



KARTAVYA

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Kirori Mal College, University of Delhi

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GENERAL STUDIES - 2

Supreme Court Strengthening Law Against Child Pornography In India



Why in the News?

In a ruling that sets a new benchmark for action in pornography cases, the Supreme Court held that viewing, possessing and not reporting possession of any child pornographic material will constitute offences under the stringent Protection of Children from Sexual Offences (POCSO) Act and Information Technology Act.

About POCSO Act:

- It is the first comprehensive law in the country enacted in 2012 for dealing specifically with sexual abuse of children.
- It is administered by the Ministry of Women and Child Development.
- Protect children from sexual assault, sexual harassment and pornographic violations.
- Establish Special Courts for such trials.
- In 2019, the Act was amended to strengthen the penalties for specified offences in order to deter abusers and promote a dignified upbringing.

Examining the SC's Decision to Tighten the Law on Child Pornography:

The provision of the POCSO Act in question: The Bench (led by the CJI) expanded the interpretation of Section 15 of the POCSO Act, which deals with the “Punishment for storage of pornographic material involving child”.

Section 15 of the POCSO Act:

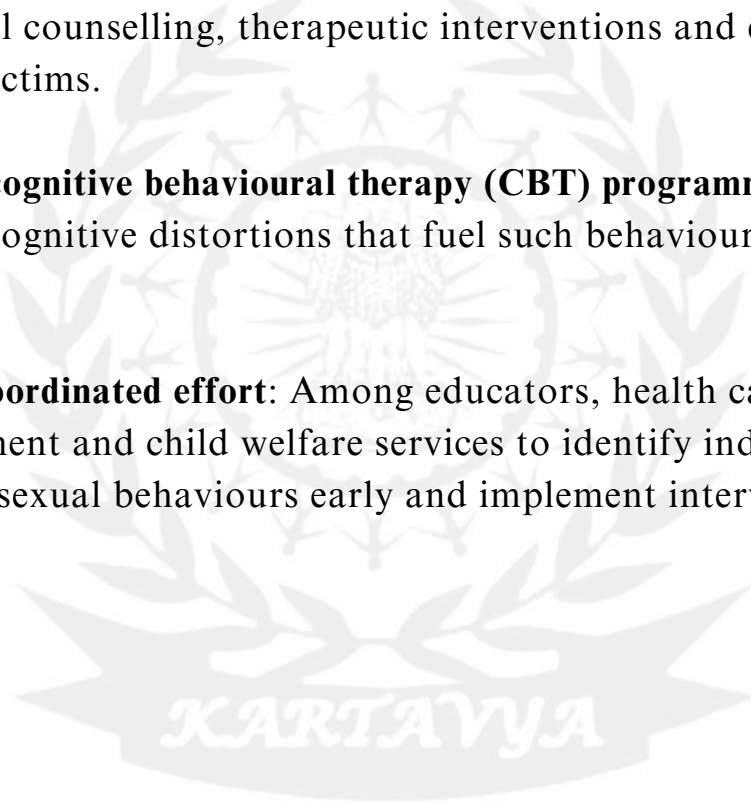
- It punishes any person, who stores or possesses pornographic material in any form involving a child.
- With an intention to share or transmit child pornography.
- For commercial purposes, etc.
- With a three-to-five-year jail sentence.

SC's verdict:

- Section 15 is not limited to punishing the sharing or transmitting of child pornographic material, and could even be used to punish the “intent” to commit such an act.
- For instance, the court held that a failure to “delete or destroy or report” child pornography would allow the court to “indirectly” infer that the concerned individual intended to share or distribute it under Section 15.
- Overturning the Madras HC judgement, the SC expanded the definition of “possession” in child pornography cases to include cases - Where the individual may not have physical possession of child pornographic material. But they have the power to control the material in question and the knowledge of exercise of such control.
- The court termed this “constructive possession” and held that “viewing, distributing or displaying” such material would still amount to it being in the accused’s “possession” under Section 15.

SC's Recommendations to the centre to address the issue of child pornography:

- **Amend the POCSO Act:** To replace the term “child pornography” with “child sexual exploitative and abuse material” (CSEAM) to better reflect the nature of the crime.
- **Help victims to heal and reintegrate into society:** By providing psychological counselling, therapeutic interventions and educational support to victims.
- **Introducing cognitive behavioural therapy (CBT) programmes:** To help address the cognitive distortions that fuel such behaviour among offenders.
- **Promoting coordinated effort:** Among educators, health care providers, law enforcement and child welfare services to identify individuals with problematic sexual behaviours early and implement intervention strategies.



NITI Red Flag Over Digital Personal Data Protection Act



Why in the News?

- NITI Aayog, the top think tank of the government, had opposed some of the provisions of the Digital Personal Data Protection Act 2023.
- NITI Aayog particularly raised concerns regarding the changes proposed to the Right to Information (RTI) Act 2005.

What is Digital Personal Data Protection Act 2023?

- It is a comprehensive privacy and data protection law that provides guidelines on processing, storing and securing personal data.
- It recognises the right of individuals, referred to as data principals, to protect their personal data during the processing of that data for lawful purposes.
- The law culminates a seven-year journey that began when the Supreme Court of India (SC), in the KS Puttaswamy case, ruled the right to privacy was protected under the Constitution of India in 2017.
- The DPDPA includes provisions regarding consent, legitimate uses, breaches, data fiduciary and processor responsibilities, and individuals' rights over their data.
- The law doesn't apply to paper data unless it's digitised or data collected for personal, artistic and journalistic use.
- Fines for non-compliance range from Rs 10,000 for individuals to Rs 2.5 billion for organisations.

Concerned Regarding Data Protection Law Raised by NITI Aayog:

- The DPDP Bill proposed an amendment to a section [Section 8(1)(j)] in the RTI Act with such effect that disclosure of personal information about public officials would not be allowed even when these are justified in larger public interest.
- The NITI Aayog (then in the inter-ministerial consultations) suggested the Ministry of Electronics and Information Technology (MeitY) to not pass the proposed law in its current form as it could weaken the RTI Act.
- The provision to amend the RTI Act was also criticised by the Opposition parties and civil society activists during the consultation period and when the Bill came up for discussion in Parliament.
- However, the MeitY kept the proposed changes to the RTI Act unchanged despite the reservations of NITI Aayog.
- The government was of the view that the right to privacy is a fundamental right under the Constitution of India, and should be made available to officers in government institutions as well.

Clause 6 Of Assam Accords : Key Recommendations And Updates



Why in the News?

- Assam Chief Minister Himanta Biswa Sarma has commenced the implementation of 52 recommendations from the Justice Biplab Sarma Committee concerning Clause 6 of the Assam Accord. This decision was made following discussions with the All Assam Students' Union (AASU).
- The initiative aims to address longstanding issues regarding the rights and recognition of indigenous communities in Assam, reinforcing the government's commitment to safeguarding their cultural and social identity.

What is Clause 6 of Assam Accords?

- **Background :** The Assam Accord, signed in 1985, was a Memorandum of Settlement between the Union government, led by Rajiv Gandhi, and the All Assam Students' Union (AASU). This agreement marked the end of a six-year agitation against the influx of Bangladeshi migrants into Assam, concluding the Assam Movement.
- Clause 6 of the Assam Accord is designed to offer constitutional, legislative, and administrative safeguards aimed at protecting, preserving, and promoting the cultural, social, and linguistic identity of the Assamese people. These provisions address concerns about the demographic changes and cultural integrity of the state amidst increasing migration.

Biplab Sharma Committee and its key recommendations

- In July 2019, the Union Home Ministry set up a 14-member committee, chaired by Justice Biplab Kumar Sarma, to recommend measures for implementing Clause 6 of the Assam Accord. A primary task was to define "Assamese people" eligible for the safeguards under the Accord.
- The committee recommended that "Assamese people" should include indigenous tribes, other indigenous communities of Assam, and Indian citizens residing in Assam before January 1, 1951, along with their descendants. Based on this definition, it proposed constitutional reservations for "Assamese people" in Parliament, the state Assembly, local bodies, and government jobs.

Recommendations to be implemented:

Categorization of committee recommendations :

The committee's 67 recommendations are divided into three categories:
40 recommendations fall under the jurisdiction of the state government.
12 recommendations require concurrence from the Centre.
15 recommendations are exclusively within the Centre's domain.

Out of these, the 52 recommendations under state jurisdiction and those needing Centre's concurrence will be implemented by April 2025, with a detailed roadmap to be submitted to AASU by October 2024.

Language Safeguards

- Assamese as Official Language: Assamese will continue to be the official state language in accordance with the 1960 Assam Official Language Act, while provisions will be made for local languages in specific regions.
- Bilingual Government Documents: All state government acts, rules, and orders will be issued in both Assamese and English.
- Autonomous Language Council: A council will be established to promote and preserve the indigenous languages of Assam.
- Assamese in Schools: Assamese will be made a mandatory subject in all English medium schools up to Class VIII or Class X.

Cultural Heritage Preservation

- **Sattras:** An autonomous body will be established to manage the development of sattras and provide them with financial support.
- **Cultural Complexes:** Multipurpose cultural complexes will be constructed in each district to preserve the cultural heritage of all ethnic groups.

Sixth Schedule Areas

- The autonomous councils in Assam's Sixth Schedule Areas—namely the Bodoland Territorial Council, North Cachar Hills Autonomous Council, and Karbi Anglong Autonomous Council—will have the responsibility to determine the implementation of the 52 recommendations, utilising their legislative and judicial autonomy as conferred by the Sixth Schedule of the Constitution.

Land Safeguards

- **Special Revenue Circles:** Certain areas will be designated where only Assamese people are allowed to own and transfer land.
- **Land Titles:** A three-year program will be launched to provide land titles to Assamese people who have long occupied land without proper legal documentation.
- **Char Areas Survey:** Riverine (char) areas will be surveyed, and newly formed chars will be classified as government land, with priority for land allocation given to those displaced by river erosion.

Acceptance of 1951 Cut-off Date

- The Assam government has accepted the 1951 cut-off date for the Justice Biplab Sarma Committee's specific recommendations, but the definition of "Assamese people" remains confined to the context of these recommendations.

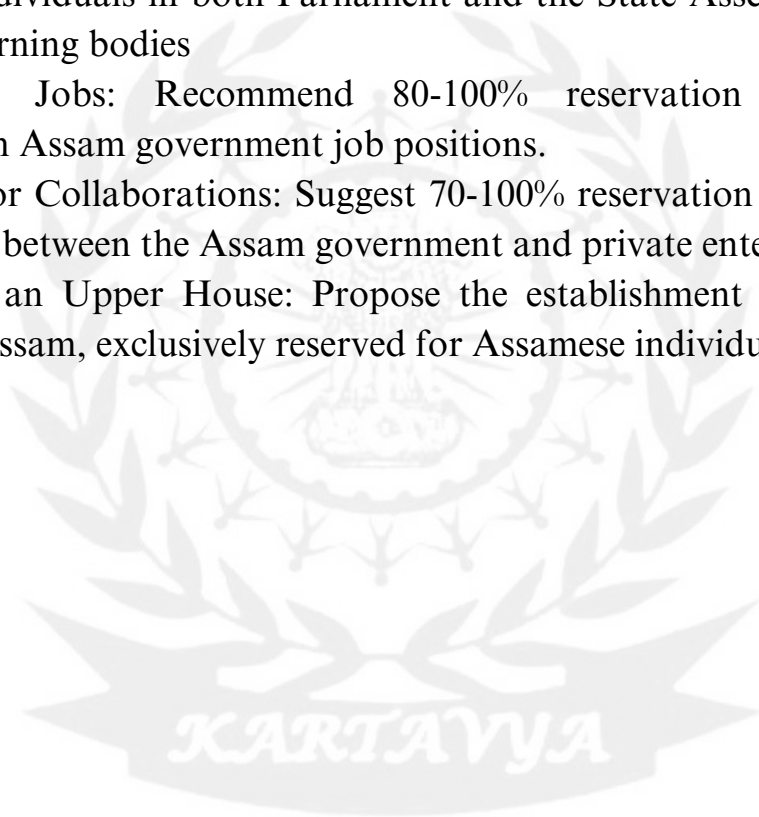
Recommendations That Have Been Left Out:

Inner Line Permit

A proposal has been put forth to implement an Inner Line Permit (ILP) for entry into Assam, akin to the regulations currently in place in Nagaland, Arunachal Pradesh, Manipur, and Mizoram.

Reservations for Assamese People

- Parliament and State Assembly: Propose 80-100% reservation of seats for Assamese individuals in both Parliament and the State Assembly, as well as in local governing bodies
- Government Jobs: Recommend 80-100% reservation for Assamese individuals in Assam government job positions.
- Private Sector Collaborations: Suggest 70-100% reservation for vacancies in partnerships between the Assam government and private enterprises.
- Creation of an Upper House: Propose the establishment of a Legislative Council in Assam, exclusively reserved for Assamese individuals.



GENERAL STUDIES - 3

India's First Venus Mission 'Shukrayaan 1'

Set for 2028



Why in the News?

Recently, the Union Cabinet had approved India's first mission to Venus, which ISRO plans to launch in March 2028. This will be India's second interplanetary mission, following the 2013 Mars Orbiter Mission.

The Venus mission aims to study the planet's surface, sub-surface, atmosphere, and ionosphere from orbit, and will also investigate Venus's interaction with the Sun. The mission will carry scientific instruments from India and other countries for this exploration.

What is Venus Orbiter Mission (VOM)?

About:

- It will study the planet's atmosphere, surface, and geological features using advanced scientific instruments.
- The mission will place an orbiter around Venus to gather data on its climate, atmospheric composition, and potential volcanic or seismic activity.
- Instruments like synthetic aperture radar, infrared and ultraviolet cameras, and sensors will examine Venus's ionosphere and the thick clouds of carbon dioxide and sulfuric acid.
- The mission aims to explore signs of active volcanoes and provide insights into the planet's unique environment.

Objectives

- Investigate surface processes and subsurface stratigraphy.
- Study the structure, composition, and dynamics of Venus's atmosphere.
- Explore solar wind interactions with the Venusian ionosphere.

Key highlights of the mission:

Timeline

- India's Venus mission, originally planned for 2023, is now scheduled for launch in March 2028.
- Earth and Venus come closest every 19 months, making this timeline crucial.

Payloads

- The mission will carry around 100 kg of scientific payloads and follow a similar approach to India's previous space missions.
- The payloads will conduct experiments to study the flow of interplanetary dust particles, and an experiment to study the high-energy particles entering the Venusian atmosphere leading to its ionisation.
- Another payload will study the composition, structure, variability, and thermal state of Venus's atmosphere.
- The satellite will gain speed in Earth's orbit, sling-shot towards Venus, and reach its orbit in about 140 days.

Why is India Exploring Venus?

Unique opportunity to understand Earth's evolution

- Venus is often called Earth's twin due to its similar mass, density, and size, making it an important subject for studying Earth's evolution.
- Scientists believe Venus once had water but is now dry and dusty.

Clues about climate change, atmospheric dynamics

- The surface temperature is around 462°C, hotter than Mercury, due to a runaway greenhouse effect.
- Water on Venus likely evaporated, creating more heat and worsening the effect.
- Venus, once believed to have oceans, has now become a sweltering greenhouse world with surface temperatures reaching 470°C.

7th National Security Strategies

Conference 2024



Why in the News?

- The Union Home Minister , Amit Shah recently inaugurated the National Security Strategies Conference (NSSC) 2024 in New Delhi.
- The conference discussed the solutions to the emerging national security challenges.Senior officials also discussed the need to address issues concerning tribal communities with a "non-colonial approach."

About:

- The National Security Strategies Conference (NSSC) was conceived by the Prime Minister during the DGsP/IGsP Conference with the goal of finding solutions to major national security challenges. It facilitates discussions among a unique mix of senior police leadership, intelligence agencies, and other security stakeholders.
- The conference unites senior police leaders, young officers, and domain experts to foster collaboration across law enforcement, intelligence, and defence sectors, ensuring a coordinated approach to addressing national security challenges.

Key Highlights of NSSC, 2024:

Launch of DGsP/IGsP Conference Recommendations Dashboard

- The National Crime Records Bureau has launched a new dashboard to facilitate the implementation of decisions made during the annual Directors and Inspectors General of Police Conference, chaired by the PM.

Examination of Multiple Security Challenges

- The conference delved into several critical security issues, including the radicalization of youth via social media, with a particular focus on Islamic and Khalistani radicalization.
- The growing problem of narcotics and human trafficking was identified as a significant threat to internal security, affecting both social and economic stability.
- Additionally, concerns were raised about the security risks posed by non-major ports and fishing harbours, which are vulnerable to smuggling and other illegal activities.

Emerging Technological Challenges

- The sessions focused on emerging security threats, particularly Fintech fraud, which highlights the exploitation of financial technologies for criminal activities.
- A significant portion of the discussion centred on countermeasures against rogue drones, which are being used for smuggling and surveillance purposes.
- The conference also emphasised the exploitation of mobile app ecosystems by criminals to facilitate illicit activities.

Emphasising Tribal Issues through a Non-Colonial Lens

- Highlighting a non-colonial perspective is essential for addressing the grievances of tribal communities, moving away from the stigmatising and marginalising Western approaches to indigenous populations.
- The focus should shift towards respect, inclusion, and empowerment, prioritising these values over control and exclusion.

Addressing Tribal Issues: Insights from the NSSC

- **Non-Colonial Approaches:**

The Indian government has replaced the Criminal Tribes Act of 1871 with the Habitual Offenders Act of 1952, effectively denotifying tribes once labelled as "criminal" and helping to remove the associated stigma.

- **Rights Recognition:**

The National Forest Policy of 1952 acknowledged the essential relationship between tribal communities and forests. Additionally, the Forest Rights Act (FRA) of 2006 granted land ownership rights to forest-dwelling Scheduled Tribes (STs) and traditional forest dwellers.

- **Legislative Protections:**

The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, seeks to prevent atrocities against SCs and STs, mandating the establishment of special courts for effective resolution of such cases.

- **Persisting Challenges:**

Despite these advancements, tribal communities continue to confront challenges like lingering colonial stigma, insufficient protections for denotified tribes, increasing violence, and evictions from forest lands.

- **Addressing Ongoing Issues:**

To effectively address these challenges, it is crucial to implement public awareness campaigns, strengthen law enforcement, ensure effective enforcement of the FRA, support cultural preservation initiatives, and enhance political representation for tribal communities.

Tripura Declared Insurgency-Free After Militant Surrender



Why in the News?

- Tripura Chief Minister Manik Saha has declared the state as “insurgency-free” after 584 militants had laid down their weapons before him at a surrender ceremony. The rebels were from the National Liberation Front of Tripura (NLFT) and the All Tripura Tiger Force (ATTF).
- This development came after the Centre and the Tripura government had signed a Memorandum of Settlement with insurgent groups on September 4 in the presence of Union Home Minister.

Causes of Insurgency:

- **Demographic Shift:** The massive influx of Bengali refugees from East Pakistan led to the indigenous population decreasing from 95% in 1931 to 31% by 1991.
- **Discontent Among Tribals:** Tribals became a minority, losing control over land, trade, government jobs and business, sparking grievances.
- **Other factors:** Tripura, like other North-Eastern states, experienced insurgency due to geographical isolation, socio-economic backwardness, dysfunctional governance, rampant corruption and tribal land alienation.

Prominent groups involved in Insurgency

Insurgency in Tripura began with the formation of Tripura Upajati Juba Samiti (TUJS) in 1971, followed by Tripura National Volunteers (TNV) in 1981 and the more aggressive National Liberation Front of Tripura (NLFT) in 1989 and All Tripura Tiger Force (ATTF) in 1990.

Decline of TNV and Peace Efforts

- TNV had ties with the Mizo National Front (MNF) but after the Mizo Accord of 1986, TNV's strength weakened.
- TNV Settlement (1988): TNV signed a peace agreement with the State government, agreeing to lay down arms. The agreement focused on restoring alienated tribal lands.

Resurgence of Militancy

- Implementation Issues: There were complaints about the non-implementation of the 1988 agreement, leading to the emergence of new militant groups and a resurgence of militancy in Tripura.
- Insurgency gained momentum between 1996 and 2004, fueled by logistical support from Bangladesh and external intelligence networks.

Strategic Response to Insurgency

- Counter-insurgency operations: It involved Central Paramilitary and State police forces, including Special Police Officers (tribals included) were key players. Army was not involved.
- Psychological operations: These operations were launched to correct the negative perception of the state among tribals. This included highlighting the hypocritical behaviour of insurgents.
- Confidence-Building Measures: The Governor and Chief Minister publicly urged insurgents to return to the mainstream, leading to several surrenders.
- Governance Reforms: Local governance institutions like autonomous development councils, gram panchayats and village councils were strengthened. It ensured tribal participation in the development process.

Conclusion:

The state's experience demonstrated that insurgency could be tackled with sincerity, credible leadership and a balanced approach that addresses both military and socio-economic needs.

Hezbollah Leader Hassan Nasrallah

Killed by Israel



Why in the News?

- The Israel Defense Forces killed Hassan Nasrallah, the longtime leader of Hezbollah - An armed group and political party that controls much of southern Lebanon.
- Nasrallah remained in charge of Hezbollah for more than 32 years. He played a key role in building the group into the potent force it is today and was one of the most influential and best-known figures in the Middle East.

What is Hezbollah?

- Hezbollah was formed in 1982 as a Shia resistance group with support from Iran's Islamic Revolutionary Guard Corps (IRGC) following Israel's invasion of Lebanon.
- Israel aimed to expel the Palestine Liberation Organisation (PLO) from Lebanon and succeeded in relocating the PLO to Tunisia and establishing a buffer zone in southern Lebanon. However, the invasion spurred the rise of Hezbollah which became a long-term security threat to Israel.
- Historically marginalized in Lebanon, the Shia community reorganized under Hezbollah, which now operates as a powerful political, military, and social force.
- The group has a political party with parliamentarians, provides social services to poorer sections, and commands a strong military unit backed by Iran, with fighters and a range of missiles.

Why are Israel and Hezbollah fighting?

- Hezbollah's core purpose is resistance against Israel, with the destruction of Israel stated in its manifesto. It is credited for forcing Israel to end its occupation of southern Lebanon in 2000.
- The last full-scale war between Israel and Hezbollah occurred in 2006 after a Hezbollah cross-border raid led to an Israeli invasion of Lebanon.
- The latest conflict flared after Hamas's October 7, 2023 attack on Israel. In response to Israel's retaliation on Gaza, Hezbollah began firing rockets into Israel in solidarity with the Palestinians, prompting Israeli airstrikes on Lebanon.

India's position on the issue

- New Delhi, like Saudi Arabia and the UAE, seeks stability in West Asia to resume connectivity projects such as the India-Middle East-Europe Economic Corridor and focus on regional prosperity.
- India's primary concerns are the safety of around 9 million Indians living in the West Asian and Gulf regions, as well as energy security, with two-thirds of its crude oil and natural gas coming from this area.
- New Delhi is closely monitoring Israel and Iran's next moves and has issued security advisories for Lebanon amid the ongoing tensions.



History Of Insurgency in Tripura:

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