



It is getting from bad to worse for women workers

In the pandemic, women have borne a disproportionate burden of the severe disruptions to life and the economy.

Livelihood disruption:

1. The COVID-19 pandemic has destroyed millions of livelihoods and led to a sudden and large increase in poverty and a massive disruption of the labour market in India. Women workers, in particular, have borne a disproportionate burden.
2. Even prior to 2020, the gender employment gap was large. Only 18% of working-age women were employed as compared to 75% of men. Reasons include a lack of good jobs, restrictive social norms, and the burden of household work.
3. Our recently released report, 'State of Working India 2021: One Year of Covid-19' shows that the pandemic has worsened the situation.
4. The nationwide lockdown hit women much harder than men. Data from the Centre for Monitoring Indian Economy Pvt. Ltd. show that 61% of male workers were unaffected during the lockdown while only 19% of women experienced this kind of security.
5. Even by the end of the year, 47% of employed women who had lost jobs during the lockdown, had not returned to work. The equivalent number for men was only 7%.
6. Even as new entrants to the workforce, women workers had poorer options compared to men. Women were more likely to enter as daily wage workers while men found avenues for self-employment.
7. Daily wage work is typically far less remunerative than self-employment as on average. So, not only did women enter into more precarious work, but it was also likely to be at very low earnings compared to men.
8. Women tended to lose work disproportionately irrespective of the industry in which they were employed. For instance, the share of women in job losses in education was three times their share in that industry.



Growing domestic work

1. With schools closed and almost everyone limited to the confines of their homes, household responsibilities increased for women. But even for those women who managed to remain employed, this came alongside a massive increase in the burden of household work.
2. The India Working Survey 2020 found that among employed men, the number of hours spent on paid work remained more or less unchanged after the pandemic. But for women, the number of hours spent in domestic work increased manifold.

The course to take

The long-standing question of women's participation in India's economy has become more urgent with the pandemic disproportionately impacting women's paid work and increasing the burden of unpaid care work.

1. The following measures are needed now: expansion of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the introduction of an urban employment guarantee targeted to women as soon as the most severe forms of mobility restrictions are lifted.
2. Further coordinated efforts by States are needed to facilitate the employment of women while also addressing immediate social needs through the setting up of community kitchens, prioritising the opening of schools and Anganwadi centres, and engagement with self-help groups for the production of personal protective equipment kits.
3. Further, a COVID-19 hardship allowance of at least ₹5,000 per month for six months should be announced for 2.5 million accredited social health activists and Anganwadi workers, most of whom are women.
4. The National Employment Policy, currently in the works, should systematically address the constraints around the participation of the women's workforce, both with respect to the availability of work and household responsibilities.
5. The pandemic has shown the necessity of adequate public investment in social infrastructure. The time is right to imagine a bold universal basic services programme that not only fills existing vacancies in the social sector but also



expands public investments in health, education, child and elderly care, and so on, to be prepared for future shocks.

6. This can help bring women into the workforce not only by directly creating employment for them but also by alleviating some of their domestic work burdens, while also overcoming nutritional and educational deficits that we are likely to be confronted with as we emerge from this crisis.

Using all options

Enabling other manufacturers to produce Covaxin is a necessary step.

Expanding production:

1. As the second COVID-19 wave continues to ravage the country, it is now clear that universal and swift vaccination is the only way out to mitigate the effects of the pandemic.
2. But with only 3% and 10.4% of the total population estimated to have taken the second and a single dose, respectively, the goal of vaccinating a substantial number of people to achieve immunity against SARS-CoV-2 and its variants, remains a tall order for India.
3. Supply constraints in delivering the only two vaccines available to Indians so far — Covishield and Covaxin — (the Russian-developed Sputnik V vaccine has just been deployed) are one of the reasons why the pace of vaccination has fallen.

Contradictory stands:

1. India has rightly sought (along with South Africa) a temporary waiver of provisions in the TRIPS Agreement to facilitate universal access to COVID-19 vaccines. But the Centre has done nothing to bring vaccines and medicines under a statutory regime in India to allow for wider availability and a diversity of options.
2. In fact, the Centre's submission to the Supreme Court that the "exercise of statutory powers... under the Patents Act, 1970... can only prove to be counter-productive at this stage", is clearly contradictory to its international position for a temporary waiver in the TRIPS Agreement.



3. The Agreement allows exceptions to the rights of patent owners by a grant of compulsory licences. Section 100 of the Patents Act, 1970, allows the Centre to license specific companies to manufacture the vaccines, while Section 92 of the Act allows the Centre to issue a compulsory licence in circumstances of a national or an extreme emergency.
4. Considering the impact of the second wave, the daily toll and the high caseload, the Centre should revisit its rigid and contradictory stance on the issue of compulsory licensing that would allow the manufacture of vaccines and important drugs without the consent of the patent holder.
5. In the case of Bharat Biotech's Covaxin, which was developed in collaboration with the publicly funded ICMR and the NIV, even this route is redundant. The ICMR can license other public sector vaccine manufacturers to help augment its supply over the medium term.

Restructuring the tribunal's system

The Centre has abolished several appellate tribunals and authorities and transferred their jurisdiction to other existing judicial bodies through the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance 2021. This Ordinance has been challenged in the Supreme Court.

Sharp criticism

1. The Ordinance has met with sharp criticism for not only bypassing the usual legislative process but also for abolishing several tribunals such as the Film Certification Appellate Tribunal without any stakeholder consultation.
2. Despite the Supreme Court's direction in Rojer Mathew v. South Indian Bank (2019), no judicial impact assessment was conducted prior to abolishing the tribunals through this Ordinance.
3. Further, the Centre is yet to constitute a National Tribunals Commission (NTC), an independent umbrella body to supervise the functioning of tribunals, appointing and disciplinary proceedings against members, and take care of administrative and infrastructural needs of the tribunals.
4. The idea of an NTC was first mooted in L. Chandra Kumar v. Union of India (1997), but it has still not seen the light of day.



National Tribunals Commission (NTC)

1. Initiating dialogue and promoting awareness about the NTC is vital for overcoming the government's inertia in establishing such a body.
2. Developing an independent oversight body for accountable governance requires a legal framework that protects its independence and impartiality.
3. In India, executive interference in the functioning of tribunals is often seen in matters of appointment and removal of tribunal members, as well as in the provision of finances, infrastructure, personnel and other resources required for the day-to-day functioning of the tribunals.
4. Therefore, the NTC must be established vide a constitutional amendment or be backed by a statute that guarantees it functional, operational and financial independence.
5. One of the main reasons that have motivated the idea of NTC is the need for an authority to support uniform administration across all tribunals. The NTC could therefore pave the way for the separation of the administrative and judicial functions carried out by various tribunals.
6. A 'corporatised' structure of NTC with a Board, a CEO and a Secretariat will allow it to scale up its services and provide requisite administrative support to all tribunals across the country.

Administrative duties

1. The NTC would ideally take on some duties relating to administration and oversight. It could set performance standards for the efficiency of tribunals and their own administrative processes.
2. Importantly, it could function as an independent recruitment body to develop and operationalise the procedure for disciplinary proceedings and the appointment of tribunal members.
3. Giving the NTC the authority to set members' salaries, allowances, and other service conditions, subject to regulations, would help maintain tribunals' independence.
4. Administrative roles of the NTC include providing support services to tribunal members, litigants, and their lawyers. For this purpose, it would need to be

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able to hire and supervise administrative staff, and to consolidate, improve, and modernise tribunals' infrastructure.

As the Finance Ministry has been vested with the responsibility for tribunals until the NTC is constituted, it should come up with a transition plan. The way to reform the tribunal system is to look at solutions from a systemic perspective supported by evidence. Establishing the NTC will definitely entail a radical restructuring of the present tribunal's system.