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Legal provision for handcuffing

- Recently, the High Court of Karnataka in 'Suprit Ishwar Devet v State of Karnataka' has given liberty to the State to recover an amount of two lakh rupees from a convicted police officer as compensation for handcuffing an accused without recording reasons in the police case diary given to the government.

Principles of handcuffs

- According to the Karnataka High Court, handcuffs can be used only in 'extreme circumstances', for example where there is a apprehension of the accused/undertrial prisoner escaping from custody or causing self-harm or harm to others.
- Also, the arresting officer is required to record the reasons for handcuffing, which are to be produced in the court during the judicial inquiry.

A person can be legally handcuffed under three circumstances.

- On the arrest of the accused and before his production before a Magistrate
- While transporting an Undertrial Prisoner from prison to court and back
- While taking a convicted person from jail to court and back.
- With regard to handcuffs, the Supreme Court in Prem Shankar Shukla v. Delhi Administration case (1980) held that handcuffs can be used in the only circumstance when there is no other reasonable option available to prevent the accused from escaping.
- Also, if an arrest or convict can be prevented from escaping by increasing the security, then in such a situation increasing his security instead of handcuffing is an ideal option.

Court view on compensation

- The Court may, after questioning the arrested person, accept or deny the reasons for handcuffing.
- The principles of handcuffing the accused or undertrials or criminals remain the same in all cases. However, if a person is in judicial custody, the permission of the court is required to be handcuffed except in exceptional circumstances.
- In State of Maharashtra v. Ravikant S. Patil case (1991), the Bombay High Court held the Inspector of Police responsible for the violation of Article 21 and ordered payment of compensation.
- However, the Supreme Court did not hold the police officer personally liable as he had acted in the capacity of his official.
- Also, the Supreme Court amended the order and directed the state (not the police inspector) to pay the compensation.
- Thus, the decision of the Karnataka High Court does not appear to be in consonance with the judgment of the Supreme Court.

Solution

- Strict departmental action is necessary against the officer in case of any animosity regarding handcuffing.
- Reasons for handcuffing must be mentioned in the case diary.
- Instead of ordering payment of compensation, it is more appropriate to initiate disciplinary action against the erring officer under the Service Conduct Rules.
- Review of police activities, requirement of additional manpower and technical equipment from time to time by the State Governments.

India-Belarus Relations

- India congratulated Belarus on the occasion of its 78th Independence Celebration.

India-Belarus Relations:

Diplomatic Relations:

- India's relations with Belarus have traditionally been warm and cordial.
- India was one of the first countries to recognize Belarus as an independent country after the dissolution of the Soviet Union in 1991.

Support in multilateral fora:

- Cooperation between the two countries is visible in several multilateral fora such as the United Nations Security Council (UNSC) and the Nuclear Suppliers Group (NSG).
- Belarus was one of the countries whose support helped cement India's candidature for a temporary seat at the UNSC in July 2020.
- India has supported Belarus in various international fora such as membership of the Non-Aligned Movement (NAM) and other international and multilateral groups such as the Inter-Parliamentary Union (IPU).

Wide Participation:

- The two countries have a comprehensive partnership and establish mechanisms for exchange of views on bilateral, regional and multilateral issues through Foreign Office Consultations (FOC), Inter-Governmental Commission (IGC), Joint Commission on Military Technical Cooperation has been done.
- The two countries signed several MoUs on various subjects such as defense and technical cooperation including trade and economic cooperation, culture, education, media and sports, tourism, science and technology, agriculture, textiles, double taxation avoidance, investment promotion and protection.

Trade and Commerce:

- In the economic sector, the annual bilateral trade turnover in the year 2019 was US\$ 569.6 million.
- In the year 2015, India granted market economy status to Belarus and a line of credit of US\$ 100 million has also helped in the development of the economic sector.
- Market economy status is given to the exporting country of the commodity accepted as the benchmark. Prior to this status the country was considered as a non-market economy (NME).
- Belarusian businessmen are benefiting from India's incentives to invest in 'Make in India' projects.

Indian Diaspora:

- There are about 112 Indian nationals and 906 Indian students from the Indian community in Belarus who are studying medicine in state medical universities in Belarus.
- Indian art and culture, dance, yoga, ayurveda, film etc. are popular among Belarusian citizens.
- Many young Belarusians are also keenly interested in learning Hindi and dance forms of India.

A poverty trend in search of an explanation

A noticeable absence in the blitzkrieg of information on the economy periodically unleashed by the Union government over the past few years has been estimates of poverty.

The poverty estimates in India

- The first significant dent in poverty in India occurred in the late 1960s, while growth had begun to slow from the mid-sixties.
- The last official estimate of poverty that is comparable over time, undertaken by the Planning Commission, is for the year 2011-12.
- The reason behind this state of affairs is that we have not had a household consumption expenditure survey for a subsequent year, such a survey being the ideal basis for poverty estimation.

What is a household consumption expenditure survey?

- Household expenditure: It is the amount of final consumption expenditure made by resident households to meet their everyday needs, such as food, clothing, housing (rent), energy, transport, durable goods (notably cars), health costs, leisure, and miscellaneous services.
- The survey reveals the average expenditure on goods (food and non-food) and services.
- Helps generate estimates of household Monthly Per Capita Consumer Expenditure (MPCE) as well as the distribution of households and persons over the MPCE classes.

What has been the real consumption expenditure situation in India?

- A consumption expenditure survey was conducted by the National Sample Survey Office (NSSO) for 2017-18 but was rejected by the government as defective.
- A leaked version of the report showed that real consumption expenditure had fallen since 2011-12.
- It was observed that a decline in consumption is not possible when income (GDP) has grown.
- However, it was argued that a decline in consumption cannot be ruled out even in the presence of growth, for the income distribution could shift in a way that leaves those at the lower end of the distribution with less real income.
- The Union government's rejection of the report for 2017-18 has meant that we have not been able to say anything about the trend in poverty over a whole decade.

What are the recent developments?

- Two recent studies have made up for this lacuna, emerging as they do, separately, from the International Monetary Fund and the World Bank (henceforth Fund-Bank).
- The first is a working paper by Bhalla, Bhasin, and Virmani and the other is by Roy and van der Weide.
- They give us an estimate of the poverty rate for five data points after 2011-12, poverty is identified as per capita consumption of less than \$1.90 per day, being the World Bank's definition of "extreme poverty".
- The level of poverty estimated by these two studies varies considerably.
- The one by Roy and van der Weide shows twice the poverty level estimated by Bhalla et al.
- They share a common feature, which is an accelerated decline in poverty since 2011-12, with the acceleration commencing in 2014-15 in the Bhalla et al study and in 2016-17 in the former.
- With the workforce concentrated overwhelmingly in agriculture, it would be expected that wages and consumption of rural workers grew.
- Rural poverty declined steadily.
- A decline in urban poverty was to take longer, pointing to the historic role of agriculture in India.
- According to the World Poverty Clock in 2021, roughly 6% of the population in India are living in poverty.

How has demonetization impacted the country's poverty levels?

- Data from the Periodic Labor Force Survey show that the unemployment rate rose sharply after demonetization, which remained higher than in most years of the decade.
- Since inflation has been lower since 2014, real wage growth would be faster, enabling greater consumption and thus an accelerated decline in poverty.
- The annual all-India real wage growth is computed for two groups of rural men, namely non-agricultural labourers, and construction workers.
- The resulting estimates show that for non-agricultural labourers, annual real wage rate growth was either negligible or negative in four out of the five years during the period 2015-16 to 2019-20.
- For construction workers, annual real wage growth was negative in three years, barely positive in one year, and slightly over 1% in only one year.
- There appears to have taken place little real wage growth since 2015-16.
- This finding, that there has been very little real wage growth since 2015-2016, cannot be taken as a rejection of the Fund-Bank estimates of poverty.
- It does, however, underline the need for an explanation of the accelerated decline in poverty.

What is the way forward?

- The Planning Commission estimates in 1997 showed a slowing of the rate of poverty reduction soon after the reforms, resulting in a rise in the number of poor in 1993-94 for the first time in 15 years.
- The then government did not squash the study.
- The delay in undertaking a household consumption expenditure survey leaves us unsure of the trend in poverty in India in recent years.

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