to do with fighting the virus but conveniently keeps all the details of the business deals that Victor Orban's government has put into place, the names of all the businessmen who benefit and all out of the public view for the next 10 years.

When we look at the monitoring and surveillance aspect, we can see that it is happening at multiple levels. Going back to the Philippines, in local neighbourhoods called barangays—which are like our panchayat or municipal council areas—officials with armed police are forcing common people to report their body temperatures three times a day or face arrest.

In India, if you look at home quarantine rules, there have been notices put outside of homes of people in Delhi that say "do not visit, under home quarantine." The problem here is not home quarantine itself, but how easily it enables discrimination and prejudice in a society that is founded on systemic discrimination and prejudice. The Indian Caste System already mandates social distancing right from the beginning.

This kind of discrimination is happening even in Cambodia, among migrant workers who have been stranded at the Thai-Cambodian border, and also who managed to cross the borders and come back to their villages. The local residents are scared migrant workers have actually come back from China, or from urban, unprotected

areas in other countries. And while they were working, they have never had access to health care, legal documents to get tested or social security support and therefore, when they come back they are treated with suspicion, and become pariahs in their villages. Versions of this are unfolding also in Myanmar, Philippines. That is one level of surveillance and monitoring.

Another level of monitoring is digital and high tech surveillance. In many countries-- Poland, Singapore, South Korea, Hong Kong, Israel -- there are apps that have been developed for mobile phones that are used to track movements and location.

In Poland you have to download the app if you are under home quarantine or have just entered the country, and you have to take selfies and upload it on the app as proof that you are not outside the house. The app uses geolocation and facial recognition software and randomly requests selfies. The user has 20 minutes to upload their selfies from the place of their quarantine or police will arrive at their place.

In Singapore, the government is using Bluetooth signals in an app called 'Trace Together'. Bluetooth signals between cell phones keep track of people who come in contact with each other, and the app is supposed to estimate the physical distance and the duration of interactions between smart phones that have the app. If Trace Together users are within two metres (six feet) for more than 30 min, they are immediately a threat to the others.

This data is captured, encrypted and stored for 21 days. The Singapore Government says that the users have to provide consent during the initial

set up of the app to participate. However, the government also says that the data logs can be extracted by the authorities if needed for contact tracing and if users refuse to let their data be taken, it will result in the prosecution of the users under the Infectious Diseases Act.

South Korea has a Self Quarantine Safety Protection Act which uses GPS technology to track the location of the user. In Hong Kong, all arrivals at the airport are instructed to download a govt app called 'Stay Home Safe' that comes along with a linked wrist band. The app maps the unique footprints of the person's locality.

The Hong Kong app is developed by Gary Chang, a Professor in the Department of Computer Science and Engineering in Hong Kong University of Science and Technology. Interestingly, Mr. Chang has licensed this technology to his private company. The Poland home quarantine app is available for download from the iTunes app store. There are clear links in digital surveillance between individuals and businesses making money, and governments using them for politically self-serving strategies.

China is using a combination of localised monitoring surveillance through security guards, neighbourhood groups, facial recognition cyber surveillance and social media monitoring, Israel has approved emergency measures for security agencies to track the mobile phone data of people with suspected corona virus.

Alarmingly the emergency powers that the Israeli government is using are those usually reserved for counter terrorism operations. How exactly the cyber monitoring will work has not been disclosed but location data is being collected

through telecommunication companies by Shin-bet (the domestic security agency) and will be shared with the medical officials. If an individual is highlighted as a possible coronavirus case, the health ministry will be able to track whether or not they are adhering to quarantine rules and send text messages to people who may have come into contact with them before symptoms emerged.

While many people will protest such lowered protection of data and privacy, many of us will also be willing to compromise on civil rights in order to contain the pandemic. By and large, people are prepared to put up the interests of surveillance methods and to give up privacy because of the current climate of fear regarding Covid-19, and the lack of accurate, updated fact-checked, medically backed information. Many of us hope that this step to track and monitor will check the spread of virus and help us get back to the normal life that we had before all this.

But, many human right experts from the United Nations, Civil-Political Rights groups, N, researchers, and activists have pointed out that many emergency measures that are in place to protect the people can easily become permanent fixtures even after the pandemic is over. There are always emergencies lurking around the corner: even now in the midst of Covid - 19, Avian flu is back. Last year, swine flu was going around. When we say that these surveillance measures can help us go back to normal life, we have to understand and accept that the new normal-- the so called post Covid-19 normal--will have different standards of rights, liberties and protections, and this will happen with each emergency.

So an emergency measure may need to be continued because the new normal is not like the old normal. If we look at the 20th century, the 1918 flu pandemic lasted for more than 2 years.

COVID-19 has provided political leaders in many countries the opportunity to enact policies that favour their interests, under the pretext of responding to the pandemic. These policies can easily become institutionalized and stay on.

Surveillance technology is developing very quickly, and we don't know how data collected today will be used tomorrow, especially during an emergency situation when safeguards are not put in place and civil liberties are increasingly suspended.

Many gadget lovers use fit-bits, apple watches, and other kinds of electronic bracelets that are synchronized with our phones: they tell us when and how much to walk; our pulse and temperature; how much we slept and how often we woke up; etc. They wear them 24 hours a day and insist that it helps them to stay healthy. Where is this data stored and who else has access to it?

In the last 20 years we have seen many viral outbreaks become epidemics and a few became pandemics: SARS, MERS, Avian flu, H1N1 (Swine flu), Nipah, Ebola, Zika, etc. COVID 19 is the worst so far, similar to the 1918-1920 flu pandemic. All these viruses remain in our eco systems, animal and human populations, and there is enough reason to believe that there will be future outbreaks of these viruses with mutated, stronger genotypes.

What happens if governments start mandating

that we wear biometric bracelets that monitor our vital signs 24 hours a day – to warn us when we get sick, to monitor who we're in contact with to prevent future epidemics and can also sound sensible?

What if they start mandating legal checks on anybody who goes outside their house to the local ration shop. The same surveillance measures that could help prevent a crisis can also make us captive in a very alarming and scary surveillance system.

The Covid - 19 has thrown up a lot of false choices: privacy or health, strong policing or public safety, public health or economy, lockdown or allowing virus spread, free speech or fake news and access to information or panic.

These are false choices because you can have privacy and public health. You can have law enforcement and public safety without compromising agency, democracy, peoples' rights and liberties. You can have public health without compromising the economy.

You can have physical distance without discrimination, without people being hungry, trapped in unsafe cages and tents. You can have decisive state action to combat a pandemic through democratically discussed means, transparency and accountability, where the public participates and discussions.

The real choice we need to make is between totalitarian measures on one hand, and peoples' empowerment and societies governed by rule of law, on the other.

Q&A

Is digital technology against democracy, equality and social justice?

Is there a new form of digital tech likely, post lockdown given the way the government is having a reason for an emergency like situation?

I don't think digital technology is necessarily anti-democratic but I think there is a political economy of how technology is developed. No technology is value free or politics free. So on the one hand, digital technology is convenient, can increase citizen participation and make information easily accessible, but on the other hand, we are still captive to a corporation that has developed the technology and the state that also uses the technology for its own purposes. This is where the countervailing power of the public is extremely important.

On the second question, I think, yes! I think we are going to see a new raft of surveillance technologies that are going to be developed in the name of Covid-19 and preventing public health crisis. I think surveillance and monitoring will get more draconian enabled through digital technologies. This will be the result of intertwining the power of the state and capital, and building enough "consensus" to bring the population along with it.

Is such a drastic paternalism justified at a time considering the fact that dissent at a time like this will lead to furtherance of the outbreak due to non-compliance with the government measures as a whole?.

This is completely unjustified. The government is acting on the assumption the public is a mob, it is unruly--this is the kind of rhetoric that is being used. Where are the measures of the government to build public trust? Along with the fight against the virus and its spread, it is important to address the co-morbidities that make particular populations high-risk. Why haven't the government come out with press conferences with public health professionals on a daily basis with information that is accurate and medically backed?

Why is government not addressing the situation in a more transparent manner? Why are they hiding facts, figures and the availability of kits for the health workers, etc?

Are there examples of countries dealing with the pandemic in a more democratic manner?

They've not been transparent because I think they don't have a plan. There are many public health officials at the state level who are running around trying to provide care but they don't have the head space to stop and analyse where we are now in terms of both understand the virus and the pandemic.

Understanding how the virus is spreading and how the virus behaves is a medical and scientific issue, and also a social issue. It requires a scientific, analytical temperament. All doctors and even Indian virologists have said that SARS Covid 2 has several different genotypes, at least 30-35 genotypes have been found so far. In order to develop a vaccine to tackle this, you have to analyse which genotypes are spreading in your community and in your areas, which requires the scientific community and various societal actors to work together. If the government does not bring them together, who will?

Another level of knowledge is that the spread of the disease is best monitored by people. We, by ourselves should be able to help each other without discrimination which means bringing people into relationships of trust.

All this goes against the consolidation of state power. If the government admits that they do not know what to do, then they are basically admitting that they are not equipped to govern.

There are test kits developed in India for 700-800 Rupees and the costs seem to vary all across the country. What is the level of testing, using which kits? Where is the effort of actually trying to understand which are the best test kits for us? The government is not transparent because of

vested interests: both in terms of political power and also financial and economic interests.

On the other issue, countries that have dealt with the pandemic democratically have been Spain, Italy and France, which have been hit so hard that they have no idea what to do. Another country that has dealt with this very well is Cuba. Cuba is sending doctors, public health officials and support to their own people and other countries in a non-discriminatory way. Many South Koreans believe that their government has been democratic with them. They developed kits quickly to rectify the situation and serve the needs of the people.

Once the crisis is over, will the surveillance system stop? Or will it continue?

Indian media and news connect everything from religion and specific groups. So should we also maintain a distance from the news and the media? What is the role of the fourth pillar?

I cannot think of a time where journalism is more important than in a crisis like today. But independent journalism, fact based journalism, journalism with diverse perspectives and analyses that encourage debate and questioning of authoritarianism, consolidation of state power, that present science, medical information, sensible practical information, common sense information about the immune system, immunity,

basic rights, etc.

We need the press and media not to blindly follow what the government is saying. We need it to question and pose arguments that originate from a place of reason rather than blind faith. We need mainstream media to get out of its blind adherence to the government and its narrow, parochial, nationalistic agendas.

Can you throw some light on the on-going battle for data between the social media giants and the big corporates?

Of course data is looked at as business. Data is the new oil, the new gold, the new everything. For several years there have been debates about data sovereignty and the public interest aspects of data.

The Just Net coalition has done some excellent work on this. The data of a society is its public good but it's not a public good or commodity to be sold. It is for public interest. As digital technology progresses more and more, our electronic and financial transactions move into the digital stream.

It is crucial that this information is used for public interest and not for private interest. The data captured for Covid – 19 has opened entire new floodgates of corporate power, control and profits. Now, so many of us practicing physical distancing, working from home, and using digital technology to communicate. Who knows how long this pandemic is going to go on for? The

control over these technologies, control over health data, food data, pharmaceutical data, consumption data, etc., become absolute gold for corporations.

Privacy attaches to the person since it is an essential facet of the dignity of the individual. The doctrine of public trust does not allow the usage of information collated and collected for public welfare to be used for private interest. Your take?

I agree. The other thing about privacy is what is at stake is not only the privacy of individuals but also broader issues like the public trust doctrine, rule of law, fundamental rights and constitutional rights.

We have been installing apps that compromise privacy by volition for a long time without the coercion of the government. Do you think the pandemic can be used to change people's habits with respect to this?

Yes and No. Yes, it can because it might bring more people into these apps i.e., it might push more and more people to use these apps. Cell phones are being used all over the world. One of the reasons that South Korea could build public compliance and get people to agree to the surveillance is because people there do everything using smart phones.

Even if you look at a country like India, smart phones have become ubiquitous. During the initial phases of demonetization and increasingly after that, as people are separated from each other and where goods are out of reach, people will tend to swerve in the direction of using these smart phones to fulfil their needs. This will consequently lead to the increased usage of these apps that will have as a pre-requisite to use, the submission of our personal data.

We can change peoples' habits only if we can present to them and to the world the pros and cons of using these apps, and building understanding about what is data, what is surveillance? Is there a way to bring checks and balances to the development and use of these technologies? Changing behaviour is not only choosing to use an app or not, but the decision of which app to use and how to regulate it, govern it and to put limits on powers of those who control technologies, use data, etc.

When the lockdown has already made the people irrelevant, except the state and its officials and when the government with a sizeable population has already celebrated 'over Covid - 19' what is the purpose of continuing the lockdown?

On the issue of data, any number that we see today of Covid - 19 cases is actually one or two week old data. The virus is highly infectious but it is also highly insidious: it doesn't show itself up to even 14 days.

Physical distancing was necessary but social distancing was not. Informing people about what this virus is and how it spreads, is essential. What effect has the lockdown had over the spread of virus is unknown and the government cannot claim the lockdown as a victory.

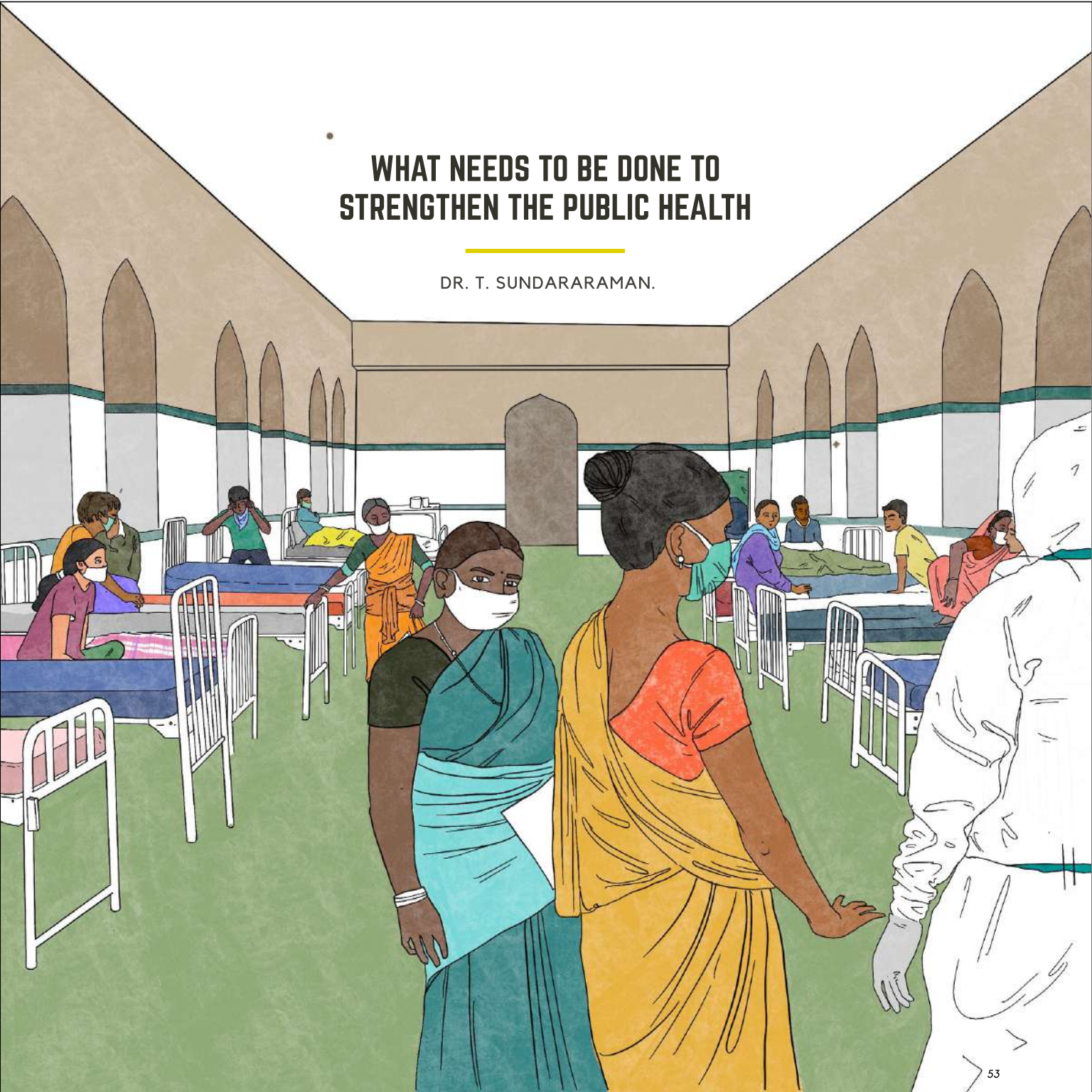
Have you seen the construction worker's kids playing on the road? It is my surmise that the masses have more immunity than privileged folk. How can we stop killing the poorest of the poor to protect the well-heeled society?

One way to do that is for the well-heeled society to come out and make sure that the services are available to construction workers, migrant workers, refugees, informal sector workers, daily wage earners, etc.

The stories that all of us are hearing across India about stranded migrant workers on the streets are shocking. I think many Indians have immunity to many diseases but I'm not sure that all immunity is necessarily class based. It would be a mistake to say that daily workers have greater immunity than the privileged because that will leave them at the mercy of less protection. In fact we should recognise that those who are the hardest workers of all have the most compromised immune systems because they are not getting enough, adequate and nutritious food, they live in contaminated areas and they don't have access to health care.

WHAT NEEDS TO BE DONE TO STRENGTHEN THE PUBLIC HEALTH

DR. T. SUNDARARAMAN.



Speaker Bio

Dr. Sundararaman is a health systems expert and former Executive Director of the National Health Systems Resource Centre, New Delhi. He is the former Dean of the School of Health Systems Studies at the Tata Institute of Social Sciences, and also worked as a former Director of State Health Resource Centre in Chhattisgarh.

Dr. Sundararaman has been very actively involved in health and education movements in India primarily with the Jan Swasthya Abhiyan (JSA) and the People's Health Movement India and also All India People Science Network.

He has played a leading role in organising the first Health Assembly creating the JSA. Currently he is the global coordinator of Public Health Movement (PHM). PHM is the global network of grass root health activists, civil society organisations and academic institutions around the world with presence in over 70 countries.

He has written several books on health issues and number of articles that have been published in peer-reviewed journals.

Moderator: Gaurav Dwivedi, Centre for Financial Accountability

Introduction

The fourth in the solidarity series webinar started on 31st March, Dr. Sundararaman will deliberate on 'What needs to be done to strengthen the public health system in India', and discuss this in the context of the Covid-19 pandemic and the pressure it has created on the health systems across the world.

Dr. Sundararaman's Talk:

I think there is a lot of renewed interest in strengthening public health services,. As they say, the best time to start strengthening public health services was 10 to 15 years back. If we had done that, we would have been in a much better situation and ready by now.

But having missed that, the next best time to start is now. You can see that however extensive the private sector is, when it comes to the actual response to the epidemic, even those in the private sector who are willing are very few and very unevenly distributed. Many private sector operators are actually closed down, preferring not to take the risk or, they do not have the capacity to cope with this crisis.

Similarly the health systems performance under routine times is the best way to ensure that when there is a crisis like this pandemic we are able to respond adequately to it..

Broadly strengthening health systems has some 8 or 9 essential components.

The first of course is investment and we know from our own experiences cross states that unless there is a minimum proportion of public health expenditure we will not be able to strengthen health care systems.

There are nations with very good efficiency that have managed it with a public health expenditure at 3-4% of their GDP, there are other nations that have needed 9-10% of their GDP. But about 3-5% of the GDP seems to be an absolute minimum. This

. works out to several lakh crores and with the state governments spending over 70% of it, it means a much larger budget for both states and the centre

The Prime Minister's announcement of Rs.15,000 crores for the health response to the covid-19 epidemic is really welcome. But, one could not help wishing that had this been the incremental increase in budget since 2016. If that had taken place, then we would have been near to fulfilling what has been promised under this own government's National Health Policy.

In 2016 when the budget came out, I wrote an article in the Economic & Political Weekly which had spelt out that at this rate and pattern of public expenditure on health, the public health system is so threatened that if an epidemic comes along the health of everyone including the rich will be at threat and it would not only be the health sector, but also the whole economy that would be smashed.

The other big problem with our public health care system is a problem of design. The system is designed to be minimalist; to give a minimal package of services to the least amount of possible people and leave the rest to the private sector.

People say that the public health care system has poor quality. Yes there are many dimensions of poor quality- behaviour, timeliness, cleanliness etc. but at the heart of quality is that service users do not get care that is appropriate to thier .

need, because that care is not part of the selective package.

Most non-communicable diseases are not within the ambit of care in this design of very selective health care. So, the first and foremost change that we need in strengthening public health systems beyond the question of investment, is to expand the range of services, from being selective to being comprehensive, to be able to cover a much wider range of healthcare needs.

Why are we running for ICU beds after the outbreak of this pandemic? Why are we running now for ventilators? If every district had a norm of 1 ICU bed per 30,000 population, a corresponding number of patient transport vehicles, a corresponding number of ventilators. then yes we may have still needed some more, which we could have brought in to where the epidemic is, from other places where it has not reached or built up and closed the gaps through domestic manufacture.

But the fact is we have not invested in building intensive care units at district hospitals or even at the many medical college hospitals in the last three decades or more.

And there is this paradox. The poorer states in particular did not have adequate policy of free care. In a public health facility in most northern states, the outpatient registration charges were low but all diagnostics were charged and most drugs were prescribed and had to be bought outside incurring considerable out of pocket expenditure.

The other big problem in the public health services has been the workforce issues.

Somewhere in the nineties this whole logic of structural adjustments and keeping workforce small, which was part of keeping governments small, led to a great reduction of nurses and doctors that are employed. In fact between 1993-2005 there were no nurses or doctors recruited in many states even to fill up vacancies that occurred due to deaths and people retiring or leaving.

So, there was a huge deficit in the workforce. Medical education was allowed to mushroom in the private sector in a speedy manner and there was no further public investment in medical colleges in that period. The market in medical and nursing education grew, but it grew in the southern and eastern states and much more with an eye on export and the private sector and not for public services where they are needed most. As a result the problem we have today is not so much about having enough numbers (except for specialists) but that we have a very uneven distribution of skilled human resource.

Quality of care was another issue but we now have a national quality accrediting scheme. Corruption is another issue; and most of corruption can be attributed to some precise transactions- the failure in procurements, in transfers and appointments, and the problems of contracting.. These can be set right with more transparent processes and there are state governments that have got it right.

We can look at other areas that need strengthening like digitization etc but without these basic institutional issues addressed, digitization will make little difference.

Why didn't it happen? Part of the reason is in under-investment but that's not the main reason. The main reason why many of these basic issues were not resolved is because our whole health sector strengthening and reform policy had been influenced by a certain ideological stream called new public management which is the offshoot of neo-liberal economics. New public management promotes an understanding that the way to reform public services is to make it more like the private sector. Which means introducing market mechanisms. This is to be done to a large extent by forms of privatization, but even where there is public ownership, to follow financing policies that promote competition and allow for monetary incentives.

But in the real world, competition and choice does not even lead to better quality in the health sector. Such is the nature of information asymmetry that market mechanisms do not work. The trick in health care financing is to actually ring-fence the doctor's decision making from the monetary incentive. So, eventually these market based solutions displace very concrete and innovative ways in which we could have improved public health services. And therefore we come to this situation where we have a crisis on our hands.

The growth of the private sector in healthcare is no proof of its better performance. In many district hospitals and medical college hospitals there would be 150 in-patients for 100 beds.. So, it is the lack of access to appropriate services that has been the main constraint and the moment you have the services, people actually come to the public sector. The public services have been artificially constrained and limited ,so as to allow private sector to grow. The growth of the private

sector did not happen by default. It happened as part of the plan and that's part of the problem we are facing now.

Q&A

What is the government doing to involve person's keen on helping, when you mentioned that the health systems requires to build capacity for the next 15 years?

There are two things. One is in the context of the pandemic. Surprisingly many from the private sector were more on keeping themselves safe. If they came across a patient likely to be covid-19, they referred him to a designated centre.

This is the issue; very few private hospitals, outside the corporate sector, have a dedicated ICU ward or bed for Covid-19 patients. Given this situation one options that is being considered is to place private sector hospitals under public authority; whole lock stock and barrel so that they are converted into Covid-19 specialized care centers and very often with the co-operation of the private sector hospital.

We see that in Kerala, we can saw similar attempts in Chhattisgarh and we hope we see that in more places. But when we are not in a pandemic, the approach has largely been to have private sector hospitals with the necessary capacity as referral centres, through a partnership arrangement.

There are lots of public private partnerships that don't work but if you use them to close a critical

gap, that could be of great help. For example if cardiac surgery is available in your city or in your state but it is not available in the public sector, then the person goes to the cardiologist in the public sector, gets referred through him for the surgery, the surgery gets done in the private sector hospital and the hospital gets reimbursed. Those sort of, gap filling and partnerships, where private sector supplements government capacity, are the ones that tend to work best. Otherwise in the private sector the large role of the government has been limited to certain degree of regulation only.

Large scale public-private partnerships on a regular basis have not done very well, even on the insurance platform; though some of the not-for-profit organizations have done well.

Do you think that the schemes that are there on paper, needs to be put into practise and change the whole situation. ?

How do we see this convergence between the disaster management professionals, doctors' and public health professionals?

The answer to the first question I think is an implementation problem. Government has good documents, a number of schemes but they are just not there in the field. We have a lot of capacities but they are fragmented.

We have doctors, public health professionals, disaster professionals but how do we actually bring them together. Some states like Kerala certainly, Tamil Nadu, and maybe to some extent Himachal Pradesh do somewhat better in these areas. Kerala for example has had for the last 3 years something called the Aardram Program and what they have been doing with to actually improve the quality of public hospitals, getting accredited under National Quality Accreditation Scheme and expand the range of services provided. This came very handy when the pandemic arrived, since they had better outreach and also better prevention of hospital acquired infection.

We see a lot of good government schemes, but unless appropriate human resources and financial resources are allocated, they don't go to scale.

One must also differentiate schemes which are by intention and design universal, like say TB program. The government commitment is to reach out and catch every TB suspect whether or not he comes to the system; and going to follow him or her up until treatment is completed.

However, with a diabetes program, the government really don't extend coverage for all. In some states they are only beginning to do so. They have only made certain services available. These are token measures. If, the intent is to be universal, there must be a plan to go on scale, and to increase human resources as required. In Kerala one of the big achievements has been the involvement of the local self governments in the primary care level to ensure that many of these schemes are universalised. Even some of the funding is through them.

When it comes to the professional integration, what you require is a strong district team where different people are able to coordinate; where you create multi-stakeholder consultations; whether in the nature of advisory bodies or district committees. The district health societies was meant to be that.

I think decentralization with participatory management structures is one way to actually go, and this is the big learning that we should have from the better performing states.

Your views on alternative medicines?

It's not my area of strength. I don't deal much in alternative medicines. My principle on alternative medicines has been that as we are agreed on the choice to exercise it, then we must have the space to exercise this choice.

Can you please elaborate a little more on the role of local self government in public health systems?

Actually we have very few good examples in this. We also know where they work, they work very well.

Some of the areas for example where local self governments could help, range from from building the aesthetics of the surrounding, cleaning it up, putting a playground there or putting some neat chairs; improving the ambience

inside the hospitals, building amenities for the doctors, building amenities for the patients- this is one set.

Another set of interventions relates to a lot of concerns to see that certain outreach programs are facilitated. In the Kerala example, the panchayats are funded to employ a nurse and outreach workers who go to the houses of patients who are elderly, bedridden, on renal dialysis or cancer chemotherapy, to ensure that basic health care needs are met and they feel supported on that, acting as outreach. They call that palliative care program. These are people who cannot come to the facility and when they need to be brought to the facility there is a transport arranged but at other times the outreach is taken care of by the panchayat.

This is going to help during covid-19 when people are at home quarantine and you need to reach people at home. What Kerala has been doing to reach the elderly and the disabled at home is now going to come handy for the quarantined, and to shield these persons with increased vulnerability from the virus. They also have better trust and reach out with much less stigmatisation.

There is not much interaction between the Public and Private players and how to strengthen the PPP model?

We have had lot of expectations from the PPP over the last 20 years. We have been trying PPPs again and again. And we haven't done very well. But let's make a correction to that. Certain PPPs do perform; the more ancillary the service the

better it performs. So, it is in laundry service, pantry, security services, and sanitation services, we can see a better performance, but with some minor internal problems.

Coming to ambulance services, partnerships still work, for diagnostics not as much and in clinical services so far we have very poor examples of successful Public- Private Partnerships. Part of the problem lies in contracting. So, it's very difficult to strike a contract where you actually make it insensitive to the monetary incentives where providers game the system to maximise their returns. There lies the problem. World over there is a problem with this, but in our context we have it more.

The budgetary allocation for health sector now is 1.22%-1.3%, and it could be 6%-8% of GDP, is there a structural or political compulsion that is not allowing the government to do this?

I think that despite so much big talk about it, there are ideological and political compulsions. There is one major contradictory compulsions-one the health care sector is increasingly seen as an industry; much more is managed by the department of industry and commerce and they look at this as a high growth area.

Even when the entire share market was collapsing, the health sector stocks were doing relatively well. Even in the 2008 recession health sector stocks did relatively well, so, they look at

this a compound annual growth rate for health care industry, which is twice the average for the service sector. They are looking to the health sector as some sort of growth engine, though this means that ill health is profitable and there are profits to be made of ill health. Which is very contradictory, but that is how the government thinks. Due to ideological compulsions, the government is under pressure to outsource many of the public sector units or undertakings to the private sector. Public expenditure on healthcare is seen as more justified only if some of it can be passed through the private sector.

The second is the fiscal consolidation policies. The government wants to keep the budget deficit down and they don't want to do it by keeping peace with neighbours. Tension in the borders leads to increase in the defence expenditure. This is a political compulsion. Tensions internally leads to increased security expenditure. There is also the expenditures on bailing out sinking private industries and covering up for bank loans that have not been returned.

When it comes to cutting down government's expenditure, the axe falls on education and the health care sector. This is the whole notion of fiscal consolidation and finally the ideological push under neo-liberalism is characterised by the fact that it brings public services into the market, which is one of its basic characteristics.

What are the health incubators and accelerators in India?

We have whole lot of the bank loans that are going for health care enterprises,. Even a

general practitioner clinic is being used as a start-up that can be given bank loans. Market loans for health sector is relatively easy to access.

For India at this time biotech is very important. When the covid pandemic struck, countries like Iceland, South Korea or Germany, have done very well. Their first move was to go catch a private enterprise over there, give them the necessary technology and skills and ramp up production of the total number of test kits, the medicines, and the personnel protective equipment. Our government should also transfer technology, skills, and provide financial support where needed.

I think there's immense scope to do that and it should be done now within the coming month; we should actually multiply domestic production a hundred fold. This is not the period when you go into long term incubation; this is a time of quick transfer of technology with financial support.

What are the best and worst case scenario for India in dealing with the pandemic given 70% of private health care is going belly up?

You have to get back to life as usual. There is no way that under the lockdown we will be able to survive.

The best case scenario is that it is going to take three months for the cases to spiral up into epidemic proportions again. The worst case scenario is that it is going to spiral up within a

week, with lockdown having done nothing. In both these situations we have to turn to testing, identifying cases and isolating those positive and quarantining contacts and letting the rest of life continue within these constraints.

Whatever time we have bought with this long lockdowns we have bought. After this we are not even going to be able to buy further time for health sector preparedness. We should have done all this earlier.

Is the refusal of the government for the testing of Covid-19 targeting towards herd immunity without telling?

Yes, but remember that herd immunity is not a strategy. It's a fact. It's not something you make happen. It happens despite you. So, when you say it is their strategy, it is really the result of their lack of strategy.

So, herd immunity is happening, but to reach an adequate level it will take much longer time. Therefore the earlier we recognise that we have really no alternative to identifying, isolating, and testing and treating; the better for us. We are going to be in difficult times. We are going to have from time to time huge outbreaks and then shutting down.

Is it possible to create an army of emergency health workers in the current crisis and how feasible it is?

What do you think of the skills they should have, what functions they will perform?

The treatment of a severe case of Covid-19 is a sophisticated tertiary care; it's not ordinary ventilation, it's a very high quality of ventilation..The treatment of a mild and moderate case requires no treatment at all. Essentially they become normal without having to actually get treated.

So, what is this emergency workforce about? Are they needed? It is needed. It's needed if you're opting for community assisted isolation centres or if the proposal is for community managed quarantine centres; and if you have the community help you with home quarantines, if community is helping in terms contact tracing, in all these functions there can be community volunteers.

Does the surge in different health care insurance scheme in the states ever help the health care system in better management and delivery of health services to the poor?'

I wish it could, I wish I could say Yes . But the data doesn't seem to show either significant cost reductions, reduction in catastrophic health expenditures or even increase in utilization. Not as yet and in Covid-19 and in all these disaster situations they are really out of it.

They have announced that Covid-19 is part of the insurance package but if the hospitals are not providing that care, or are shut down, announcement as part of the insurance package is meaningless.

If we have had TB outreach programs for a long time, why are we still having people getting affected by TB every year?

Tuberculosis is a respiratory pathogen. It is also contagious and more in contacts. It has also an R-factor. Potentially if you do a lockdown on TB, it should also work, TB should reduce. But it doesn't do that,. Because the longer the prevalence of the infectivity of the patient, , the more the infection and the less the effects of measures like lock-down.

But to come to your key point there are two or three major reasons. One is the social determinants of the disease. Lot of people get infected with TB but few people get overt disease and those who get overt disease are in some way immune-compromised or are at risk usually due to of malnutrition or other or other factors such as diabetes or HIV or respiratory disease like occupation lung disease. Over-crowding, poor ventilation, air pollution, smoking also contribute. Some very similar to Covid-19, is it not? Those people are much more vulnerable for more degrees of any infection.

The other thing is that you actually need a very prolonged period of care and treatment and now that multi-drug resistance is problem and

treatment is available, you still need even more support on that.

Some of the people who are getting treated are the poorest in the society. To sustain primary care with outreach and support, the entire work system should be able to manage it. We have been very poor at affirmative action that reaches out to the marginalised, the poorer sections of the community where TB is rampant. There the sector outreach is also very difficult. It's as much the social determinants challenge as a failure of primary health care.

Both are reasons why TB continues to be a major disease. Last year around 2.5 lakh people died of tuberculosis, far more than we have our minimal projections of corona virus. So, it's a major threat.

*Will the fear of Covid-19 lead to strengthening of the health system?
What can activist do to push for strengthening, helping public sector?*

I think there are a number of areas in which we need to intervene. One of the important things is to get political accountability on this. We are getting some results by persuading people to put it on their election manifestos and then hold them accountable after the next elections.

I also think that at the local self government level, there is a lot that communities can do to ensure that whatever health care is there, it is universalised; the marginalised sections are not left out and actively facilitate rather than just monitoring.

So, both in advocacy and in action there is lot that can be done within that. We must look at the experience of people's health movements and what they have been able to do to change the discourse around health and health acts; women's' rights, gender justice and the issues of access to health technologies.

In each of these areas the health movements have been able to intervene in the discourse. It is a very strong area of advocacy and reaching out to local self bodies, to strengthen their role ; these are the areas in which civil societies can play an actually effective role. In the delivery of health care if you have a dedicated group of people working in a specific community or area, a big difference can be made and that provides learning and a counter point from the government examples.

'How funders and donors agencies can systematically respond to Covid crisis?'

It is in the rapid transfer of technologies in scaling up the production of mass health products that we require funding urgently. so the funding has to be in this segment primarily.

Every state should be able to manufacture the personnel protective equipment it needs. There are components of import, there are components that require technology, and blueprints need to be readied. Some of the garment manufacturing units can be scaled up too for prodcuton of medical textiles, even if we need development partners like a team from South Korea, never

mind your national pride etc. Similarly there is a great need to increase our innovation and production capacity in vaccines and diagnostics too.

The other important area is ventilators and pulse oxy-metres and oxygen supplies and oxygen concentrators. So, a whole range of what we call essential health products or technologies that are needed to tackle the crisis. We need transfers of technologies, handholding, to be able to ramp up the manufacturing and in our situation of joblessness and economic losses; this would be a great, great boon.

How's the testing for Covid right now?

We are highly constrained but the testing is now becoming better. We keep comparing our figures with the international figures. International figures are testing for mild and moderate cases in most countries; at least trying to. In countries like Iceland they are by design testing for asymptomatic people even if not carriers, even if not contacts.

We can't compare our figures, since only severe cases or contacts of known Covid-19 that are also symptomatic are being tested. We are restricting testing so much, that we are not able to detect community transmission at all because of this.

At some states we were not testing, even severe cases bby protocol.. As a result we are flying blind. Though testing of severe cases started up later, testing is still not available for all symptomatic cases.

What should be the public health system's response to homeless people, nomadic communities in a pandemic situation?

You need to actually bring them into shelters and be able to construct temporary shelters for that purpose. The government actually did that but were embarrassed to find that the total number of homeless people had increased dramatically. But these are realities that you have to accept- for only then can they be addressed.

Some of them weren't homeless but became homeless due to the lockdown and you have to be able to provide such persons both the food and the quarantining that is going to be required, and keep removing the people who develop symptoms from that place of residence and put them into isolation. Only then can you monitor and command the situation.

We need to do all of that in scale otherwise all our social distancing and lockdown is not really going to work. It's alright to say a *Laxmana rekha* is drawn around your door, but if you don't have a door how do you draw a *Laxmana rekha* around it?

Is India is producing kits right now and if not, what is restricting it?

As late as on March 23rd, the government sanctioned the thirty agencies for supply of test kits. Till then, the Institute of Virology made a few homemade kits so to speak in their own laboratories; something that works for small scale but totally unsuited to scaling up. In contrast . Of the 30 only three were domestic manufacture and they would take months to reach full production. Even the importers would take weeks. Iceland and South Korea started manufacturing the kit immediately after hearing of the outbreak in Wuhan. It would be at least the mid of May before our shortages in availability of testing kits ceases- but even that is not certain.

LABOUR REFORMS, INFORMAL WORKERS AND THE IMPACTS OF THE COVID 19 LOCKDOWN



CHANDAN KUMAR

Speaker Bio

Mr. Chandan Kumar is a Labour activist and a member of the government of India's committee on minimum wages. He is currently working from Pune with the Rashtriya Hamal Panchayat to coordinate relief efforts for the migrant workers in the country.

Moderator: Shweta Damle , Habitat and Livelihood Welfare Association

Introduction

This webinar is a part of the series on conversations during the Covid 19 lockdown and beyond. It tries to focus on the informal sector. The informal sector comprises of at least 345 million workers. Chandan Kumar tries to identify the problems of this huge workforce, the labour reforms introduced by the government and, the overall impact the Covid 19 pandemic is having on this informal sector.

Chandan Kumar's Talk:

We are discussing the problem of almost 345 million workers who fall under the informal sector category. The data of the economic survey of 2018 and 2019 says 93%, workers fall under the informal sector category.

I think this data has a problem; it has not been updated since 2007 when the UPA II government under Manmohan Singh formed the commission called National Commission for Enterprises in the Unorganized Sector.

As a labour activist, my assessments say that this data must have gone up at least to 98% in the last 13 years since this data was quoted by the Arjun Sengupta Commission report.

Why I suspect that the figure will be 98% is because there has been a spurt in contractual labourers across the sectors. I mean whether it is the manufacturing sector, services sector, even in the government department and the public services.

Let me begin by saying a couple of points about the labour law reforms. We have been talking and discussing the labour law reforms since the Modi government came to power in 2014 and they brought in a number of labour codes. These labour codes are basically the legislations meant to amalgamate and harmonize the labour laws.

The whole idea and the pitch of the Modi government is how to make the labour market more flexible, how to create a protective framework meant for the working class. The ultimate aim is to allow industry to come in and invest more resources, including more FDI.

The government wants to give a tough competition to countries like Bangladesh, Cambodia and Vietnam; at least as far as the garment sector is concerned. These countries combined have started giving the Indian garment industry a run for its money.

The government has brought in four different codes; the labour code on wages, on social security, code on occupational health safety and the working condition, and lastly, the labour code on the industrial relation.

When these four codes become the law, the existing 44 labour laws in India will stand repealed. One labour code is already passed and it's called labour code on wages, in the last monsoon session of parliament 2019, which is related to the Bonus Act and The Minimum Wages Act.

The lockdown has pushed the government to take the ordinance route to formulate three of the four labour codes it is planning. An Ordinance or executive order will bring the other three into .

effect

The other codes that are in various stages of drafting and approval include the code on social security that is in the drafting stages and the code on occupational safety, health and working conditions code 2019 that is with the standing committee of Parliament after being introduced in the Lok Sabha in July this year.

These three other labour codes are before the parliamentary standing committee. We are engaging in our limited capacity and negotiating with the government to bring in the pointers which we would like to see.

The Micro, Small and Medium Enterprises (MSMEs) Sector contributes significantly to the Indian Economy in terms of Gross Domestic Product (GDP), Exports and Employment generation, states a release of the Press Information Bureau.

As per the information received from the Central Statistics Office (CSO), Ministry of Statistics & Programme Implementation (MOSPI), the Share of MSME Gross Value Added (GVA) in total GVA during 2016-17 was 31.8%.

The information received from Directorate General of Commercial Intelligence and Statistics (DGCIS) the Share of MSME related Products in total Export from India during 2018-19 is 48.10%.

As per 73rd Round of National Sample Survey (NSS), conducted by the Ministry of Statistics & Programme Implementation during the period 2015-16, the estimated number of workers in unincorporated non-agriculture MSMEs in the country are 11.10 crore.

So, you understand that how this one sector contributes to the economy, contributes to the working poor in this country, and also to India's manufacturing growth. A person from the MSME sector based in Kolkata told me that the sector is facing a massive crisis and does not have enough capital.

The government has issued a circular through the home ministry and instructed all the chief secretaries to disburse the wages and ensure that no deduction of wages take place for the MSME sector.

I feel that the government claiming that it has allocated Rs.1.7 lakh crores in COVID 19 relief is a kind of propaganda. This is just for PR purpose. A lot of schemes for which the government is claiming this allocation, like the PDS system, or the Anganwadi, mid-day meal, etc., are all the repackaging of existing and ongoing government programs.

In such difficult times, the government is not even allocating 2% of the GDP to make sure that India's working poor are fed properly or workers are compensated with current wages and wage arrears.

Let me give you another example. In the large number of sectors in the country clubbed as the informal sector, 70% workers do not have any written contracts. And I can tell you that from my own experience in the last 12 days of our ground level work in Maharashtra, I have been to the biggest industrial pockets of Asia; Pimpri Chinchwad, Chakan, Bhosari, Somatane. These are in the Bombay- Pune industrial corridor.

I went to a number of factories, in the automobile sector, the textile sector and the garment sector. And every worker I met did not have any ID card, registration, or contracts and even their establishments had no registration.

These workers are so scared and their contractors have switched off their phones, the factory is shut down. If the government does not provide them the wage arrears, they will die in the next few days, with no money or ration. They do not have any kind of social security at this moment.

Here I would like to say that we have been demanding for the last so many years, to give them a portable ID card. The state must come forward and at least make sure of the basic social protection to the informal workers; the women workers should be given the maternity entitlements at par with the organized sector.

So, this is a situation on the ground right now and honestly, I don't know how to explain the situation. I am very upset by the way the government is responding to the situation in Karnataka, Gujarat, Maharashtra, and Madhya Pradesh. I have the live testimonies of the workers and I can keep going on sector by sector.

Q&A

Chandan, aren't the companies supposed to reserve capital to provide severance package incase the company sinks which could be used in such emergency situation to pay wages?

As I said in the beginning the workforce we are talking about do not have any registration, any ID proof, they lack any identity as a worker. Technically, we are in a situation where the government does not have any data on how many workers are there in this condition.

We have a law to bring in any inter-state migrants to any states the government must keep the records of those workers, those should be furnished at the level of labour department or contractors or anybody who brings them, they are responsible to give them an allowance, minimum wages, and housing.

These are very sugar-coated kind of narrative as far as the law is concerned, but these laws are actually on papers and not being implemented.

The problem is that these migrant workers are also not in the context of unions because of the linguistic politics and I'm sorry for saying that large numbers of progressive unions do not have outreach to such workers.

In absence of reliable statistics on its size, distribution or contribution to the economy, the sector remains a poorly understood and a grossly neglected area.

Providing legal and social protection to the informal or unorganized sector workers -- one of the key objectives of the labour law reforms being planned may be easier said than done. The challenges are many and the government seems least prepared.

The Economic Survey of 2018-19, released on July 4, 2019, says "almost 93%" of the total workforce is 'informal'. But the Niti Aayog's Strategy for New India at 75, released in November 2018, said: "by some estimates, India's informal sector employs approximately 85% of all workers".

What is the source of such information? The Economic Survey of 2018-19 does not mention it. The Niti Aayog does and cites a 2014 report, 'OECD India Policy Brief: Education and Skills', which, in turn is silent on its source of information.

There is yet another government report, 'Report of the Committee on Unorganized Sector Statistics' of the National Statistical Commission (NSC), 2012, which says the share of the informal workforce is "more than 90%" of the total. Again, there is no mention of the source.

So is the case with its contribution to the economy. The government does recognize that the informal sector and workers contribute significantly. The NSC's 2012 report pegs it at "about 50% of the national product" without revealing how it arrived at such a conclusion.

It then goes on to describe the problem: "It is increasingly realized that lack of reliable statistics on the size, distribution and economic contribution of the sector has been a major constraint in providing a realistic understanding of the significance of the Indian economy, leading to its neglect in development planning".

The latest Periodic Labour Force Survey (PLFS) of 2017-18 released in May 2019, gives a glimpse of it. It says, even among the regular wage/salaried workers in the non-agriculture sector (of the informal sector), 71.1% had no written job contract, 54.2% were not eligible for paid leave and 49.6% were not eligible for any social security benefit.

The overall picture in the informal sector is far gloomier. The Ministry of Labour and Employment's Employment in Informal Sector and Condition of Informal Employment of 2015 shows that 82% of those employed in agriculture (minus crop and animal husbandry) and non-agriculture sector had no written job contract, 77.3% got no paid leave and 69% were not eligible for any social security benefits.

Despite of their immense contribution to India's GDP, look at the socio-economic status of these people.

Has any public interest litigation been filed against such injustice to these workers?

Habitat and Livelihood Welfare Association has filed a Public Interest Litigation (PIL) at the Bombay high court and some efforts have also been made in the Supreme Court.

Chandan are the migrant workers being tested in the shelter? If they are tested to be negative are they being transported back to the rural areas?

I visited number of shelters in the last 14 days; Shweta can also share her experience since we have worked together. I visited 17 shelters and they are fully packed, with 20 people in one room, including women and children. Some people are having cough, cold and fever. They are just taking paracetamol tablets only.

The government has not facilitated any kind of health care or health kiosk where there can be any testing done so I fear this is going to be a more chaotic situation and these things are not being reported.

So shelter home situation is really bad as far as the health care is concerned. I'm feeling very disappointed the way the government is keeping people like cattle.

What is the nature of SOS calls? Have you being getting it? How have you been responding to it?

About 99 percent of the SOS calls have come from people who do not have any ration, or any money to buy since they have not received wages. Shockingly, Almost 70 to 80 percent of the callers said they have not eaten for the last two days. They pleaded that even if government does not give ration but gives their arrear wages, they could manage food.

In the city, there are some shelters which are operating, where homeless and migrant workers have been clubbed together.

Whatever little wages that were given to them have exhausted now and they definitely are scarce on dry ration and money.

The calls that we were receiving three four days ago are different from the ones we are getting now. Now the desperation is more, they want to go back desperately to their native places and many are suffering from mental depression.

Are the labourers aware of the looming situation that things might be very different after the crisis?

Will this crisis and the reverse migration lead to long term change in the urban scenario in the context of workers and cities as engines of the so called economic growth?

I don't think that this prevailing situation will change the basic characteristic of rural urban continuum. There will be collateral damage and the collateral damage will be the dead bodies of hundreds and thousands of workers.

Once the things will settle down the capitalists will be united again, they will organize themselves and again bring workers to fulfill their liberal agenda. Again the workers will be exploited and again the economy will boom up.

In the last 10 years whatever we have seen indicates that the state is not serious in addressing the problems of the rural economy. I suspect the state is not going to build the rural economy in India; it would rather try to bring those workers back to the cities. After all the government knows that these workers are the engines for the economic growth.

Is there any way to segregate this informal sector into the most exploited, moderately exploited and the least exploited, so that we can assure to at least reach the most deprived among them?

Yes we can do that. As far as our work with the forced labour and particularly some sectors where we know the exploitation is very high, like a brick kilns, construction, stone quarry, textile, garments, and small scale industries, we can focus on them.

These workers will constitute around 250 million I'm referring the NSSO and the recent PLFS data that 200 million people are so critical.

Do you see trade unions across the country coming together post Covid 19 lockdown to push the government for policy actions for migrant informal workers?

Why has there not been a coordinated statement or effort from the trade unions demanding specific relief? Post lockdown

would it change the situation of the migrant workers?

As I said, less than seven percent of the informal labour forces are organized as far as the trade union is concerned. That is the data from many organizations. There is a clear segregation between the trade unions in India, what we call the central trade union and the non-central trade unions.

Almost 99 per cent of the central unions are affiliated to the political parties. The large number of labourers that I'm talking about are not part of the central trade union space for example my union, Hamal Panchayat, there is a clear demarcation between central trade unions and non-central trade unions.

Therefore, if the unions come up with a statement it hardly matters and the government knows that. I'm part of the government of India's minimum wages advisory board and I see when I attend these tripartite meetings, I can tell you with a huge sense of responsibility and bluntness that no unions talk to each other and every union has their own agenda.

As far as the working class solidarity is concerned it is not there at all because every political party thinks differently. Even though there would be an effort to come up with one statement I'm not denying or undermining the potential impact, there will be a potential impact but bringing together all these people, central trade unions and non-central trade unions together sounds to me like an impossible task. I hope that in this situation we can bring all stake holders together and issue one comprehensive

statement.

Let me mention the five demands that we have put to the government. The labour law is meant to make the liberal market more flexible, instead of giving the workers even the basic protection. So, whatever we achieve over the 90-95 years, the government is basically doing away with and removing the basic statutory protection rights for the workers.

We are asking the government to give the unemployment allowance for the entire informal workforce. And this period must begin from the post lockdown period, which is from the 21st of March until the lockdown ends.

The government must allocate Rs.375 as minimum wages which is proposed by the expert committee of the government of India. Government is yet to revise this minimum wage, what we call the floor wage in this country. The current floor wage is Rs. 178. Can you believe that?

The second demand is about the recovery of the wages and the compensation under the new law. I said in the beginning about the labour code on wages. The government must do the check and balance, must form the task force comprising the trade unions, workers collective, police department, and labour department and make sure that all the industries and establishments should start disbursing the wages.

So, I would like to quote the Bonded Labour Act; what the Supreme Court has said is that if anybody does not give the minimum wages, it is deemed to be the modern-day slavery and then that is subject to the Bonded labour Act.

Government must take cognizance and issue the criminal procedure.

Our third demand is that no one should be denied access to entitlements on the basis of any beneficiary eligibility like a ration card or an aadhaar card, the government should not be making any exclusivity criteria in order to deprive any worker to access the entitlements.

The fourth demand is NREGA. I think there's already a wage delay, government is yet to disburse as far as the pending wages is concerned, Rs.18, 000 crores. We are demanding to release the pending wages to the NREGA workers and also give them three months advance.

And I think this is a great time if the government takes the working class into confidence and gives them the advance of wages, including the back wages, which are pending. There will be a lot of morale and a lot of economic and social support for the NREGA workers, predominantly rural workers.

Lastly, we are asking about the government policy for the repatriation for workers who are already getting impatient to go home. I met workers in the short-term shelter set up by the government in schools.

I met migrant workers from Rajasthan, Bengal, Orissa, Gujarat, Telangana, and they are absolutely in distress. One worker said his wife is pregnant and she doesn't have any body back home to take care of her. One worker said he has ailing parents and no body to take care of them in his village.

The government should act immediately, should deploy the army or the NDRF team as is done in an emergency situation. And we need to have a very clear idea of what is the government plan in terms of restoring the public transport, railways, buses, etc.

WOMEN'S RIGHTS DURING A LOCKDOWN : AREAS TO WATCH OUT FOR

MADHU BHUSHAN



Speaker Bio

Madhu Bhushan is an activist, feminist, writer, and filmmaker working for asserting the rights of women and the disenfranchised in the country. She is a core member of CIEDS Collective and Gamana Mahila Samuha. She has worked in public forums of organized resistance to the increased violence against women and to challenge the apathy to women's issues of violence and power.

Moderator: Anuradha Munshi, Center for Financial Accountability

Introduction

In the past few weeks, we have seen issues of rising violence with women, in the rural as well as urban areas. However, digging deeper, the patriarchal system raises other problems for women such as being in the position of food providers, nurturers of the family. Hence, this session titled "Women's Rights during a lockdown: Areas to watch out for", plans to discuss the immediate issues surfacing and the long term steps we can take against them.

Madhu Bhushan's Talk

You must excuse me if my thoughts are a little scattered, for we have been totally involved the last couple of weeks in extending relief to migrant workers and I have not really had time to gather my thoughts on this subject which is also of deep concern to us. The crisis caused by the lockdown is huge and complex with the impact going to be felt not only in terms of health and economy but the entire socio political fabric of our society. For what the virus has really exposed are also the

deepest inequities of gender, class, caste, religion and race already endemic to our society and state.

However given the immediate impact on migrant and daily wage workers left high and dry without any incomes or food, even those of us connected with women's rights got submerged in relief work without pausing to see the gender dimension of the crisis. Only a few days later while in

conversation with a fellow traveler in the women's movement, Geeta Menon, we realised that we have not really addressed ourselves to what is happening to the women within the homes in lockdown time. What would be the impact of it be on domestic violence for instance? As it happens in all other "larger" crises, in this one too in the context of its visible economic and the health impact, we failed to immediately pay attention to the more invisible impact of this virus.

So yes, I think this is a good opportunity to really understand the issue and brainstorm on what we need to do. Let us look at the lockdown through a gender lens to understand the impact on women at different levels. This is important in the context of the fact that we are in it for the long haul. The lockdown is not going to be lifted in a hurry and even when lifted partially, public mobility and transportation will be curtailed which means that women's mobility will definitely be restricted. So, we need to pay closer attention to what is happening inside the homes; inside the inner worlds of women.

There are enough and more jokes around what is happening to the poor men inside the houses where women are the bosses etc reinforcing old stereotypes about "hen pecked" husbands! But there was one rather subversive one that in a way captured the predicament of the women. One which portrayed how women are getting so tired of their husbands and the problems inside the house that they are scheming to send them outside the house so that they can be beaten up by the police! Women, as always, during the lockdown too are caught between a rock and a hard place, constantly walking on the thin life edge where we have health rights on one side and gender and human rights on the other.

When the Prime Minister deployed the term "Lakshman Rekha" to restrict the mobility of people it indicated the dangerously limited way in which the State was framing and implementing the lockdown. A highly patriarchal framework of policing and punishment that infact legitimises and reinforces all the social inequities of gender, caste, class, race and religion that we are battling with today. And implemented within this framework we are already beginning to see the consequences of it on women, the Muslims and the poor. We need therefore to broaden out the framework from that of policing and punishment which will only deepen and escalate the huge humanitarian crisis we are facing to implementing it within a health rights, women's rights and human rights framework.

So within this broader framework let us look at the lockdown through the lens of gender and the impact it has had on women's rights.

At the outset let us be very clear that the very home that everybody is being pushed back into as the safest point of view from personal and public health is not a safe space for women. Studies and statistics have shown clearly that one in three women suffer domestic violence at some point of time in their lives. So what is happening when women are forced to remain incarcerated in these potential violent hot spots which are their homes?

It is obvious that the fear of the virus has done nothing to reduce this violence. Organisations like ours continue to get desperate calls from women with complaints of domestic violence. The National Commission for Women has registered a two fold rise in gender based violence with the total number of complaints has risen from a 116 in

the first two weeks of March to 257 in the final week. Complaints of domestic violence increased from 30 to 69 and complaints of rape which one would have thought would decrease, has also increased from 2 to 13. And. And this, is just the beginning.

There is also a certain amount of apathy from the police to respond to issues of domestic violence and in today's context understandable because the immediate requirement is to keep people inside the homes. But it is an irony as I previously said, that the police are chasing the men back into the homes only so that violence within only increases. So I think that there are many policy level and programmatic issues that will have to be addressed by the government and by civil society including women's organisations. These have been comprehensively addressed by women's organisation across the world and within the country too. Along with the most obvious issue of domestic violence let me flag some of these broader areas of concern.

First is obviously the issue of food security. Let me give you a small example of how this is impacting women. Last night I was talking to my colleague Mamta who works in Anekal and she was talking about the case of Sunanda. A woman who comes from a very poor community. She had gone missing but was finally located in a police station and brought back home. Mamata and our colleagues went to her home and concerned about her health went to see what she had to eat. In the kitchen all they found was a vessel with some cooked rice and tomato that she had just squished together. And that was it. If this is all that somebody like Sunanda can afford to eat every day and even that with difficulty what would be the long term impact on her health and

that of the family in the period of the lockdown? This brings into question the effectiveness of the Public Distribution System which is only giving rice and sugar with no proteins like dal and no vegetable. None of which Sunanda can afford to buy to supplement her diet since she has no income. Food security and the impact of this on women especially of vulnerable and marginalised communities is something that needs to be needs to be immediately addressed. For example, sex workers who we are also reaching out to. And the issue with them is not only access to drugs like ART that they need to take regularly but also better nutrition which is what gives strengthens their immunity.

The other issue is that of loss of income which ofcourse impacts everybody but will affect women headed households and women in marginalised communities in specific ways. For instance, domestic workers and those in the unorganised sector like garment workers or sex workers and trans women. Apart from taking care of the families they need to pay rents, pay back MFI loans. Yes the government has said that landlords cannot insist on rent or that banks cannot insist of payment of instalments but on the ground it is happening. And even if it is deferred by three months as the government says it will, where are they going to get the money to pay the cumulative amount? What of the increased load of work on the women who will have to find livelihood and feed their families and take care of the house. New vulnerabilities will be created at work places like sex workers who will be forced into risky unprotected sex. In the rural areas there is the MNREGA but what of the women workers in the urban areas? There has to be something like a universal basic income that has to be put into place, otherwise you will not be

able to deal with the fallout from this, two months down the line.

The most endemic issue of course remains that of violence within the home which has to be addressed in a systematic and holistic manner. Helplines are being set up by the Women and Child departments, but these have to be adequately backed up by police support. As said domestic violence will be of very low priority to them. Along with this, shelters have to be opened up and made COVID compliant so that women's health is not compromised. Information dissemination about domestic violence relief needs to be strengthened to reach out to women within four walls who will have little or no awareness about what the government or system is doing for their support. As for instance one wishes that the PM instead of asking people to clap their hands and light lamps says that government will not tolerate domestic violence, communal violation, exploitation of labour etc and will set up support services for women in distress. That would be a better use of mass communication of the kind that he is known for!

France has introduced a very innovative way of reaching out information about helplines and services. The numbers have been stuck at grocery shops and pharmacies because those are among the places frequented by women. Since they can't obviously talk about this within the homes or have private access to a phone the only point of contact with the outside world will be the pharmacy or grocery shops.

Legal counselling and related services are also essential. My lawyer friend Aarti told me that emergency cases are being heard in the High court and the Metropolitan courts but the Family court has been shut down. I think domestic cases should be a priority and can be heard online.

A special focus needs to be lent to the women who are working in the frontlines of this battle. Be it ASHA workers in villages, powrakarmikas, nurses - most of these caregivers are women. And that is no surprise. They don't just have to be protected only in terms of getting masks and PPEs but have to be made less vulnerable to these interconnected forms of gender based violence and discrimination.

Q&A

It's not only the situation of women within homes, but also that of women migrant workers walking back to their villages which are not highlighted. What are your inputs and insights

True the migrant women on the move are also vulnerable to the same kinds of gender violence that I spoke about earlier which we miss since the primary vulnerability that is seen is that of being a migrant and not a woman. But issues of vulnerability and violence I raised will impact them too. As for instance their special needs are not factored into the kind of relief that is sought to be extended to them. Either through the helplines that have been set up or of civil society. Pregnant women will have special needs of nutrition. Other women will have needs related to reproductive rights like sanitary napkins etc. These have to be factored into the relief that is extended. They too will be vulnerable to violence like sexual violence for which special helplines need to be set up.

Do we need a separate policy for women? As most of the frontline workers are women and sanitary pads

not being classified as essential and the lack of MTP, blood transfusion and safe reproductive practice?

We do not need a separate policy but a gender component to the policy on migrant workers. These diverse gender dimensions need to be identified, spelt out and included into the policy and labour in context of health, food and nutrition, information dissemination and support services for violence or safety.

Units such as the Health, Labour Department, Food Security Department, Women and Child Department, Panchayati Raj need to address and integrate these concerns of gender.

We have a large forced migration that has been happening from cities to villages which brings the focus back to not only the migrant worker but the migrant woman worker who more often than not is the domestic worker who is an important support to the middle class, upper middle class and even lower middle-class working women in cities.

Now what is the impact with the fact that domestic work has fallen solely onto the woman of the house and not a worker who is not being allowed into the house? How is this going to redefine the class and gender debate? Is the class vs gender impact of COVID crisis something that is unprecedented? And is it right to assess that the impact on women will be very different from different classes? What do you think will be the change in the discourse or the course of the working women's movement in the future?

As I was saying the corona virus has brought all other preexisting viruses out of the woodwork - of gender, class, racism, communalism. Muslim relief workers are being demonized beyond belief.

Relief to the most vulnerable is being sent back by neighborhood gangs saying "please don't send relief through Jihadis" and women relief workers from the Muslim community have been threatened and beaten up.

On the other side, there is this remarkable wave of empathy and acknowledgement and consciousness about migrant workers and daily wagedworkers amongst the middle class. Ordinary middle-class citizens have come together to provide provisions and are also going out and

identifying where the workers are and trying to connect them to the system. For, today the presence of the working class is hitting us, paradoxically enough, through their absence on the streets and in our lives.

The civil society idea of the working class one hopes will therefore shift radically and they will be seen as not only service providers who cater to your personal need but as the ones who are in fact driving and sustaining the economy. One hopes, building on this changed perception that the middle-class woman would have greater appreciation and value for the domestic worker today on who she depends in order that she herself can work.

These new solidarities will need to work together to demand greater dignity and security of income and work to essential workers like anganwadi workers, ASHA workers, Powrakarmikas who need to be made permanent and not continue to be contract based.

Construction workers and the migrant workers are being abandoned by their contractors. The government is saying that they will hold them responsible but the contractors are nowhere to be seen.

In some instances, the workers are reluctant to give the name of the contractors because they are afraid that they won't get their jobs back. They are caught in such a vulnerable position. In some cases, migrant workers do not even want to say where they have come from. So how do you put people like that into the system?

The fact also is that most of the migrant workers especially those involved in large infrastructural

projects are men and those who send their earned money back home. So, what is happening to these households without a regular income for months? This has to be addressed systematically at a mega scale. So, whether you are talking about universal based income or rebooting the economy, these are larger macro issues that have to be addressed.

Regarding the impact all this will have on the future course of the working women's movement it is clear that there are huge challenges ahead. Just before the lockdown and COVID we had become part of a research on women and work especially in the informal sector. The attempt was to understand and analyze how women actually define work in their own context, whether personal or public. Today the informal sector including industries like garments, beedi and agarbathi are at the edge of a collapse so even the few avenues available to women to earn a livelihood will disappear. What then? The challenge will be to address the structural issues and to focus on strengthening new kinds of solidarities through which the working class can take central place in our whole economy and social system. I hope that will be a major positive fall out from this crisis.

Building further, in a post COVID situation where women work, how do you look at the economic context of a depression? Will they be pushed further away from the workplace?

Yes, that possibility exists. As we have witnessed before after any major catastrophe be it wars or economic depressions one has witnessed a push back on women's participation in work. Be it in the formal or informal sectors.

In certain sectors, there will be a smaller number of jobs because companies will have to mitigate their losses so they will start prioritizing the kind of people they would like to take on for work and they will always take the ones who can be more "productive". And with "productivity" being measured in masculine terms we know which gender will be impacted. Some sectors in which women dominate like the garment industry which depends on orders from abroad will surely be hit with lack of orders and we will see them being laid off in the thousands.

Overall women as always will be pushed back into care giving occupations which are anyway devalued and underpaid.

Even before the lockdown in fact macro studies were showing that women are being pushed out of the work force. However, if you looked closely you can see that women aren't so much being pushed out of the workforce but being pushed into the informal sector. So, the trend had already started which is bound to continue. And since the informal sector too will take the major hit of the crisis, what will become of the women working there?

Systems such as reservation and affirmative action can help women stay in the "productive" workforce. We have to ensure that women's productive capacities are not totally destroyed, that they are not pushed back into the private sphere of the home with all their attendant

vulnerabilities where additionally they might be asked to make sacrifices for the "greater common good". Let us remember the metaphor of the Lakshman Rekha which further perpetuates the stereotype of the woman as a home maker and care giver which cannot be accepted.

Is there a way in which solidarity groups such as Self-Help Groups can sustain, since assembly is not an option now?

We had already been working with strengthening support groups like women panchayat members and SHG groups members by sensitizing them and training them in crisis intervention, so that they don't just carry out their civic entitlements but also look into issues of gender and domestic violence. Now it is these structures that are coming in helpful to reach out to women within communities who cannot get out. The crisis has brought forward the need to keep alive local systems of support, be it economic or social.

Also, we need to find methods to spread the dialogue so that they can come together, talk to lend emotional and psychological support. How do we do this with videos/phones?

Yes, we were discussing this in the group. If we can't meet, let's create whatsapp groups that instead of spreading the negative, divisive .

content and fake news will share songs, information, discussions, films etc that build support and solidarity with women who are vulnerable and isolated and alienated. This way, we can use technology to strengthen these local support systems. However, we have to ask ourselves how we make technology and the networks we create through it, more convivial and inclusive.

Self-employed female workers are at the risk of facing abuse from frustrated, depressed men at home. How can we help them access social and legal security? What role do women's organizations have to play in this?

We need to first understand the state of self-employment and enterprise among women especially in the poorer rural and urban communities. I had been recently involved in a study on micro credit which initially started off as loans meant to help collective enterprise and finance self-employment. What we found was that credit had totally replaced collective enterprise or self-employment.

So, people are just living from loan to loan that are being made very accessible by microcredit companies. One hopes that as part of rebuilding economies the effort will be made to build on the older models of accessing credit for collective or self-enterprise through banks and not MFIs which have no real accountability. I think this will be the chance to not so much go back bit reboot

those systems in a way that is more relevant to the present. Authorities such as the Panchayat, Women and Child's Welfare department will have to play a role in recreating women's collectives in local economies. This would also help in recognizing women as farmers and enabling them to access loans and other entitlements that would help in making agriculture more sustainable even while strengthening their livelihoods.

Coming to the issue of domestic violence, as mentioned earlier, the primary problem is that of mobility. Even though help lines exist, they require the victim to have access to a phone, have access to information about the helpline and then if necessary get out of the house for safety or shelter or even call the police for help.

In the context of helplines, counselling centres and legal not being able to function the way they should, the police should work in conjunction with women's organizations and local community support structures to ensure that these services are sufficiently publicized and are able to reach the doorstep of the woman. And in the event that she needs to come out of a violent situation safe spaces and shelters should also be made available at the very least.

How to reach out to women who are facing domestic violence? What is your take on programs like Shakti Shalini who not only engage with safe shelters for women but also push for wages for ASHA workers, anganwadi workers who are in the front line of

essential services.

Like I said, we have to address the gender vulnerabilities of the women who are in the frontline including their regularization of their income and work.

About shelters, what I heard is that the government has issued circulars to shelters saying that they have to open. Our point is that you cannot just send a letter saying open the shelter unless you are also willing to give the back up support to keep the shelter going in terms of facilitating passes (which is such a long drawn out bureaucratic procedure) or providing medical facilities to be COVID compliant.

Even with # 100 working, the police will not address it because that is not a priority for them. We need to sensitize the whole system to address this in an urgent and holistic manner.

Can you expand a little more on the impact of nomadic communities such as the Hakkipikki, with whom you have worked?

Nomadic communities perhaps have taken the hardest hit in one sense because the women who are largely the "bread winners" cannot travel from village to village and/or go to the city to sell their products as they would in normal times.

Currently, like any other migrant community, what they need is the reach of relief. So, the government will have to deal with how to support their very specific economic systems and needs.

Sex workers are now being glorified due to their contribution in relief work. How can we see this celebration translate to their decriminalization and de-stigmatization?

As I said before, there's every crisis also hopefully leads to a shift in rethinking old positions and policies. And just as this crisis in a strange way, if not in policy but at least in public perception has led to a better recognition of value of the labour class by the middle class and the government so too one hopes that this crisis will lead to a greater acceptance of their livelihood and work through which they survive. For what they face is also stigma and criminalization.

In this instance for instance sex workers groups and unions in Bangalore also participated in meetings called by the Labour Commissioner to coordinate outreach with unions and NGOs to migrant and daily wage workers. And the sex workers themselves raised their issues and insisted on the need for anonymity in relief work for their community since many women do not wish to reveal to their neighbours that they earn through sex work. There was an acknowledgement from the state about their special needs and status as workers. This was a small step towards affirming the legitimacy of their livelihood and work.

You are right in that they should not be just seen as beneficiaries but a part of the architecture of relief. Sex workers along with trans people have to be regarded as subjects and not objects of policy making.

After the lockdown lifts and development workers are going to go back to the rural setting that has not been much affected by the virus. What measures will we take to ensure that we are not accountable for the spread of the virus ourselves?

Ajeeta, Oman Mahila Saman, one of the participants was invited to speak and respond:

I would like to say that in this area, in our area, people are very frightened and they do not know what is happening. Many migrant workers have returned home but they were not allowed to enter their houses, or were kept outside the village since there is a lot of fear, suspicion and uncertainty. We are trying to reach out to people through health workers and make them aware about hygiene, herbal immunity building medicine in the village and get the right kind of information.

Since it is so difficult for the villagers to go anywhere out of their village, if there is violence at home, there is very little scope for reporting or going to the police or to the authorities. What do you suggest?

This is why it is important for women panchayat members, SHG members to be more open to talking about it to their group members who can

then take it out and pass the information out. So, we have to go back to those informal methods of communication and processes as well and strengthen them with more information.

When the government is not even addressing the existing situation properly, how can we expect them to have gender sensitive policies right now?

It is natural for a general cynicism to impact us but we have to keep pushing the government. We should create a system of information sharing. Strengthen our own networks and our grassroots work.

There is a large section of the middle class who want to feel good about helping the needy. We might feel cynically about the depth of that kind of "charity" too but I would like to think that there is a deeper shift in the thinking of this class that is normally apathetic and self-serving. And this pandemic is opening up other ways of engaging with them that we should explore towards building new solidarities. Solidarities that are slowly emerging in the process of the relief work that has brought in people from diverse communities and classes and all working together with a respect for not only migrants and the working class but also diverse identities. To build on these solidarities is important if we have to respond in more positive ways not only to the COVID virus but also the virus of patriarchy, caste, communalism and class that has also been exposed during this pandemic.

IMPACT OF LOCKDOWN ON THE TRANS COMMUNITY



MEERA SANGHAMITRA

Speaker Bio

Meera Sanghamitra is an independent human rights activist. She has been associated for more than a decade with National Alliance of Peoples Movements - a pan Indian collective of mass movement of adivasis, Dalits, farmers, workers, fisher people and other marginalized communities. She has also been active in the rehabilitation of the Narmada dam affected people. She is presently one of the national conveners of the NAPM as well as the convener of NAPM Telangana and Andhra Pradesh. She is also an active member of many women's rights and transgender movements and initiatives at the state and national level.

Moderator: Sasha Ranganath , Queer Campus

Introduction

Today we are going to be talking about how the COVID - 19 is affecting transgender people, because the community has a lot of people who are already ostracized. Most of them are already living in a sort of 'social distancing' ; rest of society do not look at transgender people as human beings.

So there are various different ways in which the community is affected; many of them have been doing outdoor work like begging or sex work. Now their source of income has basically stopped and most of them are surviving on donations through NGOs.

Another way that community is being affected is being forced to go back and live with their families; they had to run away from families in the first place due to discrimination, stigma and violence. Additionally it causes mental trauma in the transgender people who are facing this situation.

Some of the community members are also being affected by the unavailability of hormonal drugs or injections which they use, amidst the lockdown.

Meera Sanghamitra's Talk

Let me begin by what the government while declaring the lock down did- first was stay home stay safe and the other one was 'social distancing' as a norm. Both of these are very much important responses to prevent community spread of COVID.

In the context of transgender people, both of these notions of stay home stay safe and social distancing, are like oxymorons. Staying at home for an overwhelming number of these people is not the 'norm', violence at home, discrimination and abuse at home has been the 'norm'.

So that very assumption that home is a safe space is I think does not apply to people across all social locations. And at the same time, the whole concept of 'social distancing' with the very nature of the physical movement of transgender people, particularly Hijra identified and other transgender women who eke out their livelihood out of begging and sex work, their presence in the public domain is inevitable.

That is the only basis through which they eke out their livelihood; if they are not present in the public domain then they have to starve. They have to be out in order to feed themselves on a daily basis.

Now ever since the lockdown was announced, nobody knows how these people are surviving, how many are hungry, sick or even dead. There were no specific relief packages announced for

them by the government, unlike say migrant labourers etc. except for the government of Kerala which came out with a small package of 5 Kg of rice and 1Kg of dal which is honestly very meager.

So, in the package that Nirmala Sitaraman announced, there was no reference to transgender people's rights, or the way this lockdown impacts them and what kind of support the centre would provide.

We did try to raise this issue with the social justice ministry; we wrote to them immediately listing out all the issues the transgender people face in the context of COVID19 which includes the heightened health risk because of the very nature of how transgender people live.

A lot of them are in communes, away from homes so their 'social distancing' is not easy to practice. Although a lot of people from the community are trying their best to practice it, hoping that the government will come forward with some relief packages.

We did write to the centre mentioning loss of livelihood and no access to healthcare for the transgender people. We've had certain instances of open discrimination, for example in Telangana, with posters being put up asking everybody not to talk to the transgender people; otherwise they might be infected by COVID 19.

There is also an issue of house owners asking for rent amidst lockdown or asking to leave their houses. It becomes doubly difficult for these people to get houses on rent. Sometimes they are blackmailed to pay higher rentals.

We wrote to the ministry for at least a rental allowance during this period.

The National Institute of Social Defense (NISD) which is under the social justice ministry came up with a proposal to give a monetary grant of Rs.1500, on a first come first served basis to transgender people who already have an Aadhar card and bank accounts.

The process is underway now and some people have received support.

Ministry has given an assurance that everyone will be taken care of, but the details of that are still not clear as to how the very large numbers of people who do not have accounts are actually going to be supported. Of the total trans population as estimated in 2011 (4.88 lakhs, which itself is a conservative estimate), only 1% have been supported by the MoSJE. We have also been writing to the states chief secretaries on similar lines to take cognizance of these concerns that the community is facing in the context of COVID lockdown.

Sadly there has been virtually no governmental intervention, community based support has been the primary mode of reaching out. Over the weeks, few High Courts have passed some orders, but implementation has been weak. The first few days even that was difficult due to embargo on travelling and lack of passes.

In our state for example we got a few people to get passes and take materials in autos, one of our young trans gender woman Samanta who drives an auto; that is her mode of livelihood as well so some of our friends took the auto out and started distributing material.

Some independent organizations are supporting, there are independent fundraisers so there are the alternative modes in which society has been trying to reach out and provide some support to members who are more marginalized, even within the transgender community.

But the point is that the state has a more fundamental role to play. After a long struggle in 2019, The Trans Gender Persons (Protection Of Rights), Act was enacted of course there have been many previous versions of the act.

There was a very progressive judgment in the context of NALSA v Union of India which spoke about all these aspects although the rights of self- identification of transgender persons or the right of access to healthcare, to recognize transgender people as a socio-economic backward category and therefore provide reservation for education and employment to take cognizance of the multiple instances of police violence and discrimination and for state government to act accordingly.

Unfortunately, despite of NALSA's legal efforts, many other versions of the act came up, and eventually a much diluted version of the transgender act was passed in 2019. The rules are yet to come, it is in the process but there are certain aspects which are problematic in the main act itself.

For instance the act creates a double class citizenship situation for a transgender person. We have been asking for a commission, there is only a national council which is an executive authority so all these aspects I would say are also relevant when you look at the whole COVID context as a health pandemic , there are no institutional mechanism for redress for this transgender community.

The few transgender welfare boards in the states are not really functional in that sense, there aren't budgets allocated to the welfare boards. In terms of institutional mechanism there is very little that has in fact happened.

The ministry has stated that the specific financial allocation has not been made to the boards because there is no clear survey of actual number of transgender people. The last census was in 2011 and the enumeration then was , there are around 4, 90,000 + transgender people which actually is a gross underestimate because it is not asy for every person to openly self-identify as transgender.

After 2014, when the NALSA judgment was passed that was an important water shed and a lot of transgender people in the country also were actually emboldened and did self-identification.

So there are all these macro issues but when you look at the everyday reality lived by transgender people, the inability to not go out because of the lockdown inability to access medical care the compulsion to pay rents, the continued discrimination that they face are taking heavy toll.

One can actually draw a parallel to how for instance in the increased context of Islamophobia a lot of Muslims are now being subjected to great stress by the so called Corona jihad, or people of the North-Eastern region are seen as 'reason / carrier of corona', similarly, there is also a certain assumption about trans people spreading trans corona. Considering that the government has a notification to prevent any discrimination against northeastern people, we have too asked the ministry to issue such notification for preventing the discrimination against the transgender people.

The anti- discrimination clauses in the present law of 2019 law are not yet framed and very weak. The unique and specific nature of the discrimination faced by trans people, are not spelt out in the act itself. So there are all these aspects I think get even more aggravated in the context of Corona pandemic.

Supriya Sule was the only MP who wrote to Nirmala Sitaraman on the issues of fund allocation. Although later, she also did not pursue it and felt that the 1% support was enough !!

I would want to speak about the peculiar nature of persons who self- identify themselves as transgender men. So it gets that much more difficult in the context of non-hijra, non transgender women identified people who do not have these other networks. There are complicated aspects that the government both at the center and state need to consider.

Q&A

What measures do you suggest government can reach out to transgender people with relief/social safety now?. Do you have any survey or study of how many trans people have bank accounts, Aadhar and ration card etc. like Jan Sahas survey on migrant workers?

In terms of data, the community as such does not have very comprehensive database. What is available is the NACO data when the HIV/AIDS interventions were made last. The NACO data can be considered as one of the sources because they have been trying to reach out to a lot of community members but it is also not comprehensive in its entirety.

So, there isn't one particular database which can be relied upon for reaching out, it has to be a combination of multiple databases including NACO surveys, including census figures, including the key community organizations which are present in different states because a lot of community members are still not anywhere on official surveys.

I would say fewer people have bank accounts but definitely more transgender people have Aadhar because there has been an overdrive by the government to get everyone under the

Aadhar database. Interestingly, the transgender people also face issue of gender marker in their other documents, unlike Aadhar which allows marking gender as transgender.

The Supreme Court judgment also states that it is the duty of the concerned governments to make sure that all these gender markers are brought on the same page, but that has not happened so far.

These markers are important for the transgender community in accessing social security benefits from the state governments. Very few states like Andhra Pradesh offer some such social security benefits to the trans gender people, but they come with a lot of arbitrary conditionality.

Many states still do not have any social security measures for the transgender community but in the present lock down and post lock down scenario, there is need for some absolute social security measures like rent, since their usual livelihood will not be the same. There are old and sick transgender people too who need to be considered since they cannot earn a livelihood anymore.

We have written to the ministry to provide at least a minimum of Rs.3000 per month as an allowance for people to see themselves through this lockdown and some more time beyond.

Other than medication for hormones how the general health of transgender community ensured at such is times such access to healthcare institutions?

I think this was partly answered previously. It is not like transgender people do not get any access to health care when there are regular ailments, but what I meant is that the discrimination or delay is much higher than other people. For instance, some questions doing rounds about transgender people if they are infected with corona will they have to be put in a male ward or a female ward, what would be the gender of the attendant who would cater to the transgender person?.

In normal circumstances there is a lot of discrimination, so the thought is terrifying to say the least of a trans gender person contracting Corona virus. If the question was also regarding existing health insurance, the figure is almost zero for these people.

What are the alternate forms of living you suggest for these people whose homes are not a safe place and with restricted movement?

A lot of the people that I personally know who are being forced to go back to their homes are students. They are transgender people but not known to their family or not on the documents they have. So being students they anyway have no income so as of now for them there is very little option of living arrangement except maybe if they can arrange with some friend who is willing to open up their home at this point of time. (was this said by Sasha ?)

The Hijra transgender people already have spaces which they've nurtured over a long period

of time and we have been hearing of some state governments wanting to go the 'rehabilitation mode' which is actually prescribed in the 2019 act.

However, this needs to be in consultation with the transgender people, led and controlled by them. We actually welcome the government move to invest in infrastructure for the community, but it must be done in consultation. Compulsory rehabilitation mode of adult transgender people is something that the community has not welcomed and there has been a lot of resistance actually.

In Kerala, there are community hostels for transgender men. These are more like short stay home when they face violence or difficulties during a certain period, they can stay and later on, if they want, to leave they can.

How can non transgender activists support the transgender community knowing that the lockdown is going on?

I think this is a question that should be asked of them. We've been constantly saying the non transgender identified activists should at least occasionally speak about the transgender community as well.

Transgender people in India are one of the most marginalized communities. I think activists should touch upon these people's issues, their present plight without say ration cards, without even dry ration. In their deliberations on civil liberties,

farmer's rights, other human rights violations, Tribal rights, the pains of this community should also find a place.

There are some transgender people who are not really a part of a collective or community as such how can movements or NGOs reach out to them in terms of financial assistance or food based assistance?.

I feel there is a strong need for a sort of confidential dedicated help line number for transgender people in distress, and even a safe space demarcated. Their needs could be registered and appropriate intervention and outreach provided. Something we have been talking about for a long time.

If for most other sections or problems of society we can have help line numbers, transgender people whether living in a community or alone surely deserve to have a help line number in distress situations like the present one.

When you speak of trans- Corona what does it mean?

I think it is a misconception; people see transgender people as carriers of this illness and due to misconception, hatred, ignorance and fear, are propagating that stay away from transgender people, otherwise risk getting infected by trans Corona, a phrase like Islamophobia, that has also emerged amidst this

pandemic.

So while the situation is quite difficult during the lockdown the situation will be even graver once the lockdown is lifted, it will take a very long time for the community to limp back to 'normalcy'.

What are the schemes that should be extended to the trans community and also apart from the transgender board, is there any formal mechanism that needs to be set up to take the grievances of the community specifically?

The central act of 2019 does not speak of any such specific mechanism; though many states have much earlier enacted state level transgender welfare or justice and development boards which are functional. Tamil Nadu was the pioneer, followed by Kerala, West Bengal, Gujarat and Maharashtra. Some of them later on passed their own state policies for initiating some welfare for the community.

The experience has been mixed across different states on particular occasions or in particular cases the response has been good but sometimes they themselves are constrained. Often, the kind of people who are nominated to these boards do not have a broader connect with the community, some of the bureaucrats do not understand the specific needs of the transgender community, some boards are actually only on paper.

I have been saying there is a need of specific budgetary allocations, having nodal

representatives from various departments of the state government like the civil supplies department, from the public health department, as invitees to the transgender welfare board, and to make sure that the meetings happen regularly on a monthly basis at least.

These are all I think long term institutional mechanism that needs to be activated and to have constant community feedback. A lot of times we have also seen that in places where these boards exist it is another bureaucratic mechanism existing in the metro city but what about say for instance Bengal, what about the transgender people living in rural north Bengal, the kind of issues they are facing never comes to light of people sitting in Kolkata in the board.

So, I think these are all also issues that need to be spoken of. The wider activist community must also speak about strengthening the institutional mechanism that must hold together the concerns of the community.

Are there any transgender network collectives in rural areas of the country?

There are a few, yes. Not very formal in the way they have been constituted but definitely yes and they have also been doing some really good work

Are there any legal networks or helplines for transgender or queer people who are facing domestic violence and abuse at this time and are

they still active?

I'm not sure if there are legal help lines as such, but definitely there are collectives that have been part of the journey both in the 377 and trans Act. They've been consulting us, we've been consulting them and there is an interaction in so far as other legal issues are concerned.

Do you think that the COVID battle has given authoritative governments in conservative societies a fourth regressive grip on the society especially in the context of the transgender community endangering them further? Do you think that the transgender civil society is in a position to build better and stronger with the other progressive solidarity groups and movements using COVID as an opportunity?

Yes, it is a very peculiar global challenge that we are facing, in some ways the already authoritative governments got an opportunity to further cement their authoritarian approach in the light of the pandemic.

The larger regime is authoritative, yes, but there are some within the government who can still try and reach out with certain specific welfare measures for the transgender community.

The task at hand is very difficult, but does not mean that we don't keep pushing these agencies of the state that are responsible for the welfare

of the transgender community.

Even in the context of COVID, in some states at least I can say with authority there is a more active collaboration between different groups, for example in Telangana we have a very active Women And Transgender Joint Action Committee where we do keep doing various types of actions collaborations and then this JAC also interacts with the other civil society groups.

What about the psycho-social counseling, legal supports during the lockdown, vulnerability to domestic/partner violence probably increased, are there organizations reaching out to the trans gender community through technological possibilities.?

There is one mental health helpline which has been initiated by NIMHANS. Again, in Telangana the state from where I come from we have been speaking to some mental health professionals as well who in fact are doing this training of select social workers again in the context of COVID both in Andhra and Telangana.

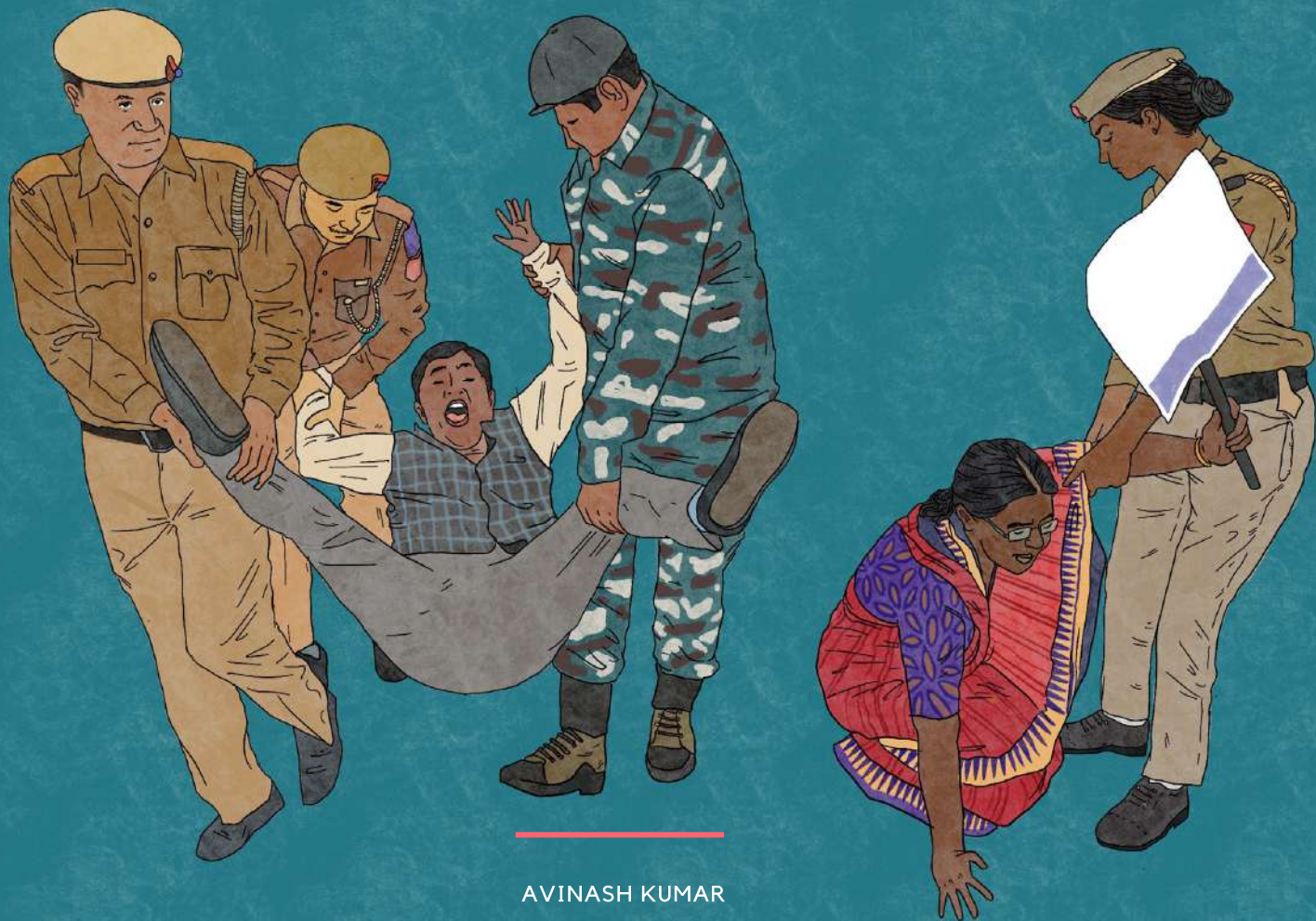
We suggested to them to look into mental health issues for both transgender people and even queer people who are subjected to domestic violence. It is certainly very important because mental health is an issue that a lot of people face on a regular basis.

Can we see COVID 19 as an opportunity to raise transgender issues to the government as well as public once again given the magnification of issues?.

Yes it certainly should. I think it has to be used as an opportunity to highlight the fact that one is to bust myths that the pandemic can spread only in certain ways and not because you are a transgender person or because you are an East Asian person or because you are from the North eastern states. I mean these kinds of myths have to be broken, they have to be torn, there has to be a greater assertion not just from the transgender community which we've been trying to do to some extent, but from others as well.

I would say for instance even adivasis face a lot of issues and how their livelihood is impacted; so these specific issues that specific communities face because of their socio-economic location needs to be foregrounded and highlighted much more. There is that necessity.

COVID AND STATE'S HUMAN RIGHTS OBLIGATIONS



AVINASH KUMAR

Speaker Bio

Avinash Kumar is the Executive Director of Amnesty International India.

He has been part of many campaigns like the Wada na Todo Abhiyan and Right to Education campaign and has worked in national and international places like CSDS, Oxfam and War trade.

Moderator: Joe Athialy, Centre for Financial Accountability

Introduction

Today's topic is COVID and State's Human Rights obligations. We all are well aware of the world before the pandemic where human rights abuses by State and non State actors were at its peak.

State's failing miserably in upholding their commitments on human rights and in some cases even being the biggest perpetrator of human rights violations. In India we have seen the government using draconian laws to arrest and prosecute the activists, lawyers, human rights defenders and journalists for criticizing authorities or government policies.

Sedition, counter terrorism laws are being used to seize freedom of expression. In the past few months Kashmir has seen the worst forms of suppression of human rights. Lockdown of over 250 days resulted in over a number of violations not just political rights but economic, physical and mental.

Attack on Muslims aided and perpetrated by the state in an unprecedented scale and intensity, in December end of last year under the nose of the central government, was witnessed in the nation's capital city with the perpetrators yet to be adjudicated.

Dalits in different parts of the country are systematically targeted, humiliated and their rights and dignity ripped off.

Displacement in the name of economic development is on a high. Fancy named projects like sagarmala, bharatmala, smart cities or energy projects, is contributing to large scale loss of livelihood and forced eviction.

It's amidst this and many more events that the pandemic struck us. Democracies everywhere have tried to build legal protections for privacy and basic freedoms, but surveillance aimed at addressing the pandemic would dismantle them. Human rights law guarantees everyone the right to the highest attainable standard of health and obligates government to take steps to prevent threats to public health and to provide medical care to those who need it. Will this pandemic be used to bypass obligations for transparency in government? Will this be used as a shield to avoid accountability? What are the states obligations to human rights generally at the times like this?

Avinash Kumar's Talk:

The state's obligation towards human rights in the context of COVID-19 is getting more and more relevant today in terms of the way it's panning out.

Not just in terms of what COVID-19 is doing to us but in terms of how the crisis has impacted social, health, economic systems. It has exacerbated existing structural inequalities and discrimination. We've also seen globally administrators trying to exploit the crisis, leaders using pandemic to abuse power and extend scope of power the way it's been defined in the countries and we have also seen how in the name of emergency powers historically, once they are extended they tend to become the new normal and this threat of 'new normal' is what we need to re-look at in the current crisis.

When the state says that it is using emergency powers we still need a framework in terms of what do you mean by these emergency powers? How are they defined? What are the principles behind them?

Therefore, human rights must be at the center for all preventions, preparedness, containment and treatment efforts from the start in order to best protect public health and support the groups and the people who are most affected.

Going ahead, I have got broadly two elements in my presentation; one in the context of what's happening? What are the state's human rights obligations and the key human rights laws, standards and principles that must be reflected in these responses? And obviously I'm not going to touch on all but only the broad ones which impact us currently in many ways.

And the second point is that despite all those obligations that human rights standards; what are the key concerns and challenges that often emerge as state's respond to epidemics? What is interesting to note in this context is when I'm talking about international human rights law I'm talking about the UN.

Most countries in the world have ratified at least one treaty that requires them to respect, protect and fulfill aspects of right to health and, India has been signatory to not just one but many of these laws and treaties.

There are discussions and standards around preventive care, on the movement of goods and services, there are also definitions about exceptional circumstances and states of emergencies and what are the basic principles around that.

The International Covenant on Economic, Social and Cultural Rights (ICESR) under Article 12 guarantees the right of everyone to enjoyment of the highest attainable standards of physical and mental health including steps to be taken necessarily for the prevention, treatment and control of epidemic, endemic, occupational other diseases.

The International Covenant on Civil and Political Rights (ICCPR) under Article 12 says that restrictions may be imposed on the freedom of movement if they are provided by law, and necessary to protect certain specified legitimate causes, one of which is public health and are consistent with the other rights recognised in the ICCPR.

There is this very interesting discussion by WHO

on travel bans and restrictions. WHO in its advisory guideline says restrictions "may interrupt needed aid and technical support, may disrupt businesses and may have negative socio-economic effect on the affected countries". Furthermore, it goes on to say that "restricting the movement of people and goods during public health emergencies has been proven to be ineffective in most situations and may divert resources from other interventions". This was issued on 29 February, 2020.

UN conventions talk about human rights protection even during state emergencies.

It talks about exceptional circumstances under which states can declare emergencies, but very clearly outline that the emergency must be limited to the extent strictly required by the exigencies of the situations and must be non-discriminatory.

What it also says is that all relevant safeguards under international law must be adhered to, including the official proclamation of the state of emergency and its international notification with full information about the measures taken and a clear explanation of the reasons for that, it must be temporary and subject to periodic and genuine review before any extension.

This analysis should identify potential threats to the health, safety and other human rights of people and mitigate the risks. People living in poverty, people who are homeless, people with lower incomes, and insecure and informal employment - states should account for the impact of their COVID-19 policy response on the these communities along with the public health systems, people seeking care for their other conditions and mitigate any adverse impact.

Q&A

How do you make a government of this nature who doesn't care about what others think about them accountable for not honoring these international commitments?

What role has the National Human Rights Commission, State Human Rights Commission, playing?

First of all, it is very important to actually make sure that we document wherever such violations and atrocities are happening. Second, we need to organize, we need to continue talking about it and we need to continue creating those alternative spaces. Unfortunately, media or even judiciary has been complicit to some extent in aggravating the inequalities. It's not just India-specific, we see this happening world over so we need to continue to build global solidarities.

We need to continue looking at those very critical international institutional spaces, forums available, and use any international instruments available to us.

In India, sadly we have seen many of these institutions completely invisible from the space. National Human Rights Commission which needed to have taken very proactive stance in terms of

Human Rights monitoring agency failed the people.

So we need to remind the state, first of all that these are their international obligations which they have ratified as signatories.

India's Constitution ensures right to liberty. Article 19, Article 14, Article 15. In case of an emergency, those emergency powers need to be defined and continuously reviewed. The fact that the state itself has been complicit in actually stigmatizing communities needs to be methodically documented.

What are some of the initiatives taken by Amnesty in addressing the increasing communal violence structure targeting Muslims in the last few years and in the current crisis?

You think human rights and institutions have failed in preventing, protecting the Muslims of India?

What are the steps Amnesty has taken to rally global opinion against such a regression in human rights and democratic standards?

Human Rights organizations in India and across the globe are playing the role of a watchdog on a whole range of issues including that of violence. Amnesty International India along with the global movement brings out publications - reviews, publishes research reports, we do policy advocacy, we also run campaigns.

The challenge is a broader one at two levels: one, the challenge is that Human Rights, the word itself, is creating a negative feeling amongst nations and policy makers.

So I think it's a larger responsibility for all of us to create a context to start having a broader discussion around the idea of human rights and its values.

I think we need to have a broader conversation first of all around human rights and institutionalize that as part of public discourse.

The second, of course is the fact that human rights organizations like Amnesty, Human Rights Watch and Greenpeace in the last few years have been extremely badgered by the state. Arbitrary laws like FCRA are being used to leverage or stop funding and they are being subjected to surveillance, trumped up criminal charges and even intimidated by raids by Enforcement Directorate etc.

Amnesty International India would also like to "pass the mic" and give the platform to the affected communities or groups that work with communities on the ground. For instance, we have been collaborating with advocacy platforms such as Jan Swasthya Abhiyan. We are working with Dalit groups and health groups

because they would be able to articulate the violations in a more precise and humanistic form than us. Our job is to work as a watchdog primarily but also to strengthen and augment what other groups are already doing and saying.

Amnesty, first of all, through its large global family is very closely working with our country offices in monitoring and providing guidelines, frameworks to states. It's also mobilizing supporters across the world.

We are very clearly talking about need for international cooperation; we are talking about international solidarity in terms of looking at human rights committees.

Can Amnesty compile a comparative study on how governments in different parts of the world have handled this pandemic?

Every international human rights organization defined healthcare and health rights from the exclusive prism of modern medical science which is an allopathic. Do you think the corporate crisis will help change this approach?

On the comparative study, yes we are collecting data and others too are researching and we are collaborating. To the other question, we don't particularly take a position on this model or that model because that's not our area of expertise.

What we are concerned about is that there should be no human rights violations in responding to the pandemic. We are consistently tracking human rights violations, uniting concerns across the countries where we are present and also where we are not. We are compiling all of these different kinds of system human rights concerns which are emerging.

On the allopathic model question, we are agnostic to the methods of the treatment as an organization because that's not our area of expertise.

Citing the example of Japan where the lawmakers considered revising the Constitution in order to give the government more powers, do you think such could become the norm in other parts of the world, a blatant case of overriding individual rights brought about by democratic means?.

So this is exactly the threat I was talking about. Historically, also we have seen and not just in the past epidemics, in the name of emergencies, states have allocated themselves real emergency powers and they have refused to let go of that when the state of emergency has lapsed.

We have seen that in our own country something like AFSPA has been a ready example - where you have never allowed the 'state of normalcy' to come out of 'state of emergency'

So when the state of emergency becomes a state of new normal, there's a real threat. Hungary has done it recently, we already have seen across the globe states allocating themselves even before this pandemic. First of all, the issue needs to be looked from the lens of whether they are legally permissible, where they are proportionate to the response, whether they are time-bound and so on; we need to then take it up at the UN or EU and the International Court of Law etc.

How can the biased press helping human rights violation stopped without compromising the freedom of press and what is the role of media, journalism, and human rights activist in such times of emergency to uphold human rights?

I think it is a very relevant question and not just relevant for this current state of crisis which has further exacerbated a kind of state/media-induced hysteria, so to speak. Obviously, what needs to be done is that, first of all we need to critically study rules and laws pertaining to media publishing in India and institutions which make these media laws. How do we make sure that these institutions are also held accountable? How do we make sure that we are constantly talking to these institutions which are supposed to be self-regulatory?

Secondly, the point is that how do we continue pushing the boundaries of these alternative media spaces? How do we continue actually push to institutionalize these safe spaces so that they become part of a more reliable source of information into our everyday lives?

I understand our frustration that we've given up on many of the media institutions but think about it, even 5-10 years ago many of them were not like this. They were at least respecting a kind of a conversation which talked about rational principles, they talked about evidence-based research, they talked about values of transparency, freedom of expression and so on and so forth.

Whenever the oppressed lose the right to tell their stories, the state and the oppressors take over the narrative and ensure that all human rights are denied to all except the elite. How do we adjust this?

We need to look at case-specific instances where it may have happened but that is why it's very important that you understand that human rights violations are not limited to human rights organizations.

It's very important that the larger society and the larger public actually engages with this conversation on an everyday basis and also of course holds human rights institutions accountable for the mandate they have themselves given into.

So that's very important to make sure that this conversation is not limited to human rights organizations or left just to them to talk about human rights violations.

If the positive cases are increased beyond India's capacity to treat them and lead us to a situation where only those who can pay get treatment which is happening in other countries already, how can we then ensure the basic right to health to the poor?.

To re-emphasize - right to health is universal, non-discriminatory and equitable and in terms of quality as well, it is uniform, so I think this is a good moment to emphasize that you cannot define right to health by people's pockets.

We should question the powers why public health is the least of priorities for them?

The onus first of all lies on the state to ensure that equitable, non-discriminatory and free treatment is actually available to all, which means that state would ensure and need to galvanize all its resources to actually ensure that.

What legal options do citizen, citizens groups are left with considering recent remarks and the directives by the Chief Justice of India on payment of wages to stranded and jobless migrant workers?

I can say that with limited oversight, we have seen how the jurisprudence in this country has evolved where through progressive decision making, judiciary has reviewed their previous

decisions in previous issues. I think one of the things which you need to consistently be doing is despite Supreme Court, judiciary's positions which we may not really be very happy with, we may be disappointed and we need to continue to ask questions because no institution in this country is above the citizenry, above the people of this country. So they need to be asked those questions.

In terms of legal options we need to consider filing PILs. I think a lawyer better trained than me can actually talk about that but I think there's still plenty of scope citing from those very examples which I cited from international human rights treaties to which India is a signatory and also from the Indian constitutional law, we need to continuously re-emphasize and keep going back to these institutions so that's one part.

Did the state fail to protect the rights of health workers? And how can we strengthen the rights of the health workers with the right kind of protective gear and social protection?

The point is that everything need not be charted afresh, the many laws and instruments which are already available first of all we need to look at those. I think it is very important of course that right to health care workers is institutionalized in a very public way.

Yes, the government did fail the health care workers, but now some of the states in India are slowly making amends. The government realized, albeit late.

Will the philanthropic free them from fixing problems based on technology and numbers through abstract schemes, or will Covid 19 help them to kind of embrace a more modest understanding of human rights approach and make strong financial commitments and statements that sends a message to the governments?

So there are two parts of the questions, I think. One, of course when in doubt go back to the basics similarly when in doubt go back to the people, instead of getting lost in the maze of data.

So, we need to obviously look at the data and technology to make it more humane.

The point would be - how do we make technology serve the needs of the people, serve the needs of the poor, make it more humane give it a face and I think that will be very critical for all of us including philanthropists.

In which way can we make the Health Ministry accountable and apologize for the statement made by them that Tabligi congregation was responsible for increasing the number of cases significantly?

Health Ministry needs to be asked in terms of not just the faulty analysis which has been again highlighted by many people subsequently, but how the data-sets which they have picked up have been clearly biased.

WHO has recently issued a statement in the wake of this entire stigmatization that it does not support stigmatizing of particular communities starting from the Asians earlier to now the Muslims, northeasterners and migrants and people who have traveled from abroad and so on.

States need to be held accountable very clearly and we will need to really ask questions not just to independent media, but yes through legal options if possible, to ask this question in terms of why they have done this and why they need to correct and also bring in possibly as many experts as possible to actually, bolster our argument that the way state has gone about messing with its data sets targeting certain communities is not just biased but extremely mischievous to say the least.

Human right is never negativised, it can be suppressed, and the struggle has been and always will be to ensure we don't miss sight of human rights as central to humanism. Your take?

When I said negativised I didn't mean of course that they are negative themselves. I was merely referring to the 'SWAT calls' in the mainstream media public discourse in which human rights are very often painted.

I'm merely referring to that at this whole media-induced public badgering of the groups and organizations and I'm not simply talking about international human rights organizations who are anyway labeled as 'western' so to speak, but the Dalit groups who were working here, women's groups who have been working, for many longer years compared to international human rights organizations.

How they have been actually targeted and I think that often becomes a part of public discourse and which has resulted in restricted spaces for these groups to actually articulate their voices.



CAN INDIA'S BANKS WITHSTAND THE IMPACT OF COVID-19?

THOMAS FRANCO

Speaker Bio

Comrade Thomas Franco is the former General Secretary of AIBOC; he has a very long association with people's movements that runs into decades. It is under his leadership that AIBOC had taken very categorical positions against the repressive policies that the government and the RBI were trying to push at that point of time; whether it was demonetisation, or the FRDI Bill that came in.

It was under the leadership of Franco that AIBOC had reached out to many civil society organisations, social movements and other trade unions. We have finally seen the FRDI Bill being withdrawn. He is also working with research groups and civil society groups in Kanyakumari and the Self-Help Group(SHG)Federation, MALAR, working for Resource Based democratic decentralised and distributed development of Kanyakumari district. He is an International Steering Committee member of Global Labour University, Member, Board of Studies, PG Dept of Economics, Madras University and visiting faculty, Madras School of Social Work.

Moderator: Priya Darshini, Centre for Financial Accountability

Introduction

The banking sector has been in a crisis due to the increasing NPA, especially in the last few years, we have failure of Yes Bank, PMC bank and non-banking companies like ILFS and Deewan Housing to name a few. Merger of many nationalized banks has brought down their number to 12 from 20.

It seems to be a systemic problem of the entire banking sector and in the last five six years, the government or the RBI, did not take timely and the necessary steps to prevent or even mitigate the particular crisis.

Whether it was introduction of the FRDI Bill or the multiple restructuring and ever greening of loans; which were time and again pointed out by the banking unions, was only going to delay the crisis and not necessarily address it.

It has all resulted in one thing that has not happened in the last 70 years; the trust of the people on the banks and the banking systems is on the wane.

The RBI has come up with several changes like slashing of REPO rates which raises the question as to whether it is the liquidity problem that the banking sector is facing, or is it in terms of transferring or giving out credits or whether it is a moratorium that has been widely welcomed by people.

Are these measures enough to address the larger issues?

Some sector experts have also pointed out that the moratorium is only delaying the paying of the loan along with the interest, and the interest is going to compound after the three months. How will that impact the customers who would again be forced by the NBFCs to repay their loans and interests, since in the RBI circular, there is no mention of NBFCs? Bank charges were introduced because the banking system was in a crisis and in order to mitigate the losses, they had very conveniently put those losses on the people.

Thomas Franco's Talk

When we discuss about how banks are going to perform; whether banks can survive the Covid 19 crisis, I recall a discussion that I had with the Chief General Manager of SBI at Chennai.

He said that the bank's performance is a reflection of the economy of the country and vice-versa. If the economy is not doing well, it will definitely affect banking.

The question as to whether all the banks will survive is a million dollar question. I do doubt that some of the small private sector banks might fail and the government may not rescue them.

They could rescue Yes Bank but could not rescue the PMC bank. There are banks like Catholic Syrian Bank, who are not doing really well and they may get into crisis. As an introduction, let me put forward certain dangerous signals that I am seeing today.

Even now there is no proper testing taking place even in Tamil Nadu, which is a better performing state in health care system. Many district hospitals, even medical colleges don't have testing kits.

Under reporting of the actual scenario is going

on, the government is suppressing facts. The government especially in the BJP ruled states, if you look at the statistics; it is surprising how large states are not having so many cases when there are small states with more reports. Death of a State bank employee in Aurangabad was suppressed, the biggest danger being that no lending is taking place in the banking sector.

They are not trying to simplify the documentation process for lending, by giving an acknowledgement of debt over email, a person should be able to get enhanced loan.

The Finance Minister announced doubling of credit to the Self Help Groups from 10 lakhs to 20 lakhs. But who has got it? Nobody.

Another sign is that the morale of bank employees is totally down. Though there is not much work in the branches, branches are being asked to remain open up to 4 o'clock which is not at all needed. Work from home is also very limited and bank employees, especially youth are finding it to be stressful for them. Many times, on the way, they are being beaten up or harassed by the police.

There are more than 5 lakh business correspondents in the banking sector. They are sitting in villages and catering to the common man through the customer service points (CSP). There is no security for them. Banks, instead of enhancing their funds, are providing them loan on which they are paying interest.

They are using this money to help the people and paying interest on them with a very small portion as income.

Now let us assess the financial system in the country from grassroots. There are self-help groups, micro finance institutions, chit funds, money lenders; none of which are able to operate at the present. Maybe except the money lenders who are still lending. Co-operative society – primary agricultural co-operative societies were the ones who cater to the farmers, are all shut.

Similarly regional rural banks, private banks, public sector banks, everybody is operating but lending is not happening, deposit mobilisation is not taking place. So, the whole country's financial system is affected.

The co-operative societies are always supported by the state governments, so the latter has to make plans to support co-operative societies and Co op banks. Similarly, the self-help groups have to be given more freedom as they are not in the position to collect the loans given by them as nobody is going to repay their loans for 3 months due to personal financial crunches because of Covid 19.

Therefore, the banks have to finance them through a simplified procedure and NABARD has to play a major role in the co-operative system – RRBs, it is NABARD which monitors them and also gives them finance. So NABARD has a major role to play in the banking sector at present.

For NBFCs, it is the survival of the fittest. However, RRBs will definitely be able to improve their performance as they have access to the common man at the grassroots. As I have mentioned earlier, some of the small private sector banks might find it difficult to survive and let's see how the government is going to deal with that.

Coming to the larger banking sector, the public sector banks, it is apparent that a large number of people – 75% of the banking are catered by the public sector banks. They will be able to withstand this problem as this is not the first time that the banking sector is faced with such crisis.

In 1969, after the nationalisation of banks, the whole banking sector always has a government sovereign guarantee due to which they do not fail. However, they will require huge credit. Now that the NPA is going to increase and the loans are going to come down, and they will have to lend more and the deposits are also going to go down because of the increased withdrawing for their needs.

One mistake that the government has done is the reduction of interest rates on deposits drastically which has been extended to the banking sector also by the RBI over a period of time. People will be withdrawing money and finding better options for investment. Therefore, the banking sector will require lot of funds. The GOI will have to capitalise banks including SBI so that they are able to do better in the coming days.

Now, coming to the last part, what should the RBI do?

They should immediately revise the NPA norms. The norms that Raghuram Rajan strengthened and made strict was not correct even in those days. If you're going to put more hurdles when the economy is not doing well, it will definitely impact negatively.

Compare it with money lenders. They are going to continue to lend and restructure, maybe provide some relaxations. That is what banks are

supposed to do. They are supposed to restructure the loans and give more loans to the people when there is a crisis.

The bank charges that has been withdrawn, some of them, for a short time, that has to be removed for small depositors otherwise, they are paying more and you are pushing for the digital payments. However, the UPI platform is not secured.

We should also think about new instruments for financing the people instead of traditional ones. There should be some simplified, simplified loan schemes that people can avail once this lockdown is lifted. Immediately there will be need for huge credit. On the part of the government, the government has to strengthen NABARD, SLBCs, industrial finance corporations; they have to bring back developmental financial institutions.

They should not see this as a short term effort, but as a long term effort to rectify the mistakes and restructure the banking system which can cater to the larger majority.

The customer service point should be converted to micro branches with an officer posted there and the Bank Mitras absorbed as permanent employees, then that will create a great impact on the rural economy as they will begin to give loans.

There should be direct linkage to self-help groups, farmer producer organisations and a new schemes similar to the Integrated Rural Development Programme(IRDP) which was there during the 1970s, can be launched so that larger section of the society is reached by the banking system. We might have to nationalise some of the

private banks which are not doing well and the government should immediately announce that they will not bring in the (Financial Regulation and Deposit Insurance(FRDI)

Bill under its new name FSDR Bill(the Financial Sector Development and Regulation bill).

The credit in the banking system should be doubled so that the common man has access to credit and there should be an interest on deferred loans or the loans that have been given a moratorium. Decentralised decision making should be allowed to Banks.

Unfortunately today, it is the finance minister who is controlling the entire Public Sector Banks and they are not allowed to independently work. Independently, banks are capable of taking decisions and they can do it at the lower level or the grassroots level and that can make a bigger impact.

Kudumbashree model in Kerala, in which a large numbers of women are being associated with government programmes along with self-help groups, are creating a major impact and playing a very big role in the post - floods and the current Covid 19 in Kerala.

Strengthening of the banking sector as a whole will be able to bring back the economy. Once the banks start lending more to the rural, semi-urban areas, there will be a multiplier effect in the economy which will aid in the comeback of the economy.

Q&A

What is your opinion on what Raghuram Rajan had said in his interview recently?

On the shift to net banking, online transfers due to physical distancing. Is it a temporary thing or is it going to bounce back?

Do you think that this crisis is helping the government in its goal of privatisation?

Some economists are suggesting the need to write off a large part of these loans (NPAs) With the forbearance like RBI did in 2008, do you think that it is going to repeat that, deepen this crisis in its agenda of privatisation?

First of all, Dr. Raghuram Rajan is a very good economist but he belongs to the Chicago School of thought — pure liberal economist. Some of his recommendations are good like need for more cash transfers, direct benefit transfer to help the

poor.

However, he said that the US banks are better capitalised than ours ; this is grossly incorrect, US banks are private, ours are nationalized for the public sector , having government guarantee they are better capitalised, I would say.

He also says that this cannot be a time for solving poverty. However I feel that this is the opportunity to reduce the income inequality and focus on helping the poor that helps the whole country and push for better development.

He said that the tax payers cannot compensate the rest of the country. What is the government there for? It is collecting taxes to provide services. Therefore, it should be the government that recovers the economy.

RBI has not followed his suggestion on the ceiling to credit. He had suggested that one corporate should not be getting more than Rs. 10000 crores from a bank. But, that ceiling is not working. Today, if the public sector banks, LIC and other insurance companies have to once again invest in corporate bonds, it is not correct.

Talking of digitalization of the economy, we have seen that during demonetisation, more people indulged in digital transactions but slowly they are going back to the brick and mortar branches. Majority of the people today are not familiar with the digital technology, and the trust factor is lacking as they are not seen as safe. This pushing of digital economy especially with this unsecured UPI will be a dangerous thing. For the time being, people will switch over, but they will come back to the brick and mortar branches.

Yes, this government will try to push privatisation of banks. However, it cannot happen in the near future as it is the public sector that is coming to the rescue of the people. It is the public sector hospital and companies like the Karnataka antibiotics who are producing more medicines at a cheaper rate.

Public sectors are still providing services like the BSNL, MTNL and the public sector banks. That way the privatisation efforts of the government will not happen in the near future.

Is it the low demand, which is causing low levels of lending; looking at the low levels of economic activity, do you see any sectorial priorities that will both increase lending and economic activities?

Well, the demand has only come down because the industry is not working and trade is not taking place. All sectors – transportation sector, small trade, small businesses, everybody is affected including the farmer. So, our efforts would be to look at the entire sector and devise specific schemes. The banks have to be given the direction to quickly come out with short term, medium term and long term lending schemes.

How you think this crisis will affect whatever is left of the co-operative banking sector. What do you think is the real future of economic federalism?

Co-operative sector is more dependent on state governments; the governments cannot afford to

allow the co-operative sector to go down. Time and again, every state government has supported the cooperative sector with writing off loans, giving subsidies and Kerala has started a state level cooperative bank. So, I feel that now the cooperative system will rather get strengthened instead of getting weakened.

As opposed to the RBI's step of enhancing credit limits for the state government, it is the time to decentralise things. Solutions are coming from the grassroots. So, the government should rethink the whole centralisation approach and there should be more of federalism and more of governance in the states. The opposition parties should take steps in each state to ensure this, I think it will have a better impact on economic federalism.

Devidas Tuljapurkar, AIBEA: I think that, everything is focused on disaster management. We are talking about short term and long term strategies. The longevity of the Covid crisis will depend on the health sector. Everything depends on how far the government will intervene, whether it is cooperative banking, private sector banking and public sector banking.

As a government, the role and perspective will undergo a change due to the crisis and therefore, I believe that we have to await the conclusion of the crisis.

Do you think the RBI, coming up with a series of REPO cuts, increasing the limits of marginal standing facilities to 3% and liquidity injection to the tune of almost Rs.4 lakh crores in the banks reducing CRR?

Are these steps good enough to absorb the shock of the present scenario of almost negligible lending?

The REPO rate is the rate in which the banks are allowed to avail credit from RBI. At present, most of the banks are having adequate money. They have deposits and they are unable to lend. Even the additional CRR which is brought in to provide more liquidity, what are they going to do with that money?

When the lending is not taking place, providing more liquidity to the bank is not going to help. That will help later. RBI should devise schemes in which the lending can take place without making this cumbersome process of documentation that I have suggested. The confirmation of credit and the acknowledgment of debt should be enough to provide more credit and then that can help the economy.

Many people need money on day to day basis and do not have IDs demanded for the grants and loans. This includes peasants, rural producers and urban entrepreneurs. What do you think the government should do? Should public scrutiny play a constructive role in the fiscal oversight?

One thing that the government has done is the relaxing of the KYC norms. That was creating a problem especially with the Jan Dhan accounts. The women's accounts were put on hold for various reasons. Finally they have imposed relaxations on it.

But still there will be a large number of illiterate people in rural areas who will find it difficult to get this money from the bank. So, for the time being, the government should directly deliver the money to their doorsteps. The government, the Tahasildars have the lists of BPL people, migrant labourers, etc. They should be given direct money instead of making them come to the bank.

Yes, the public scrutiny is increased and there should be more transparency in the banking system especially the loans that are given. So, there should be more public scrutiny.

Will the Indian banking sector cater to the immediate demands of the agrarian and manufacturing sector in the current climate of price discrimination?

How a pro-corporate regime can bring about a pro-poverty policy to save national economy?

Will it not start the process that leads to the collapse of this regime?

The liberalisation, privatisation and globalisation (LPGs) policy, as a trade union, we have opposed. LPG has brought us to this level and for that, the entire political system in power is responsible. As we have seen in the 2008 crisis and even now, in US and Europe, it is the government which has to come to the rescue.

The political masters in power have to change the policy, at least for the time being, to go with the larger majority and support the public system- public health delivery system, public sector

banks, public sector institutions, which alone can bring some relief to the common man without which they will not be able to survive.

Recently, the government of Kerala borrowed Rs. 6000 crores at 9% interest, will this prove to be a way out for the states?

Yes, at present, when banks are reducing their deposit interest rate and they are able to get loan from RBI at 4%, they should be able to give loans to the state governments at 4% which are to the sovereign governments with 100% security; the charges of monitoring, documentation is absent. It is easy to get back the loan.

There should be a provision that is created (RBI can definitely be allowed to directly lend especially given the announcement that said that they have 9 lakh crores with them. Why shouldn't they start lending to the states, if the states are asking for it? They are not able to get loans from the bank (with the reduced REPO rate) at a reduced interest.

The 4.5% to the state government will provide increased relief to the states. While the states are not being given their share of GST, it is the duty of the central government and the RBI to provide supply credit to the states.

What is your opinion of implementing helicopter money to counter economic crisis?

The RBI can print more currency as it has done in

the past. When there is a crisis in the economy, it is the role of RBI to print more currency and make funds more available. However, this cannot be done now but later, when the recovery starts. Today, there is no recovery, everything is shut down, let us wait for some time and then RBI will have to come out with that kind of measures.

Do NABARD and SIDBI and other bodies shoulder RBI responsibilities? Will banks have to start schemes to help migrated labourers cum local entrepreneurs?

Yes, NABARD, SIDBI, Industrial Finance Corporation has to immediately come out with schemes for helping people. For the migrant labourers, it is necessary to device new schemes in the nature of micro-lending which can be done through Farmer Producer Organisations; migrants can be allowed to borrow from Joint Liability Groups, or self-help groups.

However, unless the economy as a whole picks up, converting all the migrant labourers into small entrepreneurs will not be possible. There should be efforts taken by banks, to come out with small credit on simple terms, not based on any collateral.

For example, there is already a scheme in place which is not used and nobody is questioning it. There is a criterion that 1% of the entire bank credit should be given as a loan to the weaker sections of the society at 4% SI(Simple Interest). Simply by the ensuring its implementation, some of these weaker section will be able to avail the credit that they need.

Kudumbashree is a neighbourhood group. Within that, there are self-help groups. The government of Kerala is giving lot of support through the local self-government i.e. the Panchayats. One third of the Panchayat expenses go to women. A similar attempt can be made across the country.

However, proper schemes need to be devised, provide adequate training, and create a monitoring mechanism. All of these steps will aid in the continued working of such groups for long terms.

Will the injection of liquidity clear off immediate NPA crisis which is more than likely to go out of control?

Because there is more liquidity, the NPA is not going to come down. NPA will come down only when there is recovery. That recovery will take place only when the economic activities are normalised.

Do you think that banking sector unions must insist on an Amendment to the Disaster Management Act requiring district lead banks to be involved in all financial decisions during a disaster?

I definitely agree - not only during the disaster but even otherwise. The Lead Bank Scheme is a wonderful scheme which has two provisions—every district has a lead bank and, it will require a 5 year credit plan as well as an annual credit plan.

The Chinese Universities immediately started studying, after Covid pandemic was announced, regarding what was happening to the supply chains as well as the MSMEs and they came out with suggestions that were implemented by the banks. This is not happening in our country.

The district credit plans can be prepared in a scientific way, involving the banking sector, the agricultural sector, industrial sector, all together including the NGOs. That can work well not only during the disaster but always.

The grassroots level of functions is better through the District Credit Plan and NABARD's Potential Link Credit Plan (which is being prepared routinely by NABARD every year). However, only statistics and some data are collected but real implementation is lacking as it is not being monitored.

How do we advocate the issues of students for getting education loans especially because banks are not ready to help students?

In cases of education loans, it is not that the banks do not want to lend. Banks follow the government procedure. Today it has been monitored on a monthly basis by the Finance Minister. She is reviewing all banks. They have now come up with scheme where everybody has to apply for a loan only through centralised website and they will forward to a particular local bank which will then look at your application.

There is a whole complicated system that they have created in the education loan scheme. It should just be allowed to the wisdom of the bank and a target has to be set.

However, within the country, education has become very costly. I would always agree that education should be nationalised. It should be made free for the citizens of the country. It is because we don't have that social security; education and health care are expensive.

It should be the responsibility of the government to liberalise education loans and banks should be allowed to lend. In the longer run, education should be made available to all for free.

With the hits that many sections of the economy have taken, there will be many more defaults. How do you think that this can be balanced with the need to lend more and increase economic activities?

There will be more NPAs and problems in recovery. Earlier, the schemes we had were the provisions to restructure loans. I have seen that even before these new NPA norms, banks were monitoring loans and classifying doubtful assets and restructuring. There is a need to provide facilities such as restructuring, extending credit for longer period if they can survive and, only as a last resort, write them off.

On one hand, you give fresh credit to recover the industry — trade, small industry, village or cottage industry. On provision of extended

credit, it will facilitate the coping of the situation and survival which in turn will help the economy.

Given the active participation you have had in various social movements and people's organisations, I would like to hear your views on social movement and solidarity alliance for the future.

How does corona impact our existing weakness in providing solidarity?

We are seeing more solidarity alliances coming. All India People Science Network along with the Jana Swasthya Abhiyan is working hard on coming out with solutions. On the one hand, they are working at the grassroots levels, providing relief and on the centralised level, they have come up with policy interventions and giving suggestion to the government, setting up policy dialogues along with weekly statements on what has to be done.

There are also lot of other groups working in the field. But, unfortunately, the government is not encouraging this. The government has to realise that they are not competent to tackle this crisis on their own.

There is a need for larger solidarity now that through these efforts of webinars available, we should bring in more people. We initiated a campaign called 'People First' bringing in people from civil societies, intellectuals and trade unions. The bond has to be strengthened and that solidarity is the need of the hour.

We have to work against this false ideology and attack on the minorities. I am sure that in our country, the large majority of the people are not communalised.

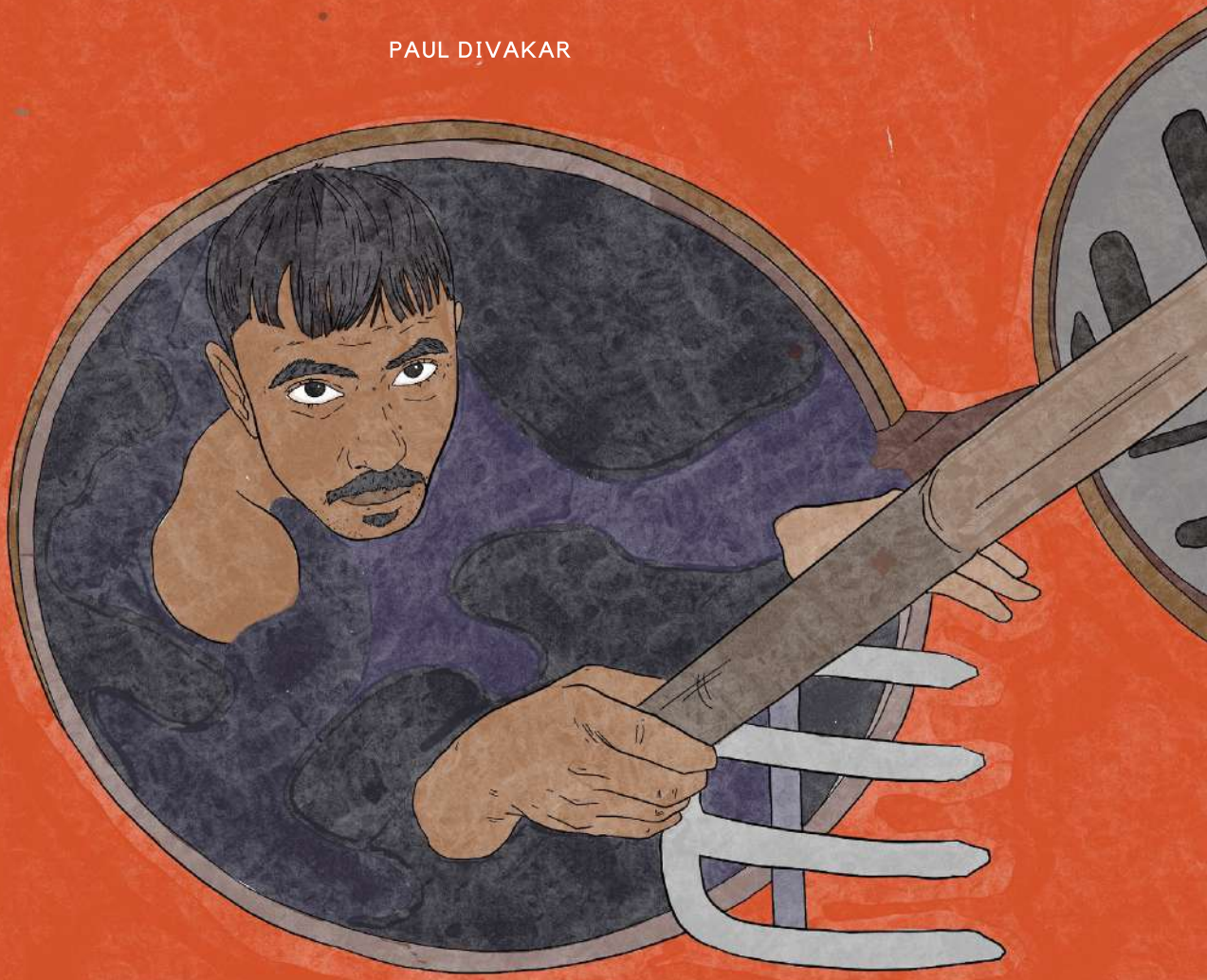
Devidas Tuljapurkar, AIBEA: I suppose that life before Covid 19 and life after Covid 19 will be altogether different all across the world. The various groups involved in the process will have to rethink their approaches. There is a need and there will be solidarity in this crisis situation. We need to define the overall perspective as a system first and then address it.

Some people are asking about the performance of trade unions. I would like to appeal that trade unions have to come to an understanding with the civil society organisations and they have to go to the people. In the banking sector, it is very visible that in spite of whatever the banking sector is doing, the government is not looking at their issues.

The public does not have sympathy for the bankers. This is because the trade unions have been unable to have direct dialogue with the common people. They can have in- branch conversations with the customers. That solidarity alone will be able to bring in a massive change and positive impact.

HOW ARE WE ADDRESSING THE ISSUE OF ADIVASI AND DALIT EXCLUSION IN COVID RELIEF ?

PAUL DIVAKAR



Speaker Bio

Paul Divakar is an advocate for Dalit rights and has headed a movement called Dalit Arthik Adhikar Andolan which is a part of the National Campaign on Dalit Human Rights, of which he is a founding member. He is the chairperson of the Asia Dalit Rights Forum and the convenor of the Global Forum on Discrimination. Having been actively engaged with the communities, he has worked to strengthen their access to justice focussing on intersectionality of gender and caste. Through the Arthik Adhikar Andolan, Divakar has highlighted the need for financial accountability and transparency particularly when it comes to allocations in public budgets. He has stressed the tremendous injustice and ill allocations of public budget as far as the Dalit and the Adivasi communities are concerned. Paul has been voted as one of the 50 most influential Dalit leaders in the country, having led campaigns on Dalit economic rights, and sustainable development goals related efforts nationally and internationally and he has also served on the board of Amnesty International.

Moderator: Prasad Chacko, National Dalit Watch

Introduction

In the past few weeks, we have seen issues of rising violence with women, in the rural as well as urban areas. However, digging deeper, the patriarchal system raises other problems for women such as being in the position of food providers, nurturers of the family. Hence, this session titled "Women's Rights during a lockdown: Areas to watch out for", plans to discuss the immediate issues surfacing and the long term steps we can take against them.

Disasters don't discriminate among people but its people who discriminate among people.

During disasters we have always seen magnified discrimination and exclusion of the most marginalised communities. Those who are already vulnerable, are victims of an unfair and unjust system particularly those who are discriminated on the basis of caste, gender, age, religion, ability or any such attribute, are always more prone to the impacts of disaster.

We have to target our interventions to mitigate their suffering and to improve and alleviate their conditions in Covid 19 relief.

In India, amidst the lock down the impact of the Corona pandemic has not at all been equal for different sections of the society. The brunt of lack of income and livelihood was borne by the most vulnerable communities, unlike a cyclone or an earthquake which does not discriminate the house of a rich or a poor.

Paul Divakar's Talk

I think many of us are to a certain extent quite well protected, working from the comfort of our homes, and having sufficient bank balances. We can go and get what we need, we can even stockpile things for at least a month or two, but many of our sisters and brothers especially the 'distressed migrants' are facing unthinkable difficulties all across the country.

These people were forced due to famine or natural calamities, or caste violence, and many forms of difficulties to search a livelihood and they had come to the cities and some of them go to work in mega projects throughout India. Their plight complicated and increased by the present Covid 19 pandemic.

I would like to discuss the differential layer on which Covid 19 is affecting especially the dalits and adivasis and many of whom as we know have been forced to distress migration. Are we addressing this the way that we ought to be?

The inherent deep divisions in our society based on caste, has left the dalits and adivasi communities vulnerable and as Ambedkar had rightly pointed out to Gandhi, we cannot achieve true political or social freedom without reforming this social fabric.

I think the present crisis and post lock down things are not going to be business as usual, with so many cracks in our system having been exposed, the question is have we learnt a lesson from these incidents?

The concepts of universal inclusion, tolerance, social security, fraternity and overall our entire democratic fabric as envisioned by the Constitution, calls for a review.

We need to have strategies to address these critical issues...if we don't have strategies separately for the vulnerable communities or those who are socially excluded, we will still build on the same fissures that have fractured our country.

One study has revealed that 40 to 47 percent of those who are involved in distressed migration are scheduled castes in India, and I am sure there are a similar proportion of scheduled tribes, these communities are not only affected but the relief doesn't reach them, in some cases they are forced to continue work.

Whether it is the Safai Karmacharis, Asha workers, or nurses, they are exposed to the highest risk of infection, poorly paid and deprived

of statutory benefits.

I have heard that in Atmakur one of the Mandals in Kurnool district in Andhra Pradesh, a village of thousand families have been socially and economically boycotted because they refused to come to the landlord for work, due to safety reasons. They are facing an additional COVID social boycott.

Let me tell you, all over the world there is discrimination and exploitation of backward or marginalised communities and in the Covid pandemic context, it has aggravated. Post lock down too things will not change unless the exclusion of these people is stopped and social and financial inclusion ensured.

We should first identify the spots where exclusion takes place; can we then ensure that proper relief is given?

We have to constantly educate people, organize and provide targeted intervention. I think post Covid India needs to be restructured with social justice as its foundation, followed by economic justice and developmental justice.

Q&A

Most of us are realizing the impact of this crisis is doubly devastating for dalits and other major marginalised communities, how do you think we need to prepare in the coming days to not just show solidarity but to revive their livelihood?

Well the answer is neither easy nor simple. We are thinking and trying ways to break the boundaries between civil society organizations. Number one, how do we redefine our work? This is not the kind of work that we are used to in terms of relief and rehabilitation.

I think we need preparation now, because slowly it is dawning on us that business is not going to be as usual. There are so many barriers, so many aspects, we now need to really spread and collaborate in a much more stronger way.

Externally we need to visualize where the exclusions are taking place, build a database and then challenge and work with the authorities to make sure discrimination is reduced or mitigated.

How can doctors, while creating awareness about Corona and its diverse determinants, address specific issues of dalit and adivasis?

Can you please share organizations, people; activists working in this area that we can contact and understand this well also create more awareness in general public?

I think it is necessary for us not only to work with similar social activists or administrative authorities, but I think we need to really work with the whole chain of health professionals.

We welcome such initiatives, earlier we used to have doctors with frontiers or something Joe might know but if there are such organizations, I would request CFA to see how a kind of a network can be formed.

Is the Indian or Hindu society or its people capable to understand social equality, given that the basic principle of Hindu ideology is based on segregation?

There is going to be discrimination, there is going to be exclusion and then there are going to be other barriers, I agree that it is a very challenging fact.

But when I see our communities walking 300 kms despite of lockdown, I think we have to learn from the resilience of these communities, we cannot give up till we have sama samaj , not

brahmin samaj not manu samaj not even a dalit samaj, a sama samaj (equal society) which is based on social justice.

We have seen discrimination and exclusion during tsunami and other natural disasters, how is COVID different and what are the few points that need special attention?

Actually COVID has similar features of exclusion but I think the scale at which COVID is going to affect us and the several factors that are going to impact, not just medical, not just a loss of house or property it's a whole destruction of people's livelihood and we really do not know for how long and I think it's really exponential.

This time all of us need to come together to see why we had to walk 300 kms, in the first place. This is going to be very difficult and very different and we need to be prepared for a long haul.

Taking the COVID19 as an opportunity would there be an increased attack on the livelihoods of dalits and adivasis by powers? How can we build resistance to these increased fascist attacks?

There was a recent incident of caste based discrimination in ration allotment and violence, but the positive side is the Dalit woman along with a few people dared to register a police complaint.

This was in Saharanpur UP. This has been done despite the threats of assault and atrocities against her. Still she dared to register a complaint and got the perpetrators arrested.

So as long there is the voice of protest, we have hope. We need to keep hopes pinned on democratic values and collaborate even better in times like this where the state is inactive and non-secular vested interest groups are unleashing their power. It is this we need to keep it alive.

What would be your thoughts on reverse migration, we have seen a lot of migrants coming back to the villages and given the fact that the caste situation in the villages, how will we address this upcoming discrimination in terms of relief?

This is a thing all of us have to join our hands together to resolve.

Interestingly, after returning they are still being called to go back to work, because the capitalist employers know that without these human resources and the hard work of these communities, there's not going to be much of harvesting.

This in turn will aggravate the food security situation.

So looking at the scale of things, we are talking of 5 to 6 million people, there needs to be a call

taken by economists and policy makers on resolving this migration and the reverse migration impact.

What is shocking is the extraordinary indifference that people of privilege have in India for the intense and pervasive levels of human suffering. What explains the absence of empathy and solidarity based on your experience?

I think we will have to really increase our ability to network and ability to raise this with the authorities if all of us take more and more responsibility to see wherever these issues of discrimination surface.

As we mobilize our network more there is a chance that it has a protection, but violence might increase and we have to take this risk. I think again visibility is the only kind of protection that we can seek.

In the given situation our dalits, adivasis, and other marginalized people will face more distress, it is imperative to establish unity among the oppressed and excluded communities in order to assert their democratic and constitutional rights? How can the process of unity be

accelerated using strategy and common symbols?

That's what we are also struggling with; I think we need to delegate responsibilities, at this time when we can't meet. We need to have at least some specific responsibility state wise or region wise to see how we can trace these issues. There is always a challenge to 'unity'. That is an ideal but we should be able to work even with diversity in the leadership. That is the challenge ahead.

I think there are several possibilities and we need to pick these threads and then see how to go ahead.

Do you think a complete economic lockdown is justified considering how it could lead to large scale job losses and further lessening the opportunities available to adivasis and dalits for their upliftment?

Considering the five percent rate of mortality for COVID19, which is lesser than many other diseases?

That's true. I think we have in India one thousand four hundred people die of TB everyday and I don't think we have paid this kind of an attention, but of course COVID is different because TB has not stopped the economy and affects the most marginalized communities.

I am not convinced of this kind of a lockdown at least; I thought there would be some debate or consensus on what are the other positive options that the government has considered. The plight of the poor and the migrant workers has not been seriously considered by the authorities prior to lockdown.

Unfortunately there has been no transparency from the government side, let alone public consultations. I do not think this way the economy which was already slowing down before the Covid lock down is going to become normal in quite some time.

In extending this lockdown with his speech today PM Narendra Modi, finally mentions safaikarmachari but in the sense of their role as frontline workers, there was no acknowledgement of their social background. Is this kind of political response an outcome of a fractured dalit movement which, even at normal times is difficult to bring together?

I think you have brought a very important point, but this is not the first time..... PM did the same thing during the 'Swacch Bharat Campaign'. He talked about swacch bharat but he never talked about the people who are involved in it and about our society, which has relegated a few communities to clean other people's garbage. Nor has the project with so much finance,

managed to eliminate the practice of safaikarmachari the manual scavenging.

How would Dr. Ambedkar see the current pandemic situation and how would he have addressed this question countrywide if he were alive today?

If he was alive and in power, I am sure there would have been a very dialectic decisive direction in which he would have handled the situation. In the first place the society would have been different under his leadership.

Probably we also have a vacuum in the leadership and this vacuum in the leadership is not just among the dalits or adivasis it is among the whole wider society and it is not just in India. You see this across from Brazil to the US, in Philippines, Hungary and even in Turkey.

We need to continue to challenge this injustice, we cannot give up so I would look up to Babasaheb, but cannot wish he was here and abdicate my own responsibility.

What strategy is required to mobilise the larger dalit community which today most probably feels most vulnerable, violated but also feels disempowered than at any other time? What is the future of these people's political alliances considering the impact

COVID has had on the resistance base?

I think this could be the topic for the next CFA webinar, these are very important questions but they are very profound and we really need to put our heads together.

These are exactly the kind of questions we need to answer ourselves. first I would only say we can't glorify victimisation number and we can't revel in victimisation , the second point is , I cannot lose faith in seeing that democracy is not going to work and the third for me is ,asking rations is my right!

We are fighting in a political sphere, which is because of our faith in the constitution. For your other question of how do we realign the political spaces, I think this is something that we really need to think about.

How can we make the administration and civil society responsible and accountable for the implementation of existing welfare schemes for marginalized communities?

I have this story of the woman from UP. I think she is really pushing for implementation she knows most probably that SHO at the police station could be dominant caste she knows but she still is asking for implementation, her right which was denied, despite all rules and all the constitutional measures.

We are in the form of collating and asking for very clear implementation from the district magistrate or the collector level, right up to the state secretary level.

We are encouraging victimized people to file complaints without any fear, wherever there are instances of violence or discrimination in disbursal of relief and rehabilitation services.

Do you also think that at this juncture analyzing the budgets will bolster our efforts , since there is definitely going to be a significant drop in the government spends coupled with the dismal state of the economy?

Some useful suggestions were made on making some shifts like those suggested by economists, Sonia Gandhi and others.

How do we reorient ourselves?

I think the International Budget Program have made a tremendous contribution to holding states accountable for implementation of the budgets along with the Centre for Budget and Governance Accountability(CBGA)and others; we are also closely working with them.

I think that without budgets and without the proper allocations and necessary provisions, no amount of policy is going to make a difference to the people on the ground.

I mean if you look at the budgets especially for SCs and STs, they talk of eighty three thousand crores , but when you look at this year's February budget, it is less than twenty three thousand crores, half of that is not spent also.

So there is a gap in the approved budget and the spent actual budget, there is a gap in the policy in the allocations so in effect what the SCs and STs and the other marginalised communities get are just figures and there are just left and right diversions that are taking place.

With neighbourhood scale segregation patterns in India's major rural and urban centres, should we push the government for social mapping in the ward or gram sabha level and ensure the essentials will reach the distressed communities?

Should we campaign and advocate this in a strong way?

I think many of us are very disappointed with the academics in this country because they have really let the cause of the dalits and adivasis down.

There are clear segregations even in the urban areas, you only look at the names; there's dalit basti there's harijan basti even in capital New Delhi you have that.

The fact is that you have tribal communities, adivasi communities who have not been destroyed and their mind is very sharp and clear. There are many who despite of the lock down are not only surviving without any aid, but actually reaching out to others in their community who are less fortunate.

I think we need to recognize the immense potential that they have despite all these terrorising that they are exposed to, they are still normal like us.

Somewhere I think we need to recognize this particular resilience that exists within these communities.

Can you please throw some light on budgetary provisions if we have to remove the existing inequalities and injustice?

I was looking at the packages, what are these relief packages that our PM has announced they are pre-existing packages, repackaged and the central government is telling the state governments to use the money that they already have.

When countries are giving trillion dollars for restoration of their economies, the Indian government is asking for contributions to relief funds from the citizens who are suffering from job loss, livelihood loss.

An illustration on a solid olive-green background. On the left, a young boy in blue shorts stands next to a row of tall, thin plants with green leaves. In the center and right, a group of four people are depicted. A man with a grey beard and a purple cloth draped over his shoulder stands next to a woman in a light blue sari with a diamond pattern. Behind her, another woman in a purple sari holds a red flag. To the right, a woman in a green sari with a yellow pattern holds a blue flag. Two other blue flags are visible in the upper right. The overall style is that of a hand-drawn poster or book cover.

PEOPLE'S RESISTANCE AND MOVEMENT STRATEGIES IN CORONA AND POST-CORONA TIMES

PUNIT MINJ

Speaker Bio

Punit Minj is an activist for BIRSA from Jharkhand. Punit has been associated with several protests against farm land acquisition by mining companies in Jharkhand.

He has been fighting for farm lands belonging to adivasi and dalit communities in Jharkhand, which are being targeted for takeover by mining companies.

He was vocal and active in anti-CAA and anti-NPR protests in Jharkhand.

Moderator: Ashish Ranjan, National Alliance of People's Movements

Punit Minj's Talk

For a few days I have been speaking with several people about the Covid-19 issue that has come up now. But before this too several other issues have happened like the NRC - CAA issue, a few years back it was Demonetization and even the Pulwama Case that took place.

I would like to put forth my thoughts regarding all of this today. I would also like to look for in this discussion the strategy that one must have, especially with social movements on the many issues we have been struggling for many years.

Where do we see them moving ?, I would also like to know from you all about what you are thinking about this situation and as a collective what path should be chosen for the struggles.

One thing we are all noticing is that there is a lot of discussion about migrant workers. But I always have this question in my mind if this issue regarding workers is a new one or has it always been there and with this crisis today we are actually able to see the problem clearly.

We can see the conditions of the workers who have migrated from one state to another. But think about the situation they must have been before leaving, we have never seen those conditions.

People are talking about how they don't have food, but the biggest issue is regarding their livelihoods in this crisis. But for exactly this purpose they had migrated in the first place, to get a better livelihood.

Now if we put it in order, we will see that this problem has always existed for years this has been the case. Now that such a situation has been highlighted and we can all see it, what should be the role of Civil Society and People's Organizations such as ours for these workers?

The second question is, we all know the position of the workers and the systems created for them have in the market and policies. What is the attitude of the capitalist society towards them? This has been revealed in this Covid-19 crisis, so when this crisis gets over what will then happen to these workers? Will the exploitation end or will it only increase?

Now that a lot of factories are shut, will they be forced to work for lesser wages? Or will they not even be paid their due wages after making them work? For such questions, we need to understand our strategy for the same, what will be our role in the future for them, how will we be able to put forth such questions in front of the government?

Whenever such a crisis comes, we try to work solely and fully towards that, for instances if they don't have food, let's find a way to feed them. But the bigger picture is that farmers have all the vegetables, like in Jharkhand I can see, but the produce is not able to reach the market.

We can't see even the government taking any strong steps towards this. So using this phase as an opportunity, how can we put forward these questions in a better manner?

If we talk about food security, everyone is struggling to get basic vegetables, pulses and rice. But for years the Jal Jungle Jameen issue

has been a huge fight, and it has become evident today that we cannot let a company overtake and acquire land anymore.

But mining companies are still working on such acquisition of farming land. We are not able to put this out and question it at all at this point. In such a situation as this, activists are also unsure if we should discuss such issues when people are preoccupied with the big problem of Covid-19.

One of the words that comes into mind during such times is how can we bring 'solidarity' among all the organizations across the country fighting for several issues. Are we actually moving towards that or we are pretending that, if we are able to attend a big meeting as a mining activist that's enough, is that kind of solidarity enough?

Have we been able to get all the people together along with their individual issues under the same roof and fight as one to make the struggle stronger and work collectively? If that is not happening then we are lying to ourselves about taking a step towards Solidarity.

When we talk about people's movements, we work with several innovative ideas so we can give the movement a new face and path. For example the lighting of the lamps and ringing bells idea is an innovative one.

The strategy of the government behind it though was actually different. However, it was able to successfully bring the people of the nation together for 9 minutes. We should also learn from these instances for the future, to incorporate such ideas into our struggle

For instance, during the CAA protests, in Ranchi I spoke to the Muslim protestors and told them not to take up the anti- CAA placards; instead the Jal Jungle Jameen movement supporters should take the placards which say no to CAA and NRC.

They should hold placards that say that Land Rights should not change, and Tribal lands should not be taken away.

You are talking about a great solidarity, but we are seeing that when there are protests from the Tribal community, only Tribal people are standing up. There is no role by others in it. There was an opportunity, I feel, during CAA that we could have used to bring forth these issues together, where we could all stand up for each other's rights in complete solidarity.

But we couldn't do that. Hence we need to think of new ways to bring it together.

For example let us take food security, people want rice, pulses, etc but where will it come from? This will definitely come from land, but the fight for land is done only by those to whom it belongs and is being taken away from them. Others are not bothered.

Even in today's corona crisis, how can we bring forward such issues, we should make a strategy for that. So if anything happens, we can all support each other with the requirements we all have. We need to tell people that with just Industries, development is not possible.

You need to save Jal Jungle Jameen so that food security sustains for everybody. If there is no land, we would also die due to lack of food. Even if today Corona did not happen and all Jal Jungle

Jameen is lost, there would also be a huge food crisis.

So, such different struggles in different communities need to be brought together. Because after a year when there is a vaccine out we will all forget about these issues. Then these workers will again face the same problems, Jal Jungle Jameen will be taken away, attack on Dalits, Increase in college fees, struggles with Dalit admissions in college, religion, race, etc will keep happening.

In today's time, we need to think about how we can make our movements stronger and take the support of senior activists, intellectuals, and many such people to think collectively.

We are also not being able to figure out the actual numbers of migrant workers who have moved from one state to another. There is also a law, State Migration Act, under which when the migration takes place, the state which they live in and the state where they move to, both are supposed to have a registry record with all the information, which doesn't exist now.

We are unable to see now how many people have migrated in the hope of a better livelihood. They have only been exploited everywhere. For instance, look at the situation of domestic workers, farmers who are now working in factories, MNREGA workers, the struggles they are facing in this Corona crisis, is actually much larger even without it.

We now need to see what all can be done to help them and put pressure on the government

accordingly to make sure their rights are met and the government starts thinking more about their livelihoods, each state government should have arrangements to make sure of it so that in the future they work in better conditions by making better plans to move forward.

In today's discussion I want us to look at these questions seriously and would want to repeat that when we talk about solidarity, it should be taken as a serious opportunity to strengthen all people's movements or else it will just be a 'show' that some organizations know of the others and that is all. We should start thinking about how we can work as a collective.

Q&A

In history, the tribal community has never really been a part of main issues, even their historical role in the national movements have not been considered and always kept separate, why?

What will these poor labourers do going back to their villages, from where they were forced to migrate in the first place due to lack of livelihood opportunities?

Can this solidarity be created even in the political discourse?

Yes it was a colonial mindset of alienating tribals, not giving them due credit or dignity, the trend continues till today.

Look, in Jharkhand there are 22 such mega coal blocks where MoUs for acquiring farming land have been signed, belonging to Tribal and Dalit communities. In my constant conversations with them during this Covid crisis, I have realized that today an organization needs to give a message to the state that there are enough vegetables cultivated here which can easily be given to help support the needy.

This is to say that even during the Covid crisis; we can bring up issues of Jal Jungle Jameen and think of ways to present it properly. Yet there are people who are unsure of how to do it and are not asking these pertinent questions and putting forward their views openly.

As for the question about what framework should be there through the Tribal perspective, this is indeed a big discussion. In Jharkhand organizations such as ours are trying to think on this line for a few years.

At present, despite having a food security act, do you see India has failed to feed it's population at this time of crisis? Do you feel instead of having a national population register, the government should have a national registry for migrant workers?

There are already laws in place for this, wherein wherever the people are moving from one state to another, there has to be a registration in the Labour Department in both states. But this mechanism has completely failed as we can clearly see. We should take this as an opportunity and make sure the loopholes are fixed by creating pressure on the government and making arrangements accordingly.

The labourers stuck in other states and haven't been able to travel back due to the lockdown, the state in which they are in and have worked hard for the growth of the place, should take up the

responsibility to take care of these people well and our role should be to keep on monitoring the government efforts.

If we look at the PDS scheme under food security, the dealer has stocks but he is giving a lesser amount than prescribed or selling in the black market. With the right to food campaign's monitoring mechanism, we are trying to see how the ration from PDS reaches to all those who need it.

Now think of what will happen to those who don't have a ration card amidst a Covid crisis, actually the PDS has faced many problems over the years. This system had failed a long time back, even without the Covid crisis.

I would like to add, when the AADHAR Card had come earlier, we were told that for those who may have migrated, through the AADHAR, people now living in Delhi could also get access to ration. But there has been no step towards that till date and the propaganda behind it is now clearly visible.

We should ask the government about what really happened to the promise made regarding AADHAR for migrants, why couldn't they get access to PDS?

My question is how do we build a Pan Indian platform like NAPM that can bring different sections under one umbrella while retaining the autonomy of each of the people's movements under it? Isn't it high time?

On a lighter note, you also light candles from your houses and balconies. We need to take forward the original community symbolisms of resistance, in a new revolutionary understanding and think harder on how to bring about this change of solidarity in its truest essence.

The question of leadership is weak in people's movements. How many youth are able to come in and provide/takeover leadership of people's resistance? What are our mechanisms to hand over the ideological and intellectual leadership to resistance? Like we saw during the CAA protests, several people came out to speak on the issue and presented it in an accessible yet good manner. We find many such people and need to think on how these people can be connected to all our causes to create a strong voice.

As an adivasi, my response is this: where migrants have been, in different areas, they are in a crisis. But in Jharkhand, except in Ranchi, there is no real threat from this Covid crisis as it is in other areas regarding food, rent, shelter, etc.

There is no major shortfall of food or grains that you are talking about, but that's to be looked at from the point of view that the crisis was always there and people are used to living in such abysmal conditions.

Displacement, land acquisition, mining, etc were there and they continue to. It is just a feeling we have that these activities are on break. They can restart any time and come back with double force, to make use of the lost capital!

So it is only slowing down, to come back more forcefully. However, it is also a message to people

that we need to go back to our nature and relationship. But of course the situation of urban workers is very poor. Had these workers gone back home, there would be no issue of food and shelter as everything is already available in abundance.

Some students called me the other day, they said they have no place to go and no food. But their houses have food and grains, it is just that they are stuck and stranded in cities. Our villages are better protected if you look at it that way. But a dangerous message has gone through this Covid crisis that of social distancing which becomes untouchability with your own brethren who have returned from cities and that is not the correct way to move forward.

Globally there is a push towards phasing out of coal and hope it will be more after the corona crisis. So how do the mining industries, especially workers see it?

I am not sure about other areas in the country, but in Jharkhand there are places where coal mining is currently happening. There are some other areas where there are mines but with years of struggle, the work has been stopped. One thing to understand is that this mining will not stop immediately and will continue in the near future as well.

The mining companies have a strategy of acquiring land without stating a clear purpose and then using it as and when they please, as they want to. This we have seen when Mittal

came in. Even after the current crisis is over, these mines will continue to run. Whether new mines will be made or not, will there be focus on other forms of energy instead, I am not so sure.

There has to be a just transition for all livelihoods which will not exist in future, need to provide reskilling and basic income support. What do you say?

In the coming days, unorganized workers are going to be under further duress after this crisis. The labour of workers is further going to be subjected to exploitation. They are not even going to be paid what they were used to getting, because of the expectation to help the economy tide over the crisis.

The capitalistic character is such that it accumulates a lot and has heavy centralization. There is no scope of surprise here that the situation will go worse as is the nature of capitalism.

When the labour community came together in Mumbai and in Kerala, how do you see this? Do you think the government will have to reallocate funds for rural development?

It is now a general knowledge that probably the lockdown was necessary but the government should have done it after a lot more preparation on its end. The fear that's born during this lockdown should also make us think about the society we are forced to live in.

PROBLEMATISING VULNERABILITY: UNPACKING INTERSECTIONALITY DURING A DISASTER

MANJULA PRADEEP



Speaker Bio

Manjula Pradeep is a Human Rights activist working for the rights of the marginalized communities, especially dalits and women, for more than two and a half decades in India.

She has a Master's in Social Work from MS University in Vadodara and a Bachelor's in Law from Gujarat University. She is the former Executive Director of the Navsarjan Trust, Gujarat in India and associated with WAYVE Foundation.

Manjula has represented the issues of caste and gender based violence and discrimination in United Nations and European Parliament for almost 15 years. She was the co-chair of the International Dalit Solidarity Network and Manjula has taken up cases of extreme forms of violence and atrocities on women and dalits in particular, sexual violence on minor girls and women from marginalized communities.

She undertook a state level campaign between 2014 and 2015 addressing these issues of violence against women in Gujarat. She is the recipient of 'Women Peace Award' from the University of Santiago, USA.

Around two years back, Manjula founded Wise Act of Youth ,and Engagement, i.e. WAYVE Foundation which focuses on the rights and leadership of marginalized youth in India.

Manjula is giving half of her time as the Director of Campaigns in Dalit Rights Human Defenders Network which is covering five states of India

Moderator: Bhargavi Rao, Centre for Financial Accountability

Introduction

This webinar as part of the solidarity series conversation during lockdown covers vulnerability, it is titled 'problematizing vulnerability: Unpacking Intersectionality during a disaster'.

The Corona virus has shown that it truly does not see religion, caste, class, race, ethnicity, nationality or age or gender or colour or language or dress or sexual orientation.

However in a country as diverse as India, there exist multiple forms of discrimination. And there is surely an opportunity that this virus may impact certain sections of our population very disproportionately. Social inequality has existed much before the virus took birth and this can foster a very lopsided impact, with significant social exclusions.

The situation does not give options to move out of the vulnerability, so many of the forms of domination and exclusion will intensify at this time and also force disaster.

In the days to come it will become increasingly clear who will have access to healthcare and who will not, who will eventually live and who will make those decisions, who will get rehabilitated and who won't, because discrimination and oppression begin very early and it operates at almost all levels of our society, in very subtle to very blatant forms.

Manjula Pradeep's Talk

Talking about the vulnerability especially of marginalized women in the context of COVID-19, I would just like to say that I'm going through a very emotional turmoil in terms of what I see and visibilize what is happening across India and particularly Gujarat where I come from.

I just remember my friend from New York, Professor Kimberley Crenshaw whom I first met almost 15 years back. She was the one who inspired me to understand how important it is to see vulnerability from the lens of intersectionality.

I was in New York last year and we were discussing what are all the changes happening in the context of India and US. When I see intersectionality, I see the entire issue of caste and gender which intersects with caste, religion, class, sexual orientation, physical

disability of that person, her marital status, and all of it affects a woman.

We as citizens and people who are working for the rights of the poor and marginalized somehow do not associate any problem with the intersectionality.

I don't think any state is developed in that sense but rapid increase of industrialisation happening in that state and what kind of livelihood is being provided to people defines a developed state. Bihar has the highest number of migrants at the moment.

We get helpline calls, especially young men from Bihar who are asking for help in terms of ration and food at the place of their migration. There have been instances where women from

marginalised communities who become victims of sexual violence, something which bothers me but when I'm just thinking about post-COVID. We are now thinking about a woman who comes from marginalized status with the lens of multiple forms of discrimination which is most of the times invisible, so how do we help her?

Is there a provision in the system or a mechanism to see these women's suffering? No there is no mechanism. These women have very low literacy levels; many of them have not been to schools. How will they access these government welfare and relief schemes?

How will they even speak to someone? Without volunteers, activists or social workers, their life is miserable.

When I think about Gujarat, post 2002 genocide, I remember several thousands of women who were widowed in Ahmadabad city. You see the hope that they had in their eyes for things to change for the better, unfortunately things are not going to change for them because we know that there is no desegregated data with the administration which can easily identify these women, who really need support during a disaster.

A disaster which is due to a pandemic is much more challenging and difficult than a disaster due to a cyclone or due to floods or something like that. But when there is a pandemic, how do they survive? Where do they get food? How do they feed their children? It really bothers me how a single mother will take care of her family?

The tribal community must be suffering the most because when they migrate and they migrate

even in Gujarat . They are living in the open spaces, they are construction workers; there is no provision of housing for them.

There is a wide gap among the activists to understand the pain and plight of the women from the marginalized communities.

The vulnerability of these women is something that is not being discussed which is not been really thought about in our activities.

I'm trying my best and I'm trying to reach out with ration kits in Ahmadabad directly through my team members but then it is a tough job with the lockdown in place.

How do we reach out to women who might not want to come out of their houses, they do not even want to reveal that they are hungry, they are being forced to stand like beggars and they are given food, ration kit. I don't think this is humanity.

How many people will reach out to these women, who are discriminated based on caste, gender and their religious identity? Not many would like to help a dalit woman or a dalit family.

It's just not about providing ration kit but is it going to address the larger problem?

There are lot of starvation deaths that is going to happen and the process has started. There are people who are eating grass and making chapatis from the grass and these are the tribal people.

The primary health centres even before Covid 19 were having inadequate facilities, now the stress on health care services is even more.

Another very important factor is, we are saying wash your hands for 20 seconds with a soap and we are saying use sanitizer. Has the government even thought about from where the water is going to come to these women, who normally travel several kilometres to fetch water. In normal time this is what happens, how to travel for water amidst lock down? And with summer temperatures soaring, water tables are going down, meaning further travel for these women.

I think we have a larger question to think about. I'm just thinking about the very rural interior places where I'm working like Chhota Udaipur, tribal districts where there is no water.

The time has come to re-look into this entire issue of vulnerability and also at the intersectionality I think we have enough resources since we have enough manpower we have everything but the distribution of these resources has been a major issue and a major challenge.

I think we have to look into these aspects. There should not be sexual exploitation of these vulnerable women, as is prevalent in the society, particularly during and post a disaster or pandemic.

Much needs to be done. It is not that the problem could be solved in a shorter period but we still have to take important steps.

Q&A

Could also highlight the legal provisions , particularly catering to the vulnerable communities, the minorities , is there some hope that the law could come to their rescue?

Unfortunately there are very few laws which are there to protect the rights of the minorities or the marginalized communities, for Muslims there is no protection.

For dalits and tribals, there is Prevention of Atrocities Act which provides them some kind of support in terms of discrimination against them or violation of their rights. At the moment how is it going to operate? How do they go to the police stations, the police are doing some other work , so I think we also have to look into whether the laws are really going to help the vulnerable at this moment.

I don't think there is much hope for them to get any kind of support from the legal system, especially protection.

What will happen to all the women who come from the minority section who are trying to access other forms of healthcare like maternity, how will the system take this opportunity and again discriminate them? When it comes to caste, religion in the context of COVID; will it get further intensified?

A woman from the community whether she is a dalit or a Muslim or a tribal, often there is a tendency of mistreating them by not treating them.

The ASHA workers in the neighbourhoods of these women don't even touch them.

Within the sub-caste amongst dalits, there is a large section of people who are from the Valmiki community engaged predominantly in sanitation work. Women from this community do the cleaning of toilets or sweeping of streets and working without gloves, no masks, no water, or soap even during this COVID-19.

The municipality authorities have organized transport for these people so that they can bring them to the place where they have to clean the toilets or even the streets.

In the Indian context, should we factor in a breakdown of intersectional decision making in times of stress, such as conflict and disaster?

Yes, in the Indian context we have to do the breakdown because most of the time the breakdown is not done so ultimately the ones who get the most support, are the ones who come from the dominant communities, who are rich, who are men, who are from majority religion, who are from urban areas.

There is a very important need to breakdown even during disaster and I think this is what is missing in our country and that is why we need to raise the issue of caste discrimination or communal disharmony or hatred at the larger level.

Do you think the media can play a better role in problematising this intersectionality?

I have been working very closely with media for more than two decades and I think initially at one time in the nineties I do know that the media was not very keen to visibilize the issues of the marginalized communities especially the mainstream media. Now, as you know how the technology is advancing and how we have electronic media and so many different ways to raise our issues.

We have social media, we have so many

platforms to raise the issue of the marginalized communities especially with the lens of intersectionality but I must say that still the media is not playing that role which it has to do.

So see when the stories of discrimination or untouchability practises are shared to the media, it is not the entire media but there are people within the media who are sensitive towards the marginalized communities and they are very few who want to raise the issue of marginalization within that context.

In the context of addressing intersectionality, have there been petitions that have gone to court? Are there any cases you would like to share?

See one has to see the context of US and India and even the situation of the black community and the situation of dalits in India. No, I don't think there are any cases.

I think there is similarity but in terms of education, India is far behind especially I'm talking about the dalit communities. For tribals the situation is much worse.

There is one language in US, in India, we don't have one language so there is a power of language so when you are from the marginalized community, when you are a dalit or you are poor, you are a tribal or a Muslim and if you are a woman you have lesser opportunities even for education.

So even if you see the data of the government also it shows that the level of literacy; in higher education there are very few women from these three communities who are pursuing degrees.

Does our public health system ever address this intersectionality issues?

No. I have not seen any place where the public health system has addressed the intersectionality. I think intersectionality again is something which is not even discussed in colleges, in educational institutions even in the level of understanding amongst the system whether it is public health or any other system, it is zero

What would be the suggestions right now for policy or movements now, what sort of suggestions do we have for immediate measures?

Let me tell you very frankly that it is not because of COVID-19, but we already had through our reports and memorandums, through our petitions we have already submitted a lot of recommendations in terms of policy level changes on looking at the health conditions of the vulnerable communities.

I think everything has been done; it is there on the paper so the problem is we cannot go out of our homes the only way is to use social media. I can share with you papers where we have put those kinds of suggestions which is on several issues focusing on the marginalized communities and then we can think about what kind of pressure group we can create in the system.

We want the state authorities to really do what is needed during COVID-19 because NGOs, civil societies do not have money and resources which can match the government. The World Bank has given a huge amount to India.

Where is that money going? We need to see if there is a budgeting being done in terms of providing health support to the people who are the most vulnerable. I think one is health and the other is water. I think the crucial aspect for us is also the drinking water and water for other daily chores.

How to make people in remote areas and Adivasi areas fully aware of what COVID-19 is about with respect to proper health care and how can we influence policy, is it through activism, research, implementation or other ways?

I think both the questions are really important. I saw the posters which have been created by the Ministry of Health and Family Welfare and I was just thinking about the language and how it could reach to tribals. With low literacy rates and local tribal dialects spoken, impossible to reach out with accurate WHO guidelines.

The other way it can work is through the panchayats, so I think the village council can play a very important role in terms of spreading awareness about the COVID-19 and how they can protect themselves.

There are very few organization which work in the interior areas and at the moment they can't even reach out to the people so the only way is to make those small audios, I don't know about videos, where they can talk about that to the local volunteers in the tribal communities, which are not difficult to make on the mobile phones.

With regard to influencing policies, COVID-19 has also given us reflection on what kind of activism is needed now in India and also, what kind of research is needed.

Majority of the research are not focused on the intersectional lenses, and hardly focused on the vulnerable communities and in particular women in the vulnerable communities.

I think we have an opportunity now that only can help us in influencing policy but these researches are to be done by known, reputed institutions, educational institutions, universities because if an NGO does a research it's not given so much of credibility .The use of social media really helps.

We have to use social media platforms where we can share stories and we can highlight what is happening to the vulnerable communities.

PLANETARY EMERGENCIES AND THE PROSPECTS FOR CLIMATE JUSTICE

DR. PRAKASH KASHWAN



Speaker Bio

Dr. Prakash Kashwan is an Associate Professor at the Department of Political Science University of Connecticut. He is also the co-director of the Research Program on Economic and social rights at Human Rights Institute, and a member of the expert group convened by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) for the Scoping of the Assessment of Transformative Change. Dr. Kashwan is the author of *Democracy in the Woods: Environmental Conservation and Social Justice in India, Tanzania, and Mexico* (Oxford University Press, 2017; OUP South Asia Edition 2018). He an Associate Editor of the journal *Progress in Development Studies* (Sage Publishing), a member of the editorial boards of the *Earth System Governance* and *Humanities & Social Sciences Communications*. He has also contributed popular commentaries to *The Conversation*, *the Washington Post*, *the Guardian*, *Africa Is A Country*, *the Wire*, and *Hindustan Times*, among others.

Moderator: Bhargavi Rao, Centre for Financial Accountability

Introduction

Although the COVID19 pandemic may have indirectly helped in curbing green house gas emissions to a fair extent across the world, whether it can be translated as sustainable environmental gains or climate justice needs to be analysed. The pandemic has highlighted the huge inequality that exists in the world and exposed how unprepared the world's political and economic leaders are in tackling a crisis. It is most likely that the inequalities that exist in the world are going to escalate post crisis, and it may not be business as usual. Covid19 coupled with Climate Change is asking the world leadership to introspect. The webinar explores the planetary emergency and climate justice, in the context of COVID-19.

Dr. Prakash Kashwan's Talk

Many commentators have made the argument that the relatively swift response to the COVID-19 pandemic shows that if governments decide to put breaks on something, they can do so. A public opinion poll published by the Newspaper Independent found that a significant proportion of public in the UK want radical responses to climate change with same sense of emergency as we see in the Covid-19. Youth movements, such as the Extinction Rebellion have also been demanding the declaration of climate emergencies. I would like to scrutinize that claim and use this opportunity to talk about environmental emergencies that are already in place. Moreover, I use this discussion to argue that we need to look beyond conventional approach to environmental and climate justice and think of a more multi-scale concept.

Those who demand climate emergencies seem to assume that there are no emergencies already in place. I would like to argue that some social groups, such as Adivasis and indigenous peoples elsewhere, have been living under all kinds of environmental emergencies for a long time. In many places, this means shoot to kill orders against anyone seen venturing in a wildlife conservation area. By studying those pre-existing and longstanding environmental emergencies we can learn something about the complex intersection of emergencies and environmental protection.

It is very important to note in this current context that while the pandemic is global, emergencies are all national. The ways in which emergencies are enacted and enforced, reflect the socio-political context of specific countries. It is important to examine what that means for the declaration of future climate emergencies. The second important aspect to consider is that even if we get what we wish for, how an emergency is enacted or enforced may be beyond civil society's control. If there is one thing the on-going emergency shows us it is the limits of the civil society interventions, in terms of shaping the contents and the forms of emergency.

As Naomi Klein has been arguing for a long time, we already have evidence of the beneficiaries of global and national capitalism taking advantage of the ongoing emergency – this is what is referred to as disaster capitalism (Klein 2007). However, we have also seen the emergence of what I would call as 'disaster authoritarianism.' I think it is reasonable to argue that without 'disaster authoritarianism' disaster capitalism would not succeed. In that sense, I would argue that disaster authoritarianism, which includes a deliberate undermining of democratic institutions, is a more fundamental question. A proper understanding of disaster authoritarianism is crucial for understanding how disaster capitalism functions and its implications for climate action.

The declaration of COVID-19 related emergencies has led to large-scale misery and deprivations throughout the world, as seen in this picture from Cape Town, South Africa. In Manila, Philippines a group of activists and citizens, who were protesting to demand food assistance, were arrested by police. Of course, we all know the great exodus that we saw out of Delhi and other large urban centres in India. All of this is a result of the specific ways in which the COVID-19 related emergencies and lockdowns have been announced and enforced. The starkness of socio-economic inequalities become even more clear, even more pressing, and even more real in the context of an emergency.

One would expect an increased level of public support for the rights and entitlements of the poor people suffering the worst consequences of a pandemic. Instead, we have seen that that political leadership used a variety of tricks to undermine the legitimacy of the rights and entitlements of the poor people amid a pandemic. What is worse, it is unclear if the emergency helped us accomplish much. So, as we demand climate emergencies we need to think more deeply about the complex relationship between socioeconomic inequalities and emergencies. Much more deeply than we have probably thought thus far.

Let us think, in this context, about the forest dependent people in India and all over the global South, they are already living under environmental emergencies of various types. If one thinks about the kind of powers that emergencies provide to policy makers and to law enforcement, the forest people of the world have already been living under certain kinds of emergencies. Shoot at sight or shoot to kill orders

have been in place in many wildlife areas around the world, especially in parts of Africa and Asia. Members of indigenous communities and forest-dependent groups have paid for these emergencies. They have paid in soil (lost farmlands), sweat, and blood (lives sacrificed).

These are not isolated cases though. The so-called rule of law is meaningless for hundreds of millions of people caught in these emergencies. My research has examined the links between inequality, political institutions, and regimes of environmental protection in a sample of 137 countries. The findings of this research show that the regimes of protected areas devoted exclusively to wildlife and biodiversity conservation, and often associated with grave violation of human rights, are concentrated in countries with two main characteristics: 1) countries with very high levels of economic inequality, and, 2) countries that also happened to have poor democratic institutions (Kashwan 2017 a). The environmental emergencies of sorts that I talked about above work very well under conditions of authoritarian political systems, coupled with high levels of economic inequality. These are not the conditions under which one can expect to accomplish sustainable development, effective climate mitigation, or climate justice.

These findings also relate to what is going on under the current lockdown. International media reported, at least for the first two months, that India's lockdown was very successful. This "success" has been achieved at the cost the wellbeing of India's migrant workers and it has been made possible by the socioeconomic and political inequalities that are deeply entrenched within our society. And, of course, now we know that the lockdown did not help arrest the spread

of COVID-19. That itself is an important evidence to argue against emergency measures, especially under conditions of inequalities and authoritarian regimes.

So, what does all of this mean for the pursuits of climate justice? Conventionally, climate justice was framed as an international justice issue, as nearly all the accumulated stock of greenhouse gases (GHG) responsible for climate change was emitted by the developed world, while the developing countries had yet to utilize their fair share of the atmospheric space (Agarwal and Narain 1998). The imbalance in the GHG contributions and international actions on climate change remains, even as the poorest citizens within the poor and middle-income countries continue to carry the burdens and pay heavily for climate change. Yet, national governments in many countries, including India, failed to regulate big polluters or institutionalize policies for equitable development for past three decades as we went through the subsequent rounds of global climate negotiations. As such, the advocacy for international climate justice was used by governments to shun accountability and continue business-as-usual by subsidizing fossil fuel corporations. The extent of development deficit and economic inequality has increased significantly in India and other middle-income countries, while not much progress has been made in terms of addressing the domestic injustices linked to climate change.

Even in cases where developed countries provided finance to developing countries, those investments have been channelled to the corporations (e.g. industrial projects funded under the Clean Development Mechanism). The biofuel boom was responsible for the spike in

global food prices between 2005 and 2008 (Montefrio 2012). Large areas of land and forests in the global South, which are the primary source of social, economic, and cultural wellbeing for hundreds of millions of people, are now being enclosed for carbon farming (e.g. biofuel and forestry carbon projects, such as REDD+) led to what is referred to as carbon colonialism.

As the IPCC 1.5 Degrees makes it clear, the less we can accomplish on the front of regulating fossil fuel industry, the more we will be forced to rely on other kinds of potentially problematic climate solutions. This includes climate geoengineering, which is already being talked about in the U.S. and some institutions in Europe, could threaten monsoons and create massive disruptions to food supplies.

Similarly, in agriculture, global institutions like the World Trade Organisation, often promote the interests of multinational corporations, over the goals of food security and climate-resilient agriculture development. Clearly, we need to move away from chemical intensive, energy intensive agriculture to an agro-ecological model of agriculture. To be clear, the corporate control of food systems is not just a question of justice. It is a question that is tied fundamentally to fossil fuel economies and emissions related to the agriculture sector. It's ironic that many in the global North used the pretext of emissions from traditional agriculture practices of peasants and small farmers in the developing countries (Agarwal and Narain 1998). However, if we look at who controls and profits from the global agriculture today, global agribusinesses and multinational corporations are responsible for a very significant portion of agriculture-related emissions. Without reforming the dominant model

of industrial agriculture and food processing industry, it will be an uphill battle to address climate change. The fate of agriculture in India and elsewhere is also tied to the development of renewables, such as solar and wind parks, each of which is linked to land conflicts and the violation of land rights.

We also found in the recent research that poor people are already paying for the transition to renewable energy, via the costs that they pay for renewable energy-based appliances, such as solar cookers and solar appliances. In some cases, those costs are being subsidised by NGO interventions for now, but increasingly, these costs are going to be imposed on poor people because they must make this switch anyway sooner or later. These are the costs of energy transition, though not often part of the discussions of just transition. The concept of 'just transitions' originated in the mining sector in global North, with a specific focus on the workforce employed in the mining sector. This has not been taken up in India. For example, in the context of the COVID-19 pandemic, the coal workers are being asked to work in rather congested mines. India's Minister for Coal and Mining Prahalad Joshi has issued statements valorising the "coal warriors who are toiling day and night to keep the lights on even during the Corona Pandemic." Our society is so deeply feudal that asking workers to 'toil' is somehow acceptable and normalized. Many in the coal industry also used the hashtag #CoalWarriors along with #CoronaWarriors. So, the injustices of poor working conditions in coal mining are being disguised by using these cunning social media tactics.

Coming back to the debates on just transition, we must broaden the concept and related policy discussions to include all kinds of costs that the impending transition will impose on various segments of India's population, especially the poorest. We need to think very deeply about what it means for the kind of informal economies we have (Harriss-White 2010.). How do most people in India, who are employed in informal economy, benefit from the transitions that is being talked about? As the agenda of energy transition takes shape, it will trigger many undesirable changes in labour laws, but will also open progressive possibilities for the state of work. Without concerted efforts though, the informal economy is likely to lose out with further concentration of power in the hands of technologically-driven 'innovations' the gains of which will be captured by the well-oiled corporate sector. So, we must debate what kind of just transition framework will be suited to the Indian context.

Overall, the definition and spectrum of climate justice must be broadened from just carbon footprint reduction and must include just transition, agriculture, and food security and a coalition of people's movements seem to be the need of the hour. There must be numerous cross sectoral and cross scale alliances, which help foster 'legalism from below' (Desai 2015), with formal institutional engagements. This means striving for strengthening social mobilizations, while building the capacity of social movements to draw on legal and institutional spaces, e.g. various kinds of labour laws, right to work, and right to food, among others.

The engagements between social groups and the state are often seen in discrete terms, especially because of the sectoral division of government bureaucracy. However, it is important to consider that the efficacy of administrative machinery is driven very significantly by political processes. According, in my comparative research on the evolution of and effective protection of forest and land rights in India, Tanzania, and Mexico, I show that mechanisms of political intermediation, that is, the well-established and enduring platforms and forums that bring together different social constituencies, social movements, political parties, and state agencies, is a pre-requisite for pursuits of inclusive and effective policies and programs (Kashwan 2017 b). It is worth recognizing that mechanisms of political intermediation cannot be built without creating political-economic spaces for deliberating society-wide preferences in different sectors. In the book, I offer a systematic and longitudinal analyses of India and other cases where these kinds of arrangements have existed. In each of those instances, e.g. in the first United Progressive Alliance government (2004-2009), societies make important headways in the pursuit of social justice, environmental protection, and environmental justice.

And we need to focus on a systematic development of mechanisms of political intermediation through which different actors can come together to engage in sustained negotiation to develop the options that are relevant to the Indian context, not just follow the models borrowed from elsewhere.

Q&A

What is the just transition framework?

The just transition framework has been developed primarily in the global North to address the concerns of constituencies employed in sectors such as coal and other fossil fuel industries. They are also politically salient constituencies. The argument is that as we make a transition away from those industries, we should be able to provide alternatives for those employed by fossil fuel industries. Applied to our context, just transition means that we respect the rights of forest dependent people, peasants, fisher folks and so forth.

I want to emphasise that every time we talk about justice dimension of the problem, it is not just a social justice question. This is not to undermine the importance of social justice. When protections meant for a variety of constituencies are put in place, they also build grassroots energy and demands for holding the government as well as the corporate actors accountable. So, there is a political dimension to the social justice discussions which is separate from our consideration of the rights of poor people. So the international instruments that will be particularly useful in this context are the UN Declaration of Rights of Indigenous People and recently enacted United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. This is a brand-new declaration and there is lots of energy and enthusiasm, especially through

trans-national movements such as La Via Campesina. These movements are mobilising both at the grass root level and they are taking the advocacy from the grassroots to the halls of United Nations and other international institutions. I think those kinds of linkages and solidarities will be increasingly been more important, because one thing we have learned is that neither international pressure nor domestic movements can rein in governments such as ours.

Our government won't listen unless there is pressure from all sides. In that context pursuing these kinds of just transitions in collaboration with transnational movements and global institutions will probably be helpful and be important in near future.

How can we have socially just policy deliberations when we have state that is based on 'centralizing' tendencies and also supporting social inequality and discrimination?

I think this is a great question because the way in which inequality has tied into the domestic political process has noteworthy implications. Sometimes, you know, reification of inequality could undermine the cause of social justice, broadly speaking and specifically if you are talking about the environment and so forth. On the other hand, industrial labour and other kinds of informal labour made important gains. Such victories became possible because of social movements working in close collaboration with, or

at least pressurizing, state governments and other government agencies to put in place protections for labour, women, and street vendors, among others.

So each of these cases of successful protections of social rights happened because of the strong mobilization from grassroots who were speaking directly to governments at some level. Successful change happens, in most cases, when these kinds of inter linkages happened. So, to me, the fundamental part of this story is to mobilize and to speak to the government, to mobilize and to resort to what my UConn colleague Manisha Desai and others have called 'legalism from below.'

The demands of social justice and environmental justice needs are not always synergistic. For instance, in the larger farmers' movement in India, the focus is on loan waivers, while there is little emphasis on environmental consequences of industrial agriculture, and also for workers' movement in the energy sector. How do you visualize bringing these two views together?

That's a great question – You know if you look at the demand for loan waivers and they've been analyses of the section of agriculture communities, who are the beneficiaries of these kinds of demands, my sense is that it's a small section right. But, there's some historical path

dependence here. Certain kinds of agricultural movements became very influential in India's political system, so the first thing is that traction these demands have in the political system, is skewed by the political economy of the relationship between a particular type of agricultural constituency and the political system which caters to that. If we think about the large sections of India's farmers and peasants they rely on organic, rain fed agriculture, which does not enjoy the protections of the type that the big farmers enjoy. So, the answer is that if we are able to once mobilize the small farmers and peasants and then intervene in the domestic political economy so that the demands of the majority of farmers are heard. Then there will be a relatively greater harmony between the goals of promoting agroecological kind of agriculture and the goals of climate action and climate justice. So, that's the first part of answer.

And so if you think about La Via Campesina's success has been driven quite significantly by the strong collaboration between the labour movements and peasant movements in Latin America and also the indigenous people's movement in Latin America. So, if we have agroecology on the global public policy discussions it actually owes to the hard work of global peasant movements. And, to the extent that agroecological farming is crucial to our fight against climate change, I would say that's already evidence that these two things can go together under certain conditions. The difference between Latin America and other parts of global South is not so much vis-a-vis the nature of agriculture or nature of the work force but it's in how peasants and other marginalized communities there have engaged with the political system. That engagement is a crucial

thing to understand and probably learn from some of that for our own activism.

Can you please talk about what you think about the contradiction between the people oppressed by this authoritarianism and why they still go on to vote for the same right-wing and conservative megalomaniacs? Is there a learning to build a new progressive civic movement / Alliance?

I think the short answer is that poor people's actions must be understood in the context within which they live. One thing that I should have said about my past experience was that I've done quite a bit of work on grassroots engaging with communities in helping develop some local institutions and so forth.

And if there's one thing that we understand from a dispassionate in-depth nuanced study of the political subjectivities of poor people it is that if our progressive liberal framework — and I'm using that word very loosely here — that framework did not actually benefit the poor, in ways that were keeping in pace with the changing times. That gave them an impression that they would not lose out by voting the new guy in. Of course, that did not turn out to be true. There is a huge difference.

Unless the producers of food have right over resources no security for food can be ensured especially in a neoliberal regime. Please comment.

Yes, I think the struggle for land and forest Rights and other kinds of resource rights, including mining, is a much more difficult struggle in some ways. And, the political space for deliberation of these rights has been constrained precisely because it is so important. It's interesting to see what has happened to the question of land acquisition since the 2014 Land Ordinance. The BJP government withdrew the ordinance but then it went around systematically amending the state-level land acquisition laws, so all BJP-ruled states today have land acquisition laws that are worse than the 1894 law. So, we need a resource rights coalition which brings together all of these different movements.

In the context of the forest rights legislation despite the progressive and transformative power of the act itself left to apathetic institutions complicit in structural violence against Adivasi communities? Could you talk about ways in which this can be overcome to realize climate justice?

Forest Rights Act has two Parts, one is the part related to the household land claims and the other part is the collective forest rights. Both are integral to the larger agenda of resource rights

we talked above. Here, I'm being very reflective, so please bear with me. It is important to recognize that without a strong advocacy and implementation of the land rights provision of the FRA, the fight for collective forest rights was always going to be difficult. So going forward, so I think we have to bring back some of the 'militancy' of the land rights movement for the sake of the success of the overall forest rights movement.

Lots of developmental projects are made in the name of the poor but actually benefit the rich/corporations. How can we combat this rhetoric and bring more attention to the facts?

Obviously, this is a big challenge and a massive movement on the streets is the only way out. I think we are in a dire situation and without the middle class taking on some kind of militancy — in a conceptual sense, not militancy as in violence — but taking on active proactive and very aggressive kind of social advocacy. This seems to be a formidable challenge.

How can the climate justice concept embrace the indigenous idea of justice for non-humans and ecosystems while also being deeply connected with social justice for humans?

So again, to continue to be in a reflective mode, I assume we are all familiar with the basic

arguments. So, we all agree on the role of indigenous people and the role of forest-dependent people at large. So, I think what is important is to learn from indigenous wisdom, and bring that into the mainstream science policymaking process, so that the burden is not put solely on indigenous people to live out those ideals. We should all start living those ideals while allowing the indigenous people, Adivasis and other forest dependant people some freedom and agency to pursue their development in ways that they may want to pursue.

On the question of the rights of non-humans, fixing species extinction and environmental degradation requires assigning blame and responsibility and holding powerful human actors accountable. And so only if we actually think about the rights of non-human species in conjunction with the rights, responsibilities, and accountabilities of human species, we can actually do justice to this idea of inter-species justice.

Unfortunately, most of the members of the La Via Campesina in India do not represent the landless and poor peasants so it's international appeal and demands do not reach in India.

If that is indeed the case, we should probably expand that collaboration to include by reaching out to La Via Campesina and say that there are other movements that you got to be engage with. And, I am getting into some dialogue with them about the UN declaration on rights of peasants and other rural people as well as thinking about

the agroecological farming models promoted by La Via Campesina. I'll also reach out to you and we should have these discussions in detail.

Can we say that the disaster will have separate and differentiated learning for the conservation lobby as well as the rights-based community movements? Do you think the latter could use COVID disaster as a point of turning around the power equation with the conservationists?

If I understand your question correctly, your reference is to exclusionary conservation lobby? Right, so there's the Half-Earth movement which demands that half the earth should be set aside for the nature and wildlife conservation. Those kinds of arguments will definitely benefit in the context of current global political economy. It seems that they are already beginning to prepare grounds for those kinds of discussions now. Whether the rights community can benefit from what we have learned from pandemic is I think quite contingent on how the global solidarity movement comes together and frames these demands within the context of international policy debates. So, I think in a number of countries, they have learned good lessons and they are beginning to enact more progressive more inclusionary policies.

In the context of this crisis do you see a sustained and serious long-term effort to mitigate climate crisis and the change in approaches towards ensuring climate justice?

One argument that many of the enlightened climate activists have already published in the press is that COVID is not same as fighting climate change. They are doubling down on this argument that we should be thinking about the long-term processes that need to be put in place and institutionalized to address the climate change problem. What they're taking from the pandemic is this notion that global disasters can put brakes on everything that we hold dear. We also can expect a big bounce back in terms of more energy and emissions-intensive kind of development.

The Covid-19 crisis has shown that unless everyone is safe from the virus in a physical sense, no one is safe due to the continuing circulation in human population. How can this learning be broad-based to highlight the essential concept of risk minimization for all, over maximizing gains for a few?

I think there's one way in which this can become a winning argument for climate change. That is, if we can actually connect climate change producing more pandemics, which then disrupts

lifestyles that the middle class, and rich people actually like. Otherwise, the lessons from COVID-19 do not apply to the effects of climate change. There are lots of people who really love the way climate change crisis is unfolding. Fossil fuel corporations — those who are most responsible for causing climate change will be also among its beneficiaries, especially if the fossil fuel divestment did not succeed. So, P. Sainath was way ahead of his time vis-à-vis his book, *Everybody Loves a Good Drought*. Those who benefit from climate change will have the least motivation to act against it. And, unfortunately, those few beneficiaries of climate change happen to be among the most powerful.

If climate action (in the carbon reductionism sense) does not equal climate justice, does that imply we must redefine climate action to necessarily include justice claims, understood here as human rights for all before everything else?

How can we ensure that pursuing this approach does not lead to environmental harms and/or further inequalities as it unfolds?

What is the temporality here?

If this boils down to balancing environment and human rights, does this not return to Indira Gandhi's

approach to sustainable development, which as we saw was totally perverted in its implementation to further exacerbate inequality and continues to be deployed by the present BJP government?

To answer your first question, no, we cannot actually reframe climate action as human rights first kind of argument, because that fundamentally undermines the strength of the argument in favour of a socially just climate action. And, that argument is that the considerations of social justice also strengthens climate action. Of course, that does not mean that we ignore human rights. But the right way to do is to focus on the interventions that are both climate friendly and redistributive in nature. And that includes agroecology, that includes decentralized community-owned renewable energy, that includes cutting down fossil fuel subsidies, and it includes promoting public transport. If we are actually talking about trade-offs there are all kinds of interventions that we can address in the context of promoting climate action without actually sacrificing the need for human development and human rights. Expanding the purview of benefits or co-benefits of climate change also expands the constituency of people, who will invest themselves in holding the political leadership accountable. So, potentially, there is a political dimension to making climate action more beneficial for more people (instead of it catering to a small minority). I hope that helps.

Could you please comment more on spaces and mechanisms for just policy dialogues and political mediation? Isn't the legal policy/political system in India fundamentally structured to dissipate radical rearrangement of sovereignty?

Conceptually speaking, something like National Advisory Council, which brought together social activists, policymakers government officials and which played an important role in the development of most of the progressive laws that we have in India today, a big chunk of those laws were enacted during the UPA first and in the early phases of UPA second regime. That model of NAC, which was by no means without its flaws, is an example of political intermediation mechanism in the Indian context. The connection between legalism from below and the macro policy initiatives actually works through the political pressurizing tactics and in many cases the incentives that political leaders have to engage with the masses or labour or peasants and so forth. I hope that addresses at least a part of your question.

The dilutions of environmental laws are happening hugely in India and that the agency of poor people and their resource rights are being taken away. Then how do they mobilise and what is the weapon to fight with?

Many senior veteran activists who are present in this webinar right now they would probably be much better equipped to answer this question. But I can think of the three-fold points that I made in this the last slide of the presentation, which is to mobilize to connect across sectors and across scales. This means that we need local movements connected to other local movements, and each of them being connected to regional movements. These then need to be connected to national movements, which makes for a federated moved that can wield some kind of leverage in the national political system. I think about this as a three-fold approach, including grassroots mobilization, federations of different kinds of mobilizations and movements, which then exerts different kinds of leverages within the political and economic system.



SOLIDARITY SERIES:

CONVERSATIONS DURING LOCKDOWN & BEYOND.

Covid-19 brought a 21 day country wide lockdown from the midnight of March 24th 2020 and this caught the entire country completely unaware and unprepared. Chaos and panic buying kept a few occupied while most others without money were on the street without a shelter and a meal. A climate of fear engulfed the country with millions stripped off their dignity walking home to be with their families in this time of such uncertainty. Police brutality against the migrants, delayed decisions from the courts, collapse of governance, lack of public health facilities left everyone clueless and helpless. It was at this point that civil society networks, trade unions and people's movements came together in solidarity and organised a series of webinars titled: "Solidarity Series: Conversations during Lockdown and Beyond". These conversations drew people from multiple sectors and perspectives and a range of themes, all of which independently and collectively interrogated implications of the lockdown decisions, analysed its repercussions on governance, economy, trade, finance, labour, human rights, public health, situation of Dalits and Adivasis, gender dimensions, environment, climate change, surveillance state and privacy etc. Each of these webinars helped in building deeper understandings of dealing with the changing world.

In this volume, edited transcripts of this webinar series have been shared. Each transcript is unique reflecting the work and views of the speaker, which it is hoped that this volume will be useful and empowering to all readers.

This series of webinars were coordinated and facilitated by Centre for Financial Accountability. Recordings of the webinars are available at: <https://www.cenfa.org/webinar-solidarity-series/>

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