



Tread with caution

The consolidated codes on labour laws need a thorough vetting and discussion in Parliament

As part of its commitment to simplify and consolidate labour rules and laws under four codes, the Union Cabinet has cleared the Occupational, Safety, Health and Working Conditions Code, a week after it approved the Code on Wages Bill. The latter seeks to include more workers under the purview of minimum wages and proposes a statutory national minimum wage for different geographic regions, to ensure that States will not fix minimum wages below those set by the Centre. These steps should be welcomed. The Code on labour safety and working conditions include regular and mandatory medical examinations for workers, issuing of appointment letters, and framing of rules on women working night shifts. Other codes that await Cabinet approval include the Code on Industrial Relations and the Code on Social Security. Unlike these pending bills, especially the one related to industrial relations that will be scrutinised by labour unions for any changes to worker rights and rules on hiring and dismissal and contract jobs, the two that have been passed should be easier to build a consensus on, in Parliament and in the public sphere. Organised unions have vociferously opposed changes proposed in the Industrial Relations code, especially the proviso to increase the limit for prior government permission for lay-off, retrenchment and closure from 100 workers as it is currently, to 300. The Economic Survey highlighted the effect of labour reforms in Rajasthan, suggesting that the growth rates of firms employing more than 100 workers increased at a higher rate than the rest of the country after labour reforms. But worker organisations claim that the implementation of such stringent labour laws in most States is generally lax. Clearly, a cross-State analysis of labour movement and increase in employment should give a better picture of the impact of these rules.

Simplification and consolidation of labour laws apart, the government must focus on the key issue of job creation. The Periodic Labour Force Survey that was finally made public in late May clearly pointed to the dire situation in job creation in recent years. While the proportion of workers in regular employment has increased, unemployment has reached a 45-year high. The worker participation rate has also declined between surveys held in 2011-12 and 2017-18. The government's response to this question has either been denial, as was evident after the draft PLFS report was leaked last year, or silence, after it was finally released. In such a situation, the government should be better off building a broader consensus on any major rule changes to existing worker rights rather than rushing through them for the sake of simplification. The consolidated code bills should be thoroughly discussed in Parliament and also with labour unions before being enacted.

Picking out plastic

Recycling is integral to addressing the problems posed by plastic packaging material

The Central Pollution Control Board (CPCB) has put 52 producers, brand owners and importers, including big online retailers such as Amazon and Flipkart, and companies such as Patanjali Ayurved and Britannia, on notice, for failing to take responsibility for their plastic waste. These and other entities with a large plastic footprint need to respond with alacrity. It is eight years since the concept of Extended Producer Responsibility (EPR) was incorporated into the Plastic Waste Management Rules, but municipal and pollution control authorities have failed to persuade commercial giants to put in place a system to collect and process the waste. Tighter rules in 2016 and some amendments two years later put the onus on producers and brand owners to come up with an action plan for the retrieval of waste within six months to a year, but that too failed to take off. Mountains of garbage with a heavy plastic load have been growing in suburban landfills, out of sight of city dwellers. Without determined steps, the crisis is certain to worsen. It should be noted that the retail sector expects e-commerce to grow from about \$38.5 billion-equivalent in 2017 to \$200 billion by 2026. Given the role played by packaging, the waste management problem is likely to become alarming. There is also a big opportunity here, which the trade, municipal governments and pollution control authorities need to see. The two prongs of the solution are packaging innovation that reduces its use by using alternatives, and up-scaling waste segregation, collection and transmission.

Recovering materials from garbage should be a high priority, considering that India is the third highest consumer of materials after China and the U.S.; the Economic Survey 2019 estimates that India's demand for total material will double by 2030 at current rates of growth. Plastics may be less expensive than other inputs in manufacturing, but recycling them into new products extends their life and provides a substitute for virgin material. Keeping them out of the environment reduces clean-up and pollution costs. Unfortunately, in spite of legal requirements, municipal and pollution control authorities fail to see this and mostly pursue business-as-usual waste management methods. Recyclable waste is rendered useless when it gets mixed with other articles. Online retailers have not felt compelled to take back the thousands of polybags, plastic envelopes and air pillows used to cushion articles inside cardboard boxes. This is in contrast to more developed markets where they are trying out labels on packages with clear recycling instructions. These companies can form waste cooperatives in India, employing informal waste-pickers. In such a model, consumers will respond readily if they are incentivised to return segregated plastic waste. Making municipal and pollution control authorities accountable is also equally important.

A welcome debate on electoral reforms

A number of practical and constructive proposals were raised by Opposition parties in Parliament last week



S.Y. QURAISHI

On July 3, a short-duration discussion in the Rajya Sabha on electoral reforms attracted my attention. It was initiated by Trinamool Congress (TMC) MP Derek O'Brien, with the backing of as many as 14 Opposition parties. I have been extremely passionate and vocal about the issue throughout my years in office as well as after, and it was heartening to see political parties across the ideological divide trying to push the subject of how to make elections freer, fairer and more representative.

The TMC MP touched on six major themes – appointment system for Election Commissioners and Chief Election Commissioner (CEC); money power; Electronic Voting Machines (EVMs); the idea of simultaneous elections; the role social media (which he called “cheat India platforms”); and lastly, the use of government data and surrogate advertisements to target certain sections of voters.

Appointment process

On the issue of appointments of Election Commissioners, Mr. O'Brien quoted B.R. Ambedkar's statement to the Constituent Assembly that “the tenure can't be made a fixed and secure tenure if there is no provision in the Constitution to prevent a fool or a naive or a person who is likely to be under the thumb of the executive.”

The demand for revisiting the issue was supported by the Communist Party of India (CPI); the Communist Party of India-Marxist (CPI-M); the Dravida Munnetra Kazhagam (DMK) and the Bahujan

Samaj Party (BSP), all of whom demanded the introduction of a collegium system. As regards the chronic problem of the crippling influence of money power, Mr. O'Brien spoke about various reports and documents – a 1962 private member's Bill by Atal Bihari Vajpayee; the Goswami committee report on electoral reforms (1990); and the Indrajit Gupta committee report on state funding of elections (1998). Congress MP Kapil Sibal, citing an independent think tank report on poll expenditure released in June, discussed at length the regressive impact of amending the Foreign Contribution (Regulation) Act (FCRA) and removing the 7.5% cap on corporate donations.

Congress MP Rajeev Gowda termed electoral bonds “a farce” and gave a proposal for state funding (of political parties) based on either a National Electoral Fund or the number of votes obtained by the respective parties. He also proposed crowdfunding in the form of small donations. He said that the current expenditure cap on candidates is unrealistic and should either be raised or removed to encourage transparency.

The Biju Janata Dal (BJD) supported capping the expenditure of political parties in accordance with a 1975 judgement of the Supreme Court on Section 77 of the Representation of the People Act (RPA), 1951. The Samajwadi Party (SP) suggested that expenditure on private planes etc. should be added to the candidates' accounts and not to those of the party. Banning of corporate donations was passionately advocated by the CPI and the CPI (M).

The old issue of returning to ballot papers was raised by several parties. The TMC said that “when technology doesn't guarantee perfection, you have to question technology.” On the other hand, the



BJD, the Janata Dal (United) and the Bharatiya Janata Party (BJP) asserted that EVMs have reduced election-related violence in States like Bihar and Uttar Pradesh. The BJD said that to strengthen public faith in Voter-Verified Paper Audit Trails, five machines should be counted right in the beginning. The BSP added that postal ballots should be scanned before counting so as to increase transparency.

On simultaneous elections

Many BJP MPs highlighted issues linked to electoral fatigue, expenditure and governance and also reports of the Law Commission and NITI Aayog to push for simultaneous elections.

Vinay Sahasrabudhe of the BJP said that Prime Minister Narendra Modi's proposal should be seen with an open mind and made a suggestion that it should be understood as a call for minimum cycle of elections rather than “one nation one election”.

But the TMC said that the solution lies in consulting constitutional experts and publishing a white paper for more deliberation. Simultaneous elections were vehemently opposed by CPI MP D. Raja, who called them “unconstitutional and unrealistic.” Quoting Ambedkar, he said that accountability should hold prece-

dence over stability. Internal democracy within political parties was also mentioned by a couple of speakers. The BJD suggested that an independent regulator should be mandated to supervise and ensure inner-party democracy.

For improving the representativeness of elections, the demand for proportional representation system was put forth by the DMK, the CPI and the CPI (M). The DMK cited the example of the BSP's performance in 2014 Lok Sabha elections, when the party got a vote share of nearly 20% in Uttar Pradesh but zero seats. A number of MPs argued for a mixed system, where there was a provision for both First Past the Post and Proportional Representation systems.

The important issue of the “fidelity of electoral rolls” was raised by the YSR Congress Party (YSRCP). The idea of a common electoral roll for all the three tiers of democracy was supported by the BJP and the SP.

For remedying the ‘ruling party advantage’ in elections, SP MP Ram Gopal Yadav made a radical suggestion that all MPs/MLAs should resign six months before elections and a national government should be formed at the Centre. He said States should be ruled by the Governor who would have to follow the binding advice

of a three-member High Court advisory board.

Advocacy over the years

I have long been an advocate of a number of these reform recommendations. Some proposals that I have elaborated upon in detail throughout the years include – reducing the number of phases in elections by raising more security forces; depoliticisation of constitutional appointments by appointing Commissioners through a broad-based collegium; state funding of political parties by means of a National Electoral Fund or on the basis of the number of votes obtained; capping the expenditure of political parties; giving the Election Commission of India (ECI) powers to de-register recalcitrant political parties; inclusion of proportional representation system; and revisiting the Information Technology Act, to strengthen social media regulations.

Hence, the parliamentary debate was music to my ears. But Indian politics has been suffering from a wide gap between thought and action. The governments should also rise above their obsession with immediate electoral gains and think of long-term national interests. The TMC MP was right in saying that Parliament must not only urgently “debate and deliberate but also legislate” on electoral reforms. The time has come to find and enact concrete solutions in the national interest. Having heard a number of practical and constructive proposals raised in the Rajya Sabha last week, I remain hopeful that Parliament will take it upon itself to enable the world's largest democracy to become the world's greatest.

The writer is former Chief Election Commissioner of India and the author of 'An Undocumented Wonder – the Making of the Great Indian Election'

Jobless growth becomes more systemic

Earlier confined largely to the organised sector, it has now spread to other areas, as revealed by the latest survey results



K.P. KANNAN
G. RAVEENDRAN

The findings of the latest employment survey, called the Periodic Labour Force Survey (2017-18), are a cause for concern as the scenario is still far from anything that would denote decent employment. The two biggest issues here are: the shrinking share of the labour force; and the rising unemployment.

The labour force participation rate (% of people working or seeking work in the above-15 years age category) in the earlier survey of 2012 was 55.5%. This has shrunk to 49.7% in 2018. There is an absolute decline in the number of workers from 467.7 million in 2012 to 461.5 million in 2018.

Multiple dimensions

Recent attempts by some to create an impression that self-employment has not been captured by the National Sample Survey is absolutely false since the definition of ‘employment’ includes in itself

‘self’ as well as ‘wage employment’. Within the category of ‘self-employed’, the survey also counts those engaged in ‘unpaid family labour’.

The figure for the overall unemployment rate at 6.1% is 2.77 times the same figure for 2012. A few experts have raised doubts about comparability of estimates between the two periods though we feel that they are not substantial issues that prevent anyone from a judicious comparison.

The rise in overall unemployment has both locational and gender dimensions. The highest unemployment rate of a severe nature was among the urban women at 10.8%; followed by urban men at 7.1%; rural men at 5.8%; and rural women at 3.8%.

When we ignore the location of residence, we find that severe unemployment among men at 6.2% was higher than among women at 5.7%. However, given the sharp decline in women's labour force participation rate, they have been losing out heavily due to the double whammy of exclusion from the labour force and an inability to access employment when included in the labour force. The decline in women's labour force participation from 31% to 24% means that



India is among the countries with the lowest participation of women in the labour force.

The issue of educated unemployment, given its link with not just growth but also with transformative development, has never been as acute as at present. Defined as unemployment among those with at least a secondary school certificate, it is at 11.4% compared to the previous survey's figure of 4.9%.

But what is significant is that the

unemployment rates go up as levels of education go up. Among those with secondary school education, it is 5.7% but jumps to 10.3% when those with higher secondary-level education are considered.

The highest rate is among the diploma and certificate holders (19.8%); followed by graduates (17.2); and postgraduates (14.6%).

Of course, educated persons are likely to have aspirations for specific jobs and hence likely to go through a longer waiting period than their less-educated counterparts. They are also likely to be less economically deprived. But the country's inability to absorb the educated into gainful employment is indeed an economic loss and a demoralising experience both for the unemployed and those enthusiastically enrolling themselves for higher education.

Burden more among women

Here again, the burden is the highest among urban women (19.8%) followed by rural women (17.3%), rural men (10.5%) and urban men (9.2%). Among the educated, women face a more unfavourable situation than men despite a low labour force participation rate. Compared to the earlier 2012 sur-

vey, unemployment of educated men has more than doubled in both rural and urban areas and in the case of women, the rate has nearly doubled. However, it is important to remember is that the rate was higher for educated women, when compared to educated men, in both the periods.

It is almost scandalous that youth unemployment rate (unemployment among those in the 15-29 years age category) has reached a high 17.8%. Even here, the women stand more disadvantaged than the men, especially urban women, whose unemployment rate of 27.2% is more than double the 2012 figure of 13.1%. The rate for urban men, at 18.7%, is particularly high as well.

The overall conclusion here is that the trend of ‘jobless growth’ that was till recently confined largely, if not only, to the organised sector has now spread to other sectors of the economy, making it more generalised. This calls for a thorough re-examination of the missing linkages between growth and employment.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Party hopping

It is very disheartening to see some legislators leaving their original party and joining another *en masse* (Front page, “10 Congress MLAs join BJP in Goa,” July 11). This totally unprincipled defection is crass opportunism and a slap in the face of voters who elected the MLAs on their party tickets. The present anti-defection law cannot rein in such defectors and it needs to be drastically amended. Any legislator who leaves his party and joins another should be disqualified and a new candidate should be chosen in his place.

MATTHEW ADUKANIL,
Tirupattur

Nehru's Kashmir move

It is preposterous and childish to argue that liberation of Pakistan-occupied Kashmir (PoK)

would have relegated Hindus in Jammu and Kashmir even more to a minority, engendering disastrous consequences (Op-Ed page, “Nehru and the Kashmir quandary,” July 11). Even the best statesmen can commit an error of judgment and Jawaharlal Nehru erred on the Kashmir problem. Had PoK been liberated, the region would have been much more peaceful than at present. Also, the writer's tracing of the genesis of cross-border terrorism to the pre-Independence days is way too far-fetched. Further, to argue that the main task of Nehru, after the Maharaja's signing of the instrument of accession, was to secure the safety of Hindus is to understand Nehru in a very narrow sense.

KOSARAJU CHANDRAMOULI,
Hyderabad

Not under production

The news that the production of more train sets of the Vande Bharat Express has come to a halt is disappointing (Tamil Nadu page, “ICF told to scrap tenders for Train18 rakes,” July 11). The fact that the train set was delivered on schedule within 18 months and the inaugural run was flagged off by the Prime Minister after passing stringent performance trials is a unique achievement in the annals of India Railways. It will be extremely short-sighted and unfortunate if a witch-hunt is launched to establish *malafide* intentions in the tendering process. Any project of this complexity and magnitude executed on a ‘mission mode’ would have required cutting out red tape. It is likely that in the process certain boundaries of

departmental silos were breached to speed up decision-making. The Sreedharan Committee has made wide-ranging recommendations for devolution of financial powers, many of which have been accepted. It will be unfortunate if at the first demonstration of these reforms, the reaction is to launch an inquiry. Nothing can be more de-motivating.

K. BALAKESARI,
Chennai

Exit India

Agonising as it is, India's exit from the Cricket World Cup does not need hindsight. Contrary to what experts had been harping on, India went to England without a permanent No. 4 batsman. Ambati Rayudu was unceremoniously dropped and all sorts of experiments were carried out with team selection.

Rishabh Pant, who was drafted in only after Shikhar Dhawan suffered an injury, should have been included in the original squad. When Vijay Shankar got injured, Rayudu's inclusion should have been a no-brainer, as he was in the official list of reserves. But Mayank Agrawal was called in, without any past ODI experience. Over the last two years, a number of players have been tried and not allowed to settle down at No. 4. And India paid a price for this misadventure. In the end, it was a perfect, three-dimensional performance from New Zealand on Wednesday.

SAURABH SINHA,
Bhilai

■ Millions of Indian fans were disappointed. Universally acclaimed finisher M.S. Dhoni should have been sent at No.5, which would have had a calming effect on the likes of Pant and Hardik Pandya. Sending him at No. 7 was a tactical blunder. Ravindra Jadeja, though not in the playing 11 in many of the matches, showed extraordinary prowess with both the bat and the ball, apart from displaying some excellent fielding. This is not to take anything away from New Zealand's brilliant performance. Matt Henry's spell and Jimmy Neesham's catch were the highlights.

D.S. RAJAGOPALAN,
Chennai

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CORRECTIONS & CLARIFICATIONS: >>The caption in the photograph that accompanied the lead story (front page, July 11, 2019) erroneously identified Milind Deora as Murlid Deora.

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