

### HANDCUFFING, A JUDICIAL TAP, AND THE LONG ARM OF THE LAW

#### Context

- Recently, the Karnataka High Court passed a significant verdict while awarding two lakh rupees as compensation for handcuffing an accused without recording the reasons in the police case diary.
- In case mentioned as **Suprit Ishwar Divate vs The State of Karnataka**, the High Court gave liberty to the state to recover the amount from the delinquent police officer.

#### Background

- The petitioner in this case was a law student against whom five criminal cases had been filed for offences under the Negotiable Instruments Act, 1881 for the dishonour of cheques.
- The development ensued in a **writ petition** moved to seek monetary compensation for the loss of reputation, illegal detention and illegal handcuffing in connection with a bailable offence under the provision of Negotiable Instrument Act, 1881.
- A non-bailable warrant was issued against the Petitioner, following which, he was paraded with handcuffs in public view.

#### Principles of handcuffing

- The High Court further held that an accused, in normal circumstances, need not be handcuffed on arrest.
- It is only under exceptional and extreme circumstances such as the possibility of escape and/or the possibility of causing harm to himself or others, that handcuffing an accused can be resorted to.
- Irrespective of whether the person to be handcuffed is an accused or an under-trial prisoner or a convict, the principles governing handcuffing remain the same.

#### Earlier case

- The law with regard to handcuffing was settled in 1980 when the **Supreme Court** of India, in **Prem Shankar Shukla vs Delhi Administration**, held that ‘the only circumstance which validates handcuffing is that otherwise there is no other reasonable way of preventing his escape.

- SC held that where an arrestee or a convict can be prevented from escape by increasing security, such an increase is to be a norm rather than handcuffing.

## Statistics

- A **National Crime Records Bureau** publication (Ministry of Home Affairs) on ‘Crime in India-2020’ shows that 810 cases of prisoner escape from police custody were reported in the year 2020. No less than 117 cases were registered against negligent police officers as well.
- These numbers may not be very high, but are sufficient to substantiate the fact that the use of handcuffs is generally done to prevent escape and not to dehumanise criminals.

## Guidelines issued

The court then issued guidelines to be followed as mentioned below :

- **Specific circumstances:** There can be three occasions when a person can be (legally) handcuffed which are as follows:
  - An accused on his arrest and before he is produced before the magistrate
  - An under-trial prisoner during transit from jail to the court and back
  - A convict being transported from jail to the court and back
- **Record reasons while handcuffing:** No person whether an accused, under trial prisoner or convict shall be handcuffed unless the reason for the same is recorded in the case diary and/or the relevant record as to why such a person is required to be handcuffed.
- **Inquiry and validation:** If any accused or under trial prisoner is produced before a Court after arrest, it shall be the duty of the said Court to, inquire as to whether the said person had been handcuffed or not.
- If the person were to respond in the affirmative, the Court would have to ascertain the reasons for such handcuffing and to decide on the validity or otherwise of such handcuffing.
- **Presence of accused:** The trial Court shall endeavour as far as possible to avoid physical appearance of the under trial prisoner and permit the under trial prisoner to appear through video conferencing.
- **Explicit direction:** Only in the event of the Court being of the opinion that the physical presence of the accused is required in Court, then the Court could direct for such physical presence by a reasoned order.

- **Prior permission:** If any person is under the judicial custody of the court, the court's permission is required for handcuffing except under emergent circumstances.
- **Illegal action:** If no such prior permission is applied for and under trial prisoners were to be handcuffed, the concerned police officer would be taking a risk of such handcuffing being declared illegal and action being taken against them.
- **Duty of State:** It is for the State to equip all police stations with adequate and necessary police personnel required for the purpose of discharge of the duties and obligations of the State.
- **Responsibility:** The Director General of Police shall also endeavour to make available **body cameras to all the police officers** entitled to arrest a person, so that the manner of arrest is recorded by such body cameras.
- The camera shall also be equipped with a **microphone** to record the conversations that take place at that particular point of time.
- **SOP:** A Standard Operating Procedure shall be prepared by the Director General of Police in this regard and suitable training to be provided to such officers.
- **Retain recordings:** The video and audio recording shall be retained at least for a period of one year from the date of recording.

## Conclusion

- **Not sole responsibility:** The High Court emphasized upon state's responsibility to equip all police stations with adequate police personnel to discharge their obligations. However, in absence of the required infrastructure, the blame of non-compliance cannot be shifted only to the police officer.
- **Necessary action:** The Supreme Court, in the Ravikant S. Patil (supra) case, had rightly said that the authorities concerned may, if they think it necessary, hold an inquiry and then decide on action against the police inspector.
- **Action and not compensation:** Therefore, the right approach would be to initiate disciplinary action against the errant officer under service conduct rules, rather than to order the payment of compensation.

- **Modernisation of police force:** It would also be appropriate for State governments to review the mobility of the police, the requirement of additional manpower and technical gadgets (such as body cameras, as recommended by the Karnataka High Court) periodically, and exempt at least the police department from the ban on recruitment.
  - **Implementation in spirit:** Per contra, the enforcement agencies and lower courts are duty bound to implement, in letter and spirit, the Supreme Court's directives on handcuffing.
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## ASSAM RECOGNISES NATIVE STATUS OF 40 LAKH MUSLIMS

### In News:

- The Assam cabinet recognised Assamese-speaking Muslims as indigenous Assamese Muslims and a sub-group of the greater native Assamese community.

### Assamese Muslim community

- Under the umbrella of the indigenous Assamese Muslim community fall three main groups: the Goriyas, the Moriyas (from Upper Assam) and the Deshis (from Lower Assam).
  - the Deshis are 13th-century converts from indigenous communities such as Koch Rajbongshi and Mech,
  - the Goriyas and Moriyas trace their lineage to converts as well as soldiers, artisans, etc. who came to the region during the Ahom rule.
- Smaller groups such as Julha(Jolah) Muslims also fall under this category.
- These groups consider themselves distinct from the Bengali-speaking Muslims who migrated from East Bengal or Bangladesh.

### High-powered panel:

- A high-powered panel was formed by Assam Govt in July 2021.
- The panel was tasked to lay down a roadmap for holistic development of this community in next five years.
  - It was formed after the representatives of the Assamese Muslim community met with the CM of Assam to discuss the community's socio-economic issues.

- The panel was divided into eight sub-committees to enable a broad discussion on wide range of topics affecting the socio-economic conditions of this community.
- The panel submitted its report in April 2022.
- It recommended a notification for identifying Assamese Muslims as a distinct, indigenous community.

### **Key highlights of the recommendation**

- **Assamese Muslims as a distinct group**

- It recommended that a notification be passed to identify Assamese Muslims as a distinct group in the state.

- **A separate Directorate/Authority be set up**

- It also recommended that a separate Directorate/Authority be set up for Assamese Muslims.
- This Directorate could provide the necessary documentation to the people of the Assamese Muslim community to reflect their distinct identity.
- It may be in the form of an identity card or a certificate.
- The objective is to not club them with Bengali-speaking or Bengal-origin Muslims often viewed as “illegal migrants” or “Bangladeshis”.

- **Steps for their political empowerment**

- The five sub-groups of Assamese Muslims – Syed, Goriya, Moria, Deshi and Julha – should be clearly mentioned in the government notification.
- A provision similar to the Article 333 of the Indian Constitution may be enacted to provide a representation of Assamese Muslims in Parliament and Assam Legislative Assembly.
- An Upper House (Legislative Council) may be created in Assam as per Article 169 of the Indian Constitution.
- Once the Legislative Council is formed, the specific number of seats may be reserved for the Assamese Muslim community in this council.

- **Undertake a census**

- It recommended Assam government to undertake a census to identify and document the Assamese Muslim community.

- **Other recommendations**

- The report also made suggestions on matters related to education, health, skill development and women empowerment.
- The report has also put forth a definition of Assamese Muslims.
- It further recommended that women of the community should be free to discard social subjugation and must not be coerced into wearing the hijab, niqab or burqa.

## News Summary

- The Assam cabinet recognised around 40 lakh Assamese speaking Muslims as indigenous Assamese Muslims.

## Expected impacts

- **Identity as native Assamese will ensure harmony**
  - This step has recognised the long aspiration of Assamese-speaking Muslims for whom their identity as native Assamese preceded their religious identity.
- **New nomenclature for five Muslim groups**
  - The cabinet has approved a new nomenclature for five Muslim groups — Gorias, Morias, Jolahas (only the ones living in tea gardens), Desis and Syeds (only the Assamese-speaking).
  - They will henceforth be known as indigenous Assamese Muslims.
  - Hence, this approval makes a clear distinction between native Muslims and Bangladesh-origin Bengali-speaking immigrant Muslims.
- **Socio-economic development of this community**
  - The move will ensure their development in health, cultural identity, education, financial inclusion, skill development and women empowerment.
  - This is due to the fact that now these communities can get benefit under Clause 6 of Assam Accord.
    - Assam Accord was signed between the then Rajiv Gandhi government and the AASU leadership in 1985.
    - This was signed to signal the end of the six-year Assam Agitation, started in 1979, for driving out illegal immigrants.

- Clause 6 reads: Constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.
  - It was inserted to safeguard the socio-political rights and culture of the indigenous people of Assam.
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## ODISHA TOPS FIRST NATIONAL FOOD SECURITY RANKING, TRIPURA BEST AMONG SMALLER STATES

### In News:

- Recently, the Ministry of Consumer Affairs, Food and Public Distribution, Government of India, released the first State Ranking Index for implementation of the National Food Security Act, 2013.
- Among the 20 big states and Union Territories (UTs), Odisha topped the list while Goa came last.

### About the National Food Security Act (NFSA):

#### Objective:

- The NFSA, 2013 was notified to provide for food and nutritional security, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity.

#### Salient features:

- **Legal right**
  - It provides a legal right to persons belonging to “eligible households” to receive food grains at subsidised price - rice at Rs 3/kg, wheat at Rs 2/kg and coarse grain at Re 1/kg, under the under Targeted Public Distribution System (TPDS).
  - These are called central issue prices (CIPs).
  - The Act covers up to 75% of the rural population and up to 50% of the urban population for receiving subsidised food grains (overall 67% of the total population).
- **Special focus on the nutritional support to women and children**

- **Women:** It provides meals to pregnant women and lactating mothers during pregnancy and six months after the child birth.
  - Such women will also be entitled to receive maternity benefits of not less than **6,000**.
- **Children:** Up to 14 years of age will be entitled to nutritious meals as per the prescribed nutritional standards.
- **Food security allowance**
  - In case of non-supply of entitled food grains or meals, the beneficiaries will receive food security allowance.
- **Grievance redressal mechanism**
  - The Act also contains provisions for setting up of grievance redressal mechanisms at the District and State levels.

### **The State Ranking Index for implementation of the NFSA:**

- The 1st edition of 'State Ranking Index for NFSA' was launched by the Ministry of Consumer Affairs, Food & Public Distribution.
- The index attempts to document the status and progress of implementation of NFSA and various reform initiatives across the country, post consultation with states.
- It highlights the reforms undertaken by States and UTs and creates a cross-learning environment and scale-up reform measures by all states and UTs.

### **Key features**

- It largely focused on NFSA distribution and will include procurement, Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY) distribution in future.
- It is built on three key pillars which covers the end-to-end implementation of NFSA through Targeted Public Distribution System (TPDS). These pillars are -
  - **Coverage of NFSA**, rightful targeting, and implementation of all provisions under NFSA.
  - **The delivery platform** while considering the allocation of food grains, their movement, and last-mile delivery to Fair Price Shops (FPS).
  - **Nutrition initiatives** of the department.

### **Benefits**



- The index has been developed to create an environment of competition, cooperation and learning among states while addressing matters of food security and hunger.
- It has been developed to increase transparency in the system by publishing reliable and standard data in the public domain.
- It can also be utilised by the global and Indian agencies for research and analysis.

## The ranking:

IMPLEMENTING FOOD SECURITY		
How the 20 'general category' states ranked in terms of NFSA implementation		
TOP THREE		
Rank	State	Index score
1	Odisha	0.836
2	Uttar Pradesh	0.797
3	Andhra Pradesh	0.794
BOTTOM THREE		
18	Delhi	0.658
19	Chhattisgarh	0.654
20	Goa	0.631

- Overall, Odisha, Uttar Pradesh and Andhra Pradesh scored the highest and secured the top three positions in the Index.
- Among the special category states (the northeastern, Himalayan and the Island states), Tripura, Himachal Pradesh and Sikkim obtained the top positions.
- Jharkhand, Uttar Pradesh, Dadra and Nagar Haveli and Daman and Diu scored the highest in terms of coverage, targeting and implementing provisions of NFSA.
- Bihar, Andhra Pradesh and Telangana had the best delivery platform displaying the efficiency of the TPDS supply chain.

## How did Odisha come in first place?

- Robust end-to-end computerization of TPDS operations.
- A digitised beneficiaries database has been hosted in the public domain and updated in Ration Card Management System (RCMS) Centres.
- All the food storage depots of the Food Supplies & Consumer Welfare Department have been fully automated.
- Real-time electronic recording of doorstep delivery at FPSs across the State.
- All the Fair Price Shops are equipped with electronic Point of Sale (e-PoS) devices which ensure distribution to PDS beneficiaries through automated mode.
- One Nation One Ration Card (ONORC) Programme has been implemented across the state from 2021.

- PDS beneficiaries are now availing of intra-state/inter-state portability of ration cards.
  - Odisha has implemented the pilot scheme of ‘Supply of Fortified Rice under Public Distribution in Malkangiri district’ from 2021.
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## FIELDS MEDAL

Ukrainian mathematician Maryna Viazovska, chair of Number Theory at École polytechnique fédérale de Lausanne (EPFL) in Switzerland, was named as one of four recipients of the 2022 Fields Medal, an honour that is often described the Nobel Prize in mathematics.



### About:

- The other winners were French mathematician Hugo Duminil-Copin of the University of Geneva; Korean-American June Huh of Princeton; and Briton James Maynard of the University of Oxford.
- Viazovska, 37, is only the second female Fields Medalist, after the Iranian Maryam Mirzakhani in 2014.

### Fields Medal

- The Fields Medal is awarded by the International Mathematical Union (IMU), an international non-governmental and non-profit scientific organisation that aims to promote international cooperation in mathematics.
  - The Fields Medal is awarded every four years to one or more mathematicians under the age of 40 in recognition of “outstanding mathematical achievement for existing work and for the promise of future achievement”.
  - The honour carries a physical medal of 14K gold. There is also a cash award of CAD 15,000.
  - **Indian-origin winners:** Among the more than 60 mathematicians who have been awarded the Fields Medal since 1936, there are two of Indian origin — Akshay Venkatesh of the Institute for Advanced Study at Princeton, who won in 2018, the last time the honour was announced, and Manjul Bhargava of the Department of Mathematics at Princeton University, in 2014.
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## INDIA-EU FTA

India and the European Union (EU) concluded the first round of talks for the proposed free trade agreement (FTA) and the next round of talks is scheduled at Brussels in September, the Ministry of Commerce and Industry said.



### About:

- India and the 27-nation bloc resumed negotiations on June 17, after a gap of more than eight years, on the proposed agreements on trade, investments and geographical indications (GI).
- The first round of talks, which began on June 27, concluded on July 1.
- India's bilateral trade with the EU amounted to \$116.36 billion in 2021-22.
- The EU is India's second-largest trading partner, after the U.S., and the second-largest destination for Indian exports.