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1. THE FATE OF NEW POLICE INITIATIVES

Why in news?

- As part of its community-policing initiatives, the Maharashtra police has decided to institutionalise the "best policing practices" that were or are being followed in districts across the state.
- In this context, accountability to the citizen must be paramount in community-policing initiatives.

What are the issues with the police?

- **Human rights violation:** The shortcomings and downright violations of human rights committed by the police are a major concern.
- **Vacancy:** It has been repeatedly pointed out that India's ratio of police persons per 1,000 people is 1.2, which is grossly below the United Nation's recommendation.
- **Work conditions:** Problems of overwork, lack of leave, poor dietary habits due to long hours of duty, lack of decent housing and so on are just some of the issues they face.
- According to media reports, the introduction of eight-hour shifts in Kerala and Mumbai has been welcomed by the police therein.
- **Hierarchy:** Colonial hangover in terms of the hierarchical set-up of the police and training and more endemic issues like the lack of caste and religious diversity in the force, and the attitude towards women constables and assistant inspectors.
- **Poor skills and means:** It is also well known that the overall dismal conviction rates for most major crimes stem from poor investigation, and forensic skills and means.
- **Opacity:** But, while these and many other issues need to be addressed urgently, the most important are the accountability of the police to the larger community and their attitudes towards tribal, marginalised, Dalit and women complainants.
- **Political interference:** One aspect that is constantly mentioned and criticised is the "political interference" in police functioning and the political executive's hold over the force.

What lies ahead?

- Policing is, or rather should be, aimed at providing a safe environment to the community.
- As noted by experts, it is the only non-combatant organisation that can use force against citizens and curtail their liberty.

- Such power must be tempered by its own moral and social consciousness.
- The initiative announced by the Maharashtra police must take these factors into account when it institutionalises the best community practices.

2. EXPLORING THE 5G SAGA

What is the issue?

- The US has imposed a ban on Chinese telecom giant Huawei.
- This raises a question of whether it is a strategy of market competition or state control of digital spaces.

What is the reason for the current embargo?

- The recent embargo/moratorium on the Chinese telecom giant Huawei by the US and its allies—especially those in the Five Eyes alliances—is indicative of such technological disintegration.
- The firm is noted for its proactivity in setting the technical standards for the 5G network, wherein China alone is projected to deploy almost 33% of all 5G connections, world-wide, by 2025.
- In contrast, the share of the US and Western Europe, taken together, is estimated to be around 25% or so.

What is the significance of 5G?

- China, and Huawei's technologies *in situ*—with 10% of the 53,345 technology patents filed by China in 2018 coming from the firm alone—will be at the heart of those technologies that the governments worldwide have recognised as critical for the future of national infrastructure.
- The 5G, being spectrally more efficient than the predecessor technologies, can transmit higher amounts of data across larger numbers of communicative devices at lower propagation latencies.

What are the challenges?

- **Capital intensive:** As in the case of the previous generations of (tele)communication technologies, for the 5G too, deployment during the initial/nascent phase of the technology appears to be highly capital intensive.
- At the same time, while it is almost ubiquitously accepted that 5G will generate new revenue streams through diversification of cyber products and services, how much of this value can be captured by the carrier is uncertain.
- Instead of generating the anticipated new revenue benefits for the carriers, the LTE-enabled applications became a capacity layer to help the carriers

grapple with escalating capital requirements arising due to the exponential traffic growth from over-the-top media services and the declining average revenue per user due to intense price competition.

- In such a context, network sharing could have been a cost minimising strategy for faster deployment of 5G.
- But the US and its allies seem cynical of any such arrangements.

How does the future look?

- With a widespread perception that the foundation of economic leadership will rest with the creation of value and new uses of data, it is no wonder that China's 5G network density rate—5.3 sites every 10 square miles, in comparison to 0.4 sites every 10 square miles in the US—is a matter of concern for its competitors.
- By keeping the friction inherent in network deployment processes alive, the US and its allies are potentially building up a case for state intervention in the digital space.
- On the one hand, are protectionist interventions like subsidies that would give them a price advantage in the global markets.
- But more disconcerting is the pervasive surveillance power that the state can openly exercise once its control over digital infrastructure gets institutionally acknowledged.
- Such control further enables the blurring of ideological crises of the contemporary political systems.

3. CASTE IN THE MIDST OF CYCLONE FANI

What is the issue?

- The recent incident of caste discrimination in the aftermath of Cyclone Fani in Odisha is different from the earlier cases of discrimination during disasters such as the 2004 tsunami and the 2001 Gujarat earthquake.
- It is different, not in relation to destructive intensity, but more in terms of its ethical dimension that seeks to completely devastate human relationships.

How caste discrimination prevented Dalits from enjoying their basic rights?

- **Denying the right to shelter:** The complete absence of human concern on the part of the upper castes was intensified in their response to the Dalits' fundamental need for safety in shelter.
- As reported in the media, the cyclone-affected Dalits from a village in the Puri district were not only barred from entering the public shelters but also forced to vacate the shelters that they had managed to occupy.
- The Dalit families were forced to take

shelter under a banyan tree, which was also uprooted by the cyclone and shared the fate of the Dalit families.

- One could have understood the upper castes' refusal to accommodate the Dalits had it been a private shelter of the former.
- But since they sought to convert a public space into a private fiefdom, this, by implication, eliminated the ground on which the Dalits could have exercised their right to be accommodated in the public shelter.
- In fact, this was not a question of upper castes failing to extend ethical generosity towards Dalits, since the shelter was a government school which the latter had the right to enter.

What are the other instances of caste discrimination in disaster relief?

- Caste discrimination was witnessed in the process of distribution of aid following the tsunami in Tamil Nadu, and the earthquakes in Kutch, Gujarat and Latur in Maharashtra.
- Similarly, in the case of Bihar floods, it was reported that the distribution of aid was done in a way that did not help the poor and the Dalits.
- Food and medicine packets were dropped on the terraces of the buildings owned by the rich.
- Obviously, the Dalits did not have access to such terraces.
- However, the military personnel must have thought it sensible to drop the food and medicine packets on the terraces of the houses rather than into the flood water.
- It is in this sense that disaster-bound discrimination is **structural**.
- It is structural because human bias is rationalised from the utility point of view.
- That is to say, in flood relief operations, for example, what is important to keep in mind is the concern that food and medicine packets are not being wasted.

What lies ahead?

- Natural disasters do not discriminate when they befall human beings.
- They affect everyone with equal and devastating force, without discrimination.
- The disastrous impact of nature is uniform.
- It is, however, the human beings and their protective capacity that creates the differential response to the natural disaster.

4. HANDLING NUCLEAR WEAPONS WITH RESPONSIBILITY

What is the issue?

- Irresponsible election rhetoric over nuclear weapons would only lead to a mutually assured delusion.

How is India's posture with respect to nukes so far?

- India had acquired minimum nuclear deterrence capability in 1974 itself, but was reluctant to acknowledge its status due to certain legal, technical, and geopolitical reasons.
- Even after proclaiming itself as a nuclear weapons state in 1998 and initiating steps to develop a nuclear triad consistent with the doctrine of "**minimum credible deterrence**," India assured the international community that its nuclear weapons are for deterrence only and that it will not be the first to use them against any of its adversaries.
- However recent invocation of nuclear weapons to seek votes contradicts India's restrained nuclear posture and puts the country in the company of irresponsible states.
- Countries possessing nuclear weapons should exercise extreme prudence in their deployment posture and public conduct of its leadership because the costs of miscalculation or misinterpreted intentions can be catastrophic.

Why restraint is significant while dealing with nukes?

- **Environmental impact:** A large-scale nuclear war can produce mind-numbing regional and global environmental impacts.
- **Health:** Medical professionals had warned that the healthcare system of any city or region will be totally paralysed after a nuclear attack and will be incapable to respond to the needs of the injured, who will be left in a pathetic situation of envying the dead.
- The Cold War nuclear scenarios may be less relevant for India and Pakistan, but even a limited nuclear exchange can have terrifying consequences for the region.
- Unlike the Western and Soviet societies, which were generally better informed and educated by their governments, Indian and Pakistani societies are mostly unaware of the impact of nuclear weapons.
- The perennial border conflict between India and Pakistan has already invalidated the theory that nuclear weapon states do not directly fight each other.
- External intervention prevented a few crises spiralling into nuclear conflict,

and it cannot be taken for granted that this will save the day every time.

What lies ahead?

- Nuclear war will bring unimaginable miseries to both India and Pakistan and should thus not be even casually talked about, let alone fought.
- The two Cold War adversaries deluded themselves that each would prevail after a full-scale nuclear war, only to realise that it produced a stalemate of mutually assured destruction.
- The Indian and Pakistani leadership should, therefore, avoid having a mutually assured delusion of prevailing in a nuclear war.

5. WOMEN'S REPRESENTATION IN POLITICS

What is the issue?

- The culture of political opportunism and hyper-masculinity fails the cause of women's representation.

Why is reservation important?

- To ensure a presence of women representatives in the political arena, reservation for them is important.
- It gets highlighted by the fact that in the last Parliament, only 11% were women, with only one woman representative for more than 9 million women.
- Reservation also gains significance as the candidature of women by political parties remains limited.
- Parties tend to bank on celebrity status and "star value" of women candidates or their dynastic links.
- Most political parties neglect the women workers who work closely with communities and instead choose candidates on other bases of electability.
- Even if women get tickets, the odds are heavily weighed against them in elections, as they face a hostile, lecherous, and dominating male cadre, are caricatured and minutely scrutinised, or are sexualised and glamorised.
- It is important, however, that women are able to break free from such a reduction of their personality themselves.

What are the challenges facing the women representatives post elections?

- **Entrenched misogyny:** Even when women do get elected and gain political power, this power may not necessarily translate in their substantive participation in politics.
- This is quite evident in the fact that even parties headed by women leaders are not able to invert the entrenched misogyny.
- However, studies have also shown

that increased representation of women at the local level of governance has brought about a change in the agendas and approach towards political work.

What should be done?

- The number of women voters has been increasing.
- There is need for representatives who can raise and articulate their precise demands and create spaces for growth of a new political culture and groups.
- These representatives, for instance, can raise issues like the declining workforce participation rate of women and the two crore missing women in the electoral rolls, as these issues have a direct impact on women's representation in politics.
- They need to broaden the understanding of "women's issues," which are as much about the issue of polarisation of society as about the issue of gas cylinders.
- To be truly representative, the voices of women from different constituencies and backgrounds are needed, as they make space for a different mode of politics and new sensibilities.
- In addition to "lived experience," what is needed is a belief in as well as the practice of values of democracy and feminism, and the posing of questions to forces that spread aggressive masculinity and militancy.

6. THE WEIGHT OF A VOTE

What is the issue?

- NOTA as a passive device absolves individuals of their responsibility to engage with the political reality.

What are the arguments surrounding NOTA?

- NOTA essentially tends to rest the moral initiative with a voter, who can then enjoy moral authority over their constitutional duty.
- Further to it, NOTA is treated as moral protest and hence has its basis in negative responsibility, which would mean that my NOTA vote is the result of the poor quality of the candidates, for which the voteris not responsible.
- However, there is a counter-view to this argument.
- In the case of NOTA, it is the holder of the right to vote who puts value and moral authority behind a vote by choosing "none of the above."

Who decides the weightage of a vote?

- It is not the voters, but the candidate who decides the weight of a vote.
- It has been the experience of the sex workers, Adivasis, and voters from the

minorities that they were never approached by candidates for their votes.

- These candidates seem to have assessed that the actual political cost is much lesser than the enormous moral gain they make by not approaching these sections.
- This is confirmed in the moral feelings of the electorally neglected lot, who develop a sense of insult and humiliation when not approached.
- The voters have an empty right to vote, but no right to be approached by candidates on an equal basis.
- They feel that they have the strong desire to vote, but feel that their vote is considered less valuable as compared to other voters who are frequently approached by candidates.
- These voters being approached would thus grant equal value to them, irrespective of their social and gender backgrounds.
- While one's age makes the "adult" a biological state of being that defines universal adult franchise, the right to vote carries value not just as a biological but also as a moral condition by assigning equal value to every vote irrespective of gender and religion.
- It is in this moral sense that the right to vote becomes universal.

What are the concerns with NOTA?

- It is not always the case that NOTA acquires its moral strength based on the universal criterion of assessing the calibre of a candidate on moral grounds.
- It could be argued the specific social character of reserved constituencies that has some bearing on the decision to exercise NOTA.
- The electoral politics in reserved constituencies continues to be less competitive and, hence, makes it less motivating for voters to avoid the NOTA option.
- **Lack of due deliberation:** Arguably, NOTA essentially is an unmediated judgment that is arrived at by a person through their singular reading about the falling standards of the people's representatives under question.
- However, this is not a judgment that is reached at after due deliberation with the candidates.
- It is not reached at after the - intervening power of the voter is tested and not wasted in the "murky" political process that produces such a representative in the first instance.
- **Separation of individual from collective responsibility:** NOTA tends to separate the individual from the principle of collective responsibility because the individual

does not take the responsibility of being indirectly responsible for the production of such bad politics.

- Adopting the historically sensitive approach will shed some light on the NOTA conundrum.
- **Ahistorical:** NOTA is also ahistorical in the sense that it is defined in terms of the absolute choice of a voter, and not in terms of the choices that emerge from the historical process that essentially involves the rejection of one candidate in favour of a relatively better one.
- This exercise falls within the realm of the collective responsibility of reflectively endorsing the relatively better candidate and reflectively rejecting the "bad" one.

7. CHALLENGES FOR TRANSGENDER-INCLUSIVE SANITATION IN INDIA

What is the issue?

- Currently, the sanitation needs of the transgender community are addressed on the assumption that the community is a homogeneous group, and that public toilets earmarked for them address their total sanitation requirements.
- However, designing transgender-inclusive sanitation requires a deeper examination of the role of caste, gender, and age within the transgender community.

What are the sanitation related issues facing the transgenders?

- As a consequence of the underlying discrimination against the transgender community, toilets remain as sites of social exclusion and violence in their day-to-day lives.
- Transgender persons are exposed to sexual harassment and violence if they use the men's toilets and are unwelcome in both women and men's toilets as "it is widely believed that they are seeking sex work when they visit the toilets".
- This leaves them with few options and many of them continue to practice open defecation, or wait to find a safe time to use the toilets.
- Thus, the transgender community faces dangers of infection, violence, humiliation, and corruption in their daily lives as they manage their sanitation needs.

What is the Manipur's model?

- The Manipur government has introduced separate toilets for transgender persons during various festivals and in some parts of Imphal, a step that was appreciated by the transgender community.
- However, these toilets have

not addressed the issue of their safety and dignity.

What are the neglected dimensions of the issue?

- **Misconceived as homogenous:** The transgender community is frequently presented or discussed as a homogeneous community that has more or less uniform needs from the public and community sanitation systems.
- In reality, transgender communities are heterogeneous along the caste, age, and gender axes; all or some combination of these can determine a transgender person's access to public sanitation.
- **Child transgenders:** The discussion about the transgender community in India centres largely on adult transgender persons.
- The sanitation needs of young adults and children have had a limited discussion in both policy and academics.
- This requires a rethinking of not only public toilets but also toilets in schools and colleges.
- **Caste:** Transgender persons from disadvantaged caste communities, for example, may find it more challenging to raise funds or resources as compared to their upper-caste counterparts.
- **Transphobia:** Transgender persons encounter everyday transphobia, including while using public toilets.
- Moreover, the definition of transgender sanitation requires to expand and include the needs of transgender persons who menstruate, are disabled, or are post-operative.
- For example, countries in the West such as the UK now use the term "**menstruator**" to indicate that other genders and not just women menstruate.

What is the way forward?

- **Tackling transphobia:** To have transgender-inclusive sanitation, it is essential to recognise the need for tackling transphobia through policy, law, employment, and social integration.
- Manipur can serve as an example of how to initiate such dialogues and how sanitation can function as a starting point into these discussions.
- **Recognition of their hetrogeneity:** The first step is to recognise that this community is not a homogeneous group and there are significant dynamics along the caste, age, and other axes.
- **Addressing safety issues:** Technical solutions can only meet their sanitation needs partly.
- Although the central government

allowed transgender persons to use the restrooms of their choice (male or female) in public and community toilets, this move may not automatically ensure safety from violence.

- Transgender persons have reported facing verbal and physical violence while using both, the female and male toilets.
- All transgender experiences are not the same and, therefore, the design of the public toilets needs to provide enough scope for privacy and anonymity to those who do not wish to single out their identity.
- Therefore, a one-size-fits-all "toilet for third gender" or sharing toilets with women, will not automatically lead to transgender-inclusive sanitation.
- The next step is to acknowledge that transgender persons have varying sanitation needs at different stages of their lives, and school- and college-level transgender-inclusive sanitation can be crucial during their formative years.
- While speaking to children might be challenging, it is possible to speak with adult transgender persons to collect retrospect insights into transgender children's needs.
- Finally, there is a need to expand the meaning of sanitation for transgender persons to include menstrual hygiene and reproductive care.
- In short, transgender-inclusive sanitation requires a deeper understanding of their social, cultural, biological needs through various life stages.

8. UNDERMINING THE LOKPAL

What is the issue?

- Members of the Lokpal were appointed in 2019, more than five years after the law was passed, in a manner that undermined public trust in the institution.
- In 2016, even before the Lokpal became functional, amendments were made to weaken key provisions of the legislation relating to asset disclosures by public servants.

What are the concerns with the appointment of Lokpal?

- **Composition:** The L&L Act provides for the appointment of the chairperson and members of the Lokpal by the president based on the recommendations of a committee consisting of the Prime Minister (chairperson), speaker of the Lok Sabha, the leader of opposition (LoP) in the Lok Sabha, the CJI or a judge of the SC nominated by them and an eminent jurist, as recommended by the chairperson and other members.
- After the 2014 general elections, no one was recognised as the LoP in the

Lok Sabha.

- The Court held that the appointment of chairperson or a member of the Lokpal will not become invalid merely because of any vacancy in the selection committee, the L&L Act was an eminently workable piece of legislation and the appointment could be made with a truncated selection committee without the LoP.
- **Lack of transparency:** Transparency in the functioning of the selection panel could have helped allay fears that the committee was merely rubber-stamping the government's choice of candidates.
- However, the functioning of the committee was shrouded in secrecy and no details of the selection process were placed in the public domain.
- Minutes of meetings of the selection panel, sought under the RTI Act, were denied.

What are the concerns with 2016 Amendments of the Lokpal Act?

- **Relaxing deadlines:** Public disclosure of assets and liabilities of public servants was important to ensure that people could make informed complaints to the Lokpal.
- The declarations were to be furnished within 30 days of the act coming into force.
- But the deadline was extended several times on the pretext that the Lokpal covered various categories of public servants and multiple rules regulating their asset disclosure norms needed to be amended to bring them in consonance with the Lokpal law.
- This was followed by amendments that severely diluted the asset disclosure provisions of the Lokpal Act.

What are the necessary reforms?

- **Representation of the Opposition:** First, the issue of the constitution of a balanced selection committee, which does not have a majority representation from the ruling party, must be addressed.
- The composition of the selection panel needs to be appropriately amended to provide for the inclusion of the leader of the largest opposition party in the Lok Sabha as a member of the committee, in case no one is recognised as the LoP.
- **Transparency:** Second, the selection committee must adopt a robust procedure to ensure transparency in the appointment process.
- The procedure should mandate public disclosure of particulars of applicants, shortlisting criteria, records of deliberations, including minutes of meetings of the search and selection committee and material showing how

the selected candidates fulfil the eligibility criteria.

- **Asset disclosure:** The Lokpal must mandate a robust system of asset disclosures for public servants, their spouses and dependent children and these should be publicly available to enable people to participate in the fight against graft by making informed complaints.
- **State level Lokayuktas:** Fourth, much of the corruption that affects common people, especially the poor and marginalised, is in state and local government agencies.
- Therefore, it is important to have effective Lokayuktas set up at the state level, along the same lines as the Lokpal at the centre.
- Section 14 of the act, which lists the categories of public servants against whom the Lokpal would receive complaints of corruption, extends the definition to include functionaries of entities that are wholly or partly financed by the government with an annual income above □ 1 crore, and of entities receiving donations from foreign sources in excess of 10 lakh per year.
- Burdening the Lokpal with complaints against lakhs of persons associated with private, non-governmental bodies who do not exercise the kind of influence and power which high-ranking public functionaries do, will distract the agency and dilute its efficacy, thereby defeating the basic purpose for setting it up.
- The act, therefore, needs to be amended to remove such functionaries from the definition of public servants under the law.

9. CONTINUAL DIMINISHING OF THE ARAVALLI HILLS

Assessing Intergenerational Equity

What is the issue?

- The Aravalli range is considered the "lungs" of the polluted National Capital Region.
- The failure of Haryana and Rajasthan governments to rein in the miners despite the Supreme Court's orders to preserve the hills, has resulted in severe degradation of the hills, causing many of them to vanish.

What is the ecological significance of the Aravalli range?

- **Checks desertification:** Historically, it is said that the Aravalli range checked the spread of the Thar desert towards the Indo-Gangetic plains, serving as a catchment of rivers and plains.
- **Biodiversity:** It is worth noting that the Aravalli range also provides habitat to 300 native plant species, 120 bird species and many exclusive animals like the jackal and mongoose.

- For Haryana, having the lowest forest cover at around 3.59% of the total forest cover in India, the Aravalli range is the only saving grace, providing the major portion of its forest cover.
- But due to its overexploitation, the range is no longer an effective green barrier.

What are the Court's Orders and how are they violated?

- In a landmark order of 1992, the Supreme Court ordered that the Aravalli range should only be subject to mining and industrial activities that are preapproved from the central government.
- However, the order was not well implemented, and as a result, in 2002, the SC banned all mining in an area up to 5 km from the Delhi–Haryana border, and had put restrictions on the mining activities in the Rajasthan region of the Aravalli.
- Subsequently, in order to bypass the purview of the SC's order, the Rajasthan government, through an amendment, redefined "hill," stating that any raised area less than 100 m cannot be categorised as a "hill."
- The SC, however, put a blanket ban on mining in 2009, across all the hills of the Aravalli.
- Yet, mining continued illegally.
- Although the Supreme Court categorically banned real estate activities in the Aravalli range falling under Haryana, the Haryana government not only gave a nod to the construction projects, but also actively aided in the running of these projects.

How is Intergenerational Equity being enforced?

- India, being a party to **Stockholm Declaration and the Rio Declaration**, has built a running narrative of intergenerational equity through its judicial pronouncements.
- However, the recognition of the rights of the present as well as the future generations has been ignored by the state authorities.
- Given that intergenerational equity is the "law of the land" in India and Article 21 of the Indian Constitution recognises the "right to clean environment" , it is imperative to see the steps taken by state authorities as the violations of fundamental rights of the future generations.

- **Precautionary principle:** In pursuit of intergenerational equity, the SC has laid down the "**precautionary principle,**" stating that the central and/or the state governments, while considering a project, must foresee environmental degradation and shall

prevent such degradation without waiting for scientific evidence to show that there will be irreparable damage to the environment.

- The NGT establishes that the precautionary principle has a twofold obligation: first, the project proponent must take all expected precautions to prevent pollution resulting from its activity; second, it has to take into consideration the principle of intergenerational equity and therefore, be cautious that it causes no irretrievable damage to natural assets.
- **Environmental anarchy:** However, the developments in the Aravalli range have been conducted in complete oblivion of the laws, resulting in environmental anarchy in the region.
- **Factors:** In addition, the implementation of precautionary measures is considered on the basis of four elements, namely: the **level of threat** that warrants action, **the level of evidence** required to avoid taking precautionary action, the **range of actions** that are under consideration, and the necessary **level of force of the actions**.
- However, the state authorities never justified their inaction towards implementing the precautionary measures through evidence or any scientific findings, nor did they come out with a range of actions that can be adapted to make mining and construction-related operations judicious.

What should be done?

- However, the need of the hour is that the authorities must learn from their "history of (mis)conduct," and state governments must constitute committees to measure the anthropogenic impacts on the Aravalli's ecology over the past seven decades.
- After evaluating these impacts, the respective governments must implement a strategy consisting of precautionary measures taking into consideration the fundamental rights of the future generations over the Aravalli range.