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(CONSOLIDATION)

MADHYA PRADESH

**JANUARY
2025**

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Transfer Policy (Amendment), 2025

Why in News?

There is currently a ban on transfers at the state and district levels in Madhya Pradesh. The government had issued the **Transfer Policy (Amendment), 2025** for these levels on **24 June 2021**.

- The amendment was approved in a **Cabinet meeting** chaired by **Chief Minister Dr. Mohan Yadav** in **Maheshwar**.

Key Point

- The state government has now amended **Clause 9 of Transfer Policy (Amendment), 2025** to allow ministers to make transfers in exceptional circumstances.
 - **General Administration Department** released the **Transfer Policy (Amendment), 2025**.
- **Ministerial Authority for Transfers:**
 - **Secretary-level approvals** can now be made for high-priority cases, following **administrative approval** from the **Chief Minister's office**.
- **Departmental Discretion:**
 - In cases where transfers are deemed inappropriate according to departmental policy, the **department secretary** must obtain approval from the **department minister**.
 - The transfer proposal will then be forwarded to the **Additional Chief Secretary/Principal Secretary**, with reasons for the transfer, for final approval.
- **Conditions for Transfer:**
 - Transfers can only occur under **special circumstances**, such as:
 - **Health Reasons:** Transfers can be granted due to serious health conditions like **cancer**, stroke, **heart attack**, etc.
 - **Court Orders:** If mandated by a court order, transfers will be processed, provided there are no departmental actions pending against the employee.
 - **Serious Complaints or Irregularities:** If a government employee faces serious complaints or negligence, and disciplinary action has been initiated by the department.

- **Criminal Cases:** If the employee is involved in a criminal case registered by the **Lokayukta** or police, and there is no obstruction in the investigation, a transfer may be implemented.
- **Vacancy Fulfillment:** In cases where an employee's position becomes vacant due to suspension, resignation, retirement, or death, and the department deems it necessary to fill that position, a transfer may be ordered.

Importance of the Amendment:

- The transfer policy is aimed at **streamlining** the process and ensuring **fairness** while considering special circumstances.
- The amendment also allows more **flexibility** in handling urgent and critical cases, such as health-related transfers or addressing complaints and criminal issues.
- By ensuring that the vacancies at the transferred position are proportionate, the policy aims to maintain **balance** across departments and locations.
- This **amendment to the transfer policy** will ensure that transfers are carried out with due diligence, especially when addressing sensitive issues like health problems, legal matters, or departmental irregularities. It also allows for the **efficient management** of government resources, while providing flexibility for urgent or special cases.

NMDC to Extract Diamonds Near Tiger Reserve

Why in News?

India's **National Mineral Development Corporation (NMDC)** plans to **extract 6,500 carats of diamonds**, valued at **USD 3.4 million**, from ores in a mine near **Panna tiger reserve**.

Key Points

- **Delays in Mining Operations:**
 - NMDC faced **delays in obtaining environmental clearances**, halting mining at the Panna mine in Madhya Pradesh for over three years due to its **proximity to the tiger reserve**.

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Note:

- **The Supreme Court** later allowed NMDC to resume **mining operations**, subject to certain guidelines, enabling the company to restart its work at the mine.
- **Diamond Extraction:**
 - Since resuming operations, **NMDC has extracted 3,700 carats of diamonds**, valued at USD 1.93 million.
- **About the Panna Mine:**
 - The Panna mine spans 275.96 hectares (681.91 acres) and began operations in the early 1970s.
 - It is the **only mechanized diamond mine** in India.
- **Diamond Mining in Madhya Pradesh:**
 - Madhya Pradesh is one of **Asia's major diamond mining regions**.
 - Global and domestic companies have faced challenges in mining diamonds at the **Bunder project**, near the Panna reserve.

Panna Tiger Reserve

- **About:**
 - Located in **the Vindhyan mountain range** in northern Madhya Pradesh.
 - Covers an **area of 542 sq.km**.
 - The **only Tiger Reserve in the Bundelkhand region**.
 - **Declared a Tiger Reserve** by the Government of India under **Project Tiger** in 1994.
- **Landscape:**
 - The reserve features a **'Table Top' topography**.
 - It includes **extensive plateaus and gorges**.
 - **The Ken River** flows from south to north through the reserve.
 - The area also contains **two-thousand-year-old rock paintings**.
- **Flora:**
 - Dominated by **dry deciduous forests** interspersed with grasslands.
 - In the north, the reserve is surrounded by **teak forests**.
 - To the east, it is bordered by **Teak-Kardhai mixed forests**.
- **Fauna:**
 - The reserve is home to a significant population of **tigers, sloth bears, leopards, and striped hyenas**.

- Other notable carnivores include **jackals, wolves, wild dogs, jungle cats, and the rusty spotted cat**.
- **The Vindhya Hill ranges**, running from NE to SW, help connect the eastern and western populations of wildlife.

Benami Transactions in Pench Tiger Reserve

Why in News?

The Benami Prohibition Unit (BPU) of the **Income Tax Department** detected three Benami transactions in the **Pench Tiger Reserve**, Madhya Pradesh.

Key Points

- **Details of Benami Transactions:**
 - Two Benami transactions involved land with existing resorts, while the third pertained to land intended for a resort.
 - The IT Department's Benami Prohibition Unit (BPU) detected and attached all three properties under **the Benami Transactions (Prohibition) Amendment Act 2016**.
 - Madhya Pradesh leads the country in Benami property attachments with over 1,400 properties worth Rs 900-950 crore.
- **Legal Context in Scheduled Tribal Areas:**
 - **Section 165** of **the Code of Land Revenue** prohibits selling tribal land to non-tribals in Madhya Pradesh's **notified scheduled areas**.
 - **Tribals may lease land to non-tribals** in notified and non-notified rural areas without district collector approval.
 - Beneficial owners **circumvented this ban by using tribal proxies** to purchase the land and then leasing it back for resort construction.
- **Significance of Benami Property Attachments in Tiger Reserves:**
 - These attachments represent a rare crackdown on Benami transactions within **tiger reserves**.
 - Other resorts in tribal-dominated areas near tiger reserves and **wildlife sanctuaries** are under investigation for similar violations.

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Note:

Pench Tiger Reserve (PTR)

- PTR is the **joint pride of both Madhya Pradesh and Maharashtra**.
- The Reserve is located in the **southern reaches of the Satpura hills** in the Seoni and Chhindwara districts in Madhya Pradesh, and continues in Nagpur district in Maharashtra as a separate Sanctuary.
 - It was declared a **National Park** by the Government of Maharashtra in 1975 and the identity of a **tiger reserve** was granted to it in the year 1992.
 - However, PTR Madhya Pradesh was granted the **same status in 1992-1993**. It is one of the **major Protected Areas of Satpura-Maikal ranges of the Central Highlands**.
- It is among the sites notified as **Important Bird Areas (IBA)** of India.
 - The IBA is a programme of Birdlife International which aims to **identify, monitor and protect a global network of IBAs for conservation** of the world's birds and associated diversity.

The Benami Transactions (Prohibition) Amendment Act 2016

- The Act amended the Original Act (Benami Transaction (Prohibition) Act 1988) and renamed it as **Prohibition of Benami Property Transaction Act, 1988**.
- The Act defines a benami transaction as a transaction where:
 - a property is **held by or transferred to a person**, but has **been provided for or paid by another person**.
 - the transaction is made in a **fictitious name**
 - the **owner is not aware of denies knowledge of the ownership** of the property,
 - the person providing the consideration for the property is **not traceable**.

Madhya Pradesh Launches TWARIT Platform

Why in News?

The Madhya Pradesh High Court has introduced a

digital platform named **TWARIT (Transmission of Warrants, Summons, and Reports by Information Technology)** to streamline the transmission of warrants and summons. **This platform also allows judges to monitor case statuses online efficiently.**

Key Points

- The platform aims to replace the **traditional paper-based system**, making legal proceedings faster and more efficient.
 - By implementing this initiative the **judicial process becomes more transparent**, reduces delays, and saves time for law enforcement agencies, courts, and the public.
- This system is expected to improve the overall efficiency of the **justice delivery mechanism**, especially in handling large volumes of legal cases.
 - The system allows for the **electronic delivery of legal documents**, including **court summons and arrest warrants**, to the concerned individuals or parties.
- A review meeting was also held at the office of the Union Minister of Home and Cooperation, in New Delhi, regarding the **implementation of three new criminal laws (Bharatiya Nyaya Sanhita, 2023, Bharatiya Sakshya Act, 2023, Bharatiya Sakshya Act, 2023)** in the state.
 - The meeting reviewed the implementation and current status of provisions related to **police, jail, court, prosecution, and forensic services**.

New Criminal Laws

- **Objective:**
 - The new laws aim to **replace colonial-era punishments with a justice-focused approach, integrating technological advancements** in police investigations and court procedures.
- **New Offences:**
 - New offences include **terrorism, mob lynching, organized crime**, and enhanced punishments for crimes against women and children.

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Note:

BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- ✎ **Promise to Marry:** Criminalising “deceitful” promises to marry
- ✎ **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- ✎ Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- ✎ **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- ✎ **Community Service:** Added as possible form of punishment

Deletions

- ✎ **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other “unnatural” sexual activities repealed completely
- ✎ **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- ✎ **Thugs:** Section 310 of IPC fully omitted
- ✎ **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality



Other Modifications

- ✎ **Fake News:** Criminalisation of publishing false and misleading information
- ✎ **Sedition:** Introduced under a new name ‘deshdroh’ with wider definition
- ✎ **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- ✎ **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- ✎ **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- ✎ **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- ✎ **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- ✎ **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.

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Note:

BHARATIYA SAKSHYA ACT, 2023 ↙

The Bharatiya Sakshya Act, 2023 has 170 sections, altering 24, adding two, and repealing six of 167 sections of the Indian Evidence Act 1872.

Retained Provisions

- ↳ Parties involved in a legal proceeding can only present admissible evidence
- ↳ Court accepts proven facts if evidence supports reasonable action in the given circumstances
- ↳ Police confessions generally inadmissible unless recorded by a Magistrate

Key Changes

- ↳ Electronic records hold equivalent legal status to traditional paper documents
 - ↳ Electronic records encompassing data stored in memory and communication devices
- ↳ Allows oral evidence to be given electronically
 - ↳ Electronic records are categorised as secondary evidence
- ↳ A joint trial means trying more than one person for the same crime
 - ↳ A trial of multiple persons, where an accused has not responded to an arrest warrant, will be treated as a joint trial

Key Issues

↳ **Electronic Records:**

- ↳ Concerns regarding tampering of electronic records during the search, seizure and investigation process
- ↳ Usually, Electronic records must be authenticated by a certificate to be admissible as documents
 - ↳ The Act classifies electronic evidence as documents (which may not need certification), creating a contradiction

↳ **Exclusion of Suggestion of SC and Law Commission**

- ↳ Concerns about duress and torture as Act kept a rule allowing information from someone in police custody to be used if it's directly related to a discovered fact
- ↳ Exclusion of the presumption of police responsibility for injuries to someone in custody



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Note:

BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023

BNSS replaces CrPC 1973 and consists of 531 sections with 177 sections revised, 9 new sections added, and 14 sections repealed.



Key Provisions

- ⤵ **Hierarchy of Courts:** Eliminated distinction and role of Metropolitan Magistrates
- ⤵ **Mandated Use of Electronic Mode:** At stages of investigation, inquiry, and trial
- ⤵ **Detention of Undertrials:** Restriction on release on personal bond for accused persons (a) charged with life imprisonment or (b) facing multiple proceedings
- ⤵ **Alternative to Arrest:** An accused doesn't have to be arrested; instead, the police can take a security bond for their appearance before a Judicial Magistrate
- ⤵ **Community Service Defined:** 'Work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration'
- ⤵ **Substitution of Terminology:** "Mental illness" replaced by "unsoundness of mind" in majority of provisions
- ⤵ **Documentation Protocols:** Searches with/without warrants require mandatory audio-video documentation with recorded material promptly submitted to Magistrate
- ⤵ **Timelines for Procedures:** Prescribes timelines for various procedures
 - E.g. Issuing verdict within 30 days post-argument
- ⤵ **Medical Examination:** Can be requested by any police officer in certain cases
- ⤵ **Sample Collection:** Magistrate can compel individuals to submit signature specimens, handwriting samples etc. even if they haven't been arrested
- ⤵ **Forensic Investigation:** Mandated for offences punishable with ≥ 7 years of imprisonment
- ⤵ **New Procedures w.r.t. FIR Registration:**
 - After filing a **Zero FIR**, relevant police station must transfer it to the jurisdictionally appropriate station for further investigation
 - **FIRs can be electronically registered**, and the information will be officially recorded upon the person's signature within 3 days
- ⤵ **Rights of Victim/Informant:**
 - Police after filing charge sheet obligated to supply police report and other documents to victim
 - Witness protection scheme to be laid down by State Governments



Key Issues

- ⤵ **Permitted 15 days of police custody** within initial 40 or 60 days
- ⤵ **Doesn't mandate investigating officer to provide reasons** when seeking police custody
- ⤵ **Allows use of handcuffs during arrests**, contradicting SC rulings and NHRC guidelines
- ⤵ Scope of **mandatory bail limited** in case of multiple charges
- ⤵ **Limits plea bargaining in India** to sentence bargaining
- ⤵ Restricting bail, and limiting scope for plea bargaining could **deter decongesting of prisons**
- ⤵ **Power to seize property expanded** to immovable property apart from movable property
- ⤵ Several provisions **overlap** with existing laws
- ⤵ **BNSS retains CrPC provisions** related to public order, raising the question of whether laws governing trial procedure and public order maintenance should be unified or treated separately, considering their distinct functions



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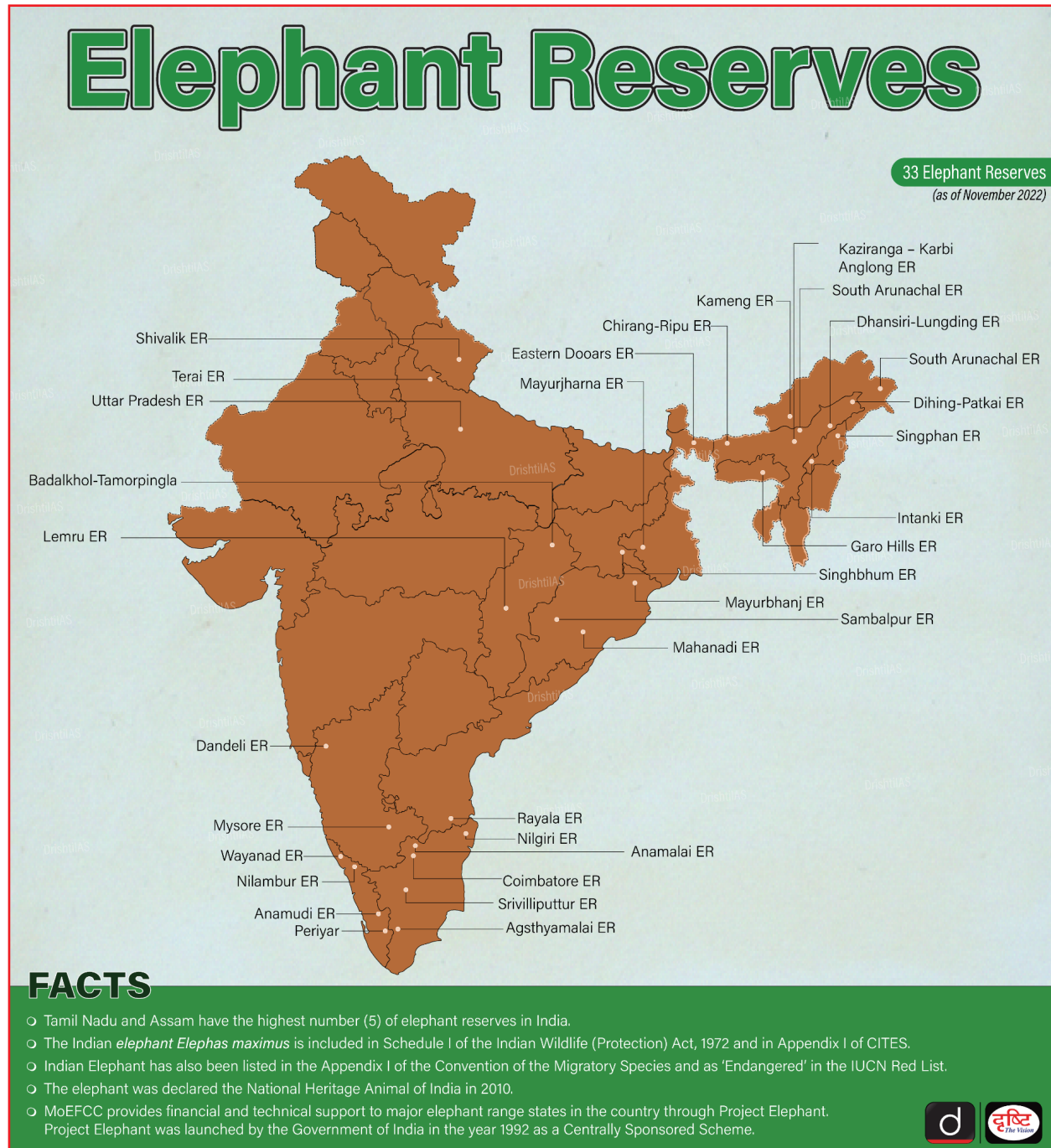
Note:

High Court Postpones Hearing on Wild Elephants

Why in News?

A division bench of the **Madhya Pradesh (MP) High Court**, postponed the hearing of a **Public Interest Litigation (PIL)**.

- The PIL seeks protection and proper care of wild elephants straying from **Chhattisgarh to Madhya Pradesh**.



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Note:

Key Points

- The MP High court instructed that the case be presented before the regular bench hearing the matter.
 - In the previous hearing before the bench headed by the **Chief Justice**, the state government informed the court that a committee, comprising a **chairman** and **six experts**, was constituted to examine the issues raised in the petition regarding the protection and well-being of wild elephants entering the jungles of Madhya Pradesh from Chhattisgarh.
- The petitioner presented a list of experts in controlling wild elephants before the court.
 - The state government requested time to consult experts from outside the state, as suggested by the petitioner.
- During a previous hearing the petitioner raised the issue of the **death of 11 wild elephants** in the **Bandhavgarh Tiger Reserve** area, stating that there is no expert in the state of MP to control the wild elephants.

Bandhavgarh Tiger Reserve

- It is located in the **Umaria district of Madhya Pradesh** and is spread over the **Vindhya hills**.
 - It holds significant historical importance, evidenced by the presence of the renowned **Bandhavgarh Fort**, along with numerous caves, rock paintings, and carvings throughout the protected area.
- In 1968, it was designated as a national park and in 1993 was declared a tiger reserve.
- It is known for the **Royal Bengal Tigers**.
 - Other important prey species consist of **chital, sambhar, barking deer, nilgai, chinkara, wild pig, chowsingha, langur and rhesus macaque**.
 - Dependent upon them are the major predators like **tiger, leopard, wild dog, wolf** and jackal.

Clay Rudraksha Garlands

Why in News?

Madhya Pradesh has become a leading state for **women's empowerment** and **sustainable craftsmanship** with the rising popularity of **clay Rudraksha garlands**.

- This is skillfully crafted by women artisans using the soil from the **Narmada River**.

Key Points

- The women's empowerment and sustainable craftsmanship, spearheaded by the **Madhya Pradesh Tourism Board (MPTB)**, has not only celebrated local artistry but also opened new avenues of employment for women.
- As part of **MPTB's Safe Tourist Places for Women initiative**, women and girls in the Sanchi cluster receive clay art training through the **'Maati Kala Shilp' scheme**.
 - The training programme emphasizes a balance between preserving **traditional clay craft methods** and incorporating modern techniques.
 - Women artisans are taught **soil preparation, moulding, drying, finishing, and quality control processes** to meet market demands.
- **Over 200 women** have been trained in various clay techniques, both **fired** and **unfired**, allowing them to produce a diverse range of items, including **Sanchi stupas, diyas, ornamental vessels, animal figurines, and toys**.
- The initiative has significantly boosted the livelihood of women in Sanchi, where many now earn a stable monthly income of **₹14,000 to ₹15,000**.
- The **artisans have also expanded their reach beyond Sanchi** to cities like Bhopal and Jabalpur, receiving recognition and encouragement from various quarters.

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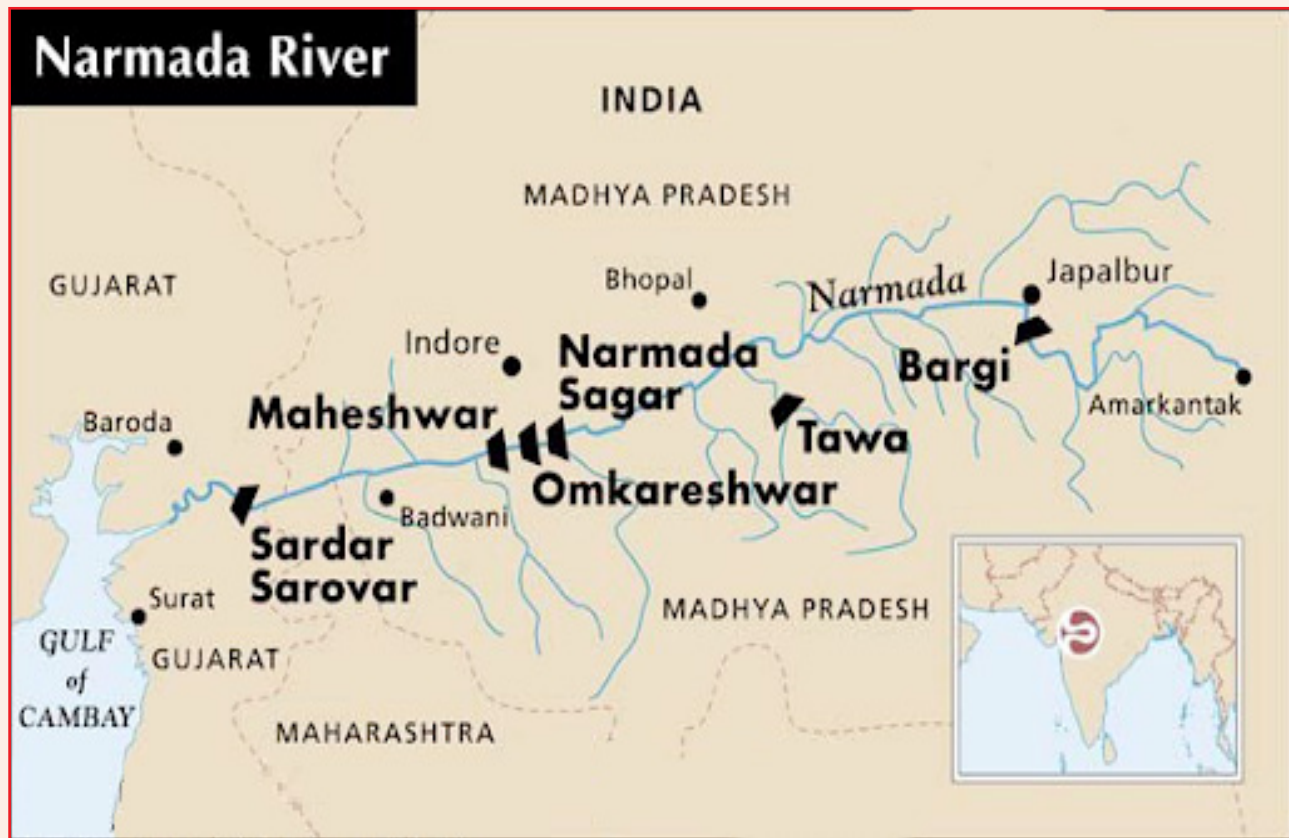
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Note:

- A key milestone in their success came when a private hotel chain began ordering approximately **2,000 garlands per month**.
- Currently, the women's group has scaled production to around **5,000 garlands monthly** and continues to explore new market opportunities with the support of MPTB.

Narmada River



➤ About:

- The **Narmada River** (also known as Rewa) serves as a traditional boundary between North and South India.
- It is 1,312 km west of its origin from the **Amarkantak peak of Maikal mountain**. It flows into the **Gulf of Khambhat**.
- It drains a large area in **Madhya Pradesh** besides some areas in the states of Maharashtra and Gujarat.
- It is a West flowing river of the peninsular region flowing through a rift valley between the **Vindhya Range** on the north and the **Satpura Range** on the south.

➤ Tributaries:

- The predominant tributaries from the right are **Hiran, Tendori, Barna, Kolar, Man, Uri, Hatni** and Orsang.
- The predominant left tributaries are **Burner, Banjar, Sher, Shakkar, Dudhi, Tawa, Ganjal, Chhota Tawa, Kundi, Goi, and Karjan**.

➤ Dams:

- The Major dams on the river include **Omkareshwar** and **Maheshwar dams**.

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Note:

Village Rejects Union Carbide Waste Incineration

Why in News?

The controversy over the disposal of hazardous waste from the **Union Carbide India Limited (UCIL)** plant in Bhopal has come into focus as **hazardous material** has been transported to **Tarpura village** in Madhya Pradesh's Pithampur town for incineration.

Key Points

- **Hazardous Waste Relocation:**
 - **337 MT of toxic waste** from the **UCIL Bhopal plant** has been moved to **Pithampur** for disposal.
 - Containers are parked at a **private treatment, storage, and disposal facility**.
- **Protests and Opposition:**
 - Local residents, businesses, and activists have opposed the incineration of the waste.
 - A general strike was observed in the region because of concerns including **environmental degradation, groundwater contamination, and inadequate regulation**.
- **Government Response:**
 - The Dhar district administration has launched an awareness campaign to address concerns.
 - Outreach includes farmers, workers, and industrial associations, emphasizing adherence to environmental norms.
- **Local Environmental Challenges:**
 - Pithampur's industrial area is already heavily polluted, affecting air, water, and soil quality.
 - Reports of increased **groundwater salinity** and related health issues such as skin problems.

The Bhopal Gas Tragedy 1984

- The **Bhopal gas tragedy** was one of the worst industrial accidents in history that occurred on the night of **2-3 December 1984** at the **Union Carbide India Limited (UCIL) pesticide plant** in Bhopal, MP.
- It exposed people and animals to the highly toxic gas **methyl isocyanate (MIC)**, causing immediate and long-term health effects and deaths.

Violation of Forest Rights Act in Madhya Pradesh

Why in News?

The Ministry of Tribal Affairs (MoTA) took cognizance of petitions and complaints from 52 villages regarding **non-recognition of forest rights** and forceful eviction attempts around **the Rani Durgavati Tiger Reserve** in Madhya Pradesh.

Key Points

- **Restrictions and MoTA's Directive:**
 - The villagers alleged that after the notification of Veerangana Durgavati Tiger Reserve in September 2023, forest rights claims were denied, and forceful relocations occurred, **violating the Forest Rights Act (FRA) 2006** and **Wildlife Protection Act (WLPA) 1972**.
 - Villagers claimed restrictions on accessing forest resources, produce, and farms.
 - MoTA's letter emphasized that **denying communities their rights is a violation** and advised that the issues be resolved in consultation with state forest departments, and district collectors.
 - The letter was also directed to the **National Commission for Scheduled Tribes**, district collectors, and **the National Tiger Conservation Authority** for appropriate action and safeguarding community interests.
- **Legal Framework for Relocation:**
 - The Wildlife Protection Act allows the **creation of 'inviolate' areas for tiger conservation**, but only after recognizing and settling the **rights of tribal and forest-dwelling communities**.
 - **Relocation of villagers can only occur voluntarily** after their rights are recognized, in accordance with both FRA and WLPA.
 - MoTA stressed the importance of **Gram Sabha consent and community participation in relocation decisions** for critical wildlife habitats.

The Forest Rights Act, 2006

- It was introduced to formally recognise and grant forest rights and occupation in **forest lands to forest-dwelling Scheduled Tribes** and other traditional

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Note:

forest dwellers who have resided in these forests for generations, even though their rights had not been officially documented.

- It aimed to **address the historical injustices** faced by forest-dwelling communities due to the forest management policies of colonial and post-colonial India, which failed to acknowledge their **long-standing symbiotic relationship with the forests**.
- Additionally, the Act sought to **empower forest dwellers** by enabling them to access and utilise forest resources sustainably, promote biodiversity and ecological balance, and protect them from unlawful evictions and displacement.

Wildlife (Protection) Act, 1972

- It provides a legal framework for the **protection of various species of wild animals and plants**, management of their habitats, regulation, and control of trade in wild animals, plants, and products made from them.
- The act also **lists schedules of plants and animals that are afforded varying degrees of protection and monitoring** by the government.
- India's entry to the **CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)** was made easier by the Wildlife Act.

Tigress Found Dead in MP's Reserve

Why in News?

Recently, the **carcass of a four year-old tigress** in **the Pench Tiger Reserve (PTR)** in Madhya Pradesh's Seoni district. The officials suspect **poaching** to be the cause of death.

Key Points

- **Carcass Discovery:**
 - The carcass was found in the **Kurai area** of Pench Tiger Reserve (PTR).
 - The officials confirmed that **the tigress died due to electrocution**.
- **Poaching Investigation:**
 - A case has been registered, and authorities are working to arrest unidentified poachers involved in the incident.
 - Initial investigations suggested that poachers attempted **unsuccessfully to chop off the tigress's paws**.
 - Following a post-mortem, the carcass was disposed of according to **National Tiger Conservation Authority (NTCA)** guidelines.

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Note:

Key Points

Details

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Summary

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