

## **CURRENT ISSUES WRITING PRACTICE**

### **POST TEST MATERIAL FOR CIWP – A**

**1. "Destroying the rights of one section of society makes the whole society vulnerable". Examine the statement in the light of proposed labour laws in the recent time in India. Also describe the issues and challenges to labour law reforms in India.**

**Labour law**, the varied body of law applied to such matters as employment, remuneration, conditions of work, trade unions, and industrial relations. In its most comprehensive sense, the term includes social security, protection from any exploitation and rights of the labour. The constitution also provides for the protection to the labour through various provisions like Right to form association, prohibition of forced labour, etc.

However, the existing labour laws has been criticized for less employment friendly, biased towards the organized labour force, slow employment growth despite increasing GDP growth termed as **jobless growth**, impact on the businesses due to illegitimate demands of the Trade Unions, etc. Therefore, a number of states has made changes to the labour laws to boost the business.

But bringing the reform in labour laws should not compromise the labour rights and there right must be respected. For example- the proposal of the extension of a work day up to 12 hours to deal with labour shortages and that too with no provision of overtime pay. Another example is the ordinance of UP government that shockingly exempts employers from complying with the Minimum Wages Act 1948 and the Industrial Disputes Act 1947. Similarly, other states are following the trends.

Labours are the part of society and their rights must be respected. Any distortion in their right will impact the other section of society as well.

#### **Impact on other section of society**

- Deterioration in working condition may impact the work life balance therefore, impacting the social and family responsibility of a person. It may harm the social balance of the family.
- Education, health and other social indicator may deteriorate. Therefore, there will be a negative impact on human capital resources.
- Increase in unemployment may result in rise in social evils and social crimes. It may result in increase in suicide rates, domestic violence, criminal activities etc.
- Women workforce will have to suffer the most due to distortion in labour right. It may further reduce the female workforce in the society.
- People may have to migrate back to the villages and it may result in increase in disguised employment. Also, social harmony in the villages will also be impacted.
- It would give the employer a chance to further exploit the labour as we had witnessed in colonial times.

#### **Need of labour laws**

- Labour reforms essentially mean taking steps in **increasing production, productivity, and employment opportunities** in the economy in such a manner that the interests of the workers are not compromised.
- Labour is in the **concurrent list** and more than **40 central laws and more than 100 state laws** govern the subject.
  - **India's labour laws are archaic**, too many, often **contradictory**, and **badly administered**.
  - Labour laws remain **extremely complicated** and there is a need to bring reform by addressing some of the issues like **long-term contracts** and **dispute resolution**.

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- The codification of labour laws **will remove multiplicity of definitions and authorities** leading to ease of compliances without compromising **wage security and social security** of workers.
- It simplifies access to numerous provisions of the law by all stakeholders concerned.
- It would help in increasing **women participation in labour force and address gender-biases in wages**.
- It would **increase job creation by streamlining labour issues** and making hiring easy for industries by developing adequate means to absorb labour in the economy.

**Problems associated with labour laws:**

- Huge Informal Sector: India have about 85 -90 % of the workforce employed in informal sector on which these laws are not applicable. These are micro firms employing as low as 5-10 persons. These employers are discouraged to expand their businesses, by such huge number of regressive laws. **Neither they have understanding of laws to that level and services of Lawyers to ensure compliance is much expensive.**
- Huge majority of workforce get no formal training. This results in low productivity and low value addition
- Entry and exit Barriers for firms and Job security for workers.
- This issue is of retrenchment, Law for this provides that government approval should be taken before retrenchment of the workers (in case industrial dispute act apply). As a norm for good economic environment, there should least entry and exit barriers for Firms in any business. But in addition, social security of the workers is indispensable. It should be notice that a businessman will scale down his operations almost only in face of losses or in drive of modernization.
- Multiplicity of laws: Since labour comes under concurrent list of the constitution both state and centre can make laws regarding it. This led to confusion and contradiction. Also, lack of uniformity across country in labour laws create problems for business entities.
- The Government has been ideal employer in pre liberalization era. PSE's one of the main objectives was to provide employment even at cost of economy but this very policy was result of demise of PSEs.

**Changes in the Labour Legislations**

- The threshold required for government permission for retrenchment has been kept unchanged at 100 employees, as against the proposal for 300 employees in an earlier draft of the Bill, which was opposed by trade unions.
- The provision of fixed-term employment, which helps in the flow of social security benefits to all workers along with making it easier for companies to hire and fire, in The Industrial Relations Code Bill.
- Earlier, the government had included the category of 'Fixed Term Employment Workman' for all sectors in the Industrial Employment (Standing Orders) Act, 1946. This was only applicable to 'central sphere' establishments, and the states did not follow suit.
- Government said that workers under a fixed-term contract would be taken up depending upon the seasonality of the industry, but would be treated on a par with regular workers.

**Opposition to the Labour Code:**

- The unclear provision regarding retrenchment would lead to uncertainty, and discretionary behaviour during implementation by the central or state government.
- The moment when we provide flexibility for the applicability, then it leaves the matter to the discretion to the appropriate government (states or Centre). Then the clause can be misused.
- Any discretion in law leads to uncertainty, lack of clarity, discriminatory implementation, and provides scope for unnecessary usage.
- Fixed-term employment needs to be introduced with adequate safeguards, otherwise it runs the risk of encouraging conversion of permanent employment into fixed-term employment.

**Advantages of Labour Code**

- It will help in generating more employment in the organised sector.

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- Industry not intended to exploit labour, but one cannot run the company to create employment, it has to be commercially viable.
- It would provide a level playing field for Indian industry to compete with global players.
- Industry want to protect employment as much as possible, when there is commercial viability.
- Fixed-term employment will help in keeping salaries and facilities to workers such as PF, gratuity, and medical benefits, the same as those for permanent labour.
- Inclusion in the central law will help in applicability of fixed-term employment uniformly across the country.

We are no longer living an era of colonialism. In the 21<sup>st</sup> century, the business can't run on the law of 20<sup>th</sup> century. Therefore, while there is a need of labour reforms so as our companies can run smoothly and compete with global players, the rights of workers also need to be protected. The Government must ensure that reforms doesn't allow the exploitation of the labour and provide social security to them. Some suggestions are:

- Social safety net for workers in order to enable capacity building of workers.
- Provides safety net to employees of start-ups.
- India is expected to generate 51 million jobs till 2019, it is imperative to streamline all laws, to facilitate manufacturing sector in India so as economy could absorb new human resource inflow.
- The challenge is highlighted in the new round of rural distress. It shows once again that the only viable way to break the cycle of distress is through labour-intensive industrialization, as was done in so many other Asian countries, including China.

**2. Boundary dispute between Asian countries is a legacy of colonial rule on them but the present dispute between India and China is not limited to McMahon line alone. Elaborate. Analyse the implications of these disputes and suggest short and long term measures to resolve them.**

The colonialist drew the boundary of their colonies as per their preferences and interest. The colonies had no say or no choice but to agree with their intents. Like in other part of the world, in India too, they made a number of boundary agreements including McMahon line. However, after independence of these nations, the boundaries of their nation became one of the major reason of conflicts among them. India also faces the conflicts with its neighbours over sharing of boundaries. However, the conflicts between India and China is not limited to McMahon line but it extends to dominance in Asia.

The McMahon Line is the effective boundary between China and India. However, China does not recognise it. India's border dispute with China is mainly due to this disagreement. The Line of Actual Control, which is more or less similar to McMahon line, often witnesses disputes between Indian and Chinese forces because both the country has failed to evolve a consensus on territory. Though, India did try to make peace

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with China through friendship after independence but the 1962 war deteriorate the relation between the two.

India sees China as occupying 38,000 sq. km in Aksai Chin. In the east, China claims as much as 90,000 sq. km, extending all across Arunachal Pradesh. But the borders are not the only reason behind the conflict. India has long proposed an exercise to clarify differing perceptions of the LAC to prevent such incidents. Maps were exchanged in the Middle Sector, but the exercise fell through in the Western Sector. China has since rejected this exercise, viewing it as adding another complication to the ongoing boundary negotiations.

**Reasons other than border for conflicts**

- After 1962 war, the then Chinese President Liu Shaoqi told the Sri Lankan leader Felix Bandaranaike that the 1962 conflict was ‘to demolish India’s arrogance and illusions of grandeur.
- India has become one of the major powers in the Asia which threaten the dominance of China in the region. Translating its enormous economic gains into coercive military power, China expects neighbouring nations to submit to its hegemony.
- After the COVID-19 crisis, many firms may leave China and enter into India as the government of India has shown various signs of supporting the MNCs and FDI. China wants to show to the world that India is not peaceful. This can destabilise the countries and organisations which may leave China and want to enter India markets.
- India has moved closer to the US after the cold war, both politically and militarily. Last year, the U.S. overtook China to become India’s largest trading partner. The extent to which India is increasingly being drawn into Washington’s orbit these days is in many ways a response to its nervousness about the rise of a more aggressive China.
- India’s trade deficit with China was roughly \$57 billion last year. About half of India’s electronics imports come from China, as do two-thirds of the materials it needs to make drugs for its lucrative generic pharmaceuticals sector. In both cases the government is trying to boost domestic production as it is in Chinese favour.
- India brought new FDI policy to check on Chinese takeover of Indian companies in the wake of COVID 19.
- Delhi is also mulling banning the Chinese telecommunications giant Huawei.
- India has joined the Quad group, the four-nation initiative to contain China’s expansionist aspirations in Indo-Pacific. It has further strained the relation between the two neighbours.
- For China, the LAC, representing an unsettled border, provides strategic leverage to keep India on tenterhooks about its next move while repeatedly exposing the latter’s vulnerabilities.
- China has since long trying to surround India through the ‘pearl of string’ strategy.
- China is continuously increasing its dominance on water bodies- Indian ocean, south china sea. It brings it in conflict with the regional countries and India as well.
- India has opposed Chinese major infrastructure initiative BRI.
- India’s increasing dominance in space sector poses the threat to the dominance of the Chinese in this sector.
- China has used Pakistan as a proxy against India and supported Pakistan to unstabilize India. Increasing Chinese influence in other neighbours is another concern for India.

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- With China facing new scrutiny and criticism over the coronavirus pandemic, Indian officials have recently seemed emboldened, taking steps that made Western diplomats feel that their goal of an India closer to the West was starting to be realized.
- China tries to restrict India's entry in to major international organisation like permanent seat at UNSC, entry in to NSG, etc.

**Implication of the conflict**

- The conflict has enormous geopolitical consequences for the world. China and India are the two most populous nations on earth, and both are nuclear powers.
- The Sino-Indian border dispute has global implications. China is the world's second biggest economy with an increasingly modernising army.
- As tensions simmer at the border between India and China, the first impact will be on economy. This is because the economic interdependence of the two neighbours is too deep to be ignored. India is one of the largest trading partners of China.
- The increase conflict will lead to increase in defence expenditure and therefore the less resources would be available for the development and infrastructure.
- India has to suffer the most as it should be ready to tackle the conflicts on the western border as well.
- Both the countries are nuclear power and therefore any serious conflict may increase the threat of nuclear war.
- The two countries constitute 37% of the global population any conflict between them will engulf a considerable fraction of the world in turmoil.
- The two countries are the leading powers of the developing world, and hence the implication of their interactions impinge on the developing world.
- With increasing conflicts, trust diminishes. China may further boost its strategy to surround India through various means.

**Short-term measures**

- Try to resolve the disputes diplomatically. In the time, where world is facing the threat of COVID-19, none can afford a war.
- India must be careful on escalating a trade war with China. It may have an impact on India's economy as well. Also, a good economic relation may help in de-escalating the war.
- India may align more closely with the US and other rivals of China. It should focus on strengthening of the Quadrilateral Security Dialogue (or the 'Quad') with the US, Japan and Australia, and building a regional security architecture around this core.
- India may consider the option of raising the concerns of Chinese aggression in the United Nations and seek international support.
- China has border conflicts with a number of nations including Japan. These nations can come together to pressure China for its aggression.
- The most realistic solution will involve only minor adjustments along the LAC, considering neither side will be willing to part with territory already held.
- The urgent need is to pause the rhetoric on territorial nationalism and lay the groundwork for a quiet dialogue where every stakeholder needs to display sensitivity as they explore the terms of a reset of the "special relationship".

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#### **Long-term measures**

- India is no match to China in terms of wealth and military strength. To counter China, India needs to take measure to strengthen its defence capabilities as well as economy.
- India needs to provide an enabling environment to make itself a hub of manufacturing. Make in India initiatives need to be further improved and focused.
- To increase its capability in defence, India must be a self dependent in equipment production. Less procurement means less dependency on others.
- The relation with the countries in the region needs to be further strengthened to counter the Chinese expansion.
- India should try to resolve the boundaries issue with China as soon as possible. For that considerable diplomatic efforts are required.
- To make India 'Aatmanirbhar' is the key for India's security in future.
- A normal relationship where India can be a generous partner will be a better foundation for "neighbourhood first" in the 21st century.

#### **3. Locust attack is another challenge to India which is already battling a pandemic. Discuss the climate link to the infestation. Suggest how and in what ways can this be controlled?**

While locusts are seen in India normally during July-October and mostly as solitary insects or in small isolated groups, their being spotted before mid-April this time in great swarm and causing huge damage to the crops at a time when the country is battling the novel coronavirus pandemic has raised the alarm bells.

#### **What are locusts?**

The desert locust is a short-horned grasshopper that is not harmful while it is in a "solitary phase" and moving about independently. These insects differ become dangerous only when their populations build up rapidly and the close physical contact in crowded conditions triggers behavioural changes. They, then, enter the "gregarious phase", by grouping into bands and forming swarms that can travel great distances (up to 150 km daily), while eating up every bit of vegetation on the way.

#### **Arrival of locusts in India**

- The large-scale breeding and swarm formation takes place only when conditions turn very favourable in their natural habitat, i.e. desert and semi-arid regions. These areas should get rains that will produce enough green vegetation to enable both egg laying and hopper development.
- Such conditions have been there since the start of this year. The main locust breeding areas in the Horn of Africa, Yemen, Oman, Southern Iran and Pakistan's Baluchistan and Khyber Pakhtunkhwa provinces recorded widespread rains in March-April which is unusual during this period.
- The hopper bands and immature adult groups resulting from this large-scale breeding – itself a product of unusually heavy rains – are the ones that started arriving in Rajasthan during April.

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#### **The climate link to locust attacks**

- During quiet periods—known as recessions—desert locusts are usually restricted to the semi-arid and arid deserts of Africa, the Near East and South-West Asia that receive less than 200 mm of rain annually. In normal conditions, locust numbers decrease either by natural mortality or through migration.
- Experience has shown that locust plagues follow a one- to two-year cycle, after which there is a lull for eight to nine years. However, the last five years have been hotter than any other since the industrial revolution. Studies have linked a hotter climate to more damaging locust swarms. Wet weather also favours multiplication of locusts.
- Experts have suggested that the cyclones in 2018 and 2019 that struck eastern parts of Africa and the Arabian Peninsula could have triggered the ongoing locust outbreak.
- Widespread, above average rain that pounded the Horn of Africa from October to December 2019 were up to 400 per cent above normal rainfall amount. These abnormal rains were caused by the Indian Ocean dipole, a phenomenon accentuated by climate change.
- Indian Ocean dipole phenomenon is characterised with warmer than usual waters to its west, and cooler waters to its east. Rising temperatures due to global warming amplified the dipole and made the western Indian Ocean particularly warm.
- In addition to the creation of a fertile breeding ground in parts of Africa and the Arabian peninsula, the locust swarms may have also been encouraged into India due to the heavy pre-monsoon rain that we have witnessed this season.
- Usually, locust swarms would be expected to enter the arid area of Rajasthan in India from Pakistan around the onset of monsoon. But this year, locusts had been reported as early as April, in parts of Rajasthan and Punjab.
- This early migration of locusts could be a consequence of excessive pre-monsoon rain in about 70% of India. Heavy rain triggers the growth of vegetation in arid areas where desert locusts can then grow and breed. These locusts which migrated to India early this year might have found greener pastures as the pre-monsoon rains during March-May were in excess over north India this year.
- The excess pre-monsoon rains have, in large part, been caused by the increased frequency of western disturbances (WD) which are low pressure systems that originate in the Mediterranean Sea or mid-west Atlantic Ocean, move eastwards and are the cause of most of north western India's pre monsoon rain.

#### **How to control locust attacks?**

- India has a locust control and research scheme that is being implemented through the Locust Warning Organisation (LWO). The LWO's responsibility is monitoring and control of the locust situation in Scheduled Desert Areas, mainly in Rajasthan and Gujarat, and partly in Punjab and Haryana.
- Historically, locust control has involved spraying of organo-phosphate pesticides on the night resting places of the locusts. In May, the Indian Institute of Sugarcane Research, Lucknow, advised farmers to spray chemicals like lambdacyhalothrin, deltamethrin, fipronil, chlorpyriphos, or malathion to control the swarms. However, the Centre banned the use of chlorpyriphos and deltamethrin. Malathion is also included in the list of banned chemicals but has been subsequently allowed for locust control.
- Special mounted guns are used to spray the chemicals on the resting places. Drones are also being used this year.
- Minimising the damage in India would also need cross border co-operation with Pakistan as locusts are not known for their appreciation of borders and locusts breeding in Pakistan can easily come to India.

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- India's response so far to the locust invasion has been restricted to spraying of pesticides through vehicle-mounted sprayers, states notifying locust invasion as "mid-season adversity" under the PradhanMantriFasalBimaYojana (PMFBY) and announcing disaster relief packages.
- Measures such as using tractors to spray malathion – a type of pesticide – are not very effective. In remote desert areas, tractors can't move across sand dunes or reach out to the height of certain trees, rendering the spraying ineffective. The government must use drones or aircraft carriers to spray Malathion over locusts swarms for effective result.
- Extensive research is ongoing regarding biological control and other means of non-chemical control with the current focus on pathogens and insect growth regulators. Control by natural predators and parasites so far is limited since locusts can quickly move away from most natural enemies.
- The FAO has recommended the use of a fungus called Metarhiziumanisopliae, which kills locusts by growing inside their bodies. It is cheaper than other methods, more effective, longer-lasting in the deserts, easier to store and is recommended for use before the nymphs begin to fly.
- When flying locusts are about to descend in large swarms in cultivated areas, the best way to tackle them is to prevent them alighting by all possible methods. To repel locust swarms, fire and a cloud of smoke are created by burning refuse in many places.
- The ears of locusts have a highly integrated and miniaturised hearing system that distinguishes low-frequency sound from other locusts and high-frequency sound from foes such as bats, for their survival. Acoustic devices that produce high-frequency sound have been successfully used in different parts of India to deter large swarms of desert locusts.
- Drums, thalis and even mobile DJs used for wedding celebrations have been pressed to service. Loud sounds are one of the ways to scare off the insects that can wreak havoc on crops.