



A time to give

Highlights:

1. The Centre's stated position before the Supreme Court on paying a standard ex gratia compensation to families of those who died of COVID-19 shows poor appreciation of the fallout of an unprecedented disaster.
2. After initially asserting that such payments were beyond the Government's fiscal affordability, although there is a provision in the Disaster Management Act for compensation, and externalising the pandemic as a global, ongoing event, the Home Ministry has now averred that the issue was the manner in which funds were to be put to use.
3. Clearly, lack of resources would be a legless argument when the Centre is pursuing expensive redevelopment projects such as the Central Vista.
4. What the Government says it wants to do is to deploy funds in health care, enhance social protection and support the economic recovery of affected communities, rather than give one-time compensation payments (₹4 lakh) or notified ex gratia sought by the petitioners.
5. There is nothing wrong with keeping the focus on the provision of essential supplies and additional health infrastructure. In fact, the second wave peak was made considerably worse by poor health infrastructure and low public health expenditure, and a policy failure recorded by the Economic Survey which called for higher public spending of 2.5%-3% of GDP on health.
6. But lending a helping hand to families now impoverished should also be a priority. The Centre, after tying itself in knots on free vaccines, should now spell out its road map for a universal public health system.

Assessment of COVID relief package:

1. The annual Budget included a raft of schemes under COVID-19 initiatives and claimed credit for Atmanirbhar Bharat packages, which, together with the RBI's ameliorative steps, officially amounted to 13% of GDP.
2. But the "above-the-line" relief in terms of health care and social protection, including cash transfers, are a small share of another spending such as credit provision to several sectors, as per some estimates.



3. The IMF analysis of policy responses says that early in the pandemic, food, fuel and cash transfers to lower-income households came to 1.2% of GDP.
4. With the second wave marked by many deaths and nationwide closures, a review of direct benefits is urgently called for. In court, the Home Ministry has said that confining solutions to compensation would be narrow.
5. It is no one's case that large direct cash benefits are the only good interventions. Families who have lost breadwinners need help while orphaned children need support.
6. It also does not help that India's pension system is weakening, bank deposits have low yields and official policy expects people to essentially fend for themselves. The Centre should not hesitate to review its tax basket to rely more on the wealthiest to compensate those who have been hit the hardest.

Towards a more federal structure

Revenue distribution

1. Direct taxes are income tax and corporate tax. In the U.S., both the federal and state governments collect such taxes from individuals and corporations. This is true in Switzerland and some other countries as well.
2. However, in India, direct taxes go entirely to the Central government. The Central government is supposed to distribute 41% of its gross tax revenues (reduced from 42% after the formation of new Union Territories in Jammu and Kashmir) to the State governments. In the U.S., the federal government distributes about 15% of its revenues.
3. State governments get funds from the Central government according to the Finance Commission's recommendations. Though this is based on some formula, often politics intervenes and some States get less and some more. Usually, the Central government does not meet the 41% target. We see various States either petitioning or coming into conflict with the Central government on this issue.
4. Meanwhile, the Central government has added cess on various items which add up to over ₹3.5 lakh crore. This is not shared with the State governments.



State revenues and regional disparity:

1. State governments also raise their own funds largely through taxes on liquor, property, road and vehicles. At an all-India level, the States get 26% of their total revenue from the Central government. Some of the so-called poorer States get up to 50% of their total revenue from the Central government, making them even more dependent.
2. This gives more economic power to the Central government and allows ruling parties at the Centre to use these funds to their advantage.
3. Another issue is regional disparity. Maharashtra, Delhi and Karnataka contribute the lion's share of taxes to the government. These three regions along with Tamil Nadu and Gujarat contribute 72% of the tax revenue.
4. Uttar Pradesh, which has the largest population in India, contributes only 3.12% but gets over 17% of the revenue distributed by the Central government.
5. Revenue distribution is based on complex considerations including population and poverty levels. For every ₹100 contributed, southern States get about 51% from the Central government, whereas Bihar gets about 200%.
6. The population growth rates in the south have come down to near zero, whereas the population in central and north India continues to grow.
7. The cross-subsidy from the south to the north will therefore grow. Meanwhile, job seekers and those looking for higher quality education are flocking to the south.

Political power in the North

On the other hand, political power is concentrated in the north because there are more Lok Sabha seats. The number of seats in each State will be revised in 2026 perhaps based on population and other factors. This has already created apprehension in the southern states that they will be further politically marginalised.



A case to decriminalise suicide

India has the highest suicide rate in the Southeast Asian region, according to the World Health Organization. Depression, chronic ill health, guilt, trauma, substance abuse, failure in exams, and loss of loved ones are some of the reasons which influence a person's decision to take his or her life. A total of 1,34,516 cases of suicide were reported in 2018 in India, according to the National Crime Records Bureau. While the rate of suicide was 9.9 in 2017, it increased to 10.2 in 2018.

Crime and punishment

1. Section 309 of the Indian Penal Code dictates the penal provision for attempting suicide. If a person is suffering from any mental trauma or illness, he or she should be given reformatory treatment rather than a deterrent punishment which is "simple imprisonment for a term which may extend to one year [or with fine, or with both]".
2. India has retained much of the colonial legal legacy in its penal jurisprudence. But the fact is that the British Parliament decriminalised attempts to suicide in 1961 through the Suicide Act.

Need for decriminalization:

1. We have witnessed a century-long tussle between two camps in which one advocate for the penal provision and the other continuously demands that attempts to suicide be decriminalised.
2. Those who favour the penal provision generally quote the judgment in *Gian Kaur V. State of Punjab* (1996) where the court held that the "right to life is a natural right embodied in Article 21" of the Constitution but "suicide is an unnatural termination or extinction of life and, therefore, incompatible and inconsistent with the concept of the right to life".
3. In *Aruna Ramchandra Shanbaug v. Union of India* (2011), the Supreme Court endorsed the earlier judgment.
4. On the other hand, those who argue that the act of attempting suicide should not be criminalised quote *Maruti Shripati Dubal v. State of Maharashtra* (1986). In this judgment, the Bombay High Court declared Section 309 unconstitutional.



5. It said: “For example, the freedom of speech and expression includes freedom not to speak and to remain silent. The freedom of association and movement likewise includes the freedom not to join any association or to move anywhere... If this is so, logically it must follow that right to live... will include also a right not to live or not to be forced to live.”
6. The court also said: “If the purpose of the prescribed punishment is to prevent the prospective suicides by deterrence, it is difficult to understand how the same can be achieved by punishing those who have made the attempts. Those who make the suicide attempt on account of the mental disorders require psychiatric treatment and not confinement in prison cells.”
7. This idea was recorded in *Chenna Jagadeeswar v. State of Andhra Pradesh and P. Rathinam v. Union of India* (1994) where the court held that Section 309 of the Indian Penal Code is a violation of Articles 14 and 21 and is void and unconstitutional.

A solution

1. In 2017, Parliament passed the Mental Healthcare Act. Section 115 (1) of the Act provides, “Notwithstanding anything contained in section 309 of the Indian Penal Code, any person who attempts to commit suicide shall be presumed unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.”
2. However, this law applies only to those suffering from mental illness. There is a presumption of severe stress in case of an attempt to die by suicide.

We have to shift from penalising attempts to suicide to making such cases medico-legal ones and provide psychological or mental treatment and support to the persons affected. As the issue demands a reformatory stance, we need a permanent solution like repealing Section 309 of the Indian Penal Code or striking it down.