

To receive Daily news juice pdf on your WhatsApp, send name and city through WhatsApp on 75979-00000.

1. Security for 2002 Gujarat riots witnesses withdrawn: Everything you need to know about witness protection in India

Why in news?

The Supreme Court-appointed special investigation team (SIT) re-investigating nine 2002 Gujarat riots cases has withdrawn police and paramilitary protection to all the witnesses, including retired judge Jyotsana Yagnik.

The only exception has been made for Zakia Jafri, the widow of Congress MP Ehsan Jafri, who was killed inside the Gulberg Society along with 68 others and filed a complaint against then-CM Narendra Modi.

Who is a witness?

Although the term “witness” is widely used in criminal law, it hasn’t been defined properly in the statute books.

However, Section 161 CrPC dealt with the examination of witnesses and allowed investigating police officers to orally examine anyone “supposed to be acquainted” with the case’s facts and circumstances. It also said the witness is bound to answer all questions “truly” but needn’t answer questions that expose them to criminal charges, penalties, or forfeiture.

Notably, Section 398 of the Bharatiya Nagarik Suraksha Sanhita, which has replaced the CrPC, states that every state government shall prepare and notify a Witness Protection Scheme for the state to ensure the protection of witnesses.

Why is there a need to protect witnesses?

In *Swaran Singh vs. State of Punjab* (2000), the SC observed that a criminal case is built upon the edifice of evidence that is admissible in law, and for that, witnesses are of paramount importance.

And yet, witnesses in India are mistreated, given no facilities, and face the danger of bodily harm, death, abduction, and threats, besides other forms of mental and physical harassment.

Several witnesses also turn hostile. A hostile witness does not tell the truth at the instance of the party calling him. Parties expect witnesses to testify in their favour; however, some don't oblige. In cases like the Jessica Lal murder case or the Salman Khan hit-and-run case, the prosecution failed after witnesses turned hostile.

The Fourteenth Report of the Law Commission came out in 1958 and highlighted the tribulations commonly encountered by witnesses, like difficulty in accessing courts owing to expenses, travel, time, and frequent adjournments. Besides this, the Law Commission's 154th and 178th reports that came out in 1996 and 2001, respectively, also discussed various facets of witness protection.

Based on the suggestions made in the 178th Report, the Criminal Law (Amendment) Bill, 2003, was proposed.

What efforts have been made to protect witnesses?

The Criminal Law (Amendment) Bill, 2003's Statement of Object and Reasons said, "It is widely felt that criminal cases in the courts fail because statements by witness(es) are reneged either out of fear or allurements. To prevent the evil of witness turning hostile, it is proposed to amend sections 161, 162 and 344 of, and to insert new sections 164A and 344A in, the CrPC. The Bill didn't address the lack of power trial courts have in protecting witnesses but made it mandatory for police to record witness statements before a magistrate. However, nothing much happened regarding the Bill as the Vajpayee government fell out of power in 2004.

What is the Witness Protection Scheme?

Acting on PIL for the protection of witnesses in the Asaram Bapu case, a Bench of Justices AK Sikri and SA Nazeer observed in Mahender Chawla vs. Union of India (2019) that witnesses turned hostile due to inadequate protection by the state and directed the Centre, states, and UTs to "enforce" the scheme "in letter and spirit" until the Parliament enacts a law on it.

Consequently, the scheme was drawn up by the Centre with inputs from 8 states/UTs, legal services authorities of five states, civil society, high courts and police. It was finalised in consultation with the National Legal Services Authority.

How does this Scheme work?

First, an application is made by a witness, their family member, lawyer, or the concerned IO/SHO/SDPO/Jail Superintendent before "a competent authority through its Member Secretary" for a Witness Protection Order under the 2018 Scheme. Then, a "Threat Analysis Report" is prepared and submitted by the Head of the Police in the investigating district concerning the seriousness and credibility of the threat.

It contains details about the nature of threats faced by witnesses and their families and analyses the extent of the threat, the persons making it, their motives, and the resources to implement the same.

This report also categorises threat perception and suggests witness protection measures that should be taken.

The Scheme operates by identifying three categories of threat perceptions for witnesses. Category A includes cases where threats extend to witnesses or their families' lives during an investigation, trial, or after. Meanwhile, categories B and C relate to cases where threats extend to the witness's safety, reputation, or property during the investigation or trial, and cases where there is a moderate threat perception, like harassment or intimidation of the witness or their family, respectively.

Depending on the urgency, the 'competent authority' can pass orders for interim protection. However, the police can provide immediate protection in cases of grave and imminent threats to life.

The report also includes suggestive protective measures like ensuring witnesses and accused don't come face-to-face during the probe, protection of identity, relocation of witnesses, confidentiality and preservation of records, and recovery of expenses.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

2. Ayodhya airport named after Valmiki

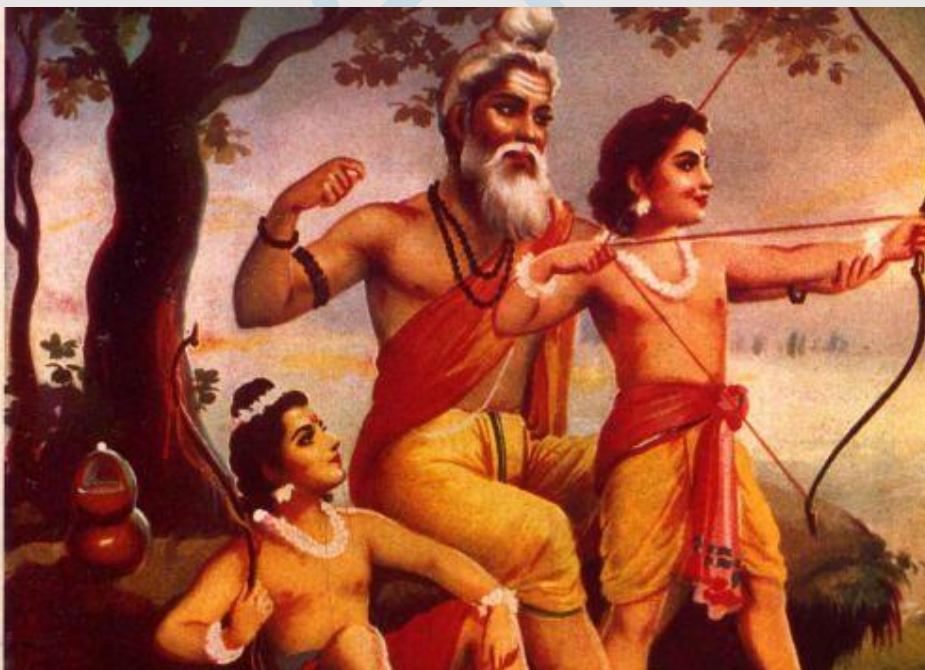


Figure 1 According to Ramayana's Uttarakanda, Maharishi Valmiki became the guru of Lord Ram's twin sons Lav and Kush.

Why in news?

With less than a month to go for the grand opening of the Ayodhya Ram Temple, Prime Minister Narendra Modi inaugurated the newly built Maharishi Valmiki Airport in Ayodhya on December 30.

The airport is named after Maharishi (great sage) Valmiki, hailed as the author of the oldest version of Ramayana — the story of Lord Ram. Here are 5 interesting facts about the legendary poet-sage.

1. He is known as the Adi Kavi

Valmiki is referred to as Adi Kavi, or the “first/original poet” in Sanskrit. This is because he is credited to having composed the Ramayana, believed to be the first epic poem in the Sanskrit literary tradition. “It is frequently described as the first consciously literary composition, the adi-kavya, a description not used for any other epic.”

However, literary analysis of the text indicates that Mahabharata, credited to the sage Vyasa, might actually have been older. “The language of the Ramayana is more polished and its concepts more related to later society, although it is traditionally believed to be the earlier of the two.” Historian Romila Thapar dates the text to roughly mid-first century BCE, although scholars such as Robert Goldman do date it to as far back as the eighth century BCE.

2. Valmiki himself appears in the Bala and Uttara Kandas

Valmiki’s Ramayana is divided into 7 cantos or kandas, each telling a different part of Lord Ram’s story. Valmiki himself makes an appearance in the Bala and Uttara Kandas, the first and last chapters of the epic.

The Bala Kanda begins with Valmiki asking sage Narada if there is a righteous man still left in the world, to which Narada responds with the name Ram. Valmiki then begins his narration. In Uttara Kanda, after Lord Ram exiles his wife Sita, she finds refuge in Valmiki’s ashram. There she gives birth to twin boys Lava and Kusha, who then become his disciples. In Bala Kanda, the story of Ramayana is framed as a narration by Valmiki to Lava and Kusha.

3. Tulsidas’s Ramcharitmanas is far more popular

There are many versions of the Ramayana, from across India and beyond, each with its distinctive style and version of events. While most people recognise Valmiki as the original author of the story of Lord Ram, Tulsidas’s Ramcharitmanas is far more popularly known today.

A 16th century Bhakti poet, Tulsidas’s version is composed in the vernacular Awadhi rather than scriptural Sanskrit. This is key to its present-day popularity — while indeed an impressive work of literature, Valmiki’s Ramayana remains inaccessible to most

people. The Ramcharitmanas made available the story of Ram to the common man, and is most associated with the tradition of Ramlila, a dramatic enactment of the text. Some believe that Tulsidas was actually a reincarnation of Valmiki.

4. Debate surrounding Valmiki's caste

There is a prevailing, highly contested debate surrounding the caste of Sage Valmiki. A number of scheduled castes, across the country, trace their lineage to the sage. At the same time, certain scriptural sources identify him as a Brahmin. There are numerous competing versions detailing Valmiki's caste and origin.

5. From robber to saint

One reason behind the contested caste identity of Valmiki is his popular origin story. Prior to becoming a sage, Valmiki was known as Ratnakar, and was a feared dacoit and hunter. While some versions of the story claim that he was actually born to a Brahmin before getting lost in the forest and adopted by a hunter couple, more subaltern versions of the story claim that he was born to a Bhil king. Either way, he would make a living by robbing villagers and travellers.

One day, he encountered Sage Narada, and his life changed. Unlike others, Narada did not appear to be scared of Ratnakar, and instead spoke to him gently, making him realise what he was doing was wrong and he must mend his ways. Ratnakar prayed to the saint to forgive him and help him atone for his misdeeds. Narada gave Ratnakar a simple mantra to recite — the name of Lord Ram.

Thus began Ratnakar's transformation. He closed his eyes and entered and kept chanting. Slowly, he lost consciousness of his own existence. As time passed, an anthill (valmika) grew around him. Yet Ratnakar did not stop until Narada himself returned and awakened him from his penance. He was named Valmiki, after the anthill, which grew around him and given the honour of being a Maharishi or a great sage.

Relevance: GS Prelims

Source: Indian Express

3. Uttarakhand CM forms panel to examine 2022 land law committee report: What is the issue — and what did the report say

Why in news?

Uttarakhand Chief Minister Pushkar Singh Dhami, a few days back, formed a five-member committee for a detailed study of a 2022 draft report that gave recommendations for amending the state's land laws.

This comes days after several social organisations announced a rally in Dehradun, demanding a stricter land law to curb the large-scale sale of land to "outsiders". The

organisations also demanded for raising the minimum number of years required for non-Uttarakhand residents to get domicile certificates. They have claimed that “outsiders” easily getting domicile certificates is risking the future of the children of those who fought for a separate state.

What is the issue?

In 2003, then Chief Minister ND Tiwari (from the Congress party) introduced the first ever limit on land purchases in the hilly areas of the state by non-Uttarakhand residents. He brought in two amendments to existing land laws that capped land purchase at 500 square metres. The move aimed to preserve local identity, while also focusing on inviting investments from outside. Subsequently, under the BJP-led government of BC Khanduri, this limit was reduced to 250 square metres.

Troubles, however, began in 2017, when then CM Trivendra Rawat (from the BJP) lifted these restrictions entirely after an investor’s summit. Rawat said this would stimulate investments in the hills, and help foster economic progress. As more land was bought by the “outsiders”, Uttarakhand residents got concerned about preserving their own culture, and demanded the reinstatement of strict regulations — a 250 square metre cap in municipal areas, and a complete ban on rural land sales.

Responding to the mounting pressure, BJP’s Pushkar Singh Dhami formed a high-level panel to examine Uttarakhand’s land laws, a month after being appointed the Chief Minister in 2021.

The committee’s recommendations

The committee, headed by ex-chief secretary Subhash Kumar, submitted its report with 23 recommendations. It recommended that, unlike the current practice, the approval for the purchase of farmland should come from the government rather than from district magistrates.

The most important recommendation was the introduction of an ‘essentiality certificate’ just like Himachal Pradesh where it is an important requirement for non-agriculturists, or non-residents who wish to purchase land in the state.

As per the rules in Himachal Pradesh, an essentiality certificate is issued by the state government, verifying the “essentiality” or necessity of the purchase of land by a non-agriculturist or non-resident. Authorities examine the application to ascertain if the purchase is indeed essential for the applicant.

The committee also recommended strict action against those building illegal structures or religious places on rivers, forest areas, pastures, or public land. There should be a state-wide campaign against illegal possession of lands, it said.

In its 80-page report, the committee said that at present, district magistrates allow the purchase of farmland for related purposes, but in several cases, the land is misused by the construction of resorts or personnel bungalows on it. This is making the hill residents landless and is not creating new jobs.

In August 2023, Dharam Singh said that the government is fully prepared and committed to implementing the land law, and informed that this proposal will be put up in the cabinet meeting soon. The recommendations, however, are yet to be implemented.

Instead, the Uttarakhand government has now formed a five-member committee for a detailed study of the report submitted by the panel.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express