Democracy, State Capacity and the Governance of COVID-19 in Asia-Oceania


The contributions discuss three key questions: How did political institutions in Asia-Oceania create incentives for effective public health responses to the COVID-19 outbreak? How did state capacities enhance governments’ ability to implement public health responses? How have governance responses affected the democratic quality of political institutions and processes? Together, the analyses reveal the extent to which institutions prompted an effective public health response and highlights that a high-capacity state was not a necessary condition for containing the spread of COVID-19 during the early phase of the pandemic. By combining quantitative and qualitative analyses, the volume also shows that the effect of the COVID-19 pandemic on the quality of democratic institutions has been uneven across Asia-Oceania.

Guided by a comprehensive theoretical framework, this will be an invaluable resource for scholars and students of political science, policy studies, public health and Asian studies.

Aurel Croissant is Professor of Political Science at Heidelberg University, Germany. His research focuses on issues of democratization, authoritarianism, civil-military relations and Asian politics.

Olli Hellmann is Senior Lecturer in Political Science at the University of Waikato, Aotearoa New Zealand. He has previously published on democratization and autocratic regime resilience in East Asia, including in Party Politics and Democratization.
Democracy, State Capacity and the Governance of COVID-19 in Asia-Oceania

Edited by Aurel Croissant and Olli Hellmann
Contents

List of Figures ix
List of Tables x
List of Contributors xi

1 Introduction: Democracy and State Capacity during Times of Crisis 1
   AUREL CROISSANT AND OLLI HELLMANN

2 Policy Responses to the COVID-19 Pandemic: An Aggregate-Level Comparative Analysis 22
   JALE TOSUN

3 COVID-19 and Democracy: Creeping Autocratization? 43
   AUREL CROISSANT AND LARIS FELKE

4 Closing the Borders to COVID-19: Democracy, Politics and Resilience in Australia and New Zealand 69
   JENNIFER CURTIN AND DOMINIC O'SULLIVAN

5 Containing COVID-19 in South Korea and Taiwan: State Capacity and Geopolitics 92
   YIN-WAH CHU

6 Navigating the Early Impacts of COVID-19: South Pacific Viewpoints from Fiji and Samoa 113
   AUDREY AUMUA, SAUNIMA MA FULU-AIOLUPOTEA, TAMASAILAU SUAALII-SAUNI AND TIM FADGEN

7 The Pandemic and Competitive Authoritarianism in India 131
   RAHUL MUKHERJI AND SEYED HOSSEIN ZARHANI
The Pandemic and Competitive Authoritarianism in India

Rahul Mukherji and Seyed Hossein Zarhni

Introduction

This chapter examines the impact of the pandemic on India’s surge toward competitive authoritarianism. Competitive authoritarian regimes work gradually over time to make it more difficult to remove incumbents from power (Mukherji 2020; Levitsky & Ziblatt 2018; Diamond 2019; Roganhofer & Paneksky 2020). The right-wing Hindu nationalist Bhartiya Janata Party (BJP) has been executing this project with finesse. Consequently, Freedom House (2021) now reports that India is only “partly free”. The Varieties of Democracy (V-Dem) 2021 Report titled: “Autocratization goes viral”, recently downgraded India from the “world’s largest democracy” to an “electoral autocracy” (V-Dem 2021, 6). They have pointed to the problem of media control and excessive use of defamation and sedition laws. In terms of censorship, India’s record is now on par with Pakistan but worse than neighboring Bangladesh or Nepal (Mistra 2021). There has clearly been a precipitous decline in India’s status as a democracy during the BJP era beginning 2014.

Does the pandemic explain this trend? We hold that even though the pandemic helped the BJP propelled National Democratic Alliance (NDA) government to accelerate autocratic propensities, its real impetus came from its ideology and the manner in which the party gained control over the polity after the elections of May 2019. Building on its 2014 electoral victory, the BJP won 303 seats in a Parliament with 542 seats when it just required 272 seats for a majority. One party alone could now dictate the terms. The next major party, the Indian National Congress won only 52 seats, which was even less than the minimum 55 needed for the party to appoint the leader of the opposition. The 2019 elections had thus neutralized the national legislature. A powerful ruling party with a charismatic leader at a time when the Congress was unable to appoint a full-fledged party president since 2019 helped the BJP to further entrench features of comparative authoritarianism in the pandemic.

Congress Party’s weakness also empowered the BJP. The party was so demoralized by the 2019 debacle that it was unable to elect a durable president since then. Rahul Gandhi, the scion of the Gandhi family, stepped down after the electoral debacle. Ever since, his mother Sonia Gandhi has been performing...
as Interim President. Neither has the party held presidential elections, nor has Rahul Gandhi agreed to take over for the long term. According to the Association for Democratic Rights (2020, p. 3), 170 members of subnational state legislative assemblies (MLAs) have left the Congress to join the BJP during the period between 2016 and 2020. This instability within the Congress has enabled the BJP to topple governments in states such as Goa, Arunachal Pradesh, Karnataka, Madhya Pradesh and Manipur. The Congress Party has lost elections in Assam, West Bengal, Tamil Nadu and Kerala in 2021. It does not help democracy when opposition parties in disarray are overwhelmed by a powerful incumbent.

We argue that the pandemic had two implications for competitive authoritarianism in India, even though such propensities preceded the pandemic. Croissant and Hellmann’s (2021) framework suggests that democratic and authoritarian regimes are both capable of competently dealing with virus. What matters is whether populist leaders depend on an exclusive winning coalition. First, such a regime with a Hindu nationalist populist appeal and centralized authority structure ignored scientific advice, thereby reducing the state’s capacity to deal with the pandemic (Varshney, Ayyangar & Swaminathan 2021). Such regimes tend to lack the administrative capacity to get a meritocratic bureaucracy to puzzle maturely over policy issues. Moreover, centralized political authority ignores the political opposition in the center and the states thus robbing what Croissant and Hellmann (2018) call the social embedding capacity of the state. Dearth of accountability mechanisms erodes the legitimacy of the state. We find that lack of bureaucratic, technical and political deliberation, driven largely by populist Hindu nationalism, created a catastrophic situation for pandemic management in India.

Second, Croissant and Hellmann in this volume also argue that democracies with preexisting conditions are susceptible to backsliding. They hold that mature democracies and stable authoritarian regimes are less susceptible to democratic backsliding than are democracies whose democratic credentials are challenged. They suggest that the relationship between the pre-pandemic level of democracy and the pandemic-related democratic risk takes the form of an inverted U-shaped curve. Our findings corroborate these trends. India’s competitive authoritarian propensities were also exacerbated by the pandemic. We find that while many of the democratic violations related to Hindu nationalism predated the pandemic, the pandemic certainly aggravated the resilience of India’s democratic institutions.

The next section demonstrates that historical mechanisms such as drift, layering and displacement were deployed to attack civil society groups such as nongovernmental organizations (NGOs), the media and farmers. Checks and balances within the state, such as the Supreme Court and the federal structure, were also attacked. We connect these path-dependent sequences with rise of the idea of a populist Hindu nationalist state. The pandemic made it more difficult to express political opposition to such populism than would be the case in normal times. Despite the clear benefits afforded by the pandemic, competitive authoritarianism has not yielded to dictatorship. The BJP lost subnational state-level elections in West Bengal, Tamil Nadu and Kerala in April–May 2021. The regional party Trinamool Congress (TMC) won the subnational state-level elections for the third time in a row in West Bengal. The BJP could only keep its majority in Assam. There is widespread political opposition to the BJP in many subnational states, especially after the losses in April–May 2021.

The remainder of this chapter proceeds as follows. “Path-Dependent and Pandemic-Influenced Autocratization in India” introduces our historical institutionalist framework for the analysis of pandemic-accelerated autocratization in India. “The Pandemic and Democratic Backsliding” applies the framework laid out in “Path-Dependent and Pandemic-Influenced Autocratization in India” specifically to democratic backsliding in India before and during the pandemic. “State Capacity and Pandemic Response” examines the adverse impact of centralization of executive power (one aspect of India’s transition from electoral democracy to competitive authoritarianism) owing to populist Hindu nationalist appeals on the state’s capacity to respond to the crisis. “Democratic Resilience” discusses democratic resilience despite Hindu nationalist populism and pandemic-related aggravation of democratic institutions. The final section offers some tentative conclusions.

Path-Dependent and Pandemic-Influenced Autocratization in India

India has experienced three significant pathways toward competitive authoritarianism in at least two substantial areas (civil society and the pluralist state) since the 2010s. These are institutional paths pursuing the idea of a strong centralized Hindu nationalist state with grave consequences for protecting the values enshrined in the constitution. We argue that many of these propensities were exacerbated by the pandemic, even though the pandemic did not initiate them. Rather it spurred autocratic tendencies that were in existence before the pandemic. “The Pandemic and Democratic Backsliding” will further elaborate how the pandemic further aggravated preexisting conditions.

First, the ruling party in India has allowed institutions to drift. Institutions are norms that impact behavior. Drift occurs when old laws are deployed for new purposes by exploiting ambiguities in laws and policies. The legal framework remains the same, but the normative character of the institution undergoes change. Drift constitutes gradual change because there are strong veto points who would oppose such propensities (Hacker, Pierson & Thelen 2015). To give some examples of how drift was used to attack civil society (Table 7.1, quadrant 1), the Foreign Currency Regulation Act (FCRA) (2010) was interpreted differently after 2014. Many NGOs lost the facility to use foreign funding as a consequence. The media was also curbed without any explicit change in laws. The subnational states were not consulted on revenue sharing, which was an old and established convention (Table 7.1, quadrant 3). The independence of the Supreme Court was seriously compromised without any legal change
Table 7:1 Pathways to Competitive Authoritarianism in India

<table>
<thead>
<tr>
<th>Drift</th>
<th>Layering</th>
<th>Displacement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Curbing media</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Farn bills (2020)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unlawful Activities Prevention Amendment Bill (2019)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Citizenship Amendment Act (2019) and the National Register of Citizens (NRC)</td>
<td></td>
</tr>
<tr>
<td>Attacking the pluralistic state</td>
<td>Fiscal federalism</td>
<td>Electoral Bonds</td>
</tr>
<tr>
<td></td>
<td>Curbing Supreme Court</td>
<td></td>
</tr>
</tbody>
</table>

Source: Created by the author.

(Table 7.1, quadrant 3). All these were pre-pandemic trends exacerbated by the pandemic.

The second path-dependent causal mechanism favoring competitive authoritarianism is institutional layering (Table 7.1, quadrant 2). This mechanism ensures that an old norm be replaced gradually by explicitly adding a layer of a new norm through gradual change in policies and legislations. Layering requires explicit change in policies and legislations. Layered institutional change is incremental because there are powerful constituencies ranged against the evolution of a norm. These are changes within a policy paradigm, which begin to gradually challenge it (Mahoney & Thelen 2010; Mukherji 2014). The pre-pandemic layered changes were the Unlawful Activities Prevention Amendment Bill (2019) that made it easier to brand a citizen as terrorist. There was also the Citizenship Amendment Act (CAA) (2019) that made it easier for Hindus from Pakistan and Bangladesh to become Indian citizens than Muslims. Electoral Bonds were created as a mechanism that could easily garner more than 90% of domestic and foreign-sourced electoral funding for the ruling party (Raman 2019). These were pre-pandemic layered changes that attacked the rights of citizens enshrined in the constitution. This paper does not elaborate on these issues because these were pre-pandemic developments that were not impacted by the pandemic to any significant extent.

The pandemic, however, did make an impact on two significant legislations. It was deployed to hurriedly pass controversial bills in the Parliament. These legal and policy measures constituted layering. The FCRA (2020) quickly cleared the Parliament with little deliberation in September 2020. This act added restrictions on NGOs seeking foreign funds. Around the same time three bills regarding farm produce were passed. These bills have inspired one of the most sustained social protests in independent India.

Finally, the third pathway for change favoring competitive authoritarianism is institutional displacement (Table 7.1, quadrant 5). In this case, the state unambiguously transforms the normative and legal character of an institution. Legal or policy change characterizing institutional displacement constitutes change in a policy paradigm (Hall 1993; Mahoney & Thelen 2010). It is likely to occur when the veto powers opposing such change are weak. Institutional displacement occurred when the special status of the Indian state of Jammu and Kashmir was revoked and it was converted into two union territories – Jammu and Kashmir, and Ladakh – that were now denied regular subnational autonomy under the constitution. Even though the abrogation of Article 370 occurred before the pandemic in 2019, the pandemic helped to keep the protestors at bay.

Despite these changes favoring a centralization driven Hindu nationalist propensity toward competitive authoritarianism, the old institutional structures have not been completely destroyed. Out of the four states that went to the polls in April-May 2021, the ruling Hindu nationalist BJP at the center lost in three states ruled by opposition parties. We return to this framework in "The Pandemic and Democratic Backsliding", where we elaborate on the preexisting conditions favoring competitive authoritarianism were exacerbated by the pandemic.

The Pandemic and Democratic Backsliding

This section will elaborate the conceptual issues that were taken up in "Path-Dependent and Pandemic-Influenced Autocratization in India". The preexisting condition of a Hindu nationalist populist regime that was driven by competitive authoritarian propensities was aggravated by the pandemic. We elaborate on how drift, layering and displacement were deployed to curb democratic propensities both within the civil society and the state.

The Drift toward Limiting Civil Society

Drift occurs when old rules are interpreted differently to gradually shift the moral purpose of the rules. As shown in the first quadrant (Q1) of Figure 7.1, the two most visible manifestations of drift were starving NGOs of foreign funds and curbing the media. Both these symptoms characterize the pre-pandemic institutional drift toward competitive authoritarianism. The Congress-led United Progressive Alliance (UPA) had legislated the FCRA Amendments in 2010. According to these amendments, NGOs required a Home Ministry clearance in addition to a clearance from the Ministry of Finance before being designated FCRA NGOs with the right to use foreign funding. And, FCRA clearance was to be renewed every five years. The BJP-led NDA government had deployed these powers rather more expansively between 2014 and 2019 leading to a loss of FCRA privileges for 20,000 NGOs. These included Amnesty International and Greenpeace. Both international NGOs then turned
inward and domesticated their funding requirement (Ashoka University 2020). Amnesty even had to shut down its Indian operations.4

Like NGOs, the media was also sought to be controlled. The are no new rules to curb the media. Larger media organizations with bigger budgets could be targeted more easily. According to the latest V-Dem Report (2021, p. 20), censorship in India is more autocratic than Sri Lanka and at the same level as Pakistan. Despite such controls, the government is still unable to completely reign in the media. A few newspapers and TV channels continue to remain bold. These media outlets have reported the plight of migrant labor in the aftermath of the first lockdown and the plight of Muslim women in response to the CAA. They have also reported the recent protest of farmers. In April and May 2021 elections in the subnational states such as West Bengal, Assam, Tamil Nadu and Kerala the media, though somewhat biased, was not totally under the control of the state. The BJP lost in all the states, except Assam. The Internet was freer than the TV channels.5

Attacks on NGOs and the media are a pre-COVID phenomenon. We will discuss the new anti-NGO laws in the next section on layered institutional change favoring competitive authoritarianism. The state made use of COVID to promptly pass laws to curb NGOs supported by foreign funds. The state continues to tame the media through censorship using the old legal framework.

Layered Attacks on Civil Society

This section will focus attention on two COVID-19-influenced layered attacks on civil society (Figure 7.1, quadrant 2). Laws were gradually changed to deal with the noncompliant civil society actors. The FCRA (2020) amended the

FCRA (2010) in a manner that would give the state greater control over NGOs in need of foreign funding. Similarly, the farm bills (2020) were passed in violation of parliamentary procedure in a manner that would empower corporations working closely with the state and to the detriment of a large number of commercial farmers. These attacks on civil society were certainly facilitated by COVID, even though their ideological roots lay in the competitive authoritarianism propensities of a pre-COVID Hindu nationalist state.

The FCRA amendment in 2020 was designed to deal with a civil society not subservient to the BJP. The bill was introduced with no prior consultations on 20 September 2020 and was cleared in the Lower House the next day. The upper House of the Parliament gave its assent on 23 September and the President approved it on the 29 September 2020. This bill regulates the use of foreign contributions in a number of ways. First, only 20% of the contributions can be used for administrative purposes, thereby making an impact on the advocacy work of the NGOs. Second, one FCRA-approved NGO cannot transfer funds to another FCRA-approved NGO. This is a setback because organizations such as Oxfam are able to raise funds and work with smaller NGOs on the ground that have the capacity to deliver. Smaller NGOs, on the other hand, lack the capacity to write good proposals. Such NGOs would now either vanish or be integrated with larger NGOs as part of the same organization. Finally, all NGOs will now have to keep their foreign deposits in a branch in Parliament Street in New Delhi. This is a substantial administrative burden for NGOs, especially those working in remote areas.

The NGO community was rather disheartened that its contribution was not respected after the state had made an insubstantial contribution for alleviating the conditions of migrant labor. The Voluntary Action Network India called the FCRA (2020) a death blow to the NGO community (Behar 2020; Dadrawala 2020).

FCRA (2020) was legislated around the time when the right-wing Hindu nationalist Rashtriya Swayam Sevak Sangh (RSS) was at its pinnacle. RSS is a cadre-based social organization that promotes the ideology of Hindu nationalism. It is the social arm of the BJP. Not only are the Prime Minister, the Home Minister and a large number of cabinet ministers former RSS volunteers, the organization was active during the pandemic. States such as Uttar Pradesh, Bihar, Assam, Maharashtra, Karnataka, Telangana, Madhya Pradesh and even Left-ruled Kerala have deployed the RSS volunteers for the relief effort (Sagar 2020).6

NGOs in India play an important role in politics. Thachil (2014) has shown how NGOs supported by the RSS aided the BJP to win elections in Chhattisgarh in 2003. On the other hand, our research suggests that pre-Congress NGOs such as Ekta Parishad helped the Congress regain power in Chhattisgarh in 2018. More research will reveal that the relationship between NGOs and politics plays a significant role in determining electoral outcomes. In that case, disciplining NGOs by restricting their access to foreign and domestic funds is a good way to remain in power.

![Figure 7.1 Waves of COVID-19 in India.](image-url)

Source: The authors based on data from COVID-19 Data Repository by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University (2021).
We now turn to the infamous farm bills legislated during the pandemic. The passage of the three farm laws on 20 September 2020 ignored the interests of a powerful constituency in Indian politics — the farmer. Pranab Bardhan (1984) had classified farmers as part of the dominant and proprietary classes that shape India’s policies. Farmers could not be ignored even when India made its tryst with globalization in 1991 (Mukherji 2014, p. 93). The central government may have miscalculated that dealing with farmers would be akin to dealing with the protests of Muslim women who protested against the CAA and the NRC.

The state had its reasons for enacting the three farm bills. It was argued by the government that farmers needed better connectivity with the larger market. These bills would facilitate such access by getting farmers closer to the national market (Sarkar 2020). The central government held that agriculture’s being a state subject, produce is largely sold within a subnational state at a low price. There was need for the Indian farmer to access a larger market (Jaiswal 2020).

Thanks to COVID-19, the farm bills were passed by completely ignoring regular Parliamentary procedure. Conduct rules were violated when a voice vote, literally based on the Speaker’s interpretation of loudness rather than a numerical vote on Parliament’s deliberation, became the vehicle for passing these bills. On 20 September 2020, opposition parties in the Upper House of the Parliament had requested that the bills be screened by a select committee of the Upper House. This request even enjoyed the support of Punjab’s Akali Dal, which was an ally of the government. In fact, the central minister in charge of agriculture Harsimrat Kaur belonged to the Akali Dal. Not only was this privilege denied, even a proper vote was disallowed. A controversial voice vote was taken after the proceedings had extended beyond the stipulated time. Parliamentary rules suggest that such extensions should only be granted on the basis of unanimity. It is reasonable to conclude that the voice vote, that too after the stipulated time, was a significant blot on the practice of representative democracy in India (Nair 2020). As we will argue below, the farmer’s movement is perhaps the most powerful social force working for democracy in India. This is the one area where the state has not implemented the act that was passed in the Parliament. An act in the Parliament has to be implemented in terms of the rules that will be deployed to implement it. Even though the central state is unwilling to repeal the farm bills, the new rules have not come into force yet.

**Drifting away from a Pluralist State**

As shown in Figure 7.1 (quadrant 3), there are two types of attacks on the state that dilute its democratic values by interpreting laws differently. The first is the issue of fiscal federalism. The central government has successfully imposed itself on the subnational states for defining the course of center–state fiscal relations by taking advantage of the pandemic. Second, India’s Supreme Court, once famous for judicial activism, was rendered subservient to executive fiat. In both cases the pandemic exacerbated preexisting conditions.

Post-pandemic negotiations regarding revenue sharing with respect to the Goods and Services Tax (GST) constitute a substantial threat to India’s basic structure of fiscal federalism that has evolved since the early years of this millennium. Fiscal federalism had worked well with the subnational states behaving quite responsibly with respect to keeping their fiscal house in order. PM Modi too respected the federal structure soon after assuming power. Given that the GST would render greater tax collection powers to the central government, it made a reasonable consultative concession to the subnational states. All states would receive GST compensation at an annual growth rate of 14% in their GST revenue over the base year of 2015–2016 for a period of five years. This agreement on revenue sharing was reached in a manner that reflected India’s federal character.

The COVID-19 situation changed this scenario for two reasons. First, revenue collection plummeted due to the complicated nature of the GST tax administration initiated in 2018. This was a pre-COVID 19 legacy. Second, low tax collection was coupled with the plummeting of economic growth since 2017. Third, to add to the woes of low tax collection, COVID-related public health expenditures increased the fiscal burden on the state. Finance Minister Sitharaman invoked the “hand of God” idiom to describe the post-COVID situation to renege on an earlier commitment. The center now imposed the compensation principle without consulting the states. It urged the states to borrow the GST shortfall of $13.25 billion from a special window of the Reserve Bank. This amount would enter into the loan account of the states and be compensated in the future when revenue collection picked up.

In addition to the promised shortfall that the government could not meet, there were also increased COVID-related expenditures needed to be borne by the subnational states. This extra financial need was estimated at 988 billion. The states needed to be compensated because health was primarily a subject governed by India’s federal units. The subnational states were now allowed to borrow from the market any amount up to 5% of their respective gross state domestic product (GSDP). However, any borrowing above 3.5% of their GSDP would come with strings attached from the center. Such conditionality is considered an intrusion. The subnational states, on the other hand, want the center to take greater responsibility and borrow on their behalf since it is in a much better position to negotiate better loan conditions. The manner in which the central state directed its federal units was quite unusual (Mukherji & Zarhani 2021).

Turning to the final point about the independence of Supreme Court, the Court was compromised even before the pandemic through executive control over the chief justice. This is an example of how preexisting conditions were negatively impacted by the pandemic. In 2019, a previous Chief Justice Ranjan Gogoi (2018–2019) allowed the construction of a temple atop a constructed mosque in the mythical birthplace of Lord Ram – a revered deity in the Hindu pantheon. The demolition of the mosque in 1992 had been considered a crime but the construction of a temple atop the mosque was allowed. When Chief Justice Gogoi
had earlier been accused of sexual abuse, the Supreme Court conducted a closed-door inquiry in the presence of the affected party and exonerated him. Soon after his retirement, Justice Gogoi was given a berth in Upper House of the Parliament (Blushan 2020). This pre-pandemic story is revealing.

Chief Justice Sharad Arvind Bobde (2019–2021) used the pandemic to delay proceedings, select cases and appoint judges in a manner that further compromised the court. The case load was reduced significantly when the plight of the citizens had increased dramatically. Justice Bobde refused to hear even a single case on behalf of migrant labor at a time when the lockdown was being compared with India’s calamitous partition in 1947. Objections to the CAA and abrogation of Article 370 were pending. While the court had no time for public interest, petitions by the TV anchor Arnab Goswami, with close ties to the ruling dispensation, were promptly heard within 24 hours. The manner in which cases were taken up and dispensed with have damaged the image of the court.

Institutional Displacement: Abrogation of Article 370

Article 370 of the Indian constitution gave the state of Jammu and Kashmir some special privileges as the only Muslim majority state in the Indian union. Kashmiris, for example, could buy property in the rest of India, but non-Kashmiris did not enjoy the same privilege in Kashmir. The abrogation of Article 370 is one of the cases of institutional displacement in India’s tryst with comparative authoritarianism (Figure 7.1, quadrant 5). This was a pre-pandemic institutional displacement, which was eased by the pandemic. The abrogation of Article 370 on 5 August 2019 is a complete reversal of the earlier norm that Jammu and Kashmir being the only Muslim majority state would enjoy a special status. Such privileges are enjoyed even by Indians living in northeastern India. That principle has been reversed. Jammu, Kashmir and Ladakh have been converted to two union territories, which bring them under central control to a greater extent than a normal federal unit. Institutional displacement was aided by the absence of a strong veto. There was no nationwide political or social movement, even though all the major political leaders of Kashmir were incarcerated without telephone or Internet before abrogation of Article 370.

The pandemic and consequent lockdown helped contain the capacity of a citizen to protest. An Amnesty report highlighted how COVID was used to deal with the opposition. The report urged the state to reconsider the detention of 5,000 Kashmiris between August and December 2019. Many of these detentions, including the detention of Dr. Shah Faesal, were based on verbal orders. Dr. Faesal, a topper of the national-level civil services exam, had resigned from the prestigious Indian Administrative Service to launch the Jammu and Kashmir People’s Movement (Amnesty International 2020).

It was after subjugating the citizenry by deploying the pandemic that Kashmir’s District Council elections in November–December 2020 completed the institutional displacement with mixed results. Leaders who had been incarcerated for a long period of time were allowed to contest elections for institutions of less political consequence. The BJP was pitted in this election against all the Kashmiri parties under the rubric People’s Alliance for Gupkar Declaration (PAGD). The fact that elections were held was a step in the right direction. The results were mixed for both the BJP and the PAGD. PAGD won 110 out of the 280 seats while the BJP garnered 75. Voting occurred along expected lines with the Hindu majority areas of Jammu voting for the BJP. The BJP secured three seats in the Muslim-dominated Kashmir Valley. While the Kashmiri opposition united successfully against the BJP, the elections were also a stamp of approval – that the old institutions had been displaced.

State Capacity and Pandemic Response

This section demonstrates that competitive authoritarianism in the framework of a populist Hindu nationalist regime had negative consequences for state capacity. Such regimes ignore checks and balances and accountability mechanisms that engender an embedded democracy where citizens feel legitimately empowered. We demonstrate how opposition leaders at the central and the subnational state level were ignored when planning the lockdowns. Moreover, such centralizing populist regimes also ignore technical knowledge available within the bureaucracy and the scientific arms of the state leading to a diminishing of administrative capacity. In short, populist Hindu nationalism dealt a blow to both the administrative capacity and social embedding capacity of the state outlined by Croissant and Hellmann in this volume. We demonstrate how the COVID-19 lockdown management during the first and second waves and vaccinations met with political responses that lacked consultation and deliberation.

The capacity of states to respond to the crisis depends on the availability of appropriate policy ideas within the state; therefore, understanding the relationship between elected politicians and bureaucracy is central. In the ideal type, bureaucrats enjoy a degree of autonomy that allows them to focus on problemsolving (puzzling). A meritocratic and autonomous bureaucracy can provide the required technical knowledge to formulate policy, while political leaders in the executive enable the technocracy to implement these policies (powering) to gain political support.

In fact, the Government of India gave little consideration to expert knowledge in COVID-19 pandemic-related decisions (Ghoshal & Das 2021; Aljazeera, 2021). Table 7.1 displays the changes in the number of new COVID-19 cases per day in India. India has witnessed two waves of COVID-19. The lockdown (24 March 2020–31 May 2020) could not check the rising cases that characterized the first wave in summer 2020. The ebbing of the first wave was followed by a phase of overconfidence and miscalculation within the central state.
The Troubled Lockdown

The first lockdown smacked of centralized decision-making with no inputs from either the political opposition or the bureaucracy that could leverage scientific knowledge. The lockdown of 24 March 2020 was carried without any consultation, even though Congress Party's Rahul Gandhi and Communist Party of India Marxist's Sitaram Yechury had requested deliberations. The southern state of Kerala had taken competent preemptive measures to avert the crisis. These measures were not deliberated upon by the central government. Most economists had opined that there was need for fiscal generosity during the lockdown. By contrast, the fiscal stimulus of $22.6 billion at 1% of the GDP was much less than 5% suggested by a majority of the economists. Moreover, much of the touted stimulus was part of earlier budgeted expenditures such as the one on the right to work program. Even medical opinion that had suggested a strict curfew with little preparation was a recipe for disaster (Mukherji 2020).

A stringent curfew-type lockdown was imposed on 24 March with very limited resources for those whose livelihoods were lost. The Indian economy contracted by 7.3%, whereas the average for emerging and developing Asian region was a minus of 0.8% (IMF 2021). The most serious impact was on migrant workers who were deprived of wages with very limited economic support from the Indian state. Many of them risked their lives to return home while others died on the way. Starvation was an imminent danger that surpassed the fear of getting caught in a curfew or being struck by COVID-19.

The curfew had two significant effects on democratic politics. First, the Parliament was abruptly closed on 24 March 2020. This enabled the government to pass many orders without Parliamentary deliberation. For example, the Prime Minister's Citizen Assistance and Relief in Emergency Situations (PM CARES) fund, which enjoys tax benefits but is not within the Prime Minister's right to information, was launched soon after the lockdown without any Parliamentary deliberation. Nor could the medical or financial response to the lockdown be deliberated in the Parliament. Shutting the Parliament was one way of stopping deliberation in the immediate aftermath of the pandemic (Mukherji 2020, pp. 93–94).

The next monsoon session of the Parliament had a brief tenure from 14 September 2020 to 1 October 2020. The Parliament was effectively shut from 24 March to 14 September 2020. It was during the short period between 14 September and 1 October 2020 that the three controversial farm bills and the FCRA Amendment Act (2020) were passed with almost no consultation.

Finally, the curfew made it impossible to legally protest in public. It was difficult to sustain the protest against the CAA (2019) in Shaheen Bagh in Delhi. At Shaheen Bagh near the Jamia Millia Islamia University, one of India's premier educational institutions, a large number of Muslim women came out at night to protest against the violation of their constitutional right to liberty, equality and fraternity. Separately there were also student protests in the northeastern states such as Arunachal Pradesh, Mizoram, Meghalaya and Tripura, which arose because of fears of Hindu migration to the states owing to CAA (Bhushan 2021). The curfew would put an end to these protests.

Ignoring Technical Knowledge

In response to the COVID-19 crisis, the Modi government also adopted a governing style that undermined the position of scientific experts in decision-making. The government forgot the mistake of not deliberating over policy in March 2020. The advice of the Indian Council of Medical Research (ICMR) was ignored once again. The ICMR's first sero-survey was never made public. ICMR scientists had recommended a very different kind of lockdown in February 2020 (Mukherji 2020, p. 97). The ICMR's sero-survey of January 2021 found that only 21% of the population had developed antibodies against coronavirus. Despite this statistic, the political leadership concluded that India would quickly reach herd immunity. The 21% figure, according to clinicians, was too low a figure for reaching herd immunity (Banerji 2021).

The PM decided to ignore science. On 28 January 2021, PM Modi boldly proclaimed at the World Economic Forum that fears about a COVID-19 tsunami were unfounded (PM India 2021). India had not only defeated COVID-19, it possessed the infrastructure to deal with the virus. Such complacency was also reflected in a resolution passed by the BJP National Office Bearers meeting in February 2021, declaring India's victory in the fight against Covid-19 (BJP 2021). In March 2021, health minister Dr. Harsh Vardhan further clarified that the virus had been tamed (The Times of India 2021).

Warnings regarding mutation and the dangerous turn that the virus could take were also ignored. The central government ignored warnings of the Indian SARS-CoV-2 Genetics Consortium (INSACOG) regarding a new and more contagious variant of the virus. INSACOG is a forum of scientific advisers established by the government. In February 2021, INSACOG researchers detected the deadly B.1.617 Delta variant of the virus, which could spread much more rapidly than the older variants. These findings were shared with the National Centre for Disease Control (NCDC) of the health ministry in early March. It also drafted a media statement for the health ministry. The INSACOG members shared the draft of the media statement with the Cabinet Secretary, Rajiv Gaba. India's top civil servant could not have been too far away from the PM. Despite the INSACOG's best efforts, no restrictions were placed to deal with this warning (Ghoshal & Das 2021).

The government pretended as if India had miraculously escaped the virus. PM Modi, Home Minister Amit Shah and BJP President Jagat Prakash Nadda left Delhi to electronically mobilize the masses in the state of West Bengal. West Bengal was a bastion that the BJP needed to wrest from the regional Trinamool Congress Party (TMC) in order to take electoral dominance to the next stage. The BJP's mobilization drive was so significant that national level politicians
now looked like regional ones. Rather than raising concern regarding such political mobilization, the health minister shared pictures of BJP rallies in West Bengal on his Twitter account on March 20. An election that could have been held in one or two stages was prolonged over a period of four weeks between 27 March and 29 April, ostensibly to create the best conditions for dethroning the incumbent TMC with the BJP. To add fuel to the fire of a raging virus, the Modi government also allowed the holy Kumbh Mela (fair), a revered Hindu religious festival to be held in April 2021. The festival went on for a couple of weeks and attracted millions of Hindu pilgrims, who were considerably endangered by the virus. It is not clear why the Kumbh was postponed from January to April 2021.

Did this have anything to do with the timing of elections?

Finally, on 24 March 2021, when the government made the scientific findings public, the published statement did not stress the danger associated with the new variant (Ministry of Health and Family Welfare 2021). In the following days, millions of Hindu pilgrims participated in the Kumbh Mela. Simultaneously, the PM and opposition parties continued their massive election rallies in West Bengal. Again, the BJP government at the center failed to take heart several key insights from the available epidemiological research. In an interview, Shahid Jameel, Chair of the Scientific Advisory Group of INSACOG was concerned that “authorities were not paying enough attention to the evidence”. He further opined, “As scientists, we provide the evidence; policymaking is the job of the government” (Aljazeera 2021).

While science was ignored, there was emphasis on nonscientific traditional solutions with a Hindu nationalist appeal. For example, the yoga guru Ramdev introduced “Coronil”, a supposedly herbal “cure” for COVID-19. This medicine was distributed by Ramdev’s own company Patanjali. The health minister and his cabinet colleague, Nitin Gadkari, endorsed the product in a public event in February 2021. Ramdev thus claimed that Coronil had received certification from the Ministry of Ayush (traditional medicine) and could be used for treating COVID-19 (Menon 2021). The Indian Medical Association, on the other hand, criticized the health minister and demanded an explanation from him about the World Health Organization’s (WHO) certification claim, which was denied by the WHO.

Ironically, India’s National Scientific Task force on COVID-19 did not even meet in February and March 2021 (Krishnan 2021). After January, the next meeting of the Task Force took place on 15 April 2021, only after India suffered possibly its worst medical calamity in postcolonial history.

Failed Vaccination Strategy

India’s pharmaceutical industry is well-known for bulk production of cheap vaccines at low cost. Despite this capacity, less than 1% of the population was fully vaccinated and less than 5% had received the first jab before the killer second wave that surfaced in mid-April 2021. Why did the world’s largest vaccine manufacturer fail to adequately vaccinate the population before the killer second wave? This was the result of both ignoring technical advice, as well as the concerns of Indian pharmaceutical producers.

First, despite repeated warnings against the risk of a second wave and the emergence of new strains, the government’s overconfidence led to several strategic mistakes. The government became overconfident in January 2021. In February and March, when India’s National Scientific Task force on COVID-19 held not a single meeting, the Modi government revised and implemented its vaccination policy (Krishnan 2021). Such a lack of technical considerations was reminiscent of the way in which the lockdown had been imposed in March 2020.

Overconfidence not only engendered a drastic shortage of vaccines, it reinforced the view that vaccines were a tool to showcase India’s emergence as a global power. PM Modi proclaimed at the meeting of the World Economic Forum that “India is saving the lives of citizens of many countries by sending Covide vaccines and helping set up vaccination infrastructure”. The government hailed India as a ‘chudha’ or global teacher – because of its capacity for production and supply of vaccines to the rest of the world. The health minister in turn lauded the PM’s leadership as an “example to the world in international co-operation”.

Second, the state afforded inadequate financial support for the manufacture of the two favored vaccines, Covishield and Covaxin (Anand 2021). Covishield is the Oxford-AstraZeneca jab, which is most economically manufactured by the Serum Institute of India (SII). Covaxin was indigenously developed by Bharat Biotech in the collaboration with the ICMR. In January the government reordered only 350 million doses for a population of 1.3 billion citizens. When former PM Dr. Manmohan Singh raised the issue of vaccine availability and ways to secure them, he received a prompt and rude reply from the health minister on 19 August 2021. India awoke to the need for a large number of preorders only in April 2021, when the government extended a USD 610 million financing line to boost the production of Bharat Biotech and SII.

Given the immensity of the crisis during the second wave, former PM Dr. Manmohan Singh had requested the state to offer compulsory licenses to companies, other than the above-mentioned two, to ramp up vaccine production. This was not to be. Ultimately, after the killer second wave, the GOI gave rights to four other companies to produce the publicly funded Covaxin. Noticeably, out of four companies, three were government-owned units that were given production rights. These companies, however, had lost their capacity to produce vaccines because of public sector neglect during an era of deregulation.

Democratic Resilience

India’s democratic resilience has survived all the above-mentioned pre-pandemic competitive authoritarian propensities aggravated by the pandemic. We code
the raging farmers' movement and the nascent coalition of forces supporting non-BJP regional parties as resistance to competitive authoritarianism. Most recently both the social movement led by farmers and opposition politics have connected with each other. Non-BJP parties won the elections in West Bengal, Tamil Nadu and Kerala (2021). The BJP could only hold on to power in Assam. It helped regional opposition parties that the farmers supported the opposition forces. It is likely that farm bills will politically hurt the BJP in states such as Punjab, Haryana and Uttar Pradesh.

The farm bills spurred a massive mobilization of farmers along the borders of Delhi. These farmers who were largely rich and middle farmers from Punjab, Haryana and Western Uttar Pradesh were the beneficiaries of the green revolution. While funding and support have come from reasonably well-to-do farmers with diasporic connections, others have also shown solidarity toward this project. This mobilization, unlike the CAA protests, has withstood the coronavirus. Farmers have displayed substantial resilience and produced temporary settlements that could hold up to 300,000 persons during the non-harvest period. The aggression of the central state has not yielded results.

There is a fair amount of unity among a multitude of farmers' groups. They oppose the non-consultative way in which the farm bills were passed in September 2020. They demand that the minimum support price for food grains and even vegetables be settled more generously than in the past. They insist that the farm laws be not repealed, even though the government is willing to negotiate and amend the laws. Most importantly, farmers are convinced that these farm bills signal the corporate takeover of rural India. They will protect their land to retain their independence. Neither the government nor the farmers are compromising. And, the farmers are optimistic that they will find a way to deal with this electoral autocracy.18

This social mobilization is moving from the social movement stage to politics. In the May 2021 state assembly elections in West Bengal, the BJP was playing its old card. Given the resources that the party has amassed, the BJP was a much better funded party. Even many TMC leaders were lured by the BJP. To check this onward march of the BJP, almost all ruling opposition parties in the subnational states united to support the TMC. A former BJP Cabinet Minister Yashwant Sinha joined the TMC. Mr. Rakesh Tikait, the foremost farmer's leader, joined the TMC campaign (but not the party) with a large number of farmers from Punjab and western Uttar Pradesh. They were directly appealing to the West Bengal farmers with the slogan that farm laws signal the corporate takeover of rural India. This should be resisted.19

The TMC's victory in West Bengal in May 2021 is significant because the BJP enjoyed a favorable media and substantial financial advantage. No news channel apart from the TMC's election advisor had predicted a clear electoral victory for the TMC. Moreover, the BJP had targeted the West Bengal campaign to the extent that PM Modi and Home Minister Amit Shah were behaving like regional leaders parked in West Bengal to wrest this important state from opposition control. Even the lenient Election Commission allowed an eight-stage election (27 March–29 April 2021) in this state with mobilizations that may have helped the virus to mutate to a higher level. Despite this, the TMC won 213 out of the 288 seats while the BJP won 77. This victory of the TMC in West Bengal was more significant than the BJP's recent losses in Tamil Nadu (May 2021) and Kerala (May 2021) because the BJP had made a substantially greater electoral effort in this state.

Conclusion

This paper has two significant findings. The first is that competitive authoritarian propensities of a Hindu nationalist populist regime have eroded the capacity of the state to deal with the pandemic. Lack of technical deliberation has dealt a blow to the administrative capacity of the state. And lack of consultation with the political opposition at the central and subnational state level has engendered India's severest health crisis in recent times. This has robbed the capacity of the state to embed itself with society through accountability and mechanisms. India's recorded infections and deaths are worrisome, but the real figures are even higher.

Second, we find that pre-pandemic conditions dominated the pandemic phase, and only exacerbated the trend toward competitive authoritarianism (Crossant 2020). We find support for the conjecture that compromised democracies will find it more difficult to resurrect their democratic credentials after the pandemic than mature ones. The BJP deployed institutional drift, layering and displacement to consolidate its Hindu nationalist centralized view of politics so that removing the incumbent government becomes ever more challenging. These strategic moves were deployed after considering the power of the opposition forces and state's ability to play with ambiguous rules. A powerless opposition and ambiguous rules facilitated drift. Where the rules were less ambiguous, the state resorted to gradual rule change in the form of layering. Where opposition was weak, old institutions were displaced radically.

The drift toward reducing the civic space remained unaffected by the pandemic (Figure 7.1, quadrant 1). Measures included the drift toward a conservative view of the FCRRA (2010) and curbs on the media. Second, curbs on media made their impact on the V-Dem rankings. These were also unaffected by the pandemic. Censorship just grew over time.

The layered approach to reducing the civic space, which began before the pandemic, was also influenced by it (Figure 7.1, quadrant 2). The layered evolution of the FCRRA (2010) toward the 2020 legislation was facilitated by the hasty nature of post-pandemic parliamentary deliberation in September–October 2020. This would hurt all NGOs opposed to the ideology of the BJP. The same was true for the farm bills, which were also passed with characteristic haste and in contravention of parliamentary procedure. These bills would hurt a large section of farmers and have been resisted.

Quadrant 3 (Figure 7.1) represents fiscal federalism and the controlled judiciary, both of which constitute a drift toward competitive authoritarian attacks.
on the state. The pandemic clearly helped the state deal with federal units by imposing itself in a manner that is not characteristic of sovereigns that respected each other in the past. No formal rules were changed but centralization as a principle in center–state fiscal relations was introduced without explicit rule change. The Supreme Court was compromised even before the pandemic. The pandemic-ridden court with its Internet proceedings and a slower approach to taking up cases added to the woes. The fundamental problem, however, was the manner in which chief justices were brought under executive control. The pandemic only exacerbated a preexisting condition.

Quadrant 5 (Figure 7.1) tells the story of institutional displacement that occurs when the opposition is weak. Taking advantage of the Muslim minority, the state converted the special status of a federal unit (Jammu and Kashmir) to two union territories (Jammu and Kashmir and Ladakh) with less governance powers than a normal federal unit. While the abrogation of Article 370 was a pre-pandemic development, the pandemic certainly helped to curb political protest.

Despite the varied pathways toward competitive authoritarianism, there has also been resistance reflected in the coming together of regional opposition parties to deal with BJP in the May 2021 elections to the West Bengal state legislature. Resistance is also reflected in the sustained protests of the farmers to the farm bills, despite the challenges posed by COVID-19. The farmers’ protest has delayed the implementation of the bills and helped opposition politics. Opposition victories in West Bengal, Tamil Nadu and Kerala in May 2021 are a hopeful sign. While these victories were necessary, they are by no means sufficient to dethrone the BJP at the national-level elections in 2024. This is because the principal opposition party, the Congress Party, is still characterized by organizational disarray. It will be a herculean task to assemble many and varied regional forces to fight together against the might of the BJP in the absence of a national party.

India’s propensities toward competitive authoritarianism seem on a stronger footing than resistance to it. This is reflected in India’s fall in global democracy rankings. The preexisting conditions favoring competitive authoritarianism seem more profound than the pandemic’s exacerbation of those conditions. The pandemic has certainly facilitated the realization of goals hurting India’s democratic stature. Despite these forebodings, it would be too early to write off India’s democratic future, given the history of social movements and the political mobilization within the opposition.

Notes
1 We thank Aurel Croissant, Jack Snyder, Vashwat Sinha and Nicolas Belorgey for their comments; Tanvi Deshpande for research assistance; Jai Shankar Prasad for editorial advice; and Bharat Bhushan, Anika Areen and Sujatha Rao for enlightening us on may pertinent issues. Thanks to Gurdeep Sappal and Punyaraj Deshpande for discussions and for facilitating many of these meetings under the auspices of the

References
Amnesty International. 2020. India COVID 19 response: Government must refrain from abuse of power and immediately release all arbitrarily detained in J & K. Amnesty...
8 Economy First

Indonesia’s Calculated Underutilization of State Capacities and Democratic Resources in the Early Phase of COVID-19

Marcus Mietzner

Introduction

Indonesia’s response to the COVID-19 crisis has seen two markedly different periods. The first was a phase characterized by systematic denialism and prioritization of economic concerns over public health measures. This period lasted from early 2020 to mid-2021, when the massive spread of the Delta subvariant—fueled by the government’s reluctance to impose stricter mobility controls—caused hundreds of thousands of fatalities. One study estimated that Indonesia’s COVID-19 deaths during that period reached up to 955,000—a multiple of the officially recorded numbers (Wang 2022). Shocked by this outcome, the government finally changed course, establishing a more effective regime of social mobility restrictions and other policies. Combined with the natural protection provided by the 2021 Delta spike (a study in early 2022 showed that 99% of citizens on Indonesia’s main island of Java had COVID-19 antibodies), this new approach allowed the government to control the pandemic more successfully (Kompas 2022). The much less devastating second phase of Indonesia’s COVID-19 experience, from late 2021 onwards, also helped the government to distract from its failures in the first. Having been Southeast Asia’s COVID-19 epicenter for much of 2020 and 2021, Indonesia now moved toward presenting itself as a model for other countries. This constellation, however, makes it even more important to investigate Indonesia’s early COVID-19 approach and to identify its drivers. Why did Indonesia’s elite take almost 18 months to switch to an effective, science-based response to the crisis, when some of its neighboring (and significantly poorer) countries already had? Was it lacking capacity, as some authors suggested (Bennett 2020), or were other factors at play?

Indeed, Indonesia’s denialism in the early phase of the COVID-19 crisis had conflated the region. As the virus was spreading in January and February 2020, Indonesia proudly proclaimed that it had been spared. Reporting no cases in those months, the Indonesian Health Minister Terawan Agus Putranto speculated that this was because Indonesians prayed so much. Eventually, Indonesia did record its first cases in early March, forcing the government to...