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EPW – DECEMBER 2018

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1. COSTS OF BREATHING

Why in news?

- A recent research found that Indians suffer from disproportionately high mortality and disease burden on account of polluted air.
- It points to a looming public health emergency that necessitates a renewed focus on mitigating the hazards of air pollution in India.

What are the findings?

- The study revealed that in India, the annual population weighted mean exposure to ambient particulate matter, PM_{2.5}, in 2017 was 89.9µg/m³, which was one of the highest in the world.
- None of the states in India could comply with the WHO-recommended norm of ambient PM air quality of less than 10µg/m³.
- Moreover, about 77% of the population was exposed to pollution levels higher than 40µg/m³, the level recommended by the National Ambient Air Quality Standards (NAAQS).

What are the consequences?

- Air pollution caused more disease burden in India than tobacco use, leading to respiratory infections,

diseases of the lungs and heart, stroke and diabetes.

- The study estimated that about 1.24 million deaths in 2017 were attributable to air pollution.
- The average life expectancy would have been higher by 1.7 years had the air pollution level been less than the minimal level.
- UP, Haryana, Delhi, Punjab and Rajasthan had the highest ambient PM pollution disability-adjusted-life-year (DALY) rate, while the states of Chhattisgarh, Rajasthan, MP and Assam had the highest household air pollution DALY rate.
- Thus, air pollution was not only confined to urban areas, with rural Indians affected more disproportionately due to the burning of solid fuels.

What are the impacts of air pollution on the economy?

- Air pollution caused by industries, vehicle emissions, burning of crop residue and construction activities has only continued to grow over time as the economy grew. E.g: New Delhi
- Thus, it is time to acknowledge that the economic costs of pollution are too high to ignore.



- The health risks caused by air pollution also incur substantial costs to the economy.
- A study by the World Bank & University of Washington, published in 2016, estimated welfare losses due to air pollution for India at \$505.1 billion in 2013.
- India also reported the highest forgone labour output due to air pollution globally in 2013 which was estimated at \$55.39 billion.
- Together, welfare losses and forgone labour output put India's GDP loss in 2013 at more than 8.5%.

What is the government's response?

- The government acknowledged air pollution as a pan-India problem with the drafting of the National Clean Air Programme (NCAP).
- It was intended to strengthen the institutional capacity to monitor air quality, carry out indigenous studies to understand the health impacts of air pollution and create a national emission inventory.
- However, the program has been criticised by environmentalists for lack of clear reduction targets and strategies to ensure compliance within a specified time frame.

What should be done?

- Thus, for the challenge of controlling air pollution would require not only coordination across regional

boundaries, but also political and public will as well as action at the ground level.

2. QUESTIONING SURVEILLANCE SANS DATA PROTECTION

Why in news?

- The recent notification of Ministry of Home Affairs (MHA) authorised 10 government agencies to intercept, monitor and decrypt “any information generated, transmitted, received or stored in any computer” under the IT Act, 2000.
- This indicates the urgent need for a data protection law.

What is the issue?

- It proposes the regulation of “unlawful” social media content, requiring the intermediaries (like WhatsApp and Telegram) to provide the government with “traceability” of encrypted content—.
- It defeats the purpose of end-to-end encryption—and increasing the period of time for which data has to be stored by them.

Why is data protection important?

- The nature of communications technology has drastically changed since the Indian Telegraph Act was passed.
- We talk, read, work, bank, express, protest, and dissent via these devices.



- With the government itself promoting and pushing for a “Digital India,” it, then, becomes all the more essential that there be a strong data protection law protecting the interests of the individual, rather than laws that only protect the actions of the state in the name of national security.
- However, illegalities and threats to national security have also gone the digital way.
- Still, pervasive and unrestricted curbs on or surveillance of these devices and networks would be tantamount to the government playing the role of an omnipresent Big Brother.

What are the recommendations?

- As the B N Srikrishna Committee on data protection has noted, “Surveillance should not be carried out without a degree of transparency that can pass the muster of the **Puttaswamy test of necessity, proportionality and due process.**”
- As regards the necessity and proportionality of surveillance, the debate on the trade-off between privacy and security is an old one.
- However, in the absence of a data protection law, the implementation of safeguards to protect the individual’s right to privacy has taken a backseat.
- As for due process, while we wait for some semblance of a data protection act—like the bill drafted by the

Srikrishna Committee—to see the light of day, how surveillance processes are working on the ground is something that the government is unwilling to share.

What should be done?

- What is required is a complete overhaul of India’s surveillance framework, the inclusion of and compliance with the principles of privacy delineated in the Puttaswamy judgment, and the urgent implementation of a data protection law.

3. DO WE NEED A NEUTRAL BUREAUCRACY?

Why in news?

- Weeks after the Bulandshahr violence that resulted in the death of a Uttar Pradesh (UP) police inspector, 83 former bureaucrats have written an open letter demanding the resignation of the CM of UP.
- The letter has highlighted that neutrality helps enlightened public officials escape the honeycomb-like structure of a partisan government.

What is the significance of the letter?

- First, it is written keeping in view the normative principles of the Indian Constitution as the reference point.
- It shows that public officials are not slaves to either the politicians or any



other authority other than the moral authority of the Constitution.

- Second, it shows that the principle of neutrality implies a measure of independence both from the partisan interests of the government of the day and the exogenous agenda that prompts certain social groups to cow others down to humiliating vulnerability.
- The spirit of the letter shows that there is a need for public officials to play an active role that is crucial not only to bring in relief to its very credibility
- But it also suggests the role particularly for a socially sympathetic bureaucracy to adopt administrative practices so as to give some relief to those social groups who continue to reel under the constant fear of mob lynching.
- Third, the letter also suggests that failure of the government, which by implication promotes the emergence of the hydra-headed mob lynching mentality, makes the discussion on post-bureaucratic society irrelevant.
- Finally, it also suggests that even in the post-retirement period, public officials could make significant interventions for more noble purposes without joining a particular brand of formal politics.

How does the constitution influence bureaucracy?

- For a genuine public official, commitment to constitutional principles is not only a lifelong project, but, more importantly, it can be carried out without any political or ideological mediation.
- If this is the case, the Constitution serves as the standard by which one can measure the capacity of a bureaucracy to remain committed to peace, harmony and justice.
- The onus is on those public officials who have either joined or are planning to join parties with shaky records on gender and social pluralism, to seek public validity for their entry into such parties.

What are the moral functions of the public officials?

- First, to protect the very state of which it is a part from being disrupted by the disquieting elements from civil society.
- Second, to prevent the disruptive efforts of a society that is ridden with caste and patriarchal consciousness.
- These involve public officials' moral capacity to resist anti-constitutional interests that the government of the day may try to push.
- Also needed is their active intervention to translate these constitutional principles to



understand everyday forms of people's problematic social practice.

Why neutrality is crucial in bureaucracy?

- Public officials form part of a universal class because the end of their activities is to realise the universal interest of establishing a decent and peaceful society.
- It has the capacity to de-antagonise social relations through peaceful mediation, persuasion, and deliberation.
- The universality of such a class is contrasted with the pursuit of a particular interest.
- Thus, the neutrality principle as suggested in their letter has a moral function to prevent public officials from becoming slaves to the government of the day.

4. RAFALE JUDGMENT ON TRIAL

What is the issue?

- The SC's judgment refusing to set up an investigation team to look into the Rafale deal has an air of haste and incompleteness about it.
- It indicates that SC can exercise judicial activism only to the extent that the government of the day permits it.

What are the concerns with the hearings?

- First, the Court said that it did not want to look into the pricing aspect of the matter, then changed its mind and asked the government to provide details of pricing in a "sealed cover."
- Second, when submitting pricing details only in such "sealed cover", with no opportunity to the petitioners to rebut facts.
- Third, even as it keeps insisting that questions of defence acquisition are matters beyond its technical competence, the Court cannot help but make passing remarks on the necessity of the Dassault Rafale fighters for the Indian Air Force.
- This seems to be based on an unstructured and somewhat haphazard "interaction" with air force officers during the hearing.
- The end result is that far from settling any controversy or aiding any truth from coming out into the public domain, the Court has only kept most questions about the deal unsettled, and raised more on its own institutional capacity to adjudicate such disputes.
- The office of the CAG, whose draft reports formed the basis for some of the Court's interventions is rarely seen or heard of these days.



- The CBI, which the Court depended on to carry out investigations, is in complete and utter disarray, with the Central Vigilance Commission, supposed to supervise the CBI, having stood idly by until it was too late.
- Without other agencies working as intended under law, any SC intervention in the Rafale deal would have been, at best, an ill-informed stab in the dark.
- The intriguing part of the recent judgment is that it rules out any foul intention in the deal.
- The Court seemed to be in a great hurry to give the judgment relying only on the information given to it by the government.
- Although it was the obligation of the government to give all the necessary information required for a complete judgment, that seems to have not happened.
- In such a situation, the Court should have asked for such necessary information.
- It gives us the sense that a more complete judgment is awaited in this case.

What should be done?

- Even with the cooperation of these agencies, there is no guarantee that the Court's intervention necessarily serves the purposes of justice or

larger constitutional goals. e.g: Acquittal in 2G spectrum case

- Thus, at some point, the SC will have to carry out procedurally more adequate and balanced appraisal of its role in matters such as the Rafale deal.

5. THE ART OF SELF-DECEPTION

Why in news?

- The Maharashtra government has decided to provide members of the Maratha caste with 16% reservation in education and state employment.
- This decision lacks sincerity of purpose.

What are the responses?

- The potential beneficiaries are anxious to see the implementation of the decision working in their favour with immediate effect.
- The state government, however, appears to be quite enthusiastic to claim credit for the decision and its implementation.
- It's evident in state governor's almost instant signature on the bill, the start of the Mahabharati (the mighty recruitment drive) program and issuing of caste certificates to members of the Maratha caste.

What are the issues on the state's part?

- The government's enthusiasm, however, lacks the moral force of sincerity.



- This is due to the fact that it has not been able to eliminate an element of uncertainty and legal indetermination that surrounds its decision to give the reservation.
- Thus, the state has failed to work out the reservation package with firm commitment supported by robust homework.
- It is quite possible to show that even today at least in some parts of Maharashtra, members of the Maratha caste do face social coercion that is internal to the coercive caste hierarchy.
- Thus, the decision itself was desirable, but the method by which the government arrived at it lacked procedural robustness that is required in order to uphold the constitutional basis of justice.
- As has been indicated by the directives of the Bombay HC, the government has not made public the report of the panel it appointed to look into the entire issue.
- Since this report is not publicly accessible, it is difficult to take for granted the government's willingness to work out the basis that would place the reservation provision beyond the sphere of legal litigation.

What are the challenges?

- The demand for reservation in the private sector only suggests that the

state hardly has any capacity to create enough jobs within the government sector.

- In fact, the growing demand for jobs in various sectors is going to be a continuous social challenge that any government has to face in the coming years.

What lies ahead?

- The struggle for a secure and dignified life is not desired by the Maratha youth alone but by the youth in general.
- This kind of struggle involves a new beginning on the part of the struggling youth over whom no government can exert permanent control through promises or ill-worked-out policies.
- Such time-tested policies and provisions lacking proper thought and planning and hence credible response would suggest that the government is a victim of self-deception.

6. FORCED 'REHABILITATION' IN MUMBAI

What is the issue?

- 5,700 families from around Mumbai's Tansa Lake pipeline were shifted forcefully to Mahul.
- It is indicative of not only a brutal and deliberate indifference to the very existence of the poor, but also of how



the state views its responsibilities towards these citizens.

What is the background of the issue?

- Maharashtra is estimated to have nearly 30 lakh project-affected persons (PAPs) who are yet to be rehabilitated.
- In the Mahul case, in 2009, the Bombay HC asked the state government to evict and clear slum dwellers and their hutments from within 10 metres of the Tansa Lake pipeline because they were considered a security threat.

How is the living condition of the rehabilitation place?

- The cluster of 72 buildings each with seven floors, into which they have been located, offers an almost surreal sight.
- There is no connecting infrastructure and amenities.
- Instead, these buildings stand amidst two major oil refineries, one power-generating company, one chemical and fertiliser unit, and other big industrial units.
- According to media reports, the Maharashtra Pollution Control Board's Comprehensive Environment Pollution Index rates Mahul as severely polluted and in 2015, the NGT had termed Mahul as **unfit for human habitation**.

- The health and educational facilities are accessible at unaffordable distances and costs, worsened by the diseases like skin rashes, respiratory ailments, tuberculosis & overall lack of physical well-being.
- This is further marred by a contaminated water supply and abysmal drainage and sewerage systems.
- The media has also reported the RTI responses which point to deaths in this settlement due to these illnesses and even their campaign is called "**Jeevan Bachao Andolan**" (agitation to save lives).

What does this episode reveal?

- Government after government has proudly announced plans and proposals to turn Mumbai into a "world class city."
- All the outward manifestation of infrastructural works only hides the steady and rapid deterioration of the factors that once contributed to the city's reputation as a politically conscious one, proud of the contributions of its working class.
- Unfortunately, unlike the Mahul residents, there seems to be no concerted agitation to fight back against this lopsided transformation.
- The Mahul resettlement episode also shows how the state's policies for



housing of the urban poor and low-income groups are totally inadequate.

- It is clear that the contribution of a large section of urban citizens is totally discounted in the making of the city and the functioning of its economy.

7. TO KILL A TIGRESS

Why in news?

- The killing of Avni, a conflict tigress in Yavatmal, Maharashtra, who was thought to have killed several people, led to a huge controversy.
- The issue raises questions on the drivers of human-wildlife conflict, the destiny of tigers in a human-inhabited and -modified landscape, and whether tiger reintroductions can happen in such a scenario.

What are the administrative protocols?

- **Outside Tiger Reserves:** The **National Tiger Conservation Authority** (NTCA) has a standard operating procedure (SOP) for man-eating tigers and leopards.
- The basic premise thus is that tigers do not belong in landscapes that are human-dominated.
- However, it has been evidenced that tigers use a swathe of areas to disperse or to colonise new territory.
- Besides, loss of habitat connectivity in close proximity to a tiger source area

owing to various land uses also foster straying of tiger near human settlements, eventually ending up as a “**man-eater.**”

- However, by reinforcing the word “stray,” the idea propounded is that the tiger does not belong in the disturbed forest.
- On the issue of declaration of a man-eating animal, the WPA, 1972, and the SOP say that the chief wildlife warden has to provide written reasons as to why a tiger is called a man-eater.
- This is clearly to avoid innocent animals from being killed or removed.
- If successive trapping efforts fail, chemical immobilization of the wild carnivore should be done by an expert team having a veterinarian.

How have reintroductions been?

- The first local extinction of all tigers from a tiger reserve was in Sariska, Rajasthan in 2004.
- Tigers from Ranthambore were reintroduced there and a small breeding population now exists, but it is noteworthy that two were found poached or poisoned by people .
- Thus, while reintroduction or translocation of tigers is a bulwark for interstate cooperation, and can be a scientific or biological success, it in itself does not address questions of conflict, animosity, and the need for



evolving adaptive management practices.

What are the necessary changes?

- The first change should come from the NTCA SOP itself.
- Naming tigers in places outside protected areas as strays betrays a narrow understanding of ecology.
- It also demonstrates a highly anthropocentric approach.
- In the case of consistent interfaces between tigers and humans, management interventions will have to optimise solutions for people and decrease encounters.
- This could include 24×7 monitoring using technology, management of corridors, building up the frontline capacity, creating village teams for reporting wild animal presence, and, an intersectoral portfolio at the landscape level akin to the “master plan” envisaged for an eco-sensitive zone.
- A recent study by the **World Wildlife Fund** shows a 60% decline in species populations.
- Industrial and agriculture pressures are mounting on forested areas.

What should be done?

- Conservation that is led by scientific decisions informed only by logistics and specifications of physiology of an

animal meant for translocation, will not work.

- The scientific premise of reintroduction will have to take into account local realities, and devise appropriate managerial responses.
- The frame of science and ecological restoration or reintroduction needs to familiarise itself with the thorny issues of habitual poaching, multiplicities of land use in a given area, and human–tiger interfaces.
- The tiger cannot have a future only in the box of a tiger reserve—indeed, it is hardly doing well there.
- But, the answers to address future conflict do not lie in carrying on aggressively with traditional conservation agendas, but towards fully managing the newly emerging threats and challenges.

8. DEVELOPMENT IMPACTS OF MIGRATION AND URBANISATION

What is the issue?

- The issues of migration and urbanisation are much debated in development literature, but often their negative consequences compared to positive impacts are highlighted.

How urbanization leads to development?

- Empirically, urbanisation, economic growth and reduction in poverty are closely related.



- It has been found that a strong positive relationship exists between the level of urbanisation and per capita income across countries.
- Nearly all countries which achieved middle-income status were at least 50% urbanised and all high-income countries are 70%–80% urbanized.
- The causal mechanism of urbanisation works through **agglomeration**, a concentration of activities and people.
- In large countries of Asia such as India, China, Indonesia and South Korea, urbanisation played a significant role in economic growth and poverty reduction.
- Cities are also considered as a means to solve the emerging economic and environmental crisis .
- **Better standard of living:** In spite of huge migration to urban areas, access to adequate healthcare, education, electricity, water, sanitation and clean fuel is higher in urban than rural areas.
- Urbanisation also helped in raising productivity in agriculture by providing access to market, modern inputs and technology.
- In such a situation urbanisation should be looked at as a solution rather than a problem.

What is the relationship between migration and development?

- The experience of many developing countries shows that migration has tremendous potential to improve human development.
- The efficiency of labour use and poverty reduction are the two main outcomes associated with transfer of surplus labour from agriculture to the non-agricultural sector.
- Thus, studies confirm that migration is an important pathway out of poverty.

What are the opportunities and benefits associated with migration?

- **Labour demand and supply:** Fills gaps in demand for and supply of labour; efficiently allocates skilled and unskilled labour; cheap labour, disciplined and willingness to work.
- **Remittances:** Provides insurance against risks to households in the source areas; increases consumer expenditure and investment in health, education and assets formation.
- **Return migration:** Brings knowledge, skills and innovation also known as social remittances.
- **Skill development:** Migration is an informal process of skill development through exposure and interaction with the outside world.
- **Climate Change:** Migration has also emerged as a possible adaptive



mechanism in the context of climate change and the occurrence of extreme weather events like floods, droughts, and cyclones, etc.

What are the concerns?

- Migration may perpetuate dependency and urbanisation and might exacerbate regional inequality if left to the agglomeration economies fuelled by market forces.
- Seasonal and temporary migrants with low levels of education and skills are more vulnerable and subject to various kinds of exclusions in urban areas.
- They are excluded from social security programs such as public distribution of food, access to education and healthcare and, entitlement to housing at the place of destination, owing to the absence of identity and residential proof.

- They also face hostility from native residents instilled with a “**sons of the soil**” ideology.

What should be done?

- However, it is emphasised that the policies and programmes that protect the rights of migrants, eliminate discrimination and are integrated with development, are likely to reap bigger gains for development.
- A continued understanding of urban transition is also essential for developing an appropriate spatial strategy of urbanisation which is just and sustainable.
- There is a need to integrate urbanisation policy with that of migration and development policies.