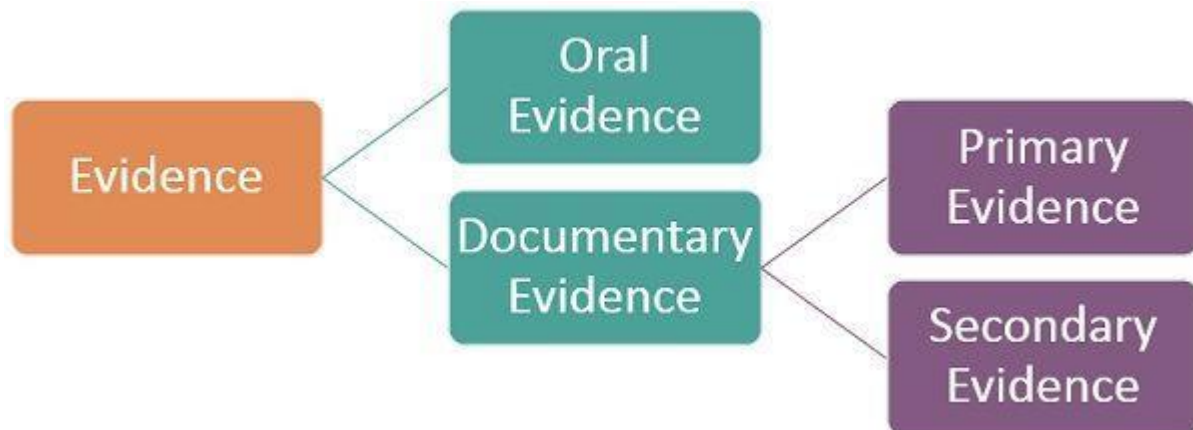


UPSC CURRENT AFFAIR NOTES 28-11-2023

Secondary Evidence under the Indian Evidence Act, 1872



The Supreme Court recently explained the principles relevant for examining the admissibility of secondary evidence under the Indian Evidence Act, 1872.

What is Primary Evidence?

It is covered by Section 62 of the Evidence Act and is considered the highest class of evidence.

Primary evidence, also known as best evidence, refers to the actual documents produced for the court's inspection.

It is admissible without prior notice and takes precedence over secondary evidence.

As per Section 62, when the document itself is produced for the inspection of the court, it is called the primary evidence. If the document is in parts, then each part forms the primary evidence.

Example: Birth Certificate issued by a government authority.

About Secondary Evidence under the Indian Evidence Act, 1872:

- It is defined under Section 63 of the Evidence Act.
- It can only be introduced if primary evidence is not available, and the reason for its absence must be explained.
- It is considered a substitute for the original or primary evidence.



- It is generally considered to be of lower evidentiary value compared to primary evidence.

However, if primary evidence is unavailable and the reason for its absence is explained, secondary evidence may be admitted in court.

Different types of secondary evidence are Certified copies, Copies prepared by mechanical process, Counter foils, Photographs, Xerox copy, Photostat copy, Carbon copy, typed copy, Tape records, Counterparts, Oral accounts, Registration copy, etc.

Example: Copy of the 10th mark sheet with Date of Birth or identification proofs like Voter Card or Aadhar Card as secondary evidence for a lost birth certificate.

Principles laid down by the Supreme Court for examining the admissibility of secondary evidence:

The law requires the best evidence to be given first, that is, primary evidence.

Section 63 of the Evidence Act provides a list of the kinds of documents that can be produced as secondary evidence, which is admissible only in the absence of primary evidence.

If the original document is available, it has to be produced and proved in the manner prescribed for primary evidence. So long as the best evidence is within the possession or can be produced, or can be reached, no inferior proof could be given.

A party must endeavour to adduce primary evidence of the contents, and only in exceptional cases will secondary evidence be admissible. The exceptions are designed to provide relief when a party is genuinely unable to produce the original through no fault of that party.

When the non-availability of a document is sufficiently and properly explained, then secondary evidence can be allowed.

Secondary evidence could be given when the party cannot produce the original document for any reason not arising from his default or neglect.

When the copies are produced in the absence of the original document, they become good secondary evidence. Still, there must be foundational evidence that the alleged copy is a true copy of the original.

Before producing secondary evidence of the contents of a document, the non-production of the original must be accounted for in a manner that can bring it within one or other of the cases provided for in the section.

Mere production and marking of a document as an exhibit by the Court cannot be held to be due proof of its contents. It has to be proved in accordance with the law.

RAT HOLE MINING

In the context of the Uttarakhand tunnel collapse and the rescue operation, the term "rat-hole mining" seems to be used metaphorically or as an analogy to describe a method of manually digging through the remaining debris obstructing the tunnel exit where workers are trapped.



Details

Rat-hole mining is a technique primarily used for extracting coal from narrow, horizontal seams.

However, it's essential to highlight that the term "rat hole" mining typically refers to the unregulated and hazardous coal mining method prevalent in the northeastern state of Meghalaya in India.

Characteristics of Rat-hole Mining

Narrow, Horizontal Seams: Rat-hole mining involves extracting coal from thin, horizontal seams, which are prevalent in Meghalaya. These seams are often less than 2 meters in thickness.



Primitive Extraction Techniques: Miners typically create narrow pits (referred to as "rat holes") into the ground, allowing only one person at a time to descend and extract coal using basic tools such as pickaxes, shovels, and baskets.

Two Main Types of Rat-hole Mining:

Side-cutting Procedure: Miners dig narrow tunnels on hill slopes until they reach the coal seam due to the thin nature of the seam.

Box-cutting Procedure: Involves creating a larger rectangular opening, followed by digging a vertical pit through which miners access the coal seam by creating rat-hole-sized tunnels horizontally.

Environmental and Safety Concerns

Lack of Regulation: Rat-hole mining operations are typically unregulated and lack safety measures, including proper ventilation, structural support, and safety gear for workers.

Environmental Damage: This mining method leads to land degradation, deforestation, and water pollution, impacting the surrounding environment significantly.

Safety Hazards: Hazardous working conditions often lead to accidents, injuries, and fatalities among miners.

Legal Status

Banning of Practice: The National Green Tribunal (NGT) banned rat-hole mining in 2014 and reaffirmed the ban in 2015 due to safety concerns and environmental degradation associated with the practice.

Resistance and Legal Challenges: Despite the ban, the practice persisted in some areas, leading to legal challenges and appeals by state governments, notably in Meghalaya, where rat-hole mining was prevalent.

Supreme Court Panel on Manipur Violence

Justice Gita Mittal committee has submitted its interim report to the Supreme Court, in reference to the violence that broke out in Manipur in May, 2023.

On 3 May 2023, ethnic violence erupted in Manipur between the Meitei people, a majority that lives in the Imphal Valley, and the Kuki-Zo tribal community from the surrounding hills.

Violent clashes broke out after a 'Tribal Solidarity March' was organised in the 10 hill districts on May 3 to protest against the Meitei community's demand for Scheduled Tribe (ST) status.

The immediate reason for this violence, however, is a Manipur High Court order directing the state government to recommend to the Union Tribal Affairs Ministry by May 29, an ST tag for the community.



The petitioners have argued that this community had once enjoyed the ST tag prior to the merger of Manipur with the Indian Union and have sought the restoration of this status.

The march was organised by Nagas and Kuki tribals after the Manipur High Court asked the state government last month to send a recommendation to the Centre within four weeks on the demand for ST status by the Meitei community.

According to government figures, more than 175 people have been killed in the violence.



State records show that 94 bodies are lying unclaimed in the three big mortuaries in the state – JNIMS and RIMS in Imphal, and the Churachandpur District Hospital.

The violence left more than 70,000 people displaced from their homes.

About Justice Gita Mittal Committee:

In August 2023, the Supreme Court had appointed a three-member committee, headed by former Jammu and Kashmir High Court Chief Justice Gita Mittal, to examine the humanitarian aspects of the ethnic violence in Manipur.

The committee of three former women high court judges was authorised to submit their reports directly to the Supreme Court.

The panel submitted its thirteenth interim report to the Supreme Court recently.

Major Findings of the Committee:

The panel has suggested that victims' relatives should be directed to perform the last rites, failing which the Manipur government should do so instead.

The question of claiming and disposing of the bodies has been one of the most sensitive and contentious issues in the ongoing conflict.

In its report, the panel is learnt to have said that relatives of the victims are under pressure from civil society organisations not to accept the bodies for last rites.

It has said that these organisations are opposing and obstructing the performance of last rites due to “vested interests” and to compel state authorities to meet “unwarranted” demands.

The report states that civil society organisations are insisting on “unsuitable spots” for collective burial, which would serve as a source of “constant mounting tensions” between the two communities.

The committee has asked the Supreme Court to direct the next of kin to claim the bodies and perform the last rites.

Failing this, the committee has also urged the court to “prohibit” civil society organisations from interfering with or obstructing the performance of last rites.

e-SCR

The Supreme Court of India launched two initiatives during the Constitution Day celebrations on 26th November.

The recent Constitution Day celebrations at the Supreme Court of India were marked by the launch of several significant initiatives aimed at enhancing judicial processes and accessibility.

FASTER 2.0 Portal for Prompt Release of Prisoners



The FASTER 2.0 portal is designed to expedite the release of prisoners by ensuring swift communication of judicial orders to the relevant authorities.

The portal serves as a platform through which judicial orders for the release of individuals from incarceration are directly transmitted to jails, trial courts, and high courts, ensuring immediate compliance without undue delay.

By streamlining the communication process, this initiative aims to address the issue of prisoners facing prolonged detention despite judicial orders for release, thereby safeguarding their rights and expediting the justice delivery system.

Hindi Version of the e-SCR Portal

The launch of a Hindi version of the e-SCR (Supreme Court's judgments) portal aims to facilitate broader accessibility and understanding of legal judgments.

Over 21,388 judgments have been translated into Hindi and vetted for accuracy, making legal content more accessible to Hindi-speaking individuals.

Translations into languages like Punjabi, Odia, Bengali, Urdu, Garo, Assamese, Konkani, among others, have been undertaken, broadening the accessibility of legal information.

The integration of technology through this portal allows citizens to access legal judgments efficiently and promotes inclusivity.

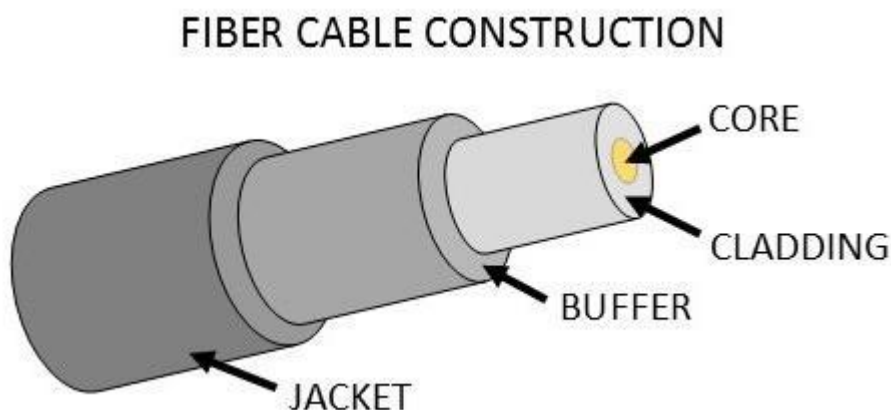
Virtual Justice Clock

The launch of a virtual justice clock at the Supreme Court visualizes the backlog of cases pending before the apex court.

This visual representation of pending cases serves as a transparent and informative tool, offering a snapshot of the workload faced by the Supreme Court, emphasizing the importance of addressing case pendency and enhancing judicial efficiency.

Fibre optic cable

Along with quantum optics, fibre optic communication stands on the cusp of a new era.





About Fibre Optic Cable:

Optical fibres are made of thin, cylindrical strands of glass.

The diameter of a typical fibre is close to the diameter of human hair.

These fibers can carry information, such as text, images, voices, videos, telephone calls, and anything that can be encoded as digital information, across large distances almost at the speed of light.

They are strong, light, and flexible, and ideal to be buried underground, drawn underwater, or bent around a spool.

How do optical fibres work?

These cables work basically on the principle of total internal reflection.

The signals encoded as electromagnetic waves can be fed into one end of an optical fibre, and they will reflect and bounce many times between the glass walls as they traverse several kilometres bearing the information in the signals.

A fibre optic communication system consists of three parts.

A transmitter encodes information into optical signals (in the form of rapidly blinking light pulses of zeros and ones).

An optical fibre carries the signal to its destination. There, a receiver reproduces the information from the encoded signal.

Optical waves allow a high data transmission rate of up to several terabits per second in a single fibre.

Unlike radio or copper-cable communication, fibre cables are also insensitive to external perturbations such as lightning and bad weather.

How are these fibres developed?

Nowadays, glass fibres are manufactured using the fibre-drawing technique.

First, a thick glass rod, called a preform, of high purity and an engineered refractive index profile is prepared using chemical vapour decomposition.

The preform is heated to about 1,600 degrees C until it melts and is then drawn into a thin, long fibre.

The drawing process reduces the fibre's diameter while maintaining its length. The drawn fibre is coated with a protective layer to enhance strength and durability.

Applications

Fibre optics technology has since been widely used in telecommunication, medical science, laser technology, and sensing.

Optical fibres are an essential part of this development in communication.

Zojila Pass

The Indian Army "forged thunderstorms" at 11,500 feet near the Zojila Pass to stay battle-ready as the harsh winter set in Jammu and Kashmir and Ladakh.



About Zojila Pass:

Zojila Pass, also known as 'The Mountain Pass of Blizzards', is a high mountain pass located in the Kargil district of Ladakh.

It is located on the Srinagar-Kargil-Leh highway (NH-1) at a height of 11,650 feet.

It lies in the Greater Himalayan Range.

The pass remains closed for almost half of the year due to heavy snowfall.

History:

It was the site of the Indo-Pakistan War of 1947-48.

It was captured by militias aided by the Pakistan Army in 1948, with the ultimate aim of capturing Ladakh.

However, the pass itself was captured by the Indian Army on 1st November 1948, in an assault codenamed Operation Bison.

What is Zojila Tunnel?

Location: It is an under-construction tunnel situated at an altitude of 11,578 ft (around 3,500 metres) on the Srinagar-Leh Highway in Jammu and Kashmir.

The tunnel would provide all-weather connectivity between Srinagar and Leh on NH-1.

Total Length: 14.15 km.

It will be India's longest road tunnel and Asia's longest bi-directional tunnel.

It would be 9.5-meter wide and 7.57-meter high in the shape of a horseshoe.

Gulf of Aden

A U.S. Navy warship responded to a distress call from a commercial tanker in the Gulf of Aden that had been seized by armed individuals recently.





About the Gulf of Aden:

It is an extension of the Indian Ocean, tucked between the Arabian Peninsula and the African continent.

The gulf is named after “Aden,” a port city on Yemen’s coast.

Borders: It is bounded to the south by Somalia and the Socotra Islands (part of Yemen), to the north by Yemen, to the east by the Arabian Sea, and to the west by Djibouti.

The gulf is connected to the Somali Sea to the south by the Guardafui Channel and to the Red Sea on the west by the Strait of Bab el Mandeb.

Size: It is approximately 900 km long and 500 km wide and covers roughly 410,000 square kilometers.

Depth: It has an average depth of 500 meters and a maximum depth of 2,700 meters.

The dominant relief feature of the gulf’s terrain is the Sheba Ridge, an extension of the Indian Ocean ridge system, which extends along the middle of the gulf.

It is also a critical part of the Suez Canal shipping route, which connects the Red Sea and the Mediterranean Sea.

Some of the major cities near the gulf include Aden, Mukalla, Ahnwar, Balhaf, Berbera, Bosaso, and Djibouti City.