



Gauging pandemic mortality with civil registration data

Context of underestimation: Over the last month, Indian journalists from across the country have accessed and reported on State-level all-cause mortality from the Civil Registration System (CRS), currently confidential and closed to the public. While India's official death toll from COVID-19 has been suspect from the very beginning — for reasons that are partly institutional and partly new and specific to the pandemic — it was the second wave that made the scale of devastation hard to ignore.

States and data

1. Using the example set by those attempting to capture missed COVID-19 deaths in the United Kingdom, South Africa and Peru, journalists from a range of news organisations accessed all-cause mortality data from the CRS for Madhya Pradesh, Andhra Pradesh, Tamil Nadu, Bihar, parts of Uttar Pradesh, Kerala, and other States as well as for several Indian cities.
2. This data has been able to show a large rise in excess mortality in the surge months of the second wave of April and May 2021 in particular, far in excess of the official COVID-19 toll for the same period.
3. The increase in mortality ranges from reported deaths climbing to five times the usual monthly data in Madhya Pradesh and Andhra Pradesh (between 30-40 times the official COVID-19 toll for the same period), to more modest increases in Tamil Nadu and Kerala.

Sources of error

1. While this data has added an important dimension to the question of undercounting of COVID-19 deaths in India and remains the best source of data on all-cause mortality, its continued use will require careful work on account of some known sources of error that exist with the data.
2. The first is that these numbers are underestimates of total mortality. The Union government last published annual Civil Registration System data for 2019. This data shows that India registered 92 of every 100 deaths as of 2019, but there was a large variation between States. Bihar, for instance, registered just half of all deaths.
3. Additionally, the data currently available on State-level CRS portals (behind a login) miss even more deaths. The CRS moved online relatively recently



(between five and three years ago in most States), and State-level portals now display data for every day from January 1, 2018, to the present day.

4. For all States for which data is available except Kerala, the online portals show lower numbers than what was published by the Union government for 2018 and 2019.
5. What this implies is that the data currently being used for analyses are an underestimate of total deaths, but should not by itself cause inflation of the excess mortality estimates for the pandemic (since the online portal's data was used for past and current years)
6. What could, however, alter the magnitude of calculated excess mortality would be a second possible source of error — if mortality was either naturally increasing over time, or if registration was getting better, or if both were taking place.
7. If any of these three phenomena were taking place, the magnitude of excess mortality in 2020 and 2021 could be moderated by these processes.

Mortality was decreasing in the normal scenario:

1. On the first count, total estimated mortality (registered deaths plus those that are not registered) has actually been declining since 2013 (although there was an uptick in some States in 2019) according to the CRS.
2. So, in the normal course of events (if there had not been a pandemic) we would not expect an increase in mortality
3. Registered deaths, on the other hand, have been steadily increasing in four of the five states that we have detailed mortality data for (but fluctuating in Kerala).
4. While this will mean that some of the excess mortality in 2020-21 will be accounted for by improved registration, this is not a complete explanation.
5. The increase in registered deaths will not continue at the same pace in all States — once States begin to achieve full registration, increases should be more modest.
6. In Madhya Pradesh, for instance, the level of death registration improved by over 21 percentage points between 2017 and 2019 to reach 89% in 2019.



7. It is simply not mathematically possible for the level of registered deaths to continue to increase at the same pace for the years after 2019.

An imperfect resource

Taken together, these potential sources of error indicate that while the total number of deaths in India during the pandemic reported using Civil Registration System data might be an underestimate, a part of the increase in mortality can be explained by improved registration. However, the scale of excess mortality during the second wave, in particular, is undeniable, especially compared to the low number of COVID-19 deaths officially recorded in the same period.

The Civil Registration System is an imperfect system, yet one that journalists are having to turn to in the face of the continuing refusal of the Union government to engage with the issue of the true extent of mortality. Acknowledging the gaps in the system will help journalists, but does not minimise the magnitude of the crisis.

Crafting a unique partnership with Africa

The future of India-Africa cooperation is agriculture, even as the China factor looms large.

Agriculture is Key:

1. Critical to its foreign policy matrix, New Delhi's engagement with the African continent has been multifaceted, with projects implemented under Indian lines of credit, capacity-building initiatives, and cooperation in a range of sectors.
2. As an importer of fruits, nuts, grains and pulses from the continent, Indian congruence with African countries in the agriculture sector is expanding. With 65% of the world's uncultivated arable land, employing over 60% of the workforce, and accounting for almost 20% of Sub-Saharan Africa's GDP, agriculture is critical to Africa's economy.
3. The African Continental Free Trade Area agreement is expected to improve cost competitiveness by removing tariffs. As this relationship enters the post-pandemic world, it is vital to prioritise and channel resources into augmenting partnerships in agriculture.
4. This is crucial given its unexplored potential, centrality to global food security, business prospects and to provide credible alternatives to the increasing involvement of Chinese stakeholders in the sector.



Analysing Chinese engagement

1. Today, China is among Africa's largest trading partners. It is also Africa's single biggest creditor. Its corporations dominate the region's infrastructure market and are now entering the agri-infra sector.
2. Increasingly critical to China's global aspirations, its engagement in African agriculture is taking on a strategic quality. Therefore, dismissing Beijing's engagement in African agriculture as inconsequential for New Delhi would be unwise.
3. While access to Africa's natural resources, its untapped markets and support for 'One China Policy' are primary drivers of Chinese engagement with the region, there are other factors at play.
4. Chinese-built industrial parks and economic zones in Africa are attracting low-cost, labour-intensive manufacturing units that are relocating from China.
5. Chinese tech companies are laying critical telecommunications infrastructure, venture capital funds are investing in African fintech firms, while other smaller enterprises are expanding across the region.
6. While many Chinese entities have been active in Africa's agricultural landscape for decades now, nature, form and actors involved have undergone substantial change.
7. Chinese companies with no prior experience in agriculture are setting out to build futuristic ecological parks while others are purchasing large-scale commercial farms. Furthermore, African agriculture experts, officials and farmers are provided opportunities to augment skills and be trained in China.

Mixed response to Chinese presence in Africa

1. The exponential growth in the China-Africa economic ties and the emergence of Beijing as an alternative to traditional western powers have motivated change in perceptions across groups.
2. Governments and heads of state are recalibrating approaches, media houses are investing more resources for on-the-ground reporting.
3. Simultaneously, Africa-China relations are becoming complex with a growing, insular diaspora, lopsided trade, looming debt, competition with



local businesses and a negative perception accompanied by greater political and socioeconomic interlinkages.

4. Examining Chinese interactions also provides cues on what not to do. The Chinese and African experts working in ATDCs seemingly operate in silos. On occasion, there seems to be a gap between skills transferred in China and the ground realities in Africa.
5. In some cases, the techniques taught in China is not available locally and in others, there is an inability to implement lessons learnt due to the absence of supporting resources.
6. Larger commercial farms run by Mandarin-speaking managers and the presence of small-scale Chinese farmers in local markets aggravates socio-cultural stresses.

Takeaways for India

1. India-Africa agricultural cooperation currently includes institutional and individual capacity-building initiatives such as the India-Africa Institute of Agriculture and Rural Development in Malawi, the extension of soft loans, supply of machinery, acquisition of farmlands and the presence of Indian entrepreneurs in the African agricultural ecosystem.
2. Indian farmers have purchased over 6,00,000 hectares of land for commercial farming in Africa.
3. Sub-national actors are providing another model of cooperation in agriculture. Consider the case of the Kerala government trying to meet its steep requirement for raw cashew nuts amounting to 8 lakh tonnes a year with imports from countries in Africa to complement its production capacity currently limited to 0.83 lakh tonnes.
4. There are also proposals to create a jointly-owned brand of Africa-Kollam cashews. Similar ideas could encourage State governments and civil society organisations to identify opportunities and invest directly.
5. There is also promise in incentivising Indian industries to tap into African agri-business value chains and connecting Indian technology firms and startups with partners in Africa.



6. The transformative power of innovative and disruptive technology has been evident in the African agri-tech sector as the startup ecosystem in the continent enjoyed a 110% growth between 2016 and 2018. In the past year, despite the pandemic, the sector witnessed a record increase in investments.
7. A thorough impact assessment needs to be conducted of the existing capacity-building initiatives in agriculture for India to stand in good stead. This could include detailed surveys of participants who have returned to their home countries. Country-specific and localised curriculum can be drawn up, making skill development demand-led.

Conclusion:

While India's Africa strategy exists independently, it is important to be cognizant of China's increasing footprint in the region. Beijing's model, if successful here, could be heralded as a replica for the larger global south.

It is important to note, however, that prominent African voices have emphasised that their own agency is often overlooked in the global discourse on the subject. In that sense, India has consistently chosen well to underline the development partnership to be in line with African priorities. It is pertinent, therefore, that we collectively craft a unique modern partnership with Africa.

Will a national judiciary work?

The Union government appears to be steadfast in its resolve to implement reforms in recruitment and appointment to the subordinate judicial services.

The All India Judicial Service (AIJS)

1. In 2019, it spearheaded a consultative process for the creation of the All India Judicial Service (AIJS). Initially, only four States and two High Courts supported the proposal. Eight States rejected it, five suggested changes, and 11 are yet to respond.
2. Recently, the Centre took the ordinance route to effect changes in the appointment of members to various tribunals. In a single stroke, it abolished several tribunals.
3. The manner of appointment of members to the remaining tribunals underwent a sea change. It is likely that the ordinance may not pass judicial scrutiny in



light of the Supreme Court's judgment in Rojer Mathew v. South Indian Bank (2019).

Constitutional perspective

1. Article 233(1) of the Constitution lays down that "appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State".
2. The 42nd Constitutional amendment in 1976 amended Article 312 (1) empowering Parliament to make laws for the creation of one or more All-India Services, including an AIJS, common to the Union and the States.
3. However, Clause 3 of Article 312 places a restriction that such a service shall not include a post inferior to that of a district judge. The amendment also brought about a significant change in the Seventh Schedule — Entry 3 of List II in its entirety was placed as Entry 11A in List III.
4. This paves the way for Parliament to enact laws with regard to 'Administration of Justice; constitution and organisation of all courts, except the Supreme Court and the High Courts'.
5. Post-Emergency, amendment to Article 312 (1) has escaped parliamentary scrutiny. A dichotomy exists with regard to Articles 233 and 312. What was essentially intended to be the prerogative of the State will now be the prerogative of the Union.
6. If the fundamental power of the States to make such rules and govern the appointment of district judges is taken away, it may be against the principle of federalism and the basic structure doctrine.

Concerns:

1. It was only in 1986 that the Law Commission resurrected the issue and deliberated upon the objections. The primary fear was that promotional avenues of the subordinate judiciary would be severely curtailed.
2. Fifty per cent of the posts of district judges are to be filled by promotion from the subordinate judicial service, thus leaving open the remaining for direct recruitment.
3. Another fundamental concern was the language barrier.



4. The Union Law Minister has extolled AIJS to be an ideal solution for equal representation of the marginalised and deprived sections of society. Most States already have a reservation policy in force. Tamil Nadu provides for a roster-based reservation of 69%, of which 30% is for women.
5. Uttar Pradesh merely provides 20% reservation for women and the AIJS may therefore benefit States like U.P. Arguments that the AIJS will reduce judicial delays do not hold water as the subordinate courts are the crucial point of delays owing to the existence of large vacancies.

Recommendations so far:

1. In the early 1960s, the issue was debated during the Chief Justices Conference and was favoured by the eminent body, but many States and High Courts opposed it.
2. The First National Judicial Pay Commission found that it would be in the interest and the health of the judiciary to form an AIJS. The report supported and reiterated the recommendations of the 14th Law Commission.
3. In the All-India Judges case in 1992 the apex court had opined that the recommendations of the Law Commission should be examined and implemented.
4. The issue was again discussed in All India Judges Association Vs. Union of India (2002). The court accepted most recommendations of the Shetty Commission and directed the government to implement the judgment.
5. Any groundbreaking reform is bound to receive criticism. The National Commission constituted for review of the Constitution headed by luminaries including Justice H.R. Khanna, Justice B.P. Jeevan Reddy and K. Parasaran, the then-Attorney General, had suggested a paradigm shift in the approach of the Union.

The feasibility of the AIJS in the current context requires to be studied, especially when reliance is placed upon archaic reports of the Law Commission. It is for the Union to dispel doubts and at the same time give wings to the aspirations of all stakeholders when implementing the proposal. It, however, remains to be seen if the AIJS would be like the proverbial curate's egg.