



A way forward for trans persons

Significant: No less than 13 members of the transgender community have been selected recently as constables under the Chhattisgarh police. This is truly historic and thrilling for a community that had no legal recognition till the Supreme Court in NALSA vs. Union of India (2014) ruled that transgender persons have the right to decide their self-identified gender.

Highlights:

1. Their induction into the police force is a vital message to people that they are as physically and mentally competent as others.
2. This is more significant in the backdrop of the fact that there was no reservation for the transgender community as a separate category.
3. This may, hence, help in changing the perception of people who think of them as a fearful entity with a stigma of identity, disability, criminality, or untouchability. Earlier, a few transgenders were inducted into the Tamil Nadu police too.
4. However, soon after the 2014 Supreme Court judgment, the Chhattisgarh government constituted the Third Gender Welfare Board to take up various welfare measures in favour of trans people.
5. Instructions were issued to all departments to include 'third gender' as an option (along with male and female) in official documents that require mentioning the gender or sex of a person.
6. District-level committees were constituted to identify members of the transgender community so that welfare schemes could be implemented for their benefit.
7. Sensitisation workshops were organised at State and district levels by the police department and police officers were apprised about the Central law and the Supreme Court's ruling on transgenders.

International conventions and Law

1. The recently enacted Transgender Persons (Protection of Rights) Act, 2019, which paved the way for issuing a certificate of transgender identity, is in spirit with international conventions, particularly the Universal Declaration of



Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966, and the Yogyakarta Principles, 2006.

2. The Act recognises that transgender persons have a legal right to self-perceived gender identity in accordance with the principle of the “Psychological Test” instead of the “Biological Test”.
3. According to law, transgender persons cannot be discriminated against in any matter relating to employment by any establishment.

At the same time, society needs to erase its biases and accept transgender people as equal human beings with humility.

Deconstructing declarations of carbon-neutrality

Under pressure: India should not join this game as it has to stay focused on development as its immediate need and aspirational goal.

Carbon Neutrality Trend and Pressure

At the latest count by the non-profit Energy and Climate Intelligence Unit (ECIU), at the beginning of April, 32 countries had declared, in some documented form, their proposed intention to achieve carbon-neutral status by mid-century or thereabouts. The UN Secretary-General has taken the lead in sparking off an international chorus, led by global civil society organisations based in the developed countries and encouraged by their governments, that is urging all countries, especially.

India Opposition:

1. It is evident that the balance of emissions and removal of greenhouse gases is not sought on a country-wise basis but for the world as a whole.
2. Whether the mid-century carbon neutrality goals of developed countries are compatible with Article 2.2 that declares that the Paris Agreement “will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances”.
3. India has to stay focused on development — both as its immediate need as well as its aspirational goal.



4. Any self-sacrificial declaration of carbon neutrality today in the current international scenario would be a wasted gesture reducing the burden of the developed world and transferring it to the backs of the Indian people.
5. India's twin burden of low-carbon development and adaptation to climate impacts is onerous and no doubt requires serious, concerted action.
6. India lacks funds and technology to achieve such a goal, both of which it lacks. India's approach to eventual net-zero emissions is contingent on deep first world emissions reductions and an adequate and unambiguous global carbon budget. Meanwhile, India must reject any attempt to restrict its options and be led into a low-development trap, based on pseudo-scientific narratives.

Falling short

Blame game:

1. There is acknowledgement at the Centre that India is in the midst of a deep crisis and the blame has been squarely laid on the people who are not following 'COVID-appropriate behaviour'.
2. In January, India rushed through two vaccines and sought to give the impression that it was the vaccine manufacturing hub of the world and could provide for its own vast population as well as for the world outside.
3. However, with the national second wave that began in March and growing public clamour for making the vaccine available to all adults.

Issues:

1. The Serum Institute of India, unlike India's public sector vaccine companies that have largely shut down, is a private contractor for whom India is just another buyer.
2. It can manufacture no more than 65 million doses a month and there is only a vague assurance that "most" of it would be for Indians.
3. Covaxin constitutes less than 10% of India's vaccine portfolio and in March the Centre had ordered only 20 million doses more.



4. Both firms have demanded that the government provide additional funds to expand manufacturing to enable more vaccines to Indians and the SII has also demanded a higher per vaccine price guarantee prioritised supply.
5. States have been complaining of vaccine shortages
6. While it is true that most countries have prioritised their healthcare workers, they have also moved to rapidly expand access without barriers within.
7. Several states in the United States and Israel have unfettered access and the U.K. has said it will prioritise its own needs before exporting. Therefore, the government must realistically clarify its supply line and endeavour to accelerate universal vaccine access.

Way Forward:

1. Clearance to more vaccines
2. Activate Pharma PSUs to manufacture vaccines
3. Open vaccination for all

For Lok Adalats, speed overrides quality

Justice delayed is justice denied. Access to justice for the poor is a constitutional mandate to ensure fair treatment under our legal system. Hence, Lok Adalats (literally, 'People's Court') were established to make justice accessible and affordable to all. It was a forum to address the problems of crowded case dockets outside the formal adjudicatory system.

About Lok Adalats:

1. As an alternative dispute resolution tool, Lok Adalats are regularly organised to help parties reach a compromise. Motor-accident claims, disputes related to public-utility services, cases related to the dishonour of cheques, and land, labour and matrimonial disputes (except divorce) are usually taken up by Lok Adalats.
2. The State Legal Services Authorities (SLSAs) have been organising Lok Adalats on a daily, fortnightly and monthly basis.



High clearance rate:

Data from the National Legal Services Authority (NALSA) show that Lok Adalats organised across the country from 2016 to 2020 disposed of 52,46,415 cases. Similarly, National Lok Adalats (NLAs) organised under the aegis of NALSA settle a huge number of cases across the country in a single day. For instance, NLAs conducted on February 8, 2020, disposed of 11,99,575 cases. From 2016 to 2020, NLAs have disposed of a total of 2,93,19,675 cases.

Lok Adalat Positives:

1. Litigants are forced to approach Lok Adalats mainly because it is a party-driven process, allowing them to reach an amicable settlement.
2. When compared to litigation, and even other dispute resolution devices, such as arbitration and mediation, Lok Adalats offer parties speed of settlement, as cases are disposed of in a single day; procedural flexibility, as there is no strict application of procedural laws such as the Code of Civil Procedure, 1908, and the Indian Evidence Act, 1872; economic affordability, as there are no court fees for placing matters before the Lok Adalat; finality of awards, as no further appeal is allowed.
3. This prevents delays in the settlement of disputes. More importantly, the award issued by a Lok Adalat, after the filing of a joint compromise petition, has the status of a civil court decree.

Quality of Judgements:

However, besides efficiency and speed, Lok Adalats both online and offline should focus on the quality of justice delivered.

1. As compromise is its central idea, there is a concern, and perhaps a valid one, that in the endeavour for speedy disposal of cases, it undermines the idea of justice.
2. In a majority of cases, litigants are pitted against entities with deep pockets, such as insurance companies, banks, electricity boards, among others. In many cases, compromises are imposed on the poor who often have no choice but to accept them.



3. In most cases, such litigants have to accept discounted future values of their claims instead of their just entitlements, or small compensations, just to bring a long-pending legal process to an end.
4. Similarly, poor women under the so-called 'harmony ideology' of the state are virtually dictated by family courts to compromise matrimonial disputes under a romanticised view of marriage.
5. Even a disaster like the Bhopal gas tragedy was coercively settled for a paltry sum, with real justice still eluding thousands of victims.

A just outcome of a legal process is far more important than expeditious disposal. It is hoped that NALSA would take some concrete and innovative steps in improving the quality of justice rendered by National Lok Adalats.