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I N D E X

IDSA – EPW 2019

1. Terrorist Attacks in Sri Lanka.....	3
2. No ‘High-flyer’	4
3. Beyond Electoral Bonds	5
4. Manufacturing the ‘Ideal’ Worker	7
5. Declining Female Labour Force Participation	9
6. Dilution of the Right to Education Act	11
7. Facilitation and Whistle-blower Protection by Indian Firms	13
8. Of Moral Truths and Judicial Integrity	15



IDSAs – EPW 2019

1. TERRORIST ATTACKS IN SRI LANKA

Why in news?

- The terrorist attacks in Sri Lanka on 21 April 2019 have not only shaken the island nation but also the entire world.
- Loss of innocent lives is the cost of the utter ineptness of a crisis-ridden Government of Sri Lanka.

How is the attack related to the current political crisis of Sri Lanka?

- The most astounding thing in the attack is that there was prior specific intelligence available of the possible terror attacks targeting the Catholic churches and the information was not officially conveyed.
- This seems to be the result of the breakdown of administration since the time when it was termed as a “constitutional coup” attempted by the President in October 2018.
- The cost of the ongoing crisis involving the conflict between the Maithripala Sirisena-led Sri Lanka Freedom Party (SLFP) and Wickremesinghe-led United National Party (UNP) has been enormous, leading to the loss of hundreds of innocent lives.

What would be the possible consequences concerning emergency?

- **Invocation of emergency:** Championing the line of ethnic supremacism and authoritarianism, former President Mahinda Rajapaksa has already blamed the initiatives of reconciliation for undermining the security forces and national security.
- It is feared that with the election due later this year, there could be a consolidation of opinion around such positions and it would receive impetus from the **invocation of emergency provisions** that vest sweeping powers in the President.
- Such consolidation could intensify the constant sense of insecurity among the religious minority communities in Sri Lanka.
- It is such a predicament that the terror groups like ISIS seek to perpetuate through their modus operandi of propaganda by terror.
- Although the causality of the attacks cannot be directly located in the domestic ethnic tensions, these will have repercussions for the social fabric of the country.
- **Discriminatory measures:** There already have been reports of demands made by some members of Parliament



for discriminatory measures, hate speeches against the Muslim community, and at least 700 refugees from the persecuted Ahmadiyya community, are in hiding after fleeing their homes in the Sri Lankan port city of Negombo.

- In the last 10 years, there have been several instances of targeted attacks on the Muslim community by Sinhala Buddhist extremist outfits like Bodu Bala Sena.
- During the 1980s and 1990s Muslims, predominantly ethnic Tamil, were persecuted in Jaffna by the Liberation Tigers of Tamil Eelam.
- **Radicalisation** : Along with this, there are also concerns around the growing influence of Wahabism funded by Saudi Arabia that is leading to radicalised fringe elements within the minority community.
- **What lies ahead?**
- Such a potentially conflict-ridden situation demands that the political leadership in Sri Lanka, particularly those in power, adhere to the promise of 2015 and not let the living ghosts of majoritarian authoritarianism haunt the nation once again.
- Otherwise, it can have dire consequences in a global scenario marked by the rise of right-wing extremism.

2. NO 'HIGH-FLYER'

Why in news?

- The domestic airline industry has been in the throes of a crisis with Jet Airways, failing to obtain emergency funding from lenders to pay for critical services.
- The Jet Airways crisis hence has exposed the fault lines in the aviation industry and revealed systemic risks.

What is the current condition of the aviation industry?

- First, despite a 10.87% compound annual growth rate of passenger revenue kilometres (or airline demand) between 2007–08 and 2017–18, the year-on-year growth of demand in 2017–18 had actually declined to 18.65% compared to the 21.82% in 2016–17.
- Second, almost all airlines evidenced **high passenger load factor** (PLF) or seat sales, but for almost two-fifths of them the PLF exceeded their **break-even load factor** (BELF), implying that more sales have not necessarily translated into operating profits.
- Further, only about a third of the airlines are cost-efficient in terms of their operating costs per stage length.
- With the industry being predominantly cost-driven, and nearly 70% of the market players struggling to tame their operating



costs, competition on passenger yield is a potentially dangerous strategy both for the stability of the industry and sustainability of the “low-cost” models.

- **External factors:** External factors also influence operating profits in India, which include the volatility in the exchange rate value of the rupee against the dollar, and the aviation turbine fuel costs buoyed up by high taxes.
- But, the specific reasons are more to do with the nature of price competition in the aviation market along with an expansion of capacity that has threatened the operations of full service carriers like Jet Airways.
- An aggressive expansion of fleet coupled with **predatory pricing** had led to mounting losses.

What led to the current crisis of Jet Airways?

- Apart from the structural and policy-related factors plaguing the industry, the current plight of Jet Airways is also due to its own making.
- Its financial troubles started with the purchase of Air Sahara in 2007.
- It lacked a viable business model, for it was unable to make revenue to cover costs, but kept piling up debts.
- Along with financial mismanagement, the failure to find a strategic investor

to infuse equity also led to its growing troubles.

- **Failure on the part of FI:** However, the larger question relates to why the financial institutions failed to act on time to save the airline from the brink, even when the acute financial problems were evident since 2018.
- The SBI alone has an exposure of 27% of Jet Airways’ total debt.

How does the future look?

- If debt resolution had happened earlier, it would have prevented an erosion of the value of assets of the airline, as losses have accumulated over time.
- This, especially as the major lenders that happen to be PSBs now face the prospect of a substantial **haircut** on their debt, which amounts to a total of ₹ 7,251 crore, if a new owner could actually revive the airline.
- Thus, in all eventualities, it is the lenders who stand to lose heavily, apart from the 23,000 employees who have already lost their jobs.

3. BEYOND ELECTORAL BONDS

What is the issue?

- Electoral reforms should look beyond “anonymity of donors” to make a real difference.



What are the concerns with the recent electoral reforms?

- Electoral reforms in India have had a chequered history that has seen the political will for enforcing the regulatory systems conspicuously missing.
- The electoral bonds, however, have lent the political parties the statutory immunity for denting, rather than simply circumventing, these regulations.
- And, the most disconcerting aspect of such sanctions is that these make the electoral system potentially **an apparatus for legitimising the black income** of both the “benefactor” and the “beneficiary.”
- For instance, by relaxing the definition of “foreign source” companies through the amendment of the 2016 Finance Act, the government has opened up the route for legalising the political donations even from shell companies.
- **Foreign donations:** On the other hand, while the amendment in the Foreign Contribution (Regulation) Act (FCRA), 2010 has **removed the embargo on foreign funding for Indian elections**, its application with retrospective effect for 42 years has enabled political parties to emerge clear of sub judice inquiries on “illicit” foreign donations in all previous elections.
- **Lack of clarity:** Again, there are amendments in the Representation of the People Act, 1951 and the IT Act, 1961 that have legally reinstated the case for anonymous donations, though for amounts below ₹ 20,000.
- Yet, there remains an absence of clarity regarding the maximum number of times that donations of this magnitude can be made by any particular contributor.
- While the ECI has rightly pointed out that the electoral bonds would wreck the transparency in political funding, its concern for denuding transparency seems to be circumscribed by a rather censored goal of providing a “level playing field” to all contesting parties, and not driven by the overarching objective of preserving the “spirit” of universal adult suffrage.
- **Monetisation of elections:** But, a level playing field is elusive when elections are becoming highly competitive in nature.
- Such competitive elections are likely to evidence increasing monetisation because the smaller the chances are for a candidate in getting elected, the higher is their usage of money for mitigating such risks.
- At the same time, there is the vicious



cycle of monetary handouts (either as note-for-nomination or note-for-vote), increasing numbers of political contestants, and fragmented electorates, which undermines the representative character of the democracy.

What lies ahead?

- Given this context, the commitment of the ECI to ensure the transparency of the overall electoral process should stand up to as much scrutiny as the political will of the contending parties.
- Despite the plethora of commissions and recommendations, the failure to contain the costs of elections and the impropriety of their funding, suggests that the institutional ecosystem in this country is orchestrated to safeguard the state-driven laissez-faire attitude towards political funding.
- Regulatory institutions, be it the ECI or the SC, are deliberating on the interests of the (relatively few) donors, rather than the 850 million voters, notwithstanding that the identity linkage between the political parties and their donors can dictate the degree of the voter-centricity of state policies.
- However, lost in this myopic political blame game are fundamental issues—such as the codification of election

expenditures, monitoring beyond the period of the model code of conduct, and the very structure of the electoral system—which could have made a real impact on electoral reforms.

4. MANUFACTURING THE 'IDEAL' WORKER

Why in news?

- According to press reports, contractors in Beed district of Maharashtra are unwilling to hire women cane cutters because, in their imagination, women who menstruate are likely to take breaks from work and this may adversely affect productivity.
- As a result and the reality of heavy dependence on seasonal work, about half of the women in some villages of Beed district have undergone hysterectomies.
- Thus gendered notions of productivity limit women from self-identifying as equal and worthy workers.

What are the challenges faced by the female working force?

- The recent report, **Mind the Gap**, by **Oxfam** highlights that labour relations are based on a political economy of difference, especially of caste and gender, determining who has access to jobs, what kind of jobs, under what conditions, and with what market outcomes.



- The dogged pursuit of profit and productivity creates workplaces that seem “genderless,” but in reality continue to be highly masculinised and socially hierarchised.
- Women who enter these spaces are expected to constantly highlight their physical strength and resilience, often disavowing their own gender and bodily needs.
- Such devaluation of women’s labour is also accompanied by casteist and **patriarchal notions of purity and pollution** where women are prohibited from certain jobs, especially in the food processing, sericulture, and garment industries.
- Thus in order to qualify as dignified labour, women across industries are compelled to make a choice between proving their productivity and exercising their rights.
- Employers on their part view rights such as maternity leave, childcare, sanitation facilities, and designated spaces for rest as liabilities for their “optimal” production processes.
- Employers welcome women into the labour force as long as they do not ask for such “special concessions.”
- They imply that a woman can be a part of the workforce if she is “**man enough.**”
- Such rationality on the part of the employer can only be understood to

be barbaric because, through its logic of optimum use, it results in a **dehumanised and an alienated female labour force** that is constantly forced to embody an **ideal masculinity.**

- The female body devolves into a site of multiple manipulations and, in effect, an instrument of the industry.
- The woman cane cutter’s identity as a worker is established only once she removes her womb, but not before she has performed the reproductive labour for her household by bearing children and performing the assigned caregiving tasks.
- Women exercise no agency in espousing or relinquishing their femaleness.
- In their households, it is regulated by the father/brother/husband/son and at the workplace by the employer.

What lies ahead?

- In this scenario, any increase in the representation of women in the workforce becomes an insignificant gain because the structural disadvantages they face in society continue to be replicated, and even exacerbated in the workplace in the form of discrimination, casual sexism, harrasment, and glass ceilings.
- While the National Commission for Women’s post facto recognition of the



labour atrocities in Beed is welcome, it is unlikely to be any more than a rap on the knuckles of a conveniently blinkered bureaucracy.

- In the absence of a structural change in workplaces and stringent labour regulations, discrimination and atrocities against female labour are likely to continue to rise. How many more cases like

5. DECLINING FEMALE LABOUR FORCE PARTICIPATION

What is the issue?

- The female labour force participation rate (FLFPR) in India has been one of the lowest among the emerging economies and has been falling over time.

What do statistics imply?

- The FLFPR in India fell from 31.2% in 2011–12 to 23.3% in 2017–18.
- Further, the FLFPR for rural areas declined by more than 11 percentage points in 2017–18.
- Although there has also been a decrease in the labour force participation of rural males, the rate of decline was much sharper for rural women.
- Not only are women withdrawing from the labour force, they are also being outcompeted by men in the existing jobs in rural areas.

What are the causes for low FLFPR?

- Low participation of women in the labour force in India is attributed to the **lack of employment opportunities, rising education levels** and household incomes, and problems in measurement, such as **under-reporting** of women's work.
- **Rural distress:** **rural distress** in recent times has affected women the most with a fall in the availability of farm jobs and the lack of economic opportunities in non-farm employment.
- **Mechanisation of farm** and non-farm activities has also reduced opportunities for work.
- **Unpaid labor:** But, a 2018 study has found that the **“care economy burden,”** that is, time spent on **unpaid economic activities** performed at the household and community levels by women is one of the important determinants of the FLFPR.
- So, the time spent on unpaid work, especially on unpaid care and domestic chores has hindered women's participation in the labour force.
- This is more so in rural societies, which have **rigid segregation of gender roles** dictated by patriarchal norms that are further perpetuated by



religious taboos and cultural biases.

- **Nuclearisation of families:** Of late, with a reduction in family sizes and distress migration of rural males, the burden of unpaid work on women has been increasing disproportionately.
- According to the OECD time use [data](#), Indian women currently spend 352 minutes per day on domestic work which is 577% more than what men spend on unpaid work.
- This is a supply-side constraint that needs redressal.
- This is crucial as it is the poor who suffer disproportionately from “**time poverty**” vis-à-vis the non-poor.
- The burden of domestic work and unpaid care further inhibits women’s ability to acquire skills for better jobs, leading to a vicious cycle of women being kept out of the labour force.
- Thus, there is a need for the provision of amenities and basic infrastructure as well as childcare facilities and care homes for the elderly that would facilitate the entry of women in the labour force.

What are the lacunae in the policies in place?

- The [Maternity](#) Benefit Act has provisions for paid maternity leave & crèche facilities for women in organized sectors.

- But, these state policies, which were recently introduced, are targeted towards organised women workers.
- For the unorganised sector, however, such options are limited.
- Although workers under the MGNREGA are entitled to free onsite childcare provided by their employers, this is not enforced in reality.
- Severe cuts in expenditure related to the centrally sponsored National Crèche Scheme had led to the closure of crèches across the country.

What should be done?

- Higher expenditures on the existing policies, such as the MGNREGA and the Integrated Child Development Services, as well as providing vocational training to suit the rapidly changing production process would give a boost to the FLFPR.
- Targeted policies by the state, such as providing job quotas and credit to women, have increased female participation in the labour market.
- Addressing of the constraints related to labour demand as well as formulating gender-responsive employment policies that would reduce the burden on women with regard to unpaid care and work.
- This is because, apart from demand-side constraints and inadequate state-level interventions to address them,



women's low work participation and disproportionate burden of unpaid care work are the result of structural rigidities having roots in sociocultural practices.

6. DILUTION OF THE RIGHT TO EDUCATION ACT

What is the issue?

- The Right of Children to Free and Compulsory Education Act, 2009 is a long way off from becoming a social reality due to the reluctance to enforce many of its provisions.

What are the structural issues with the RTE Act?

- If having a right means that there is law which says so, then the RTE Act is a reality.
- But for the right to acquire a legal, justiciable status is one thing, while its availability to every child is quite another.
- There are several reasons why this is so.
- The RTE refers to a child's life at school and it cannot be seen in isolation from the child's larger life.
- **Child labor & RTE:** The areas of legally permissible employment of children were formally expanded through an amendment passed in 2016 to cover family-owned businesses.

- Acknowledging potential conflict with the RTE Act, the amended child labour law specifies that children below 14 years can work in a family business only after school hours.
- How precisely that constraint is to acquire any meaning has not been clarified, nor have the implications of letting children study at school and work afterwards been studied or discussed in the context of different kinds of family business.
- On the marriage front also the RTE Act's protection to children, especially girls, remains weak.
- **Deviation from No- Detention policy:** Parliament has amended the RTE Act to impart freedom to state governments to detain children on the basis of an examination at the end of Classes 5 and 8.
- The unstated part of this idea is that children of the poor do not pay attention to studies unless they feel that they might fail.
- The RTE Act had challenged this view, not just by banning annual examinations throughout the elementary years, but also by placing inside the law a policy framework for pedagogic reforms.
- **Loss of momentum:** The twin pillars of the framework are, one, upgrading of primary-level teacher training and



reorienting it towards child-centred pedagogy; and, two, implanting a continuous and comprehensive and evaluation (CCE) system.

- On both these fronts, the last five years show a loss of momentum and institutional coordination.
- In teacher training, the recommendations of the Justice **J S Verma Commission** had shown the way to combat **commercialisation and corruption**.
- The implementing agency for these reforms, the National Council for Teacher Education (NCTE) has failed to overcome its own structural constraints.
- On the CCE front, national resource institutions have made little progress towards building consensus and capacity among elementary education authorities in the states.
- The **Anil Bordia committee** had recommended numerous steps to harmonise the project-mode procedures adopted under the Sarva Shiksha Abhiyan with older procedures, but did not receive much attention.
- **Decline in Centres's support:** The adoption of the 14th Finance Commission's recommendation for increased transfer of funds to the states has been used as an excuse to reduce the centre's responsibility to

directly support the implementation of the RTE Act.

- In states where implementation was sluggish to begin with, the centre's withdrawal of interest has led to further dilution of the local effort.
- **Quality issues:** Also, the general decline of institutional capacity in teacher education and research has made the RTE Act's demands for improvement of quality more difficult to meet.
- In a parallel development, these demands have also been marginalised and trivialised by organisations that actively promote a **basics-only approach** to the curriculum.
- The RTE Act's emphasis on **arts and crafts** has also been systemically diluted.
- **Unfulfilled Promise:** Yet another socially radical measure mooted under this law is to reserve one-fourth of the seats in private fee-charging schools for children of the poorer strata.
- However, the promise to reimburse the private schools at the per child rate reflected in government's expenditure in its own schools has not been redeemed in most cases.

How is the future outlook?

- **Sluggish rate of progress:** On the whole, compliance with the RTE



norms in government schools has increased at a remarkably sluggish rate from 9% to 12.7% between 2013–14 and 2016–17.

- At this rate, it will take 87 years for all schools to observe the RTE norms.
- With over a million vacancies in teaching positions, the majority being in the northern states, the RTE Act is far from becoming a social reality.

7. FACILITATION AND WHISTLE-BLOWER PROTECTION BY INDIAN FIRMS

Why in news?

- A recent study analysed the policies related to whistle-blowing among the BSE 30 companies in India.
- The findings indicate an urgent need to develop and enforce corporate policies to protect the whistle-blowers.

What is whistle blowing and why is it important?

- Whistle-blowing is an act of a person who, believing that the **public interest overrides the interest of organisation** s/he serves, blows the whistle that the organisation is involved in corrupt, illegal, or harmful activity.
- In this regard, whistle-blowers and whistle-blowing have been helpful in unearthing various fraudulent and illegal activities in both the public and

private sector organisations across the world.

How did the concept of whistle blowing evolved?

- In the Indian context, the concept of whistle-blowing dates back to the **Arthashastra** (around 300–250 BC) and there appears to have been some encouragement for whistle-blowing through reward systems in that era.
- However, in modern India one of the first laws to protect whistle-blowers was suggested in 2001 by the Law Commission.
- **Legislation:** After a reasonable bit of struggle, the whistle-blowers protection bill was finally passed in 2014.
- These laws were aimed to facilitate whistle-blowing against public sector employees and bureaucrats.
- With Section 177 of Companies' Act, 2013, the scope of whistle-blower protection extended to the private sector.

What does the study reveal?

- The analysis looks at the facilitative (procedural and confidence-related issues) and protection aspects (appropriate authority for the purpose of whistle-blowing) of the policies.
- If violation was related to the chief compliance offices itself, then the



complaints could be directed towards the chief ombudsperson, which is an intermediate authority.

- **Information:** Being a non-routine activity, it is pertinent that companies provide an elaborate and explicit account of the procedure for making complaints.
- Interestingly, 20% of the companies did not touch upon the procedural aspects at all.
- **Mode of complaint:** Further, in terms of mode of complaint, only about half the companies provided postal details and a similar proportion cited email as a medium.
- **Deadline for complaints:** It is surprising to note that about 20% of the companies mandated that the complaint will be entertained only if it is filed within 30 days of complainant becoming aware of the wrongdoing.
- **Lack of timeline for action:** In contrast, none of the companies provided any timelines for action to be taken against the misdoer.
- Given that only timely action will encourage whistle-blowing, the absence of any timelines indicates a lack of commitment towards timely investigation into matters raised by whistle-blowing.
- **Anonymity:** A key component of whistle-blowing regulation is related

to the protection provided to the whistle-blower.

- In the Indian scenario, firms do not encourage anonymous complaints and almost one-fourth of the companies do not even mention protection explicitly.
- **Genuine mistakes:** Another key component of whistle-blowing policy is the way to handle honest mistakes by the complainant.
- This is important as the complainant sometimes may not be sure of whether there has been a wrongdoing but could file a complaint just to make sure something unethical or illegal or wrong does not happen.

What should be done?

- There is a need for these organisations to improve the policies along the lines of both facilitation and protection.
- Both facilitation and protection have to be taken seriously by the firms and the procedures need to be laid down such that there is an encouragement for whistle-blowing.
- The current policies seem to indicate that the firms have just laid down the policies more out of an obligation than with any enthusiasm.
- The firms also need to understand that fraud reporting will also help reduce costs to the firms due to



frauds, and developing an ethical culture could also be of benefit to them.

8. OF MORAL TRUTHS AND JUDICIAL INTEGRITY

Why in news?

- The Chief Justice of India (CJI) has been accused of sexual harassment by an ex-Supreme Court employee.
- This has problematised the relationship between public institutions and persons who hold or are aspiring to hold a public office because a public functionary like the CJI is attempting to inflate his individual stature by making moral claims to move it closer, if not higher, to the universal status of the public institutions.

Is it the personalities or is it public institutions that are more important in public life?

- It is true that the office of the CJI is an embodiment of the constitutional values, which assign integrity to public institutions such as the judiciary.
- However, the constitution of an able judge does not depend on their moral intuition or the disposition to produce moral truth as a narrative of austerity and sacrifice.

- Evidence-based and argument-driven truth is the essence of the modern judicial institution.
- Justice that is produced by following transparent and robust procedures is considered to be the victory of truth.
- The pursuit of scientific truth, which is at the core of the modern judiciary, arguably should eliminate the need for using moral language as the plank for self-defence.
- Moral truth, on the other hand, resides in a unilateral narrative claim that is made by a person by using the moral vocabulary of austerity and moral integrity.
- In this regard it is also necessary to keep in mind that such moral language and moral vocabulary is often employed to provide initial defence against charges of sexual harassment.
- The use of this moral vocabulary declares the innocence of a person even before the proper procedures that are necessary to prove innocence are underway, and is an attempt at weakening the credibility of the complainant, thus denying the complainant the advantage of a fair judicial trial.
- The case in question is one that alleges sexual harassment in the workplace and involves acute power



hierarchies, including those in the highest echelons of the judiciary itself.

- However, the manner in which the case has been addressed until now does not instil confidence in the institution.

What should be done?

- The integrity of the judiciary can only be ensured by following robust and transparent judicial practices in the legal institution, which are perfected from time to time through constitutional improvisation.

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