

# **VAID ICS LAW**

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## What is Limine?

**Why in news ?** The Centre has recently told the Supreme Court that triple talaq legitimised and institutionalised abandonment of wives, as it defended in the Supreme Court the 2019 law criminalising the practice and urged that the petition challenging it be dismissed.

- In an affidavit filed in the court in response to petitions challenging the law, the Union of India said that despite the top court setting **aside the practice in 2017**, it has “not worked as a sufficient deterrent in bringing down the number of divorces by this practice” among the members of the community.
- “It is submitted that Parliament in its wisdom has enacted the impugned Act to protect the rights of married Muslim women who are being **divorced by triple talaq**.”
- “The impugned Act helps in ensuring the larger constitutional goals of gender justice and gender equality of married Muslim women and helps subserve their fundamental rights of non-discrimination and empowerment,” the affidavit said.

The affidavit stated that even though a Constitution bench of the Supreme Court held triple talaq “**unconstitutional**”, there were reports of such divorces still happening in different parts of the country.

- “It was seen that setting aside **talaq-e-biddat** by this Hon’ble Court has not worked as a sufficient deterrent in bringing down the number of divorces by this practice among certain Muslims.
- “Therefore, it was felt that there is a need for State action to give effect to the order of this Hon’ble Court and to redress the grievances of victims of illegal divorce and the law was made eventually,” the Centre said.
- The Union government pointed out that the apex court “has consistently held that the Court cannot go into the wisdom of the measure, but only its constitutionality of legislation.
- “Likewise, the Court is only concerned to interpret the law and if it is valid, to apply the law as it finds it and not to enter upon a discussion as to what the law should be.
- “It is further acknowledged and upheld by this Hon’ble Court repeatedly that it is the function of the Legislature alone to determine what is and what is not good and

proper for the people of the land and they must be given the widest latitude to exercise their functions within the limit of their powers else all progress is barred,” the affidavit said.

- The Union government contended that when the SC itself had set aside the practice of **talaq-e-biddat**, the court “ought not to interfere into the legislative enactment” The Centre said, “Thus, the impugned Act is a piece of legislation made by Parliament to implement the decision laid down by this Hon’ble Court. In view of this, the Writ petition deserves to be dismissed in **limine**”.
- It contended that “where **Shayara Bano** case itself has held the practice of triple talaq to be manifestly arbitrary, it cannot be argued that a law criminalising the practice is manifestly arbitrary.
- “The animating principle of the impugned law itself comes from the finding in the **Shayara Bano case that triple talaq** is neither Islamic nor legal as can be seen from the law’s Statement of Objects and Reasons,” it said.
- The affidavit stated there is “no basis to the claim that marriages being under personal law, they are exempt from the application of the general criminal law”.
- On 22 August 2017, the apex court had declared instant triple talaq (**talaq-e-biddah**) unconstitutional. On August 23, 2019, the top court agreed to examine the validity of the **Muslim Women (Protection of Rights on Marriage) Act, 2019**.
- Violation of the law entails imprisonment of up to three years.
- Two Muslim organisations — **Jamiat Ulama-I-Hind and Samastha Kerala Jamiathul Ulema** — have urged the court to declare the law “unconstitutional”.
- Jamiat claimed in its petition that “criminalising a mode of divorce in one particular religion while keeping the subject of marriage and divorce in other religions only within the purview of civil law, leads to discrimination, which is not in conformity with the mandate of **Article 15**”.

### What is Limine?

- **Limine** refers to a legal term derived from the Latin phrase "in limine," which means "at the threshold" or "at the outset."
- In the context of law, it is most commonly associated with a **motion in limine**, which is a pretrial motion requesting that certain evidence be deemed inadmissible and thus excluded from being presented during the trial.

### Key Points:

#### Purpose:

- The primary goal of a motion in limine is to prevent potentially prejudicial or irrelevant evidence from being introduced in court.
- By addressing these issues before the trial begins, the motion aims to avoid any unfair influence on the jury or the proceedings.

#### Example:

- Suppose the defense in a criminal case files a motion in limine to exclude evidence of the defendant's prior convictions, arguing that it is not relevant to the current charge and could unfairly bias the jury. If the judge agrees, this evidence will not be presented during the trial.

## Doctrine of judicial comity & Gag Order

The doctrine of judicial comity, also known simply as "comity," refers to the legal principle that courts in one jurisdiction will give effect to the laws, judicial decisions, and proceedings of another jurisdiction out of respect, mutuality, and courtesy, rather than as a matter of legal obligation. This doctrine is rooted in the recognition of the sovereignty and equality of different legal systems and serves as a mechanism to **facilitate cooperation and harmony between them.**

### Key Aspects of Judicial Comity:

#### Mutual Respect:

- Judicial comity is based on the idea that courts should respect the authority and decisions of courts in other jurisdictions, provided that those decisions are not contrary to the fundamental public policy or laws of the recognizing jurisdiction.

#### **Discretionary Application:**

- The application of judicial comity is generally discretionary, meaning that a court may choose to recognize and enforce a foreign judgment or law, but it is not legally bound to do so. The decision is made on a case-by-case basis.

#### **Non-Binding Nature:**

- Unlike principles of binding precedent (stare decisis) or statutory law, judicial comity does not compel a court to follow or enforce the decisions of another jurisdiction. Instead, it encourages voluntary recognition out of respect for the other jurisdiction's authority.

#### **International and Interstate Comity:**

**International Comity:** In international law, judicial comity often comes into play when a court in one country is asked to recognize and enforce a judgment or legal action from a court in another country. For example, a U.S. court might be asked to enforce a judgment from an Indian court.

**Interstate Comity:** Within a federal system, like the United States or India, judicial comity also applies between states or provinces. Courts in one state may recognize and enforce the laws and judgments of another state.

#### **Limitations and Exceptions:**

- Courts may decline to apply judicial comity if the foreign law or judgment is seen as fundamentally unfair, contrary to public policy, or if it violates the principles of natural justice.

- For example, a court may refuse to enforce a foreign judgment if it was obtained through fraud, if the original court lacked jurisdiction, or if the proceedings were in violation of due process.

### What is Gag Order?

- A gag order is a legal order issued by a court or a government authority that restricts the parties involved, such as lawyers, witnesses, or the press, from publicly discussing or disclosing certain information related to an ongoing legal case or specific topic.
- The purpose of a gag order is to ensure a fair trial, protect the privacy of individuals involved, maintain the integrity of the legal process, and prevent the potential influence of public opinion or media coverage on the proceedings.

### Examples of Gag Orders:

- **High-Profile Criminal Trials:** In cases involving high-profile defendants or serious criminal charges, courts may issue gag orders to limit media coverage and prevent potential jury bias. For example, a gag order might be imposed in a murder trial to restrict the press from reporting on certain details until after the trial concludes.
- **Corporate Litigation:** In cases involving corporate litigation, a gag order might be issued to prevent the disclosure of confidential business information, such as trade secrets or proprietary data, during the legal proceedings.
- **National Security Cases:** Gag orders are sometimes used in cases involving national security, where the disclosure of certain information could pose a risk to public safety or government operations.

### Examples of Judicial Comity in Practice:

- **Enforcement of Foreign Judgments:** A court in one country may enforce a monetary judgment issued by a court in another country under the principle of judicial comity, provided that the original judgment meets certain criteria (e.g., jurisdiction, fairness, public policy).

- **Recognition of Foreign Divorce Decrees:** Courts may recognize divorce decrees issued in another country, allowing the parties to remarry or settle related matters in the recognizing jurisdiction.

**Extradition Cases:** Judicial comity can play a role in extradition cases, where one country respects the legal proceedings of another by extraditing an individual based on the requesting country's judicial decision.

## The Prohibition of Child Marriage Act, 2006:

**Why in News ?** The Himachal Pradesh legislative assembly has recently passed a Bill to raise the minimum age for marriage for women from 18 to 21 years.

The Bill, Prohibition of Child Marriage (Himachal Pradesh Amendment) Act, 2024, seeks to amend the Prohibition of Child Marriage Act, 2006.

- The Bill states that , It is proposed to amend the Prohibition of Child Marriage Act, 2006 and other related Acts in their application to the State of Himachal Pradesh and increase the minimum age for marriage for girls to 21 years.
- The **Prohibition of Child Marriage Act, 2006** was enacted to provide for the prohibition of solemnisation of child marriages.
- As per the same, the minimum age of marriage for women is 18 while it is 21 for men.
- The Himachal bill has sought to raise the minimum age of marriage for women to 21 with a view to ensure gender equality and taking into account the fact that early marriage acts as a hindrance to women's progress in professional career and physical development.

The bill says that In today's world the women are progressing in every field. The early marriages, however, act as a hindrance not only in the progress of their career but also in their physical development.

In order to provide for gender equality and opportunities of obtaining higher education, it has become necessary to increase the minimum age of marriage for the girls.

**Amendments in the 2024 Bill are as follows:**

**Under Section 2**, the definition of a child would include any male or female who has not completed the age of 21 years; previously, it was 18 years.

**Section 3(3)** has been amended to extend the period for annulment of a marriage below the legal age from two years to five years after reaching adulthood.

- "The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority," the Bill states.
- The Bill has also introduced **Section 18A**, which establishes the overriding effect of the Act, meaning that this law will take precedence over any other existing laws.
- "The provisions of this Act shall have effect, notwithstanding anything contrary or inconsistent therewith contained in any other law for the time being in force, including any custom or usage or practice governing the parties," the provision states.

## Article 142 : The Special Power of SC

**Why in News ?** Using its extraordinary power under Article 142 of the Constitution, the Supreme Court has recently ensured admission for a talented Dalit youth at IIT-Dhanbad by creating an additional seat, after he missed the fee deadline.

**About Article 142 of the Constitution of India:**

- It grants the Supreme Court special powers to ensure the enforcement of its decrees and orders and to do "complete justice" in any matter before it.
- This article is a significant provision that allows the Supreme Court to pass orders that may not necessarily align with existing statutes but are necessary to meet the ends of justice.

## Key Features of Article 142:

### Complete Justice:

- **Article 142(1)** empowers the Supreme Court to pass any order or decree necessary to do "complete justice" in any case pending before it. This allows the Court to go beyond the strict letter of the law if required to ensure fairness and justice.
- It provides the Supreme Court with extraordinary jurisdiction to fill in legal gaps or deal with situations where existing laws may not adequately address the issue.

### Enforcement of Decrees:

**Article 142(1)** also states that the Court's decrees or orders are enforceable throughout the territory of India in a manner prescribed by the Court or by existing laws.

This gives the Supreme Court the authority to ensure that its rulings are not only binding but also enforceable, even if special procedures are needed.

### Public Interest and Equity:

- **The power under Article 142** is often used in matters of public interest litigation (PIL) or cases involving social justice, where the Court aims to provide solutions that uphold fairness and equity beyond the limitations of written laws.

### Broad Scope:

- The **Supreme Court has used Article 142** to pass orders in various landmark cases where existing laws were either inadequate or unclear.
- Some examples of the Court's use of this power include environmental protection, human rights, electoral reforms, and judicial appointments.

### Examples of the Use of Article 142:

**Ayodhya Case (2019):** The Supreme Court invoked Article 142 to order the creation of a trust for the construction of a Ram temple at the disputed site while also allotting land for a mosque. The Court went beyond existing laws to resolve a long-standing and complex issue in a way that it deemed just.

**Bhopal Gas Tragedy:** The **Supreme Court applied Article 142** to approve a settlement between the Union of India and Union Carbide Corporation to ensure compensation for the victims of the disaster, despite some objections about the settlement amount.

**Union Carbide Case (1989):** In the aftermath of the Bhopal Gas tragedy, the Court used Article 142 to grant a settlement amount of \$470 million to the victims.

**Vishaka v. State of Rajasthan (1997):** The Court laid down guidelines for preventing sexual harassment at the workplace, as there was no existing law at the time. These guidelines were enforced until Parliament passed the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013.**

#### **Limitations and Controversies:**

- While **Article 142** gives the Supreme Court broad powers, it has also been criticized for allowing the Court to potentially overreach into the domain of the legislature or executive.
- In Supreme Court **Bar Association v. Union of India (1998)**, the Court held that the power under **Article 142** cannot be used to supplant substantive laws or create a new legal framework.
- Courts have also clarified that while the powers under **Article 142** are extraordinary, they cannot be exercised arbitrarily or used to disregard the established law of the land.

### **Notices issued by INTERPOL:**

**Why in News?** The chief of Central Bureau of Investigation (CBI) has recently announced that Interpol had issued a record 100 Red Notices last year. It issues **8 types of notices** (7 of which are colour-coded) which are in the form of alerts/requests allowing police in member countries to share critical crime-related information.

**Red Notice:**

**Purpose:**

- To seek the location and arrest of a person wanted by a member country or international tribunal for extradition.
- It is not an international arrest warrant but acts as a request to law enforcement agencies worldwide to locate and provisionally arrest a person pending extradition.

## 2. Blue Notice:

**Purpose:** To collect additional information about a person's identity, location, or activities in relation to a crime.

**Details:** Helps locate or identify individuals of interest in criminal investigations, though it doesn't request arrest.

3. **Green Notice:****Purpose:** To provide warnings and criminal intelligence about individuals who have committed criminal offenses and are likely to repeat these crimes in other countries.**Details:** Typically issued to alert member countries about criminals who pose a threat, such as sex offenders or terrorists.

4. **Yellow Notice:****Purpose:** To help locate missing persons, especially minors, or to help identify persons who are unable to identify themselves.

**Details:** Often used for tracing missing children or vulnerable individuals.

5. **Black Notice:****Purpose:** To seek information on unidentified bodies.

**Details:** Helps locate family members of deceased individuals whose identity is not known.

6. **Orange Notice:****Purpose:** To warn of an event, person, object, or process representing a serious and imminent threat to public safety.

**Details:** Issued for potential dangers, such as disguised weapons, explosive materials, or criminal methods that pose a security risk.

7. **Purple Notice:****Purpose:** To seek or provide information on modus operandi, objects, devices, or concealment methods used by criminals.

**Details:** Used to alert member countries about new criminal techniques or technologies.

8. **Interpol-United Nations Security Council Special Notice:**

**Purpose:** To inform Interpol's members about individuals and entities that are subject to sanctions imposed by the United Nations Security Council.

**Details:** Often related to sanctions on terrorist groups or individuals, including those linked to Al-Qaeda and the Taliban.

**About INTERPOL:** Interpol was founded in 1923 under the name International Criminal Police Commission (ICPC). **Objective:** Initially, it was established to enhance international cooperation in combating crimes like human trafficking, drug trafficking, and counterfeit currency.

- In 1956, it officially adopted the name Interpol.
- Interpol's headquarters is located in Lyon, France.

## Explosives Act, 1884

**Why in News ?** On 9 Sep, 2024 night a deliberate attempt was made to derail the Kalindi Express by placing a gas cylinder on the route. The FIR has been lodged against some unidentified people under **Bhartiya Nyaya Sanhita sections 287,125 and provisions of explosive act, 1884.**

### About Explosives Act, 1884:

- The Explosives Act of 1884 is a legislation enacted by the British colonial government in India, primarily aimed at regulating the manufacture, storage, possession, use, sale, import, and export of explosives. The Act was later amended several times to accommodate technological advancements and changing safety standards.
- The Explosives Act of 1884 empowers **designated authorities to conduct inspections** of premises where explosives are stored or used to ensure compliance with safety regulations. It also outlines **penalties for violations of the Act**, which may include fines and imprisonment.
- The Act applies to various types of explosives, including gunpowder, dynamite, nitroglycerin, and other similar substances.
- It lays down **safety standards and procedures to prevent accidents** and mishaps related to explosives. This includes guidelines for handling, transportation, and storage of explosives to minimise the risk of accidents.
- Over the years, the Explosives Act has been amended to address emerging challenges and technological advancements. These amendments often focus on enhancing safety standards, improving regulatory mechanisms, and updating definitions to encompass new types of explosives.

### About the draft Explosives Bill, 2024:

- The government is planning to introduce the draft Explosives Bill, 2024, as a replacement for the Explosives Act, 1884, which it aims to revoke.
- According to a report in a document open for public consultation, the Department for Promotion of Industry and Internal Trade (DPIIT) has proposed raising fines for violation of regulations and enhancing the efficiency of licensing procedures.
- Explosives encompass **gunpowder, nitroglycerin, nitroglycol, dinitrotoluene, and picric acid**.
- According to the proposed Explosives Bill 2024, the Union government will designate the authority responsible for granting, suspending, or revoking licences, as well as carrying out other specified functions under the new legislation.
- Currently, the **Petroleum and Explosives Safety Organisation (PESO)** operating under the DPIIT is the regulatory body responsible for issuing licences for the manufacture, possession, use, sale, import, and export of any explosive material.
- The proposed bill also suggests that the licensing authority would specify in the licence the quantity of explosives that a licensee can manufacture, possess, sell, transport, import, or export, for a specified period, as prescribed.
- Under the provisions of the draft bill, if a licensee engages in manufacturing, importing, or exporting in violation of any regulations, they may face imprisonment

for up to three years, a fine of Rs 1,00,000, or both. In contrast, the current Explosives Act stipulates a prison term of **three years and a fine of Rs 50,000** for such violations.

- Under the provisions of the new bill, if someone is found in possession, using, selling, or transporting any explosive in violation of the regulations, they may face imprisonment for up to two years, a fine of Rs **50,000, or both. In the current legislation, the fine stands at Rs 3,000.**

## Prisoner Transit Warrant( PT Warrant)

**Why in News ?** The term was recently used in in the case of **Dhanraj Aswani v. Amar S. Mulchandani and Anr.**

**What the SC has said in this Case ?**

The case **Dhanraj Aswani v. Amar S. Mulchandani & Anr. (2024)** deals primarily with the question of whether a person already in custody for one case can apply for anticipatory bail in a separate case.

- The Supreme Court of India ruled that an accused in judicial custody for one offense can indeed seek anticipatory bail for a different offense, emphasizing that custody in one case does not negate the individual's right to seek pre-arrest bail in another case.
- About A Prisoner Transit Warrant (commonly referred to as a P.T. Warrant) is a legal instrument used under **Section 267 of the Criminal Procedure Code (CrPC), 1973.**
- It allows the court to order the production of a person who is already in custody (prison or jail) for the purpose of trial, inquiry, or investigation in another criminal case, or for any other lawful purpose.
- This ensures that even if a person is in custody in one case, they can be brought before another court where their presence is required.

**Key Provisions of Section 267 CrPC:**

**1. Court's Power to Issue a P.T. Warrant:**

**Section 267(1):** The court can issue a P.T. Warrant when it considers that the presence of a person who is detained or imprisoned in any prison is required for:

- Answering a charge of an offense.
- Being a witness in a criminal case.
- For any other purpose such as investigation, trial, or judicial proceedings.

- The court has the discretion to summon the prisoner from a different jurisdiction or state for these purposes.

## 2. Purpose of the P.T. Warrant:

- The warrant is typically used when the prisoner needs to be produced in a court of law, either as an accused or a witness, for a different proceeding than the one they are currently detained for.
- It facilitates the transfer of a prisoner to another court without causing undue delay in legal proceedings.

## 3. Conditions for Issuance:

- The court must be satisfied that the prisoner's presence is necessary.
- The issuance of the warrant is contingent upon the court having jurisdiction over the case or inquiry for which the prisoner's presence is required.

## 4. Procedure for the Transfer of the Prisoner:

- Once a **P.T. Warrant** is issued, it is sent to the officer in charge of the prison where the prisoner is detained.
- The officer must ensure that the prisoner is safely escorted and produced before the court as required.
- After the purpose of the transfer (such as giving evidence or attending the trial) is fulfilled, the prisoner is returned to the original custody.

## Recent case:

- A significant ruling regarding **Prisoner Transit Warrants (P.T. Warrant)** was delivered by the **Madras High Court in 2022**. The court emphasized that a P.T. Warrant cannot be converted into a regular warrant.
- This was highlighted in the case of **Noorudeen alias Rafi**, who was initially on bail in a case under the **Unlawful Activities (Prevention) Act (UAPA)**.
- The court noted that **when a person is on bail** but fails to appear before the court, a non-bailable warrant may be issued.
- However, once the individual is produced through a P.T. Warrant, the court must give them an opportunity to explain their absence **before taking further steps**.

## Coordinate Bench & Mutatis Mutandis

**Why in News ?** Delhi Chief Minister and Aam Aadmi Party leader Arvind Kejriwal was released from prison after being granted bail in the CBI's excise policy case with certain restrictions.

### What Are Additional Conditions ?

- According to the Supreme Court's ruling, Arvind Kejriwal is required to be present at every hearing before the trial court and must fully cooperate to ensure the swift conclusion of the trial proceedings.
- Additionally, the terms and conditions set by a **coordinate bench** in the **Enforcement Directorate (ED)** case will apply to this case with necessary modifications.
- "The terms and conditions imposed by a coordinate bench of this court vide orders dated May 10, 2024 and July 12, 2024, are **mutatis mutandis** (with the necessary changes) in the present case," the bench said.

### What is a coordinate bench?

- It refers to a bench (panel of judges) in a court that has the same or equal authority as another bench within the same court system. In simpler terms, it means that two or more benches (comprising one or more judges) are at the same level of jurisdiction or judicial authority within the same court.

### Key Features of a Coordinate Bench:

**Equal Jurisdiction:** A coordinate bench has the same powers and jurisdiction as another bench at the same level. For example, in a High Court, a Division Bench (comprising two judges) is a coordinate bench to another Division Bench within the same court.

**Non-Binding Decisions:** A decision given by one coordinate bench is not binding on another coordinate bench. However, coordinate benches usually respect each other's decisions to maintain judicial discipline and consistency. If a coordinate bench disagrees with another, it may **refer the matter to a larger bench** (such as a full bench or a bench with more judges) to resolve the conflict.

**Judicial Precedent:** While a coordinate bench is not bound by the decision of another, it cannot disregard it lightly. If it does, it must provide strong reasons for its differing view or refer the matter to a higher bench.

**Example:**

- In a High Court, if two Division Benches handle similar matters and reach different conclusions, these benches are considered coordinate benches. To resolve this inconsistency, a larger bench, such as a **Full Bench** (comprising three or more judges), might be constituted to settle the legal issue.

**What is "mutatis mutandis"?**

- This Latin phrase translates to "the necessary changes having been made" or "with the necessary alterations." It signifies that when applying a law or rule in a different context, appropriate adjustments should be made, but the general principle or core structure remains intact.

**Usage:**

- It is often used when a legal principle, clause, or provision from one document is to be applied to another, but with some modifications to suit the new context.
- For example, when a law governing contracts is applied to a lease agreement, the phrase might be used to indicate that certain terms must be adapted for the lease but the core rules remain the same.

**Example in legal drafting:** "The provisions of section 3 shall apply to this agreement mutatis mutandis."

## Section 31 of the Specific Relief Act, 1963 ("SRA"):

**Why in News ?** The Supreme Court has recently observed that as per Section 31 of the Specific Relief Act, 1963 ("SRA"), it is not mandatory for a third party, against whom a sale deed is void, to seek its cancellation.

the court said that when a sale deed is executed between the parties, a third person who was not party to the sale and affected by the sale deed cannot be asked to file a separate

application seeking cancellation of the sale deed under Section 31 of SRA.

**What was the case ?**

- In the present case, the dispute concerned the legality of a co-owner's act to sell the entire joint family property to the subsequent purchaser (here in Appellant) via a sale deed without authorization from other co-owners (here in Respondent). Also, when the property transfer took place in favor of the appellant, the co-owner's share in the property remained undetermined.
- The Respondent challenged the **co-owner's act of transferring the entire suit property** to the Appellant by filing a title suit on the ground that the transfer was void as the co-owner/ transferor was only entitled to share his part in the suit property and not the entire suit property to the appellant.

**About Section 31 of the Specific Relief Act, 1963:**

- It deals with "cancellation of instruments". It provides the circumstances in which a written instrument may be canceled by the court.

**Section 31 of the Specific Relief Act, 1963:**

**Subsection (1):** Any person against whom a written instrument is void or voidable, and who may suffer serious injury if it is allowed to stand, may file a suit to have it adjudged as void or voidable and to have it canceled. This allows a person to seek the court's help to avoid an instrument that is causing them harm, such as a fraudulent contract or agreement.

**Subsection (2):** If the court finds the instrument to be void or voidable, it may order the cancellation of the instrument, ensuring that no one can make use of it in the future.

**Section 32:** This section covers the power of the court to compel the party whose instrument is being canceled to **restore any benefit received under the instrument.**

**Section 33:** It deals with the procedures to ensure that the canceled instrument is rendered ineffective and may be destroyed if necessary.

**Section 34:** This section allows for a declaration that an instrument is void or voidable, but without cancellation (if the plaintiff doesn't want full cancellation).

### Relevant Case Laws:

**Satnam Singh & Ors. v. Surender Kaur (2009)** - In this case, the Supreme Court highlighted that Section 31 can be invoked when the plaintiff has an apprehension that an instrument may be used to his detriment in the future. The court emphasized that the instrument need not have already caused injury.

**J. Samuel v. Gattu Mahesh (2012)** - The court held that to seek cancellation under Section 31, the instrument must be void or voidable, and there must be a real apprehension of injury to the person against whom the instrument operates.

**S. Shanmugam Pillai v. K. Shanmugam Pillai (1973)** - In this case, the court held that mere apprehension of future injury isn't sufficient for cancellation unless the plaintiff can demonstrate how the instrument is affecting or may affect them detrimentally.

**T. Arivandandam v. T.V. Satyapal (1977)** - This judgment clarified the importance of ensuring that frivolous cases aren't brought under Section 31 to challenge instruments without substantial reason.

### Section 173(2) of CrPC :

**Why in News ?** The Kerala High Court observed that when the Investigating Officer submitted the report under Section 173(2) CrPC with the finding that there was no sufficient ground for entering on an investigation against some of the accused, the Magistrate ought to have issued notice to the informant /victim regarding the said finding.

- The Court was hearing a Criminal Revision Case registered based on the directions of the trial Court.
- The bench of Justice K. Babu observed, "...when the Investigating Officer submitted the report under **Section 173(2)** with the finding that there was no sufficient ground for entering on an investigation against some of the accused, the Magistrate ought to have issued notice to the informant /victim regarding the said finding."

### About Section 173(2) of the Code of Criminal Procedure (CrPC):

It deals with the submission of the final report by the investigating officer to the Magistrate after completing the investigation.

## Key Points:

**Timeframe:** The investigation must be completed without unnecessary delay, and the report should be submitted promptly after completion.

**Report Contents:** The report should be in the form prescribed by the State Government and include:

- Names of the parties involved in the case.
- Nature of the information received that led to the investigation.
- Names of individuals who appear to be acquainted with the circumstances of the case.
- Whether an offence appears to have been committed, and if so, by whom.
- Arrest status of the accused: Whether arrested, released on bail, or forwarded in custody.
- Any documents or relevant extracts that the prosecution intends to rely on, excluding those already sent to the Magistrate during the investigation.
- Statements recorded under Section 161 of all persons the prosecution plans to examine as witnesses.

**Confidential Information:** If the investigating officer believes that any part of a statement is irrelevant or that its disclosure to the accused is not essential in the interests of justice, they can request the Magistrate to exclude that part from the copies provided to the accused.

**Supplementary Charge-sheet:** If the investigating officer finds additional evidence after submitting the final report, they can seek permission from the Court to conduct further investigation and file a supplementary charge-sheet.

## Relevant judicial pronouncements with respect to Section 173 CrPC :

- In the case of **Samaj Parivartana Samudaya v. State of Kerala (2012) 7 SCC 407**, the Supreme Court of India held that if the police officer who is in charge of an investigation of a case gets further information or evidence, it is obligatory for him to forward it to the Magistrate with a supplementary report in the prescribed format. It was also observed that re-investigation is not permissible, but further investigation is not prohibited.

In the case of **Vinubhai Haribhai Malviya & Ors v. State of Gujarat & Another (2019) 17 SCC**, the High Court's judgement was set aside by the Supreme Court.

- An FIR was filed on the ground that the legal heirs of Vinubhai have hatched a conspiracy by forging a power-of-attorney in respect of the land in Surat due to a price hike.
- The accused had tried to take the land from the legal owners of the land. The Apex Court was of the opinion that the Magistrate can use his power under Section 156(3) of the Code of Criminal Procedure even in the post-cognizance stage of a case.

## What's White Paper?

**Why in News ?** The Delhi BJP president has recently demanded White Paper in scrapped excise policy>

### What's White Paper?

In contrast, a White Paper provides comprehensive information, analysis, and proposals on a specific topic or issue. It aims to inform decision-making processes, propose solutions, or present recommendations for action. It's often produced by governments, organizations, or experts to shape the policy.

- A White Paper serves as a crucial tool for informing policymakers, stakeholders, and the public about the government's policies, initiatives, and their intended impact on the economy. It offers a detailed assessment of economic indicators, reforms, and their implications for various sectors.

### Characteristics of White Papers:

**Comprehensive Information:** Offers detailed and comprehensive information on a particular topic, issue, or policy.

**Objective Tone:** Maintains an objective and neutral tone, presenting information and analysis without strong opinions or biases.

**Policy Recommendations:** May include proposals or recommendations for policy changes, initiatives, or reforms based on thorough analysis and research.

**Authoritative Sources:** Often cites authoritative sources, research findings, and expert opinions to support arguments and recommendations.

**Educational and Informative:** Aims to educate stakeholders, policymakers, and the public about complex issues, providing insights and analysis to facilitate informed decision-making.

### What's Black Paper?

A Black Paper presents a critical or dissenting viewpoint on a particular topic, issue, or policy. It challenges prevailing narratives, policies, or viewpoints through critical analysis, addressing controversial subjects, providing evidence, and proposing alternative approaches.

### Characteristics of Black Papers:

**Critical Analysis:** Involves critical analysis and evaluation of existing policies, practices, or viewpoints.

**Oppositional Stance:** Expresses opposition or dissent, challenging prevailing narratives or perspectives.

**Controversial Topics:** Often addresses contentious or controversial topics, offering alternative viewpoints or interpretations.

**Evidence-Based Arguments:** Relies on evidence, data, and logical arguments to support critical assessment and perspective.

**Advocacy for Change:** May advocate for policy changes, reforms, or alternative approaches to address perceived deficiencies or injustices.

## Section 195(1)(b)(ii) of CrPC :

**Why in News ?** Dealing with a case involving allegations of forgery, the Supreme Court recently reiterated that there is no embargo under **Section 195(1)(b)(ii) of CrPC** to examine an allegation of forgery of documents filed in Court, when such forgery is committed before its production.

- As per **Section 195(1)(b)(ii)** of the Code of Criminal Procedure, a Court can take cognizance of an offence of forgery in relation to a document submitted in evidence in a Court proceeding only on a written complaint of an officer authorized by that Court (where the forged document was produced).

- As per the allegations, the respondents had fraudulently obtained stamp paper and prepared an unregistered sale agreement. Thereafter, a **suit was filed by them** seeking certain reliefs and, in the suit, the forged document was filed.
- The allegations however did not indicate whether the documents were forged when the matter was sub-judice before the **Civil Court**.
- Criminal proceedings were initiated against the respondents alleging inter-alia forgery of documents filed in Court. The **High Court quashed these proceedings**, holding that there could be no FIR/private complaint for forgery of a document **filed before Civil Court** until the finality of the litigation.

When the appellant(s) assailed the same, the **Supreme Court** observed that the High Court ignored the ratio of the decision in *Iqbal Singh Marwah & Another v. Meenakshi Marwah & Another*. To quote this decision,

"Section 195(1)(b)(ii) CrPC would be attracted only when the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any court i.e. during the time when the document was in custodia legis".

#### **About Section 195(1)(b)(ii) of the Code of Criminal Procedure, 1973 (CrPC)**

- It deals with prosecution for certain offenses related to judicial proceedings. It specifically mandates that no court shall take cognizance of certain offenses unless there is a complaint in writing by the concerned authority or officer.
- Section 195(1)(b)(ii) states that no court shall take cognizance of an offense punishable under sections **463, 471, 475, or 476 of the Indian Penal Code (IPC)**, if the offense is alleged to have been committed in respect of a document produced or given in evidence in a proceeding before a court, except on the complaint in writing of that court or by such officer as that court may authorize.

#### **Key Points:**

This section is designed to protect the sanctity of judicial proceedings by requiring judicial control over the prosecution of offenses like **forgery or fraudulent use of documents submitted in court**.

Forgery-related offenses under these sections of the IPC include:

**Section 463:** Forgery

**Section 471:** Using as genuine a forged document

**Section 475:** Counterfeiting a device or mark used for authenticating documents

**Section 476:** Fabricating false evidence

224

### About BNS Sections 287 & 125:

- Section 287 of the **Bhartiya Nyaya Sanhita (BNS)** pertains to **negligent conduct with respect to machinery**, replacing Section 287 of the Indian Penal Code (IPC) under the new legislation. The section addresses the act of endangering human life or causing harm due to improper or negligent handling of machinery.
- It penalizes individuals who knowingly or negligently allow any machinery, which could potentially cause harm, to be used or operated in a way that risks human life or causes injury.
- The punishment for this offense typically **includes imprisonment (up to six months), a fine, or both.**

### Section 125 of the BNS, 2023 (Endangering life or personal safety of others) :

- It addresses the offense of "waging war against the Government of India." This section specifies that:
- **Anyone who wages war or attempts to wage war against the Government of India or abets the waging of such war** shall be punished with death or imprisonment for life, and shall also be liable to a fine.
- This provision, retained from the older Indian Penal Code (IPC), is designed to prevent and penalize acts of rebellion, insurrection, or terrorism against the Indian state. The severity of the punishment underscores the seriousness of this offense.

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### PIB Fact-Check Units (FCUs):

**Why in News ?** The Bombay High Court has recently struck down the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, specifically Rule 3, which empowers the Central government to form Fact-Check Units

(FCUs) for identifying false or fake news against the government on social media and online platforms.

#### **What is Court's arguments:**

- It violates Articles 14 and Article 19 of the Constitution," the single-judge said while reading out the verdict.
- The court said that the amended **rule 3 (1) (b) ( V)** was violative of Articles 12, 19 (1) & 19 1(g).

#### **What is Government's argument?**

- The Central government argued that the FCUs do not seek to curb criticism or satire but are focused solely on government-related content. Solicitor General Tushar Mehta emphasized that the impugned rule applies only to information found in official government files.
- In response to claims that Rule 3 could chill free speech, Mehta maintained that any chilling effect should only pertain to fake and false news, asserting that everyone should be cautious about disseminating misleading information.
- He argued that the government would not be the final arbiter; instead, intermediaries would initially evaluate content, with courts serving as the ultimate decision-makers. He also asserted that the right to accurate information is a fundamental right for news recipients.

#### **Key Provisions of Rule 3:**

##### **1. Due Diligence by Intermediaries (Rule 3(1)):**

**Intermediaries' Obligations:** Intermediaries are required to observe due diligence while discharging their duties. This includes prominently publishing their rules and regulations, privacy policy, and terms of service on their platforms.

**Prohibition of Certain Content:** Platforms must not host, display, or publish any content that:

- Violates any law in force.
- Is defamatory, obscene, pornographic, paedophilic, invasive of privacy, or harmful to minors.
- Incites violence, promotes illegal activities, or impersonates another person.

##### **2. Grievance Redressal Mechanism (Rule 3(2)):**

- **Grievance Officer:** Every intermediary must appoint a grievance officer who will acknowledge and resolve complaints within specific timeframes.
- Complaints regarding the removal of content must be addressed **within 24 hours**.
- The overall grievance must be resolved **within 15 days**.
- The Grievance Officer must be based in India to ensure effective communication and compliance.

### 3. Compliance with Government Orders (Rule 3(2)(c)):

- Intermediaries must remove or disable access to unlawful content upon receiving actual knowledge, either through a court order or a notification by an appropriate government agency.
- Platforms must comply with such orders within **36 hours of receiving them**.

### 4. Additional Provisions under the 2023 Amendment:

- **Prohibition of Misinformation:** Rule 3, under the 2023 amendments, introduces provisions to counter fake news and misinformation.
- Intermediaries are expected to not host or allow any information marked as false by the **Fact Check Unit (FCU)** of the Press Information Bureau (PIB) or any other authorized government body.
- **Protection of National Security and Public Order:** The amendments specifically emphasize that intermediaries must prevent the dissemination of content that threatens the sovereignty, integrity, and security of India or public order.

### 5. Accountability of Social Media Platforms:

- The 2023 amendments impose stricter requirements on major intermediaries (those with a large user base like Facebook, Twitter, etc.).

#### **These include:**

- Appointing a Chief Compliance Officer (CCO), a Nodal Contact Person, and a Resident Grievance Officer, all based in India.
- Regularly updating compliance reports about content that has been taken down or actions taken against users.
- Conducting due diligence regarding the uploading of content, to ensure that the platform does not become a hub for fake news or misinformation.

### 6. Dispute Resolution Mechanism:

**Under Rule 3**, digital intermediaries are required to set up a system for dispute resolution, particularly in cases where users feel that their content has been unjustly removed or restricted.

#### **About PIB Fact Check Unit:**

The Press Information Bureau (PIB) Fact Check Unit is a dedicated entity established by the Government of India to combat the spread of fake news and misinformation. It plays a crucial role in ensuring that accurate and reliable information reaches the public.

#### **Key functions of the PIB Fact Check Unit include:**

**Fact-checking claims:** The unit verifies information related to government policies, initiatives, schemes, and other announcements.

**Debunking rumors:** It addresses false or misleading information circulating online or offline.

**Countering disinformation campaigns:** The unit identifies and exposes attempts to spread false or misleading information with malicious intent.

**Providing accurate information:** It offers reliable and verified information to the public through various channels.

## **Vertical and Horizontal Approach /Constitutional Tort:**

**Why in News ?** These terms have been in used in recent case laws.

In the Indian Constitution, the vertical approach and horizontal approach refer to the application and enforcement of fundamental rights and distribution of powers. These approaches are particularly significant in the context of federalism and the balance between individual freedoms and state authority.

### **1. Vertical Approach:**

This refers to the relationship between the individual and the state (including the central government, state governments, and public authorities). The vertical approach ensures that

fundamental rights are enforceable against the state. Under this approach, citizens can challenge the actions of the government if their fundamental rights are violated.

**Example:** Article 12 defines the "State" for the purpose of fundamental rights and includes the government and its agencies. If a government authority violates someone's right to equality (Article 14) or right to freedom (Article 19), they can approach the courts to seek redress under this vertical approach.

## 2. Horizontal Approach:

- The horizontal approach refers to the application of constitutional rights between private individuals or entities. This involves disputes where one individual's actions infringe on the rights of another individual. Generally, the Indian Constitution primarily enforces fundamental rights in a vertical manner, but there are cases where courts have applied a horizontal approach, particularly in labor law, contract law, or private employment situations.

**Example:** In some cases, like protection against discrimination or harassment, courts have extended the application of certain fundamental rights like equality or protection of dignity even in relationships between private individuals or entities, such as in workplaces.

### Key Differences:

**Vertical Approach:** Enforced against the state or government.

**Horizontal Approach:** Involves enforcement between private parties, though less direct in the Indian Constitution.

### What is "constitutional tort" ?

It refers to a legal wrong or injury committed by a public official or a government entity that results in the violation of a person's constitutional rights. The concept allows an individual to seek compensation or remedies for the violation of their fundamental rights guaranteed by the Constitution.

### Key Features of Constitutional Tort:

**Violation of Constitutional Rights:** A constitutional tort arises when an individual's fundamental rights, such as the right to life (Article 21), equality (Article 14), or freedom (Article 19), are violated by a public authority

or state action.

**Public Law Remedy:** The constitutional tort operates under public law, meaning that the wrong committed involves the state or its agents acting in an official capacity. Remedies are sought under constitutional provisions rather than general civil laws.

**Compensation for Violation:** The courts have the authority to grant compensation to the victim for the violation of fundamental rights. This is considered a remedy to provide immediate relief to individuals whose rights are breached.

**Writ Jurisdiction:** Victims can seek relief by filing a writ petition under **Article 32** (before the Supreme Court) or **Article 226 (before a High Court)** of the Constitution of India. These constitutional provisions give the courts the power to issue writs, including those related to compensation for fundamental rights violations.

#### **Development in India:**

- The concept of constitutional tort in India was developed primarily through judicial precedents. Some landmark judgments are:
- **Rudul Sah v. State of Bihar (1983):** The Supreme Court awarded compensation to a man who was unlawfully detained for 14 years even after his acquittal, marking one of the first instances where the court recognized the need for compensation for the violation of constitutional rights.
- **Nilabati Behera v. State of Orissa (1993):** The Supreme Court held that the state is liable to pay compensation for the custodial death of an individual, reaffirming the right to life under Article 21. This case reinforced the principle that constitutional remedies for rights violations include compensation.
- **D.K. Basu v. State of West Bengal (1997):** In this case, the Supreme Court laid down detailed guidelines to prevent custodial violence and torture, establishing state accountability for the violation of constitutional rights.

### **Section 15 of POCSO Act:**

**Why in News ?** Setting aside a Madras High Court judgment which held that mere storage of child pornographic material without any intention to transmit the same was **not an offence** under the Protection of Children from Sexual Offences Act (POCSO Act), the **Supreme Court** has held that the storage of such material, without **deleting or without reporting the same, would indicate an intention to transmit.**

**Key points of Judgment:**

- **Section 15 of the POCSO** provides for three distinct offences that penalise either the storage or possession of any child pornographic material when done with any intention to transmit, display etc as specified in sub-sections of the Section.
- It is in the nature and form of an **inchoate offence**, which penalises the mere storage or possession of any pornographic material involving a child when done with the specific intent prescribed thereunder without requiring any actual transmission, dissemination etc.
- **Sub-section (1) of Section 15** penalizes the failure to delete, destroy or report any child pornographic material that has been found to be stored or in possession of any person with an intention to share or transmit the same.
- The **mens-rea** or the intention required under this provision is to be gathered from the **actus reus** itself i.e., it must be determined from the manner in which such material is stored or possessed and the circumstances in which the same was not deleted, destroyed or reported. To constitute an offence under this provision the circumstances must sufficiently indicate the intention on the part of the accused to share or transmit such material.

**About The Protection of Children from Sexual Offences (POCSO) Act of 2012 :**

- It is a comprehensive law in India that aims to protect children from sexual abuse and exploitation. It provides a legal framework for the prevention, reporting, and punishment of sexual offenses against children.

**Key provisions of the POCSO Act:**

**Definition of child:** The Act defines a child as anyone below the age of 18 years.

**Sexual offenses:** The Act defines a wide range of sexual offenses, including:

- Sexual assault
- Sexual harassment

- Sexual abuse
- Sexual exploitation
- Child pornography

### **Key Changes in the POCSO Act (2019 Amendment):**

#### **1. Stricter Punishment for Sexual Offences:**

##### **a. Death Penalty for Aggravated Penetrative Sexual Assault (Section 6):**

- The amendment introduces the death penalty for cases of aggravated penetrative sexual assault (**Section 6**) on children below 18 years. This is in response to the rising cases of heinous crimes against minors.
- Aggravated penetrative sexual assault involves sexual abuse by a person in a position of authority or trust, or in cases where the victim is below the age of 12 years.

##### **b. Increased Minimum Punishment:**

The minimum **punishment for penetrative sexual assault (Section 4)** has been increased from 7 years to 10 years, which can extend to life imprisonment. This change reflects the intent to make the law more stringent for offenders.

#### **2. Child Pornography (New Section 15):**

- The amendment introduces provisions that deal with child pornography specifically. Under the new Section 15, it is an offence to:
  - Use a child for pornographic purposes.
  - Store, circulate, or produce material depicting children in a sexually explicit manner.
  - The punishment for using a child for pornographic purposes can range from 5 to 7 years of imprisonment along with a fine.
  - Repeat offenders or those who commit penetrative sexual assault on a child in the course of child pornography face stricter penalties, including 20 years to life imprisonment or the death penalty.

#### **3. Gender-Neutral Provisions:**

- The amendment continues to reinforce that the POCSO Act is gender-neutral. It covers both male and female children as victims of sexual offences.

#### **4. Provisions for Aggravated Offences (Section 5 and Section 9):**

- The amendment expands the list of aggravated offences (Sections 5 and 9) to include instances where the offender is in a position of power, such as a public servant, a police officer, or a staff member of a hospital.
- It also includes situations where the sexual assault results in physical harm, mental injury, or pregnancy in the child, making such cases subject to harsher penalties.

#### 5. Speedy Trial and Disposal of Cases (Section 35):

- To ensure speedy trial and timely justice, the amendment strengthens provisions related to the investigation and trial process. Special Courts are directed to complete trials within one year from the date of cognizance.
- The amendment emphasizes child-friendly procedures during trials, such as preventing the child from being exposed to the accused and allowing testimony via video conferencing.

#### 6. Fine for False Complaints (Section 22):

- The 2019 amendment imposes penalties for false complaints of sexual offences made with malicious intent. However, the provision is carefully worded to ensure it does not discourage genuine complaints or reporting by victims.

#### No Anticipatory Bail in Certain Cases (Section 31):

- The amendment strengthens the provision regarding anticipatory bail. In cases of aggravated penetrative sexual assault (Section 5), the court cannot grant anticipatory bail to the accused, ensuring that offenders are taken into custody promptly.

## Pact for the Future : United Nations

**Why in News ?** The World leaders recently adopted a Pact for the Future that includes a Global Digital Compact and a Declaration on Future Generations. The Pact covers a broad range of issues including peace and security, sustainable development, climate change, digital cooperation, human rights, gender, youth and future generations, and the transformation of global governance.

#### Significance of the pact:

- The Pact for the Future, the Global Digital Compact, and the Declaration on Future Generations will open the door to new opportunities and untapped possibilities.
- The Pact would lay the foundations for a sustainable, just and peaceful global order for all peoples and nations.

#### Key Facts:

##### In the area of peace and security:

- The most progressive and concrete commitment to Security Council reform since the 1960s, with plans to improve the **effectiveness and representativeness of the Council**, including by redressing the historical under-representation of Africa as a priority.
- The first multilateral recommitment to **nuclear disarmament in more than a decade**, with a clear commitment to the goal of totally eliminating nuclear weapons.
- Agreement to strengthen international frameworks that govern **outer space, including a clear commitment to prevent an arms race in outer space** and the need to ensure all countries can benefit from the safe and sustainable exploration of outer space.
- Steps to avoid the **weaponization and misuse of new technologies**, such as **lethal autonomous weapons, and affirmation** that the laws of war should apply to many of these new technologies.

##### On sustainable development, climate and financing for development:

The entire Pact is designed to turbo-charge implementation of the Sustainable Development Goals.

- The most detailed agreement ever at the United Nations on the need for reform of the international financial architecture so that it better represents and serves developing countries, including:
- Giving **developing countries a greater say** in how decisions are taken at international financial institutions;
- Mobilizing more financing from multilateral development banks to help developing countries meet their development needs;
- Reviewing the sovereign debt architecture to ensure that developing countries can borrow sustainably to invest in their future, with the **IMF, UN, G20 and other key players working together**;

- Strengthening the **global financial safety net to protect the poorest** in the event of financial and economic shocks, through concrete actions by the IMF and Member States;
- On climate change, confirmation of the need to keep global temperature rise to **1.5 °C above pre-industrial levels** and to transition away from fossil fuels in energy systems to achieve **net zero emissions by 2050**.

### The Global Digital Compact:

The Global Digital Compact, annexed to the Pact, is the first comprehensive global framework for digital cooperation and AI governance.

- At the heart of the Compact is a commitment to design, use and govern technology for the benefit of all.

This **includes commitments by world leaders to:**

- Connect all people, schools and hospitals to the Internet;
- Anchor digital cooperation in human rights and international law;
- Make the online space safe for all, especially children, through actions by governments, tech companies and social media;
- Govern Artificial Intelligence, with a roadmap that includes an **International Scientific Panel and a Global Policy Dialogue** on AI;
- Make data more open and accessible, with agreements on open-source data, models, and standards;
- This is also the **first global commitment to data governance, placing it on the UN agenda** and requiring countries to take concrete actions by 2030.

### Youth and future generations: Declaration on Future Generations:

- The first ever Declaration on Future Generations, with concrete steps to take account of future generations in our decision-making, including a possible envoy for future generations.
- A commitment to more meaningful opportunities for young people to participate in the decisions that shape their **lives, especially at the global level**.

## Human rights and gender:

- A strengthening of our work on human rights, gender equality and the empowerment of women.
- A clear call on the need to protect human rights defenders.
- Strong signals on the importance of engagement of other stakeholders in global governance, including local and regional governments, civil society, private sector and others.

## Clause 6 of the Assam Accord

**Why in News ?** Assam Chief Minister Himanta Biswa Sarma recently chaired a meeting with All Assam Students Union (AASU) leadership to discuss the recommendations of Justice (Retd) Biplab Sarma Committee on the implementation of Clause 6 of the Assam Accord.

Speaking to the media after the meeting Chief minister Sarma said that the state government will not implement Assam accord clause 6 without consent in Barak Valley and 6th schedule areas.

### About the Assam Accord :

- It is a tripartite agreement signed in 1985 between the Government of India, the Government of Assam, and the All Assam Students' Union (AASU).
- It was a major step towards resolving the long-standing Assam agitation, which was primarily centered around the issue of illegal immigration from Bangladesh.

### Key provisions of the Assam Accord:

**Cut-off date:** The Accord established March 25, 1971, as the cut-off date for determining the citizenship status of individuals residing in Assam. Those who entered Assam before or on this date would be considered Indian citizens, while those who entered after this date would be considered illegal immigrants.

**Deportation:** The Accord called for the deportation of all illegal immigrants identified after the cut-off date.

**Voter list revision:** It mandated the revision of the electoral rolls to remove the names of illegal immigrants.

**Language protection:** The Accord also addressed the issue of language protection, ensuring the use of Assamese as the official language of the state.

**Constitutional safeguards:** It provided for constitutional safeguards to protect the interests of the indigenous people of Assam.

**About clause 6 of Assam accord :**

- **Clause 6 of the Assam Accord (1985)** is a key provision designed to safeguard the identity, culture, and rights of the indigenous Assamese people.
- The Assam Accord was signed on August 15, 1985, between the Government of India and the leaders of the Assam Movement, which aimed to address the concerns of illegal immigration from Bangladesh into Assam.

**Main Provisions of Clause 6:**

**Clause 6 of the Assam Accord specifically states:**

- 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.

**Key Objectives:**

**Protecting Assamese Identity:** The main goal is to ensure that the cultural, linguistic, and social rights of the indigenous people of Assam are protected.

**Legislative and Administrative Safeguards:** The clause envisions that the Government of India will take legislative or administrative measures to protect the rights of Assamese people. However, specific provisions on what these safeguards would entail were not detailed in the Accord itself, leaving it open for future action.