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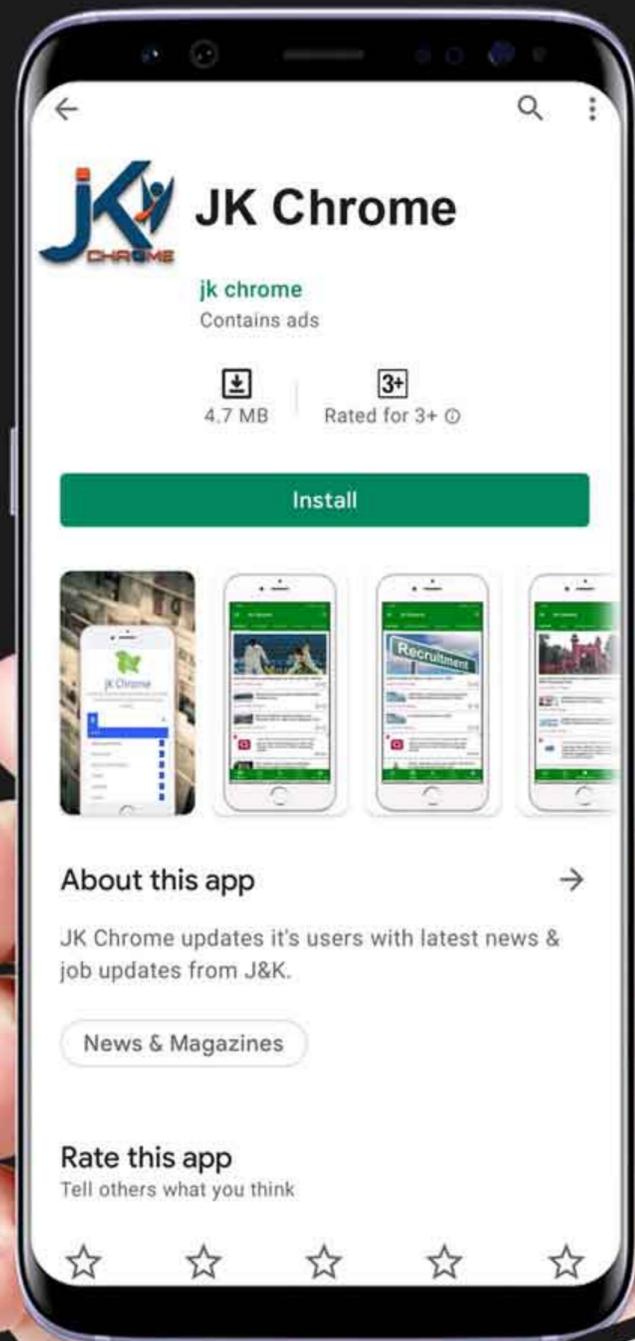
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# **DISASTER MANAGEMENT, INDIAN SOCIETY & INTERNAL SECURITY Mind Maps**



## India's Disaster Management Framework – Part 1

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### #1 What are disasters?

1. Disruption on a massive scale + causing severe damage to life and property + occurring in short or long periods
2. It can be either natural (earthquakes + volcanic eruptions + floods + droughts + hurricanes + heat/ cold waves + epidemics) or man made (nuclear attack + accident + gas leak + mining accidents + terror attacks + stampede)

### #2 What is the disaster vulnerability profile of India?

1. 59% of the landmass → prone to earthquakes of moderate to very high intensity. (Delhi earthquake 2015)
2. 5,700 kms/ 7,516 kms long coastline → prone to cyclones + tsunamis. (tauetae cyclone 2021)
3. 12% of its land → prone to floods + river erosion. (Bihar + West Bengal + Assam)
4. 68% of its cultivable area → vulnerable to droughts
5. Hilly areas → landslides and avalanches. (Dharmshala landslides 2021)
6. Highly vulnerable to man-made disasters → chemical, biological, radiological and nuclear disasters. (Bhopal gas tragedy)
7. Vulnerability further increases → a) changing demographics and socio-economic conditions, b) unplanned urbanization, c) development within high-risk zones, d) environmental degradation, e) climate change, f) geological hazards, g) epidemics and pandemics. (Covid 2019)

### #3 What is disaster management?

1. Organization and management of resources and responsibilities → to deal with all humanitarian aspects of emergencies, in particular **preparedness, response and recovery** → to lessen the impact of disasters.
2. Disaster management cycle; disasters → a) response → b) recovery → c) Mitigation → d) preparedness.

### #4 What is the institutional framework in India for disaster management?

1. 3 tier structure → a) National disaster management authority (NDMA), b) State disaster management authority (SDMA), c) District disaster management authority (DDMA)
2. NDMA → to build safer + disaster resilient India → statutory body headed by PM + assisted by national executive committee
3. National disaster management plan → to achieve sustainable disaster risk reduction in line with Sendai framework.
4. National disaster response force → specialised response during disasters + impart training to local police, civil defence, home guards + public awareness.
5. SDMA → headed by CM + assisted by state executive committee
6. District disaster management authority → chaired by district magistrate

### #5 What is Sendai framework which India has agreed to?

1. Successor of Hyogo framework → Sendai framework → state = primary role to reduce disaster risk + responsibility shared among all stakeholders.
2. For disaster risk reduction 2015 – 2030 → four priority areas

3. Understanding disaster risk → understanding of disaster risk in all its dimensions of vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment
4. Strengthening disaster risk governance → at global, national and regional levels for mitigation, preparedness, response, recovery and rehabilitation.
5. Investing in disaster risk reduction → Public and private investment in disaster risk prevention and reduction through structural and non-structural measures.
6. Build back better → disaster preparedness for response, taking action in anticipation of events, and ensure capacities are in place for effective response and recovery at all levels.



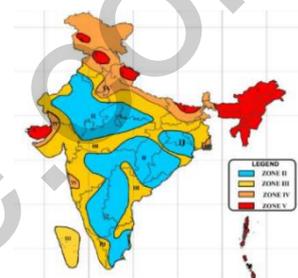
## EARTHQUAKE

### #1 What is meant by Earthquake?

- 1) **Earthquake** → shaking of earth's surface; movement along plate boundaries (divergent/convergent/transform) → Stress build up → sudden energy release → seismic waves → Earthquake.
- 2) **Types** → **Tectonic** (plate movement)/**Volcanic** (post volcanic eruption; less prevalent)/**Explosion** (nuclear tests)/**Collapse** (mine bursts)
- 3) **Causes** → **Natural** (volcanic activity, landslides, geological faults rupture, moving Indian Plate (5cm/year)) **Anthropogenic** (mine blasts, nuclear tests, underground tunnels, reservoir induced etc.)
- 4) **Assessment** → **Richter scale** (energy release), **Mercalli** (damage)

### #2 What is Seismic Zonation?

- 1) Seismic Zonation → subdivide territory → regions; based on seismic hazard (Mercalli scale); BIS + IMD → 4 zones (II, III, IV, V); Zone V most active; 59% India's area → moderate/severe earthquake prone



### #3 What are the various impacts of Earthquake?

**Economical** (infrastructure collapse, logistics issue, fiscal burden, rehabilitation cost, livelihood loss);

**Socio-cultural** (life loss, aesthetic loss, heritage sites, migration) **Environmental** (can trigger landslides, tsunami, avalanches, fires, affect dams → floods)

### #4 What are the various ways for earthquake preparedness and mitigation in India?

- (i) Install Early warning systems → IIT Roorkee pilot project; Germany + CSIR project; India Quake+ Sagar Vani App
- (ii) Earthquake Monitoring and mitigation → via monitoring stations (Centre for seismology, nodal body); vulnerability maps;
- (iii) Multisectoral coordination → MoES + IMD + EREC + GSI etc.
- (iv) Public Awareness → community training; role of education and schools
- (v) Assess construction materials → encourage local materials → bamboo, coir etc. Ex. Bhongas (kutch), Dhajji diwari (J&K), Ekra construction (Assam)
- (vi) Resilient buildings → abide NBC; soil analysis

### #5 What are the various initiatives for earthquake management in India?

- 1) **National Earthquake Risk Mitigation Project (NERMP)** → strengthen non/structural efforts
- 2) **National Building Code** → 2005; regulate construction activities; follow international practices
- 3) **National Centre for Seismology** → earthquake surveillance reports
- 4) **NDMA Guidelines** → (i) Awareness Generation → manual, safety audits, videos films etc (ii) Earthquake resistant Built up → earthquake proofing buildings (Japan model-80% buildings quake proof); NB Code (iii) Capacity Building → R&D, joint capacity (NGO, civil society, private etc.) (iv) Draw programs to retrofit existing structures → govt. building, dams, courts etc. (v) strengthening Enforcements → strictly enforcing byelaws, building code etc.; states responsible (vi) Fast Emergency response → via Incident Command system; local administration coordinate
- 5) **Other Initiatives** → (i) Sendai framework signatory (ii) BIMSTEC Ex. (iii) SCOJtEx-2019 → on urban earthquakes

## Salient features of Indian Society

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### #1. What are the salient features of Indian Society?

Democracy; Secular; Nationalism; Agrarian; Multi-religious, multi-lingual, multi-cultural, multi-ethnic society; Pluralism; Joint family system; Patriarchy; Caste system; Class divide; Spiritualism; Modernity; Unity in Diversity.

### #2. What are the various types of diversity found in Indian Society?

Diversity → Collective differences- cultural markers-biological, social, religious; Religious diversity-tolerance and segregation; Linguistic diversity – 4<sup>th</sup> highest number of languages; Racial diversity – distinctive physical features; Caste diversity – 4 varnas and numerous Jatis; Cultural diversity – traditions, norms and customs; Geographical diversity – mountain ranges, deserts, evergreen forests; Tribal diversity- Andaman vs Central Indian; Regional diversity- political and economic factors.

### #3. What are the factors that unify Indian Society?

Constitutional identity- single, FR, DPSP, 3 tier structure; Political culture- democracy, secularism, citizenship; Inter-state mobility- sense of unity and brotherhood; Pilgrimage culture; Religious tolerance-mutual respect and co-existence; Economic integration- trade and commerce; Fairs and festivals; Climatic integration- Monsoon; Transport network; Army and Administrative services; Modern Education system; Social Media; Sports and Cinema.

### #4. What are the factors that threaten India's unity?

Regionalism- regional aspirations >> national interests; Identity politics- caste, region, religion; Developmental imbalance- uneven, inadequate – backwardness (NE)- separatist and secessionist; Ethnic differentiation and nativism- jobs, resources, identity crisis; Infrastructure divide- geographical isolation (Siliguri); Communalism- varied religious interests; Inter-state conflicts- resources; External factors- terror and extremist groups.

### #5. Why is India called a sub-continent?

Geographical vastness- 2.4% of total Earth's area; Unique natural frontiers- Himalayas and Indian Ocean-strategic importance; 2<sup>nd</sup> most populated-1.2 billion; Land of Indus Valley Civilization-Sindhu; multiple ethnic, linguistic, cultural identities- sphere of unity; Largest democracy- socialism, secularism, unity and integrity; Unique spiritual values- Buddhism, Hinduism, Jainism, Vasudaiva Kutumbakam; Diverse flora and fauna; Immense impact on geo-political and geo-strategic phenomenon- IORA,RCEP,FTAs.

## Caste System

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### #1 What is Varna, Jati, Class and Caste?

**Varna**- color- Arya and Dasa; 4 orders in Hindu society; excludes untouchables; acts a framework; ritual and social hierarchy; Book View- 4- in texts; Uniform nature; religious criteria.

**Jati**-Hereditary, endogamous, localized; associated with occupation; untouchables are integral part; Field view~4000- in reality; varied hierarchy; secular criteria; scope to change one's social status.

**Class**-Neither legally defined nor religiously sanctioned; Non-hereditary; open system; endogamy and exogamy; Wealth, income, education, occupation; life styles and consumption patterns; Pre-British→ self-sufficiency- not pronounced; British→ land reforms- village ownership to individual ownership + trade and commerce + railways + western education; Flexible.

**Caste**- Portuguese "casta", meaning species, race, or kind; Hereditary; associated with traditional occupations; prescribed set of norms, values and sanctions; Rigid; Institution and ideology → social hierarchy and set of ideas, values; Based on purity and pollution → Abstract notion; ritual sanction; commensality and connubium; social intercourse; central to practice of untouchability.

### #2 What the features of the Caste System?

Social stratification-based on varna-religious rationalization; Hierarchical arrangement- rigid social ranking-degree of power and prestige- based on birth not worth; Ascriptive in nature- by birth; Restricted- choice of occupations-contact; Endogamy-choice of marriage within one's caste; Mobility- closed system- limited social interaction.

### #3 What are the problems associated with it?

- 1) Caste based discrimination- practice of untouchability - Abolished under Article 17 of Indian Constitution – penalized under Protection of Civil Rights Act, 1955.
- 2) Caste conflicts- Politicization of caste → manipulation of caste identities for selfish political motives- Casteization of politics → political parties based on caste.
- 3) Caste-based reservation policy → Article 15 and 16 → education and public employment:
  - a) **Arguments in favor**- helps in mainstreaming; socio-economic empowerment; reduction in inequality gap; improvement in social status; equitable access to opportunities.
  - b) **Arguments against**- against merit; inter-caste conflicts increase; domino effect→ more and more demand; class within caste→ modern avatar of caste; political tool- example 127<sup>th</sup> Constitutional Amendment Act.

### #4 What is the future of the Caste System?

- 1) Winds of change → Industrialization, modernization, urbanization and globalization; Positive affirmation by Constitution; Universal adult suffrage; Secular education and job opportunities.
- 2) Innovative yardsticks to measure backwardness → Justice Rohini commission for sub-categorization of OBCs report expected by January, 2021.
- 3) Attitudinal change → value based education, social awareness → checks the sense of deprivation; economic exploitation and resentment.
- 4) Secularization of caste system→de-ritualization, political representation→high social and cultural differentiation.
- 5) Dalit capitalism → capitalism as emancipation of Dalits- necessary but not sufficient- change in social mindset to absolve Dalit identity.

"You cannot build anything on the foundations of caste. You cannot build a nation. You cannot build a morality." Dr. B.R.Ambedkar in Annihilation of Caste.

## Gender Issues and Women Empowerment-I

### #1 What is the concept of Gender?

Sex- Biologically defined, genetic differences between men and women; Gender- socially constructed; learned behavior, self-perception and expression → gender identity and gender roles; unequal power – gender stereotyping-domestic division of labour, dual burden, glass ceiling.

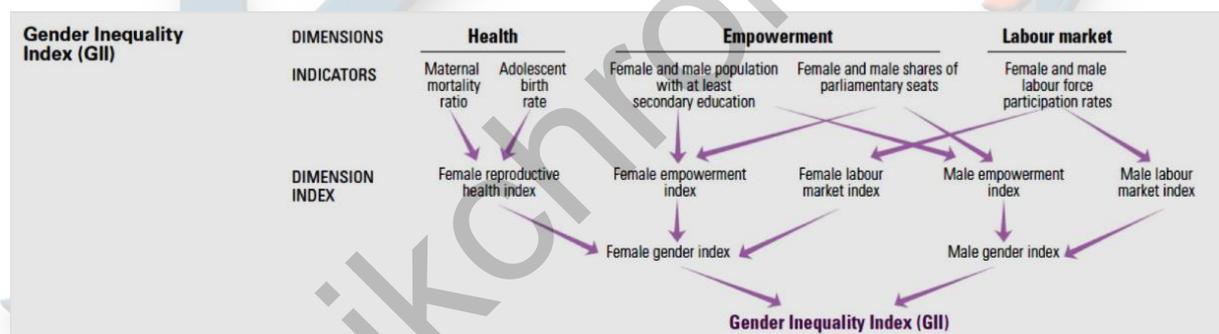
### #2 What is patriarchy and its manifestation?

Patriarchy- system of relationships, beliefs → male dominated societal structure, ; women- oppressed, disadvantaged, undervalued vs men- privileged → gender inequality, gender discrimination, violence against women; inflexible, unequal power relations; social outlook → son meta-preference, skewed sex ratio, missing girls, unwanted girl children.

### #3 What is gender inequality and its manifestation?

**Life cycle :** Foeticide, sex selective abortion; neglect, subordinate to male counterpart; health and nutritional deprivation; first victim of poverty; child marriage, eve-teasing, sexual harassment; low skilled and low paid jobs, pink-collarization, low FLFP, unequal pay, unpaid care work, dual burden; identity crisis.

**Gender Inequality Index:** Loss in potential human development due to gender disparity. India's rank 123/189 countries.



### #4 What is the pattern of gender discrimination in India?

**Spatial pattern of discrimination:** Developed states- access to sex-determination facilities- foeticide, skewed sex ratio; patriarchal- inheritance, ritualistic/religious preference to son; lack of reproductive rights; Under developed states- forced pregnancies, multiple deliveries- compulsive desire for son-earning hands; dowry, trafficking, kidnapping; new forms- gram vadhu, water brides, mulki pratha. NITI Aayog- all states in red zone except Kerala and Sikkim-inequalities in access to education, healthcare, nutrition, employment and asset ownership.

### #5 What is prevalence of violence against the women?

Constant fear of violation of physical and emotional self; objectification and commodification; sexual harassment, domestic violence and abuse; rape (>90 percent by known); honor killing- caste purity, family pride; UN- 1 out of every 3 women experience violence; shadow pandemic- job loss + domestic violence. NCRB ~21% decrease in crime against women in 2020- possible underreporting due lockdown.

## Gender Issues and Women Empowerment- II

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### #1 What is the concept of Feminism?

Feminism- ideology-social, political and economic equality of sexes-resentment against unjust treatment-advocacy of women's rights, status and power. 3 schools- Radical- women-oppressed, exploited; aim- superiority of women; Marxist- capitalism as source of oppression; aim- disappearance of gender inequalities; Liberal- existing gender inequalities- harm all; aim- create equality of opportunities.

### #2 What are the various women movements?

Aim- organized effort- equality, emancipation, liberation; change social structure; end discrimination.

**West-** 3 waves; 1<sup>st</sup> wave- upper class white women-suffrage and political equality; 2<sup>nd</sup> wave- rights at home, workplace, reproductive rights, domestic violence, marital rape, custody and divorce law; 3<sup>rd</sup> wave- intersectionality and inclusivity. 4<sup>th</sup> wave- MeToo movement, social media activism, emphasis on trans and non-binary rights.

**India-** Pre 1857- Socio-religious reform movements-rationalism and liberalism- fought polytheism, polygamy, casteism, sati, child marriage, illiteracy; women-passive recipients; 1857-1947 – educated middle class women- coordinated activities of revolutionaries; assumed leadership when men were imprisoned; organisational power; 1947-70s- Pre-movements (Chipko, Telangana, Anti-Arrack movements)- power of women- leadership roles- sharing of women's needs and problems- self-confidence - sense of power; 1975 onwards- anti-dowry and anti-rape campaigns, raise consciousness- equality and women empowerment; social media; against patriarchy; better economic standing.

### #3 What is the concept of women empowerment?

UN-Sense of self-worth+ Access to resources+ Right to make decisions+ Right to control their lives+ Ability to influence the direction of social change. Power to say yes and right to say no. Need- patriarchy, subordination, social prejudice, poor quality of life, gender discrimination, regressive- dowry, domestic violence.

### #4 What are the initiatives to ensure women empowerment at national and international level?

**National:** *Constitutional*-Preamble- equality, dignity; FR-Article 14,15,16; DPSP-Article 42- Maternity relief; FD- Article 51A; *Legal*- Dowry Prohibition Act, Medical termination of Pregnancy Act, 1971, Equal Remuneration Act, 1976, Maternity Benefit (Amendment) Act, 2017, Muslim Women (Protection of Rights on Marriage) Act, 2019; Gender Budgeting; *Welfare Schemes*- Beti Bachao Beti Padhao, PM Matru Vandana Yojana, Poshan Abhiyan; SHG movement; *National Policy for Women Empowerment*- priority areas- education, food security, nutrition, violence against women; enabling environment- housing, sanitation, social security; prevent trafficking; envision a society- women as equal partners.

**International:** Convention on Elimination of All Forms of Discrimination against Women (CEDAW); Mexico Plan of Action; Nairobi Forward Looking Strategies; Beijing Declaration as well as the Platform for Action; SDG 5; UN Women- champion for gender equality; International Women's Day.

## Transgender Rights

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### #1 What is the concept of Transgender?

Transgender- non-conformity of sex assigned at birth and gender identity/expression; transman, transwoman, intersex, genderqueer; Census 2011- 4.8 lakh; Traditional communities- Hijras, Kothis, Aravanis, Jogappas, Shiv-shaktis.

### #2 What are the problems faced by Transgenders?

- 1) Social: early age-shame and self-doubt; social stigma, discrimination, bullying→constant denigration of identity; rejection by family; sense of alienation; sexual abuse and violence; schools-unequipped to handle diverse gender identities→ dropouts; outright denial- education, health care, housing; psychological issues; public health issue
- 2) Legal: British era-breach of public decency- Section 377 of IPC; declared as criminal tribe; no right to self-identify their gender; physical and psychological violence→underreported; no separate category in NFHS/PLFS→ no effective policy change.
- 3) Economical: marginalized-prostitution, begging, no employment opportunities; income generating activities- singing, dancing and 'blessing'; ID card to access government welfare scheme (5k/4.9lakh).

### #3 What are the initiatives to ensure empowerment of Transgenders?

- 1) State level initiatives: Kerala- Transgender policy in 2015 + Justice board to grievance redressal; Odisha- Transgender policy; Maharashtra- Welfare board + cultural institute; Chhattisgarh-Third gender option in official documents+ recruitment in police.
- 2) National: Constitutional- Article 14,15,16,21 and 23; National Portal for Transgender Persons- digitally obtain certificate and ID card; Garima Greh- Shelter homes for Transgender persons- rescue and rehabilitation.
- 3) International: Yogyakarta principles-basic human rights to all irrespective of sexual orientation and gender identity.

### #4 What are the recent developments in Transgender rights?

- 1) NALSA Judgement, 2014: Recognized third gender-safeguards Fundamental rights; Under Article 21- Right to choose one's gender identity; SC directions- provide reservations; appropriate healthcare; welfare schemes- holistic development.
- 2) Navtej Singh Johar case, 2018: decriminalised homosexuality; quashed Section 377 of IPC.
- 3) Madras High Court, 2019: Legally recognized marriage between a man and transwoman.
- 4) Kerala High Court, 2021: Transwoman enrollment in girls division of NCC as per her self-perceived identity.
- 5) Transgender persons (Protection of Rights) Act, 2019: Definition of transgender; mitigate social stigma + ensure basic rights; no discrimination in employment matters- government/private; certificate of identity by DM; Transgender protection cell; welfare measures -rescue, rehabilitation, vocational training; National Council for Transgender persons→ policy impact + grievance redressal.

# Cybersecurity

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## #1 What is Cybersecurity?

Information Technology Act, 2000 (**IT Act**) says cybersecurity is → protecting information, equipment, devices, computer, computer resource, communication device & information stored from → unauthorized access, use, disclosure, disruption, modification or destruction.

## #2 What are different types of Cyber threats?

- 1) **Cyber Espionage**- use of computer networks → to access illegally → confidential information (usually held by a government/organization). Ex: 2014 hacking of US companies, NSA surveillance program, carried out by **State** with dedicated systems.
- 2) **Cyber Crime/ attack**- any type of offensive maneuver → by **individuals /whole organizations (non-state actors)** targeting → computer information systems +infrastructures + computer networks with intention to damage/destroy targeted computer network /system.
- 3) **Cyber Terrorism**- convergence of terrorism and cyberspace, acts of terrorism using cyber technologies. Includes activities → websites spreading extremist propaganda +recruiting terrorists. Carried out by **non-state actors**.
- 4) **Cyber Warfare**- includes the actions of **nation-state** or its proxies → penetrate another nation's computers or networks → purposes of espionage+ damage + disruption. Ex: USA's Stuxnet attack on Iran nuclear enrichment prog. The US CYBERCOM → unified combatant command → recognized as separate arena of warfare.

## #3 What are the different types of cyber-attacks?

- 1) **Virus** ( computer program code- corrupts data), **Malware** ( program/software - intent to compromise victims' data of confidential nature) , **Denial of service**- DoS ( attacker limits access of legitimate users to computer systems and networks), **Bluetooth hijacking - bluejacking** ( private information stolen through Bluetooth), **Spyware** ( sends user activity info without his/her acknowledgement), **Phishing** (targets are lured to provide sensitive information by posing as a legitimate website), **Domain name systems attack** etc.
- 2) **Examples:** Chinese hacker group **APT 10/ Stone Panda** attacked →Covid-19 vaccine manufacturers in India. In Nov 2020, Microsoft detected cyber-attacks from Russia and North Korea targeting → Covid-19 vaccine companies in India, France, Canada, South Korea and US. February 2021, a US-based cyber company cautioned about Chinese group→ **Red Echo**. Red Echo→ using malware '**ShadowPad**' to target India's power sector.
  - a. Other attacks: hacking at Cosmos bank, **Petya Ransomware, Wannacry ransomware**, data theft at Zomato.

## #4 Why Cyber - attacks have become common nowadays?

Cyber-attacks are 'borderless and anonymous', difficult to track down → source or identity of attacker + low cost of carrying out attacks; Cyber-attacks can be made from multiple sources, kilometers apart; Cyberspace → Fast changing and complex, difficult for cybersecurity measures to catch up; 'Critical Infrastructure' using cyberspace → makes it easy targets.

## #5 What are the Cybersecurity measures taken in India?

### 1) Legal Framework:

- a. **Information Technology Act (IT) 2000** (amended in 2008) → primary law for dealing with cyber-crime
- b. **National Cyber Security Policy, 2013 objectives:** create a secure and robust cyber-ecosystem; guide users actions → for protection in cyberspace, strengthen → regulatory framework → to secure cyber ecosystem; develop indigenous technologies.

### 2) Institutional Measures:

- a. **National Critical Information Infrastructure Protection Centre - NCIIPC** (under Section 70A of the IT Act)- designated as '**national nodal agency**' in respect of critical information infrastructure protection, aims → to protect + safeguard critical information infrastructure (CII) against cyberterrorism.
- b. **CERT-In (Cyber Emergency Response Team – India)** -under Section 70B of the IT Act. → national '**nodal agency**' to respond against **computer security threats**
- c. **National Cyber Security Coordination Centre (NCCC):** perform real-time threat assessment + create situational awareness → cyber threats to the country.
- d. **Cyber Swachhta Kendra:** platform for users →analyse and clean their systems of viruses, bots/malware, Trojans, etc.

### 3) Other measures:

**Cyber Surakshit Bharat Initiative:** initiative to **spread awareness + capacity building** of Chief Information Security Officers (CISOs) and frontline IT staff,

**Indian cyber -crime coordination centre (I4C) & Cyber Warrior Police Force** - tackle internet crimes. State initiatives like **Cyberdome (Kerala govt)**- technological R&D centre and centre for excellence for Cybersecurity, 'cyber safe women' (Maharashtra) etc.

## AFSPA

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### #1 What is AFSPA?

- 1) **AFSPA, 1958** (Armed Forces Special Powers Act) confers on members of the armed forces → **special powers** → rein in suspects in areas declared “**disturbed**” on account of insurgent activities or similar threats.
- 2) States where AFSPA is in force - Mizoram, Nagaland, Manipur, Assam, J&K, and parts of Arunachal Pradesh (earlier Tripura and Meghalaya).

### #2 What are disturbed areas?

- 1) Section 3 of AFSPA → an area can be declared “disturbed” → differences /disputes between different religious / racial / language or regional groups /castes /communities.
- 2) Central/state/administrator of UT → declare whole/ part of State/UT as a disturbed area.

### #3 What are the powers given to Armed Forces under AFSPA?

- 1) Prohibit a gathering of 5/5+ people in an area,
- 2) Wide discretionary powers → use force/open fire after → giving warning,
- 3) Arrest without a warrant + enter/search premises & ban possession of firearms.
- 4) ‘Blanket immunity’ → security personnel involved in operations + No prosecution/legal proceedings against them → without prior approval of Centre.

### #4 What is the need for AFSPA?

- 1) Better counterinsurgency → In border areas
- 2) Provide → legal powers to Army → a separate legislation was needed as they are not →authorized to act except in special circumstances (war/ aid to civil authority /guarding at International border)

### #5 What are the criticisms against AFSPA?

- 1) AFSPA →archaic, draconian, ineffective & repressive law; not suited for free country India
- 2) Provides →security personnel→ ‘absolute powers without accountability’→ misuse of provisions.
- 3) Incidents of Human rights violations + extra-judicial killings + suffering of common people under AFSPA (Kaka Iralu → book → Nagaland and India - The Blood and the Tears + protests by Irom Sharmila)

### #6 What needs to be done?

- 1) **B.P. Jeevan Reddy Committee [2005]** → (a) AFSPA be repealed; (b) UAPA Act → amended to deal with terrorism; (c) AFSPA → “*become an object of hate and an instrument of discrimination and highhandedness*”
- 2) **Santosh Hegde committee [2013]** → (a) declared encounters in Manipur → “not genuine” & “disproportionate force”; (b) AFSPA gave → “sweeping powers” to men in uniform; (c) greater restraint+ stricter mechanism to prevent its misuse.
- 3) **2<sup>nd</sup> ARC [5<sup>th</sup> Report]** on public order → repeal AFSPA (being opposed by Army)
- 4) **Other reforms** – (a) Dialogue with insurgent groups; (b) build credibility → put details of all court-martials vis-à-vis human rights violations under AFSPA → in public domain; (c) Govt. → reduce → districts under AFSPA → long term → repealing AFSPA.

## UAPA

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### #1 What is UAPA?

- 1) **Unlawful Activities (Prevention) Act, 1967**- an 'anti- terror law' aimed at effective prevention of certain unlawful activities of individuals & associations.
- 2) Evolution → initial existed as separate law; now termed as successor of TADA (lapsed-1995) & POTA (repealed - 2004).
- 3) Empowers → states to deal with activities → directed against → 'integrity & sovereignty' of India; absolute power → to state - can declare any activity as unlawful.
- 4) Both Indian & foreign national → charged under this act; highest punishment → life imprisonment & death penalty.

### #2 What are the various amendments done in UAPA?

- 1) **2004 amendment** : added 'terrorist act' → in list of offences (earlier unlawful activities)
- 2) Meant → secession and cession of territory)
- 3) **2008 amendment**: broadened → definition of 'funds' → finance terrorism offences
- 4) **2012 amendment**: terrorist act includes → threats to economic security
- 5) **2019 amendment** : (a) individuals can be designated as → terrorists (b) DG, NIA can → approve seizure /attachment of property (c) officers of NIA → rank Inspector & above can → investigate cases of terrorism (in addition to DSP & ACP & above rank in state)

### #3 What is the need for act like UAPA?

- 1) To maintain sovereignty & integrity (initially brought → curb secessionist activities → Nagaland & TN in 1960s)
- 2) Strengthen security framework + prevent → unlawful activities + organised crimes + terrorist attacks (organised crime → different from petty crimes; crime committed with profit motive → by group)
- 3) Supports investigation agencies → greater power of search, seizure & detention

### #4 What are some of the concerns related to UAPA ?

- 1) Act has been misused to curb political dissent (Kashmir students, Father Stan Swamy, 2020 NE Delhi riots)
- 2) Against principle of natural justice → UAPA allows denial of bail; no option of anticipatory bail
- 3) Violates → human & Fundamental rights like Art. 14, 19, 21
- 4) Wide & ambiguous provisions → states impose frivolous cases → but very low conviction rate (2.2 % between 2016-19)
- 5) Data deficit → no UAPA data maintained by NCRB → to identify vulnerable groups → on basis of → religion, race, caste & gender
- 6) Draconian provisions: (a) Sec 15 → indefinite and comprehensive definition of terrorism; (b) Sec 43A & 43B → w/o a warrant police can search, seize and arrest; (c) Sec 43D → w/o chargesheet → 30 days police custody, 180 days judicial custody; (d) sec 44 → secret witnesses allowed

### #5 What needs to be done ?

- 1) Parliament → suitable amendment → rectify anomalies & vague provisions of UAPA
- 2) Judiciary strike down → inappropriate provisions through judgements → Thwaha Faisal vs Union of India (vague allegations → cannot chargesheet under UAPA), Asif Iqbal Tanha vs NCT of Delhi (UAPA to be used → exceptional cases)
- 3) Education & training → law enforcement authorities → prevent misuse
- 4) Balance → security interests with fundamental rights





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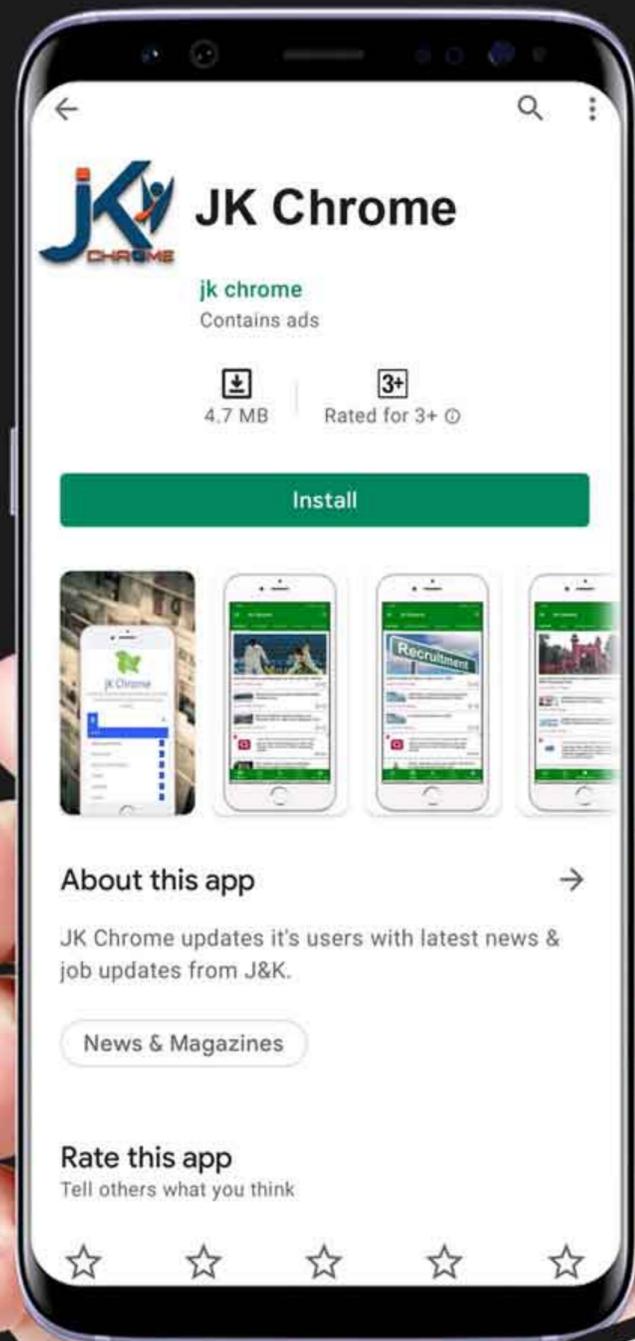
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