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सत्यमेव जयते



MK Yadav Sir

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THE HINDU

Page 1

Over 300 people become Indian citizens under CAA

Vijaita Singh
Samridhi Tewari
NEW DELHI

The Union government on Wednesday granted citizenship certificates to more than 300 people who applied under the Citizenship (Amendment) Act (CAA), 2019, a senior government official said.

At least 14 people were handed their certificates by Union Home Secretary Ajay Kumar Bhalla in Delhi, the Ministry of Home Affairs (MHA) said in a statement.

The country of origin of the applicants was not disclosed by the government, but a government source said that most applicants were Pakistani Hindus. The 14 people who received the certificates in Delhi came from Pakistan in 2013.

The source said that as applications were being scrutinised and finalised, certificates were being sent by post to beneficiaries in other parts of the country. Most Pakistani Hindus who entered India legally are living in Gujarat, Chhattisgarh, Rajasthan, Haryana, Punjab, and Delhi.

The Hindu met the families who were granted citizenship in Delhi. They said it was the first time since coming to India on a tourist visa in 2013 that they had applied for citizenship.

Jhoola Ram, a resident of Majnu Ka Tila in north Delhi, said that a priest at a nearby temple had signed the eligibility certificate validating his religion. One of the documents required to apply under the CAA is an eligibility certificate issued by a "locally reputed community institution".



Home Secretary Ajay Kumar Bhalla gives the first set of citizenship certificates under CAA in New Delhi on Wednesday. PTI

Another applicant, Seetal Das, said that a local NGO working with the Rashtriya Swayamsevak Sangh (RSS) and Vishwa Hindu Parishad (VHP) had signed the eligibility certificate. "We will be able to get out of the *jhuggi* (slum) now. We have documents. I did not receive proper education, but now, my children will go to a better school. Citizenship means hope for us...," Mr. Das said. He added that citizenship had brought relief because he had been living with his family in Delhi on a tourist visa.

"Getting extension of tourist visa was another hassle because, who listens to poor people? It costs ₹2,000-4,000 per person," he said.

PAKISTANI REFUGEES HAIL RIGHTS
» PAGE 4

CITIZENSHIP (AMENDMENT) ACT 2019

(Syllabus: GS Paper 2 – Polity)

Context: Recently, the Union Government issued citizenship certificates to over 300 applicants under the Citizenship (Amendment) Act (CAA), 2019.

Citizenship (Amendment) Act 2019

- **Amended the Citizenship Act, 1955**: The act amended the Citizenship Act, 1955 to make illegal migrants eligible for citizenship of India.
- **Citizenship on the basis of religion**: The CAA provides citizenship on the basis of religion to six undocumented non-Muslim communities (Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) from Pakistan, Afghanistan and Bangladesh who entered India on or before 31st December, 2014.
- **Definition**: Under the Act, an illegal migrant is a foreigner who:
  - Enters the country without valid travel documents like a passport and visa, or
  - Enters with valid documents, but stays beyond the permitted time period.
- **Exemption**: Illegal migrants may be put in jail or deported under The Foreigners Act, 1946 and The Passport (Entry into India) Act, 1920.
  - It exempts the members of the six communities from any criminal case under the Foreigners Act, 1946 and the Passport Act, 1920.
  - The two Acts specify punishment for entering the country illegally and staying here on expired visas and permits.
- **Citizenship by registration or naturalisation:** The Act allows a person to apply for citizenship by registration or naturalisation if the person meets certain qualifications.
- **Relaxations**: Under The Citizenship Act, 1955, one of the requirements for citizenship by naturalisation is that the applicant must have resided in India during the last 12 months, as well as for 11 of the previous 14 years.
  - The amendment relaxes the second requirement from 11 years to 6 years .

NAKBA DAY
(Syllabus GS Paper 1 – World History)



NAKBA

'Catastrophe' in Arabic, it refers to the displacement of Palestinians for the creation of Israel in 1948

ARJUN SENGUPTA
NEW DELHI, MAY 15

PALESTINIANS OBSERVE May 15, the day after the Israeli Declaration of Independence in 1948, as Nakba Day. But the Palestinian catastrophe neither began nor ended in 1948.

Migration to 'promised land'

The idea of "returning" to the "promised homeland" has always been a central feature of Jewish culture. According to the Hebrew Bible, God "gave" the land of Canaan (modern-day Israel-Palestine) to the descendents of Abraham, who established the first Israelite nation there.

By early 19th century, very few Jewish people remained in Ottoman-ruled Palestine. Most were dispersed across Europe where they lived as prosperous but vulnerable minorities. After anti-Semitic pogroms in Russia in 1881–82, the first wave of Jewish migrants arrived on Palestinian shores. They bought large tracts of Palestinian land from absentee landlords, and displaced its Arab tillers.

In the 20th century, this migration was facilitated by the British, who, in 1917, promised the "establishment in Palestine of a national home for the Jewish people". The Jewish population in Palestine went up from 76,000 in 1920 to over 500,000 by 1945 (over 31% of total population), according to British official figures. Only 42% of this population was born in Palestine.

Arab frustration at the land's changing character manifested in the form of attacks on Jewish settlements, and British personnel. In return, Jewish settlers formed armed militias which further usurped Arab land.

Palestinian 'catastrophe'

After World War II, Britain decided to exit Palestine, leaving its fate to the United Nations. On November 29, 1947, the UN recommended the partition of Palestine into Jewish and Arab states. The Jewish nation was allocated 55% of the land, cities like Jaffa, agricultural tracts, and major seaports. The Arabs rejected the proposal.

Fighting broke out. Zionist militias benefitted from British War-time training, and modern weaponry and funding from the West. They forced the mass expulsion of Palestinians from their towns and villages — this is remembered as the Nakba.

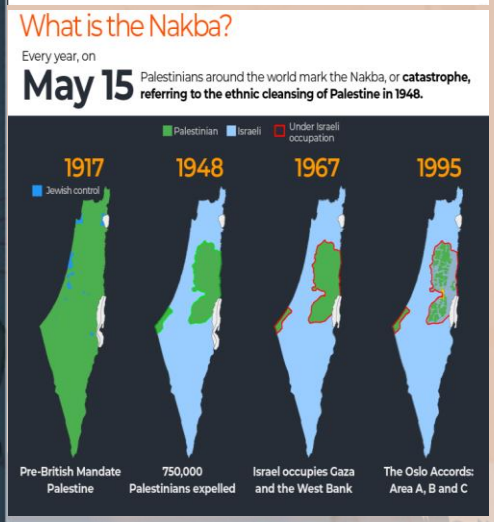
According to UN estimates from 1949, roughly 711,000 Palestinian refugees were expelled from Israel during the Nakba, with another 40,000-odd living as "internal refugees" in Israel. Dozens of massacres also took place, such as in Deir Yassin, where at least 107 men, women, and children were killed. The Nakba has since become a central aspect of Palestinian identity.

But Palestinian dispossession did not end in 1948. In many ways, it continues till date. After the 1967 Arab-Israeli War, Israel occupied Palestinian territories of East Jerusalem, the West Bank, and the Gaza Strip. This again led to the displacement of some 430,000 Palestinians, half of whom had previously been displaced in 1948.

Israel today controls closer to 80% of erstwhile Palestine, with Israeli settlements continuing to encroach upon the West Bank. Israel also does not allow refugees to return to their homeland — many still live in camps in Palestine and beyond, including Gaza's Rafah refugee camp which Israel launched an assault on, earlier this month.

Wikimedia Commons

Over 750,000 Palestinian Arabs were displaced due to the Nakba.



Context: On May 15, every year, Palestinians mark the Nakbareferring to the displacement of thousands of Palestinians, and the near-total destruction of Palestinian society in service of the creation of Israel.

Nakba Day

- **About**: It is an annual day of commemoration for Palestinians, observed on May 15th.
- **Meaning of term:** The Nakba, which means "catastrophe" in Arabic, refers to the mass displacement and dispossession of Palestinians during the 1948 Arab-Israeli war.
- **History of Nakba Day**
- **British Support for Jewish State**: In 1948, the British government backed the establishment of a Jewish state in Palestine.
- **Declaration of State of Israel**: On May 14, 1948, immediately after the British Mandate ended, Zionist forces proclaimed the State of Israel.
- **First Arab-Israeli War:** This declaration ignited the first Arab-Israeli war, a significant conflict in the region's history.
- **Division of Territory**: The remaining 22 percent of Palestine was split into the occupied West Bank and the besieged Gaza Strip.
    - Fighting persisted until January 1949 when Israel and neighboring countries reached an armistice agreement.
- **Green Line**: The 1949 Armistice Line, also known as the Green Line, delineates the boundary between Israel and the West Bank.
- **1967 Borders**: The Green Line also represents the (pre-)1967 borders, before Israel occupied the remaining Palestinian territories in the June 1967 war.

TIMES OF INDIA

May 15

GREAT PYRAMID OF GIZA

(Syllabus: GS Paper 1 – History)

Mysterious unknown structure discovered near Giza pyramids



Context: A mysterious L-shaped structure has been observed underground in the western cemetery of Giza.

Great Pyramid of Giza

- **About:** It is also known as the Great Pyramid and the Great Pyramid of Khufu, stands as an iconic symbol of ancient Egyptian architecture and engineering prowess.
- **Location**: Situated on the Giza plateau, approximately five miles west of the Nile River, near Cairo, Egypt, the pyramid commands attention with its strategic placement.
- **Built by**: Khufu (Cheops), the second king of Egypt's 4th dynasty, the construction of the Great Pyramid began around 2580 BC and concluded around 2560 BC, marking a monumental feat of ancient craftsmanship.
- **Historical Significance**: Holding the title of the tallest human-made structure for over 3,000 years until the construction of the Eiffel Tower in 1889, the Great Pyramid remains a testament to ancient ingenuity and architectural mastery.
- **Exploration:** The pyramid's excavation using modern techniques commenced in 1880 under the guidance of British archaeologist Sir William Matthew Flinders Petrie.
- **Features**
  - Standing approximately 455 feet tall today, with each side measuring around 755 feet at the base, the Great Pyramid boasts over two million stone blocks, each weighing over 2000 pounds.
  - Within the pyramid lie three significant chambers: the King's Chamber, the Queen's Chamber, and the Grand Gallery, connected by intricate tunnels and air shafts.
  - Comprised primarily of yellowish limestone blocks for its core and finer, light-colored limestone for the inner passages, the pyramid's interior burial chamber is constructed of massive granite blocks, underscoring the grandeur of ancient Egyptian craftsmanship.

DTE May 15

KANWAR LAKE
(Syllabus: GS Paper 3 – Env and Eco)

Kanwar lake, Bihar's only Ramsar site, faces challenge of survival but not a poll issue

Context: The appalling condition of Bihar's Kanwar Lake was not an issue in ongoing Lok Sabha elections. The lake is the first and only wetland in the state of international importance under the Ramsar Convention.

Kanwar Lake

- **About:** It is Asia's largest freshwater oxbow lake and Bihar's only Ramsar site.
- **Also Known as**: Kabartal Jheel
- **Located**: Begusarai district, Bihar
- **Formation**: It was formed as a residual oxbow lake, resulting from the meandering of the Gandak River, a tributary of the Ganga.
- **Migratory Birds**: Kanwar Lake serves as a vital stopover along the Central Asian Flyway, hosting 58 migratory waterbird species for rest and refueling.
- **Rich Fish Biodiversity**: With over 50 documented species, Kanwar Lake is a hub of fish biodiversity, contributing to the local ecosystem's richness.
- **Habitat**: The lake is home to five critically endangered species, including three vulture species and two waterbirds, emphasizing its conservation significance.
- **Threats to Conservation**: Major threats to Kanwar Lake include water management activities such as drainage, water abstraction, damming, and canalization, highlighting the need for conservation efforts.

Ramsar Convention

- **About**: The Ramsar Convention, signed on February 2, 1971, aims to preserve the ecological character of wetlands of international importance.
- **Origin**: Named after Ramsar, the Iranian city where the treaty was signed, sites designated for conservation under this convention are identified as 'Ramsar sites'.
- **India and Ramsar Convention**: The first Ramsar Site in India, the Chilika Lake in Odisha, was designated in 1981.
- **Presence in India**: 80

INDIAN EXPRESS

Page 8

DOWRY PROHIBITION ACT

(Syllabus: GS Paper 2 – Social Issues)

HC asks UP if it has appointed Dowry Prohibition Officers

EXPRESS NEWS SERVICE
LUCKNOW, MAY 15

THE ALLAHABAD HC directed the Uttar Pradesh government to file an affidavit on whether Dowry Prohibition Officers have been appointed to oversee that the provisions of the Dowry Prohibition Act are complied with.

The court stated that if Dowry Prohibition Officers have not been appointed till date, the state government should explain as to why they have not been appointed when cases of dowry are rising.

The court passed the order while hearing a petition filed by one Ankit Singh and others.

"... it is then imperative that the steps taken by such Dowry Prohibition officers towards implementation of the provisions of the Dowry Prohibition Act is shown in respect of preparation of the list of presents given in the marriage as per section 3(2) of the Dowry Prohibition Act. The State Government shall also disclose the orders issued for implementation of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985... The affidavit shall also disclose how many Dowry Prohibition Officers have been appointed throughout the State and at what level," the court order issued recently stated.

As per Section 3(2) of the Dowry Prohibition Act, 1961, presents given at the time of marriage to the bride or bridegroom that are entered in the list maintained in accordance with the Rules made under the Act shall not be construed as dowry under Section 3 of the Dowry Prohibition Act.

However, Section 3 of the Dowry Prohibition Act, 1961 provides if any person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term not less than 5 years, and with a fine not less than Rs 15,000 or the amount of the value of such dowry, whichever is more.

The court also issued a directive to the state government, urging them to submit an affidavit regarding the implementation of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985 during the registration of marriages. The court sought clarification on whether the list of presents, as mandated by the aforementioned rules, was being recorded by the officers concerned because it could help settle any disagreements later.

The next date of hearing has been fixed for May 23.

Context: The Allahabad HC directed the Uttar Pradesh government to file an affidavit on whether Dowry Prohibition Officers have been appointed to oversee that the provisions of the Dowry Prohibition Act are complied with.

Dowry Prohibition Act

- **About**: Enacted on May 20, 1961, the Dowry Prohibition Act 1961 was the first legislative measure aimed at addressing the issue of dowry.
- **Definition of Dowry**: Section 2 of the Dowry Prohibition Act, 1961, offers a comprehensive definition of dowry, encompassing various forms of property or valuable security exchanged in relation to marriage.
- **Prohibition of Dowry**: The primary aim of the Dowry Prohibition Act, 1961, was to eradicate the practice of giving and receiving dowry, recognizing it as a harmful social phenomenon.
- **Legal Consequences:** The act unequivocally prohibits both the giving and receiving of dowry, with Section 3 outlining penalties, including imprisonment and fines, for those involved.
- **Exclusions:** Section 3(2) of the Dowry Prohibition Act, 1961, exempts certain gifts exchanged during marriage ceremonies from being considered as dowry, subject to specific conditions.
- **Offenses and Penalties**:Those found guilty of breaking this law face imprisonment for a minimum of five years and a fine of at least Rs 15,000, or an amount equivalent to the value of the dowry, whichever is greater.

Amendment to the Dowry Prohibition Act, 1984

- **About:** It prescribes a minimum punishment of two years imprisonment and fine to anyone demanding dowry.
- **Prohibited Items**: It explicitly prohibits the giving, directly or indirectly, of any property or valuable security in connection with a marriage.
- **Absolute Prohibition on Dowry:** Any exchange of cash, kind, jewelry, articles, or properties in respect of a marriage is strictly prohibited under the Dowry Prohibition Act.
- **Punishment**: The Act mandates a minimum punishment of two years imprisonment and a fine for anyone found guilty of demanding dowry.
    - Even the act of making a demand for dowry is now prohibited and carries a punishment of imprisonment for up to five years and a fine of Rs. 10,000/-.

INTERNET SHUTDOWN

(Syllabus: GS Paper 2 – Governance)

Report: India tops list on internet shutdowns

Aditi Agrawal

letters@hindustantimes.com

AT 116 SHUTDOWNS, INDIA ACCOUNTED FOR 41% OF THE GLOBAL TOTAL LAST YEAR, SAID ACCESS NOW

NEW DELHI: India saw 116 shutdowns in 2023, accounting for 41% of the 283 globally, according to data analysed by Access Now, a not-for-profit group that focuses on digital rights. For the sixth year in a row, India led the world in imposing the highest number of internet shutdowns.

Of the 1,458 shutdowns Access Now has recorded since 2016, India has accounted for 773, or 53%. In 2023, the number of internet shutdowns rose 41% to 283 from 2022 figure of 201.

"Shutdowns reportedly cost the country [India] $1.9 billion and a loss of $118 million in foreign investment in the first half of 2023 alone," the report said. Citing Internet Society's NetLoss Calculator, the report said that a single day's shutdown can push 379 people into unemployment.

In India, 64 shutdowns affected more than one district, driven by the 47 shutdowns in Manipur and the statewide shutdown in Punjab in March. Internet was suspended in Manipur from May 3 to December 3 for 212 days. "The impact was severe, particularly for women, as the shutdowns made it more difficult to document rampant atrocities, including murder, rape, arson...," the report said.

Apart from blocking certain platforms, 13 states in India saw local or statewide internet shutdowns. In India internet can be suspended on grounds of public emergency or safety under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.

Context: According to recent data analyzed by Access Now, India accounted for 41% of the global internet shutdowns in 2023, with 116 instances logged.

Internet Shutdown

- **About:** These are disruptions in access to internet services, primarily affecting mobile internet.
- **Objective:** To prevent communal tensions, civil war, riots, and situations of unrest, aiming for proportionality.
- **Types**: Preventive Shutdowns and Reactive Shutdowns

Data on Internet Shutdown

- In India, more than one district was affected by 64 shutdowns, primarily due to 47 shutdowns in Manipur and a statewide shutdown in Punjab in March.
- Besides blocking specific platforms nationwide, 13 states in India experienced local or statewide internet shutdowns.
- The number of Indian states witnessing more than five shutdowns rose from 3 in 2022 to 7 in 2023, with 41% of all shutdowns lasting five or more days, compared to 15% in 2022.
- The study also revealed that 51 shutdowns across 11 countries, such as Iran, Palestine, Ukraine, Russia, and Sudan, coincided with "documented grave human rights abuses."

Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017

- **About:** The law was amended in 2017, leading to the promulgation of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
- **Internet Service Suspension**: The substantive law for suspending internet services is primarily derived from a broad interpretation of Section 5(2) of the Telegraph Act 1855.
- **Evolution from Traditional Legal Framework**: The interpretation differs from traditional legal frameworks, suggesting a departure from prior Acts or Rules governing such suspensions.
- **Authority for Issuing Directives**: The authority empowered to issue directives for suspension falls under the jurisdiction of the Secretary in the Ministry of Home Affairs, a body representing the Central Government.

TIMES of INDIA Page 1

MTP ACT, 2021

(Syllabus: GS Paper 2– Health and Gov. Policies)



28-wk-old fetus' right to life trumps right to abort: SC

New Delhi: Putting a premium on a 28-week-old fetus's right to life, Supreme Court Wednesday declined a 20-year-old unmarried woman's plea to let her terminate her pregnancy, even though it had allowed rape survivors or minors to abort much beyond the 24-week outer limit prescribed under Medical Termination of Pregnancy Act. SC said, "The child in the womb has a fundamental right to live," reports Dhananjay Mahapatra.

▶ 'Can't pass order,' P 12

IN THE COURTS

- Mumbai court sentences 4 accused to 10-yr RI in 2015 Malwani hooch tragedy that claimed 106 lives | P 8
- 'Rosy picture about forest fires being under control appears incorrect,' says SC, seeks status report from Uttarakhand govt | P 8
- SC shuts 68 mines within 1 km of Sariska in Raj | P 8
- Court suspends action against Delhi chief secy | P 7

Medical Termination of Pregnancy (MTP) Act, 1971

- **According to this act,** termination of pregnancy is permissible for a variety of conditions up to 20 weeks of gestation
- **Termination is allowed** when the **continuation of pregnancy poses a risk** to the life of the pregnant woman.
- It is permissible when there is a **significant risk that the child**, if born, would face serious physical or mental abnormalities.

Context: Recently, the Supreme Court declined a 20-year-old woman's plea to terminate her pregnancy, emphasizing the right to life of a 28-week-old fetus, despite allowing exceptions for rape survivors or minors beyond the 24-week limit under the Medical Termination of Pregnancy Act, stating, "The child in the womb has a fundamental right to live."

Medical Termination of Pregnancy (MTP) Act, 2021

- **About**: The **Act extends the permissible termination** of pregnancy from **20 weeks to 24 weeks**, providing women with a longer gestation period for making this choice.
- **Section 3**: Abortion can be **recommended by one doctor for pregnancies** up to 20 weeks and by two doctors for specific categories of women within the 20 to 24-week range.
    - If the **gestational period exceeds 24 weeks**, termination is only allowed in cases of substantial fetal **abnormalities determined by a Medical Board** or when the mother's life is at risk.
- **Unmarried women can now seek an abortion** in the event of contraceptive failure, with this ground being applicable for pregnancies up to 20 weeks.
- A **Medical Board will be established by all state and union territory** governments, responsible for evaluating whether a pregnancy can be terminated after 24 weeks due to substantial fetal abnormalities.
- **Protect**: The MTP Act only protects the mother's well-being and health.

Article 21

- **About**: It ensures the "Protection of Life and Personal Liberty," stating that no individual can be deprived of their life or personal liberty except through due legal process.

HINDUSTAN TIMES

Page 10

SARISKA TIGER RESERVE
(Syllabus: GS Paper 3 – Env and Eco)

SC halts all mining activities around Sariska Tiger reserve

Abraham Thomas
letters@hindustantimes.com

NEW DELHI: No mining activity will be permissible within one-kilometre radius of a critical tiger habitat (CTH), the Supreme Court said on Wednesday as it halted all mining activities being undertaken around the Sariska Tiger Reserve in Rajasthan.

A bench headed by justice BR Gavai also asked the Rajasthan government to formulate a closure plan or take necessary steps for compliance with its orders and listed the matter for further hearing in July.

"We hold that any mining activity within 1 kilometre from a critical tiger habitat (CTH) will be violation of our April 26, 2023 order," the bench also comprising justices SVN Bhatti and Sandeep Mehta said. "We direct Rajasthan to forthwith prohibit mining activities from one kilometre of CTH at Sariska."

The top court was hearing an application, moved in TN Godavarman case pending before the forest bench since 1995, seeking to stop mining activities within one-km radius of Sariska tiger reserve located in Alwar district.

The court was informed that 110 mines were operating within the area in violation of its April 26, 2023 decision that prohibited mining within one km from the boundaries of national parks and wildlife sanctuaries.

The Rajasthan government told the court that the prohibition on mining, as ordered in April last year, was applicable to the eco-sensitive zone (of 1 km) from national parks and wildlife sanctuaries and it did not apply to tiger reserves.



The top court was hearing a plea seeking to stop mining activities within one-km radius of Sariska tiger reserve.

Additional solicitor general (ASG) Aishwarya Bhati, appearing for Rajasthan, said the CTH serves as a buffer zone for the protection of Sariska wildlife sanctuary. She also said that of the 110 mines, only 60 were operating within the 1-km radius.

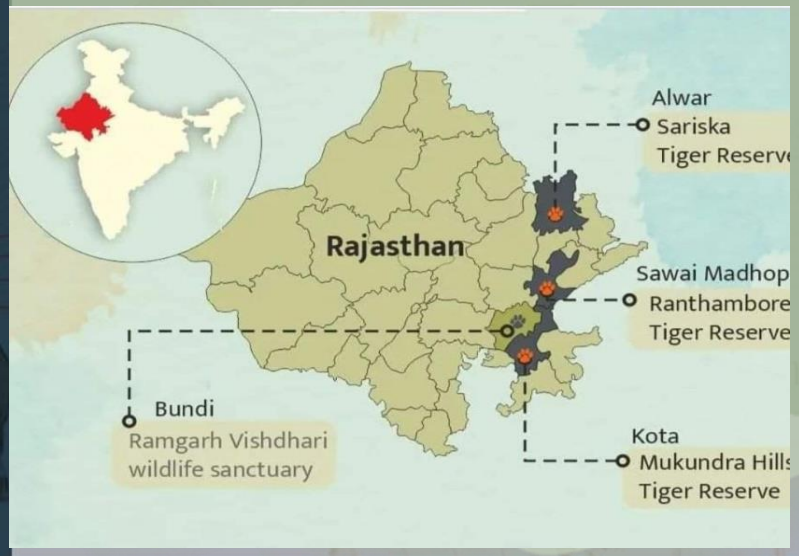
The bench, however, said the stand taken by the state was "contrary" to law.

"Section 38X(A of Wildlife Protection Act as interpreted by this court (in the recent judgment prohibiting tiger safari in Jim Corbett Park in Uttarakhand) will show that tiger reserve stands on a higher pedestal than wildlife sanctuaries and national parks," the bench remarked. "The interpretation by state is without reason. Our order of April 26, 2023 that prohibited mining activities within 1 km of protected area would not just mean sanctuaries and national parks, but CTH as well."

The court found that some of the mines in Sariska were situated as close as 50 metres, 400 metres and 600 metres of the reserve's boundary.

"Don't do anything in the 1-km radius or if you wish to continue, then we will extend our order to 10-km radius, as fixed by our earlier order passed in June 2022," the bench warned the Rajasthan government.

Advocate K Parameshwar, assisting the court as amicus curiae in forest matters, submitted that tiger habitat cannot be treated as buffer zone. He pointed out that Sariska was declared as a tiger reserve under Project Tiger in 1978. In 2007, the Rajasthan government notified 881.11 sq km area as CTH and by a subsequent notification of 2012, it declared 332 sq km area as buffer zone of Sariska tiger reserve. Of the total CTH, a total of 53.5 sq km is used for tourism purposes, the advocate said, adding that permitting mining activity near this zone will be detrimental to the tiger reserve ecosystem.



Context: Recently, the Supreme Court halted all mining activities around the Sariska Tiger Reserve in Rajasthan, declaring a one-kilometre radius around critical tiger habitats off-limits for mining.

Sariska Tiger Reserve

- **About:** A prominent wildlife sanctuary and national park located in the Alwar district of Rajasthan, India. The park is a part of the Aravalli Range.
- **Establishment**: It was declared a wildlife sanctuary in 1955.
  - Later, it was designated as a Tiger Reserve under Project Tiger in 1978.
  - The wildlife sanctuary was declared a national park in 1982.
- **Vegetation:** Dry deciduous forests, thorn scrubs, and grasslands.
- **Fauna:** Apart from Bengal tigers, Sariska Tiger Reserve is known for its rich biodiversity, including Indian leopards, jungle cats, caracals, sambar deer, chital, nilgai, and a variety of bird species.
- **Threat to reserve:** Animal poaching, marble mining continue to threaten environment, habitat loss due to developmental activities, and Human-animal conflict.
- **Other information:**
  - It is the first reserve in the world with successfully relocated tigers.
  - Two tigers from Ranthambhore National Park were relocated to Sariska Tiger Reserve.
  - By 2020, the tiger population in the reserve has risen to 20.

THE PRINT May 15

JUVENILE JUSTICE ACT, 2015
(Syllabus: GS Paper 2 – Polity)

SC tightens Juvenile Justice Act, sets 30-day timeline for appeals & mandates detailed orders

Context: The Supreme Court has attempted to plug significant gaps in the Juvenile Justice (Care and Protection of Children) Act (JJA), 2015.

Juvenile Justice Act, 2015

- **About:** It was enacted by Parliament to replace earlier legislation, including the Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children) Act, 2000.
- **Objective:** To consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection.
  - By adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children.
- **Juvenile trial** : The child is defined in the JJ Act, 2015 as a person who has not completed 18 years of age.
  - **Differentiated Trial:** According to Section 15(1) of the Act, in case of a heinous offence alleged to have been committed by a child age group of 16-18 years the Juvenile Justice Board "shall conduct a preliminary assessment.
- **Section 18 (3)**: The sole aim of preliminary assessment is to determine whether the child in the age of 16-18 years should be tried as an adult in case of heinous offence.
- **Role of JJ Board:** The Juvenile Justice Board (JJB) is solely responsible for conducting preliminary assessment, which it must complete within three months from the date of first production of the child before it.
- **Punishment**: It prescribes punishment for the various offences against children such as enhanced punishment for cruelty to children from six months to three years.
  - The selling or buying of children will be a punishable offence with imprisonment of five years.

INDIAN EXPRESS May 14

ARTICLE 22 & UAPA

(Syllabus: GS Paper 2 - Polity)



Why SC said NewsClick founder's arrest illegal, why bail is significant

APURVA VISHWANATH
NEW DELHI, MAY 15

INVALIDATING HIS arrest in a terror case, the Supreme Court on Wednesday ordered the release of *NewsClick* founder-editor Prabir Purkayastha. The court's reasoning: the police failed to inform Purkayastha of the grounds of his arrest before taking him into custody.

The ruling by a Bench led by Justice B R Gavai is significant as it emphasises that proper procedure and due process are the guardrails against arbitrary action, even when the person is accused in a terror case.

Issue of the timing of the arrest

Purkayastha was arrested at about 6.30 am on October 3, 2023, by the Special Cell of Delhi Police. Invoking the Unlawful Activities (Prevention) Act, the police alleged that NewsClick received money for pro-China propaganda.

The FIR mentioned serious offences: Sections 13 (unlawful activities), 16 (terrorist act), 17 (raising funds for terrorist acts), 18 (conspiracy), and 22(C) (offences by companies, trusts) of the UAPA, and Sections 153 A (promoting enmity between different groups) and 120B (criminal conspiracy) of the Indian Penal Code (IPC).

Purkayastha's case is that on October 4, without any prior notice, he was taken to the residence of a special judge at 6.30 am for his remand hearing. Purkayastha's lawyers claimed that after their client insisted, police informed them about the proceedings around 7 am, over the phone.

In pleadings before the Delhi High Court, Purkayastha said an unsigned copy of the remand application was sent by WhatsApp to his lawyers without mentioning the time of the arrest or the grounds of arrest.

However, even as objections to the remand were filed before 8 am, Purkayastha's lawyers were told that the remand order had already been passed, and seven days of police custody had been granted.

Official records show that the remand order was signed at 6 am, which is even before Purkayastha was produced before the judge or his lawyers were informed.

EXPLAINED LAW

The SC in its order included a copy of the Additional Sessions Judge's order granting remand. The court noted that the order showed that the judge, after granting remand, made a *post facto* note that the remand application was shared with Purkayastha's lawyer.

"A bare perusal of the remand order is enough to satisfy us that these two lines were subsequently inserted in the order because the script in which these two lines were written is much finer as compared to the remaining part of the order and these two lines give a clear indication of subsequent insertion," the court said.

Even the FIR was made public only after a few days had passed after the arrest.

The Delhi Police made two key arguments. First, Purkayastha was given an arrest memo at the time of his arrest which should suffice as "grounds of arrest". Second, since the offences he is booked under are serious and involve national security, the court should look past the fact that he was not provided with the formal grounds of arrest.

Rejecting the arguments, the SC said the arrest memo is "simply a pro forma indicating the formal 'reasons' for which the accused was being arrested".

Issue of the legality of arrest

Purkayastha's case was that his arrest was illegal as it did not follow due process.

Article 22(1) of the Constitution, which is about protection against arrest and detention, reads: "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice."

The day Purkayastha was arrested, the SC in *Pankaj Bansal versus Union of India*, held that to give true meaning to constitutional and statutory mandates, "it would be necessary... a copy of such written grounds of arrest is furnished to the arrested person... without exception".

While the *Pankaj Bansal* case was regarding a money laundering offence under the Prevention of Money Laundering Act (PMLA), the UAPA also contains a similar provision on the power to arrest, which requires the grounds of arrest to be presented. Since both the laws are comparable, the ruling would be deemed to apply to UAPA as well.

This 'technicality' is crucial as the bar for granting bail in stringent special legislation such as PMLA and UAPA is very high, making it virtually impossible to get bail. Therefore, the protection against unlawful arrests is even more important in stringent offences.

For instance, for Purkayastha to be granted bail, the court would have to be satisfied that there was no *prima facie* case against the accused. When the investigation is still pending, as in the case involving NewsClick, a grant of bail would have been a tall order.

Also, the SC rarely applies procedural guidelines to UAPA cases.

Anti-terror laws are treated as a separate class of legislation that justify giving vast powers to the state. The UAPA, for example, allows a virtual bar against the grant of bail, and relaxed timelines for filing chargesheets. Grant of bail for delay in holding trial is common, but this principle was applied to UAPA cases for the first time only in the 2021 *Najeeb v State of Kerala* case.

Context: Recently, the Supreme Court ordered the release of Newsclick founder-editor, invalidating his arrest in a terror case due to the Delhi Police's failure to inform him of the grounds for his arrest beforehand.

Article 22 of the Indian Constitution

- **About:** No person who is arrested shall be detained without being informed of the grounds for such arrest.
- **Right to Legal Representation**: Every arrested person has the right to consult and be defended by a legal practitioner of their choice.
- **Mandatory Production Before Magistrate**: Anyone arrested and detained must be brought before the nearest magistrate within 24 hours, excluding travel time.
- **Objective**: It deals with the protection against arrest and detention in certain cases. This article is applicable to both citizens and non-citizens.
- **Article 22(1):** No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- **D.K. Basu Judgment:** In 1997, the landmark judgment of D.K. Basu v. State of West Bengal established crucial guidelines aimed at preventing custodial torture and deaths.
- **Upholding Fundamental Rights**:The Supreme Court established stringent guidelines for handling custodial violence and deaths, mandating their adherence in all arrest and detention cases until appropriate legal safeguards are enacted.

Unlawful Activities (Prevention) Act, 1967 (UAPA)

- **Passed**: in 1967.
- **Aims**: To effective prevention of unlawful activities and associations in India.
- The Act grants complete authority to the central government.
    - If the Centre perceives an activity as illegal, it can proclaim it as such through an Official Gazette.
- **Applicability**: Under the act, both Indian and foreign nationals can be charged.
- **Punishment**: The act has the death penalty and life imprisonment as the highest punishments.
- **Duration of punishment**: Under section 43D, police are empowered to detain the accused in police custody for 30 days and in judicial custody for a period of 180 days without the charge sheet.
- **Recent Amendment**: Under the Act, the central government may designate an organisation as a terrorist organisation if it: (i) commits or participates in acts of terrorism, (ii) prepares for terrorism, (iii) promotes terrorism, or (iv) is otherwise involved in terrorism.

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