



SC/ST Prevention of Atrocities Act

Relevancy

- ✓ G.S. Paper 2
- ✓ About SC/ST Prevention of Atrocities Act
- ✓ Provisions under the act
- ✓ Recent verdict highlights

Recently:

- ❖ The Supreme Court has pointed out that the SC/ST Prevention of Atrocities Act is being rampantly misused.

What is the SC/ST prevention of atrocities act?

- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) PoA Amendment Act, 1989, was introduced to protect the vulnerable sections of the society.
- The Act was amended in 2015 to cover newer forms of discrimination and crimes against Dalits and tribals.

What are the provisions under the act?

The act provides for:-

- Establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to enable speedy and expeditious disposal of cases.
- Completion of trial of the case filed under POA within two months, from the date of filing of the charge sheet.
- Defining clearly the term wilful negligence of public servants at all levels, starting from the registration of complaint, and covering aspects of dereliction of duty under this Act.
- Addition of presumption to the offences if the accused was acquainted with the victim, the court will presume that the accused was aware of the caste or tribal identity of the victim unless proved otherwise.

What is the recent verdict of SC on the PoA?

- SC has ruled that Section 18, which bars grant of anticipatory bail to anyone accused of violating its provisions, is not an absolute bar on giving advance bail to those against whom, prima facie, there is no case.
- The two judge bench has prohibited the arrest of anyone merely because of a complaint that they had committed an atrocity against a dalit or a tribal person.
- In respect of public servants, no arrest should be made without the written permission of the official's appointing authority.
- For the private citizens, the Senior Superintendent of Police in the district should approve for the arrest.

The SC's verdict highlights the following two major points:-

- Supreme Court in its judgment had made it clear that the SC/ST Atrocities Act should not perpetuate casteism.
- The court said 15-16% of the total numbers of complaints filed in 2015 under the Act were false and many cases were filed to settle personal scores and harass adversaries.

SC made this statements in the view that any harassment of an innocent citizen, irrespective of caste or religion, is against the guarantee of the Constitution.

Supreme Court has sought to strike a balance between protecting individual liberty and preserving the spirit of a law in favour of oppressed sections.

What is the response for this verdict?

In an ideal system, as long as every charge is judicially scrutinised and every investigation or prosecution is fair and honest, one need not worry about misuse and its adverse effects.

However, social realities are far from being ideal which ought to concern the civil society including courts.



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The conviction rates under the Act remain low which proves the lackadaisical approach of investigators and prosecutors to bring home charges against perpetrators of such crimes.

Even if courts are right in taking note of the tendency to misuse this law, society and lawmakers are justifiably worried about the sort of messaging contained in their rulings and observations.

The strong demands from political parties are that words of caution and rules against misuse may be needed to grant relief to the innocent, but nothing should be done to de-fang the law itself.



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Ayushman Bharat — National Health Protection Mission (AB-NHPM)

Relevancy

- ✓ G.S. Paper 2
- ✓ About Ayushman Bharat — National Health Protection Mission (AB-NHPM)
- ✓ Features and application of the scheme

Recently:

- ❖ The Union Cabinet approved the launch of 'Ayushman Bharat — National Health Protection Mission' (AB-NHPM).
- ❖ AB-NHPM will subsume the on-going centrally sponsored schemes — Rashtriya Swasthya Bima Yojana (RSBY) and the Senior Citizen Health Insurance Scheme (SCHIS).
- ❖ The NDA government's scheme aims to provide health cover of 5 lakh per year to 10 crore poor and vulnerable families through the Ayushman Bharat-National Health Protection Mission.

What are the salient features of the AB-NHPM scheme?

- This scheme has the benefit cover of Rs. 5 lakh per family per year.
- The target beneficiaries of the proposed scheme will be more than 10 crore families belonging to poor and vulnerable population based on SECC database.
- The Rs. 5 lakh per family a year cover will take care of almost all secondary care and most of tertiary care procedures.
- To ensure that nobody is left out (especially women, children and elderly) there will be no cap on family size and age in the scheme.
- The benefit cover will also include pre- and post-hospitalisation expenses.
- All pre-existing conditions will be covered from day one of the policy.
- A defined transport allowance per hospitalisation will also be paid to the beneficiary.



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- Also, benefits of the scheme are portable across the country and a beneficiary covered under the scheme will be allowed to take cashless benefits from any public/private empanelled hospital across the country.
- AB-NHPM will be an entitlement based scheme with entitlement decided on the basis of deprivation criteria in the SECC database.

AB-NHPM applicable to both Public and Private sectors-

- The beneficiaries can make use of benefits in both public and empanelled private facilities.
- All public hospitals in the States implementing AB-NHPM, will be deemed empanelled for the Scheme.
- Keeping in view the State specific requirements, States/ UTs will have the flexibility to modify these rates within a limited bandwidth.
- One of the core principles of AB-NHPM is co-operative federalism and to give flexibility to States.
- There is provision to partner the States through co-alliance.
- The expenditure incurred in premium payment will be shared between Central and State Governments in specified ratio as per Ministry of Finance guidelines.



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India-Tibet-China

Relevancy

- ✓ G.S. Paper 3
- ✓ India-Tibet-China relations
- ✓ Reasons why WPTC got cancelled
- ✓ About TPIE and related concerns
- ✓ India's policy towards Tibet

Recently:

- ❖ The 7th World Parliamentarian's Convention on Tibet (WPCT), which had been planned for April 26-28 in Delhi, has been cancelled.

Why WPCT got cancelled?

- The reason for cancellation is because of the government's bid to ease tensions with China.
- A leaked memo to officials telling them to stay away from events that commemorate the 60th anniversary of the Dalai Lama's 1959 flight to India proves India's attempt at resetting ties with china by giving up its "Tibet card".



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- The decision reflects “sensitivities” over upcoming high profile meetings between the Indian and Chinese leadership.
- An “informal summit” between Prime Minister Narendra Modi and Chinese President Xi Jinping even before they meet in Qingdao in June for the Shanghai Cooperation Organisation (SCO) is being “worked on”.

TPIE (Tibetan Parliament in Exile)

- Preparations for the event this year were in full swing, and parliamentarians from the self-styled “Tibetan Parliament in Exile (TPIE)” of the Central Tibetan Authority in India had met with several MPs in Delhi in December 2017 to extend invitations.
- Tibetan community leaders also announced the “postponement” of the WPCT in the ongoing session of the ‘TPIE’ in Dharamshala this week.
- TPIE worried
- Leaders of the Tibetan ‘parliament in exile’ (TPIE) are worried and called to discuss whether this was a phase in Sino-Indian ties, or a more permanent situation

What are the concerns?

- Giving in to China’s aggression on the subject is the wrong pretext to nuance its Tibet policy, and as the government has said, where the Dalai Lama goes within India is a sovereign issue.
- The bigger error may be for the government to be using Tibetan refugees in India as a card in its relations with China.

Is Tibet responsible for the Deteriorating ties between India and China?

Ties between the two have deteriorated over the past few years for a number of reasons unconnected to the Dalai Lama and the Tibetan population in India:

- Border incursions, including the standoff at the part of Doklam claimed by Bhutan.
- India’s strategic shift in line with the U.S.’s Indo-Pacific pivot that targets China.
- China’s ‘deep-pocket’ inroads into South Asia.
- Differences on the international stage, including over the Nuclear Suppliers Group membership and terror designations to Masood Azhar.
- It would be wrong to assume that these problems would go away if India were to make the Tibetan community and its leader less visible.
- Therefore, it is wrong to portray strictures on their activities as a ‘peace offering to Beijing’.

India’s policy towards Tibet:

- Indian strategists have handed down the idea of a Tibet card for decades.
- India must revise this policy with a thorough evaluation of the ground.
- The landscape of Tibet, now crisscrossed with railway lines, super-speed highways, tunnels and airports, has changed drastically in the past two decades.
- The Beijing-Lhasa railway line and other engineering marvels have made Tibet more self-reliant, with more jobs for the next generation.
- There’s an ongoing demographic shift in Tibet, with Beijing populating areas with majority ‘Han’ Chinese workers, encouraging mixed marriages, and mainstreaming Chinese culture into the region.
- The government thus needs a proactive policy that takes into account these new realities.
- The Indian foreign policy establishment needs to stop seeing the Tibetan population in India as a strategic tool.





Trafficking of Persons Bill 2018

Relevancy

- ✓ G.S. Paper 2
- ✓ About Trafficking of Persons Bill 2018
- ✓ Details of the bill
- ✓ The role of The National Anti-Trafficking Bureau
- ✓ Importance of the bill

Recently:

- ❖ The Union Cabinet approved the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 for introduction.

What does the bill cover?

- The Bill covers a wide range of trafficking.
- It comprehensively addresses the transnational nature of the crime.

It includes:

- Trafficking for the purpose of forced labor, begging.
- Trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity.
- Trafficking of a woman or child for the purpose of marriage or under the pretext of marriage or after marriage etc.
- It specifies punishment for promoting or facilitating trafficking of a person.

The activities may include

- producing, printing, issuing or distributing unissued, tampered or fake certificates.
- registration or stickers as proof of compliance with Government requirements.
- procuring or facilitating the acquisition of clearances and necessary documents from Government agencies fraudulently
- Punishment ranges from rigorous imprisonment for minimum of 10 years to life, and fine of not less than Rs. 1 lakh.
- Besides, the Bill provides for the attachment and forfeiture of property and also the proceeds of crime.
- This is to break the organized nexus, both at the national and international level.
- The Bill provides for immediate protection of rescued victims and their rehabilitation.
- The Victims are entitled to interim relief immediately within 30 days to address their physical, mental trauma etc.
- Further appropriate relief within 60 days from the date of filing of charge sheet is also provided for.
- Rehabilitation is irrespective of criminal proceedings initiated against the accused or the outcome thereof.
- A specific Rehabilitation Fund for this purpose is created for the first time.
- This will be used for the physical, psychological and social well-being of the victim.
- It also for education, skill development, health care/psychological support, legal aid, safe accommodation, etc.
- The confidentiality of victims/witnesses and complainants must be ensured by not disclosing their identity.
- Further the confidentiality of the victims is maintained by recording their statement through video conferencing.
- This also helps in trans-border and inter-State crimes.



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- Time bound trial and repatriation of the victims, within a period of one year from taking into cognizance, is mandated.
- The Bill provides for designated courts in each district for the speedy trial of the cases.
- It creates dedicated institutional mechanisms at District, State and Central level.
- These will be responsible for prevention, protection, investigation and rehabilitation work related to trafficking.
- National Investigation Agency (NIA) will perform the tasks of Anti-Trafficking Bureau at the national level present under the MHA.

What will be the role of The National Anti-Trafficking Bureau?

- The National Anti- Trafficking Bureau will perform the functions of international coordination with authorities in foreign countries and international organizations.
- It will take up international assistance in investigation.
- It will facilitate inter-State and trans-border transfer of evidence and materials, witnesses and others for expediting prosecution.
- It will facilitate inter-state and international video conferencing in judicial proceedings, etc.

Why is the Bill important?

- Human trafficking is the third largest organized crime violating basic human rights.
- It is a global concern, also affecting a number of South Asian nations.
- There is no specific law so far to deal with this crime.
- The Bill therefore addresses a pervasive yet invisible crime affecting the vulnerable persons especially women and children.
- The new law will make India a pioneer in formulating a comprehensive legislation to combat trafficking.



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