

INDIAN POLITY**Three bills to overhaul India's Criminal Justice system**

- **Context:** Union Home Minister introduced three bills in the Lok Sabha to replace the **Indian Penal Code, Code of Criminal Procedure** and the **Indian Evidence Act** with the **Bharatiya Nyaya Sanhita**, the **Bharatiya Nagarik Suraksha Sanhita** and the **Bharatiya Sakshya Bill** respectively.

Changes in CrPC:**+ Greater use of technology**

- Trials, appeal proceedings, recording of depositions including those of public servants and police officers, may be held in electronic mode.
- The statement of the accused too can be recorded through video-conferencing.
- Summons, warrants, documents, police reports, statements of evidence can be done in electronic form.
- The search and seizure of articles and properties, the visit to a crime scene, and the recording of the victim's statement shall be audio-video graphed.
- The name and address of an arrested accused and the nature of the offence will be maintained by a designated officer, and shall be prominently displayed including in digital mode in every police station and district headquarters.
- Information to police too can be sent electronically, and it shall be taken on record on being signed by the person sending it, within three days.

+ Communication devices

- On the directions of a court or police officer, a person is required to produce any document and now device that is likely to contain digital evidence for the purpose of an inquiry.
- Electronic communication is defined as the communication of any written, verbal, pictorial information or video content transmitted (whether from one person to another, from one device to another or from a person to a device or from a device to a person).

+ Use of handcuffs

- A police officer may be permitted to use handcuffs while arresting a person if he is a habitual, repeat offender who escaped from custody, or has committed:
 - ✓ an organized crime,
 - ✓ terrorist act,
 - ✓ drug-related crime,
 - ✓ illegal possession of arms,
 - ✓ murder, rape, acid attack,
 - ✓ counterfeit currency,
 - ✓ human trafficking,
 - ✓ sexual offence against children or
 - ✓ Offences against the state.

+ Specific safeguards

- Section 41A of CrPC — which has a prominent safeguard against arrests — will get a new number, Section 35.
- It has an additional provision:
- No person can be arrested without prior permission of an officer, not below the rank of a deputy SP, in cases where the offence is punishable with less than three years, or if the person is infirm above 60 years of age.
- On receiving information in cognizable cases where the offence attracts 3-7 years, the police officer will conduct a preliminary inquiry to ascertain whether there exists a prima facie case to proceed within 14 days.

+ Mercy petitions

- There is a provision on procedures for the timeframe to file mercy petitions in death sentence cases.
- After being informed by jail authorities on the disposal of the petition of a convict sentenced to death, he, or his legal heir or relative can submit a mercy petition within 30 days to the Governor.
- If rejected, the person can petition the President within 60 days.
- No appeal against the order of the President shall lie in any court.

✚ **Sanction to prosecute**

- A decision to grant or reject sanction to prosecute a public servant must be reached by the government within 120 days of receiving a request.
- If the government fails to do so, the sanction will be deemed to have been accorded.
- No sanction is required in cases including sexual offences, trafficking, etc.

✚ **Arms in procession**

- Section 144A of the CrPC gives the district magistrate the power to prohibit the carrying of arms in any procession, mass drill or mass training, to preserve the public peace.
- While the provisions granting powers to the DM to pass orders in urgent cases of nuisance or apprehended danger remain as they are in Section 144 of the CrPC, the provision to prohibit carrying arms does not find a mention.

✚ **Samples without arrest**

- The Bill has provisions for the magistrate to order any person to give samples of his signature, handwriting, voice or finger impressions for the purpose of investigation without being arrested.

✚ **Detention by police**

- There are provisions for police to detain or remove any person resisting, refusing or ignoring, or disregarding directions given as part of preventive action.

✚ **The court can proceed in the absence of the accused:**

- A person accused of crime can be tried and convicted in his absence, as if he was present in court and has waived his right to a fair trial for all offences.
- The Bill provides that if the accused is not present, the court can proceed to try him 90 days after the date on which charges are framed.
- A trial in absentia is prescribed in stringent anti-terror legislation such as The Unlawful Activities (Prevention) Act (UAPA) where an alternative criminal law framework applies.
- In such laws, the burden of proof is reversed with the onus on the accused to prove himself not guilty rather than the state carrying the duty to prove guilt against the accused.

Changes in IPC:

✚ **New clause on false promise to marry**

- Within the proposed Bharatiya Nyaya Sanhita, 2023, is a clause on using “**deceitful means**” to promise to marry a woman.
- Such a section does not exist in the IPC of 1860.
- Deceitful means will include the false promise of employment or promotion, inducement or marrying after suppressing one’s identity.
- Difference between a false promise to marry & breach of promise
- Where the promise to marry is false, and the intention of the maker at the time was not to abide by it from the beginning itself, but to deceive the woman to convince her to engage in sexual relations, there is a misconception of fact that vitiates the woman’s consent.
- Meanwhile, a breach of a promise itself cannot be said to be a false promise.

✚ **Changes in numbers:**

IPC Section 420: Cheating

- IPC Section 420 - Cheating and dishonestly inducing delivery of property has been replaced by section 316 in the proposed bill.
- There is no section 420 in the current bill.

IPC Section 124A which relates to Sedition has been replaced by the same number section 124 but now it relates to the offence of wrongful restraint.

- The word sedition does not exist in the proposed Sanhita.
- Offences of the nature described as “sedition” in the IPC are covered in Section 150 of the proposed Sanhita, as “Acts endangering sovereignty, unity and integrity of India”.

IPC Section 302: Murder

- IPC Section 302 prescribes the punishment for murder.
- In the proposed bill, Section 302 describes the offence of “Snatching”.
- In the proposed Sanhita, murder is covered under Section 99, which identifies the distinction between culpable homicide and murder.
- Punishment for murder is laid down in Section 101 which also includes lynching.

IPC Section 307: Attempt to murder

- Section 307 in the proposed Sanhita describes the offence of robbery and the punishment for it.
- Attempt to murder is covered under Section 107 of the proposed Sanhita, which also prescribes the punishment for the offence.

IPC Sections 375 and 376: Rape

- IPC Section 375 defines the offence of rape, and what constitutes rape and it includes the key exception for “marital rape.
- IPC Section 376 lays down the punishment for rape, which is seven years to life imprisonment, with separate, tougher punishments for some kinds of convicts.
- The proposed Sanhita does not have a Section 376.
- The offence of rape is defined under Section 63 of the proposed Sanhita.
- The exception for marital rape has also been retained.

IPC Section 120B: Criminal conspiracy

- In the proposed Sanhita, Section 120 relates to “voluntarily causing hurt or grievous hurt on provocation”.
- Criminal conspiracy is covered by Section 61(1).

IPC Section 505: Statements creating or promoting enmity

- There is no section 505 in the proposed Sanhita.
- Section 194 in the proposed Sanhita describes the offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

IPC Section 153A: Promoting enmity between different groups

- Section 153 in the proposed Sanhita describes the offence of “Receiving property taken by war or depredation mentioned in sections 153 and 154”.
- The offence of promoting enmity in the proposed Sanhita is covered under Section 194.

IPC Section 499: Defamation

- The proposed new Sanhita does not have Section 499.
- The offence of defamation is covered under Section 354 (1) of the new Sanhita.
- Section 354(2) of the proposed Sanhita describes the punishment for defamation, and includes “community service”.

Absence of IPC Section 309.

- It punishes an attempt to die by suicide with a prison term and/ or a fine.
- The law, brought by the British in the 19th century, reflected the thinking of the time when killing or attempting to kill one was considered a crime against the state as well as against religion.
- Although the new Bill seemingly removes this section from the statute books, it doesn't entirely decriminalize the offence of attempting to die by suicide.
- Section 224 of the proposed BNS says that an attempt to commit suicide remains a punishable offence if it is made to stop a public servant from acting.
- An example could be of a protester who attempts self-immolation to stop police from arresting other protesters.
- Also, Section 224 of the proposed BNS allows community service as punishment, which is not available in IPC Section 309.

Position of Section 377:

- In the IPC, Section 377 — which mentioned carnal inter-course against the order of nature with any man, woman or animal did offer protection to non-minor males from rape.
- Now, in the proposed BNS, this section is gone.
- The absence of this section in the BNS can leave adult male victims of sexual assault without much recourse in the law.
- However, the proposed BNS does mention “unnatural lust” in at least two places.
- Section 38 says the right of private defense of one's body will extend to the voluntary causing of death or any other harm to the assailant if the offence that occasions the exercise of the right is an assault with the intention of gratifying unnatural lust.
- Section 138(4) punishes kidnapping or abducting a person to subject them to or put them in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person.

- The proposed BNS does not define the term “unnatural lust”.

How was Section 377 decriminalized?

- In 2018, a five-judge Bench of the Supreme Court led by then Chief Justice of India Dipak Mishra unanimously decriminalized consensual sex between two adults irrespective of their gender and partially struck down Section 377 of the IPC.
- However, in its ruling, the court also made it clear that other aspects dealing with unnatural sex with animals and children still remained in force, and that it was confining its order to consenting acts between two adults.

PRELIMS FACT

1. Matangini Hazra and Kanaklata Barua

Context: During her address to the nation on the eve of Independence Day, President of India paid tributes to women freedom fighters.

Matangini Hazra:

- She was born in a village named Hogla, near Tamluk, West Bengal in 1869.
- Matangini was the daughter of a poor farmer who could not afford to provide her a formal education.
- With no means to raise a decent dowry, she found herself married at 12 and was widowed at 18.
- Matangini’s love for Gandhi was so great that she became known in our village as Gandhiburi, the old Gandhian woman.
- At the age of 61, she was arrested for taking part in the Civil Disobedience Movement in 1930 and the Salt March led by Gandhi.
- She became an active member of the Indian National Congress and started spinning her own khadi in Gandhi’s footsteps.
- Her involvement with the freedom struggle intensified during the Quit India Movement launched by Gandhi in August 1942.
- In September that year, a 73-year-old Hazra led a large procession of around 6,000 protesters, mostly women.
- The procession marched with the aim to take over the Tamluk police station from British authorities.
- British police personnel shot at her thrice.
- She collapsed and died, chanting ‘Vande Mataram’.
- In 1977, the first statue in the Kolkata Maidan dedicated to a woman revolutionary was that of Matangini Hazra.

Kanaklata Barua

- One of the youngest martyrs of the Quit India Movement, Kanaklata Barua has an iconic status in Assam.
- Barua led the Mrityu Bahini, a procession of freedom fighters, to unfurl the Tricolour at Gohpur police station on September 20, 1942.
- When police did not let them move forward, an altercation led to firing, killing Barua at the head of the procession.
- The squad strictly admitted members aged 18 and above but Kanaklata was an exception.

2.SARAS Aajeevika and ODOP Wall

Context

- The Department for Promotion of Industry and Internal Trade (DPIIT) and Ministry of Rural Development jointly launch ‘One District One Product’ Wall at SARAS Aajeevika Store to promote indigenous crafts and artisans of India.
- The convergence is one more step forward towards showcasing the uniqueness of Indian Craft before the world.

About

The One District One Product (ODOP) Program:

- It is an initiative by the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry, aimed to make the country and its people self-reliant by fostering balanced regional development across all districts of the country.
- The program selects, brands, and promotes one unique product from each district, showcasing the diverse range of products across the country which encompasses various sectors, including handlooms and handicrafts.

SARAS Aajeevika:

- It is an initiative by Deendayal Antyodaya (DAY-NRLM), Ministry of Rural Development.
- It is a strong supporter of women's empowerment, with a special focus on uplifting women artisans and Self-Help Groups (SHGs).
- By creating a special marketplace for their well-crafted products, SARAS Aajeevika boosts the skills and talents of these women, helping them become independent entrepreneurs.
- ODOP Wall at SARAS Aajeevika Store which stands as a symbol of the harmonious partnership between the Ministry of Commerce & Industry and the Ministry of Rural Development.

What are the objectives of the collaboration?

- It aims to implement innovative features such as product tagging and story cards, which aim to guide consumers and enthusiasts towards emporiums, thereby boosting sales and magnifying the visibility of India's exceptional products.
- The products are being identified from all districts to be promoted for their unique qualities and cultural significance which include various handicrafts, handloom, and agricultural products that have been associated with the identity of their place of origin.
- It aims to drive consumers towards emporia, boosting sales and increasing the visibility of SARAS products even further to promote indigenous crafts and artisans of rural SHGs women.

3. First India-made MRI scanner

- **In News-**The first India-made MRI scanner to be launched for clinical work in October, 2023. This MRI scanner is designed in a way to avoid reliance on liquid helium, instead using liquid nitrogen.

About

- The indigenously developed machine is characterized by several innovations, including avoiding reliance on scarcely available liquid helium, bottom-up software design, and customized hardware.
- This will reduce the cost of scanning by 30%.
- Helium is the most common use as a coolant in large superconducting magnets powering Magnetic Resonance Imaging (MRI) scanners.
- The Russia-Ukraine war has squeezed liquid helium supply which has rippling effects on diagnostic facilities around the world, including India, thus unable to fully utilize their MRI scanners.

What is Magnetic Resonance Imaging (MRI)?

- MRI is a noninvasive medical imaging test that produces detailed images of almost every internal structure in the human body including organs, bones and tissue.
- MRI scanners create images of the body using a large magnet and radio waves. No radiation is produced during an MRI exam, unlike X-rays.

Working of MRI

- The MRI machine is a large, cylindrical (tube-shaped) machine that creates a strong magnetic field around the patient and sends pulses of radio waves from a scanner.
- The strong magnetic field created by the MRI scanner causes the atoms in your body to align in the same direction. Radio waves are then sent from the MRI machine and move these atoms out of the original position.
- As the radio waves are turned off, the atoms return to their original position and send back radio signals. These signals are received by a computer and converted into an image of the part of the body being examined.

Key Facts about Helium

- Helium (He) is a chemical element, inert gas of Group 18 (noble gases) of the periodic table.
- It is the second lightest element after hydrogen.
- It is a colorless, odorless, and tasteless gas that becomes liquid at $-268.9\text{ }^{\circ}\text{C}$ ($-452\text{ }^{\circ}\text{F}$).
- Helium is the only element that cannot be solidified by sufficient cooling at normal atmospheric pressure and it is necessary to apply pressure of 25 atmospheres at a temperature of 1 K ($-272\text{ }^{\circ}\text{C}$, or $-458\text{ }^{\circ}\text{F}$) to convert it to its solid form.
- The only way to source helium is to extract it from natural gas reserves.

4. Law on protection of Indian manuscripts

Context: The government is planning to introduce the National Manuscripts Bill, 2023.

What is a manuscript?

- A manuscript is a handwritten composition on paper, bark, cloth, metal, palm leaf or any other material dating back at least seventy-five years that has significant scientific, historical or aesthetic value.
- Lithographs and printed volumes are not manuscripts.
- Manuscripts are distinct from historical records such as epigraphs on rocks, firmans, revenue records which provide direct information on events or processes in history.
- Manuscripts have knowledge content.
- While 75% of the existing Indian manuscripts are in Sanskrit, 25% are in regional languages

Need for the law:

- The Bakhshali manuscript, an ancient Indian mathematical text written on birch bark, is considered to be the earliest recorded example of the use of zero.
- The seminal text, dating back roughly to the third or fourth century AD, is in one of the Bodleian Libraries of the University of Oxford
- Many other Indian manuscripts lie in libraries across the globe or are with private collectors, both in India and abroad.

Aim of the law:

The primary aim of the Bill is to:

- ✓ document and catalogue Indian heritage texts wherever they may be and in India or abroad,
- ✓ maintain accurate and up-to-date information about them, and
- ✓ Detail the conditions under which they may be consulted.

National Manuscripts Authority:

- The Bill envisages setting up a 10-member National Manuscripts Authority (NMA).
- While the Culture Minister will be the Chairperson of this body, the members will include:
 - ✓ the Secretaries of Culture, Finance and Education,
 - ✓ the Vice-Chancellor of Central Sanskrit University,
 - ✓ special invitees representing the States, and
 - ✓ private agencies
- The National Manuscripts Authority will be the apex policy-making body with regard to digitisation, conservation, preservation, editing, and publication work of manuscripts.
- The NMA will have the powers of a civil court to regulate the allocation of access to manuscripts and will also have an investigation wing for the purpose of conducting an inquiry into thefts and desecration of texts.
- It will also ensure that the manuscripts are not lost by damage or theft.
- It can collaborate with universities and other educational institutions or agencies to provide fellowships and scholarships for study of manuscripts.
- The NMA will also prepare a dedicated digital portal for indexing, cataloguing, uploading, and downloading copies of manuscripts.
- The special body will be vested with the right to take over a manuscript from a private owner based on the uniqueness and the importance of the content.

ANSWER WRITING

Q. Why was there a sudden spurt in famines in colonial India since the mid-eighteenth century?

Give reasons.

- The term "famine" is derived from the Latin word "Fames," which means "hunger." Famine is defined as "a state of intense hunger experienced by a region's population as a result of a lack of regular food supply."
- The 1769-70 famine in Bengal followed two years of erratic rainfall but was worsened by a smallpox epidemic. The 1783-84 famine again followed a crop failure over a wide area.

Reasons

1. Drought:

- The excessive rainfall in 1770 did not relieve the people from the sufferings of drought of the year before; on the contrary, it caused overflowing of rivers and damaged standing crops.
- The proximate cause of famines, without exception, was a sharp rise in food prices, which in turn reduced real wages and caused starvation, malnutrition and epidemic, mainly among agricultural laborer groups.

2. Rural Indebtedness:

- Debt has always been a major component of India's rural economy. Due to exorbitant rents and illegitimate taxation imposed by the British Government, peasants were heavily indebted, this indebtedness was exacerbated by the onset of severe drought-like circumstances which culminated in the onset of famines.

3. British Policy:

- The main cause of the devastating famines during the colonial rule was the British policy of exploitation, repression and oppression inflicted upon the Indian people.
- Mass export of agricultural produce to the England by the Britishers led to shortage of the food supply in India which ultimately culminated into the severe famine.
- Cornwallis introduced the permanent settlement in 1793. The peasants were dispossessed of their ownership of land by this strategy, which for the first time in India's agricultural history made the zamindars and talukdars the true landowners.

Conclusion

- Famines that occurred during the colonial era had a tremendous influence on the economy and even the culture. Famines unquestionably had a negative impact on population growth and slowed down economic development.

MCQS

- Consider the following statements:
 - NITI Aayog and Ministry of Rural Development jointly launch 'One District One Product' Wall at SARAS Ajeevika Store to promote indigenous crafts and artisans of India.
 - The One District One Product (ODOP) Program is an initiative by the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry.
 - ODOP aimed to make the country and its people self-reliant by fostering balanced regional development across all districts of the country.

How many of the above statements is/are correct.

 - Only one
 - Only two**
 - Only three
 - None
- Consider the following statements:
 - The first India-made MRI scanner to be launched for clinical work in October, 2023.
 - This MRI scanner is designed in a way to avoid reliance on liquid helium, instead using liquid nitrogen.
 - Helium is the most common use as a coolant in large superconducting magnets powering Magnetic Resonance Imaging (MRI) scanners.
 - MRI is a noninvasive medical imaging test that produces detailed images of almost every internal structure in the human body including organs, bones and tissue.

How many of the above statements is/are correct.

 - Only one
 - Only two
 - Only three
 - None
- Consider the following statements about President of India paid tributes to women freedom fighters.
 - Kanaklata Barua was one of the youngest martyrs of the Quit India Movement and an iconic status in Assam.
 - Barua led the Mrityu Bahini, a procession of freedom fighters, to unfurl the Tricolour at Gohpur police station on September 20, 1942.
 - Matangani Hazra became known as Gandhiburi, the old Gandhian woman.

How many of the above statements is/are correct.

 - Only one
 - Only two
 - Only three**
 - None
- Consider the following statements about ISRO.
 - The Indian Space Research Organization (ISRO) released images of the Aditya-L1 mission.
 - The Aditya-L1 will observe the Sun from a close distance and will perform continuous observations looking directly at the Sun.
 - It's equipped with seven payloads (instruments) on board to study the Sun's corona, solar emissions, solar winds and flares, and Coronal Mass Ejections (CMEs), and will carry out round-the-clock imaging of the Sun.

How many of the above statements is/are correct.

 - Only one
 - Only two
 - Only three**
 - None

5. Consider the following statements about Cloudburst Forecasting.

1. The Indian Metrological Department forecasts rainfall events well in advance, but it does not predict the quantum of rainfall.
2. The forecasts can be about light, heavy, or very heavy rainfall, but weather scientists do not have the capability to predict exactly how much rain is likely to fall at any given place.
3. The forecasts are for a relatively small geographical area, at best at a district level.
4. Specific cloudburst events cannot be forecast.

How many of the above statements is/are correct.

- a) Only one
- b) Only two
- c) **Only three**
- d) Only four

6. Consider the following statements about Inter-State Water Disputes Act.

1. Article 262 of the constitution empowers the state legislatures to make laws for the adjudication of inter-state water dispute.
2. The Inter-State Water Disputes Act 1956 was enacted to deal with inter-state water disputes.
3. The Government of India can constitute a tribunal to hear the disputes concerning claims of water sharing.
4. The members of tribunal are appointed by the Chief justices of India.

Which of the statement given above is / are correct?

- a) 1, 3 & 4 only
- b) 1, 2 & 3 only
- c) **2, 3 & 4 only**
- d) All of the above

7. Consider the following statements about Pradhan Mantri Awas Yojana – Urban (PMAY-U).

1. It is a flagship Mission of Government of India being implemented by the Ministry of Housing and Urban Affairs (MoHUA).
2. The Mission promotes women empowerment by providing the ownership of houses in the name of female members or in joint name.
3. The Ministry of Housing & Urban Affairs has initiated Affordable Rental Housing Complexes (ARHCs), a sub-scheme under

Pradhan Mantri Awas Yojana - Urban (PMAY-U).

How many of the above statements is/are correct.

- a) Only one
- b) Only two
- c) **Only three**
- d) None

8. Consider the following statements;

1. Tuberculosis is a disease caused by infection with the bacteria Mycobacterium tuberculosis.
2. The bacteria usually attack the lungs, but TB bacteria can attack any part of the body such as the kidney, spine, and brain.
3. When India gained independence in 1947, there were about half a million TB deaths annually and an estimated 2.5 million Indians suffered from active tuberculosis.
4. The Ni-kshay Mitra initiative launched to ensure additional diagnostic, nutritional, and vocational support to those on TB treatment.

How many of the above statements is/are correct.

- a) Only one
- b) Only two
- c) Only three
- d) **Only four**

9. Recently on the occasion of Independence day, the CM of which state has launched the Mukhyamantri Nishulk Annapurna Food Packet Scheme?

- a) Odisha
- b) **Rajasthan**
- c) Assam
- d) Gujarat

10. Consider the following statements about Monsoon Session

1. The monsoon session is held in July to September every year.
2. This is after a break of three months after the budget session.
3. In this session, matters of public interest are discussed.

How many of the above statements is/are correct.

- a) Only one
- b) **Only two**
- c) Only three
- d) None