

## **All India People's Science Network**

Concerning the Union of India's "Status Report" dated 31 March 2020, submitted to the Hon'ble Supreme Court of India, in Writ Petition No. 469/2020 – Alakh Alok Srivastava v. Union of India

The pleas of the government are that the Union of India has responded urgently on 8<sup>th</sup> January, 2020 immediately on receipt of information on 7<sup>th</sup> January, 2020 when "China announced a new type of Corona virus as the causative agent for disease." [para 5] and the "Central government has taken quick and timely measures in anticipation of the potential crises reaching our country even before India had the first confirmed case" [ para 4]

Accepting that 21 advisories were given from 3<sup>rd</sup> February to 19<sup>th</sup> March 2020, but the assessment of state of action taken in respect of preparing the healthcare system, securing the arrangements for supply of testing kits and personal protection equipment and creating arrangements for assuring informal settlements in the eventuality of nationwide total lockdown does not indicate that the central government was undertaking advanced planning. There was no budget allocation for Covid 19 in the 2020-21 Union Budget. There was no meeting called with the state governments to deliberate on the preparations. The question is why was the COVID 19 missed in the economic survey and the need to make preparations was not reflected in the Budget allocations, even 51 days after the first meeting (held on 8<sup>th</sup> January, 2020).

The government states that about 35 lakh people were screened since March 2020 [para 16] giving the number to be 1,30,000 per day of whom 1000 had proved positive by 31<sup>st</sup> March 2020. It must be noted that this number concerns those who underwent screening (largely at airports) and NOT of tests. ❌

It needs to be stated that the above steps and judgements based on limited tests were grossly inadequate. This is clear from the fact that by 31<sup>st</sup> March, 2020 the number of positive cases had grown to 125 per day, i.e. 0.08% of those tested and the rate has now (6<sup>th</sup> April, 2020) climbed to 672 positive cases per day, i.e. 4% of the cases tested. [All figures are from the Ministry of Health and Family Welfare, Government of India website]

It is not clear from the Status Report about the rate at which these testing facilities were augmented or would continue to be augmented in future. Given that since 5<sup>th</sup> March- 6<sup>th</sup> April the overall advance of the epidemic is at an overall 15% daily compound interest, by now the testing capacity should have been 35,000, and since the rate has climbed to 22%, the testing capacity had to grow, at least, at that rate so that no one requiring tests for surveillance, quarantine and isolation is left untested-to plan for the recalibration and future planning in respect of lockdown.

It is our understanding that at the end of the Lockdown (15<sup>th</sup> April, 2020) the daily testing capacity must be 1,22,000 per day, if the daily compound rate of interest growth is kept at 15% (which is the overall rate since 5<sup>th</sup> March). However, if it jumps to 3 lakh per day since the advance is 22% per day, as is seen in the last six days, the state of testing for the

recalibration and future planning is totally inadequate.

In terms of the number of hospitals in India, the Ministry of Health and Family Welfare's Press Release on 24. 07. 2018, states that there were 7,39,024 beds in 37,735 facilities. Thus, the figure of 40,000 ventilators being made available in the country, should be accompanied by a statement about the numbers to be allocated in 1000 different district hospitals. It is further to be stated, whether these ventilators are already available or at what rate would they be installed in different facilities. It needs to be recalled that India has only one bed per 1700 population, far below the desired number of one per 1000.

What is missing in this Status Report is: how was the intellectual base of the entire country put to use? It talks of the decision making to be only a bureaucratic procedure. For example, how were the institutions of medicine, public health, university departments of mathematics, statistics, sociology, economics made to get involved at the government's initiative in suggesting these prescriptions? Some of these prescriptions do not fall in the ambit of any intellectual reasoning, like *thali bajana*, *tali bajana* etc. as also the *diya jalana*, prescribed for yesterday. And finally, were they asked about the option of the lockdown and the strategy for its implementation at the national, state, inter-state and local levels? Was any opinion taken from the opposition parties, the trade unions, Kisan Unions? For example, Anganwadis, ASHA workers and many other stake holders? Was the government conscious of the intellectual base that the country possesses and has created, developed and nurtured for several decades? Can one justify the claim, "the government gave an institutional response to the management of COVID-19 disease most scientifically and methodically"? [para 8]

The way the Lockdown has been implemented has brought untold hardships, close to misery, while the government's most exhorted public observances like "tali bajana", "thali bajana", "candle light vigils" had in fact, degenerated with mass euphoria, in which even governors participated, giving social distancing an unceremonious burial, contrary to what might have been officially recommended. [para 27]. In his address to the BJP workers from the BJP office on its 40th foundation day, after abdicating the government's responsibility to provide with food, shelter and wages, the PM has asked, called upon in a partisan manner the BJP workers to provide relief to people.

Admitting that "The challenge for management of Covid 19 is huge", the allocation of Rs. 1.7 lakh crore is only 0.87% of our \$ 2.6 trillion economy and only 5% of the total Union Budget. This fight against the virus, which respects no one, can merit more attention than this 5% extra allocation. Further, it is not clear what proportion of it is really extra or is it an internal transfer from the Union Budget with repackaging and new labels.

While it is claimed in the Status Report "India had a proactive, pre-emptive and graded response to COVID-19, but when the crisis was developing internationally, the central government was pushing CAA-NPR-NRIC agenda. The claim that the central government has taken quick and timely measures in anticipation of the potential crises reaching our country even before India had the first confirmed case" [para 4], does not hold water.

Concerning the confusion created by the statements on the impact of Lockdown's success, the Joint Secretary of the Ministry of Health and Family Welfare admitted, "The reason for sudden increase in cases has been due to lack of public support in some locations and failure to inform authorities in time." [India Today, March 31]. The Government's submission is - "The prompt measures, particularly social distancing and lockdown have

halted the spread of the disease in the country so far.” [ para 32] The statement on Status Report to Supreme Court completely ignores that the daily growth rate is fluctuating between 1.07-1.25% and that the lockdown has really “halted the spread of the disease in the country so far.”

The government's aim is to apparently shift the blame upon people's non-cooperation. The status report states that “there are approximately 4.14 crore who have migrated for the purpose of work/employment....The present bare foot migration which has taken place consists of – on a very rough estimate – 5 to 6 lakh persons across the country.” [para 4]. “It is most important and crucial to point out at this juncture that this kind of migration by the migrant workers **on their own** (emphasis added, as if the migration is in defiance!) in large numbers, defeats the very object of preventive measures taken by the Central Government. It is submitted that the migrant workers travelling barefoot or otherwise in large numbers inevitably and unknowingly defy the social distancing norm which is one of the globally accepted norms for preventing Covid-19 and put their lives and lives of others in danger. Such groups of persons in large numbers travelling together, if permitted to reach their home villages in rural India, then there is extreme and most likely possibility of their carrying Covid-19 infection in them in rural India and infecting the rural population of their respective village which has remained untouched so far...” [para 42]

In contrast to the above insensitivity, which blames the poor for being irresponsible and the source for spreading the disease, the Hon'ble Supreme Court's observation is more sensitive to the plight of migrants, “The anxiety and fear of the migrant should be understood by the police and other authorities... We expect those concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.” acts as a message that touches our collective conscience.

In the Status Report there is no mention of the contributions of state governments, notably that of Kerala which has stubbornly faced the threat more or less single-handedly. Its social security measures acted as insurance against mass migration. Similar examples are there from Tamil Nadu and Rajasthan. The question is: in planning any of the measures, notably the countrywide lockdown, did the Centre with the Prime Minister as the leader of the government confer with the Chief Ministers? How much time did the Centre give to the states to prepare? Was it 4 hours at 8:00 PM on 24<sup>th</sup> March 2020? Or, did the concerns in para 43, take into account 40 deaths in the course of the migration?

Concerning the question of relief, i.e. “80 crore individuals i.e. roughly two-thirds of the India's population is to be provided 5kg of food grains [rice and wheat] and one kg of pulses free of cost for next three months” [para 36] one has to bear in mind that the amount of pulses barely matches the nutritional necessity while that of the grains is only a third of what is needed for normal survival.

While the Central Government submitted that because of “fake and /or misleading news/ social media messages, a panic was created”, we need to know, which messages had created the panic? On the contrary, much fake news and anti-science falsehood was spread by those who used social media to support the government's steps, e.g. about the divine content in the number nine and hence the Prime Minister's ingenuity in choosing the right date and time for the candle and darkness exercise; that “*taali bajana and thali bajana*” would create enough magical vibration to beat the scourge to retreat and what a co-operative glow of 130 crore candles would do at this time of distress.

Lastly, what is the constitutional authority of the PM CARES Trust to collect money for aiding this fight against COVID-19? What was found lacking in existing Prime Minister's National Relief Fund (PMNRF)?

These points of concern are being highlighted so that the centre comes good on its submissions to the Hon'ble Supreme Court, and also to the people of India.

6<sup>th</sup> April, 2020.