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ANALYSIS**



LAKSHYA ACADEMY®

03 OCTOBER 2024

1 - Maharashtra Special Public Security Bill, 2024:

GS III

Internal Security related issues:

- **Introduction:**

- Naxalism, traditionally viewed as a menace confined to India's rural and remote areas, has been evolving. The Maharashtra government has identified a worrying trend of Naxal activities seeping into urban environments. The Maharashtra Special Public Security Bill, 2024, seeks to address this challenge by introducing robust measures that have, however, sparked controversy for their potential impact on civil liberties. This Bill represents a major shift in the legal framework aimed at combating Naxalism, reflecting the government's intent to extend its fight against this insurgency into the heart of urban centers.

- **Understanding the Term 'Urban Naxalism':**

- **Urban Naxalism:** The term 'Urban Naxal' derives from a Maoist strategy documented by the CPI (Maoist) in "Urban Perspective." This strategy emphasizes leveraging urban areas for leadership, organizing the working class, and supporting military tasks such as logistics and personnel infrastructure.
- **No Official Definition:** Despite its usage, there is no officially recognized definition of 'Urban Naxal,' leading to potential ambiguities in its application.

- **Provisions of the Maharashtra Special Public Security Bill, 2024:**

- **Background:**

- The Maharashtra government argues that Naxalism has infiltrated urban areas through various frontal organizations, which serve as logistical support and safe havens for Naxal cadres.
- Existing legislation, such as the Unlawful Activities Prevention Act (UAPA) and the Maharashtra Control of Organised Crime Act (MCOCA), are considered insufficient to address this evolving threat.
- The MSPS Bill is inspired by similar laws in states like Chhattisgarh, Telangana, Andhra Pradesh, and Odisha, which have implemented Public Security Acts to counter Naxal activities.

- **Key Provisions:**

- **Unlawful Organizations:** The Bill empowers the government to declare any organization as unlawful based on its activities.
- **Offences:** It defines four main offences related to unlawful organizations: membership, fundraising, management, and assisting in unlawful activities. Penalties include imprisonment ranging from 2-7 years and fines between Rs 2-5 lakh.
- **Cognisable and Non-Bailable Offences:** Offences under this Bill are cognisable, meaning arrests can be made without a warrant, and they are non-bailable.
- **Faster Prosecution:** The Bill allows district magistrates or police commissioners to grant prosecution permissions, bypassing the need for higher authority sanctions, potentially speeding up legal processes.

- **Comparison with UAPA:**

- **Expanded Definitions:** While the UAPA addresses unlawful activities, the MSPS Bill broadens the scope to include actions that disrupt public order, the administration of law, and generate public fear.
- **Simplified Prosecution:** The MSPS Bill streamlines the prosecution process, which the government claims will reduce delays and improve law enforcement efficacy.
- **Judicial Interpretation vs. Broad Definitions:** The UAPA's definitions have been refined through judicial interpretation, whereas the MSPS Bill's definitions are notably broader, potentially leading to wider applications.

- **Unlawful Activities (Prevention) Act (UAPA):**

- **Overview:**

- Enacted in 1967, the UAPA aims to prevent unlawful activities by individuals and associations, particularly those linked to terrorism.
- **Unlawful Activities:** Actions supporting secession, cession, or challenging India's sovereignty and territorial integrity.
- **NIA's Role:** The National Investigation Agency (NIA) is authorized to investigate and prosecute cases nationwide under the UAPA.
- **Amendments:** The Act has been amended several times (2004, 2008, 2012, and 2019) to include terrorist financing, cyber-terrorism, and individual terrorist designations.

- **Major Provisions:**

- **Pre-2004 Focus:** Initially focused on secession and cession-related activities.
- **Post-2004 Expansion:** "Terrorist act" was included following the 2004 amendment.
- **2019 Amendment:** Empowered the government to designate individuals as terrorists.

- **Government Authority:** The central government has the authority to declare activities as unlawful through notifications in the Official Gazette.
- **Extended Detention:** Investigative agencies can file a charge sheet within 180 days of arrest, extendable further with court intimation.
- **Applicability:** The UAPA applies to both Indian and foreign nationals, even if the crime is committed abroad.
- **Severe Penalties:** The Act includes the death penalty and life imprisonment as the maximum punishments.

- **Related Judicial Pronouncements:**

- **Arup Bhuyan vs. State of Assam (2011):** The Supreme Court ruled that mere membership in a banned organization is not incriminating unless the individual engages in violence or incites disorder.
- **Supreme Court Ruling (2023):** In contrast, the Court ruled that membership alone in such organizations could be considered an offence, even without overt violence.
- **People's Union for Civil Liberties v. Union of India (2004):** The Court emphasized that combating terrorism at the cost of human rights is counterproductive.
- **Mazdoor Kisan Shakti Sangathan v. Union of India (2018):** Protests against government actions are legitimate as long as they remain peaceful and non-violent.

- **Government Initiatives Against Naxalism:**

- **National Policy and Action Plan to Address Left Wing Extremism (2015):**

- **SAMADHAN:** A strategy to address LWE with a focus on smart leadership, aggressive strategy, motivation and training, actionable intelligence, dashboard-based KPIs, and results, harnessing technology, action plan for each theatre, and no access to financing.
- **Aspirational Districts Programme:** Aims to transform underdeveloped districts with a focus on improving their socio-economic conditions.
- **Security Related Expenditure (SRE) Scheme:** Implemented in 10 LWE-affected states, covering expenses for training, operational needs, ex-gratia payments, rehabilitation, community policing, and more.
- **Special Central Assistance (SCA) for LWE-Affected Districts:** Aims to fill critical gaps in public infrastructure and services.
- **Fortified Police Stations:** 604 fortified police stations constructed in LWE-affected areas.
- **Road Connectivity Project for LWE-Affected Areas (RCPLWE):** Enhances road connectivity in LWE-affected states.

- **Criticisms and Implications of the Bill:**

- **Criticism:**

- **Vagueness and Overreach:** The Bill's broad and vague definitions, such as "menace to public order" and "encouraging disobedience," raise concerns about potential misuse.
- **Threat to Civil Liberties:** The Bill could suppress dissent, targeting activists, journalists, and political opponents under the pretext of combating Naxalism.
- **Judicial Oversight:** Unlike the UAPA, which requires judicial confirmation of unlawful organization declarations, the MSPS Bill relies on an advisory board of ex-judges or eligible persons, raising concerns about adequate judicial oversight.
- **Potential for Misuse:** Provisions allowing property seizure and eviction without proper notice or hearing are seen as prone to abuse. The Bill's power to penalize non-members for aiding unlawful organizations also raises concerns about overreach.

- **Legal and Social Implications:**

- **Impact on Freedom of Expression:** The broad definitions could criminalize legitimate protests, government criticism, and investigative journalism.
- **Judicial Precedents:** Courts have stressed that stringent laws must be narrowly defined and strictly interpreted, a principle that could be at odds with the MSPS Bill's broad definitions.
- **Role of Civil Society:** The Bill's potential impact on civil liberties may provoke increased activism and opposition from human rights organizations, highlighting the ongoing tension between security and freedom in democratic societies.

- **Conclusion/Way Forward:**

- The Maharashtra Special Public Security Bill, 2024, marks a significant development in the state's approach to addressing the growing threat of Naxalism in urban areas. While the government's rationale for the Bill is rooted in the need to address evolving security challenges, the broad and stringent provisions of the Bill raise substantial concerns about civil liberties and the potential for misuse. Balancing the imperatives of public security with the preservation of democratic freedoms will be crucial in determining the Bill's ultimate impact on Maharashtra's legal and social landscape. As the Bill moves forward, it will be essential to ensure that it is implemented in a manner that upholds the principles of justice, fairness, and human rights.

- **Source** → *The Hindu*

2 - Karnataka High Court Quashes POCSO Case:

GS II

Social Security related issues:

- **Introduction:**

- The Protection of Children from Sexual Offences (POCSO) Act, 2012, was introduced to address the critical issue of child sexual abuse in India. Despite its robust framework, cases like the one recently adjudicated by the Karnataka High Court highlight the complexities in its implementation. The court's decision to quash the proceedings, under specific conditions, raises significant legal and ethical questions about balancing justice with social realities.

- **Court's Justification for Quashing the Case:**

- **Arguments by the Accused's Counsel:**

- The counsel argued that the accused and the victim were in a consensual relationship, and the case was registered after their families agreed to their marriage.
- Both families supported the marriage, which was presented as a mitigating factor.

- **State's Counsel Arguments:**

- The state emphasized the gravity of the offense, punishable by up to ten years in prison, and insisted that the case should proceed to trial.
- The importance of upholding the law in cases involving heinous crimes was underscored.

- **Court's Decision:**

- **Protection of the Victim and Child:** The court stressed that dismissing the case without ensuring the well-being of the mother and child would leave them vulnerable to societal pressures and potential harm.
- **Victim's Potential Hostility:** The court noted that the victim was likely to become hostile during the trial, reducing the chances of a conviction.
- **Consideration of Ground Realities:** Justice pointed out that extending the trial would cause unnecessary distress and could overshadow any potential acquittal, thereby affecting the lives of those involved.

- **Overview of the POCSO Act, 2012:**

- **About the Act:**

- Enacted to address the issue of child sexual abuse, the POCSO Act, 2012, fills a crucial legislative void in India, despite the country being a signatory to the United Nations Convention on the Rights of the Child since 1989.
- The Act prescribes severe penalties, including life imprisonment and even the death penalty for aggravated sexual offenses against children.

- **Need for the Act:**

- Prior to POCSO, the only child protection law in India was the Goa Children's Act, 2003.
- The Indian Penal Code (IPC) was inadequate, particularly because it did not address offenses against male children and lacked clear definitions of key terms related to sexual offenses.
- The rise in child sexual abuse cases necessitated a dedicated law, leading to the enactment of the POCSO Act, driven by the Ministry of Women and Child Development

- **General Principles:**

- Right to Dignity: Children must be treated with compassion and respect.
- Right to Life and Survival: Ensures children are raised in a secure environment, as mandated by Article 21.
- Right Against Discrimination: Ensures non-discriminatory legal procedures.
- Right to Preventive Measures: Children should be educated on recognizing and preventing abuse.
- Right to Information: Children must be kept informed about legal proceedings.
- Right to Privacy: Confidentiality of proceedings to protect the child's privacy.
- Trial of Offenses: Special courts can take cognizance without formal commitment to trial; trials should ideally conclude within a year of cognizance.

- **Shortcomings of the POCSO Act:**

- Application of the Last Seen Theory: The Supreme Court in *Anjan Kumar Sarma v. State of Assam*, 2017 highlighted the risks of wrongful conviction based on this theory without corroborative evidence.
- Consensual Sexual Activities: The Act criminalizes consensual sex involving minors, ignoring the nuances of such relationships.
- False Complaints: Section 22 exempts minors from punishment for false complaints, leading to potential misuse.
- Two-Finger Test: Despite being banned, this test is still used, violating the victim's privacy, as noted in *Lillu @ Rajesh v. State of Haryana*, 2013.
- Unprepared Investigation Machinery: The Bombay High Court in *Addl. Sessions Judge, Hoingoli and Ors. v. Bhawat and Ors.*, 2017 highlighted lapses in investigation procedures.

- **Significant Judicial Pronouncements on the POCSO Act:**

- **Bijoy v. The State of West Bengal, 2017:**

- Emphasized protecting the dignity of child victims, mandating FIR registration under Section 19 of POCSO, and ensuring victims and parents are informed about legal aid rights.
- Directed immediate medical examination post-FIR, victim confidentiality, and interim compensation for rehabilitation.

- **Vishnu Kumar v. State of Chhattisgarh, 2017:**

- Highlighted the need for child-friendly procedures during trials, including in-camera sessions and flexibility in evidence rules to prioritize truth.

- **Dinesh Kumar Maurya v. State of U.P., 2016:**

- Set aside a conviction due to lack of medical evidence, stressing the importance of victim testimony and cautioning against false allegations influenced by external factors.

- **Sunderlal v. The State of M.P., 2017:**

- Addressed the termination of a minor's pregnancy, clarifying that parental consent suffices and mandating DNA tests of the foetus post-termination for legal purposes.

- **Conclusion and Way Forward:**

- The Karnataka High Court's decision to quash the POCSO case underscores the delicate balance between legal mandates and social realities. While the POCSO Act is a critical tool in combating child sexual abuse, its implementation must consider the complex socio-legal contexts in which these cases arise. Ensuring the protection of victims and their families, while upholding justice, requires a nuanced approach that addresses both the legal and social dimensions of such cases. Moving forward, there is a need for continuous training of law enforcement and judicial personnel to handle POCSO cases with sensitivity and precision, ensuring that justice is both served and seen to be served.

- **Source** → *The Hindu*

3 - National Mission for Manuscripts and National Culture Fund:

GS I

Indian Culture related issues:

- **National Mission for Manuscripts:**

- **About the Mission:**

- Establishment: Launched in 2003 by the Ministry of Tourism and Culture, Government of India, the National Mission for Manuscripts is a pivotal initiative aimed at preserving India's manuscript heritage.

- **Key Objectives:**

- Documentation: Cataloging and documenting the vast repository of manuscripts across the country.
- Conservation: Employing scientific methods to ensure the long-term preservation of manuscripts.
- Digitization: Converting physical manuscripts into digital formats to enhance accessibility.
- Online Dissemination: Making the digital manuscripts available online to scholars and the general public.

- **India's Manuscript Wealth:**

- Volume: India is home to an estimated 10 million manuscripts, the largest collection in the world, encompassing a diverse range of subjects, languages, scripts, and artistic expressions.

- **Definition of Manuscript:**

- A manuscript is a handwritten document on various materials like paper, bark, cloth, metal, or palm leaf, which is at least 75 years old and holds significant scientific, historical, or aesthetic value.
- Unlike other historical records such as epigraphs or revenue records, manuscripts primarily contain knowledge content rather than direct historical information.
- Manuscripts are found in hundreds of languages and scripts, making them a crucial part of India's intangible heritage.

- **Legal Framework:**

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- **Ancient Monuments and Archaeological Sites and Remains Act, 1958:** Defines an "Ancient Monument" as any structure, cave, rock sculpture, inscription, or other features of historical, archaeological, or artistic significance, existing for not less than 100 years.
- **National Culture Fund (NCF):**
- **About the Fund:**
- **Establishment:** The National Culture Fund was established in 1996 under the Charitable Endowment Act, 1890, with the objective of mobilizing additional resources through Public-Private Partnerships (PPP) to protect and promote India's cultural heritage.
- **Purpose:**
- To provide financial support for the Protection, Restoration, Conservation, and Development of India's rich tangible and intangible cultural heritage.
- Facilitates the creation of partnerships between the government and donor institutions in the fields of heritage, culture, and arts.
- **Objectives of NCF:**
- **Training and Development:** Enhancing the skills of specialists and cultural administrators.
- **Museum Space:** Expanding existing museums and constructing new ones to accommodate special galleries.
- **Documentation:** Recording cultural expressions and traditions that are at risk of fading away due to changing contemporary scenarios.
- **Key Features of NCF:**
- **Innovative Platform:** NCF serves as a reliable and creative platform for partnerships in cultural projects.
- **Project Oversight:** Each project under NCF is managed by a Project Implementation Committee (PIC) that includes representatives from the donor, implementer, and NCF itself.
- **Auditing:** The Comptroller and Auditor General of India annually audits the accounts of NCF to ensure transparency.
- **Governance Structure:**
- **Council:** The NCF is managed by a Council chaired by the Minister of Culture.
- **Executive Committee:** Chaired by the Secretary, Ministry of Culture.

- **Conclusion/Way Forward:**

- The National Mission for Manuscripts and the National Culture Fund are cornerstones in India's strategy to preserve its cultural and intellectual legacy. As India moves forward, it is imperative to continue these efforts with enhanced public and private collaboration. By strengthening the conservation and dissemination of manuscripts and supporting cultural projects through innovative funding mechanisms like the NCF, India can ensure that its rich heritage is preserved and celebrated for future generations. This ongoing commitment will not only protect the past but also inspire the future, fostering a deeper understanding and appreciation of India's diverse cultural fabric.

- *Source → The Hindu*

4 - Leander Paes and Vijay Amritraj Honored in Tennis Hall of Fame:

GS I

Sports related issues:

- **Introduction:**

- In a momentous event for Indian tennis, two of the sport's legendary figures, Leander Paes and Vijay Amritraj, have been celebrated with induction into the esteemed International Tennis Hall of Fame (ITHF). This recognition underscores their remarkable careers and their profound influence on the sport.

- **Key Achievements of Leander Paes:**

- **Induction:** Leander Paes has been inducted into the Player Category of the International Tennis Hall of Fame.
- **Grand Slam Titles:** He has clinched 18 Grand Slam titles in both doubles and mixed doubles categories, showcasing his dominance on the court.
- **World Ranking:** Paes has held the position of World No. 1 in doubles, reflecting his exceptional skill and consistency.
- **Awards:** His contributions to tennis were recognized with the Padma Shri award in 2001 and the Padma Bhushan in 2014, honoring his achievements and service to the sport.

- **Key Achievements of Vijay Amritraj:**

- **Induction:** Vijay Amritraj has been honored in the Contributor Category of the International Tennis Hall of Fame.
- **Career Beginnings:** Amritraj began his Grand Prix career in 1970, marking the start of his influential journey in tennis.
- **Davis Cup Success:** He was an integral part of the Indian Davis Cup team that reached the finals in 1974 and 1987, demonstrating his pivotal role in Indian tennis.
- **Awards and Honors:** Amritraj was awarded the Padma Shri in 1983 for his contributions to the sport. Additionally, he served as a United Nations Ambassador for Peace in 2001, reflecting his broader impact beyond tennis.

- **International Tennis Hall of Fame (ITHF):**

- **Location:** The Hall of Fame is situated in Newport, Rhode Island, United States.
- **Purpose:** It serves as a prestigious institution and museum dedicated to celebrating the history, achievements, and contributions of exceptional individuals and organizations in the sport of tennis.
- **Significance:** As the official hall of fame for tennis, it plays a crucial role in preserving and honoring the legacy of tennis legends from around the world.

- **Conclusion/Way Forward:**

- The induction of Leander Paes and Vijay Amritraj into the International Tennis Hall of Fame is a momentous achievement that celebrates their exceptional contributions to tennis. It also serves as an inspiration for aspiring athletes and highlights the global recognition of Indian sports talent. As we look forward, this honor not only commemorates their past successes but also paves the way for future generations to strive for excellence in their respective fields.

- **Source** → *The Hindu*