How COVID-19 Second Wave Affected Centre-State Relations

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Abstract

Currently, the second wave of COVID-19 is shaping the contours of Indian politics. Partisan conflicts that have fueled centre-state tensions have raised many questions over the complexities of the relationship between the two. The first wave of the pandemic in 2020 consolidated a new phase of federal relations, where states increasingly embraced the Centre's reform priorities that had not been seen before. But in the year 2021, the major decline in trust and coordination between the Centre and the states has weighed heavily on the enormity of the crisis. The lack of respect for each other's authority (centre and state), polarization of media reports and the excessive politicization of the second wave crippled the ability of otherwise capable states to contain the virus. Conspiracy theories, nationalist and authoritarian movements in response to the pandemic undermined citizens' trust in both central and state government, leading to moral and social disruption at the public level. The findings suggest that the current tension between the Centre and the state is more a result of political forces more raised by media reports than structural constraints.; The 'health system' will be an important factor in India's future elections. This crisis calls an academic research on the issue of 'One Nation One Election' to shift 'health' as a subject from the state list to the concurrent list and fix the responsibility and accountability of both the centre and state governments.

Objective of this paper is to understand: -

1. To discuss the issue of handling of public health during pandemic by the central and state administrations and transfer of public health from the state to the concurrent list.

2. Whether political rallies and campaigns contributed to the mishandling of the second wave? And, is it time to go for One Nation, One Election.

Key Words: - *Covid-19, Governance, Health Communication, Second Wave, Governance.*

Methodology

The methodology used for this paper is descriptive, analytical, and observational. This study is based on secondary data. Most of the data which is incorporated in the study are the publicly available reports of different think tanks e.g. Centre for Policy Research, Delhi; Water Conflicts and Governance Centre for Policy Research, Delhi, Forums of Federation; IDSA; Carnegie India; Institute of Social Studies Trust (ISST), The International Institute for Democracy and Electoral Assistance and Government reports and documents such as Reports of Ministry of Home Affairs (https://www.mha.gov.in/ & http://interstatecouncil.nic.in/) and Media reports. The data used in this work also comprise of variables based on the existing literature such as books, journals, online newspaper. The literature review includes all related publication from 2000 through 2021 in Google Scholar and articles published from 2000 through 2021 using the search terms Center state relations.

INTRODUCTION

Second Wave of COVID-19 pandemic has raised serious concerns in the realms of Indian Political system. The heighten socio-political unrest and pandemic's aggravation of political - socio-economic disruption categorically exposed the weaknesses of the Centre- State relationship in dealing with challenges posed by second wave of pandemic in the year 2021.Primarily, Governance is about bringing together the diverges actors to coordinate collective action at the level of the Nation and apparently, the present crisis is an upshot of lack of coordination between center and state. Indian citizens have been let down both by center and state government alike. The goal of political governance, roughly defined, is to provide public goods, particularly peace and security, justice and mediation systems for conflict, functioning markets and unified standards for trade and industry. One crucial public good is catastrophic risk management – putting appropriate mechanisms in place to maximally reduce the likelihood and impact of any event that could cause the death of people, or damage of equivalent magnitude. The leading institution in charge of governance in India is the central Government and State government; state government coordinate the policies of center government in their geographical zone, however this institutional arrangement failed completely during the crisis. During first wave, the country has witnessed an interesting and remarkably coordinated effort by the Centre and states in addressing a collective challenge. In spite of unilateral response in terms of imposing a nationwide lockdown, the Centre eventually chose to work carefully with the states. There was a rapid response by the Government of India and other authorities or government administration officials to the pandemic of COVID-19. With several initiatives taken, to avoid the mistake of confusing right information with knowledge and services[1] but why such coordination was not sustained during second wave? "Was the country's response to the first pandemic was not enough to carve out clear cut roles both for centre and state? Why an appropriate forum for this purpose not made? It is a time to reconsider the current mechanism of governance in India and to understand whether or not it is adequately equipped to maintain law and order in the face of new threats. Clash of interests in the federal structure cannot be allowed at the cost of A-21 Right to life, a fundamental right which cannot be suspended even during emergency and this right was infringed upon for political interest during this crisis. In the past, such bickering usually affected only livelihood, this time, it affected lives-of Indians, and of people around the world.[2]Political leaders must acknowledge the fact that citizens are the foundation of not only Political System and Political Institutions but are also imperative for the very existence of a Nation State. Centre-State in India has passed through turbulent phases in the past. Hence, cooperation among the Centre and the States has always been instrumental in governing a diverse polity like India. The crisis of April 2021 show the sharp asymmetries between Center and State fuelled by power tussles and has raised urgent questions about Centre-state relationship in upcoming times especially in the context of each new wave of pandemic.

CENTER –STATE RELATION: PUBLIC HEALTH & ACCOUNTABILITY

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[1] Khan, M. G., Yezdani, U., Chakravorty, A., & Shukla, T. (2020). Efforts and Challenges paved by India to confront of Corona Virus (COVID-19). *Bangladesh Journal of Medical Science*, *19*, S 88-S 92. https://doi.org/10.3329/bjms.v19i0.48198
[2] Hindustan Times, May12, 2021 ,P12

(Should Health be shifted from state list to concurrent list?)

The Constitution of India provides a dual polity with a clear division of powers between the Union and the States, each being supreme within the sphere allotted to it. Indian model reconciles the imperatives of a strong Centre with the need for State autonomy. It distributes powers, yet does not effect a rigid compartmentalization. Functionally it is an interdependent arrangement, where Centre and States collectively aspire and work. The powers of the Centre and the State are divided and they cannot make laws outside their jurisdiction and allotted subjects. The Constitution lays down areas of responsibilities between the Centre and the states in three lists—a Union List, State list and concurrent list. The recent crisis of second wave of COVID-19 has questioned the accountability of Center and state Government with respect to Public Health. As per the Constitution, Schedule 7, Entry 6, "Public health and sanitation; hospitals and dispensaries" fall within the domain of states. Also, Schedules 11 and 12 spell out the powers of Panchayats and Nagarpalikas in maintaining "health and sanitation, including hospitals, primary health centers and dispensaries." Health is a state subject, which means that although some fund allocation, policy and legislation is done at the central level, states have a wide scope for implementing all of this and for doing more than what the Centre prescribes. Center-state relations, This is the most crucial aspect in the delivery of health care services of the country, since the different public authorities - the Central Government and the State Governments derive their power and functions from the constitutional provisions defining and regulating these relations.[3] Of the 97 items mentioned in the union list, item number 28 related port quarantine, item number 58 related to manufacturing and distribution of salt and item 81 related to interstate migration and quarantine, is of relevance to public health. Majority of the personal care and public health services are included in the state list. Of the 66 items, 5 items are relevant to the health services. They are item number 6 (public health and sanitation, hospitals and dispensaries), item number 8 (intoxicating liquors — production, manufacture, possession, transport, sale and purchase), item number 10 burial 7 cremation and grounds, item number 15 prevention of animal diseases (indirectly related to zoonotic disease control) item 17 (water-supplies irrigation and canals). Of the 47 items included in the concurrent list 9 important domains of public health is included, item 16, lunacy and mental deficiency — reception and treatment, item 18 (adulteration of foodstuffs), item number 19 (drugs and poison-related to opium), item 20 (economic and social planning), item 23 (social security including employers liability, workmen's compensation and maternity benefit), item 25 and 26 (medical education and professions medical and legal), item number 29 (prevention of extension from one state to another of infectious or contagious diseases or pests affecting man, animal and plants), item number 30 (vital statistics including registration of births and deaths).[4] But possessing jurisdiction over items by the state is not the same as possessing the financial power to make good that jurisdiction in practice. [5]To address imminent health needs many a times the union government wants to start national health programs with 100% finance. Though the intention may be based on legitimate epidemiological facts but much state government feels that the union is imposing/curving its autonomy.[6] During first wave of pandemic, the Centre took the decision to impose a national lockdown all by itself often termed as jhataka politics; there was no consultation with states. This was justified by the use of the Epidemic Diseases Act (EDA), 1897, and the National Disaster Management Act (NDMA), 2005, which provides a broad legal architecture to take a variety of emergency measures to contain the pandemic. Political scuffle over key issues like declaration of the nationwide lockdown without the consultation of the States, the irregular supply of essential medical equipment, the plight of the migrant workers and the tackling of the crisis by few opposition ruled States, came to the forefront, for instance, the decision by Kerala state to allow limited reopening of restaurants and local public transit has brought it into conflict with the Union Ministry of Home Affairs which has suggested that these

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[3] https://www.ijph.in/article.asp?issn=0019-557X;year=2014;volume=58;issue=4;spage=261;epage=266;aulast=Ahmed;type=0

[4] Ibid.,

[5] Ibid.,
[6] Ibid.,

measures violate lockdown guidelines. State government of West Bengal also has raised objections to Centre's interventions, having lack of clarity on deploying these teams under Disaster Management Act, 2005. Without clarifying the criteria for the basis of selection of those districts in west Bengal, the state government believes that these measures violate the spirit of federalism.[7] But, Article 256, which deals with 'obligation of states and the Union', is unambiguous: "The executive power of every state shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that state, and the executive power of the Union shall extend to the giving of such directions to a state as may appear to the Government of India to be necessary for that purpose." Article 257 makes it clear that the states can exercise their executive power only in a way that will not impede or prejudice the power of the Union.[8] If COVID-19 had only a health dimension, the states and local bodies would have been in charge. However, this threat goes beyond "gates, guards and guns," and has various dimensions: national, international, socio-economic, and even security so the center is predominantly involved in the management of COVID-19[9]. Fortunately, Subsequent attempts of forging coordination between the Centre and the States as well as amongst the States mitigated the chances of political acrimony and policy ambiguity during first wave. But during second wave of pandemic, the variants of the virus were different in different parts of the country. The measures taken by various states range from very strict, in the form of lockdowns, to mild, as in advisories and fines etc.,the central government has had no options but to allow the states to implement lockdown when and as they see fit. In the third week of April 2021, India's tally of cases went above 20m and the official death toll to more than a quarter of a million – a figure most experts consider to be a vast undercount [10]Unfortunately, both Centre and state government didn't know that situation would be so severe eventually, this tragic development turned into something of a blame game between center and states. State government's wants greater central funds, but also wants to insulate relief efforts from centre's imprints. It was wrong on the part of the states to blame the Centre as the role of state governments has been critical in the battle against COVID-19 but at the same time, it was equally wrong on part of Centre to wash its hands off on the ground that it is a state subject. Hence, there have been coordination issues between the Centre and states and among states and this crisis has brought home the indispensability of India's federal compact. This crisis has given rise to unprecedented policy challenges that warrants systematic and sincere cooperation and coordination both between Centre and the States as well as amongst the States especially on the issue of Health and has triggered a debate- Should 'Health' be shifted from state list to concurrent list? There is no denying a fact that the Centre also spends on health through centrally-sponsored schemes such as National Health Mission (NHM), and *Rashtriya Swasthya Bima Yojana* (RSBY) – the National Health Insurance Scheme; However, the report echoes the NITI Aayog Action Agenda 2017-2020 and the National Health Policy 2017 and calls for more decentralized health planning, which has been recommended recently by both.[11] "There is wisdom in shifting health to the concurrent list so that both Centre and state can manage it," says Oommen C. Kurian, public health fellow at the Observer Research Foundation. "Almost all major health initiatives in India over the last two decades have been driven by the Centre. Any serious initiative towards the right to healthcare will be immensely helped if health is shifted to the concurrent list," he says. The largest proportion of public spending on health actually comes from state budgets. Many states simply do not allocate enough for health. The National Health Policy recommended increased public spending on health in the states to more than 8% of the state government budget by 2020. [12]

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[7] http://www.forumfed.org/publications/federalism-and-the-covid-19-crisis-federalism-and-the-covid-19-crisis-centre-state-apposite-relations-in-pandemic-federalism/

[8] https://economictimes.indiatimes.com/news/india/view-covid-is-testing-the-robustness-of-the-relationship-between-the-centre-and-states/articleshow/82651681.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

[9] http://www.ipcs.org/comm_select.php?articleNo=5678

[10] https://www.theguardian.com/world/2021/may/17/everybody-is-angry-modi-under-fire-over-indias-covid-second-wave

[11] https://thewire.in/health/every-state-distinct-health-story-need-individualise-policy-intervention-finds-study

[12] Ibid.,

Lalit Dandona, one of the authors of the *Lancet* study, says, "Many Indian states are bigger than most countries in the world. It is necessary to plan health interventions based on the specific disease burden situation of each state, many of which are no less than nations within a nation if the existing major health inequalities between the states have to be reduced."[13]Despite public health being a state subject, the central government is the key actor in designing health policies and programmers. This has largely been due greater spending ability and availability of better technical resources. For instance, to advise the Ministry of Health and Family Welfare, the government is assisted by the National Centre for Disease Control, National Health System Resources Centre and the Indian Council for Medical Research (ICMR). Unfortunately, the state governments have been unable to invest in such agencies and benefit from their advice, leaving them to rely on the Centre's aid and advice not only for nationwide pandemics, but local public health matters as well. [14]

ELECTORAL PROCESSES: COVID 1& 2

(Time for One Nation, One Election & Alternatives to voting pattern)

In India, elections are part of daily life; the election processes keep taking place in either part of the country, whether it is local, state, or general elections or by-election. States exercise franchise through a staggered three-tier structure more than once in five years addressing: local, civic issues through municipal elections; developmental issues such as health, housing, infrastructure etc. through state elections; and finance, defense and foreign affairs through central elections. There is no denying a fact that, these electoral processes interrupts the government from discharging its administrative duties, yet the electoral processes were not much criticized in the past not even in the year 2020. However, during second wave Politicians both at center as well as state level were severely criticized by the Indian public as they were more ambitious to win an elections then saving the lives of the people of their constituencies. In this section of the paper an attempt has been made to understand firstly, whether or not the ground level politics of governance e.g. political rallies & campaigns contributed to the current crisis? Secondly, did it impact centre-state coordination to handle the second wave effectively? And lastly, is it a time to go in for One Nation, One Election.

In the year 2020, since the start of the Covid-19 pandemic, the Election Commission of India (ECI) organized several major elections. State assembly elections of Delhi was held in February when the coronavirus was not yet perceived as a danger in India, and Bihar in October-November when the pandemic showed a declining trend in the country. Rajya Sabha (Upper House) elections were also held followed by series of By-elections, local bodies and panchayat elections in several states. In 2021, State Assembly elections were organized in four Indian states and one union territory and approximately 185 million eligible voters participated in it. To conduct these elections strict preventive measures were followed e.g. Extra safety protocols and revised voter education materials. First line workers, all polling station staff was vaccinated, and absentee/postal voting methods were extended to new groups, including the elderly (over 80 years), differently abled, those infected by the virus, and those in quarantine to decide the faith of 824 Assembly seats, making these elections one of the largest organized during the pandemic.[15]

Table:-1 Rajya Sabha Elections on19th June, 2020 (Phase-1)

S. No	State	No of Seats
1	Andhra Pradesh	4

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[13] ibid

[14] https://theprint.in/opinion/health-a-state-subject-but-covid-proved-how-dependant-indias-states-are-on-centre/442602/

[15] https://www.idea.int/news-media/news/assam-west-bengal-kerala-tamil-nadu-puducherry-indian-state-assembly-elections

2	Gujarat	4
3	Jharkhand	2
4	Madhya Pradesh	3
5	Manipur	1
6	Meghalaya	1
7	Mizoram	1
8	Rajasthan	3

Source: Election Commission of India[16]

India's first major voting exercise during the Covid-19 pandemic was the Rajya Sabha election[17]   As many as 74 Rajya Sabha members got elected in 2020, nearly 1,000 legislators voted across these states. Election Commission of India, after few months of keeping Rajya Sabha (Indirect elections) and Legislative Council elections on temporary hold, conducted the elections in June, 2020 in many states of India. These elections were held for 19 across eight states — Gujarat, Rajasthan, Madhya Pradesh, Jharkhand, Andhra Pradesh, Manipur, Meghalaya and Mizoram. Elections were conducted   amid all precautionary measures in view of the COVID-19 outbreak. Social distancing was followed and entry of the MLAs was allowed after thermal screening and wearing of masks. Two MLAs in Madhya Pradesh and Rajasthan who were in quarantine turned up in PPE gear at their respective state assemblies to take part in the democratic exercise. However, these elections involved limited participants and so were easier to conduct during pandemic.

Table-2: State Assembly Elections (2020)

S. No	State	No Of Phases	Date Of Election	No Of Seats	Voters Turnout In 2020(Covid Times)	Voter Turnout In Previous Election In 2015
1.	Delhi	Single	8 Feb, 2020	70	62.59 %	67.1%
2.	Bihar	Three	28Oct-29 Nov,2020	243	57.05%	56.66%

India's first major large-scale direct election was held in the state of Bihar in Oct, 2020 amidst the pandemic. Taking a cue from the successful model of conducting elections during the pandemic in countries like South Korea, Singapore and others, the Election Commission in India has brought out strict precautionary guidelines in order to curb the spread of the infection during the election.[18] Even for mass

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[16] : https://eci.gov.in/files/file/12051-results-of-rajya-sabha-elections-held-on-19-june-2020-as-declared-by-the-respective-returning-officers/

[17] https://www.financialexpress.com/india-news/rajya-sabha-election-result-2020-bjp-nda-congress-seats/1997699/

[18] https://www.orfonline.org/expert-speak/india-challenges-conducting-elections-during-covid19/

rallies and road shows, limited public participation and reduced number of vehicles with proper social distancing measures and adequate intervals have been directed by the Election Commission. Conducting door-to-door campaigns with limited political cadres and having the election nomination process for the candidates with reduced number of people have also been instructed. [19] Seventy-two million people voted in three phases over 11 days in late October and early November. In the first phase, 71 constituencies went to the polls with 31,000 polling stations set up. In the second phase, 94 constituencies went to polls with 42,000 polling stations dedicated for it. In the third phase, 78 constituencies went in for polls having 33,500 polling stations.[20] Bihar recorded 57.05 per cent turnout in the assembly elections, marginally higher than that of 2015 despite the COVID-19 pandemic, as per official data. However, convincing the electorates to participate in the elections enthusiastically, despite the Covid-19 threat, the credit goes to the confidence-building measures taken by the election conducting body, the Election Commission of India.

Table-2: Assembly By-Polls (2020)

S.NO	State	NO OF SEATS
1	Madhya Pradesh	28
2	Uttar Pradesh	7
3	Gujarat	8
4	Manipur(Nov)	2
5	Telangana	1
6	Odisha	2
7	Nagaland	2
8	Jharkhand	2
9	Karnataka	2
10	Haryana	1
11	Chhattisgarh	1

Source: - https://indianexpress.com/article/explained/explained-all-you-need-to-know-about-56-assembly-seats-going-to-by-polls-in-11-states-6912662/

By-polls were held in several states in the year 2020 e.g. in Madhya Pradesh, Uttar Pradesh, Manipur, and Telangana. Sixty-three seats were vacant in state Assemblies across the country. Just like a general election, a by-election has rules and timelines to follow. These by-polls were held to fill vacancies owing to defection or death of sitting legislators.

Table-3: Local Body Elections Dec, 2020.

S.NO	STATE	LOCAL BODY
1	Hyderabad	Municipal Corporation (GHMC) election
2	Kerala.	Urban &Local bodies poll
3	Jammu & Kashmir	District Development Council (DDC) polls
4	Rajasthan	Urban &Local bodies poll

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[19] Ibid.,

[20] https://www.hindustantimes.com/india-news/ec-sets-stage-for-india-s-1st-covid-era-elections-in-bihar/story-48vK8OgLctnFIgoOkyItdO.html

Adhering to strict Covid-19 protocol, local elections were held besides Assembly and Rajya Sabha elections in the year 2020. Municipal Corporation (GHMC) election in Hyderabad was held on 1st December, 2020 and approximately 1,825 candidates contested from 150 municipal divisions. Elections to municipalities, panchayats, and corporations were held in Kerala in three phases from 8-14 December 2020 similarly in Rajasthan, panchayat elections and urban local body elections were also held. The District Development Council (DDC) elections were held in Nov-Dec, 2020 in Jammu and Kashmir and the first time Union territory went to polls since Article 370 of the Constitution was abrogated and the state was bifurcated.

Table-4: State Legislative / U.T. Elections in 2021

S.NO	STATE/U.T	NO.OF SEATS	DATE	Voter turnout in covid times 2021	Voter turnout in Previous election 2016
1	Assam	126	March 27th to April 2	82.04%	87.03%
2	Kerala	140	April 6th 2021	74.06%	77.35
3	West Bengal	294	March 27th to April 29th 2021	75.06%	81.66%
4	Tamil Nadu	234	April 6th 2021	72.84%	74.81
5	Puducherry	30 (plus three nominated members)	April 6th 2021	81.69%	78.03

In April 2021, Assam, Bengal, Kerala Pondicherry and Tamil Nadu went in for elections in 824 assembly constituencies W.B. recorded 82%, Assam 83%, Tamil Nadu 74%[21] 18.68 crore elector's casted vote at 2.7 lakh polling stations in these five states. West Bengal witnessed the longest state elections India has ever seen, it was conducted in eight-phases, spanning 34 days. Voter turnout was more during COVID-19 elections as compared to previous election except puducherry. The Election Commission of India (ECI) has issued clear instructions that entry of polling agents and candidates will not be permitted inside the counting hall without a negative COVID-19 RT-PCR report or Rapid Antigen Test within 48 hours of the start of counting or vaccination certificate for both doses. EC also prohibited victory rallies.

Table-5: Lok Sabha By-Elections / By-Polls, 2021

S.NO	STATE	DATE OF ELECTION
1	Andhra Pradesh	17th April, 2021
2	Karnataka	17th April, 2021
3	Kerala	17th April, 2021
4	Tamil Nadu	17th April, 2021

Table- 5: Assembly Constituencies By-Elections / By-Polls, 2021

S.NO	State	Constituency	Date Of Elections
1	Gujarat	Morva Hadaf (ST)	17th April, 2021
2	Jharkhand s	Madhupur	17th April, 2021
3	Karnataka	Basavakalyan	17th April, 2021
4	Karnataka	Maski (ST)	17th April, 2021

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[21] Hindustan Times, n-2,p.8

5	Madhya Pradesh	Damoh	17th April, 2021
6	Maharashtra	Pandharpur	17th April, 2021
7	Mizoram	Serchhip (ST)	17th April, 2021
8	Nagaland	Noksen (ST)	17th April, 2021
9	Odisha	Pipili	17th April, 2021
10	Rajasthan	Sahara	17th April, 2021
11	Rajasthan	Sujangarh (SC)	17th April, 2021
12	Rajasthan-1	Rajsamand	17th April, 2021
13	Telangana	Nagarjuna Sagar	17th April, 2021
14	Uttarakhand	Salt	17th April, 2021

Source: https://www.ndtv.com/india-news/bypoll-election-results-2021-results-of-bypolls-to-2-lok-sabha-14-assembly-seats-in-11-states-today-2425892

Controversy of Conducting Polls Amid the second wave

Panchayat elections in the state of Uttar Pradesh started in April 15(first phase), the second phase on April 19, the third phase on April 26, and the fourth and final phase on April 29. All the phases registered a voter turnout of more than 70 per cent. On 27th April, the Allahabad High Court issued a notice to Uttar Pradesh State Election Commission over the reported Covid-19 related death of around 135 persons, later the Teachers' union in the state claimed that 577 persons died from Covid-19 while on panchayat election duties. High Court noted that UP govt was more interested in polls instead of Covid-19. But the fact is that the state government didn't even want to conduct the polls, and it was forced to do so only due to an order by the same Allahabad High Court.[22]In the writ petition number 23377 of 2020 filed by, Vinod Upadhyay against the State of Uttar Pradesh, the Allahabad High Court in its order dated February 4, 2021, directed the State Election Commission to complete the direct elections process of the Panchayats by April 30, 2021[23] The court also rejected the poll panel's undertaking to hold the rural civic body elections by May 2021 and noted that as per the mandate of the Constitution, the election of the panchayat should have been held on or before January 13, 2021. The Election Commission was criticized over conducting polls amid the Covid pandemic, three Lok Sabha seats and eight seats in state assemblies were up for election in this round but Election Commission of India deferred the upcoming by-polls in view of the prevailing covid crisis and all this was not projected by some media channels and showed the one sided image of government to be eager for conducting election during the pandemic. The upcoming elections were to be held for three parliamentary constituencies of Dadra and Nagar Haveli, Khandwa (Madhya Pradesh) and Mandi (Himachal Pradesh) and eight seats from state assemblies of Kalka and Ellenabad in Haryana; Vallabhnagar in Rajasthan; Sindgi in Karnataka; Rajabala and Mawryngkneng in Meghalaya, Fatehpur in Himachal Pradesh and Badvel in Andhra Pradesh.

Did Elections Contributed to Second Wave?

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[22] https://www.opindia.com/2021/04/allahabad-hc-had-ordered-up-panchayat-polls-dismissed-pil-to-postpone/
[23] https://www.nationalheraldindia.com/india/yogi-government-blames-high-court-for-panchayat-polls

 Elections- the lifeline of democracy became a major bone of contention between politicians and Election commission on one hand and Judiciary on the other side. Conducting elections in April, 2021 was blamed for intensifying the spread of second wave and this became the most debatable issue in the electoral history of India. Unfortunately, India's daily case numbers began rising at the end of February after falling steadily from mid-September 2020.The cases picked up sharply in March, and reached record highs, the rate of growth outpaced the rate seen in the first wave which hit India in 2020.[24] At the same time, India's political parties were busy campaigning for a series of state elections in West Bengal, Assam, Kerala and Tamil Nadu, as well as local council elections in some parts of Uttar Pradesh and Telangana states since early March, with voting starting at the end of March, and carrying on through April, hence on 22 April, restrictions were placed on big public events, limiting political meetings to 500 people. On April 26, coming down heavily on the Election Commission (EC) for "not stopping political parties" from violating Covid protocols during their campaign rallies for Assembly polls in four states, the Madras High Court said that murder charges should probably be imposed on the constitutional body for being "the only institution responsible for the situation that we are in today". The scathing observations came four days after the Calcutta High Court had censured the EC for not doing enough to ensure that political parties were following appropriate Covid protocols amid the surging second wave.[25] However there was lot of hue and cry across India and the major argument articulated against election commission and politician was; the politicians invested more time in elections rallies then in solving the crisis. Election commission of India was also criticized; the ECI could have averted the tragedy by putting off the elections. Tamil Nadu polls ended on April 4 and "fortunately, the second wave of COVID-19 was yet to be visible fully by that time."[26]

Table-6: Five states with highest daily cases did not went for Polls State

State	Daily cases on April 28	Daily cases on February 26	Total case on April 28	Total case on February 26	% increase in cases between February 26 and April 28	Positivity rate on April 28	Positivity rate on February 26
Maharashtra	63309	8333	4473394	2138154	109%	23.2%	9.7%
Karnataka	39047	571	1439822	950207	52%	22.7	0.7%
Kerala*	35013	3671	1495378	1052358	42%	25.3	5.4%
Uttar Pradesh	29751	118	1182848	603350	96%	15.9%	0.1%
Delhi	25986	256	1098051	638849	72%	31.8%	0.4%

*Kerala also went to polls on April 6

Source:https://www.indiatoday.in/india-today-insight/story/is-the-election-commission-responsible-for-the-second-wave-of-covid-cases-1796437-2021-04-29

Table-7: states/ U.T.   Went for Polls in April, 2021

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[24] https://www.bbc.com/news/56858980

[25] https://www.indiatoday.in/india-today-insight/story/is-the-election-commission-responsible-for-the-second-wave-of-covid-cases-1796437-2021-04-29

[26] Enforcing COVID-19 rules is State's responsibility: Election Commission of India

Above tables shows that situation was not as alarming in state like Tamil Nadu and Assam that went to polls. Assam's positivity rate jumped from 0.3 per cent to 5.4 per cent and Tamil Nadu from 0.9 per cent to 12.8 per cent. While the three non-election states—Maharashtra, Karnataka, and Uttar Pradesh showed much more alarming spike in positivity rate. The campaign for the Tamil Nadu polls ended on April 4 and "fortunately, the second wave of COVID-19 was yet to be visible fully by that time."[27] Timeframe for surges in case numbers was by no means unique to four states that went for polls as it was also found in non-polling states for example, there were big case numbers with significant spikes over short periods of time in Maharashtra and Karnataka, neither of which have held election campaigns.[28] But there is no denying a fact that election require intense public interaction and mass communication, the apprehension is that the precautionary norms like social distancing and avoidance of crowded gatherings has impede the hassle-free conduct of elections. Hence it's hard to answer weather elections were solely, responsible for spreading second wave this, given the number of factors involved. Firstly, virus's spreader equally in states where there were no elections. Secondly, ECI conducted elections with strict covid guidelines and trajectory of the virus varied and so did the capacity of each Indian state to respond to the virus and its catastrophic impact.

Delaying or Going Ahead with Elections during Pandemic

 The Election Commission is confident of holding the five assembly polls due early next year, including in Uttar Pradesh and Punjab, on time as the poll panel has gained a lot of experience from the electoral exercise in Bihar, West Bengal and four other assemblies amid the coronavirus pandemic, Chief Election Commissioner Sushil Chandra has asserted.[29]

Table-8: Tentative Date of Next Legislative Assembly 2022

Synod	STATE	TENURE	ELECTIONS DUE IN	NO OF SEATS
1	Goa	15 Mar, 2017 - 14 Mar, 2022	2022	40

State	Daily cases on April 28	Daily cases on February 26	Total case on April 28	Total case on February 26	% Increase in cases between February 26 and April 28	Positivity rate on April 28	Positivity rate on February 26
West Bengal	17207	216	793552	574716	38%	31.3%	1.1%
Tamil Nadu	16665	481	1130167	850577	32%	12.8%	0.9%
Assam	3045	34	246847	217518	13%	5.5%	0.3%
Pondicherry	1258	20	56305	39697	42%	18.4%	1

2	Gujarat	Dec 2017 - Dec 2022	2022	182
3	Himachal Pradesh	Dec 2017- Dec 2022	2022	68
4	Manipur	15 Mar, 2017 - 14 Mar, 2022	2022	60
5	Punjab	16 Mar, 2017 - 15 Mar, 2022	2022	117
6	Uttar Pradesh	19 May, 2017 - 18 Mar, 2022	2022	403
7	Uttarkhand	18 Mar, 2017 - 17 Mar, 2022	2022	70

[27] Election commission of India, n- 26
[28] https://www.bbc.com/news/56858980
[29] https://www.livemint.com/

Source - https://www.elections.in/upcoming-elections-in-india.htm

The terms of the legislative assemblies of Goa, Manipur, Punjab and Uttarakhand are coming to an end in March 2022, while the term of the Uttar Pradesh legislative assembly is scheduled to end in May. Elections for office of President and vice-president of India are also due in 2022.

According to the International Institute for Democracy and Electoral Assistance (IDEA)'s overview; While holding elections in the context of COVID-19 certainly presents a challenge for voters, it also presents an important choice for them: who is going to be in charge the lead them out of this situation.[30] As countries adapt their voting systems to ensure public safety during the pandemic, it could also be a chance to consider how to address more structural challenges such as inclusivity, transparency, and accountability in the electoral process.[31] There are different views about it for instance according to some , going ahead with an election and delaying an election both come with risks - not just to public health, but to democracy. Toby James, a professor of politics and public policy at the University of East Anglia, declared that "intuitively, we think postponing an election sounds anti-democratic, […] but actually democracy in some ways could be undermined by holding an election in these times". [32]He also mentions that we cannot forget that elections take years to be planned, from logistics to technology and security of the ballots. On the other hand, "elections are necessary to keep the public's trust and to maintain the legitimacy of law-making" [33]

In the year 1999, the Law Commission of India headed by Hon'ble Justice B.P. Jeevan Reddy in its One Hundred Seventieth Report on Reform of Electoral Laws recommended simultaneous elections to Lok Sabha and State Legislative Assemblies. The Department related Parliamentary Standing committee on Personnel, Public grievances, Law and justice in its 79th report (submitted to the Parliament in December 2015) had also examined the feasibility of holding simultaneous elections to Lok Sabha and State Legislative Assemblies. The Committee recommended an alternative and practicable method of holding simultaneous elections. [34]For the implementation of 'One Nation One Election, some state assemblies must resolve early or come under the president rule. A suitable suggestion here would be for the government to give the current state governments an extension, keeping them in power until the vaccine rollout is more or less complete. Or, imposing a president's rule in the state is an equally viable option given the current circumstances. Elections in India pose formidable challenges on account of large electorate, geographical and linguistic diversity and differing climatic conditions.The pandemic has indeed turned into a test for the ECI to stand up to its motto of 'No Voter Left Behind'. It will set another milestone in its 70 years of path-breaking journey.

CONCLUSION

Second wave of pandemic has compelled us to revisit the media debates around the federal organization of powers under the Constitution's Seventh Schedule. The country's response to the pandemic has shown that carving out roles for centre & state through consensus can address new challenges. Ruling and opposition parties must strike a balance between politicization and responsibility. Both Centre and state must respect each other's authority and follow institutional procedures. COVID-19 has brought the spotlight on issues that have been plaguing the public health system in India for many years this crisis is an opportunity to garner political will to invest in heath sector.

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[30] https://www.latinamerica.undp.org/content/rblac/en/home/presscenter/director-s-graph-for-thought/the-virus-and-the-votes--how-is-covid-19-changing-voter-turnout-.html

[31] Ibid.,

[32] https://www.minsait.com/ideasfordemocracy/en/elections-during-pandemic-covid-19s

[33] Ibid.,

[34] https://niti.gov.in/writereaddata/files/document_publication/Note%20on%20Simultaneous%20Elections.pdf

This crisis may force both the political system and media to recognize that 'Health' is most integral part of any nation and importance to health issues must be given first before any political debates or discussions.

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