



भारतीय लोक प्रशासन संस्थान

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION

Building Capacity for Good Governance

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Karnataka Regional Branch

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Virtual Newsletter

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Views expressed by the contributors are personal and do not represent the views or position of the Editorial Board or the Executive Committee of the Branch.

Chief Editor



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A Note from the Chief Editor



S. Ramanathan, IAS (Retd.)

Chairman,

Indian Institute of Public Administration
Karnataka Regional Branch, Bengaluru

I am happy to place before our readers the **May 2021** issue of our *Virtual Newsletter*. The **Lead Article**, this time, is by **Mr. Gurbachan Jagat**, Ex-Chairman, UPSC, former Manipur Governor and former DGP, J&K. Titled, '**From 'Steel Frame' to 'Babu' - A Journey from the Sublime to the Ridiculous**', he states that the political class has usurped the powers of the bureaucracy and has begun to run governments as personal fiefdoms. Consequently, laws are bent, rules are broken and the system circumvented in order to achieve political or personal objectives. The article which appeared in *The Tribune* dt. 21st February 2021, is worthy of serious reflection.

In our section on *Contemporary Matters*, we have a contribution by our distinguished EC Member, **Dr. S.S. Meenakshisundaram** on *Role of Volunteers and NGOs during and after COVID-19*. In our report on the activities of our Branch, we carry the report of a collaborative webinar organized with the **Institute for Social and Economic Change**, Bengaluru, on '*Sustainable Development Goals – Vision 2030: Strategies and Action Plan for Karnataka*'.

In our section on *Policy Matters* in Karnataka, we draw attention to the **DETER Committees** formed by the government to streamline Covid Management at local level. In our newly introduced *Consumer Matters* section, **Mr. Y.G. Muralidharan**, Founder-Trustee of CREAT, Bengaluru, writes on *Novel Features of the Consumer Protection Act, 2019*.

In the section on *Opinions Matter*, **Wg. Cdr. Aspari Raghunath** expresses his view on the continuing impasse in the Agriculture Sector, by stating that '*Logic is not Palatable when Suspicions Ride High*'. And in our *Reports* section, **Dr. D. Jeevan Kumar**, our Editor, refers to *COVID-19 and the Garment Industry - A Study of Forced Resignations of Garment Workers*-a recent report prepared by **Swathi Shivanand** and **R. Prathibha** for Garment and Textile Workers' Union and Alternative Law Forum, Bengaluru.

I wish to add a disclaimer here that the views expressed by the contributors are personal and do not represent the views or position of the Editorial Board or the Executive Committee of the Branch.

Do write in, with your responses, views and ideas for improvement of the Newsletter.

Lead Article

From 'Steel Frame' to 'Babu' *A Journey from the Sublime to the Ridiculous*

Source: *The Tribune* dt. 21st February 2021



Gurbachan Jagat

Ex-Chairman, UPSC, former Manipur Governor and former DGP, J&K

*Elected politicians head governments and All-India Services are the instruments of governance. But institutions have been destroyed, laws and rules compromised, conscience-keepers sidelined. In all this, most officers have become willing collaborators afraid to open their mouth, lest they anger the politician. If we are serious about bringing a change, we should begin with the political setup, writes Mr. Gurbachan Jagat, in **The Tribune** dt. 21st February 2021.*

While speaking in the British Parliament in 1922, Lloyd George (then Prime Minister) stated in reference to the British civil service, 'If you take the steel frame out of the fabric, it would collapse.' Sardar Patel, while speaking in the Constituent Assembly in October 1949, stated: 'You will not have a united India if you do not have a good All-India Service which has independence to speak out its mind.' He further said that 'if you want an efficient All-India Service, I advise you to allow the services to open their mouth freely; these people are the instruments; remove them and I see nothing but a picture of chaos all over the country'. Speaking in Parliament on February 10, 2021, the current Prime Minister stated that the IAS officers were handling most departments and incidentally he also referred to them as 'Babus', a word made popular by the media. This came as a bit of a surprise because he has always placed great confidence in bureaucrats.

From the *Steel Frame* to the instrument to keep the country united, and finally to a figure of ridicule — a 'Babu'. This journey from the sublime to the ridiculous has taken only 73 years. In this system of governance, we have chosen the elected politicians to head the government at the Centre and the states, and the All-India Services are the instruments of governance. Gradually, the political class has usurped the powers of the bureaucracy and has begun to run governments as personal fiefdoms. Laws are bent, rules are broken and the system circumvented in order to achieve political or personal objectives. With the passage of time, some unscrupulous officers began to collaborate with similar elements in the body politic and now the disease has spread to lower levels also. It has become a pandemic against which the only vaccination is your conscience or your will to stand up and speak the truth to power. Mercifully, there are a few who do this and that is why the system has not totally collapsed.

I will not go into details of how institutions have been destroyed, laws and rules compromised, collaborators rewarded and conscience-keepers sidelined. In all this, most of the officers have become willing, subservient collaborators, afraid to open their mouth, lest they anger the politician. The nexus of the politician, elements in the services (including the judiciary) and the crony businessman/industrialist is almost complete and is in a position to not only influence policy, but also define it. The common man for whom the welfare state came into existence is nowhere in the picture except at the time of elections, when votes are bought or obtained in the name of religion, caste, etc.

For 30 years or so after freedom, the public sector was built to galvanise the economy. There was no private sector worth the name when the British left. They left no developmental infrastructure behind as they had no interest in the development of the country. It had to be created from scratch and that was done by men of vision, intellectual brilliance, solid integrity and full faith in the rule of law. They had created the Constitution and they lived by the principles enshrined in it. Together, with the services, they laid down a network of dams, irrigation facilities, steel plants, science institutes for education and to develop nuclear power for peaceful purposes, agricultural universities, cement factories and various other things needed to kickstart a country's economy on the path of all-round development. The voice of India was respected in all international forums. This was because there was no nexus and all citizens, political leaders and officers were seen to be lending their shoulder to the national wheel of progress.

How did the public sector start performing at below-par levels? It was manned by officers of the All-India Services who had entered through a very rigorous system of selection, got trained in the best institutes and were groomed by senior officers in the field and in the secretariat, men and women of proven competence and integrity. I was part of the UPSC from 2002 till 2007 and can say without hesitation that out of the lakhs appearing every year for the civil services exam, rarely has there been a complaint against the fairness and the integrity of the UPSC. The brightest of young men and women appear for this exam and about a thousand finally make it.

The problem begins when they go to the states and are posted in the field and get exposed to the electoral structure, i.e., panchayats, municipal councils, corporations, MLAs, MPs, ministers, etc., and begin to see the difference between theory and practice. They seek support from their seniors when forced to do wrong, but very rarely does it come. So, what is it about the political environment in the field which does not allow the rule of law and good administration? It is the quality of men entering politics at all levels. About 200 MPs have criminal records and some of them are ministers. The same holds true at the state level and down to the panchayat. This kind of a political setup requires the same kind of instruments to do their dirty work. Thereafter, the young bureaucrats start getting wiser and most of them adapt to the ways of the system and you will find different shades of grey in their orientation.

If we are serious about bringing a change, we should begin with the political setup. There should be a special commission of eminent jurists, constitutional experts, representatives of all parties, etc. They should have a hard look at the prevailing conditions and come up with a code of conduct for all political parties, which should include the distribution of tickets for elections, for selection of ministers, interaction with bureaucrats, interference in transfers and postings, redressal of complaints of bureaucrats, to mention a few of the requirements. This commission and code of conduct should have statutory backing. Instead of going in the direction of reforming the political setup, which is at the root of all problems, newfound ideas

like lateral induction at the level of joint secretary have been introduced. How will they fit in? How will they affect the career prospects of the cadre officers? How will they be selected? Will there be reservations? We should stick to the UPSC, strengthen it and focus on the reforms of the political setup in the country. It is easy to destroy institutions, building them is the challenge. For instance, *what was achieved by replacing the Planning Commission with NITI Aayog?* Individuals and a plethora of organisations cannot be a replacement for cogent, well-thought-out, planned institutions which have been built over a period of time. There is a large pool of institutional knowledge available with most of our established institutions; using it however is up to the leadership of these establishments.

In the light of the prevailing situation and the likely trends in the future, India leads the world in the number of high-net-worth-individuals applying for permanent residence abroad and in the unemployed millions at home. They will both look to foreign shores to go and try their luck there. There is nothing for the *garib aadmi* or the honest businessman here. Since the system does not cater to them, they will have to speak for themselves (most of the media will ignore them). The farmers seem to have realised the peril they are in and are out in strength to demand their rights peacefully. Will others join in? Only time will tell.

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Contemporary Matters

Role of Volunteers and NGOs during and after COVID-19



S.S.Meenakshisundaram, IAS (Retd.)
Chairman, MYRADA

We start our day with the newspaper. The front page contains only news about COVID. We switch on the TV; we hear all about COVID. We look at our messages on popular social media platforms, such as WhatsApp, and more than half the messages either advise us on what we should do if we contract COVID, or tell us which friend or colleague of ours has passed away after contracting COVID. Yes, COVID has now become an inescapable part of our daily lives.

I sometimes close my eyes for a few minutes and ask myself as to what I should do as an individual and what my organization MYRADA—which is built with the motto of building people’s institutions for their own development—can do to deal with this all pervasive COVID? When the Rural Development and Panchayati Raj (RDPR) Department of the Government of Karnataka and the Karnataka State RDPR University organized a National

Webinar on “*The Role of Volunteers and Voluntary Organizations during and after COVID*” and wanted me to be a resource person, I readily agreed to put down my thoughts in the form of bullet points (as most of us are already tired of reading lengthy reports), which I am sharing in the following paragraphs:

What is that a volunteer/ individual/ family can do during COVID?

- Do not forward *WhatsApp* messages without verification and create panic among your friends. Several others are already at it!
- Avoid discussions on what the Governments should have done and what the shortcomings are. This is not the time for those debates. Such a postmortem can be done after we come out of COVID, perhaps for future guidance.
- Keep yourself engaged. Make use of the time to decongest your home. Donate surplus/used textbooks, dresses, utensils etc. to the needy.
- Let your house-helpers/workers continue doing their work, but following the COVID protocols.
- Pay their wages/salaries in full and on time. Give them food if possible.
- Patronize local vendors shops.
- Practice COVID protocols, before you preach them to others.
- Finally, please remain safe. You should not add to the burden of the already overburdened health-care system.

Role of Non-Government Organizations (NGOs) during COVID

- Build the capacities of Gram Panchayats/Municipalities/Civil Society Organizations (CSOs) such as Self-Help Groups to handle COVID, making use of the latest technology.
- Establish control over the entry points to the village/town and ensure facilities for quarantine, wherever required.
- Ensure availability of clean drinking water and food for the migrants. While the local government institutions should take the primary responsibility, NGOs can support them by providing financial and human resources.
- Arrange medical facilities/ home hospitalization and transport for the needy; care centres for the elderly parents/children of the COVID-affected couples.

Role of NGOs during/after COVID

- Help marketing of local produce, particularly fruits and vegetables from villages to the nearby markets. Design a workable supply chain and put it to use.
- Identify locally available raw materials and skills to start rural MSMEs at the appropriate time. Locate entrepreneurs/societies within the district itself if possible, who can establish such enterprises and provide them necessary support.
- Take up Watershed Development/Organic Farming/ Extension Activities etc., with the support of KVKs and other similar institutions to enhance income of the farmers.
- Organize FPOs wherever possible for input, output and marketing management.

Handling COVID is not the job of the Governments only. People and Civil Society Organizations (CSOs) need to play their role, of course with the support of the Government. So,

What do we need from Government?

- Accept and acknowledge NGOs/CSOs as partners in development. Provide a congenial environment for them to work and deliver.
- Build a decentralized health infrastructure—at least one PHC in every GP and one hospital in every taluk, as early as possible.
- Manage Human Resource requirements. Encourage telemedicine. Extend, if required, the “*Anand Model of Veterinary Health*” to human health also.

Finally, let us accept the reality. We have to live with COVID for some more months, if not years. Stay home, stay safe, keep yourself busy and be happy! That will improve your mental health also!

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Report of IIPA-KRB Activities

Webinar Report

Sustainable Development Goals – Vision 2030: Strategies and Action Plan for Karnataka’



The **Karnataka Regional Branch** of the **Indian Institute of Public Administration**, in collaboration with the **Institute for Social and Economic Change**, Bengaluru, organized a webinar on the Government of Karnataka document, ‘*Sustainable Development Goals – Vision 2030: Strategies and Action Plan for Karnataka*’, on 29th April 2021.

Mr. S. Ramanathan, IAS (Retd.), Chairman, IIPA-KRB and **Dr. Parmod Kumar**, Director-in-Charge, ISEC, in their Introductory Remarks, observed that the document being discussed is a Road Map of the Government of Karnataka for realizing the 17 Sustainable Development Goals, with a focus on equity, efficiency and sustainability. They stated that the collaborative webinar is being organized in order to take a closer look at the Strategies and Action Plans devised by the Government of Karnataka to realize the SDGs.

The Keynote Address was delivered by **Dr. Chaya Degaokar**, Additional CEO, Karnataka Evaluation Authority. She stated that the Road Map for realizing the SDGs was prepared

through rigorous inputs from domain experts who served in 16 Working Committees. The strategies and action plans were developed through meticulous planning. Budgets have been estimated for each Goal till 2030. However, the government would appreciate receiving constructive inputs from experts so as to finetune the document. Realizing the SDGs would call for frequent stocktaking and corrective steps, especially in the wake of the ongoing pandemic.

Five discussants responded to the document, in terms of identifying missing links, grey areas, gaps and deficits, which could come in the way of realizing the SDGs. They were:

1. **Dr. D. Rajasekhar**
Professor & Head, Centre for Decentralization and Development, ISEC;
2. **Dr. Sunil Nautiyal**
Professor & Head, Centre for Ecological Economics and Natural Resources, ISEC;
3. **Dr. Channamma Kambara**
Asst. Professor, Centre for Research in Urban Affairs, ISEC;
4. **Dr. M. Balasubramanian**
Asst. Professor, Centre for Ecological Economics and Natural Resources, ISEC; and
5. **Ms. Kathyayini Chamaraj**
Executive Trustee, CIVIC, Bengaluru.

Dr. A. Ravindra, IAS (Retd.), former Chief Secretary, Government of Karnataka chaired and moderated the webinar. He identified several areas of concern which needed to be looked at carefully by the Government of Karnataka, to ensure that the SDGs were realized within the time frame. There is a continued neglect of the Aspirational Districts of North Karnataka. He called for an in-depth analysis of the factors responsible for the continued backwardness of the northern region over the decades, particularly Kalyana Karnataka. In fact, the poor performance of these districts seems to be bringing down the ranking of the State at the national level. He specifically referred to the lack of capacity, including the large number of vacancies in the northern districts which need to be addressed urgently. Whereas Kerala and Tamil Nadu seem to figure at the top of any index among the Southern states, why is Karnataka always lagging behind them? We seem to be high in economic growth but low in Human Development. Public Health continues to be a matter of serious concern. There is an urgent need for evidence-based policy making. We need to collect more data from the local level. Effective realization of the SDGs calls for synergy among the political, administrative and civil society stakeholders, he concluded.

Dr. D. Jeevan Kumar, Secretary, IIPA-KRB welcomed the dignitaries, speakers and guests. **Dr. Anil Kumar**, Head, Centre for the Study of Political Institutions, Governance and Development, ISEC proposed a vote of thanks. The presentations made at this webinar will be compiled and submitted to the Government of Karnataka. This is the first collaborative programme of IIPA-KRB and ISEC, after the signing of a **Memorandum of Understanding** between the two organizations.

Below:

Dr. Chaya Degaokar, Additional CEO, Karnataka Evaluation Authority,
speaking at the webinar



Policy Matters

Karnataka

DETER Committees formed in Bengaluru to Streamline Covid Management at Local Level

Ralph Alex Arakal

Source: *The Indian Express*, Bengaluru, May 11, 2021



A health worker checks a COVID-19 patient on oxygen support at a hospital, during the second wave of the coronavirus pandemic in Bengaluru. (PTI Photo)

As Bengaluru continues to witness a daily surge in fresh COVID-19 infections and related fatalities, the state government has decided to manage pandemic *at the local level*. On the

orders of the state government, Decentralized Triage and Emergency Response (DETER) Committees at ward-levels are being formed in the Karnataka capital, which will be overseen by the Bruhat Bengaluru Mahanagara Palike.

What are DETER Committees?

Decentralized Triage and Emergency Response (DETER) committees have been formed across 198 wards in Bengaluru with the objective to strengthen government response and management of the coronavirus pandemic.

Also known as WDCs (Ward-level DETER Committees), these teams will emphasise on the distribution of localised action in a decentralised system of disaster response. They will be run in synergy with BBMP officials, ward committee members, government officers, representatives of the peoples, volunteers from resident welfare associations, civil society organisations, and disaster-support initiatives. This is expected to improve supervision for better ward-level Covid governance. WDCs will function on open-source technology with a suitable online platform identified by the BBMP for the same.

What will be the major responsibilities of WDCs?

WDCs will emerge as the first-point contact for those infected with COVID-19. These committees will also be entrusted with the responsibility to provide timely and accurate information to citizens on appropriate actions and behaviours that need to be taken at each stage of the Covid lifecycle.

WDCs will also share information on triaging — the process by which the need of patients whether to be in home isolation or to be admitted to stabilisation centres, hospitals and then whether to access hospital beds with/without oxygen or ventilators is determined — and take appropriate steps to enable contact tracing and testing.

Further, those in home isolation will be supported in a bid to minimise the burden to hospitals. Grievance redressal and escalated citizen needs, if any, and mobilisation of resources and essential medical supplies in the ward - will also be carried out by the WDCs. While achieving universal vaccination in an efficient manner is another responsibility, in an event of death, WDCs are expected to help families connect with the hearse van and the crematorium team (or volunteers at burial grounds).

What is the main strategy to be in place for WDCs?

The Karnataka Government has formulated a ‘**3E Strategy**’ for WDCs to micromanage COVID-19 in a comprehensive manner. The 3E Strategy is explained as follows: *Efficient admission to hospitals facilitated by community triage services; Efficient discharge from hospitals enabling efficient bed-turnover; Empowering hospitals, doctors, and their management with supportive supervision.*

What role will Resident Welfare Associations (RWAs) and Civil Society Organisations (CSOs) play?

RWAs and CSOs will suggest changes to improve the decentralisation process. They will also ensure all organisations working towards Covid relief are brought under a single umbrella of the WDCs. For organisations that are present across the city, the government has suggested their members to join WDCs in their respective wards.

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Consumer Matters

Novel Features of the Consumer Protection Act, 2019



Y.G. Muralidharan
Founder Trustee, CREAT
Consumer Rights Education and Awareness Trust

In India the first ever comprehensive law on consumer protection was passed in 1986. With enormous changes in the market place and the entry of e-commerce, the way consumers purchase their requirements and conduct their transactions has changed to a great extent. With a view to meet the ever-changing needs of the market place, the Central Government has replaced the old Act with the new Consumer Protection Act 2019. The CPA-2019 has introduced certain novel features, which were not found in the old Act. An attempt is made here to highlight some of the new features of the CPA-2019.

Broadened meaning of ‘Consumer’

The phrase ‘Consumer’ has been broadened to include those indulging in online transactions through electronic means, teleshopping, direct selling and multi-level marketing. E-commerce has been specifically mentioned and is defined as buying and selling of goods/services/digital products, online. Central government is empowered to take appropriate measures to prevent unfair trade practices in e-commerce and direct selling.

Unfair Contracts

Earlier, a consumer could file a complaint only for an unfair trade practice or restrictive trade practice adopted by the trader/service provider. Under the new Act, consumers can also file a complaint on the basis of ‘unfaircontracts’. Unfair Contract means a contract between the manufacturer/trader/service provider and the consumer which adversely affects the rights of the consumers.

Unfair Trade Practices

The term ‘*Unfair Trade Practices*’ in the new Act includes three more elements, i.e. non-issue of bills/receipts for goods sold or service rendered; failure to take back defective goods/withdraw deficient services and refund the amount as mentioned in the bill within a period of 30 days; and disclosure of personal information given in confidence, unless that disclosure is in accordance with law.

Place of Filing Complaints

Under the new Act, a consumer can file a complaint where the complainant resides or works.

Renaming of Forums

Earlier, the consumer courts at district level were termed as “forums” and at the state and national level as “commissions”. Under the new Act, the forums at district, state and national level are renamed as Consumer Grievance Redressal Commissions.

Regulatory Body

A new regulatory body known as the Central Consumer Protection Authority has been established. The objective of this body is to promote, protect and enforce the rights of consumers as a class.

Pecuniary Jurisdiction Increased

The pecuniary jurisdiction has been increased to upto Rs. 1 crore for District Commissions, from Rs. 1 crore to Rs. 10 crores for State Commissions and above Rs. 10 crores for the National Commission.

Mediation

Mediation CPA 2019 provides for settlement of disputes through mediation. Mediation Cells will be attached to all district, state, and national commissions. If the matter is not resolved through mediation, the respective commissions will continue to hear the case.

Product Liability

For the first time, Product Liability concept has been incorporated into the new Act. Product liability refers to the responsibility of a product manufacturer/seller of any product or service to compensate for any harm caused to the consumer by such defective product manufactured/sold or due to deficiency in services.

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Opinions Matter

Agriculture Sector Impasse – Boldness vs. Discretion
Logic is not Palatable when Suspensions Ride High

Aspari Raghunath
Governing Council Member
Kirloskar Management Institutes

The country has been facing serious upheavals right from the beginning of 2020 in terms of Covid pandemic, Chinese incursion in Ladakh and unbending agitation of farmers. Each of these has been a major crisis which demand cool thinking, maturity and political wisdom to manage and solve the problem faced by the country. Prudence tells that such situations need to be handled sequentially with room for negotiations with adversaries or across the entire group of stake holders, rather than wrestling with them simultaneously. The bureaucracy and the ministry at the centre have been overstretched over the last fifteen months with very little room for arriving at the most optimum and feasible solution to any of the crises. However good the intentions have been, they are brought to a naught if they are not implemented with tact and adequate forethought.

While the Chinese crisis and Covid pandemic have been handled with bold sagacity, the same does not appear to be the case as far as legislating on the farm products marketing laws or handling the agitation thereafter. While the farmers, encouraged by self-seeking groups, have taken an intransigent position without adequate justification, the ruling Govt. needs to show greater prudence in handling the situation. The prevailing situation shows that both the parties-farmers unions and the Govt. seem to have tightened their fists and moving towards adamant postures without exerting to bring the issue to a quick closure. Though the farmers unions and their support groups refuse to see the benefits of the new laws, the Govt. can ill afford to take a position of inflexibility.

The festering discontent amongst the farmers and the imprudent statements by the members of the Govt. in branding the farmers as anti-nationals is leading towards a very perilous situation which may affect national unity and security. If seen in larger perspective, failure to implement the New Agriculture policy would be of an insignificant consequence as against jeopardising the unity of the country. In the immediate future, the Govt. needs to ignore the political implications of not implementing the new policy. It could be magnanimous to take a conciliatory position and permit the different groups of farmers across the country to decide on whether to continue with the existing practices of APMC and MSP or adopt agro-products marketing as per the new policy. Those states which have understood the benefits of the new policy be allowed to embrace the new legislation and conduct their agri marketing as per the new legislation. The northern states viz. Punjab, Haryana, Rajasthan or U.P could be explicitly allowed to run their affairs as per the current system, and change over to the new system as and when they realise the gains accrued to farmers in states which implemented the new policy.

The country, under our federal structure, cannot dictate the people to adopt the same practice across all states and regions brushing aside their long-established practices of conducting their avocation, in any sector, more so in a very emotive sector such as agriculture. If the laws are thrust down the throats of the people, unmindful of the adverse fall out, it may lead to an un-retractable situation where the unity of the country itself may be threatened.

With sane sense prevailing on all parties involved, under the prevailing situation, the centre should show maturity and empathise with the agitating farmers and allow the unwilling states to maintain status quo, while others be permitted to adopt the new policy with incentives. The ruling party and the opposition should endeavour to sit at a common platform and decide on the possible alternatives to implement the new agro-products marketing policy. Meanwhile, all out efforts are to be put in to publicise the benefits of the new policy and also influence the opinion makers to secure their buy-in for the new policy with all its modifications and limitations.

In the current hyper charged situation, utmost diplomacy is the need of the hour to ensure that the atmosphere does not get vitiated any further. Towards this, the ruling party should enlist support of leading citizenry beyond the party ranks to bridge the trust gap between the farmers and the Govt.; and move the farmers' unions towards an amicable solution. Neither party needs to see this as a game of "one-up-man-ship" or matter of prestige since the issue is more vital to ensure that the nation's solidarity does not get weakened due to either party taking a position of impasse. The sooner we move towards a solution, which may differ from state to state, the better it will be for all. Otherwise, it portends another regrettable situation in addition to the problems already faced by the country as a whole.

I happened to discuss the current farmers agitation with some ex-service men, who have taken up agriculture after their retirement from service. Some of their concerns and views are appended below:

(a) Their agricultural produce will be cornered and monopolised by big business houses.

(b) Contract farming will deprive the farmer of his land in the long run.

(c) The farmers will be at the mercy of big businesses, and thereby suffer unremunerative price for their produce.

(d) The ultimate consumer will suffer high prices because of hoarding by the big businesses who have already built grain silos across Punjab and Haryana.

(e) As a response to Central Govt. firmness in implementing the new Agri-marketing policy, Punjab farmers associations have decided to drastically curtail their production in the coming years to deplete the food stocks in the country.

(f) Punjab farmers have already adopted modern water management methods to optimise the ground water used for farming.

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Reports

**COVID-19 and the Garment Industry
A Study of Forced Resignations of Garment Workers**

D. Jeevan Kumar

Forced Resignations, Stealthy Closures
A Study of Losses faced by Garment Workers
in Bengaluru during the COVID-19 Pandemic

Swathi Shivanand and R. Prathibha
Garment and Textile Workers' Union and
Alternative Law Forum
Bengaluru
March 2021

The report examines the extra-legal ways in which garment factories pressurised workers into resigning in the latter half of the year 2020 in Bengaluru, and how this impacted workers and their families. The pandemic and its world-wide impacts are indeed unprecedented. But as this report shows, garment factory managements used unfair practices to effect the *de-facto* closure of their manufacturing units, with minimum financial and legal liabilities. If prior to the pandemic, apparel factories in Bengaluru complained about labour scarcity and high worker attrition rates, the advantage shifted solidly in favour of employers when factory managements refashioned their workforce to cut labour costs significantly.

Garment factory managements have, for decades now, been deploying the practice of closing factories overnight, without notice. Similarly, this practice of using provisions of the law to force workers into *en masse* resignations has been a long-standing one. Such resignations allow managements to bypass the provisions for legal compensation and cheat workers of what is rightfully due to them. When workers challenge such illegal practices, managements have ensured that workers have to wait for years before the courts decide on the matter. The COVID-19 pandemic has only provided supplier factories with the cover of legitimacy—i.e., a general perception of financial losses—among the public, workers and bureaucracy, to deploy these practices yet again.

Objectives of Study

1. To map the strategies deployed by factory managements to undertake the closure of factories or reduction of workforce;
2. To assess the impact of the closure on household incomes, food consumption and fulfilling financial commitments for families of garment workers; and
3. To document the losses around work and tenure that workers are faced with, due to sudden closures and retrenchments.

Findings and Conclusions of Study

This study documents the phenomenon of ‘forced resignations’ in the garment industry in Bengaluru. While this unfair labour practice has been the norm for decades in the industry, it became starkly manifest during the COVID-19 pandemic. In this period, several apparel manufacturing companies closed down their units or reduced the strength of their workforce, citing losses and lack of orders.

While it is difficult to examine the veracity of these claims by companies, it is indisputable, as this study shows, that factory managements forced workers to resign. The study lists various situations of force constructed by factory managements where workers feel trapped into resigning.

The COVID-19 pandemic did wreak havoc in the apparel supply chain and, as studies have shown, garment workers were often at the receiving end of these losses. But in the face of the crisis generated by the COVID-19 pandemic, garment factory managements resorted to time-tested strategies of forced resignations. This is evidence that the COVID-19 pandemic has only forcefully foregrounded existing anti-labour practices that engender precarity among working classes.

Given that worker resignations by default are considered voluntary in Indian law, unless proved otherwise, these mass resignations go unnoticed by the State and unchallenged by workers. The Labour Department, whose mandate it is to inspect factories regularly and hold managements responsible for violations, do not conduct *suo-moto* enquiries into mass resignations and whether they were forced or voluntary. Such inaction by the State reproduces precarity systemically in the lives of garment workers and encourages extra-legal practices by garment manufacturing companies.

Even though workers have no job security in the garment industry, the most cherished aspects of this job are social security measures such as Provident Fund, ESI healthcare and statutory benefits such as gratuity. When factories force workers to resign suddenly without notice, leaving workers with no time to find another job, they are forced to empty out their Provident Fund corpus, as well as lose access to ESI facilities. If at this point of forced resignation, their tenure was less than five years, they are ineligible for gratuity.

The study also documents the impact of job losses on the nutritional security of worker households, the debts they have had to incur to pay rent and meet household expenses, and the compromises that they have had to make with regard to children's education. This is a direct fallout of the extremely low wages a garment worker receives, despite years of work in the industry. These wages leave her unable to undertake any meaningful savings.

What do the employers have to say in their defence, as regards the accusation of 'forced resignations' of their employees? The authors of the report state as follows: *"We also emailed factory managements that had closed down or reduced their workforce, on publicly available email addresses in order to provide them a chance to respond to what workers had reported to us about forced resignations and the number of workers forced to resign. We did not hear from any of them."*

The report holds successive governments in Karnataka squarely responsible for not undertaking the mandatory upward revision of minimum wages for garment workers. Unions and workers have been demanding increase in minimum wages for several years now. Instead of heeding to this demand, the State has allowed garment factories to close down or retrench workers, without giving workers their due settlement. Given that 72 percent of the workforce in the industry are women, this is a clear abdication from the state of its responsibility towards its working-class women citizens.

Reviewer's Observations

The report documents the unfolding tragedy of a sector reeling under the shock of COVID-19, lockdowns, vulnerability and distress. While the private sector is notorious for exploiting the working class in very ingenious ways, one expects the State and its laws to come to the rescue of its toiling masses. In this context, it would be useful to take note of the **ILO Policy Framework** of May 2020. The ILO's four-pillar policy framework, based on international labour standards, for tackling the socio-economic impact of the COVID-19 crisis, is as follows:


- (1) Stimulate the economy and employment;
- (2) Support enterprises, jobs and incomes;
- (3) Protect workers in the workplace; and
- (4) Rely on social dialogue for solutions: Strengthen the capacity and resilience of employers' and workers' organizations;

Strengthen the capacity of governments; Strengthen social dialogue, collective bargaining and labour relations institutions and processes.

The ILO's four-pillar policy framework provides guidance not only for countries as they progress through the various phases of the crisis, but also for the international community as a whole. There must be a global human-centred response which is grounded in solidarity. International labour standards contain guidance for ensuring 'decent work' that is applicable even in the unparalleled context of the COVID-19 crisis. Without political will and labour reform, the deep-rooted inequalities exposed by the crisis will continue to intensify. Governments must adopt policies aimed at achieving social justice for the working class.

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