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Editorial Discussion & Analysis (EDA)

30th & 31st July 2021

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Note -

- The Newspaper clippings pasted in PDF are important from Mains point of view as it contains the fodder material for Mains Answer Writing.
- Also watch DND video lectures everyday @ 4 PM on Sleepy's YouTube channel in order to understand how to get the most out of everyday's Newspaper .

Click [here](#) to watch the following topics on YouTube

1. Cyber Security

1.1. The Wings of Pegasus, the Epoch of Cyber weapons

Context- 5th dimension of Warfare

Cyber Warfare a preferred weapon?

- Often touted as the fifth dimension of warfare – in addition to land, sea, air and space.
- The war is inside one's drawing room, with cyber weapons becoming the weapon of choice.
- Cyber war Pioneers- Israel, Chinese, Russians, Koreans and Americans
- Cyberspace has graduated from being merely the new domain of warfare, into becoming fundamentally a civilian space.
- By the 1st decade of the 21st century, it was evident that mankind had indeed unleashed a new weapon.
- **Example; US-Israeli effort at unleashing the Stuxnet worm in Iran's nuclear facility in Natanz. (2010)**

Capability of Pegasus

- Currently employs 'zero click' attacks, which do not require any interaction on the part of the phone owner.
- Exploit certain 'zero day' vulnerabilities found in operating systems not known to manufacturers.
- If zero click does not succeed, then it can be installed over a wireless trans- receiver located near a target.
- **Zero Day Surveillance- Refers to a newly discovered software vulnerability. Because the developer has just learned of the flaw, yet doesn't have a patch in place to fix the flaw.**

Why are Cyber attacks a Grave threat?

- Cyber weapons untold capacity to distort systems and structures – civilian or military.
- Interfere with democratic processes.
- Weapon of choice not only during a conflict but even during peacetime.
- Instruments of everyday use can be infiltrated without any direct involvement of the target.

Way forward

- Requires far more thought and introspection than merely creating special firewalls or special phones that are 'detached' from the Internet.
- Apart from technologies, need to understand the mindset of those who employ spyware.
- Technology which is perceived as a friend could well become a matter of despair!
- Avoid Over reliance on Artificial Intelligence. AI may evolve itself to make it impossible to detect cyber attacks !!

1.2. The Pegasus Nightmare

- Context- Trans National Treaties to stall Surveillance

Recent concerns (Apart From Pegasus)

- In March 2020, reports surfaced that the government is assembling a National Social Registry that could track every Indian.
- The database is founded in services tied to Aadhaar.
- Trojan horses- spill over to other purposes once the technology is in place.
- Example- Contact tracing and Covid exposure notification apps last year, were feared to be used for uncontrolled surveillance.

Way forward

- Legality of incursions into privacy by the state or by corporations should be challenged by civil society, independent media and the courts.
- Trans-national treaties along the lines of the Paris climate accord to collectively make it difficult for governments to implement surveillance at scale.
- Moratorium on spyware sales until a global export regime is defined.
- Rule-of-law based requirements for use of such technologies, which will give legal recourse to targets.

2. Social Issues

2.1. The Long road to winning battle against trafficking

Context- Anti Trafficking Policy needs Effective implementation

- July 30 is United Nations World Day against Trafficking in Persons .

How have Children become more vulnerable in the pandemic?

- Owners are using them as cheap labour to recoup their losses from the Pandemic Induced losses.
- **Child Marriages- 10,000 cases tracked between April and August 2020.**
- Loss of income and economic crisis, causing families' reduced capacity to care for children in the long-term.
- **Cyber trafficking-** Trafficker lures the person to a place under the pretext of offering him employment by reaching out through social media apps.
- **Report by United Nations Office on Drugs and Crime;** Traffickers are taking advantage of the loss of livelihoods and entrapping people online.

Where does India Stand on Trafficking?

- Government admitted in Parliament as recently as March 2021 that it does not maintain any national-level data specific to cyber trafficking cases.
- India is still classified by the U.S. Department of State as a Tier-2 country in its report on global human trafficking.
- Anti Human Trafficking Units (AHTUs)- Specialised district task forces comprising police and government official.
- It has been Observed that AHTU's have not been Implemented. Of the 330 units sanctioned in 2010, only 225 exist on paper today.

Way forward

- No shortage of Anti-trafficking policy in India, but implementation is the challenge.
- Discussion is required on the provisions of the Bill, particularly with reference to involvement of National Investigation Agency.
- Failure of investigation- 140 acquittals and only 38 convictions in 2019, according to government data.
- Provisions in the Draft Bill is erroneous accused traffickers must be presumed guilty unless they can prove the contrary.
- Setting up Fast track courts.

3. Police Reforms

3.1. Whither One Nation, One Police

- Context- One Nation, One Police Law.

Why Uniformity is essential?

- Varying rules for the same facility in different regions of the country can be quite puzzling.
- Uniformity should, however, take cognisance of local factors and special features.

What are the issues surrounding Amended Police act of states?

- Every state is legislating a different Police Act, “allegedly” to comply with SC directions on police reforms given in 2006.
- So far 18 states have passed or amended their Police acts.
- In reality, the intent behind the legislation by states is to circumvent the Judicial Directions.
- The Commonwealth Human Rights Initiative (CHRI), in its report in September 2020 observed that no state was fully compliant with the SC directives.

Supreme Court Directives in Prakash Singh Case

1. Establish State Security Commission
2. Fixed Tenure of 2 year for DGP
3. Two year term for SHO & SP's
4. Separate Investigation for Law and Order Functions
5. Police Establishment Board
6. Police Complaint Authority
7. Limit Political Control

Historical Perspective

- Police Act legislated in 1861 applied to almost the whole of India. (Still In Presence)
- Under this act Conditions of police service, machinery and work must be fairly uniform throughout India.
- In due course, the states passed their own Police Regulations/Manuals, but these were essentially within the framework of the central legislation.

Way forward

- Article 252 of the Constitution gives Parliament the power to legislate for two or more states by consent and it lays down that such an Act shall apply to the consenting states.

- Government of India could have legislated for the UTs and then prevailed upon the states where it's party is in power.
- Incentivise states by linking the passage of SC directives by increasing modernisation grants/funding.
- Colonial police structure haunts us and is unable to meet the Democratic Aspirations of People.

4. Governance

4.1. Seditious Future

- Context- Section 124 A needs to be Judicially Repealed

Kedar Nath Judgement 1962

- SC held that it was “reasonably clear” that the IPC punishes-
- Only “such activities **as would be intended, or have a tendency**, to create disorder or disturbance of public peace by resort to violence.
- Disloyalty to a government established by law is not the same thing as commenting in strong terms upon the measures or acts of the government.

Completely Constitutional

- If the intention is to Uplift the condition of the people Or to secure the cancellation or alteration of those acts or measures by lawful means
- View of Attorney General Of India
- Must not void the section BUT find constitutional ways and practical means to prevent the abuse and misuse of law.

Way Forward

- Indian Republic should not be vulnerable to public and media criticism as to require the continuation of a colonial laws Like Seditious.
- Wisdom lies in the judicial repeal of Section 124-A.
- Framers of the Constitution did not include “seditious” as a ground for “reasonable restriction” to freedom of speech and expression.
- Democracy thrives on the axiom that powers given by the law must be exercised for the purpose for which it is given and for no other.
- **Views Of Mahatma Gandhi- The law may not be used to “manufacture affection” under pain of a penal sanction**

4.2. Phantom Democracy

Context- Democracy Ceases when Elected representatives are not held accountable

What Is Democracy?

- Democracy is much more than pressing a button or marking a box on a ballot paper.
- Democracy is a whole way of life.
- Freedom from hunger, humiliation and violence.
- Democracy is saying no to every form of human and non-human indignity.
- Democracy is public and private respect for different ways of living.
- Democracy is equal access to decent medical care and sympathy for those who have fallen behind

How does Democracy decays?

- When sense of legal powerlessness among citizens prevails despite constitution promising justice, liberty and equality.
- Judiciary becomes vulnerable to cynicism, political meddling and state capture.
- Imbalances of wealth, chronic violence, famine and unevenly distributed life despite democratic principles ensuring social equality.
- When Domestic violence, inefficient health care, widespread feelings of social unhappiness impact Individual dignity.

Conclusion

- Citizen disempowerment encourages boasting among powerful leaders who stop caring about the niceties of public integrity and power-sharing.
- Institutional democracy failure happens when governments ceases to be held accountable by civil society.
- Poor healthcare, Joblessness and low morale is the consequence when those who hold power are not subject to Public Accountability.
- Colonial Mindset of treating “People as Subjects” should be rejected.

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