



Who Manages What? Covid-19 and the Centre-State Division of Responsibilities in Indian Democracy

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Abstract

The Constitution of India has provisions of separation of power in order to facilitate the smooth functioning of the federal structure consisting of the central and state governments. Accordingly, a list has been illustrated in the Constitution of India where the Centre and State governments will have autonomous or shared ownership and responsibilities. As per this list, the subject of health comes under the purview of the state government. In this article, the author explores various aspects associated with the COVID-19 pandemic that has necessitated the central government to step into the domain of health, which is a state subject.

Keywords: COVID-19, federalism, Indian Constitution, Centre-State division

1. Introduction

The doctrine of separation of power is evident in the provisions of the Indian Constitution. This division is apparent in two perspectives. First, in the separation of power between the legislature, executive, and judiciary. The second, in the division of powers between the Central and state governments. As per the second type, the Indian constitution has demarcated the central

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government and state government's subject matter, where each entity will have autonomous or shared ownership and responsibilities. Even though “public health, sanitation, hospitals and dispensaries” come under the state list, during the COVID-19 pandemic situation, the demarcating boundary between the central and state governments was very often breached.

In this context, this article explores the multidimensional aspects associated with COVID-19, that have necessitated the Central government’s intervention in “public health, sanitation, hospitals and dispensaries,” which is enumerated in the state list.

2. Separation of Powers in Indian Constitution

A country's Constitution is a set of official guidelines or established principles according to which the governing and functioning of the states and other institutions are tuned and designed. These principles are the essential policies by which legitimate and authentic administration can happen in a state. The constitution can be written or unwritten. The subject matter of the constitution deals with various aspects of the state, that is, the legislative, administrative, social, financial, domestic, international, educational etc. If a state has a federal form of government, it is prudent to have a written and well documented constitution. The constitution demarcates the subject matter of central government and state governments, where each entity will have autonomous or shared ownership and responsibilities.

The Constitution of India is the longest written constitution of any sovereign country in the world, containing 444 articles in 22 parts, 12 schedules and 118 amendments, with 117,369 words in its English language translation (Basu, 2008). To avoid possible conflicts and confusions, the makers of the Indian Constitution did their job with great dexterity and clarity whereby they codified, and elaborately dealt with provisions related to the powers and functional fiefdoms of the central and state governments of India. The historical evidence of clashes and conflicts in India resulting from a centralised administration motivated the luminaries of the constitution draft committee to consciously do the needful for elaborated and detailed provisions “regarding the distribution of

powers and functions between the Union and the States in all aspects of their administrative and other activities"(!), and also concerning relationship and dispute among states.

As per Article 51(3) of the Indian constitution, the executive powers of the Union are vested with the President and as per Article 50, the judicial powers are vested with the judiciary. The Parliament of India is authorised to make any law as per the provisions enlisted in the Indian constitution. The judicial bodies of India are independent bodies that take care of the law and order situation in the country and the final interpretation of the provisions of the Indian constitution.

In *Golak Nath v. State of Punjab*(@), Subba Rao, C. J. observed:

"The Constitution brings into existence different constitutional entities, namely, the Union, the States, and the Union Territories. It creates three major instruments of powers, namely, the Legislature, the Executive, and the Judiciary. It demarcates their jurisdiction minutely and expects them to exercise their respective powers without overstepping their limits. They should function within the spheres allotted to them."

In *Bandhua Mukti Morcha v. Union of India*(#), Pathak, J. observed:

"The Constitution envisages a broad division of the powers of the State between the legislature, the executive and the judiciary. Although the division is not precise, there is a general acknowledgement of its limits. The limits can be gathered from the written text of the Constitution, from conventions and constitutional practice, and an entire array of judicial decisions. The constitutional lawyer concedes a certain measure of overlapping in functional action among the three organs of the State. But there is no warrant for assuming a geometrical congruence. It is commonplace that while the Legislature enacts the law, the Executive implements it and the Court interprets it and, in doing so, adjudicates on the validity of executive action and, under our Constitution, even judges the validity of the legislation itself. And yet it is well recognised that in a certain sphere

the Legislature is possessed of judicial powers, the executive possesses a measure of both legislative and judicial functions and the Court, in its duty of interpreting the law, accomplishes in its perfected action a marginal degree of legislative exercise. Nonetheless, a fine and delicate balance is envisaged under our Constitution between these primary institutions of the State”.

In India, the legislatures in the states are authorised to make laws pertaining to the subjects within the purview of states or within the territory of the state. As per Article 245, “a state legislature can make laws for the whole or any part of the state to which it belongs”. This also means that the state legislature cannot make any legislation pertaining to subjects that are beyond the territorial jurisdiction of a state. According to Article 246, the Parliament, on the other hand, has the power to legislate for “the whole or any part of the territory of India, which includes not only the States but also the Union Territories or any other area, for the time being, included in the territory of India.” As per the provisions of Article 245(2) of the Indian constitution, the Parliament also possesses exclusive extra-territorial legislation. That is, the laws made by the Parliament of India apply to Indian subjects residing anywhere in the world.

Regarding the subject matters of legislation for the Parliament and the State legislatures, the constitution of India has a threefold distribution. The three lists in the Indian constitution are Union list, State list and Concurrent List. Parliament has the exclusive power to make laws concerning subjects enumerated in the Union list and these subjects are of national importance and require common law across the country. Defence, foreign affairs, war, citizenship, currency, Post office, insurance, banking, census etc. comes under the Union List. The state legislature has the exclusive power to make laws with respect to subjects enumerated in the state list and these subjects are of regional or state-level importance. Public health, sanitation, hospitals, dispensaries, police, prison, agriculture etc. belong to the state list. Both the Centre and State have the power to make legislation regarding subjects enumerated in the concurrent list. Forest, adulteration, education, population, family planning, electricity, factories etc.

But careful analysis of the description and practice of the Indian constitution shows some compromise about the strict implementation of separation of powers in both aspects of division among organs of the government as well as the division of subjects of legislation among the Centre and the state.

With reference to the organs of government, apart from Parliament, the President of India can also exercise certain legislative powers. He can promulgate ordinances when the parliament is not in session and can make laws for a State when its legislature is dissolved(\$). Even though it is the Parliament of India which looks after the legislative functions and is authorised to make any law in consonance with the basic structure of the Indian constitution, at times, the legislative functions can be delegated to the executive. Through the provision of delegated legislation, it is the executive wing in India which frames a detailed version of the bill passed by the parliament by incorporating procedures and details as part of the Act. Under certain circumstances, the Parliament exercises the judicial functions too. In case of impeachment of the President and the Supreme Court judges, the Indian parliament directly or indirectly exercise the judicial functions.

Even though the arrangements made with regard to the distribution of legislative powers between the Centre and State are maintained in normal times, during exceptional times, this separation of power is not strictly followed. The Centre makes legislation for even the subjects enumerated in the state list. According to various provisions of the Indian constitution, the Centre is authorised to make laws on any matter enumerated in the State list when “Rajya Sabha passes a resolution to that effect”(%), “during the time of National Emergency”(^), “when two or more States request for it(&)” or “for implementing International Agreements”(*)

Now India is witnessing an exceptional scenario in Indian federalism whereby the Centre is making legislation with regard to the state subject, health and sanitation, even though it is not consistent with the abnormal conditions prescribed by the Indian Constitution for Centre’s legislation in the State list. It is the multidimensional impact of COVID-19 which is behind the

Centre's intervention in the state list. Each of these dimensions is analysed in the following part of the article.

3. International Dimensions

2020 has turned out to be one of the most complicated years in the history of the international world. Due to the inherent characteristics of unpredictability, unprecedented impact and pervasiveness, COVID 19 has disrupted the social, political and economic life of states across the world. States in the international world are devising and exploring new dimensions of cooperation in order to overcome the large-scale, sporadic and spontaneous destruction caused by the pandemic. It has become a global war against the invisible enemy.

COVID 19 which was first reported in China, was not taken seriously by the rest of the world. Other countries treated it as a "China problem", and because of this callous attitude, world countries were not seriously prepared when the World Health Organisation (WHO) declared COVID-19 as a "Public Health Emergency of International Concern" on 30 January 2020. Now according to Nature, "the spread of coronavirus disease 2019 (COVID-19) is becoming unstoppable and has already reached the necessary epidemiological criteria for it to be declared a pandemic, having infected more than 100 000 people in 100 countries (Callaway, 2020)." This also means that COVID-19 has to be tackled by a coordinated effort of all the global states. Here the question of only affected countries or affected parts of the countries fighting the virus is not prudent. Since it is a virus, it does not have prescribed territorial boundaries set for operation. Therefore, a coordinated and cordial global health system is needed to meet the challenges thrown by the unprecedented outbreak.

India, a country that is also seriously affected by this pandemic, has taken actions in tune with international standards. India is a country that shares boundaries with many countries, including China, Bhutan, Bangladesh, Myanmar, Nepal, and Pakistan. It also shares maritime borders with Sri Lanka, Maldives and Indonesia. This makes a demand on the country to be extra cautious about screening and management of its borders on account of COVID-19.

Any individual or object carrying the coronavirus and entering through the border, will create huge repercussions to a densely populated country like India.

India also has a vibrant tourism sector. As per the statistics available with the Ministry of Tourism, Government of India, about 10.89 million foreign tourists visited India in 2019 (Tourism, 2019). This also makes for another precarious situation where the Indian government will have to take care of the safe stay and exit of foreigners. The actions and policies taken during this time can have a serious influence on the diplomatic relations of India with other countries in International relations. India has facilitated the evacuation of foreigners belonging to the United States, France, Germany, UK, Japan, Austria by arranging special flights to return the foreigners to their home countries (Srivastava, 2020). Many countries are in talks with the government of India to work out procedures to ferry their citizens to their home countries (Chaudhury, 2020). As per the notification issued by the Ministry of Home Affairs, Government of India, "Regular visa, e-visa or stay stipulations of such foreign nationals who have been stranded in India because of the spread of COVID-19 in many parts of the world and due to consequent travel restrictions imposed by the Indian authorities and whose visas have expired or would be expiring during the period from 01.02.2020 (midnight) to 03.05.2020 (midnight) would be extended till midnight of 03.05.2020 on Gratis basis after making online application by the foreigner" (Ministry of Home Affairs, 2020). The government of India has also decided to extend the suspension of all the visas that had been granted to foreigners except those belonging to diplomatic, UN and International Organisation officials till May 3 (Ministry of Home Affairs, 2020). Thousands of foreigners were stranded in India because of the lock-down implemented in India to contain the spread of coronavirus. It had become the responsibility of the central government to take care of their safe stay and exit from the country.

For many countries, to contain COVID-19 they just had to close the borders and check the spread of the virus within the territorial limits of the country. For a developing country like India, the problem was greater as a huge population of Indian citizens are

studying and working abroad. According to the International Migration Report 2019 published by the United Nations, "India was the leading country of origin of international migrants in the world. It estimated that a total of 17.5 million Indian migrants lived across the world, forming more than 6% of the world's total migrant population" (Department of Economic and Social Affairs, 2019). On account of the COVID-19, some people have voluntarily managed to return to India while some are being evacuated by the Government of India. But millions of Indians were still stranded in the virus-infected countries across the globe on accounts of cancellation of international flights and travel restrictions imposed by the government. This precarious situation had left many Indians living in the worst-hit countries, more vulnerable to the COVID-19 pandemic. According to the data provided by the Ministry of External Affairs, Government of India, more than 15% of Non-resident Indians were in 10 of those countries that had recorded the highest number of positive corona cases (Ministry of External Affairs, 2020).

The government of India also had to take care of its maritime boundaries and ports during the time of the pandemic. The government of India had stopped permitting entry of International cruise vessels from foreign destinations in Indian ports. The Ministry of Shipping had come out with guidelines towards the screening, detection and quarantine system for the debarking of cruise crews and passengers. India had taken necessary steps of self-declaration from the arriving passengers/crew, installation of thermal scanners, procurement of personal protection equipment and creation of awareness among the travellers and officials at its various major and minor ports. The major ports in India had taken additional measures of framing standard operating procedures for disease surveillance, crew management, passenger management, vessel surveillance, thermal scanning, quarantine facilities at port hospitals and Information, Education and Communication about COVID-19 through electronic, print media and display boards at the port hospitals. On a daily basis on the e-samiksha portal of the cabinet secretariat, the status of vessels arriving at the ports and the subsequent screening of crew members and passengers are being uploaded as per the guidelines of the Ministry of Health and

Family welfare (PIB, 2020). Interstate relations in international relations had taken new dimensions on account of the pandemic. US-China relations were already ruptured due to allegations of suppression of information about the virus, as well as the conspiracy theory of COVID-19 being a bioweapon. "If it was a mistake, a mistake is a mistake. But if they were knowingly responsible, yeah, I mean, then surely there should be consequences," US President Donald Trump said as quoted by the New York Times.

China was also making use of the pandemic situation to strengthen its roots in European countries. From the realist perspective, China's decision to send a medical team and equipment to Europe cannot be an act of altruism rather a geopolitical strategy. They can use this as an opportunity for replacing the helping hand of the US from the European countries as the US itself is finding it difficult to bear the brunt of the pandemic.

Geopolitically, China's initiatives to support Europe amidst COVID-19 would give a brand to China as Europe's saviour by replacing a position hitherto held by the US. The US' status as world health care provider and supporter was challenged. France, Italy, Greece, Bulgaria, Cyprus, Luxembourg, Spain, Lithuania and other European countries were welcoming the Chinese medical support. China was giving donations to the European Union and to its individual members. Not all those aids proposed by China were without strings or strictly altruistic and humanitarian. Instead, some conditions were also attached in the form of purchase contracts, discounted investments, influence in domestic political agenda of Europe etc. Hitherto negative views of the European continent about China on accounts of its one-party system, non-transparent domestic affairs and track record of human rights violation, might be pacified by the Chinese actions during the crisis.

Since China was the first country which witnessed and overcame the outbreak of COVID-19, the world had become dependent on them with regard to medical and pharmaceutical products and research. By the time the world started to witness the unprecedented spread of coronavirus, China had recovered from the same and had become an experienced senior partner, helping

other countries in order to tackle the precarious situation. The medical equipment and research related to COVID-19 had given a new dimension to diplomacy. Countries started to request, threaten, and provide medicine and medical equipment in the name of bilateral and multilateral relations, benefits and sanctions. The way the US government asked the Indian government to lift the ban of export on hydroxychloroquine, a drug useful for managing COVID-19 is a classic example of the same (Bisht, 2020).

As far the India-China relation is concerned, 2020 is also a milestone. 70 years ago, India became the first of Asia's non-Communist nations to open formal diplomatic relations with China. Notably, on accounts of medical, research, geostrategic perspectives, India has refrained from accusing China of the outbreak and spread of coronavirus despite their mysterious and dubious handling of the pandemic since it was first reported in China in December 2019.

Amidst the pandemic, India had played a significant role in connection to containment and spread of the virus within other countries. At the diplomatic level, India was exhibiting proactive initiatives especially in South Asia and the Indian Ocean Region. When COVID-19 was first reported in China, India took the necessary steps to evacuate its citizens from Wuhan, China. On compassionate and humanitarian grounds, India also evacuated citizens from Bangladesh, South Africa, Maldives, Myanmar and Madagascar. Before sending the evacuated citizens to their home country, India also made quarantine arrangements as a precautionary measure (PIB, 2020).

India had also supplied medicines, medical and pharmaceutical equipment to other parts of the world to fight against COVID-19. India extended help in this regard to Mauritius and Seychelles by sending life-saving drugs, including hydroxychloroquine through a special Air India cargo flight from New Delhi (PTI, 2020). The Indian Air Force flight had also carried medical supplies to China (PIB, 2020).

COVID-19 had also given India a platform to mend the irks that existed in its relations with some countries like Iran and Malaysia. After the Delhi riots and Citizenship Amendment Act, Iran-India

relations and Malaysia-India relations were strained. Iran and Malaysia had openly criticized India's domestic affairs. However, COVID-19 presented an opportunity for reviving the friendship. India and Iran had cooperated to evacuate the Indians who were stranded in Iran (Bhatia, 2020). Iran had also sought the support of India to deal with the pandemic. Iran also expected support from India against the sanctions of the United States. India has also sent 5,022 MT wheat consignment to assist Afghanistan to deal with the crisis put forward by COVID-19 through Iran's Chabahar port (Sibbal, 2020). India had also gifted 10 tons of essential lifesaving medicines to Sri Lanka on a special chartered flight (Chaudhury, 2020). A 14-member Indian Army team was sent to the Maldives to assist the island nation in setting up coronavirus testing laboratories and to train local medical professionals to fight the pandemic. India has also been playing a key role in pushing for a common framework in fighting the pandemic in the SAARC region (PTI, 2020). India is taking this opportunity to exhibit before other nations its goodwill and ability to support. The initiatives taken by India in South Asia and the Indian Ocean Region validate the same. India is at the forefront of the South Asian regional strategy through its contribution of US\$ 10 million to the SAARC COVID-19 Emergency Fund.

It is in this scenario of too many international dimensions, that contrary to the constitutional provisions, the Central government was proactive in legislating and executing laws and policies related to public health, sanitation and hospital, which belongs to the state list of the Indian constitution.

4. Federal Aspects

In several countries across the world, COVID-19 has necessitated nationwide lockdowns that require 24/7 monitoring. In federal countries like India, uniformity in response, both preventive and curative, is crucial. As per the Constitution, the basis of the distribution of powers between the Union and states is that "only those powers which are concerned with the regulation of local problems are vested in the States and the residue especially those which tend to maintain the economic industrial and commercial unity of the country are left to the Union."

The country's responses, therefore, demand effective coordination between the centre and states, and between states themselves to monitor and regulate the movement of people and goods across the country. Nearly half of the states are ruled by different regional parties, and three by the Congress. Due to ideological differences and a populist will to protect state interests, it may not be easy for all chief ministers to take a national perspective. While some states are indeed managing well, it should be noted that not all states are equipped to handle a multi-dimensional crisis of this proportion.

5. Financial Fallout

COVID-19 has brought unprecedented disruption in the global as well as Indian economy. India's real GDP was its lowest since 2015(-). To contain the spread of the virus, the Government of India implemented a complete nationwide lockdown from March 25 to May 31, 2020. This has made the economic sector in the country stagnate, seriously affecting the consumption, investment, production, marketing, and exporting sectors of the Indian economy.

The abrupt stop of the multidimensional economy has led to a steep fall in the consumption of non-essential goods. Due to reduced sources of income and changing preferences as a result of the pandemic situation, people have not shown an interest to consume non-essential goods. The supply chain of the domestic and essential goods and services will also get affected on accounts of such a long lockdown.

As per the data available with the Ministry of Statistics and Programme Implementation, Government of India, 37% of salaried workers in the urban sector work in the informal sector. When the informal sector gets closed, the income needed for paying the salary for their workers also stops. This made the life of the urban poor as well as the daily wage employees miserable(+). To tackle the situation, the government of India had come up with COVID-19 relief packages, which consist of a slew of measures, including cash transfers and food security(Drrèze, 2020).

As far as the apparel and textiles sector were concerned, even though there was not much fluctuation in the price, the demand for

the same had come down drastically. Since people were locked inside their houses, they tended to spend more on food and other essentials than on apparel and textiles. As per the Annual report, 2018-19, Ministry of Textiles, Government of India, this sector is one of the largest employers in India. The nationwide lockdown had led to the closure of factories and production units in the apparel and textile sectors. This made a large quantum of people jobless. "We have estimated that if no assistance comes from the government, either in terms of wage subsidy or revival package, there could be loss of almost a crore of jobs in the entire textile chain. If the garment industry closes, it will impact the entire value chain from fabric supply industry to brand to the zipper and label industry," said Clothing and Manufacturers Association of India Chief Mentor Rahul Mehta. Stoppage of import and export on accounts of the pandemic has aggravated the crisis in this sector(PTI, 2020).

The automobile sector was also facing drastic and swift impacts on account of weak demand from the public. COVID-19 would bring negative impacts in the value chain, which would witness a shortfall in the availability of raw materials due to import constraints, movement of production units out of the country, liquidity crunch, postponement in the launch of new models etc. People were not investing in the automobile sector on the accounts of looming financial uncertainty because of the pandemic situation in the country (Mishra, 2020). Since the demands have slackened, the automobile sector in India would also have to face its dire consequences(Iyer, 2020). The Indian automobile industry was already undergoing difficult quarters and COVID-19 had added fuel to fire(Mishra, 2020).

As per the predictions of the International Air Transport Association (IATA), there would be a 47% of passenger-fall in India and this would show a huge loss in passenger revenue in the post-COVID times. In order to contain the spread of coronavirus, the government of India had suspended the international flights in the initial days of nationwide lockdown and then went on suspending the domestic flights too. IATA also estimated a humongous job loss of 3 million people who were directly or indirectly associated with the aviation sector for income(Saha, 2020).

COVID-19 outbreak had also seriously affected the tourism and hospitality sectors in India. The containment measure introduced by the central government which included a complete nationwide lockdown and suspension of international and domestic transport had negatively impacted the number of foreign and domestic travelers for both business as well as tourism purposes. In the post COVID period, due to continuous financial loss and liquidity crunch, people would not be leisurely spending money upon travel, lodging and entertainment. This would affect the working capital of various firms associated with the tourism and hospitality sector. When there is a reduction in the revenue, as part of cost optimisation, firms would have to cut short the revenue as well as capital expenditure. This would result in the reduction of the salary of employees, employee layoffs and the deferment of expansion of firms and businesses. Since the tourism sector is one of the biggest sources of foreign exchange earnings and employs many people living in both rural and urban sectors, backlashes in the income part of the tourism and hospitality sector will disrupt the economy of India as well as the finances of the people (Line, 2020).

The nationwide lockdown had brought the building and construction sector to a standstill and it had severely affected the revenue of the construction firms in India. The financial stress, shrinking orders and tight working capital resulting from the pandemic was a big blow to the construction and real estate sector India. The firms were finding it difficult to pay wages and take care of the contract labours working under them (Prasad, 2020). Since there are millions of people working in the building and construction sector, the standstill situation due to COVID-19 would affect the employment and livelihood of common people in India.

According to the Indian Chemical Council (ICC), "many essential life-saving drugs could not be manufactured without an uninterrupted supply of key chemicals." The nationwide complete lockdown had disrupted the supply chain, and the ingredients needed for the production of life-saving drugs had become unavailable. Employees were finding it difficult to reach the production units to be part of the production process. This sector was also fearfully looking at the dumping of drugs from other countries. While "domestic demand in other countries had

dropped sharply as also exports, the inventory was piling up. This posed a dumping danger for countries like India as export incentives provided by many countries will further add burden to the domestic industry” (Jayakumar, 2020).

S&P Global Ratings in its report said, “the NPA ratio in India is likely to fare similarly to China's (1.9% to 2 %) but the credit costs ratios could be worse, increasing by about 130 basis points”. The shortfall or stoppage of income due to lockdown will affect the repayment and deposit behaviour of the common people as well as the business class. This, in turn, would affect the functioning and working capital of the banking and insurance sector in India (PTI, 2020).

The agriculture sector in India was also tasting the dire consequences of nationwide lockdown which was in effect since March 25. The impact of COVID in the agricultural sector was complex, varied and harsh. The Non-availability of labour affected agricultural operations. Commercial crops whose harvest is done by contract or migrant labourers were witnessing a standstill situation as the workers were unavailable. Difficulties in accessing the market due to lockdown safety measures had made the agricultural supply to market expensive and tedious. This would also lead to the price hike of perishable vegetables and farmers might turn away from the agriculture sector on account of a lack of judicious and sufficient income (Ananth, 2020).

The Lockdown severely crippled the mining and metal industries in India. There had been a disruption in the raw materials needed for production in these sectors. Worsening exchange rates, port restrictions and vessel containment would make the import of raw materials to produce base metals and steel costlier. The logistic sector associated with the mining and metal industry would witness pay cuts or deferments of salary payment to its employees on account of less demand for mining and metal products in the markets where people showed hesitation to invest in non-essential goods (Dilipkumar, 2020).

The petroleum and natural gas sector in India had also got affected by the COVID 19 pandemic. The nationwide lockdown had led to a significant fall in demand for petroleum products. This had also

affected the revenue of the government as it is one of the sectors from where government generates maximum income through excise duty. As per the data available with the Petroleum Planning and Analysis Cell (PPAC) “cumulative natural gas production in 2019-20 was 31,179.96 million metric standard cubic metres (MMSCM), 5.2 percent lower than the 32,873.4 MMSCM during 2018-19” (Jacob, 2020).

In this context, it is evident that the central government needs to come up with a national-level plan to coordinate the cumulative efforts to boost and revitalise the Indian economy.

6. National Security

Traditionally, national security is a concept and practice which is primarily associated with military terms and conditions. The threats of external aggression, internal threats, nuclear weapons, terrorism, insurgency, separatist movements, etc., were the focus of attention as far as national security was concerned. Even though military components of threats were primarily dealt with by the national security officials, now the non-traditional sources such as climate change, pandemics and the environment have also started to gain attention of policymakers in connection to national security. Indeed, non-military threats have the potentiality to become more pervasive and destructive than military threats. COVID-19 is a classic example of a non-military national security threat, which has created unprecedented disruption in the socio-economic and political life of states.

India’s national security has also been predominantly revolving around various dimensions of military threats owing to the threats posed by the state and non-state actors from within and outside the country. External aggression, insurgency, riots, violence, Naxalism, border disputes are some of the variants of military threats that have been posing a threat to the national security of India. Given this fact, non-military security threats are yet to find space in the core of India’s national security agenda. But, on account of the enormous threat posed by the COVID-19 pandemic to people and the government of India, it is high time to give greater attention and importance to pandemics as far as the national security

approach is concerned. After the report of the first case of COVID-19 in Kerala, the number of positive cases is growing day by day (WHO, 2020). In order to check the spread of coronavirus, India was undergoing a complete nationwide lockdown from March 24 to May 31, 2020 (Roy, 2020). Although the future course of COVID-19 is unpredictable, it is prudent to take necessary policy measures in order to check the community spread of the virus in India. Since India faces enormous challenges and pitfalls in its public health system, it would be a nightmare for the policymakers and Indian population if there is an unprecedented surge in the virus spread. The developed countries of Europe were finding it very difficult to tackle the pandemic situation despite its sophisticated and advanced healthcare systems (Amaro, 2020). The Indian government's comparatively less priority given to the health sector has translated into limited investments in the health infrastructure and staff. The government of India is investing the least in preventive health care, which is the primary solution to fight pandemics (Surbhi Bhatia, 2020).

COVID-19 in India is also accompanied by the spread of rumours and fake news, which has added fuel to the fire as far pandemic fear is concerned. Social media platforms had been creating headaches to government machinery due to its quickness and pervasiveness regarding the spread of fake COVID-19 news. The rumours and forged facts were being manipulated by those with vested interests including the groups and organisations which give religious as well as communal colour to the origin and spread of the virus. When the government of India is completely immersed in fighting the virus, anti-state actors could make use of this adverse situation to pose a threat to the national security of India through technical infrastructure, computer systems and cyber networks.

This pandemic also had profound security implications in the form of civil unrest due to shortage of essentials and the resultant panic, inequity, unemployment, and other social distress. As the UN Secretary-General has warned, COVID-19 may lead to "opportunistic terror attacks, erosion of trust in public institutions, political tensions, and human rights violations." Despite the

current unprecedented scenario, terrorists did not hesitate to strike in Kashmir, killing four.

In this context, it is clear that the central government needs to counter the physical and cyber national security attacks that require strategy formulation at the national level.

7. Conclusion

Even though as per the provisions of the Indian constitution, health is kept under state list, the Covid-19 pandemic situation has necessitated an interference from the central government into the state list. Due to the inherent characteristics of unpredictability, unprecedented impact and pervasiveness, COVID-19 has disrupted the social, political and economic life of states across the world. It is not just the matter of a single nation. At this juncture, all the nations across the world are expected to come up with national-level strategies in order to check the spread of the pandemic. The huge financial setback created by the covid related regulations in the Indian economy has also demanded a national-level economic plan to rejuvenate and revive the Indian economy. In several countries across the world, COVID-19 has necessitated nationwide lockdowns that require 24/7 monitoring. In federal countries like India, the uniformity of response from various States and Union Territories, both preventive and curative, is crucial. A national-level plan is also required to counter the physical and cyber national security attacks.

Given COVID-19's multi-dimensional consequences, it is not possible to strictly abide by the demarcation of subjects as enumerated in the constitution. There will be situations where the Centre and the State need to take the lead interchangeably. Therefore, it is prudent and advisable to have Centre-State consultations and decision-making based on consensus. This can significantly contribute to the effective management of the pandemic crisis. Given that such a pandemic may breakout again, a clear delineation of vertical and horizontal responsibilities should be laid out in the Constitution itself.

End Notes

(!) - Dr. Rajendra Prasad, Constitutional Assembly Debates. Vol. X, available in https://www.constitutionofindia.net/constitution_assembly_debates/volume/10

(@) - AIR 1967 SC 1643: (1967) 2 SCR 762

(#) - (1984) 3 SCC 161, 231: AIR 1984 SC 802

(\$) - Articles 123, 213 and 356 of Indian Constitution

(%) - Article 249

(^) - Article 250

(&) - Article 252

(8) - Article 253

(-) - Quarterly estimates of gross domestic product for the third quarter (Q3) of 2019-20, Ministry of Statistics and Programme Implementation (MoSPI), 28 February 2020, accessed on 30 April, 2020

(+) - Periodic Labour Force Survey (July 2017-June 2018), Ministry of Statistics and Programme Implementation (MoSPI), May 2019, accessed on 30 April 2020

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