

## PANDEMIC AND THE ANECDOTE OF INDIA'S WELFARE STATE

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## 1. INTRODUCTION

A total of 198 workers lost their lives during all the 4 phases of lockdown.<sup>3</sup> As per a report of the International Labor Organization ['ILO'] and Asian Development Bank ['ADB'], 41 lakh Indian youth lost their jobs owing to the Pandemic.<sup>4</sup> Human Rights Watch reported that more than 1.5 billion students are out of school already.<sup>5</sup> Incidents of communal violence and religious discrimination in the country have ballooned since the outbreak of coronavirus. This pandemic came at the time when India was already among the most hunger struck countries in the world, corroborated by the Global Hunger Index ['GHI'] ranking India 102 among 117 countries.<sup>6</sup> Besides all this, India is a country with the 3rd most number of deaths in the world, and its healthcare infrastructure is failing the citizens.<sup>7</sup>

These facts very aptly ingeminate the gravity of the mishap India is witnessing. COVID-19 has brought almost every essence of life to a halt. Managing Director of International Monetary Fund Kristalina Georgieva has already declared that the world has entered a recession as bad or worse than 2009.<sup>8</sup> In this sweeping human, social and economic disaster, there lies a widespread belief that the state's welfare spending is paramount in not only recouping the economic damage but also to efficiently combat the pandemic. By assuring timely supplies of

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<sup>4</sup> PTI, *41 lakh youth lose jobs in India due to COVID-19 pandemic: ILO-ADB Report*, The Economic Times <https://economictimes.indiatimes.com/news/economy/indicators/41-lakh-youth-lose-jobs-in-india-due-to-covid-19-pandemic-ilo-adb-report/articleshow/77613218.cms?from=mdr> (last visited Aug 18, 2020).

<sup>5</sup> INDIA TODAY, *Covid-19 Lockdown: Impact of global pandemic on education sector*, <https://www.indiatoday.in/education-today/featurephilia/story/covid-19-lockdown-impact-global-pandemic-on-education-sector-1698391-2020-07-08> (last visited Jul. 8, 2020).

<sup>6</sup> Andrea Biswas Tortajada & Cecilia Tortajada, *How COVID-19 worsens hunger in India, the world's largest food basket*, THE CONVERSATION (Jul. 29, 2020), <https://theconversation.com/how-covid-19-worsens-hunger-in-india-the-worlds-largest-food-basket-142300>.

<sup>7</sup> WORLD HEALTH ORGANIZATION, *WHO Coronavirus Disease (COVID-19) Dashboard*, [https://covid19.who.int/?gclid=Cj0KCQjw7sz6BRDYARIsAPHZrNKF9w982B5wc9v9cibN3hDKacrs-mmHbhPU72V5LoXu9ZJ3gM3yk6kaArn3EALw\\_wcB](https://covid19.who.int/?gclid=Cj0KCQjw7sz6BRDYARIsAPHZrNKF9w982B5wc9v9cibN3hDKacrs-mmHbhPU72V5LoXu9ZJ3gM3yk6kaArn3EALw_wcB) (last visited Sep 15, 2020).

<sup>8</sup> PTI, *IMF chief Kristalina Georgieva: We have entered recession*, The Economic Times <https://economictimes.indiatimes.com/news/international/business/imf-chief-kristalina-georgieva-we-have-entered-recession/articleshow/74852225.cms> (last visited Mar 28, 2020).

basic essentials and income support, the government can lessen the chances of people volunteering outside, therefore containing the outbreak of the virus.

Deliberating on various economic and social issues, the authors in this article will further discuss how the Indian welfare state failed to deliver amidst the pandemic. The article will also moot on the role that the media plays in paving the welfare of the state and how this pandemic can change the course of a welfare state in the coming years.

## 2. BACKGROUND

A welfare state is a phenomenon of government where the state plays a vital role in safeguarding and promoting the economic and social well-being of all its citizens. This concept is based on the principles of equitable distribution of wealth, equality of opportunity, and public responsibility for those who are incapable of availing minimum provisions for a good life. The origin of this concept can be traced back to the early 1840s when the first Chancellor of Germany, Otto von Bismarck established the modern welfare state by fabricating a culture of welfare programs in Prussia.<sup>9</sup>

The historic intention to create a welfare state was to abate the market generated inequalities that existed between the different groups of people. It is often believed by theorists that India is more of an interventionist and developmental state with a touch of welfare. This essence of welfare is soberved in Part IV of the constitution i.e the Directive Principles of State Policy [‘DPSP’] which aims at providing adequate standard of living to its citizens.<sup>10</sup>

This article describes the current paradigm of the Indian welfare state. These 5 months, since the pandemic has been declared, the country has seen the greatest number of breaches in the welfare-oriented legislations. This indicates how unprotected the vulnerable communities of India have become. The mere existence of the concept in the constitution is not enough to make a country a welfare state. There must be deeds and actions done which do reflect this aspect.

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<sup>9</sup> SOCIAL SECURITY, *Otto von bismarck - social security history*, <https://www.ssa.gov/history/ottob.html>.

<sup>10</sup> INDIA CONST. part IV.

### 3. CHALLENGES AMIDST THE PANDEMIC

Considering the present-day catastrophe of all the sectors, the welfare provisions of the state seems to be imperative for the basic survival of the vulnerable. Though with the advent of the globalized world order, there have been several apprehensions in the past concerning the rolling back of the welfare measures by the state. However, the increasing prominence of the welfare societies seems to reign relentlessly, despite all the defiance. Amidst this pandemic, every nation-state regardless of the form of government has witnessed numerous challenges and pertinently the state has come up with specific reparative measures. However, till what extent those measures really served their purpose or were merely a political hoot is a different story.

#### 3.1 Migrant Workers

The prime minister of India, while addressing the nation declared the implementation of total lockdown just four hours before its imposition. There is no doubt about the fact that this declaration sent shock waves all around the country. However, the most affected were the employees of the informal sector especially the migrant workers whose source of living came to a halt. Ever since then, they have been suffering both economically and socially. They have lost their jobs, they are out of money and are also homeless. These workers have to struggle daily for even as basic necessities as food and shelter. As a result, the laborers started marching barefoot to their native places in search of social security, and around 200 died in this process.<sup>11</sup>

There are several substantial international documents that obligate the Indian state to arrange basic necessities like food and shelter for its citizens. The Universal Declaration of Human Rights ['UDHR'] enacted 3 years after the genesis of the United Nations General assembly is regarded as one of the most significant documents concerning human rights. Article 25(1) of the document guarantees the right to food and the right to housing to every being.<sup>12</sup> Further, Article 11(1) of the International Covenant of Economic, Social, and Cultural Rights ['ICESCR'] also recognizes being free from hunger as a fundamental right.<sup>13</sup> These treaties and covenants which are ratified by India very aptly underline the responsibility of the

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<sup>11</sup> Kabir Agarwal, *Not Just The Aurangabad Accident, 383 People Have Died Due To The Punitive Lockdown*, THE WIRE (May 10, 2020) <https://thewire.in/rights/migrant-workers-non-coronavirus-lockdown-deaths>.

<sup>12</sup> Universal Declaration of Human Rights (1948), art. 25.

<sup>13</sup> International Covenant on Economic, Social and Cultural Rights (1976), art. 11.

government in providing these homeless migrant workers with food and shelter. Apart from these international accords, the Constitution of India too guarantees the migrant workers Right to life and personal liberty under Article 21.<sup>14</sup>

In the matter of *Chameli Singh v. The State of U.P.*, the court held that the right to life can be acquired only if a person is provided with sufficient opportunities that would add up to his personal growth and development.<sup>15</sup> Also in one of the most landmark judgments of the Indian judicial history *Kesavananda Bharati, S.M. Sikhari J.* observed that ‘freedom from starvation is as important as the right to life.’<sup>16</sup> The supreme court, by way of referring to the number of decisions, explained the wide scope of article 21 where the word ‘life’ does not denote ‘mere animal existence’ but ‘right to live with human dignity’, hence the quality of life is a paramount feature of the right to life.<sup>17</sup> Besides this, there have been continuous images of police brutality against these helpless migrant laborers.

Article 39 of the constitution of India provides for the state to strive towards providing adequate means of livelihood.<sup>18</sup> Also, Article 47 asserts that the State has to try to raise the level of nutrition.<sup>19</sup> Even though these clauses are under the DPSP and are not justiciable, they still reflect upon the duties and aim of the state. Keeping aside this unprecedented situation, even under the simpler circumstances India failed to provide sufficient meals to its citizens, and rank of 102 out of 117 in the 2019 GHI further corroborates it.<sup>20</sup>

Additionally, the Inter-State Migrant Workmen Act, 1979 provides the statutory rights to migrant workers where the employer needs to register each of its migrant workers,<sup>21</sup> and besides ordinary wages, every employer is obligated to pay for his employees’ journey back to his residence.<sup>22</sup> Considering how the laborers are jeopardizing their lives and transgressing the

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<sup>14</sup> INDIA CONST. art. 21.

<sup>15</sup> *Chameli Singh v. State of Uttar Pradesh*, 1996 (2) SCC 549.

<sup>16</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

<sup>17</sup> *P. Rathinam v. Union of India*, AIR 1994 SC 1844.

<sup>18</sup> INDIA CONST. art. 39.

<sup>19</sup> INDIA CONST. art. 47.

<sup>20</sup> PTL, *India slips to 102nd rank in Global Hunger Report 2019*, The Hindu Business Line <https://www.thehindubusinessline.com/news/india-slips-to-102nd-rank-in-global-hunger-report-2019/article29698494.ece>. (last visited Oct. 16, 2019)

<sup>21</sup> The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, sec. 6

<sup>22</sup> The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, sec. 15

lockdown guidelines, it is apparent that their employers did not pay them the required wage and allowance. Though the Labor Ministry of India issued an advisory saying that the employers should refrain from laying off their staff. However, a government enterprise such as All India Radio itself flouted these guidelines and laid off its general staff.<sup>23</sup>

There might be some employers who are intentionally disregarding the state's guidelines, but many other employers are genuinely not capable enough to pay their employees for a long time with the business being shut. The reason behind this is that the business specifically the informal sector has been performing really substandard for the last couple of quarters. The Indian economy registered a very low rate of GDP i.e. 5% in 2018 - 19.<sup>24</sup>

Later the government did introduce a 20 crore lakh rupees relief package which was claimed to be 10% of the country's total GDP.<sup>25</sup> However, taking a closer look into this package one would realize that the maximum benefits provided in the relief package were either already a part of this year's budget or provided as collateral-free loans.<sup>26</sup> Out of 20 lakh crore relief package, 8.74 lakh crore was already rolled out by the reserve bank of India.<sup>27</sup> The amount given was the part of RBI reserves and not the state's budgetary expenditure. Hence, as per Barclays and CARE rating, actually, the whole package was merely worth 1.75 to 2.3 lakh crore which amounts to 0.75 to 1.3 % of the country's GDP.<sup>28</sup> Even the economy as small as Pakistan has provided a relief package amounting to 3.34% of its GDP.<sup>29</sup>

<sup>23</sup> Anusuya Som, *All India Radio ignores Government advisories, puts casual staff out of work*, NEWSLAUNDRY, (Apr. 21, 2020) <https://www.newslaundry.com/2020/04/21/all-india-radio-ignores-government-advisories-puts-casual-staff-out-of-work>.

<sup>24</sup> PTI, *India's GDP growth rate for 201-20 estimated at 5% against 6.8 % of FY19*, BUSINESS STANDARD (Jan. 7, 2020) [https://www.business-standard.com/article/economy-policy/gdp-first-advance-estimates-predict-economic-growth-at-5-in-2019-2020-120010700990\\_1.html](https://www.business-standard.com/article/economy-policy/gdp-first-advance-estimates-predict-economic-growth-at-5-in-2019-2020-120010700990_1.html).

<sup>25</sup> PTI, *Rs. 20-lakh cr stimulus package: At 10 % of GDP, Narendra Modi's Atma-nirbhar Bharat Abhiyan ranks among biggest in world*, FIRSTPOST (May 13, 2020) <https://www.firstpost.com/business/rs-20-lakh-cr-stimulus-package-at-10-of-gdp-narendra-modis-atma-nirbhar-bharat-abhiyan-ranks-among-biggest-in-world-8364191.html>.

<sup>26</sup> BQ Desk, *Covid-19 economic package: MSMEs Get New Definition Collateral Free Loans And Other Funding Support*, THE ECONOMIC TIMES (May 13, 2020) <https://www.bloomberqint.com/economy-finance/covid-19-economic-package-msmes-get-new-definition-collateral-free-loans-and-other-funding-support>.

<sup>27</sup> PTI, *Economic stimulus package includes Rs. 8 lakh crore liquidity measures by RBI:FM Sitharaman*, THE ECONOMIC TIMES (May 17, 2020) <https://economictimes.indiatimes.com/news/economy/policy/economic-stimulus-package-includes-rs-8-lakh-crore-liquidity-measures-by-rbi-fm-sitharaman/articleshow/75786026.cms>.

<sup>28</sup> Sunita Natti, *Centre's outgo on stimulus package less than 3 lakh crore*, THE NEW INDIAN EXPRESS (May 18, 2020) <https://www.newindianexpress.com/business/2020/may/18/centres-outgo-on-stimulus-package-less-than-rs-3-lakh-crore-2144720.html>.

<sup>29</sup> Deepankar Basu & Priyanka Srivastava, *COVID-19 in South Asia: India Lags Behind Pak on Stimulus, Lanka on Overall Performance*, THE WIRE (May 19, 2020), <https://thewire.in/political-economy/covid-19-in-south-asia-india-lags-behind-pak-on-stimulus-lanka-on-overall-performance>.

### 3.2 Healthcare Infrastructure

India's healthcare infrastructure was never in the best of shape and certainly, this pandemic has put a period to that debate. Even the poshest cities of the country saw patients jamming outside their hospitals waiting to be treated. The lack of beds,<sup>30</sup> doctors,<sup>31</sup> and para-medical staff<sup>32</sup> has uncloaked the inefficiency of the healthcare system. Several families have lost their loved ones, as they say, not because of the virus but because of the ill-treatment.

Umesh Tamaichi, a lawyer from Ahmedabad, died after 5 days of showing symptoms of COVID. All these days his family scuffled from one hospital to another in search of a bed and treatment, but the system failed them.<sup>33</sup> Devi, after days of struggle, finally managed to get a bed, but later died due to a delay in treatment.<sup>34</sup> 35-year-old V Ravikumar left his father a video message before breathing his last breath in the hospital. He claimed that despite having difficulty in breathing, the hospital removed his ventilator, and for hours he begged for oxygen but to no avail.<sup>35</sup>

Considering these events, one can just visualize the hardships of the patients in rural areas, where active cases of corona are soaring and let alone healthcare facilities, even electricity is a buzzword. Ironically, 75% of the country's healthcare infrastructure is dedicated to urban areas where only 27% of the country's population lives. As per Dr. Anup Sadhu, "The villagers have

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<sup>30</sup> Joanna Slater & Niha Masih, As pandemic intensifies, many in India die due to shortage of hospital beds, the seattle times (June 13, 2020) <https://www.seattletimes.com/nation-world/as-pandemic-intensifies-many-in-india-die-due-to-shortage-of-hospital-beds/>.

<sup>31</sup> Priyankaraj, *Poor Health Care Infrastructure, Lack of Doctors has Made COVID-19 Pandemic so Worse in India*, INVENTIVA, <https://www.inventiva.co.in/stories/priyankaraj/poor-health-care-infrastructure-lack-of-doctors-has-made-covid-19-pandemic-so-worse-in-india/>.

<sup>32</sup> *Id.*

<sup>33</sup> BBC, Coronavirus: India's healthcare system failed my family, (June 17, 2020), <https://www.bbc.com/news/world-asia-india-52990324>.

<sup>34</sup> Cheena Kapoor, *COVID-19: Is Indian healthcare system heading for collapse?*, AA (last visited June 10, 2020), <https://www.aa.com.tr/en/asia-pacific/covid-19-is-indian-healthcare-system-heading-for-collapse/1871871>.

<sup>35</sup> Brut India, *35-Year-Old Covid-19 Patient, V Ravikumar, Left His Father A Video Message Before Breathing His Last In A Hyderabad Hospital* (June 30, 2020), <https://twitter.com/BrutIndia/status/1277990394010140672>.

to travel long distances to the nearby hospital in case of emergencies and the only transportation available is private transport which many cannot afford.”<sup>36</sup>

A witty diplomatic denial excusing the unprecedented nature of the pandemic cannot hide the systemized incompetency of the government. India had faced several epidemics such as the Spanish Flu, SARS, and Swine Flu from 1918 to 2015 to alarm the bureaucrats about the healthcare facilities.<sup>37</sup> The global health security index (2019), ranked India 57 in terms of ability to handle the crisis.<sup>38</sup> Another study revealed that fatalities from contagious diseases in India are much higher than the global average.<sup>39</sup> The country's healthcare investment being 1.3% of its GDP,<sup>40</sup> effectively explains these stats and establishes the incautious conduct and unpreparedness of the Indian government in handling the outbreak.

The Supreme Court of India in the matter *Bandhua Mukti Morcha v. The Union of India* has held that the right to live with human dignity defined in Article 21 of the Constitution of India derives from the directive principle of state policy, and hence includes the protection of health.<sup>41</sup> Similarly, in the *State of Punjab v. Mohinder Singh Chawla*, the court established that the right to health is an indispensable part of the right to life and the government has to provide adequate healthcare facilities.<sup>42</sup>

Several international documents also vouch for safeguarding the right to health. Article V of the Alma-Ata Declaration states that “the government has a responsibility for the health of their people which can be fulfilled only by the provision of adequate health and social measures.”<sup>43</sup> Further article 12 of general comment No. 14 of ICESCR, “health facilities, goods, and services have to be accessible to everyone without discrimination.”<sup>44</sup>

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<sup>36</sup> Rural Healthcare Sector : A Challenge Yet To Be Resolved, Smile Foundation India.org (2020), <https://www.smilefoundationindia.org/Media/rural-healthcare.html>,

<sup>37</sup> Arfa javaid, *COVID-19: History of Epidemics in India Since the 1900s*, JAGRANJOSH (23 march 2020) <https://www.jagranjosh.com/general-knowledge/history-of-epidemics-in-india-since-the-1900s-1584627562-1>.

<sup>38</sup> Global Health Security Index, GHS index (2019), <https://www.ghsindex.org/wp-content/uploads/2019/10/2019-Global-Health-Security-Index.pdf>

<sup>39</sup> Surbhi Bhatia, Covid-19 Shows Why We Need A Healthcare Reboot For India (2020), <https://www.livemint.com/politics/policy/will-covid-19-prompt-health-reboot-11585497828527.html>.

<sup>40</sup> *supra* note 23.

<sup>41</sup> *Bandhua Mukti Morcha v. Union Of India & Others*, 1984 SCR (2) 67.

<sup>42</sup> *State Of Punjab & Ors v. Mohinder Singh Chawla*, (1996) 113 PLR 499.

<sup>43</sup> Declaration of Alma-Ata, art. V.

<sup>44</sup> CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health, Art. 12.

Also, Article 25 of the UDHR bestows the right to a “standard of living adequate for the health including medical care and the right to security in the event of sickness, disability, or other lack of livelihood in circumstances beyond his control.”<sup>45</sup> However, the current situation in India blurs the implementation of these international covenants and its healthcare establishment has been tattered.

The doctor to population ratio as mandated by the WHO is 1:1000. However, India’s ratio as of February 2020 was 1:1404.<sup>46</sup> Further, as per National Health Profile 2019 this ratio, in rural areas, was as low as 1:10,926.<sup>47</sup> The situation is even more deplorable in terms of hospitals and bed count. Around 55,591 people are dependent on a single hospital and there is a single bed for every 1,844 people.<sup>48</sup>

In Karnataka, medical college students who were working day and night in COVID wards went on strike since the authorities have denied their stipend for the last 16 months. Hoping them to be allegiant after the distress they are posed within these extreme circumstances is unrealistic.<sup>49</sup>

### 3.3 Education

The nationwide shutdown called for schools and colleges to shut down at a very crucial time for the students for the reason that most of them were either about to appear or appearing for their board examinations. Additionally, it was the time for the entrance examinations of various institutions to begin so as to start with the admission process for the academic year. The lockdown was so sudden and abrupt that these educational institutions did not even have the time to plan their future. Furthermore, the shutting down of schools caused the traditional method of teaching to come to an end resulting in problems for both students but for the teachers as well.

There occurred a shift in paradigm since the mode of teaching shifted from offline to online. The right to education is a fundamental right and to ensure the same was not being violated,

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<sup>45</sup> *supra* note 2.

<sup>46</sup> *supra* note 23.

<sup>47</sup> *Id.*

<sup>48</sup> Online FE, *Can National Essential Diagnostics List Alone Fight India's Healthcare Battles?*, THE FINANCIAL EXPRESS (Aug. 1, 2019), <https://www.financialexpress.com/opinion/can-national-essential-diagnostics-list-alone-fight-indias-healthcare-battles/1662314/>.

<sup>49</sup> Jamal N, *Karnataka: Resident Doctors on Indefinite Strike over Unpaid Stipend for over 16 Months*, INDIA TODAY (July 3, 2020), <https://www.indiatoday.in/india/story/karnataka-resident-doctors-on-indefinite-strike-over-unpaid-stipend-for-over-16-months-1696670-2020-07-03>.



steps were taken up by the Ministry of Human Resource Development (MHRD). It included having arrangements including online portals and educational channels through Direct to Home TV, Radios for students to continue learning.<sup>50</sup> Although steps were taken to mitigate the losses that the educational sector suffered, its benefits could not reach the neediest.

The problem ranges from the discrepancies in the network and technology to the teachers and the people who are unable to access applications because of numerous reasons. There exists a great digital divide between urban and rural people<sup>51</sup>. This divide includes not having access to a smartphone, having a lack of knowledge as to how the device is to be used. There also exist issues regarding the vernacular content that only suits the English-speaking students hence ignoring the schools which teach in regional languages.

Article 26 of the UDHR<sup>52</sup> recognizes the “Right to Education” and considers it as one of the basic needs of every human being. Moreover Article 13 and 14 of ICESCR<sup>53</sup> states that countries should provide primary education free of cost. There shouldn't be any discrimination based on caste, race, or culture when imparting education.

The Right to Education was included as a fundamental right in the case of *Mohini Jain vs the state of Karnataka*<sup>54</sup>. However, this fundamental right is being averted for the poor and the rural children during the pandemic. The Indian government has failed to ensure this right to the most vulnerable group. The lack of technological accessibility makes it impossible for both, the children to attend classes as well as the schools to conduct classes.

In the case of *Bandhua Mukti Morcha vs UOI*<sup>55</sup>, the court held that the state must ensure that the facilities and opportunity to children are provided as under Article 39(e)<sup>56</sup> and (f)<sup>57</sup>. In furtherance of this, it was observed by the court in the *Shyam Sundar* case<sup>58</sup>, that there should

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<sup>50</sup> India Report Digital Education, Ministry of Human Resource Development (June 2020), [https://www.mhrd.gov.in/sites/upload\\_files/mhrd/files/India\\_Report\\_Digital\\_Education\\_0.pdf](https://www.mhrd.gov.in/sites/upload_files/mhrd/files/India_Report_Digital_Education_0.pdf).

<sup>51</sup> Kundan Pandey, *COVID-19 highlights India's great digital divide*, DOWNTOEARTH (July 30,2020), <https://www.downtoearth.org.in/news/governance/covid-19-lockdown-highlights-india-s-great-digital-divide-72514>.

<sup>52</sup> Universal Declaration of Human Rights (1948), art. 26.

<sup>53</sup> International Covenant on Economic, Social and Cultural Rights (1976), art. 13 and art. 14.

<sup>54</sup> *Mohini Jain v. the state of Karnataka*, 1992 SCR (3) 658.

<sup>55</sup> *supra* note 33.

<sup>56</sup> INDIA CONST. art 39(e).

<sup>57</sup> INDIA CONST. art 39(f).

<sup>58</sup> *Shyam Sunder Agarwal & Co v. Union Of India*, 1996 SCC (2) 471.

be quality education without any discrimination based on the child's economic, social and cultural background. The current scenario violates all these principles.

Another problem that did arise due to the lockdown is the end to the mid-day meals, the only source of nutrition for the poor students. It acted as an incentive to encourage students to attend school. In the *PUCL VS UOI*<sup>59</sup>, the supreme court directed the government to distribute these meals in government schools. The lockdown resulted not only in problems in education but also directly affected the health of these students who depended on the mid-day meals for their subsistence.

Looking at all these issues, it surely makes one doubt the principles of the welfare of the country. The fundamental rights are being violated, duties are not being followed and the cost of all this is being borne by the most vulnerable section of the society.

### *3.4 Unemployment*

The virus took everyone by shock and its impact was felt by all sectors of the economy. The initial pictures of the lockdown were not of the hospitals or ventilators or of the frontline workers, but of the migrants, lugging their belongings and heading back to their hometown.<sup>60</sup> The informal sector was badly hit because more than 85% of Indians are employed in this sector.

The plight of the formal sector due to the pandemic was no less. Their issues were overlooked due to the safety net that they have. Although during the current pandemic that did not save them. While some of them lost their incomes completely, others saw a drastic fall in their earnings. The present situation has created a state of limbo for them.<sup>61</sup> The reason they chose salaried jobs over any informal employment was to have a sense of assurance of social security. However, this argument was nullified when a lot of them were abruptly terminated. The woes

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<sup>59</sup> *People'S Union Of Civil Liberties v. Union Of India (Uoi) And Anr.*, AIR 1997 SC 568.

<sup>60</sup> Maurice Kugler et al., *The impact of COVID-19 and the policy response in India*, Brookings (July 13, 2020), <https://www.brookings.edu/blog/future-development/2020/07/13/the-impact-of-covid-19-and-the-policy-response-in-india/>.

<sup>61</sup> Koustav Das, *Coronavirus: Economic slowdown leaves India's aspiring middle class in limbo*, INDIA TODAY, (Aug.21, 2020, 12:04 PM), <https://www.indiatoday.in/business/story/india-economic-slowdown-middle-class-income-salaried-population-coronavirus-1713544-2020-08-21>.

of the formal sector are increasing each day, ranging from salary cuts to company layoffs and delayed increments.

One of the most evident examples is of Reliance Industries<sup>62</sup>, wherein it was observed that the employee expenses have reduced to 14.68% which is the highest amongst India's most valuable companies. All industries ranging from automobiles to aviation have witnessed a decline in the number of employees. This downfall in the number of formal employees has created a ripple effect on the economy. The household income has been falling since April 2020.<sup>63</sup> This resulted in a shortage of savings with each day passing and hence forcing people to spend less. When the spending power decreased, it led to a decrease in the nemesis of purchasing power. This resulted in the loss of jobs of people from the informal sector. Consequently, the entire economy came under the wrath of the virus.

The Labor Force Participation Rate (LFPR) which is an estimate of both the employed and the ones looking for a job has declined to 35.5% in the second week of April.<sup>64</sup> This indicated that people stopped looking for a job. One of the reasons for the same is that for a middle-class person the cost of investing in education wasn't leading to the same amount of returns during their employment. This prevented them from looking for a job in the formal sector. The pandemic accelerated this process. This, in the long run, would result in people abstaining from attaining formal education. Their reason for the same was to obtain a job and now despite having qualifications they are still not getting appropriate employment or the desired salary. Thereby leading to a shift from the formal to the informal sector. (Informalization)

Additionally, the Employees Provident Fund Organization (EPFO), which manages a corpus built on mandatory contributions for salaried people and their employees, observed withdrawal of about Rs. 30,000 crores in 4 months starting April.<sup>65</sup> This exhibits the lack of money and a savings for discretionary spending among people employed in the formal sector, forcing them

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<sup>62</sup> Piyush Pandey, *Reliance cuts employees' salary by 10-50%; Mukesh Ambani to forgo full expenses for this year*, THE HINDU, (April 30, 2020, 07:01 PM), <https://www.thehindu.com/business/Industry/coronavirus-reliance-cuts-employees-salary-by-10-50-mukesh-ambani-to-forgo-salary/article31473075.ece>.

<sup>63</sup> *Id.* at 33.

<sup>64</sup> Faraz Khan et al., COVID-19 impact: Informal economy workers excluded from most govt measures, be it cash transfers or tax benefits, Firstpost (May 11, 2020, 09:13 AM), <https://www.firstpost.com/business/covid-19-impact-informal-economy-workers-excluded-from-most-govt-measures-be-it-cash-transfers-or-tax-benefits-8354051.html>.

<sup>65</sup> Yogima Sharma, *EPFO withdrawals during April-July hit Rs.30,000 cr as 8 mn dig into retirement fund*, THE ECONOMIC TIMES (July 29, 2020, 12:09 PM), <https://economictimes.indiatimes.com/news/economy/indicators/epfo-withdrawals-during-april-july-hit-rs-30000-cr-as-8-mn-dig-into-retirement-fund/articleshow/77210709.cms>.

to use their savings to such extreme limits. This rate of withdrawal of money by the middle class will only increase in the coming days.

The changes in the social life results in the changes in their problems. With every change, a new solution has to be resolved. The necessity for this pandemic calls for the welfare state to step in. The current measures that are taken by the government are targeted to cash transfers and tax benefits which exclude the vast army of the informal sector. Instead of this, there is a need for a universal self-targeting welfare scheme which would ensure that the individuals from all sectors are covered under the scheme. For millions of people, unemployment means lack of food, security, and of course the future. If we don't find a solution to this, the enterprises would slowly perish and it will become very difficult to revive them back then.<sup>66</sup>

#### 4. COVID-19 AND THE WELFARE STATE'S REPARATIVE MEASURES

The Indian economy squeezed to -23.9% in the second quarter of 2020.<sup>67</sup> This is India's biggest drop on record, ensuing multiple coronaviruses lockdown halting the maximum of the country's economic activities. However, the problem of this battered economy will not fade even after the pandemic ends. After this, we will be facing a high level of unemployment and very little to non-existent economic growth. Pertinently, when the horrors of this pandemic abate there will definitely be hollers of curtailing the welfare measures provided by the government. Following are some of the measures taken by the welfare states to battle through the pandemic.

##### *4.1 Monetary policy, credit, and loan forgiveness*

Almost every major<sup>68</sup> central bank<sup>69</sup> has announced its readiness to provide whatever assistance is required from their end to confront the pandemic. Similar measures were rolled out at times

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<sup>66</sup> As job losses escalate, nearly half of global workforce at risk of losing livelihoods, INTERNATIONAL LABOUR ORGANISATION, (April 29, 2020), [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_743036/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_743036/lang-en/index.htm).

<sup>67</sup> Udit Misra, India GDP growth contracts 23.9%: What is the economics behind the math?, THE INDIAN EXPRESS (Sep. 6, 2020), <https://indianexpress.com/article/explained/gdp-contraction-23-9-the-economics-behind-the-math-6578046/>.

<sup>68</sup> Reuters, Coronavirus: Bank of England cuts rates to 0.1%, ramps up bond-buying, BUSINESS STANDARD (March 20, 2020), [business-standard.com/article/international/coronavirus-bank-of-england-cuts-rates-to-0-1-ramps-up-bond-buying-120031901664\\_1.html](https://www.business-standard.com/article/international/coronavirus-bank-of-england-cuts-rates-to-0-1-ramps-up-bond-buying-120031901664_1.html).

<sup>69</sup> Christopher Condon et. al., Fed unveils unlimited QE and aid for businesses, states, THE ECONOMIC TIMES (March 23, 2020), <https://economictimes.indiatimes.com/markets/stocks/news/fed-unveils-unlimited-qe-and-aid-for-businesses-states/articleshow/74779808.cms?from=mdr>

of the Great Recession of 2008 as well, by the name “quantitative easing”. These measures, during that time, were heavily criticized for it might lead to inflation. However, when there is no motivation to invest, the fear of a spike in inflation is absent. This holds true for 2008 and today as well.

Besides this, there are many interesting policy actions around the world. The European Central Bank [‘ECB’] in March of this year announced that they would be removing previously self-imposed limits on the sum of any one nation’s debt it would hold.<sup>70</sup> This measure will allow the ECB to increase the amount of money they can print.

Another measure employed to alleviate the pain of consumers and small business was the declaration of loan moratoriums. The Reserve Bank of India recently proclaimed that the consumers will have the alternative to a 3-Month moratorium on the EMIs.<sup>71</sup> On the other hand, the United States declared that students with a loan from federal sources can delay their payment until September 30th, with an interest waiver.<sup>72</sup> Prime minister of France, Emanuel Macron declared the suspension of rent as well as utility bills for small enterprises.

These measures are supremely unprecedented because of them being against the primary building block of capitalism. As per the logic of the free market, once the loan is taken, the effectiveness of the economy or the market is ensured via timely repayments of the capital granted through the loan. Here it’s argued that due to the lack of repayments to capital, the economy could witness a steep in the investment, growth, and also unemployment. However, considering the status quo no economy is higher than the health and well-being of its citizens.

#### 4.2 Income and Consumption Support

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<sup>70</sup> Balazs Koranyi & Francesco Canepa, *ECB primes money-printing gun to combat coronavirus*, REUTERS (March 26, 2020), <https://in.reuters.com/article/health-coronavirus-ecb-qe/ecb-primes-money-printing-gun-to-combat-coronavirus-idINKBN21D0L8>.

<sup>71</sup> Pragati Kapoor, *What 3 month moratorium on repayment of term loans means for borrowers*, THE ECONOMICS TIME (Apr.28, 2020), <https://economictimes.indiatimes.com/wealth/borrow/lending-institutions-to-allow-3-month-moratorium-on-all-term-loans/articleshow/74840850.cms>

<sup>72</sup> Danielle Douglas-Gabriel, *Worried about your student loans? Here’s what the government is, and is not, doing to help*, THE WASHINGTON POST (Mar.27, 2020, 11:27 PM), <https://www.washingtonpost.com/education/2020/03/27/federal-student-loans-coronavirus/>.

With the help of the public distribution system, India is expanding its allocation of food, whereas Hong Kong provided 10000\$ to each of its residents in order to fight the pandemic.<sup>73</sup> Further, the US provided its unemployed workers with an added benefit of 600\$ per week apart from the regular benefit provided by the state.<sup>74</sup> However, this move faced criticism on the ground that it would incentivize the workers to quit their jobs.

This is one of the most familiar and established arguments against providing or increasing unemployment benefits. Though there are several other arguments against this criticism too, for one, if there is a fear of workers quitting a job due to increasing unemployment benefits then one must think why the wages of employment are so less. In India, the relief has reached the vulnerable through increased food support, where ration card holders are entitled to an extra 5kg of wheat and rice in addition to their existing free benefits and extra kg of pulse for 3 months besides other reparative measures.<sup>75</sup>

Even after these welfare measures of the government, there remains certain issues in the current scenario which are still unanswered. For e.g.: how can the workers who are not in their place of origin excess the benefits of the scheme? Will the coverage be impeded for the needy due to misplaced concerns about the efficiency and the issues with authentication technologies? Although these concerns are genuine, there is no doubt that this is a positive move taken by the state to mitigate the troubles of hunger amidst these difficult scenes. But the horrors of hunger are not isolated to just this pandemic. Food Corporation of India ['FCI'] always has the buffer stock which could be utilized any time to attenuate hunger. The people must ensure that this generosity of the government continues post COVID, when weak economic activities creates food insecurity for the vulnerable.

## 5. FUTURE OF A WELFARE STATE

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<sup>73</sup> That's GBA, Hong Kong to Give HK\$10,000 to Every Resident Amid COVID-19 Outbreak, That's (Feb.26, 2020), <https://www.thatsmags.com/china/post/30829/hong-kong-is-giving-hk-10-000-to-every-resident-amid-covid-19-outbreak>.

<sup>74</sup> Caitlin Emma & Jennifer Scholtes, *Here's what's in the \$2 trillion stimulus package — and what's next*, POLITICO (Mar.25, 2020, 7:30 PM), <https://www.politico.com/news/2020/03/25/whats-in-stimulus-package-coronavirus-149282>.

<sup>75</sup> ENS Economic Bureau, Rs 1.7 lakh cr package targets farmers & informal labour, includes existing schemes, The Indian Express (Mar.27, 2020, 5:59 AM), <https://indianexpress.com/article/business/coronavirus-relief-package-farmers-informal-labours-nirmala-sitharaman-6333622/>.

This pandemic has made clear that a society with prominent inequality will pay the most to get out of the crisis posed by the coronavirus. This implies more no. of deaths and greater level of impoverishment for the vulnerable. So, ameliorating the issue of increasing income inequality is now more than just a social policy. For several decades there have been talks of imminent fall down of welfare states. However, what we have witnessed during this pandemic could be termed as the renaissance of state paternalism.

More and more nation states are now taking extreme measures to take care of their citizens and enterprises. From lowering of taxes and dipping into the policy of stabilization to providing collateral free loans, thus amplifying public debt, states are doing something which seemed completely impossible prior to this pandemic.

Does this imply that all the debates concerning the uselessness of the welfare states will end after the pandemic ends? As soon as the risk of mass death retreats, and economic stress escalates, the states will again start pressing on the need to curtail social spending, limit the accessibility of welfare programmes, lower the benefits and allocate them in a choosier way, all of this in the name of battered economy. How strict these curtailments of benefits will be, largely depends on the respective countries' pre-pandemic development and how effectively they managed to battle through the pandemic. Pertinently, nations who suffered heavy fatalities and greater loss of income and job will be stricter in the curtailment of benefits in order to pull themselves out of the economic crisis.

Now, apart from fiscal perception of the welfare state, there are several vital lessons learnt from the current crisis which can sway the functioning of the future welfare states. The primary thing that seems obvious owing to the specific nature of the crisis is urging demand for a new model of medicine and new model of aging. This pandemic has unfurled a number of shortcomings in the country's health sector and has seriously tested the state's ability to respond to such emergencies. The increasing rate of fatalities of people with coronavirus compiled with other chronic disease questions the efficacy of the existing approach in place to increase life expectancy. In today's scenario, it is not all enough to stretch the lives of the people with critical health conditions. Whereas, the state must try to treat the genesis of the disease and ensure the health of its citizens to the maximum age possible. Hence, demand for anti-aging medicine will definitely gain an impetus in the near future as an important factor of development.

Second and the most important concern this pandemic has raised is the glaring social cost of inequality. It is definitely apparent that coronavirus does not discriminate before entering the individual's body, the virus has been contracted by the most famous politicians to the most famous athletes and stars. However, here is when this social inequality comes into play, out of all the people who contracted the virus maximum to die from the virus belongs to the lower strata of the society.

There are various reasons behind this, Firstly, greater economic inequality usually accompanies significant health inequalities. This means, people of lower strata are more exposed to or rather catch chronic disease at an early age as compared to those of people with sufficient access to healthcare facilities from childhood. Second, maximum of the workers of lower strata are the employees of an informal sector, for eg: taxi drivers, catering business, house keepers, local vendors or nannies. Amid the pandemic, these people have to either continue working, hence exposing themselves to the risk of infection, or leave the job which will kill their only source of earnings. On the other hand people of upper strata have their own spacious housing with rainy day savings and option of work from home. Therefore, the society who will allow such high degree of social inequality will suffer the most and pay the highest price while battling such crises or emergency situations.

Now, what is crucial for the future of the welfare state is that this pandemic has brought light to the risk rising from limited social support measures and unequal health services. This pandemic will definitely increase demand for universal medical coverage and minimum social guarantees.

## **6. MEDIA REPRESENTATION IN A WELFARE STATE**

It is very much evident that many states have become generous in their welfare program to help the citizens and small enterprises come out of the crisis. However, how long will this generosity last totally depend on the citizens itself. If the electorate believes that this pandemic poses a persistent risk to their livelihood and the livelihood of their loved ones, they will subsequently vote for the government which will ensure their welfare and safety of income. If sufficient voters feel that a crisis of such type in the future might again hit their income unexpectedly, pertinently there will be demand for increased social insurance payments, and the government will be forced to deliver on such demands if they want to win the elections.



Now, In whose hands lies the responsibility of making the populous realize the fact that they themselves have the power to decide the fate of their future welfare. Considering the present predicament, when most of the population is trapped isolated in their own homes, the deference of traditional media and social media has spiraled up exponentially. Before the lockdown happened, average time spent on social media was 150 minutes per day, however the first 7 days of lockdown saw a sudden surge from 150 to 280 minutes per day. A study claims the users of social media has increased by 75% owing to the pandemic.<sup>76</sup> It is apparent that today the media holds utmost potential in shaping the minds of the people, and considering this prowess media must try to be allegiant to its profession.

Here is when a book “Manufacturing Consent: The Political Economy of the Mass Media” written by Noam Chomsky and Edward S. Herman seems utmost relevant. In this book they asserted that most of the government policies are accepted by the people based on a blurred picture presented to them by the mass media. The aim of this blurred image is to deny the people alternate views which might make them confront the government’s policies.<sup>77</sup>

Similar is the situation of Indian journalism. The media today is using the deference of the people to mold the definition of welfare as per the beliefs of those in power. Ramit Verma, a youtuber with a quirky handle “Official Peeing Human” kept a record of 202 debates happening till october 19, 2019 on 4 prime hindi news channels of india. Seeing the study of Ramit Verma, it can be easily conferred that in India nationalism has overpowered logic and rationalism. He monitored four major hindi news channels namely Aaj Tak, India TV, Zee News, and India TV and following is the tally:<sup>78</sup>

- **Attacking Pakistan:** 79 debates
- **Attacking the Opposition (including Nehru):** 66
- **Praising Modi and the BJP/RSS:** 36
- **Ram Mandir:** 14

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<sup>76</sup> BusinessToday.In, Coronavirus: 87% increase in social media usage amid lockdown; Indians spend 4 hours on Facebook, WhatsApp, Business Today (Mar.30, 2020), <https://www.businesstoday.in/technology/news/coronavirus-87-percent-increase-in-social-media-usage-amid-lockdown-indians-spend-4-hours-on-facebook-whatsapp/story/399571.html>.

<sup>77</sup> Comeforo K, Review Essay: Manufacturing Consent: The Political Economy of the Mass Media, 6 Global Media and Communication 218 (2010), <https://journals.sagepub.com/doi/10.1177/1742766510373714>

<sup>78</sup> NHS Bureau, 14 debates on Mandir, 66 attacking opposition but none on the economy, National Herald (Oct.31, 2019, 2:00 PM), <https://www.nationalheraldindia.com/india/14-debates-on-ram-mandir-66-attacking-opposition-but-none-on-the-economy-four-hindi-news-channels>.

- **Bihar floods:** 3
- **Chandrayaan Moon Mission:** 2
- **Rape case against Swami Chinmayanand:** 1
- **PMC Bank scam:** 1
- **Economy:** 0
- **Unemployment:** 0
- **Education:** 0
- **Healthcare:** 0
- **Public infrastructure:** 0
- **Farmers' distress:** 0
- **Poverty and malnutrition:** 0
- **Women's safety:** 0
- **Environmental protection:** 0
- **Mob lynchings:** 0
- **Questioning any government decision or policy:** 0

These stats not only depict the deviant nature of Indian Media but also infringes upon several rights of Indian people. Prasar Bharti (Broadcast Corporation of India) Act, 1990<sup>79</sup> positively asserts that “it is the duty of the public broadcaster to present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own.” Besides this, there are other significant international covenants like Resolution 59 of the UN General Assembly<sup>80</sup> and Article 19 of UDHR,<sup>81</sup> which observes Right to Know and Freedom of Information as an innate part of the fundamental right of freedom of expression. As per these international accords, freedom of expression implies the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers. Currently, Indian Journalism through its biased reporting is transgressing upon people’s fundamental right to know.

Information about the policies of those who govern us is paramount for the development for the scientific temper of a person which enables the capability of questioning the existing ethos

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<sup>79</sup> Prasar Bharti (Broadcast corporation of India) Act, 1990, chapter III.

<sup>80</sup> United Nations General Assembly (1946), Resolution 59

<sup>81</sup> Universal Declaration of Human Rights (1948), art. 19.

and coming with their own ideas and confrontation. These questions and confrontation is something which will shape the present and the future of the welfare state.

## **7. WAY FORWARD**

The unexpected arrival of COVID-19 is serving as a reality check for all the welfare states around the world. This pandemic has posed countless challenges towards the welfare state and till now the government has struggled to deliver in response to these challenges. Lakhs migrant workers were deprived of the most basic of necessities such as food and shelter. Thousands of covid patients died not because of the virus but inefficient healthcare infrastructure.

Though the welfare measures were taken by the different nation states to ameliorate the effect of coronavirus. However, the applicability of these measures remains the big question. India's welfare state has always been paranoid of being over inclusive in its supplying of welfare measures to the people. Therefore, in order to supply social security only to the eligible people, the government usually neglects a huge number of poor people who lack proper documentation. Similar is the situation of covid social security distribution. Coronavirus has revealed the inadequate, fragmented and exclusionary nature of India's social welfare regime.

This crisis has restated the want of a sturdier welfare state in order to lessen peculiarities of current unequal society, though in a limited manner. Also, it has set forth the need of concurrent development of both the dimensions of a welfare state in India. On one hand, there is an exigency of developing a robust public health infrastructure, only then can the people of economically weak sections can battle such a health crisis. On the other hand, India needs to adopt a more inclusive approach while distributing the material social welfare so that the vulnerable section could sustain and survive such dreadful circumstances. The current situation not only questions the effectiveness of the government's policies but also attenuates the meaning of WE, ingeminated in the preamble of Indian Constitution as WE THE PEOPLE OF INDIA.<sup>82</sup>

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<sup>82</sup> INDIA CONST. Preamble.