

JUDGING A DECADE OF POCSO

Context

- November 14, 2022 marked the completion of a decade of enactment Indian legislation of Protection of Children from Sexual Offences (POCSO) Act, 2012.
- The article reflects upon how far this legislation has been able to meet its objectives and suggests manner by which criminal justice system's response to child sexual abuse can be improved.

About POCSO Act

- **Formulation:** It is the first comprehensive law in India dealing specifically with sexual abuse of children, enacted in 2012 and is administered by the Ministry of Women and Child Development (MoWCD).
- **Objectives:** The Act was designed to protect children aged less than 18 from sexual assault, sexual harassment and pornography offences and provide for establishment of Special Courts for trial of such offences and related matters and incidents.

Amendment to the Act

- The Act was amended for the first time in **2019** for enhancing the punishments for specific offences in order to deter abusers and ensure a dignified childhood.
- This amendment enhanced the punishment to include death penalty for aggravated penetrative sexual assault of the child.
- It also provides for levy of fines and imprisonment up to 20 years to curb child pornography.
- The **new definition of child pornography** reads, "Any visual depiction of sexually explicit conduct involving a child which include photographs, video, digital or computer-generated image indistinguishable from an actual child and an image created, adapted or modified but appear to depict a child."

POCSO Rules 2020

- **Mandatory police verification:** Any institution housing children or coming in regular contact is required to conduct a periodic police verification and background check of every employee.

- **Sensitization:** Such an institution must impart regular training to sensitise its employees on child safety and protection.
- **Policy framework:** The institutions have to adopt a child protection policy based on the principle of zero tolerance for violence against children.
- **Support persons:** It also made a provision for appointment of support persons for victims to render assistance to them through the process of investigation and trial.
 - A support person may be a person or organisation working in the field of child rights or child protection, an official of a children's home or a shelter home having custody of the child, or a person employed by the District Child Protection Unit (DCPU), who hand holds the victim through the entire legal process.

CEC MUST BE APOLITICAL, STRONG AND BEYOND INFLUENCE, SAYS SC

- The Supreme Court raised questions on the present system of the Central government appointing serving bureaucrats of its choice as Chief Election Commissioners (CECs) and Election Commissioners (ECs).
- The Court said that a “fair and transparent system” should be adopted to appoint the best apolitical person with strong character who can make independent decisions without being influenced.

Election Commission of India:

- Election Commission is a permanent and independent body.
- By **Article 324** of the Constitution of India, it is vested with the power of conducting elections to Parliament, State Legislatures, the office of President and Vice-President of India.

Appointment and Tenure of Commissioners:

- The President appoints the Chief Election Commissioner (CEC) and Election Commissioners.
- They have **tenure of six years, or up to the age of 65 years**, whichever is earlier.
- They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.

- The CEC can be removed from office except in same manner and on the same grounds as a judge of the Supreme Court.
- The Constitution has not prescribed the qualifications of the members of the Election Commission.
- The Constitution has not debarred the retiring Election Commissioners from any further appointment by the Government.

Composition of Election Commission:

- Since the inception and till 15th October 1989, the EC functioned as a single member body consisting of the CEC.
- On 16th October 1989, the President appointed two more commissioners to cope with the increased work of the EC, on account of lowering of the voting age from 21 to 18 years.
- In case of difference of opinion amongst the CEC and/or two other election commissioners, the matter is decided by the Commission by majority.

Budget & Expenditure:

- The Secretariat of the Commission has an independent budget, which is finalized directly in consultation between the Commission and the Finance Ministry of the Union Government.
- If elections are being held only for the Parliament, the expenditure is borne entirely by the Union Government.
- If elections are being held only for the State Legislature, the expenditure is borne entirely by the concerned State.
- In case of simultaneous elections to the Parliament and State Legislature, the expenditure is shared equally between the Union and the State Governments.

At State Level:

- At State level, the Election Commission is assisted by the **Chief Electoral Officer**.
 - Chief Electoral Officer is appointed by the Chief Election Commissioner in consultation with the State Government.
- At District level, the Collector acts as the **District Returning Officer**.
- He appoints a **Returning Officer for every constituency** in the state.

News Summary:

- The Constitution Bench of the Supreme Court is hearing a series of petitions seeking functional independence for Election Commissioners.
- Challenging the constitutionality of the present appointment process, the petitioners contended that appointments were being done as per the whims and fancies of the executive.
- The petitioners pleaded for creation of an independent collegium or selection committee for future appointment of CEC and ECs.
- The court is specifically examining the question of setting up an “independent, neutral mechanism”, outside the control of the government, for the appointment of Election Commissioners.

Supreme Court’s Observation:

- The Supreme Court said the Central government pays mere “lip-service” to the independence of the Election Commissioners.
 - This is evident from the way the tenures of Chief Election Commissioners (CECs) have “slid” down from over eight years in the 1950s to just about a few hundred days after 2004.
- The court said successive governments, particularly after 2004, have picked people whom it knew would never ever get close to the full term of six years prescribed under the **Election Commission Act, 1991**.
 - Section 4 of the 1991 Act says the term of a CEC and Election Commissioners is six years or till the age of 65 years, whichever is earlier.
- The court said protections under Article 324, like removal through impeachment, available under the Constitution to the CECs would only be of any use if he or she had a full term.
- Referring to former CEC TN **Seshan**, the court said people came to know about the Commission when he took charge and took a slew of decisions to make the panel independent.
- The **bench observed that involving the Chief Justice of India (CJI) in the selection process of CEC/ECs would go a long way to ensure transparency**.
 - The presence of the CJI would send a message that you cannot play games in selection and best person of character would be picked.

GLOBAL SLOWDOWN

According to Organisation for Economic Cooperation and Development (OECD), world economic growth would slow from 3.1% this year — slightly better than foreseen in September — to 2.2% next year, before accelerating to 2.7% in 2024.



About:

- Global growth has seen falling from **1% in 2022 to 2.2% in 2023**.
- According to OECD, the global economy should avoid a recession next year but the worst energy crisis since the 1970s will trigger a sharp slowdown, with Europe hit hardest.
- With energy prices likely to remain high, the **OECD said central banks should keep raising interest rates to fight inflation, with signs that early hikes in Brazil and the United States were paying off.**
- National outlooks vary widely, with the U.K.'s economy set to lag major peers.
- The OECD said the global slowdown was hitting economies unevenly, with Europe bearing the brunt as Russia's war in Ukraine hits business activity and drives up energy prices.
- It forecast that the **19-country euro zone economy would grow 3.3% this year** then slow to 0.5% in 2023 before recovering to expand by 1.4% in 2024.
- That was slightly better than the OECD's September outlook, when it estimated 3.1% growth this year and 0.3% in 2023.
- The **U.S. economy was set to hold up better**, with growth expected to slow from 1.8% this year to 0.5% in 2023 before rising to 1.0% in 2024.
- **China**, which is not an OECD member, was one of the few major economies expected to see growth pick up next year after a wave of COVID lockdowns.
- Growth there was seen rising from 3.3% this year to 4.6% in 2023 and 4.1% in 2024, compared with previous forecasts for 2022 of 3.2% and 4.7% for 2023.

GUTTI KOYA TRIBALS

A Forest Range Officer (FRO) was brutally killed allegedly by a group of Gutti Koya Adivasis with axes and sickles over a “podu land” issue in Errabodu forest area in Chandrugonda mandal of Telangana’s Bhadradri Kothagudem district.



About:

- The Koya population is concentrated in **Telangana, Andhra Pradesh, Chhattisgarh and Odisha.**
- The Koyas speak the **Koya language**, which is a Dravidian language.
- Most important fair celebrated by Koyas is the **Sammakka Saralamma Jatra** once in two years on full moon day of the Magha Masam (January or February) at Medaram village in Mulug taluk of Warangal district.

Podu:

- Podu is a form of shifting cultivation, as practiced by various tribal groups in forest areas has for long been an economical survival versus environmental sustenance issue.

NATIONAL INSTITUTE OF EDUCATIONAL PLANNING AND ADMINISTRATION (NIEPA)

National Institute of Educational Planning and Administration (NIEPA) recently celebrated the Diamond Jubilee anniversary of its establishment.



About:

- It was established by the erstwhile Ministry of Human Resource Development (now Ministry of Education), Government of India.
- It is a premier organization dealing with capacity building and research in planning and management of education not only in India but also in South Asia.
- The Institution is one of the first institutions established in the world in the area of education and planning.

- Over the past six decades, the institute has acquired a global reputation as one of the most recognized national institutions in the theory and practice of educational policy, planning and administration.

History:

- The National Institute has its origin dating back to **1962 when the UNESCO established the Asian Regional Centre for Educational Planners and Administrators** which later became the Asian Institute of Educational Planning and Administration in 1965.
- After 4 years of its existence, it was taken over by the Government of India and renamed as the **National Staff College for Educational Planners and Administrators**.
- Subsequently, with the increased roles and functions of the National Staff College, particularly in capacity building, research and professional support services to governments, it was again renamed as the **National Institute of Educational Planning and Administration (NIEPA) in 1979**.

[ECONOMIC ADVISORY COUNCIL TO THE PRIME MINISTER \(EAC-PM\)](#)

The Economic Advisory Council to the Prime Minister (EAC-PM) has recently issued a working paper that says that the decline in India's rankings on a number of global opinion-based indices are due to the "serious problems" with the methodology used in these perception-based indices.



About:

- The Paper has analysed three perception-based indices- Freedom in the World Index, V-DEM indices, and EIU Democracy Index.
- The paper says that these indices are primarily based on the opinions of a tiny group of unknown experts.
- It also says, the questions that are used are subjective and are worded in a way that is impossible to answer objectively.

- The Working paper also said that certain questions used by these indices are not an appropriate measure of democracy across all countries.
- It noted that since these indices are inputs into the World Governance Indicators, the World Bank should ensure greater transparency and accountability from these institutions.

PM's Economic Advisory Council (PMEAC):

- Economic Advisory Council to the Prime Minister (PMEAC] is a **non-constitutional, non-permanent and independent body** constituted to give economic advice to the Government of India, specifically the Prime Minister.
- The Council was set up with a view to provide a sounding board for inculcating awareness in government on the different point of view on key economic issues.
- It is common for the Council to be reconstituted time and again with different organizational structures headed by various economists who are of recognized international eminence.
- It was set up in **September 2017 with a term of two years**, replacing the erstwhile PMEAC, which was headed by former RBI governor C Rangarajan during the terms of former Prime Minister Manmohan Singh.

Organization:

- The PMEAC is chaired by a **Chairperson and consists of eminent economists as members**.
- After the latest reconstitution, it now has a Chairperson, Member Secretary and two part-time members.
- It is supported in its functions by a team of officials and administrators.
- There is no fixed definition on the exact number of members and staff of the PMEAC.
- For administrative, logistic, planning and budgeting purposes, the NITI Aayog replaced erstwhile Planning Commission to serves as the Nodal Agency for the PMEAC.

LACHIT BARPHUKAN

The three day-long celebration of 400th birth anniversary of Ahom General Lachit Barphukan will begin in New Delhi on November 23, 2022.



About:

- Lachit Borphukan was a commander and councillor in the **Ahom Kingdom**.
- The Ahom Kingdom resisted the invasion of the Mughal Empire several times and reigned in present-day Assam for over 600 years.
- The Ahom Dynasty was founded in **1228 in Assam's Brahmaputra Valley**.
- The first King of the Ahom Kingdom was **Chaolung Sukaphaa**, who crossed the Patkai mountainous region to reach the Brahmaputra valley.
- In 1615, the Ahom Dynasty engaged in its first significant conflict with the Mughal Empire.
- The **Mughals** conquered the **Ahom capital of Garhgaon in 1662** but were defeated in later battles.
- Finally, during the **battle of Saraighat in 1671**, the Ahoms led by **Lachit Borphukan successfully defeated the Mughals**.
- **Borphukan is mainly known for his leadership in this battle**. By 1682, the Mughal influence in the region was completely eradicated.

ARITTAPATTI AND MEENAKSHIPURAM VILLAGES

The Tamil Nadu government recently issued a notification declaring Arittapatti and Meenakshipuram villages in Madurai district the first biodiversity heritage site in the State.



About:

- It aims to prevent the loss of biodiversity and preserve the cultural and architectural heritage, the government, as recommended by the Tamil Nadu Biodiversity Board, has declared **Arittapatti a biodiversity heritage site**.
- The site, comprising 139.63 hectares in Arittapatti village (in Melur taluk) and 53.58 hectares in Meenakshipuram village (Madurai East taluk), will be known as the Arittapatti Biodiversity Heritage Site.

CROSS & CLIMB ROHTAK

- Arittapatti, known for its ecological and historical significance, houses around 250 species of birds, including three important raptors — **Laggar Falcon (Falco jugger)**, **Shaheen Falcon (Falco peregrinus)** and **Bonelli’s Eagle (Aquila fasciata)**.
- It is also home to wildlife such as the **Indian Pangolin (Manis crassicaudata)**, **Python (Python molurus)** and **Slender Loris (Loris spp)**.
- The area is surrounded by a chain of seven hillocks or **inselbergs**, that serve as a watershed, charging “**72 lakes, 200 natural springs and three check-dams**”.
- The **Anaikondan tank**, built during the reign of the Pandiyan kings in the 16th century, is one of them.
- The site also features various megalithic structures, Tamil Brahmi Inscriptions, Jain Beds and 2200-year-old rock-cut temples adding to its historical value.