



CIVIL RIGHTS AND GOVERNANCE IN THE WAKE OF PANDEMIC-COVID19

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Abstract : *The coronavirus pandemic is leading many countries to use emergency powers as an attempt to tackle the crisis, limit the spread of the virus, and protect the public. Civil rights, guarantees of equal social opportunities and equal protection under the law, regardless of race, religion, or other personal characteristics. Unlike other rights concepts, such as human rights or natural rights, in which people acquire rights inherently, perhaps from God or nature, civil rights must be given and guaranteed by the power of the state. The concept of Governance refers to the processes and structures that are intended to bring about accountability, responsiveness, transparency, stability, rule of law, equity and inclusiveness, empowerment and broad-based participation. The COVID-19 pandemic demonstrates the crucial importance of disaster preparedness and that private-sector partners cannot manage alone the scope of interventions needed now. The Covid-19 pandemic affects all the sectors of livelihood. Due to the lockdown, students were not able to attend a traditional classroom that falls a negative impact on their studies. During the COVID-19 pandemic, the Supreme Court issued a notification that the lawyer and client would not be permitted to interact physically, and all communication must be made virtually. In the case of Francis Coralie Mullin v. Union Territory of Delhi, it was held that all accused individuals must have access to a lawyer, where confidentiality is maintained at all times. To contain the spread of the novel Coronavirus SARS-CoV-2 (COVID-19) outbreak, the Indian government initiated the largest national lockdown in the democratic world on March 2020. Initially announced to last until April 14, 2020, currently, it is in phase 4 which ended on May 31, 2020. On May 1, 2020, the Indian government introduced special 'Shramik Special' trains from many districts in the country for migrants.*

Key Words: COVID19, Civil Rights, Governance, Administration, Government, Human Rights, State Government, Central Government.

Introduction:

The implicit social contract underpinning democratic governments everywhere aims to ensure both the well-being of citizens and respect for their civil liberties, which include freedom of expression, assembly, and worship, as well as procedural fairness. These liberties are so fundamental to the functioning of modern democracies that political philosophers sometimes consider them to

be “sacred values” that should not be subjected to comparisons or trade-offs. Nonetheless, major crises – from wars and terrorist attacks to natural disasters and pandemics – can bring civil liberties into conflict with the broader commitment to the well-being of citizens, particularly when it comes to safety and security. Such moments of tension tend to shed light on the otherwise obscure dickerings implicit in the social contract, because temporarily



curtailing certain civil liberties is often a crucial component of the policy response to major crises. This is the case with COVID-19. Technological fixes are still few, and the public-health measures involve, at a minimum, restrictions on movement, assembly, and – in some instances – media content.

The coronavirus pandemic is leading many countries to use emergency powers as an attempt to tackle the crisis, limit the spread of the virus, and protect the public. While the pandemic requires strong responses, we need to ensure that states do not normalize oppressive surveillance and undermine human rights, including the right to freedom of expression and information, and the right to privacy. The World Health Organization's (WHO) declaration of the coronavirus as a pandemic on March 11 prompted many countries to announce a state of emergency, thus opening the door for governments to exercise extraordinary powers.

The COVID-19 pandemic is one of the largest crises in recent history, owing not only to its scope and scale, but also to the particular challenges it poses to liberal democracies, which have struggled to find a balance between maintaining civil liberties and containing the spread and broader effects of a highly contagious and deadly virus. It provides a unique and tragic window into the age-old trade-off between civil liberties and (health) security, given that the pathogenic threat and the relevant containment measures are the same across a variety of different settings. How citizens view this fundamental dilemma, and which factors shape what they are willing to sacrifice, are essential questions we have an opportunity to answer.

CIVIL RIGHTS

Civil rights, guarantees of equal social opportunities and equal protection under the law, regardless of race, religion, or other personal characteristics. Examples of civil rights include the right to vote, the right to a fair trial, the right to government services, the right to a public education, and the right to use public facilities. Civil rights are an essential component of democracy; when individuals are being denied opportunities to participate in political society, they are being denied their civil rights. In contrast to civil liberties, which are freedoms that are secured by placing restraints on government, civil rights are secured by positive government action, often in the form of legislation. Civil rights laws attempt to guarantee full and equal citizenship for people who have traditionally been discriminated against on the basis of some group characteristic. When the enforcement of civil rights is found by many to be inadequate, a civil rights movement may emerge in order to call for equal application of the laws without discrimination.

Unlike other rights concepts, such as human rights or natural rights, in which people acquire rights inherently, perhaps from God or nature, civil rights must be given and guaranteed by the power of the state. Therefore, they vary greatly over time, culture, and form of government and tend to follow societal trends that condone or abhor particular types of discrimination.

Civil and political rights are a class of rights that protect individuals' freedom from infringement by governments, social organizations, and private individuals. Civil rights include the ensuring of peoples' physical and mental integrity, life, and safety; protection from discrimination on grounds such as sex, race, sexual



orientation, national origin, colour, age, political affiliation, ethnicity, social class, religion, and disability and individual rights such as privacy and the freedom of thought, speech, religion, press, assembly, and movement.

Political rights include natural justice (procedural fairness) in law, such as the rights of the accused, including the right to a fair trial; due process; the right to seek redress or a legal remedy; and rights of participation in civil society and politics such as freedom of association, the right to assemble, the right to petition, the right of self-defence, and the right to vote.

Civil and political rights form the original and main part of international human rights. They comprise the first portion of the 1948 Universal Declaration of Human Rights (with economic, social, and cultural rights comprising the second portion). The theory of three generations of human rights considers this group of rights to be "first-generation rights", and the theory of negative and positive rights considers them to be generally negative rights.

There are some basic rights that are very well-known as fundamental to human existence and crucial for human expansion. In the absence of civil rights, a man's existence would be worthless. So, the political institution's role and responsibility mainly emphasized on empowering the people, especially the minorities to live in dignity with rights of equality, dignity and religious freedom.

These include individual rights common to most liberal democracies, incorporated in the fundamental law of the land and are enforceable in a court of law. Violations of these rights result in punishments as prescribed in the Indian Penal Code, subject to discretion of the judiciary. These rights are neither absolute nor immune from constitutional amendments. They have been aimed at

overturning the inequalities of pre-independence social practices. Specifically, they resulted in abolishment of untouchability and prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They forbid human trafficking and unfree labour. They protect cultural and educational rights of ethnic and religious minorities by allowing them to preserve their languages and administer their own educational institutions. It is certainly gratifying to see Indians displaying our flag with pride again. Yet the flag is only a symbol of our nation. It is our Constitution that we should now cling to. Let's not be so eager to trade civil liberties for an illusion of safety.

The government cannot protect us. Under the best scenario, law enforcement, intelligence and the military might stop 99.9 percent of terrorist attacks. Even in prisons where civil liberties don't exist, desperate, evil men find ways to cause harm. Putting the whole country under lockdown is not going to be any more effective. Instead, we should be looking to empower ordinary citizens to protect themselves and each other. Restricting our civil liberties will reduce the ability of the Indian people to respond effectively to threats. It will not be with guns. If ever tyranny overtakes this land of the sometimes free and home of the intermittently brave, it probably won't, contrary to the fever dreams of gun rights extremists, involve jack-booted government thugs rappelling down from black helicopters. Rather, it will involve changes to words on paper many have forgotten or never knew, changes that chip away until they strip away precious Indian freedoms.

The Civil Rights in India include rights regarding equality before the law, freedom of speech, freedom of expression



regarding religious and cultural freedom, freedom of assembly, and freedom of religion. Section 2 of the Protection of the Civil Rights Act, 1955 lays down the definition of civil rights. This act prescribes punishments for the practice of untouchability for the enforcement of any disability arising from and for matters connected therewith and vice-versa. After the suffering of many years, the introduction of civil rights took place in India which in the beginning did not change anything but with the passage of time changes took place. As with the increase in the practice of untouchability, it was necessary to bring about some change and these provisions have helped a lot in removing the differences between the castes even though it is still practised in some places. These provisions have helped to reduce the gap between the upper caste and lower caste.

GOVERNANCE

Governance is commonly defined as the exercise of power or authority by political leaders for the well-being of their country's citizens or subjects. It is the complex process whereby some sectors of the society wield power, and enact and promulgate public policies which directly affect human and institutional interactions, and economic and social development. A great deal about governance is the proper and effective utilization of resources.

Today, governance includes three sectors: the public sector (state actors and institutions), the private sector (households and companies), and the civil society (non-governmental organizations). These three sectors are said to work hand in hand in the process of governance.

“Governance is the exercise of economic, political and administrative authority to manage country's affairs at all levels. It comprises the mechanisms, processes and

institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences”

Governance refers, therefore, to all processes of governing, whether undertaken by a government, market, or network, whether over a family, tribe, formal or informal organization, or territory, and whether through laws, norms, power, or language. Governance differs from government in that it focuses less on the state and its institutions and more on social practices and activities. To understand governance requires that we look at abstract theories of hierarchy, market, and network as types of organizations, and then at more concrete debates about the shift from hierarchy to markets and networks in corporations, the public sector, and global politics.

The concept of Governance refers to the processes and structures that are intended to bring about accountability, responsiveness, transparency, stability, rule of law, equity and inclusiveness, empowerment and broad-based participation. Apart from this, Governance also represents the values, norms and rules of the system through which public affairs are managed in a transparent, responsive, inclusive and participatory way. In a broad sense, Governance can be defined as the institutional environment in which citizens and other stakeholders interact among themselves and participate in public affairs. Therefore, governance is more significant than just the organs of government.

The key distinction between government and governance underscored by many scholars is, the involvement of institutions beyond the state in the management of the public affairs. Deputy Secretary General of United Nations, in



his speech said "Governance is not something the state does to society, but the way society itself and the individuals who compose it, regulate all the different aspects of their collective life". The state thus is the wielder of power and the principal actor in the government. While in governance, whole society is involved in managing public affairs. The government still continues to play a key role in enabling and facilitating the participation of other elements in the society. The state, thus, as an enabler provides the important legal and regulatory framework and political order within which various organisations can act and function, and where the citizens act without fear.

Governance is a system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way society organizes itself to make and implement decisions - achieving mutual understanding, agreement and action. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences and exercise their legal rights and obligations. It is the rules, institutions and practices that set the limits and provide incentives for individuals, organizations and firms.

Governance concerns the state's ability to serve the citizens. It refers to rules, processes, resources and behaviours by which interests are articulated, resources are managed, and power is exercised in society. The way public functions are carried out, public resources are managed and public regulatory powers are exercised is the major issue to be addressed in this context.

Governance refers to the handling of rules or norms that guide each stage or arena in the political process. As such,

governance is connected to rules-in-use i.e. formal or informal rules that apply to how issues emerge in the public and are handled by the political system. More specifically, governance is defined as the formation and stewardship of the rules that regulate the public realm – the space where the state as well as economic and social actors interact to make decisions.

At one level, it (governance) concerns political and electoral reform. At another level, it concerns interface between administration and citizens. At a narrower level, it means the law and order and justice system. Governance is distinct from government, and is the process through which various stakeholders articulate their interests, exercise their rights, and mediate their differences.

Governance is a term that is widely used in public debate these days. It is generally seen as an answer to many, if not all, the problems that beset the country. Yet, there is no commonly agreed definition of governance. It could imply anything from corruption, inept administration to poor delivery of public services depending upon the context. While governance is seen as an important variable to mitigate many problems of the public sector system, the discussion becomes particularly vague, and ideological, when identifying the exact reforms that are required in improving the quality of governance. The key issue that prohibits an informed approach to governance reforms relates to the absence of objective and measurable data on the quality of governance, particularly at the sub-national level. There is an urgent need to develop a credible framework for assessing quality of governance in various States that could possibly provide an agenda for governance reform. Such an assessment would contribute to public debate and raise consciousness, while also



helping to identify reform priorities and to monitor their progress. To be effective, however, the assessment process should involve wide public consultations, preferably at national level. Although the discourse and practice on governance has been lead by international donor agencies, it is too important an issue to be left only to them to define and determine. Local stakeholders must be brought into provide a complimentary and contrasting perspective. Only then is governance likely to become a concept that is relevant to the concerns of the people of the country. That is, while we may draw upon international experiences and knowledge from around the world, the process of assessment should be nationally owned and based on inputs from primary stakeholders and reliable secondary databases.

The role of users of governance indicators is vital because governance, or at least good governance, is essentially demand driven: other things being equal, the governed will get the quality of governance that they demand. Governance will be democratic, responsive to the needs and interests of the governed, honest, transparent and accountable if, and only if, citizens from all significant social groups demand that it be so. However, governance indicators have primarily been used at the international level by international donor organisations. Primary users of the governance indicators are not the governed within, but people and organizations from outside the countries concerned. If any governance assessment is to contribute directly to improved governance, the primary user group should be citizens of the countries. Those users should represent the entire spectrum of the governed, including women and the poor. Governance, indicators therefore need to

incorporate a strong role for the governed in their design and use. If governance is important to citizens, it is more important for the poor and disadvantaged.

The influential and the well-to-do can and do find their way around 'poor' governance. It is likely that they are part of 'poor' governance system and benefit from it. It is the poor who depend upon governance arrangements for primary medical care, education, transport and livelihood opportunities. Governance has to be seen from the perspective of the poor and weak, women and children and minorities. This will require changes in both the nature of governance indicators, and in the capabilities of users. The objectives of good governance can only be achieved if governance indicators are pro-poor and gender-sensitive, as well as user-friendly and designed to meet the needs and match the capabilities of a diverse range of users among the governed.

In India, the quality of governance is reflected in its many remarkable successes as in the significant failures that it has had to contend with. The ability to forge unity despite its diversity and build a functioning, vibrant and pluralistic democracy is, perhaps, the single most important achievement of democratic governance in India. The functioning of democratic institutions, a vibrant market economy, an active civil society and a fearless and independent media are other notable achievements. Simultaneously, India continues to make rapid strides in its fight against poverty; and access to basic services such as healthcare, primary education and food security is today almost universal.

The idea that quality of governance contributes to improved human well-being and sustained development has gained widespread recognition in the past decade and a half.



Whether or not there is a direct correlation between good governance and improved human well-being, experience shows that chronic poverty is generally associated with poor governance. As a matter of fact, the concern for quality of governance arose in the 1990s in the wake of persistent poverty which was seen to be a result of inefficient and poor use of public funds, endemic corruption and poor service delivery in many third world countries. The concept of governance received greater attention as multilateral agencies such as the UNDP and the World Bank discovered that successful development required reforms in political and administrative regimes. While the way governance is defined by different institutions and countries differ, they all underline the critical importance of the quality of institutions and public management in service delivery.

Impact of Pandemic on Government services

Following the outbreak of Covid-19 and the subsequent first national lockdown in March 2020, “it became clear that the pandemic would have an enormous impact on the delivery of public services in the years to come”.

1. Insufficient support for prevention and early intervention services.
2. over-centralized delivery of public services, poor communication from the centre, and a tendency for service providers to work in silos rather than integrate service provision.
3. a lack of integration especially between services working with vulnerable children and between health care and adult social care.
4. an inability and unwillingness to share data between services and
5. inequality of access to public services and a lack of user voice.

Lack of integration between services

People often use, or are protected by, multiple public services and that they can be disadvantaged if these services are not complimentary or sufficiently integrated. As an example, children classified as vulnerable. The risk posed to these children, from factors ranging from having a parent with a severe mental health problem, to living in a household where domestic abuse is occurring, often increased during lockdown. This was partly due to schools being closed, with other factors such as a reduction in home visits from social workers also significant. These factors increased the risk of vulnerable children becoming “invisible” or falling “through the cracks” when responsible agencies had different priorities or considered the child’s needs the concern of a different agency.

COVID-19 and the Public Service

Besides health and education workers, all public servants play a role in halting the spread and recovering from the pandemic. This is true regardless of their occupation: whether in the administration of the state like tax collectors, police or correctional officers; implementing economic and social policies like labor inspectors; providing services to the community like waste collectors; or supporting compulsory social security systems like social workers. As custodians of public goods, public servants are indispensable conduits for the recovery. The COVID-19 pandemic demonstrates the crucial importance of disaster preparedness and that private-sector partners cannot manage alone the scope of interventions needed now.

This brief seeks to summarize the main ongoing discussions regarding the role of governments and public servants as the face of the response to the crisis, and their challenges during the pandemic and



in the recovery. As a global public good, the multilateral system must help coordinate and strengthen public services, essential in the global response as are scientific research and health services.

Online Education

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1 April 2010. The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools.

The Covid-19 pandemic affects all the sectors of livelihood. Due to the lockdown, students were not able to attend a traditional classroom that falls a negative impact on their studies. So, the educational government of India decided to start online classes for the students so that their studies can be continued. This will create a demand for online educational methods and the importance of online education came to know during this time. Many colleges, schools, and educational institutes come forward to provide online courses to the students. Courses that will help the students to enhance their skills and get knowledge from their home through the internet.

Online education becomes a great source of education that is available 24/7 for the students. Through the incredible invention of devices (like mobile phones) or technology and the availability of the internet, it will become more flexible for students to learn anything from anywhere

at any time. This kind of learning flexibility cannot be attained during traditional classroom learning as the students will become four bounds during the face-to-face learning. Online education comprises audio, text, video, animations, chats with tutors or mentors, and virtual training that is given by the teachers to the students. These are the methods of conveying the skills and knowledge to the students so that they can become professionals in their fields. There are many internet sources through which the teachers and students get connected. Some of them are social media platforms, google meet, WhatsApp, zoom, etc. By using these sources, the teachers can connect to a large number of students at a time. These sources make it easier for the teachers to teach a huge no. of groups at a single period of time. Let's have a look at the other factors of online education.

ANALYSIS OF SPEEDY TRIAL IN LIGHT OF COVID-19

Emphasis will be laid down in a two-fold manner: Negative impact of COVID-19 on the effect of a speedy trial.

Issue of accessibility:

Many representatives of the Bar Council affirmed that a substantial number of advocates and litigants do not have access to a stable internet connection to support such hearings. Without which, the process of delivering justice cannot be kickstarted. These issues would most likely be felt by courts at the District and Subordinate level.

To tackle this issue, the PSC suggested that the Ministry of Communication must take immediate measures to fast-track the National Broadband Mission. This is in furtherance of attaining reliable and continuous internet to the lower courts.

Open Courts as a tool:

The Bar Council of India has explicitly mentioned that, virtual courts have the



ability to weaken the constitutional tenets of physical court proceedings, thereby disregarding rule of law and the basic structure doctrine.

The PSC further relied on the case of Naresh Shridhar Mirajkar & Ors v. State of Maharashtra & Ors, where the Supreme Court held that “Public trial in open Court is undoubtedly essential for the healthy, objective and fair administration of justice. Trial held subject to public scrutiny and gaze naturally acts as a check against judicial caprice or vagaries and serves as a powerful instrument for creating confidence of the public in the fairness, objectivity, and impartiality of the administration of justice.”

In another case of Indira Jaising v. Secretary General of Supreme Court & Ors, the PSC laid emphasis to the importance of live streaming of proceedings as an appendage to justice.

Violation of Attorney- Client Privilege:

During the COVID-19 pandemic, the Supreme Court issued a notification that the lawyer and client would not be permitted to interact physically, and all communication must be made virtually. In the case of Francis Coralie Mullin v. Union Territory of Delhi, it was held that all accused individuals must have access to a lawyer, where confidentiality is maintained at all times.

However, in the digital platform, confidentiality and secrecy cannot be assumed. For instance, from 23rd March 2020 to 1st October 2020, physical meetings between lawyers and their clients were not permitted. So, prisons organised for virtual meetings in unsecured lines. This increased the chances of eavesdropping by the police to a manifold extent. Thus, the fear of such violation of attorney- client privilege can

create a sense of fear thereby hampering a speedy trial.

Lockdown of courts

In the wake of the countrywide lockdown, the Supreme Court issued the following series of directives on the functioning of courts during the lockdown on 6 April 2020:

- The Supreme Court and the High Courts were to take all measures to reduce the need for the physical presence of people within court premises.
- The Supreme Court of India and the High Courts were authorized to adopt measures to ensure the robust functioning of the judicial system through the use of video conferencing technologies.
- Every High Court was authorised to determine the modalities which were suitable for the temporary transition to the use of videoconferencing technologies.
- The courts were to maintain a helpline to deal with complaints regarding the quality or audibility of the feed.
- District courts in each state were to adopt the mode of video conferencing prescribed by the concerned High Court
- Courts were to notify and make available the facilities for video conferencing for such litigants who did not have the means or access to video conferencing facilities.
- Until appropriate rules were framed by the High Courts, video conferencing was to be mainly employed for hearing arguments whether at the trial stage or the appellate stage. In no case was evidence to be recorded by video conferencing, without the mutual consent of both the parties.



E-Court:

The objective of the e-Courts project is to provide designated services to litigants, lawyers, and the judiciary by universal computerization of district and subordinate courts in the country and enhancement of ICT enablement of the justice system.

E-Court Mission Mode Project:

The e-Courts Project was conceptualized on the basis of the “National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005” submitted by e-Committee, Supreme Court of India with a vision to transform the Indian Judiciary by ICT enablement of Courts.

E-committee is a body constituted by the Government of India in pursuance of a proposal received from Hon'ble the Chief Justice of India to constitute an e-Committee to assist him in formulating a National policy on computerization of Indian Judiciary and advise on technological communication and management related changes.

The e-Courts Mission Mode Project, is a Pan-India Project, monitored and funded by Department of Justice, Ministry of Law and Justice, Government of India for the District Courts across the country.

THE PROJECT ENVISAGES

To provide efficient & time-bound citizen centric services delivery as detailed in eCourt Project Litigant's Charter.

- To develop, install & implement decision support systems in courts.
- To automate the processes to provide transparency in accessibility of information to its stakeholders.
- To enhance judicial productivity, both qualitatively & quantitatively, to make the justice delivery system affordable, accessible, cost effective, predictable, reliable and transparent.

E-committee

E-committee is a body constituted by the Government of India in pursuance of a proposal received from the supreme court of India for assistance in formulating a national policy on computerization of Indian Judiciary and advise on technological communication and management related changes.

The E-Committee was set up in 2004 to provide a guide map for the use of I-T and administrative reforms in the judiciary.

All expenditure in connection with the functioning of the e-Committee, including salary and allowance etc. of the Chairman, Members and the supporting staff is met from the sanctioned budget of the Supreme Court of India.

Impact of Pandemic on Right to Work:

To contain the spread of the novel Coronavirus SARS-CoV-2 (COVID-19) outbreak, the Indian government initiated the largest national lockdown in the democratic world on March 2020. Initially announced to last until April 14, 2020, currently, it is in phase 4 which ended on May 31, 2020. The lockdown has severely affected the movement of people, disrupting daily life and access to healthcare facilities in India. As of June 9, 2020, India has a total of 266 598 confirmed cases and 7471 confirmed deaths attributed to COVID-19. In a population of more than 1.3 billion, the COVID-19 pandemic has had far-reaching consequences beyond the spread of the disease itself and efforts to quarantine it, including political, cultural, and social implications.

One of the consequences of lockdown measures in the country has led to an unprecedented migration of workers and families from large urban centres to rural India. For decades, millions of workers have migrated from their rural



homes and villages to urban cities, looking for opportunities and livelihoods. Migrant labours in India from rural areas work as domestic help, in construction site, factories, industries, agriculture, etc, for better employment, better wages and better standard of living. The Indian government's sudden enforcement of lockdown following a Janata curfew on March 22, 2020 immediately disadvantaged already vulnerable populations as it restricts people stepping out from their homes. All transport—roadways, airways and railways—were suspended, including hospitality industries, educational institutions, and industrial units. As the factories and workplaces closed down, millions of migrant workers had to deal with loss of income, food shortages and an uncertain future. The scale of this issue varies from state to state or city to city, but has caused widespread disruption. With no money, no job, unsure when the lockdown will finally end, the migrant workers had no other option than to return back to their villages. Their massive migration from working states has formed a humanitarian and health security challenge and an exceptional logistical nightmare.

This instigated the next problem for them. How do they reach home? With road and rail transport links still suspended, walking back was the only option and they initially took to the road. Images of marching migrant workers most of them left with nothing but keen to reunite with their families back home. People have undertaken hazardous journeys, sometimes walking up to 1000 km with no money to spend and often without food for days together. Many were arrested by law enforcement officials for violating the lockdown, some died due to exhaustion or accidents on the roads.

The social media (Facebook, Twitter, WhatsApp) are currently flooded with heart-breaking visuals that show migrant workers walking barefoot, foot with deep ulcers, women carrying their children on their waist, mother dragging baby on a suitcase, girl riding bicycle hundreds of kilometres carrying her father, etc. These visuals raise questions on the arrangements made by the state governments for the well-being of these migrant workers who have been stranded for many days in heatwave without food, water wages or shelter since the lockdown was started.

The state government started arranging buses to take migrants back to their villages for free. But these were heavily oversubscribed with migrants hanging on footboards and climbing on rooftops to find a place. Some group of migrants tried to hire people carriers, however returning migrants faced other danger—Indian roads! Road crash is 10 times more likely to kill someone than getting infected by the coronavirus in India. According to Aarogya Setu, the Government of India mobile contact tracing COVID-19 as off May 23, 2020 the current fatality rate of coronavirus infected people is about 3.2%.⁵ Data based on media reports by Save Life foundation, a non-profit non-government organisation focused on road safety across India, 381 people have died in 1200 road accidents.⁶ This translates to a fatality rate of nearly 32%. Thirty per cent of these victims were migrants travelling back home. The common cause of accident was speeding.

On May 1, 2020, the Indian government introduced special 'Shramik Special' trains from many districts in the country for migrants. Since then, Indian railways have ferried over 3 million migrant workers by more than 2050 Shramik special trains; however, a large



number of migrants (70%) are still waiting for trains to return them home. Migrants have to register to book a place, undergo thermal screening prior to boarding for onward journeys. Unfortunately, an extraordinary rush and shortage of trains are resulting in endless waits for the migrants at the screening centres. At least 24 pregnant women have given birth during their journey between May 1 and May 21, 2020.

For many migrant workers who have crisscrossed the country desperately trying to return home, homecoming has been bittersweet. They stare at another crisis. With significantly reduced work opportunities (the very reason for them to migrate) and trying to come to terms with the labelling of 'virus carrier' stigma has caused a great deal of anxiety and associated violence has been reported. Migrants thought that going back to their hometown, they could return to farming or take up employment in the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005 scheme.⁷ State governments are trying various job initiatives to support these returning workers, but it has been extremely difficult to formulate schemes and accommodate thousands of workers returning to their villages over such a short interval.

The overarching concern is workers returning back from cities and their places of work is the risk of spread of viral infection from the urban 'hotspots', to the rural villages. With thousands still returning home to their villages every day, the rural system does not have infrastructure to put all of them in institutional quarantine. In addition, there are shortages in facilities providing COVID-19 testing. The principal of 'test, track and contact tracing' to prevent the spread of coronavirus appears to be

difficult to achieve in these circumstances. The apprehension is an explosion of COVID-19 cases in the villages and a real prospect of 'second wave' surge of the outbreak.

With chronic underfunding in the rural healthcare and economy, the pandemic has highlighted the failings of rural infrastructure. The extraordinary migrant crisis due to COVID-19 is unparalleled since Indo-Pakistan partition of 1948. Similar to the fallout from the partition, this current crisis will leave a lasting legacy on future of India. It appears the COVID-19 pandemic has forced India to finally acknowledge the migrant.

Conclusion

Government of India imposed a new norm as lockdown to ensure public health and security, as it was a new move towards public good, government should also come up with more suitable alternative to ensure good governance. Promotion of digital literacy and access to information through online platforms will drive Indian citizens towards development and access to public services. E-Governance brought changes in the governance of the country, citizens can access the public services through online and can get information from various government institutions through online. E-Governance can be best alternative during pandemic but accessibility matters to deliver the services. More accessibility brings transparency and accountability through e-governance.

Online Education was possible alternative to replace offline education during pandemic, delivering education through online mode eliminates physical access to resources and lead to absence of institutional environment. The adaptability to online education can uphold the access to education during



tough times. Judicial access and getting fair trail are crucial services to minimize the chaos in civil society. The disputes arise in every day socio-economic and political life of citizens needs to solved to maintain peace and stability in the society. The adoption of e-courts and its accessibility to all sections of the society can serve as best tool to judicial access.

The livelihood of the people in society mainly depends upon the opportunity to work. The sustenance and development of the people in modern economy can be progressed through getting proper wages. The necessity to identify the constraints which hinders right to work can be minimized through citizen centric governance and vigilance. Civil rights and Governance are the driving factors to the development of the society. The socio political and economic life of the people in the society are directly connected with civil rights and governance of the nation. The possible disruption in any one has its proportional impact on the other.

Findings / Suggestions

- ✓ Digital literacy needs to be promoted
- ✓ Data security should be enhanced with suitable legislations
- ✓ Strengthening of Food security laws
- ✓ Effective Decentralization
- ✓ Development of tele-communication infrastructure

Reference:

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