



Act and friction

A national commission is essential to make appointments to tribunals

Tribunals:

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2. It recently got Parliament to enact the Tribunals Reforms Act, which contained provisions that had been struck down by the Supreme Court in an ordinance issued earlier.
3. After being sharply questioned by the Supreme Court on the unusual delay in filling up vacancies among judicial and administrative members, it released a set of appointments this week.
4. The Court found that there was cherry-picking among the names chosen by the various Selection Committees. Instead of exhausting the selection list put together by panels of judges and officials, the Government had waded into the waiting list to exercise its choice.

National tribunals commission

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The issue of tribunals has been a source of considerable friction between the Government and the Court. They have often disagreed on the eligibility criteria and conditions of service and a series of judgments have gone against the Government. Clauses introducing changes to the conditions of service of members of the various Tribunals have often been subjected to judicial view. Courts want to ensure that a reasonable tenure was available to the appointees, and do not allow criteria related to age and experience to be used to undermine their independence. Tribunals have always been seen as institutions that were a rung lower in independence as regular courts, even though there is wide agreement that administrative tribunals are required for quicker and more focused adjudication of cases that required specialisation and domain expertise. As several laws now provide for such adjudicative bodies, the executive does have an interest in retaining some leverage over their members. The Supreme Court has repeatedly called for the establishment of a national tribunals commission to make suitable appointments and evaluate the functioning of tribunals. If the Government has been dragging its feet on this, it is only because there is a method to its mulishness.



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Tribunals vs Court of Law

No.	Court of Law	Tribunal
1.	A court of law is a part of the traditional judicial system whereby judicial powers are derived from the state.	An Administrative Tribunal is an agency created by the statute and invested with judicial power.
2.	The Civil Courts have judicial power to try all suits of a civil nature unless the cognizance is expressly or impliedly barred.	Tribunal is also known as the Quasi-judicial body. Tribunals have the power to try cases of special matter which are conferred on them by statutes
3.	Judges of the ordinary courts of law are independent of the executive in respect of their tenure, terms and conditions of service etc. Judiciary is independent of Executive	Tenure, terms and conditions of the services of the members of Administrative Tribunal are entirely in the hands of Executive (government).
4.	The presiding officer of the court of law is trained in law.	The president or a member of the Tribunal may not be trained as well in law. He may be an expert in the field of Administrative matters.



Where are the high productivity, better quality jobs in India?

Rising unemployment is yet to receive the attention it deserves from the government.

High levels of Unemployment: New Norm

1. India's unemployment rate in August was 8.3 per cent. The month-to-month variations notwithstanding, these are all very high unemployment rates.
2. In May 2019, when after much resistance, the government finally released the Periodic Labour Force Survey (PLFS) results, most of the fracas pertained to the historically high unemployment rate of 6.1 per cent in 2017-18 (July to June). It was at a 45-year high.
3. Till then, India was used to recording an unemployment rate of around 3 per cent. Today, an unemployment rate of 7-8 per cent seems to be the norm and such levels do not seem to matter. The unemployment rate is not an input into policymaking.
4. A high and rising unemployment rate is evidently not a potent political tool in India. Between inflation and unemployment, the two economic indicators conjoined theoretically by the Phillips curve, it is inflation that wields political power.

Unemployment: Individual shortcoming or Policy failure

1. Unemployment directly impacts only the unemployed, who don't count much. A 7 per cent unemployment rate impacts less than 3 per cent of the population.
2. Worse still, society perceives being unemployed as an individual shortcoming, and not an outcome of a macroeconomic malaise. The victim suffers the ignominy, not the system.
3. The unemployed are seen as inadequately educated, awkward or not smart. Implicit in this thinking is the fallacious belief that if these people were to work harder and be sharper, they could all find jobs.

Demand for Reservation:

1. While unemployment cannot be a political tool, employment can be one, and this potential manifests in the form of demands for jobs reservations. The dearth of employment opportunities, of course, lends potency to reservations as a political tool.

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2. Lack of adequate jobs is an economic problem that merits more analytical and policy attention than the political attention it gets in India.


$$\text{Labor Force Participation Rate} = \frac{\text{Labor Force}}{\text{Working Age Population}}$$


Indicators and their failure:

1. The unemployment rate is not the most important labour market indicator for a country like India.
2. The unemployment rate is a measure of the economy's inability to provide jobs only for those who seek work. But, in India, very often people do not look for jobs in the belief that none are available.
3. Technically, this shows up as a low labour force participation rate (LFPR). India's LFPR is at around 40 per cent when the global rate is close to 60 per cent.
4. It is important that this belief in the futility of a job hunt is overcome by an explosive creation of new good quality formal jobs.
5. Good quality formal jobs are so few that nothing short of explosive growth in their numbers will help overcome the current otiosity.

Huge deficit in Good quality formal jobs:

1. In a country of over a billion adults, there are less than 80 million salaried jobs. Where would the remaining 920 million go to find employment? More than half opt to not seek any work.
2. The remaining are self-employed as farmers, daily wage labourers and entrepreneurs of all kinds.



Required Formulas -

$$\text{Labor Force Participation Rate} = \left(\frac{\text{Labor Force}}{\text{working age Population}} \right) * 100$$

$$\text{Working age Population} = \left(\frac{\text{Laborforce}}{\text{labor force participation rate}} \right) * 100$$

Labor Force = Employed + Unemployed

$$\text{Unemployment Rate} = \left(\frac{\text{No.of unemployed person}}{\text{Labor Force}} \right) * 100$$

$$\text{No.of unemployed person} = \left(\frac{\text{Unemployment rate} * \text{labor force}}{100} \right)$$

Pandemic onslaught:

1. The count of the employed was 408.9 million in 2019-20. In August 2021, employment was much lower at 397.8 million. India still provides 9.2 million jobs less than it provided before the pandemic.
2. And, employment continues to fall. It fell by nearly 2 million from 399.7 million in July 2021.
3. A reverse migration is underway. People are moving away from factories as manufacturing jobs shrink, to farms that provide shelter largely in the form of disguised unemployment.
4. With due respect to all forms of labour, it cannot be the desire of a nation to move people away from high productivity, better quality jobs in manufacturing to low productivity employment in agriculture or as gardeners or security guards in the household sector.

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5. Employment opportunities need to expand in areas where labour is deployed to deliver higher productivity for enterprise and higher returns to labour. This is not the direction we see.

A large part of the solution to this lack of adequate jobs is in increasing investments. For this, the investment climate needs to be business-friendly and government interventions must shift away from supply-side support to spurring demand.

AUKUS sets a new course in Indo-Pacific

India now has a little less to worry about on the maritime front with AUKUS in play. It also buys Delhi more time to beef up the country's own naval capabilities.



AUKUS: landmark coalition

1. AUKUS, the security partnership between Australia, the United Kingdom and the United States announced on September 16, is a landmark coalition for many reasons.
2. For one, in the aftermath of the Afghan rout, it is a powerful signal from the US that it is still in the game as the most important world power, that it is not withdrawing into a domestic shell, and that the traditional Anglo-Saxon alliance that has fought several wars on the same side for over a hundred years, is in robust health.
3. AUKUS joins the ANZUS and Five Eyes, two other security alliances in the Indo-Pacific.
4. Two, with the agreement for the transfer of nuclear-powered submarines (different from nuclear-armed submarines) to Australia, this alliance, quite unlike the Quad, is a clearly stated security/military alliance in the Indo-Pacific.
5. Three, like the Quad, AUKUS is aimed at protecting the partners' strategic interests in a region that spans two oceans and 38 countries, where China's ambitions and assertiveness are challenging the existing status quo.
6. Four, it marks a new low in Australia-China relations, and the ripples of this will be felt across the region. China is Australia's biggest trading

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partner with two-way trade of nearly US \$200 billion, the largest buyer of its iron ore, natural gas and coal.

7. And five, the US decision to transfer closely held military nuclear capability to Australia is not just expanding nuclear cooperation for strategic objectives, it is also a message to China that Washington could one day do the same for other countries in the region. Beijing is more rattled by AUKUS than by Quad.

Containment of China:

1. For India, Australia's willingness to take on the role of the US/West's sword arm in the region — an American military base on Australian soil to maintain and service the submarines is now inevitable — is a welcome development as this is a move to contain China.
2. As the only country in the Quad with a long, and recently turned hot land border with China, India now has a little less to worry about on the maritime front with AUKUS in play. It also buys Delhi more time to beef up the country's own naval capabilities.

The other virus amid a raging pandemic

Kerala reported a new case of the Nipah virus recently even as it continued to register the highest number of COVID-19 cases in the country.

What is Nipah virus? TOI

NIPAH VIRUS (NiV) INFECTION IS A NEWLY EMERGING ZOOZOSIS THAT CAUSES SEVERE DISEASE IN BOTH ANIMALS AND HUMANS

NiV first identified in 1998 during an outbreak in Malaysia

Fruit bats are natural hosts of NiV

HOW IT IS TRANSMITTED

Transmission of NiV to humans may occur after direct contact with infected bats and pigs.