

CONSTITUTION AND POLITY**Right To Protest**

The police action in Delhi's Jamia Millia Islamia, where the police entered the campus and employed force against students, is being widely criticised.

Constitutional provisions:

- The right of citizens to protest peacefully is guaranteed by the Constitution of India.
- Articles 19(1)(a) and 19(1)(b) give to all citizens the right to freedom of speech and expression, and to assemble peaceably and without arms.
- However, under Articles 19(2) and 19(3), the right to freedom of speech is subject to “reasonable restrictions in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence”.

Legal provisions:

- The legal provisions and avenue available to police for handling agitations, protests, and unlawful assemblies are covered by the Code of Criminal Procedure (CrPC), 1973, the Indian Penal Code (IPC), 1860, and The Police Act, 1861.
- The CrPC's Sections 129-132 deal with “Dispersal of assembly by use of civil force”, use of the armed forces in situations of civil unrest, and protection against prosecution for acts done under these sections.
- The IPC's Sections 141-158 deal with unlawful assembly, and the responsibilities, liabilities, and punishments related to this offence.

Judicial guidelines:

- In ‘Karam Singh vs Hardayal Singh And Ors 1979’ the High Court of Punjab and Haryana underlined that before any force can be used, three prerequisites are to be satisfied. These were:
- Firstly, there should be an unlawful assembly with the object of committing violence or an assembly of five or more persons likely to cause a disturbance of the public peace.
- Secondly, such assembly is ordered to be dispersed and
- Thirdly, in spite of such orders to disperse, such assembly does not disperse.

United Nations Guidelines:

The ‘Basic Principles on the Use of Force and Firearms by Law Enforcement Officials’ was adopted by the Eighth United Nations Congress in Havana, 1990.

It resolved that law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.

Destruction of Public Property

While agreeing to hear petitions on alleged police excesses on students in Jamia Millia Islamia and Aligarh Muslim University, a Supreme Court Bench expressed displeasure over rioting and destruction of public property.

About:

- The Prevention of Damage to Public Property Act, 1984 punishes anyone “who commits mischief by doing any act in respect of any public property” with a jail term of up to five years and a fine or both.
- Public property under this Act includes “any property used in connection with the production, distribution or supply of water, light, power or energy; any oil installation; any sewage works; any mine or factory; any means of public transportation or of telecommunications, or any building, installation or other property used in connection therewith”.
- Despite a law against the destruction of property, incidents of rioting, vandalism, and arson have been common during protests across the country. This is because the

identification of protesters remains difficult, especially in cases where there is no leader who gave the call to protest.

Supreme court guidelines:

- In 2009, in the case of *In Re: Destruction of Public & Private Properties v State of AP and Ors*, the Supreme Court issued guidelines based on the recommendations of the two expert Committees.
- The Thomas Committee recommended reversing the burden of proof against protesters. Accepting the suggestion, the court said that the prosecution should be required to prove that public property had been damaged in direct action called by an organisation, and that the accused also participated in such direct action.
- The Nariman Committee's recommendations dealt with extracting damages for destruction. Accepting the recommendations, the court said the rioters would be made strictly liable for the damage, and compensation would be collected to "make good" the damage.

GOVERNANCE- WELFARE SCHEMES, E-GOVERNANCE, SERVICES ETC.

Maternity Scheme Exclusionary: PMMVY

The Pradhan Mantri Matru Vandana Yojana (PMMVY) which is a pan-India maternity benefit programme has been criticised for its exclusionary nature. It has led to single women and young brides being left out of its purview.

Issues with the Scheme

- Registration for the scheme requires an applicant to provide her husband's Aadhaar details along with her own. It affects single women, including unwed mothers, deserted wives and widows.
 - The form also requires separate undertakings on "the first living child" from the woman and her husband.
- A mother seeking benefits needs to provide address proof of her marital home. It is challenging for a newlywed expecting a child and often residing in her natal home during pregnancy.
- The scheme requires an applicant to be at least 19 years old which leaves out younger brides, who get married at the legal age of 18 years but hesitate in getting their marriages registered.
 - 30-35% of first-time mothers are under the age of 18 years.
- The documentation work leaves out many women living on the margins such as sex workers, women in custody, migrant and those living in post-conflict situations. They all are unable to claim benefits even though they are most in need of monetary compensation.
- Women have to pay a hefty bribe during the application process. It goes as high as ₹500/- for each of the three forms so it is not easy for the women coming from financially weaker sections.

Suggestions

- There is a need for reviewing the scheme and making it universal by removing restrictions on the number of children as well as including all women, whether they are in the formal or informal sector, engaged in paid or unpaid work.
- The sum promised should be at least on par with minimum wages for women in self-employment, unpaid work, or working for less than minimum wages.
- Activists and grassroots workers must make a formal representation to the government highlighting their concerns so that corrective actions can be taken.

INTERNATIONAL AFFAIRS- BILATERAL, GROUPINGS, ORGANISATIONS**Delhi Dialogue**

External Affairs Ministry hosted the 6th Indian Ocean Dialogue and Delhi Dialogue XI at the Pravasi Bharatiya Kendra in New Delhi.

About:

- For the first time, these two tracks 1.5 dialogues were held consecutively and on similar Indo-Pacific themes.
- The theme for this year's Indian Ocean Dialogue is "Indo-Pacific: Re-imagining the Indian Ocean through an Expanded Geography".
- The theme for this year's Delhi Dialogue is "Advancing Partnership in Indo-Pacific".

Important Info :

- Delhi Dialogue is a premier annual track 1.5 event to discuss politico-security, economic and socio-cultural engagement between India and ASEAN.
- It has been held annually since 2009 and political leaders, policy makers, senior officials, diplomats, think tanks and academicians from both sides participate in the discussions pertaining to ASEAN-India relations.

INDIAN ECONOMY**National Electronic Fund Transfer (NEFT)**

Giving a big boost to digital funds movement, the Reserve Bank of India (RBI) operationalised round-the-clock (24 X 7 basis) availability of the National Electronic Fund Transfer (NEFT). RBI also asked the banks not to levy any charges on NEFT transfer from savings bank account holders.

About:

- The NEFT system, which was first introduced in the late 1990s as the Electronic Fund Transfer (EFT) system, attained its present avatar in 2005.
- Now that NEFT is 24x7, 365 days a year, is it still different from IMPS? Yes, very much so.
- For one, NEFT transactions will only be credited to the beneficiary account in batches, unlike the Immediate Payment Service (IMPS) system, which transfers money in real time.
- Secondly, unlike IMPS, for which banks charge a certain amount depending on the quantum of money being transferred, NEFT transactions have been made free by RBI from July 1, earlier this year.
- Thirdly, unlike IMPS, which can only be transacted online, a NEFT transaction can be done offline by visiting a bank branch.
- Additionally, as per the RBI mandate, there's no limit on the amount of money that may be transferred via NEFT — unlike IMPS, where a maximum of Rs 2 lakh per day can be transferred.

ENVIRONMENT- CONSERVATION, BIO-DIVERSITY AND ISSUES**Article 6 of The Paris Agreement (Carbon Markets)**

Negotiators at the Madrid climate talks finally threw up their hands on the contentious issue of setting up a new carbon market under the Paris Agreement.

About:

- Carbon markets allow the buying and selling of emission reductions in the form of carbon credits, and enable countries struggling to meet their climate targets to buy these credits from countries that are in a position to reduce their emissions beyond their own targets.

- Such a carbon market existed under the 1997 Kyoto Protocol as well but that regime is coming to an end next year. The current negotiations are about creating a similar market under the successor Paris Agreement regime.

Article 6 of Paris agreement:

- The provisions relating to setting up a new carbon market are described in Article 6 of the Paris Agreement. These provisions allow for two different approaches of carbon trading.
- Article 6.2 enables bilateral arrangements for transfer of emissions reductions, while ensuring that they do not double-count the reductions. Article 6.4 talks about a wider carbon market in which reductions can be bought and sold by anyone.
- Article 6.8 provides for making ‘non-market approaches’ available to countries to achieve targets. They could include any cooperative action, like collaboration on climate policy or common taxation, that are not market-based.

Disagreement:

- The big disagreement is over the transition of unsold carbon credits from the Kyoto regime to the new market.
- Countries like India, China and Brazil want their unsold carbon credits to be valid in the new market while the developed countries are opposing it on the ground that many of these credits were bogus and did not represent actual emission reductions.

PRELIMS SPECIFIC FACTS- INDICES, DAYS, EVENTS, AWARDS ETC

DSC Prize For South Asian Literature

Amitabha Bagchi won the DSC Prize for South Asian Literature 2019 for his 2018 novel, Half the Night is Gone.

About:

- Eligibility: It is awarded annually to fiction from the South Asian region as well as from the diaspora. The award is for novels published in the year preceding the judging of the prize.
- Instituted in: It was instituted by Surina Narula and Manhad Narula in 2010.
- Cash award: \$25,000.

DAILY ANSWER WRITING PRACTICE

Qns. The rhetoric over severe punishments should not deflect our attention from the problems related to implementation of POCSO Act so far. Discuss in the context of POCSO (Amendment) Bill 2019.

Ans:

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process.

It provides for incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through appointment of Special Public Prosecutors and designated Special Courts. The Act provides for stringent punishments which have been graded as per the gravity of offence.

The recently introduced POCSO (Amendment) Bill, 2019 entailing to amend POCSO Act, 2012 also has provisions for providing stringent punishments for crimes against minors including death penalty for aggravated sexual assault on children. The Bill also provides for fines and imprisonment to curb child pornography. The amendment is expected to discourage the child sexual abuse by acting as a deterrent due to strong penal provisions incorporated in the Act.

But the stringent provisions are not stopping sexual offences against children. This is due to various problems in the implementation of POCSO cases:

- The poor conviction rate and epidemic rise in crimes under POCSO itself leaves an unpleasant picture of the manner in which Criminal Justice System is being administered and managed in India. According to a report, out of over one lakh such offences, trial was completed in around 10,000 cases with conviction in 30% cases.
- There is no time-bound investigation in the POCSO cases and the trials generally continue for many months. This provides the accused more than enough time to coerce and intimidate the victims and their families to backtrack on their complaints.
- There are huge pending cases in various High Courts due to lack of adequate special courts. It is reported that around 1.66 lakh cases relating to sexual assaults are pending across the country at several stages.
- Often the children who report abuse are further victimized and traumatized due to lack of sensitization for investigators and prosecutors in dealing with child victims.
- The provisions of capital punishment might provoke the accused to murder the victims and increase the risk of sex offenders doing away with their victims to destroy evidence and to ensure that there is no principal testimony.
- Our child protection mechanism is still at a very nascent stage and is currently struggling to handle the volume of cases, follow the protocols, adopt child-friendly procedures, adhere to time-frames, etc stipulated by POCSO Act.
- Allocation of infrastructure, manpower, structured training and sensitization, setting up a robust monitoring and accountability mechanism etc. is far from the actual need and little has been done to implement the Act in spirit.

Conclusion: Certainty of punishment acts as a better deterrent than its severity. Thus the focus should be more on taking measures to ensure faster and efficient investigation, prosecution and disposal of POCSO cases.

DAILY CURRENT AFFAIRS MCQs

1. With reference to the destruction of public property, consider the following statements:
 1. The Prevention of Damage to Public Property Act, 1984 punishes anyone “who commits mischief by doing any act in respect of any public property” with a jail term of up to five years and a fine or both.
 2. The Nariman Committee’s recommendations dealt with extracting damages for destruction of public property.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) **Both 1 and 2**
- (d) Neither 1 nor 2

2. With reference to the Delhi Dialogue, consider the following statements:
 1. The theme for this year’s Delhi Dialogue is "Advancing Partnership in Indo-Pacific”.
 2. Delhi Dialogue is a premier annual track 1.5 event to discuss politico-security, economic and socio-cultural engagement between India and G20.

Which of the statements given above is/are correct?

- (a) **1 only**
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

3. With reference to the right to protest, consider the following statements:
1. Articles 19(1)(a) and 19(1)(b) give to all citizens the right to freedom of speech and expression, and to assemble peaceably and without arms.
 2. The IPC's Sections 141-158 deal with unlawful assembly, and the responsibilities, liabilities, and punishments related to this offence.
- Which of the statements given above is/are correct?
- (a) 1 only
 - (b) 2 only
 - (c) Both 1 and 2**
 - (d) Neither 1 nor 2
4. What is 'Article 6 of Paris agreement', recently seen in news?
- (a) Provisions relating to setting up a new carbon market.**
 - (b) At any time after three years Party may withdraw from this Agreement by giving written notification to the Depository.
 - (c) Enhanced transparency framework for action and support" that establishes harmonized monitoring, reporting, and verification (MRV) requirements.
 - (d) None of the above.
5. With reference to the National Electronic Fund Transfer (NEFT), consider the following statements:
1. It is 24x7, 365 days a year and can only be transacted online.
 2. There's no limit on the amount of money that may be transferred via NEFT.
- Which of the statements given above is/are correct?
- (a) 1 only
 - (b) 2 only**
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2
6. Who among the following won the DSC Prize for South Asian Literature 2019 for his 2018 novel, Half the Night is Gone?
- (a) Amitabha Bagchi**
 - (b) Amitav Ghosh
 - (c) Nilanjana Sudeshna "Jhumpa" Lahiri
 - (d) Kiran Desai