



Tackling the Maoists

The insurgency has weakened but its potency in select areas has not reduced.

Vanishing red tide:

1. In a meeting with State leaders and representatives, Home Minister Amit Shah noted that the geographical influence of the Maoists has reduced from 96 districts in 10 States in 2010 to 41 now.
2. The contraction is not surprising. Armed struggle has found few takers beyond select pockets untouched by development or linkages with the welfare state; and far from consolidating its presence — a prospect that seemed possible following the merger of two major Naxalite groups into the proscribed Communist Party of India (Maoist) — the organisation is limited to the remote and densely forested terrains of central and east-central India.
3. Rather than mobilising discontents with the Indian state by projecting its weaknesses and ensuring inclusion and welfare, the Maoists have the privileged armed struggle, invited state repression and sought to use this to recruit adherents.
4. Such a strategy has led to some of India's poorest people, the tribals in Chhattisgarh and Jharkhand in particular, being caught up in endless violence, and also caused severe losses to the Maoists as well anti-insurgent security forces.

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The Maoist insurgency still has potency in South Bihar in Chhattisgarh, the Andhra-Odisha border and in some districts in Jharkhand. These States must focus on expansive welfare and infrastructure building even as security forces try to weaken the Maoists. Frequent skirmishes and attacks have not only affected the security forces but also left many tribal civilians caught in the crossfire. A purely security-driven approach fraught with human rights' violations has only added to the alienation among the poor in these areas. The Maoists must be compelled to give up their armed struggle and this can only happen if the tribal people and civil society activists promoting peace are also empowered. The Indian government should not be satisfied with the mere weakening of the Maoist insurgency and reduce commitments made for the developmental needs of some districts of concern in States such as Jharkhand, as its Chief Minister has alleged. The Union government and the States must continue to learn from successes such as the expansion of welfare and rights paradigms in limiting the movement and failures that have led to the continuing spiral of violence in select districts.

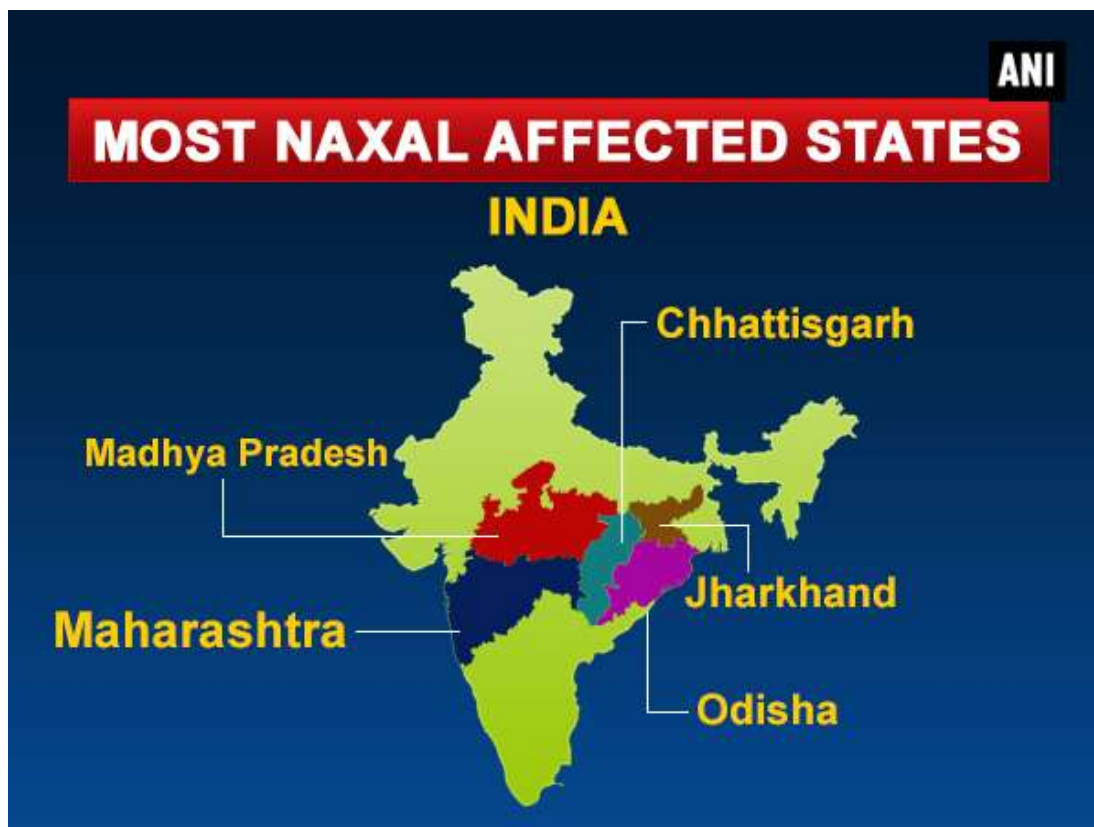
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5. This has followed the predictable path of most Maoist insurrections that retained armed struggle to achieve their aims – in the Philippines and Peru, for example – leaving behind death and violence rather than enabling genuine uplift of the poor.
6. Despite these, the Maoists have not budged from their flawed understanding of the nature of the Indian state and democracy, unwilling to accept that the poor people, whom they claim to represent, seek greater engagement with the electoral and welfare system.



Still a potent force in certain areas:

1. The Maoist insurgency still has potency in South Bastar in Chhattisgarh, the Andhra-Odisha border and in some districts in Jharkhand. These States must focus on expansive welfare and infrastructure building even as security forces try to weaken the Maoists.
2. Frequent skirmishes and attacks have not only affected the security forces but also left many tribal civilians caught in the crossfire. A purely security-driven approach fraught with human rights violations has only added to the alienation among the poor in these areas.

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4. The Indian government should not be satisfied with the mere weakening of the Maoist insurgency and reduce commitments made for the developmental needs of some districts of concern in States such as Jharkhand, as its Chief Minister has alleged.

The Union government and the States must continue to learn from successes such as the expansion of welfare and rights paradigms in limiting the movement and failures that have led to the continuing spiral of violence in select districts.

How to grease the wheels of justice

The problem of pendency of cases in courts across the country can be tackled with a few measures.

At present, despite good intentions, the nation's judiciary is hurtling towards a disaster and needs immediate attention. A measure of the justice delivery system is the pendency of cases in courts across the country. We have seen a significant deterioration in this aspect as shown in the table.

Pendency issues: Pendency shows marginalization and prevalence of corruption

1. More than 40% of cases are decided after three years in India, while in many other countries less than 1% of cases are decided after three years. If India does not act decisively and quickly, this percentage will keep increasing.
2. The rich, the powerful and the wrongdoers have a field day by getting their cases expedited or delayed as they wish. The increase in corruption and crime is a direct fallout of the sluggish justice delivery system.

How to grease the wheels of justice

The problem of pendency of cases in courts across the country can be tackled with a few measures

Year	Total Cases	Decided Cases	Pendency Cases
2019	1,00,00,000	95,00,000	5,00,000
2020	1,10,00,000	90,00,000	20,00,000
2021	1,20,00,000	85,00,000	35,00,000

An increasing backlog

The infographic includes a bar chart showing the increasing backlog of cases over time, with a significant rise in 2021. It also features a photograph of the Supreme Court of India.

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3. This severely impacts the poor and marginalised. For them, the judicial process itself becomes a punishment. Data show that about 70% of prisoners in India are undertrials and are mostly poor citizens.

Filling vacancies

1. Two measures can be implemented within two years to tackle this issue. First, reduce the pendency of cases by filling sanctioned judicial positions.
2. Analysis shows that between 2006 and 2019, the average increase in pendency was less than 2% per year whereas the average vacancy in sanctioned judicial positions was about 21%. If the sanctioned positions had been filled, the pendency of cases would have gone down each year.
3. The responsibility of appointments in the subordinate judiciary lies with the State governments and their respective High Courts.
4. The responsibility of ensuring near-zero vacancies should be with the Chief Justices of the High Courts and the Chief Justice of India and they should be held accountable for the same.
5. Filling all vacancies may result in a requirement of about 5,000 courtrooms. A simple solution would be to run 5,000 courts in two shifts.



Use of technology

1. The second is to improve working with the use of technology. The e-Committee of the Supreme Court has been in existence since 2005. It has made three outstanding recommendations that are not being followed.

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2. One, computer algorithms should decide on case listing, case allocation and adjournments with only a 5% override given to judges.
3. It said all rational reasons and limits should be put on adjournments; case listing should give the main weightage to 'first in, first out'; and case allocation should take into account logical criteria. This would be a big step in reducing arbitrariness and the unfair advantage that the powerful enjoy.
4. Two, the courts should focus on e-filing. The e-Committee made detailed SOPs on how petitions and affidavits can be filed and payment of fees can be done electronically without lawyers or litigants having to travel to the courts or use paper. This should be implemented in all seriousness and would also save about three lakh trees annually.
5. Three, it focused on virtual hearings. COVID-19 prompted the courts to adopt virtual hearings. All the courts in the country must switch to a hybrid virtual mode immediately and start disposing of cases.



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Summary:

All the recommendations given below would require no changes in the laws. These are based on the Supreme Court's various decisions and the e-committee's recommendations.

1. e-filing of petitions, affidavits and payment of fees;
2. algorithm-based computerised listing, roster, case allocation and adjournments with only a 5% override to be given to judges;
3. hybrid virtual hearings;
4. filling judicial vacancies; and
5. holding Chief Justices responsible for ensuring that vacancies in judicial positions are less than 5%.

If all this is done, India's judicial system can rank among the 10 top countries of the world. These changes would make India the preferred nation for international investments and also fulfil the fundamental right to speedy justice of citizens.

In pursuit of happiness

The great degree of unhappiness in Indian society has a lot to do with the way the law and its institutions operate.

Happiness and Governance:

1. Until the beginning of the publication of the United Nations World Happiness Report in 2012, happiness was not considered an objective of governance. But it has now emerged as a new measure of the quality of governance.
2. The connection between law, governance and happiness has been gaining considerable attention over the years. This is because the report has shown time and again that countries with a higher GDP and higher per capita income are not necessarily the happiest.

Dismal performance

1. The United Nations World Happiness Report of 2021 ranks India 139 out of 149 countries. Happiness was measured by also taking into consideration





the effects of COVID-19 on the people and their evaluation of the performance of governance systems.

- The report shows that COVID-19-induced social distancing had a severe impact on happiness as sharing and community life was hugely affected during the pandemic.

India's dismal performance

- India's dismal performance on happiness is crucial if we look at governance and the law. Happiness has never been considered an explicit goal of public policy in India. The trust and confidence enjoyed by public institutions are quite pertinent in the happiness score sheet.

- Guarantees of rights, participation, dignity and social justice are crucial in the determination of happiness in a society like India

- We tend to limit the role of law to a mere sanctioning instrumentality that satisfies the retributive instincts of people. However, the law is capable of creating many positive obligations, which may lead to a collective conscience, care and cooperation.

- It is capable of making people feel that they have a role in resolving their problems through distributive justice. "To feel that your lost wallet would be returned if found by a police officer, by a neighbour, or a stranger, was considered to be a measure of happiness than income, unemployment, and major health risks," the report states.



Laws and Institutions source of unhappiness in India:

- Law ought to bring happiness to the lives of people. The great degree of unhappiness in Indian society has a lot to do with the way the law and its institutions operate.

- People live in pain and anguish as their legitimate grievances remain unaddressed by the legal system. It is erroneous to believe that every case that is decided by the courts brings happiness to the people.

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3. According to the World Justice Report, as many as 40% of people live outside the protection of the law in the world. More than 5 billion people fall into this 'justice gap'. India's share is very big in these figures.
4. The estimated figure of 3.5 crores pending cases in various courts of the country is not merely a number as all those connected with these cases are in a state of anxiety. They are certainly not happy people.
5. Typically, the criminal justice system for these people is a source of unhappiness.

Rule of law:

1. India's rule of law rank was 69 as per the World Justice report 2021. It has a chilling effect on the right to life, liberty, economic justice, dignity and national integration. Justice in India hardly seems to espouse the goal of happiness in society.
2. Criminal justice drastically impacts the lives of people. It is capable of providing safety but it also leads to fear, stigma and repression. People are rarely satisfied with the police and courts in this country.

Lower crime rates, happier societies

1. The data suggest that happy countries have lower crime rates. Crime and its resultant suffering are a major source of unhappiness.
2. Countries scoring high on the Rule of Law Index also score well on the index of happiness.
3. Second, in the report, happiness levels were significantly determined by various socio-demographic factors like health, education, crime rate, criminal victimisation and fear of crime.

Nations are now responding to the happiness index. The United Arab Emirates was the first country in the world to have set up a Ministry of Happiness. The Ministry monitors the impact of policies through a happiness meter and takes measures to ensure a better life. Bhutan introduced Gross National Happiness as a measure of good governance. Rothstein and Uslaner (2005) say that honest and effective governments can create more socio-economic equality. This leads a greater number of people reposing trust in their government, which is an important condition for happiness.



Breathing in unhealthy air

The WHO recently updated its air pollution guideline limits from the standards set in 2005. The average 24-hour concentration of PM2.5* has been revised downwards to 15 μm^3 from 25 μm^3 . In India, according to the National Ambient Air Quality Standards (NAAQS), last revised in 2009, the average daily PM2.5 limit is much higher at 60 μm^3 . In 2021, in a majority of the Indian cities, pollution levels exceeded the WHO's 2005 limits on most days. The number of cities which flout the guideline limits increases further if the WHO's current standards are considered. Worryingly, deaths attributable to higher pollution levels are increasing in India. By **Sumant Sen, Vignesh Radhakrishnan and Jasmin Nihalani**



Average daily PM2.5 levels were more than NAAQS for over half of 2021 in Delhi



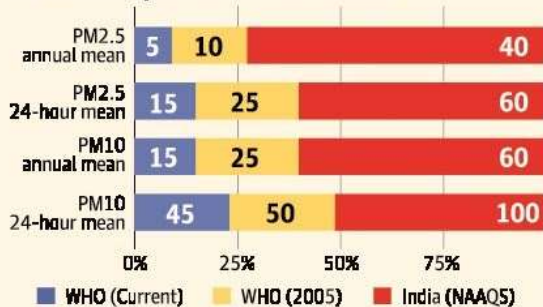
In Chennai and Hyderabad the pollution levels were below the new WHO standards for most of 2021



Deaths due to PM2.5 exposure in India have risen significantly in the past decade, while decreasing in other BRICS nations

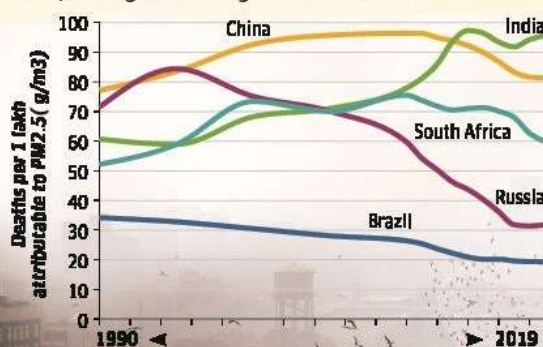
New standards

While the WHO's latest global air pollution standard allows for an average of only 15 μm^3 of PM2.5 concentration in a 24-hour period, India's permissible limit is 60 μm^3 . A look at how other parameters set by the WHO compare with Indian standards



Rising fatalities

The chart depicts the number of deaths, standardised according to age, recorded due to PM2.5 exposure per one lakh people in BRICS countries between 1990 and 2019. Such deaths are rising only in India among the five nations. As many as 95.6 deaths per one lakh people were recorded in India due to PM2.5 exposure in 2019, the highest among the countries shown



Air quality in cities | The table shows the % of days on which the average daily PM2.5 levels was ≤ 15 (new WHO limit), >15 but ≤ 25 , >25 but ≤ 60 and over the NAAQS limit (>60). Daily pollution data between Jan. 1, 2021 and Sep. 27, 2021 were considered. In 2021, Delhi's ITO station recorded an average daily PM2.5 concentration of more than 60 μm^3 on 68% of the days, while only 2.2% of such days were observed at Velachery in Chennai

Station	≤ 15	>15 but ≤ 25	>25 but ≤ 60	>60
ITO, Delhi	0.0	1.7	30.3	68.1
Anand Vihar, Delhi	0.0	0.8	32.5	66.8
Dwarka, Sector 8, Delhi	0.0	7.0	45.0	48.0
Vikas Sadan, Gurugram	0.4	3.3	49.1	47.2
Shikarpur, Patna	1.1	17.7	36.9	44.3
Gomti Nagar, Lucknow	4.5	17.1	46.8	31.6
Bidhannagar, Kolkata	11.6	19.0	39.9	29.5
Kunjaban, Agartala	33.5	14.5	22.7	29.4
Adarsh Nagar, Jaipur	4.4	9.6	62.2	23.7
Maninagar, Ahmedabad	0.0	5.5	70.9	23.6
PWD Junction, Kohima	29.4	19.8	32.9	17.9
PA Univ, Ludhiana	1.9	10.0	70.5	17.7
Talcher	9.4	18.0	56.9	15.7
TT Nagar, Bhopal	10.3	32.5	47.2	10.0
Vyttila, Kochi	27.7	29.9	32.5	10.0
Central Univ, Hyderabad	43.3	10.4	38.2	8.2
Sikulpuikawn, Aizawl	59.9	10.3	21.8	8.0
Colaba, Mumbai	16.2	28.7	47.7	7.4
Kurlichi, Colmbatore	0.0	6.9	86.2	6.9
Velachery, Chennai	53.9	14.4	29.5	2.2
Silk Board, Bengaluru	34.7	23.6	40.2	1.6
Karve Road, Pune	22.1	26.4	50.0	1.4
Lumpynggad, Shillong	67.3	14.2	17.9	0.6
Thiruvananthapuram	11.2	49.0	39.4	0.4

*particulate matter with diameter less than 2.5 microns
Source: WHO, NAAQS, CPCB, State of Global Air