

GOVERNANCE

❖ **Custodial Deaths**

➤ **CONTEXT:** Recently, the Union government briefed Rajya Sabha on Custodial deaths in India

➤ **About**

- The Ministry of Home Affairs has recently informed the Rajya Sabha the details of the custodial deaths reported between April 1, 2017 and March 31, 2022, across all states and Union Territories in India.
- Police brutality and violence have exponentially grown over the last four-five years in India.
- Inadequate legal provisions in the judicial system to reprimand law enforcing authorities for carrying out brutal practices and resorting to torture have also contributed to this problem.
- Previously, the National Human Rights Commission (NHRC) reported 2,150 deaths in judicial custody and 155 deaths in police custody in 2021-2022 which show a constant increase in custodial deaths.
- Human rights activists have flagged it as every individual has the fundamental right to life under Article 21 of the Constitution of India.

➤ **Key Findings:**

- Highest number of custodial deaths in the last five years have been reported in Gujarat at 80 followed by Maharashtra(76), Uttar Pradesh(41), Tamil Nadu(40) and Bihar(38) respectively.
- Among the nine Union Territories, the highest incidents of custodial deaths were reported from Delhi at 29 in the last five years, followed by Jammu and Kashmir at four.
- A total of 146 cases of death in police custody were reported during 2017-2018, 136 in 2018-2019, 112 in 2019-2021, 100 in 2020-2021, and 175 in 2021-2022.
- States like Sikkim and Goa reported no incidents from 2017 to 2020 but recorded one incident of custodial death each in 2021-2022.
- Although the total tally of custodial deaths in the past five years was 9,112, the disciplinary actions were taken in only 21 cases, accounting for just 0.23% of the total cases
- Nearly 69% of deaths in police custody from 2010-2020 occurred due to illness (40%) or suicide (29%) while physical assault by police has been observed in only 6% of cases.

➤ **What is Custodial Death?**

- Custodial death refers to the death of an accused during pre-trial or after conviction, caused by the direct or indirect act of police during their custody.

Types of Custody:

- Arrest and custody are not synonymous, and custody means keeping an individual in protective care based on the apprehension that he or she may cause harm to society.

- ✓ Police custody: When a police officer arrests an individual accused of committing a crime and brings him to the police station, it is called police custody.
- ✓ Judicial Custody: The accused is kept in the custody of the magistrate of the concerned area.
- ✓ Custody and judicial remand under CrPC in India: According to Section 57 of the CrPC, a police officer cannot detain a person in custody for more than 24 hours and the officer needs to seek special permission from the magistrate to hold further.

- Major issues with Custodial Deaths in India

Disregard to human dignity:

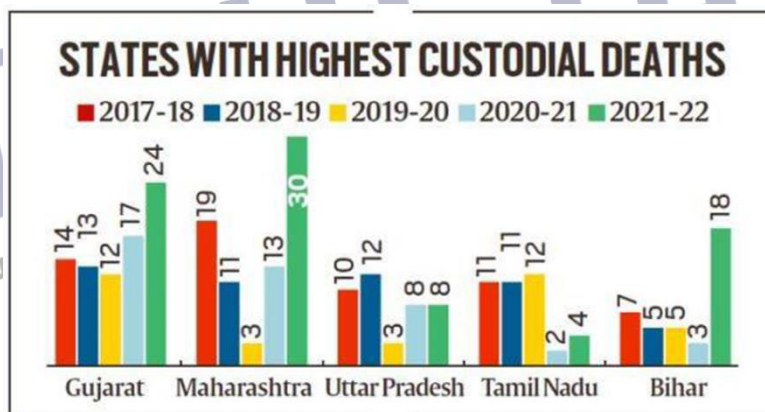
- 2018 prison report of NCRB lists 149 custodial deaths due to unnatural causes and due to unknown causes with no recorded details.
- Many deaths were caused by suicide, but it is unclear whether inmates committed suicide or were forced to avoid further violence and torture.
- Psychological aspects of prisoners are neglected, and there is no psychiatric help available.

Miserable Prison Conditions:

- The prison conditions are miserable, and medical facilities offered to inmates are inadequate.
- Fighting among inmates is frequent and fatal.
- Physical agony adds to the mental trauma, severely impacting an inmate's mindset.

Excessive Power of Police:

- Excessive power vested by the State in police authorities is one of the most important reasons behind the rise of custodial death.



- Police authorities often resort to an excessive amount of force.
- Many cases of custodial death are covered up in administrative cover-ups.
- No stringent actions were taken against the individuals in the past, and no precedent has been set so far.

Custodial Torture:

- It refers to the torture of a suspect while under the custody of a law enforcement agency.
- The Supreme Court has rejected the notion of custodial torture, citing it as a naked violation of human dignity and degradation.
- It is an offense punishable by law, but the offender often does not get punished.
- Doctors conducting post-mortems are pressured by police authorities, making it difficult to perform their medical duties diligently.

Violation of Rule of Law:

- About: Custodial death due to torture and violence by police goes against the fundamental structure of the Constitution of India and violates various fundamental laws that are guaranteed by the Constitution.
 - ✓ Article 20(1) prohibits punishment above what is mentioned in the law that deals with the offence.
 - ✓ Article 20(3) prohibits a person to be compelled to be a witness against himself.
 - ✓ Forced testimony is violative of Article 20(3).

What are the Legal Provisions to Penalise Custodial Death?

- Section 302 of the Indian Penal Code (IPC): Charges police officer with murder for the death of a suspect in custody
- Section 304 of IPC: Punishes police officer for 'culpable homicide not amounting to murder', while Section 304A can be applied for custodial death by negligence
- Section 176(1) of the Code of Criminal Procedure (CrPC): Empowers magistrate to hold inquiry into cause of death during custody
- Section 7 and 29 of Indian Police Act: Empowers senior police officers to dismiss or suspend negligent police officers, and penalises police personnel for carrying out their duty negligently

International laws dealing with human rights

- Universal Declaration of Human Rights, 1948 (UDHR): Every person should be treated as innocent until proven guilty and No person should be tortured or treated cruelly
- International Covenant on Civil and Political Rights, 1966: Every individual has the inherent right to life and prevention of cruel, degrading, and inhuman treatment of prisoners
- United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015: It discourages any discrimination against prisoners based on race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth, or another status.
- United Nations Charter (1945): It sets out the purposes and principles of the UN, including the promotion of human rights.
- European Convention for the Protection of Human Rights and Fundamental Freedoms(1950): It is an international treaty that seeks to protect the human rights and fundamental freedoms of individuals in Europe.

➤ 7 directives laid down in Prakash Singh v. Union of India

- Formation of a State Security Commission
- Merit-based system for the appointment of the Director-General of the Police
- Two-year minimum tenure for SP and station house officers
- Separation of the investigation and law and order functions of the police
- Establishment of a Police Establishment Board
- Formation of a Police Complaint Authority
- Formation of the National Security Commission

➤ **Way Ahead**

- The need for a change in the alarming statistics of custodial deaths and for this the government must take steps to put checks and balances against Protection of police by the states which undermines the Constitution of India
- In this direction, implementation of guidelines and directives recommended in Prakash Singh case will be a welcome state to help prevent custodial deaths.

PRELIMS

1. Snow Leopard

➤ **CONTEXT: Snow leopard spotted in Uttarakhand's Darma Valley for the first time**

- Snow leopards are usually found at a height of more than 12,000 feet, while Dar village is located at nearly 11,120 feet
- Snow leopards were earlier spotted in the Nanda Devi range of the Garhwal Himalayas, parts of Himachal Pradesh and the Ladakh region.

➤ **Conservation status**

- In the IUCN- Red List, the snow leopard is listed as Vulnerable.

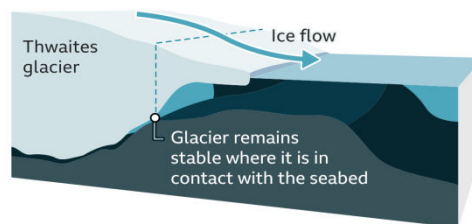
- In addition, the snow leopard, like all big cats, is also listed in Appendix I of the Convention on International Trade of Endangered Species (CITES).
- In India, the snow leopard is listed under Schedule I of the Wildlife (Protection) Act, 1972, giving it the highest protection status under the country's laws.
- **Conservation Efforts by India**
 - The Government of India has identified the snow leopard as a flagship species for the high altitude Himalayas.
 - India is also party to the Global Snow Leopard and Ecosystem Protection (GSLEP) Programme since 2013.
 - HimalSanrakshak: It is a community volunteer programme, to protect snow leopards, launched in October 2020.
 - In 2019, First National Protocol was also launched on Snow Leopard Population Assessment which has been very useful for monitoring populations.
 - SECURE Himalaya: Global Environment Facility (GEF)-United Nations Development Programme (UNDP) funded the project on conservation of high altitude biodiversity and reducing the dependency of local communities on the natural ecosystem.
 - Project Snow Leopard (PSL): It was launched in 2009 to promote an inclusive and participatory approach to conserve snow leopards and their habitat.
 - Snow Leopard is on the list of 21 critically endangered species for the recovery programme of the Ministry of Environment Forest & Climate Change.
 - Snow Leopard conservation breeding programme is undertaken at Padmaja Naidu Himalayan Zoological Park, Darjeeling, West Bengal.
- **Global Snow Leopard and Ecosystem Protection (GSLEP) Programme**
 - The GSLEP is a high-level inter-governmental alliance of all the 12 snow leopard range countries.
 - The snow leopard countries namely, India, Nepal, Bhutan, China, Mongolia, Russia, Pakistan, Afghanistan, Kyrgyzstan, Kazakhstan, Tajikistan, and Uzbekistan.
 - It majorly focuses on the need for awareness and understanding of the value of Snow Leopard for the ecosystem.
- **Living Himalaya Network Initiative**
 - Living Himalayas Initiative (LHI) is established as one of WWF's global initiatives to bring about transformational conservation impact across the three Eastern Himalayan countries of Bhutan, India (North-East) and Nepal.
 - Objectives of LHI include adapting to climate change, connecting to habitat and saving iconic species.
- 2. **Exercise "DHARMA GUARDIAN" 2023**
 - **CONTEXT: The 4th edition of joint military exercise, "EX DHARMA GUARDIAN", between India and Japan is being conducted at Camp Imazu in Shiga province, Japan from 17 February to 02 March 2023.**
 - Troops of the Garhwal Rifles Regiment of the Indian Army and an Infantry Regiment from the Middle Army of the Japan Ground Self Defence Force (JGSDF) are participating in the exercise this year to share experiences gained during operations in order to enhance inter-operability in planning & execution.
 - **About**
 - It is an annual training event held in India since 2018.
 - The scope of this exercise includes platoon-level joint training in the jungle and semi-urban/urban terrain operations.
 - It is crucial and significant in terms of security challenges faced by both nations in the backdrop of current global situation.
 - The joint exercise will enable the two armies to share best practices in tactics, techniques and procedures of conducting tactical operations under a UN Mandate, in addition to developing inter-operability, bonhomie, camaraderie and friendship between the two armies.
 - The training will focus primarily on high degree of physical fitness and sharing of drills at the tactical level. During the exercise, participants will engage in a variety of missions ranging from joint planning, joint tactical drills, basics of establishing integrated surveillance grids, including employment of aerial assets.
 - The joint exercise will facilitate both armies to know each other better, share their wide experiences and enhance their situational awareness.
 - **What are the other military exercises conducted by India and Japan?**
 - The two countries have frequently conducted joint military exercises and cooperation technology. On October 22, 2008, India and Japan concluded a security pact.
 - The Quadrilateral Security Dialogue (QSD, often known as the Quad) is an informal strategic dialogue between the United States, Japan, Australia, and India that was formed in 2007 and revived in 2017.
 - The dialogue was followed by unprecedented joint military exercises called Exercise Malabar. The diplomatic and military arrangement was widely viewed as a response to China's increasing economic and military power.
 - Naval Exercise: JIMEX
 - Air Force: Maitri SHINYUU
- 3. **Thwaites Glacier**

- **CONTEXT:** Scientists studying Antarctica's vast Thwaites Glacier say warm water is seeping into its weak spots, worsening melting caused by rising temperatures.

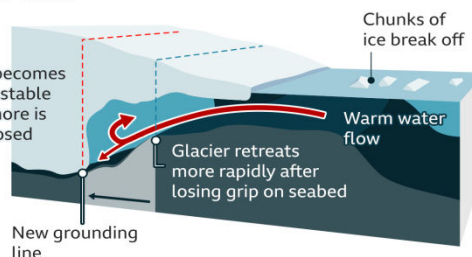
➤ **About:**



How Thwaites glacier is melting



Changing winds and currents mean warmer water is getting under the ice



Source: International Thwaites Glacier Collaboration

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- Thwaites Glacier, nicknamed the Doomsday Glacier, is a broad and vast Antarctic glacier flowing into Pine Island Bay.
- It is part of the Amundsen Sea.
- Thwaites is roughly the size of Florida and it represents more than half a metre of global sea level rise potential, and could destabilise neighbouring glaciers that have the potential to cause a further three-metre rise.
- It loses more than 50 billion tons of ice to the ocean yearly, contributing to about 4% of the annual sea level rise.
- It has retreated by about 14 kilometers since the late 1990s.
- It also acts as a buffer, holding back neighboring glaciers that contain around three meters of potential sea level rise.
- International Thwaites Collaboration: As part of the International Thwaites Glacier collaboration, a team of 13 U.S. and British scientists monitored the glacier using an underwater robot vehicle known as Icefin. It was established in 2018.
- Thwaites Glacier is closely monitored for its potential to raise sea levels.
- Along with the Pine Island Glacier, it has been described as part of the "weak underbelly" of the West Antarctic Ice Sheet.

4. Periyar Tiger Reserve(PTR) : Bird Survey

- **CONTEXT:** A four-day bird survey conducted by the forest department has identified 231 species of birds in the Periyar Tiger Reserve, including 14 threatened and 20 endemic species, of which 11 species of birds were not recorded during the previous surveys.

- Authorities have confirmed the presence of a migratory bird for the first time inside the Periyar Tiger Reserve (PTR)
- For the first time, the Kashmir flycatcher, a migratory bird, was spotted in the survey at PTR.
 - ✓ "The Kashmir flycatcher is an insectivorous species that breeds in the northwest Himalayas"
- In the survey, the Orange-breasted green pigeon was also spotted at the PTR after a gap of 100 years.
- PTR becomes significant as it supports 20 out of the 26 endemic bird species of the Western Ghats and 14 threatened species.

➤ **About PTR**

- Periyar Tiger Reserve located in the Western Ghats of Kerala.
- It was declared a Tiger Reserve in 1978.
- It gets its name from the River Periyar which has its origin deep inside the reserve.
- Two main rivers, Pamba and Periyar drain the reserve.
- It is home to many tribal communities including the Mannans and the Palians.
- It consists of tropical evergreen, semi- evergreen and moist deciduous
- Flora :There are more than 171 species of grasses.
- Important flora includes teak, mangoes, rosewood, jamun, jacarandas, terminalias, tamarind, royal ponciana, bamboos etc.



- Fauna Includes Elephants, Wild Pigs, Sambar, Gaur, Mouse Deer, Dole or Barking Deer, Indian Wild Dog and Tiger.
- The major four species of primates are also found at Periyar – the rare lion-tailed macaque, the Nilgiri Langur, Gee’s Golden Langur, Common Langur and Bonnet Macaque.
- It Is also being considered as the habitat of the elusive Nilgiri Tahr.

ANSWER WRITING

Q “Rapidly rising Antimicrobial Resistance (AMR) is a threat to public health and needs an accelerated and multisectoral response” Examine.

Antimicrobial Resistance (AMR) occurs when bacteria, viruses, fungi and parasites change over time and no longer respond to medicines making infections harder to treat and increasing the risk of disease spread, severe illness and death. The WHO has declared it as one of the top 10 health threats facing humanity. According to The Global Research on Antimicrobial Resistance (GRAM) report 4.95 million people died from drug-resistant bacterial infections in 2019.

Antimicrobial Resistance as a threat to public health:

- Transfer of bacteria from hospitals to the general population: Increasing density of the bacterial population in healthcare centres allows the transfer of bacteria into the community and the emergence of resistance.
- Difficulty in treating deadly diseases: Microbial resistance to antibiotics has made it harder to treat infections such as pneumonia, tuberculosis (TB), blood poisoning (septicaemia) and several foodborne diseases.
- Bacteria spreading from travel and trade: International travel and trade also results in the spread of resistant bacteria and resistance genes.
- Poor hygiene: Poor adherence to hygiene measures, lack of sanitation and access to clean water (WASH) is leading to the spread of resistant bacteria.
- Excessive use of antibiotics: Global public health response has been threatened due to the rising misuse and overuse of antibiotics in humans and animals. Improper use of antibiotics can further lead to multi-drug resistance (MDR).
- Spread of Superbugs: Particularly alarming is the global spread of multi- and pan-resistant bacteria known as “superbugs” that cause infections which are not treatable with existing antimicrobial medicines.

Measures to tackle the rising menace of AMR:

- Disease prevention: There is a need to spearhead sanitation drives, ensure a clean water supply and support hospital-driven infection-control programmes. Vaccines are also a powerful tool and have the potential to curb the spread of AMR infections.
- Judicious use of antibiotics: Reducing AMR also requires prescribing antimicrobials judiciously and only when they are needed. The focus should be on coordination across the animal industry and environmental sectors to prevent the unnecessary use of antibiotics in farms.
- Surveillance mechanism: Putting a robust surveillance system in place will allow detection of resistant pathogens of all kinds in the environment and hospitals and this would eventually allow containment.
- Investing in Research and Development: There is an urgent need for a strong pipeline of new antibiotics, an essential component in ensuring that there are new tools available in the fight against AMR. This would require heavy investment in R&D by the government and private sector.

The cost of AMR to national economies and their health systems is significant. There is an urgent need for adopting the One Health approach. It brings together multiple sectors and stakeholders engaged in human, terrestrial and aquatic animal and plant health, food and feed production and the environment. This approach can effectively prevent, predict and detect the health crisis induced by AMR.

MCQs

1. With reference to Exercise DHARMAGUARDIAN 2023 consider the following
 1. It is a biennial training event held in India since 2018 between India and Japan
 2. Troops of the Assam Rifles Regiment of the Indian Army and an Infantry Regiment from the Middle Army of the Japan Ground Self Defence Force (JGSDF) are participating in the exercise 2023 edition.

Which of the above statement/s is are not correct?

- a) 1 only
- b) 2 only
- c) **Both 1 and 2**
- d) Neither 1 nor 2

2. With reference to Snow leopard consider the following
 1. India's first Snow Leopard Conservation Centre will come up in Uttarakhand.
 2. The conservation centre will came up as a part of IUCN’s SECURE Himalaya project.
 3. The snow leopard is the state animal of Uttarakhand.

Which of the above statement/s is/are correct?

- a) 1 and 2 only
- b) 2 and 3 only
- c) **1 and 3 only**

- d) 1,2 and 3
3. With reference to “Kashmir flycatcher”, which was in news recently, consider the following
1. It is endemic to the Indian Subcontinent with a very restricted breeding and wintering range.
 2. Its IUCN status is Extinct in Wild.
- Which of the above statement/s is/are correct?
- a) **1 only**
 - b) 2 only
 - c) Both 1 and 2
 - d) Neither 1 nor 2
4. Thwaites Glacier often mentioned in news is associated with which of the following?
- a) Arctic region
 - b) **Antarctic Region**
 - c) Himalayan region
 - d) Andes region
5. KAVACH-2023 often mentioned in news is related to which of the following?
- a) Cyber security
 - b) Medical Insurance
 - c) Road accident
 - d) Military Exhibition
6. Consider the following statements regarding Central Water Commission
1. It is a technical organisation in the field of water resources attached to the Ministry of Jal Shakti
 2. It has the responsibility of setting up norms to be followed during flood situations
- Which of the statement/s is/ are correct?
- a) 1 only
 - b) 2 only
 - c) **Both 1 and 2**
 - d) Neither 1 nor 2
7. With reference to Dam Rehabilitation and Improvement Project (DRIP), consider the following statements:
1. The project is funded completely by government budget.
 2. The project aims to improve the safety and operational performance of selected dams across the whole country.
- Which of the statements given above is/are correct?
- a) 1 only
 - b) **2 only**
 - c) Both 1 and 2
 - d) Neither 1 nor 2
8. Consider the following statements with reference to National Organ and Tissue Transplant Organization (NOTTO)
1. NOTTO is a statutory body established under Human Transplantation of Human Organs (Amendment) Act 2011
 2. A National Level Tissue Bank (Biomaterial Centre) for storing tissues has been established at NOTTO.
- Which of the above statement/s is/are correct?
- a) 1 only
 - b) **2 only**
 - c) Both 1 and 2
 - d) Neither 1 nor 2
9. Consider the following statements regarding Current Account Deficit (CAD).
1. A current account deficit indicates that a country is importing more than it is exporting.
 2. Both government and private payments are included in the calculation of CAD.
 3. CAD is always bad for the country and its economy as it drains the country’s forex reserves.
- Which of the above statements is/are correct?
- a) **1 and 2**
 - b) 2 and 3
 - c) 1 and 3
 - d) 1, 2 and 3
10. “Nabam Rebia Case” recently seen in news can be associated with which of the following?
- a) **Disqualification of legislator.**
 - b) Nomination of members to Loksabha.
 - c) Emergency provision.
 - d) Basic structure of the constitution.