

# Monthly

# BULLETIN

FEBRUARY 2021 | Issue 02 |

## *Announcement*

Call For Articles, Op-eds,  
Cartoons and other  
submissions on recent  
matters related to the  
theme of social justice

Call for Book Reviews

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women - pg 2*

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# COVER STORY

## MONETIZING HOMEMAKER'S ROLE IN A HOUSEHOLD

-Ami Thakker\*

A homemaker in a typical household holds a plethora of responsibilities which may range from cooking to budgeting and maintenance of the household. The role of a homemaker, although different from that of a breadwinner in the family, is a significant one. In an ideal world, their work and contribution would be recognized, incentivized and, remunerated because the role they play not only affects the economic condition of the household but that of the country too. According to the 2011 census of India, 165.64 million people mentioned housework as their primary occupation, including 159.85 million women and 5.79 men.

Task	What it entails	Value (per month)
Daycare for two kids	Taking care of kids for 12-14 hours during the day	₹12,000
Personalised cooking	Taking into account the preferences of 3-4 people	₹6,000
Housekeeping	Supervising laundering, house cleaning by maids and servants	₹3,000
Budgeting & accounting	Keeping record of expenses, purchases and allocating funds	₹4,000
Nursing for kids, elderly	Attending to elderly family members, kids when sick	₹6,000
Tutor	Teaching kids and helping with homework, projects	₹6,000
Driver	Taking kids, other family members around town	₹8,000
<b>TOTAL</b>		<b>₹45,000</b>

Source - [economictimes.indiatimes.com](http://economictimes.indiatimes.com)

On January 5, 2021, the Supreme Court of India acknowledged a woman's contribution to the household and stated that the value of it was no less than an office-going husband and thus, increased the compensation to the relatives in a motor vehicle accident case. Justice NV Ramana also added that the conception that homemakers do not 'work' or that they do not add economic value to the household is a problematic idea that has persisted for many years and must be overcome which will be a step towards the constitutional vision of social equality & ensuring dignity of life to all individuals.

The first time a housewife's contribution to the household was considered to determine compensation was in the case of *Lata Wadhwa & Anr. vs State Of Bihar & Ors* in 2001. It had dealt with the issue of compensation for victims in a negligence case wherein fire broke out in a function conducted by the Tata Iron and Steel Company (TISCO). The husband of the appellant worked in the said unit and Smt. Lata Wadhwa lost her entire family in the incident.

The three-judge bench concluded that someone with expertise should determine the grant of compensation and requested Justice Y.V Chandrachud to make the decision. He arrived at the amounts by categorizing the deceased and their heirs based on age and occupation.

As far as the deceased housewives were concerned, he grouped them into four based on their age and multifarious services rendered by them for managing the entire family. The claimants of the damages of four categories of the deceased women were compensated in different amounts which was more than the compensation paid in usual cases.

Similarly, there have been a plethora of such cases in which the value of the contribution of a housewife was considered to determine compensation.

Although there have been gradual improvements in social equality in the legal arena, the economic sector of our country has still not valued and acknowledged the contributions of a housewife. Additionally, it was concluded in a survey that there were different opinions on whether if a housewife's work should be valued the same as the husband's office work.

Some said this is one step towards social justice while others dissented the Supreme Court's recent decision and thought it would change the whole atmosphere of the household. A lot of them were also not aware that such a remark was made by the Supreme Court of India. Now, the question arises if men who are

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homemakers be compensated similarly. And so far, no such substantial cases have arisen to answer this question. It is for the time to tell as to what course the law shall adopt to ensure the preambular value of socio-economic equality, liberty and dignity.

<sup>1</sup> Lata Wadhwa & Ors. v. State of Bihar & Ors., (2001) 8 SCC 197  
Conception That House Makers Do Not "Work" Or That They Do Not Add Economic Value To The Household Is A Problematic Idea: SC In Motor Vehicle Compensa  
<https://www.livelaw.in/top-stories/supreme-court-homemakers-ho-use-hold-work-economic-value-motor-vehicles-compensation-167981>

## SURVEILLANCE IS NOT THE ONE-STOP SOLUTION TO TACKLING CRIMES AGAINST WOMEN

- G. Moushmi\*

In October 2020, the chief minister of Uttar Pradesh, Yogi Adityanath launched “**Mission Shakti Program**” to ensure safety and security of women in the state. Under this program, the government plans to setup a separate room in around 1500 police stations in the state. The women complainants would be attended by female constables and assured that the police stations would take immediate and urgent actions on their complaints. This program was launched with the following aims:

- ✓ To reduce crimes against women in the state
- ✓ To raise awareness on these issues
- ✓ To enable women to seek speedy redressal

This initiative was introduced after the crime rates in the state skyrocketed with the recent “Hathras Gang Rape” case sending terror waves across the country. The Lucknow police, as a part of this program, took an initiative of setting up Artificial-Intelligence enabled cameras across the cities in certain pockets where the movement of women is comparatively higher and the chances of crimes against women are high. These cameras would capture the images of women’s faces who are in distress when they face any harassment or threats. It would capture the change in expressions on the face of women and report it to the police even before they dial the 100 (National Police helpline).

The intention behind this initiative might be well founded however, it tends to be transgressive, especially in states like UP where the reported crimes

against women and lower caste people are so high.

Many experts have also raised the concerns that such an initiative curbs the woman’s right to decide whether she wants to report the incident or not. Also, the technology requires facial data to recognise and capture which in turn violates the fundamental right to privacy in public policy. Some experts claim that facial expressions cannot predict the mental state of the humans because the reasons could greatly vary.

It is also important to note that a woman would not feel secure or comfortable if at all times the cameras follow them wherever they go. Moreover, the data so collected can be misused especially in a country like India where the rules related to data privacy are lax. It is also not feasible to track every woman in the state just by the alerts raised because of changes in expressions. This policy also gives increased and pervasive control over the public to the police.

Anja Kovacs, founder and director of Internet democracy said that, “what women and most other people want is freedom but not more social control. We need a rights framework to deal with the problems but not a protectionist one”. The need of the hour is not a heavy investment in these technologies to track women unreasonably but to invest the same efforts in holding the culprits accountable and not letting them go free. Investing in technology and saying that everything would be taken care of is not a very good idea. There is a necessity for people to be informed about the gravity of such problems and not to complicate things further.

*\*The author is a first year law student at Institute of Law, Nirma University. All views are personal.*

# THE NEW LABOUR LAWS: A BOON OR A BANE FOR THE LABOURERS?

- Samridhi Shrimali  
Palak Singh \*

The passage of the three new labour codes by the Parliament has led to the beginning of a new era in this sphere. These three codes include The Industrial Relations Code Bill 2020, Code on Social Security Bill 2020 & The Occupational Safety Health & Working Conditions Bill 2020. Although the government passed these laws with an aim to increase the ambit of social security of the laborers including gig workers and interstate migrant workers, to simplify India's "complex" labor legislation and to provide a transparent system to suit the changing business environment, etc., these laws have become a source of greater power for the employer to 'hire and fire' workers without government intervention and hence aggravating the concerns of laborers. The new labor laws define multiple categories, but most definitions are found to be ambiguous. It is most distressing to note that definitions have not been revised in the Code to specifically determine whether a worker belongs to the organized or unorganized sector. To get more insight let's have a look at all of the three labor laws one by one.

## The Industrial Relations Code 2020

This code amalgamates three existing labour laws on trade unions, industrial disputes, and industrial employment. It brings major changes with respect to the number of workers working in an institution. If an institution engages three hundred or more workers than it is necessary on its part to make rules and regulations in respect to holidays granted, paydays, worker's classification, wages, etc. earlier the minimum strength requirement for this was hundred-plus workers. The government by enforcing this Act has restricted the definition of a 'worker'.

It is submitted that this law in violation of the DPSP is designed to protect the interests of industries over that

of the workers. Cracking down the legal and peaceful forms of dissent, the government will be preventing millions of workers from demanding their rights and entitlements from industries through the changes in the industrial relations code.

## The Code on Social Security, 2020

The 2020 Social Security Code consolidates current social security and safety laws, including the Provident Fund for Employers, State Insurance for Employees, gratuities, maternity benefits, etc., while highlighting the different sectors of the Indian population that will be eligible for these entitlements. However, in doing so, it has dealt a severe blow to labor safety, particularly for informal workers. The Code does nothing to improve social security and excludes marginalized workers in several respects, considering the historical exclusions faced by the workforce, including migrant workers, which were illustrated during the Covid-19 lockdown.

The Code does not, to begin with, stress social security as a right, nor does it apply to its provisions as provided for by the Constitution. Moreover, it does not allow for a clear implementation date and would leave millions of employees unemployed without clear social guarantees. During this era of extreme crisis, it was necessary to make social security universal for the entire Indian workforce. Instead, the Code makes arbitrary categorizations that would exempt millions of working poor from its security.

## The Occupational Safety, Health, and Working Conditions Code, 2020

The OSHWC code amalgamates and amends the laws controlling workplace safety, welfare, and working conditions. The Code, however, excludes a range of divisions of economic activity, most obviously the

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agricultural sector, which employs more than 50% of India's total working population. In addition, workers in other unorganized industries, such as small mines, machinery repair, construction, brick kilns, hotels & eating places, fire-works, and also those employed as informal workers in organized sectors, including new and emerging sectors such as IT & enabled services, digital platforms, e-commerce, have also not found coverage under the Code. Universal coverage of all economic activities and groups of workers, including domestic workers, home-based workers, trainees, and volunteers, should be guaranteed by the OSHWC Code. As far as the inter-state migrant workers are concerned, the primary burden has been put on the contractors, who themselves are marginal players and scapegoated by principal employers and large industrial players, who get away without any serious liability for worker protection. The moves to enable registration and portability of Public Distribution System and Building and Other Construction Workers benefits to migrant workers, toll-free numbers to address their issues, and provisions to set them free from bondage are welcome, especially in light of the unprecedented distress suffered by them

during Covid-19. However, very few of these are likely to offer any relief or assistance to vulnerable employees by increasing the threshold of application of the provisions to establishments employing ten workers or more. It is also disheartening that there is no mention in the Code of safeguards for intra-state migrant workers whose size is far more than that of inter-state workers, although the vulnerabilities they face are equally acute, which were evident during the migrant worker crisis.

Thus, even after the alterations in the laws, Social protection policies have not been strengthened, further exacerbating the precariousness of the workers. The economic conditions will not be improved by diluting these already weak laws; it will only worsen the conditions of low wage earners and the poor. The social contract between business and labour is being corrupted by the unequal treatment of migrant labour, causing mass reverse labour migration, crippling businesses. Such interventions are, thus, not only unfair, but also dysfunctional. The interests of employees and corporations, particularly in times of an ongoing economic crisis, are deeply aligned.

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<sup>2</sup>Source:

<https://economictimes.indiatimes.com/news/economy/policy/view-the-interests-of-workers-businesses-are-deeply-aligned-especially-in-these-times-of-crisis/articleshow/75765702.cms>



# HIGHLIGHTS OF BUDGET 2021-22

## FROM THE LENS OF SOCIAL JUSTICE

-Rishi Chouksey [20BAL204]

The Union Budget presented under Art. 112 of the Constitution of India significantly impacts the social, economic and financial fabric of the country. It aims to ensure efficient allocation of resources, keeps a check on prices of essential commodities, helps reduce employment and poverty levels. Here is a compilation of the measures taken or promised by the Budget for the financial year 2021-22 with respect to social welfare of the citizens.



Source - [economictimes.indiatimes.com](https://economictimes.indiatimes.com)

### **Migrant Workers and Laborer Welfare:**

- A proposal to launch a portal that will collect relevant information on gig, building, and construction-workers among others is made by FM. This will help formulate Health, Housing, Skill, Insurance, Credit, and food schemes for migrant workers.
- A proposal to reduce margin money requirement from 25% to 15% under **Stand-up India Scheme** is made by FM.
- Finance minister Nirmala Sithraman spoke about labour welfare, one nation-one ration card, and bringing a larger pool of workers, including gig workers, under the Employees' State Insurance Corporation (ESIC) to expand the social security net.
- The overall budget allocation of the labour ministry was reduced to Rs13,306 crore for 2021-22 from Rs13,720 crore in the revised budget of 2020-21.

- “One Nation One Ration Card” plan is being implemented by 32 states and Union territories, reaching about 69 crore beneficiaries, thus covering 86% of the total beneficiaries. The remaining 4 states and
- Union territories will be integrated in the next few months
- Social security benefits will be extended to gig and platform workers and minimum wages will apply to all categories of workers who will be covered by ESIC.
- At the same time, the compliance burden on employers will be reduced with single registration and licensing, and online returns, the minister said.

### **Agriculture:**

- The Finance Minister in her speech observed that the MSP regime has undergone a sea change to assure price that is at least 1.5 times the cost of production across all commodities. The procurement has also continued to increase at a steady pace.
- SWAMITVA scheme, launched by PM early this year is proposed to be continued in FY2020-2021.
- Proposal to double the Micro Irrigation Fund under NABARD is made.
- The scope of ‘Operation Green Scheme’ that is presently applicable to tomatoes, onions, and potatoes, will be enlarged to include 22 perishable products.
- To benefit farmers, customs duty is raised on cotton from nil to 10% and on raw silk and silk yarn from 10% to 15%.
- A proposal of Agriculture Infrastructure and Development Cess (AIDC) on a small number of items is made to improve agriculture infrastructure.
- The Agriculture Infrastructure Fund would be made available to APMCs for augmenting their infrastructure facilities.

### **Healthcare**

- In addition to National Health Mission, a new centrally sponsored scheme, PM AtmaNirbhar Swasth Bharat Yojana, will be launched. This will develop capacities of primary, secondary, and tertiary care Health Systems, strengthen existing national institutions, and create new institutions.
- **Mission Poshan 2.0** will be launched, which will be a merger of **Nutrition Abhiyan** and **Poshan Abhiyan** to strengthen nutrition content, delivery, outreach and outcome across **112 Aspirational District**.
- **The Jal Jeewan Mission (Urban)**, it aims at universal water supply in all urban local bodies as well as liquid waste management in 500 AMRUT cities. And it will be implemented over 5 years.
- The Urban Swachh Bharat Mission 2.0 will be launched with focus on complete faecal sludge management and wastewater treatment, source segregation of garbage, reduction in single-use plastic, reduction in air pollution and bio-remediation of all legacy dump sites.
- The Pneumococcal Vaccine, a Made in India product, will be rolled out across the country.

### **Reinvigorating Human Capital**

#### School Education

- More than 15,000 schools will be qualitatively strengthened to include all components of the National Education Policy.
- 100 new Sainik Schools will be set up in partnership with NGOs/ private schools/States.

### Higher School Education

- Legislation would be introduced this year to setting up of **Higher Education Commission of India** mentioned in the last year's budget.
- A Grant will be set aside for research institutions, universities and colleges supported by Government of India to create formal umbrella structure and also to retain their internal autonomy.
- For accessible higher education in Ladakh, proposal to set up a Central University in Leh is made.

### Scheduled Castes and Scheduled Tribes Welfare

- A target of setting up of 750 Eklavya Model School is set.
- The **Post Matric Scholarship Scheme** is revamped for the welfare of schedule caste and central assistance is also enhanced in this regard

### Relief to Senior Citizens

- The proposal to exempt senior citizens, who are 75 years of age or above and only have pension and interest income, to pay income tax return.

### Relief to Small Trusts

- Blanket exemption to charitable trusts running educational institution and hospitals by a proposal to increase annual receipt.



# ***NEWS & DEVELOPMENTS***

## **59th Session of the Commission for Social Development**

The 59th session of the Commission for Social Development took place from 8th to 17th February 2021 at the United Nations Headquarters in New York. The Commission is the advisory body responsible for the social development pillar of UN Global Development initiatives. The major theme for this session was “Socially just transition towards sustainable development: the role of digital technologies on social development and well-being of all”. The Bureau of the Commission for Social Development plays a vital role in facilitating the preparation for, and in ensuring the successful outcome of the session

## **Women and Child Development Ministry's budget hiked by 16 per cent**

Women and Child Development Ministry set aside a large sum of Rs 24,435 for the next fiscal year, which is a 16.31 % increase in comparison to the 2020-21 fiscal year. Out of Rs 24,435 crore, the highest quantity has been allotted to the newly announced Saksham Anganwadi and Mission Poshan 2.0 theme with Rs 20,105 crore.

## **Family Planning**

The Centre told the Supreme Court that it was against coercing couples into having a “certain number of children” in a bid to curb the population explosion. In fact, the government said that 2001-2011 witnessed sharp decline in decadal growth rate among Indians in 100 years.

The Union Ministry of Health and Family Welfare said in an affidavit - “The Family Welfare Programme in India is voluntary in nature, which enables couples to decide the size of their family and adopt the family planning methods, best suited to them, according to their choice, without any compulsion.”

- India is a signatory to the Programme Of Action (POA) of the International Conference on Population and Development, 1994, which was unequivocally against coercion in family planning.
- In fact, international experience shows that any coercion to have a certain number of children is counter-productive and leads to demographic distortions.
- India had been witnessing a “constant decline” in the total fertility rate (TFR).
- According to the Census statistics, “2001-2011 was the first decade in the last 100 years which had not only added lesser population as compared to the previous one, but also registered the sharpest decline in the decadal growth rate from 21.54% in 1991-2001 to 17.64% in 2001-2011.
- National Population Policy 2000 had clearly articulated objectives. TFR which was 3.2 at the time when National Population Policy 2000 was adopted has declined substantially to 2.2 as per Sample Registration System of 2018.

- The wanted fertility in India as per National Family Health Survey IV is only 1.8 as against the actual fertility of 2.2 prevailing at that time, indicating thereby that couples on an average do not want more than two children. Also, as many as 25 out of 36 States/UTs have already achieved the replacement level fertility of 2.1 or less.
- National Health Policy (NHP) 2017 provide for a policy guidance to inform, clarify, strengthen and prioritise the role of the government in shaping health systems in all its dimensions. The NHP sets out indicative, quantitative goals and objectives which includes the achievement of TFR of 2.1 by 2025.

### 'Mission Covid Suraksha'

The Government of India launched the 'Mission COVID Suraksha', a development program for Indian candidates and researchers working on the COVID-19 vaccine. Under this mission, the Government would facilitate the clinical development, manufacturing and licensing of Indian vaccines to curb the virus attack. Government has sanctioned Rs.900 crores for the Phase I of the Mission COVID Suraksha, for a period of 12 months. This mission will accelerate the development of approximately 5-6 vaccines for coronavirus. However, a total of 10 vaccine candidates have been currently supported by DBT.

### Global Wage Report 2020-21

International Labour Organisation (ILO) Report titled '*Wages and Minimum Wages in the Time of Covid-19*', presents the emerging empirical evidence of the effects of crisis on Wages.

#### **Key Findings:**

- **Disproportionate impact** of COVID-19: workers in lower-skilled occupations lost more working hours than higher-paying managerial and professional jobs.
- Informal workers in India suffered a 22.6% fall in wages, even as formal sector employees had their salaries cut by 3.6% on an average,
- **Gender wage gap:** Without wage subsidies, women would have lost 8.1% of their wages in the second quarter of 2020 compared to 5.4% for men.
- Between 2016-19, wages increased most rapidly in Asia and the Pacific and Eastern Europe and slowly in North America and northern, southern and western Europe

#### **Recommendations:**

- Adequate and balanced wage policies arrived at through strong and inclusive social dialogue.
- Adequate minimum wages could help to ensure more social justice and less inequality.

### IIT Delhi and AARDO partner for agricultural and rural development

Indian Institute of Technology (IIT) Delhi and African-Asian Rural Development Organization (AARDO) have collaborated for agricultural and rural development. They have additionally signed an MoU to cooperate and collaborate on these areas through technological interventions and capability improvement.

The cooperation between IIT Delhi and AARDO are going around areas like technological interventions, bio-energy, biomass, biogas, ecological sanitation, food quality & safety, property agriculture, property housing, food process among others

### **Issue of Private Hospitals**

Parliamentary Standing Committee on Home Affairs in its Report stated the need for having a comprehensive Public Health Act with suitable legal provisions to keep checks and controls over private hospitals in times of a pandemic and to curb black marketing of medicines. The Standing Committee submitted its Report to the Rajya Sabha Chairman Venkaiah Naidu.

#### **Suggestions:**

- **Emergency Use Authorisation for COVID Vaccine** - The parliamentary committee report noted that the CDSCO has given no emergency use authorisation in the past, and suggested that all necessary and mandatory requirements must be duly fulfilled and all trial phases completed. So, any vaccine against COVID-19 should be granted emergency use authorisation only after proper consideration and conducting its trials on a sufficient sample size.
- **More Funds for Govt. Hospitals** - Since government hospitals bear the brunt in such emergency situations, hence more funds should be allocated to public hospitals to strengthen the public health Infrastructure so that they can equip themselves appropriately to handle such pandemics in the future.
- **Provide Cheap Medicines at Subsidised Rate to Vulnerable Sections in times of Pandemic** - The committee recommends that good quality and affordable medicines be provided to everyone, especially at a cheaper or subsidised rate to the marginalised sections of the society especially at the time of Pandemic like COVID-19
- **Hold Awareness Campaigns** - The Committee suggested that the government should be proactive by holding awareness campaigns on cheaper and effective re-purposed medicines to prevent panic buying of expensive drugs by the people.
- Make COVID treatment **cashless** for all people having insurance coverage.
- **Form a separate wing in NDMA** - National Disaster Management Authority which will specialize in handling pandemics like COVID-19 in the future.
- Address problems faced by farmers, non-corporates and non-farm and small micro enterprises in getting medical insurance coverage.
- Ensure states deliver dry rations or allowances to children deprived of mid-day meals due to pandemic.

#### **Reasons Given by the Panel**

- Selling of beds by private hospital to COVID patients at exorbitant rates.
- The law will support the government in keeping checks and controls over private hospitals.
- The Act will also keep a check on black marketing of medicines and on product standardization.
- Government can have regulatory oversight over private hospitals refusing to accept insurance claims.

### **India's gig economy workers to get social security for the first time**

Nirmala Sitharaman announced in the Union Budget 2020-21 that the government is set to launch a portal that would collect relevant data on gig economy workers. This initiative comes before the implementation of the Labour Code and is aimed at assisting development of Social Security schemes for people employed in the gig economy. This measure might lead to an increase in compliance required by on-demand firms, particularly those involved in e-commerce and ride-hailing. These reforms might lead to growth of the human resource management sector for blue-collar employees.

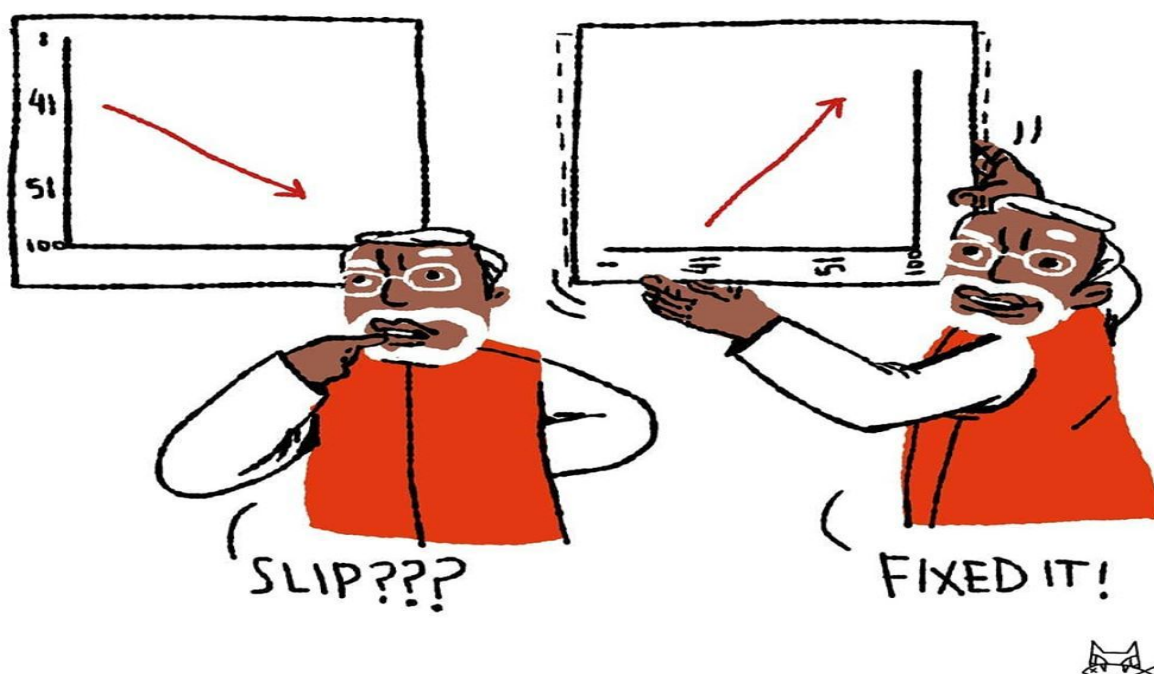
## India falls to 53rd position in EIU's Democracy Index

India slipped down two places to the 53rd position in the 2020 Democracy Index's world ranking. India's overall score fell from 6.9 in 2019 to 6.61 in the Index that poses a snapshot of the present state of democracy for 167 countries worldwide.

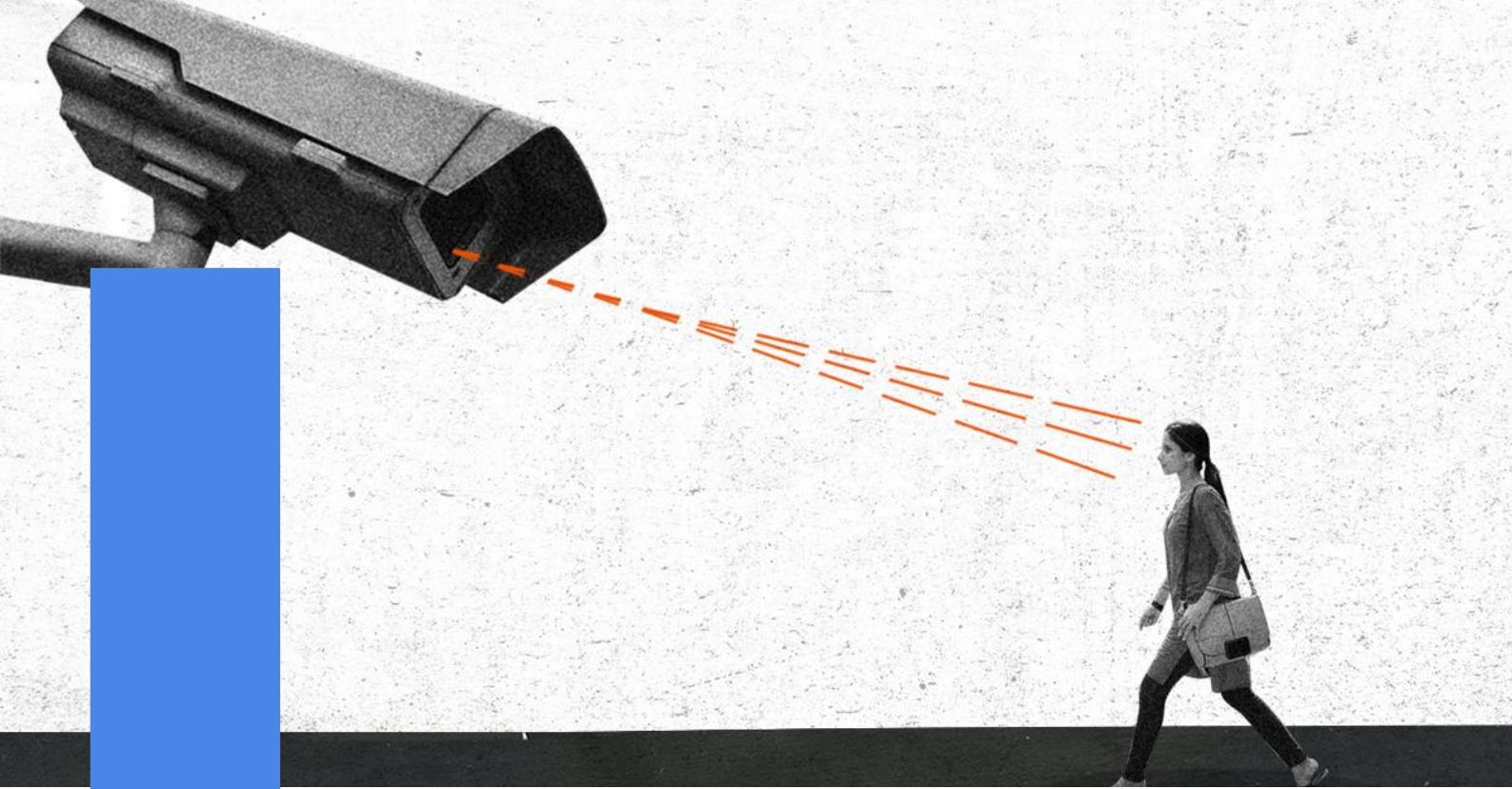
## Fifth National Family Health Survey

In a democratic country hunger and malnutrition is the most important index that shows the "actual" level of development. The result released for the initial phase of the fifth spherical of the National Family Health Survey (NFHS-5) with reference to year 2019-20 shows the decline in key anthropometric and nutrition indicators., particularly in comparison with NFHS-4 with the reference year 2015-16. The country has the largest variety of stunted youngsters within the world.

**"India slips 10 spots to 51st rank in annual Democracy Index  
due to 'erosion of civil liberties'"**



Source - Kruttika Susarla | Instagram



## **CSJ ILNU MONTHLY BULLETIN**

January 2021 Highlights

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