





# CURRENT AFFAIRS MONTHLY MARCH 2018

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# Polity and Social Issues

## Cabinet approves the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018

### What is the issue?

•The Union Cabinet chaired by Prime Minister has approved the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 for introduction in the Parliament.

### The Bill broadly has the following features:

- Addresses the issue of trafficking from the point of view of prevention, rescue and rehabilitation.
- Aggravated forms of trafficking, which includes trafficking for the purpose of forced labour, begging, trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity, trafficking of a woman or child for the purpose of marriage or under the pretext of marriage or after marriage etc.
- Punishment for promoting or facilitating trafficking of person which includes producing, printing, issuing or distributing unissued, tampered or fake certificates, registration or stickers as proof of compliance with Government requirements; or commits fraud for procuring or facilitating the acquisition of clearances and necessary documents from Government agencies.
- The confidentiality of victims/ witnesses and complainants by not disclosing their identity. Further the confidentiality of the victims is maintained by recording their statement through video conferencing (this also helps in trans-border and inter-State crimes).
- Time bound trial and repatriation of the victims - within a period of one year from taking into cognizance.
- Immediate protection of rescued victims and their rehabilitation. The victims are entitled to interim relief immediately within 30 days to address their physical, mental trauma etc. and further appropriate relief within

•Rehabilitation of the victim which is not contingent upon criminal proceedings being initiated against the accused or the outcome thereof.

•Rehabilitation Fund created for the first time. To be used for the physical, psychological and social well-being of the victim including education, skill development, health care/psychological support, legal aid, safe accommodation, etc.

•Designated courts in each district for the speedy trial of the cases.

•The Bill creates dedicated institutional mechanisms at District, State and Central level. These will be responsible for prevention, protection, investigation and rehabilitation work related to trafficking. National Investigation Agency (NIA) will perform the tasks of Anti-Trafficking Bureau at the national level present under the MHA.

•Punishment ranges from rigorous minimum 10 years to life and fine not less than Rs. 1 lakh.

•In order to break the organized nexus, both at the national and international level, the Bill provides for the attachment and forfeiture of property and also the proceeds for crime.

•The Bill comprehensively addresses the transnational nature of the crime. The National Anti-Trafficking Bureau will perform the functions of international coordination with authorities in foreign countries and international organizations; international assistance in investigation; facilitate inter-State and trans-border transfer of evidence and materials, witnesses and others for expediting prosecution; facilitate inter-state and international video conferencing in judicial proceedings etc.

### Background:

•Trafficking in human beings is the third largest organized crime violating basic human rights.

•There is no specific law so far to deal with this crime. Accordingly, the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 has been prepared.



# Polity and Social Issues

## Significance of this move:

- The new law will make India a leader among South Asian countries to combat trafficking.
- Trafficking is a global concern also affecting a number of South Asian nations. Amongst them, India is now a pioneer in formulating a comprehensive legislation.

**AFSPA extended in Assam**

## What is the issue?

- The Assam government announced the extension of the Armed Forces Special Powers Act (AFSPA) by another six months in the state.

## What is AFSPA?

- AFSPA was enacted in 1958 amid the nascent Naga insurgency.
- It gives powers to the army and state and central police forces to shoot to kill, search houses and destroy any property that is “likely” to be used by insurgents in areas declared as “disturbed” by the home ministry.
- Security forces can “arrest without warrant” a person, who has committed or even “about to commit a cognizable offence” even on “reasonable suspicion”.
- It also protects them from legal processes for actions taken under the act.

## How a region is declared ‘disturbed’?

- Section (3) of the AFSPA empowers the governor of the state or Union territory to issue an official notification in The Gazette of India, following which the Centre has the authority to send in armed forces for civilian aid.
- Once declared ‘disturbed’, the region has to maintain status quo for a minimum of three months, according to The Disturbed Areas (Special Courts) Act, 1976.

## What is state government’s role?

- The state governments can suggest whether the act is required to be enforced or not.
- But under Section (3) of the act, their opinion can be overruled by the governor or the Centre.

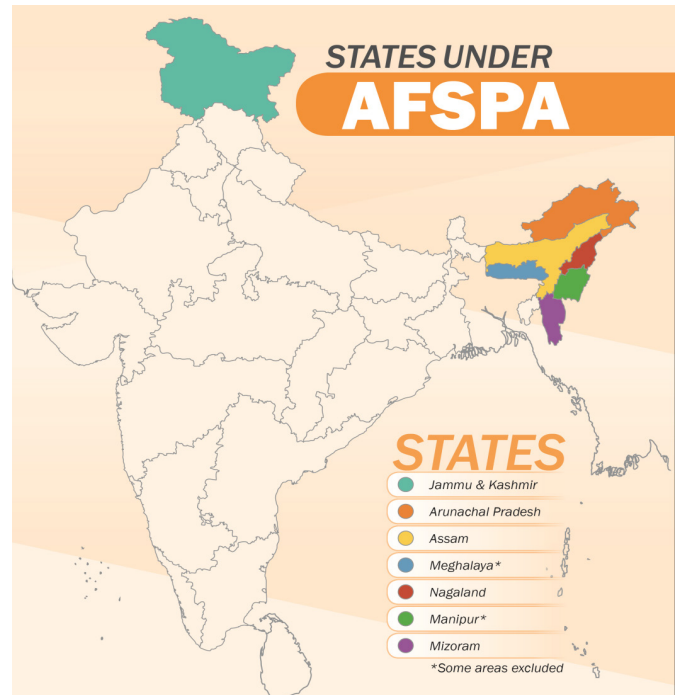


Fig: States under AFSPA

## Justice B.P Jeevan Reddy Committee on AFSPA:

- The Centre appointed a five member committee headed by Justice B.P. Jeevan Reddy in November 2004 to review the AFSPA.
- The committee recommended that the Unlawful Activities (Prevention) Act, 1967, should be modified to specify the powers of the Armed forces and Central forces.

## Question related to AFSPA:

Consider the following statements with reference to Armed Forces Special Powers Act(AFPSA) :

1. It protects security forces for all actions taken in the name of the Act.
  2. AFSPA is presently being observed in the states of Assam , Meghalaya, Nagaland and Tripura
  3. The Act pertains to only the Army and not Central Police Forces.
- Which of the above mentioned statements are true ?
- a. 1 only      b. 1 and 2  
c. 3 only      d. 1 and 3

SOLUTION : A

Explanation:

- Tripura is not under AFSPA at the moment.
- The AFSPA Act extends to both Army and Central Police Forces.

## Polity and Social Issues

Cabinet approves the Commercial Courts, Commercial Division and Commercial Division of High Courts (Amendment) Bill, 2018

### What is the issue?

•The Union Cabinet has approved the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, 2018 for introduction in the Parliament.

### Salient features of the Bill:

•The Bill brings down the specified value of a commercial dispute to 3 Lakhs from the present one crore: Therefore, commercial disputes of a reasonable value can be decided by commercial courts. This would bring down the time taken (presently 1445 days) in resolution of commercial disputes of lesser value and thus further improve India's ranking in the Ease of Doing Business.

•The amendment provides for establishment of Commercial Courts at district Judge level for the territories over which respective High Courts have ordinary original civil jurisdiction i.e in the cities of Chennai, Delhi, Kolkata, Mumbai and State of Himachal Pradesh.

•The introduction of the Pre-Institution Mediation process in cases where no urgent, interim relief is contemplated will provide an opportunity to the parties to resolve the commercial disputes outside the ambit of the courts through the authorities constituted under the Legal Services Authorities Act, 1987. It will also help in reinforcing investor's confidence in the resolution of commercial disputes.

•Insertion of new section of 21A which enables the Central Government to make rules and procedures for PIM.

•To give prospective effect to the amendment so as not to disturb the authority of the judicial forum presently adjudicating the commercial disputes as per the extant provisions of the Act.

### Background to the issue:

•With the rapid economic development there has been considerable increase in commercial activities and consequent steep rise in number of commercial disputes at domestic and international level.

•Increase of Foreign Direct Investment (FDI) and overseas commercial transactions have further contributed to a significant increase of commercial disputes.

•With a view to address the issue faster resolution of matters relating to commercial disputes and to create a positive image particularly among the foreign investors about the independent and responsive Indian legal system, the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 was enacted and commercial courts were established at District Levels in all jurisdictions, except in the territories over which the High Courts have original ordinary civil jurisdiction.

•These five High Courts i.e. the High Courts of Bombay, Delhi, Calcutta, Madras and of Himachal Pradesh, exercise ordinary original civil jurisdiction in regard to territories of cities of Mumbai, Delhi, Kolkata, Chennai and the territory of the State of Himachal Pradesh respectively. In such territories of these High Courts as per provision to sub-section (1) of section 3 there are no commercial courts at district level and instead Commercial Divisions have been constituted in each of these High Courts.

•The specified value of such commercial disputes to be adjudicated by the Commercial Courts or the Commercial Division of High Court, as the case may be is presently Rs. one Crore.

### Things to Remember

•Though there are 29 states in India, the number of High Courts is only 24. The following high courts have jurisdiction over more than one state or Union Territory

•Bombay High Court: Maharashtra, Goa

•Guwahati High Court: Assam, Nagaland, Mizoram and Arunachal Pradesh

•Hyderabad High Court: Andhra Pradesh and Telangana  
Punjab & Haryana High Court: Punjab, Haryana and Chandigarh.

•Among the Union Territories only Delhi has its own High Court