



CURRENT AFFAIRS



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Rules notified for the Criminal Procedure (Identification) Act, 2022

CONTEXT

The Ministry of Home Affairs (MHA) recently notified rules for The Criminal Procedure (Identification) Act, 2022 which gives legal sanction to law enforcement agencies to collect, store and analyze and disseminate measurements of convicts for the purpose of identification and investigation of criminal matters.



MEANING AND PURPOSE OF MEASUREMENTS

As per the rules, “measurements” include **finger-impressions, palm-print, footprint, photographs, iris and retina scan, physical, biological samples** and their analysis, behavioural attributes including **signatures, handwriting** or any other examination referred to in Section 53 or Section 53A of the Code of Criminal Procedure(CrPC), 1973. Section 53 and Section 53A of CrPC refer to blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling, name, Address and age of the person. The main purpose of including measurements is:

1. Ascertaining identity of the culprit.

2. To establish if a previously convicted person has committed a similar offense again.
3. Establish a previous conviction of the person

KEY FEATURES OF THE ACT

- The act permits **taking of samples by Police** not only from convicts but also from those under preventive detention, persons ordered to give security for good behaviour or maintaining peace and any person who is arrested for any offense. This includes all measurements except biological samples. Biological samples can be taken only in cases where offense involves crimes against women or children or crimes punishable with imprisonment of less than 7 years.
- The **Magistrate is empowered to pass an order compelling any person to give measurements.**
- The National Crime Records Bureau (NCRB) is the nodal agency to collect, store, preserve and destroy the records of measurements. It can also share such records with any law enforcement agency.
- The data so collected will be retained in digital form for 75 years. It will be destroyed if the person is acquitted or released without a trial.
- Refusal or resistance by a person from giving samples will attract criminal liability.

THE NEED FOR THE NEW ACT

- The act repeals Identification of Prisoners Act, 1920 .The 1920 did not have provisions for collecting all the biological samples other than fingerprints and foot impressions, like which are covered under the new act since most of these techniques were not developed by that time. The Law Commission 87th report also had recommended amending various provisions of the 1920 act.
- The **old act** permitted sample collection of those persons who are arrested or convicted with **offences punishable with rigorous imprisonment of one year or more**, the **new act** has been liberal and allows data collection of persons arrested or convicted for **any offence**.

CONCERNS

1. Ambiguity due to undefined terms

- The Bill fails to provide an exact definition of 'measurements'.Terms such as 'analysis', 'biological samples' and 'behavioral attributes' used under the definition of 'measurements' are open to varying interpretations which leads to ambiguity.
- The bill empowers NCRB to disseminate this data of persons arrested or convicted but it does not state for what purpose this data may be shared and the extent of information which can be shared.

2. Against Constitutional Safeguards

- The act is in conflict with the triple test for privacy- Legality, Legitimate State Purpose and Proportionality. given in the judgment of *Puttaswamy & Anr. v. Union of India*. The act fulfills first two tests but is alleged to be not proportionate. Hence, it is Against **Right to Privacy under Article 21**. It also goes against the **Right to be forgotten** given in the judgment as allowing storing of data for 75 years is a long time span.
- Against **Right to Equality under Article 14** which is against arbitrariness and unreasonable classification as gives wide discretionary powers to Magistrate to give orders compelling accused to give samples.
- Violation of **Right against Self-Incrimination under Article 20(3)**

3. Issues of ethics and Regulation

- The act fails to differentiate between categories of accused persons on the basis of the nature of offence. Hence, a person accused of even a petty offense may be treated at par with a person accused of heinous crime.
- The act does not deal in detail with procedural safeguards for collection, storage, processing, sharing and destruction of these measurements. This may lead to abuse of data for surveillance purposes.

WAY FORWARD

While inculcating scientific methods of investigation is a dire need for improving the effectiveness and efficiency of the investigation process, collection of sensitive information of accused and making a database of it needs to be approached with caution. Fundamental Rights can only be encroached if the restrictions are reasonable and far fetched invasion of bodily integrity cannot be acceptable. Any infringement of such data can have far reaching consequences and the State should be well equipped to guard such data.

Saumya khedwal

Human development report 2021-22

Human Development report

Pre: social development and economics

Mains: GS paper III Indian Economy and issues relating to planning, mobilisation of resources, growth, development and employment, Major crops-cropping patterns in various parts of the country.

Why is it in the news?

Recently the United Nations Development Programme (UNDP) released the latest Human Development Report (HDR)

Generally, the country's score on Human Development is checked on the basis of the Human Development Index (HDI) and compared to the global average and score of some other comparable countries

The HDI consists of three broad parameters: longevity, education and income per capita

What is the Human Development report?

It aims to come up with the expansion of opportunities, choice and freedom, choice and freedom.

UNDP has been releasing Human Development Reports (HDRs) since 1990 and has surveyed different themes through the human development approach.

Human Development Report 2021-22 is themed on "uncertain Times, unsettled lives unsettled lives: Shaping our future in a world in transformation."

The human development Index :

HDI is a static index that checks the betterment of human development on the basis of four indicators

Life expectancy at birth

Expected years of schooling

Mean years of schooling

Gross national income

It was started when two renowned economists from Mahbub ul Haq from Pakistan and Amartya Sen from India created the measure.

It was created as a compliment to the GDP, as it focused on the importance of human development in the growth process.

The Human Development Index 2021-2022.

Life expectancy drop:

A large contributor to the Human Development Index's recent decline is a global drop in life expectancy, down

In the last two years, life expectancy dropped to 71.4 years in 2021 from 72.8 years in 2019.

In the last two years, the pandemic put a devastating impact on billions of people worldwide, also the wars like Covid -19 and the war in Ukraine hit and interacted with the extent the social and economical shifts and hazardous planetary Changes.

The tops scoring countries are:

European countries performed best overall, holding 8 top positions in the top 10.

The list of the countries with their score is

Switzerland	(1, 0.962)
Norway	(2, 0.961),
Iceland	(3, 0.959)
Denmark	(6, 0.948),
Sweden	(7, 0.947)
Ireland	(8, 0.945),
Germany	(9, 0.942)
Netherlands	(10, 0.941).

Asian countries:

Sri Lanka come up as the best performer in the Indian Sub-continent, at 73, with an index value of .782

Followed by China (79 and 0.768),

Bhutan (127 and 0.666),

Bangladesh (129 and 0.661)

India

Nepal (143 and 0.602)

Pakistan (161 and 0.544).

India scored 0.633 on the 2021 Human Development Index, which is considered as lower than the world average of 0.732.

- The life expectancy of India in 2021, is recorded at 67.2 years, at birth.

Schooling in India: Expected years of schooling at 11.9 years and mean years of schooling at 6.7 years,

The Gross National Income per capita of India stood at USD 6,590.

India's gender inequality has ranked 122 on the **Gender Inequality Index**.

The IHDI indicates a **percentage loss in HDI due to inequality**.

country (HDI rank)	world	India (132)	Switzerland(1)	China (79)
when HDI adjusts the inequality	19% fall	25% fall	7% fall	15% fall
income share held by poorest 40% of	18%	20%	20%	17%
Income share held by the richest 1%	17%	22%	12%	14%

The IHDI value in 2019 for India was **0.537 (16.8% overall loss)**.

Gender Development Index:

- **It checks the disparities in the HDI by the Gender**

country (HDI rank)	world	India (132)	Switzerland(1)	China (79)
GDI	0.958	0.849	0.967	0.958
GNI per capita for women (in 2017 PPP\$)	12,241	2,277	53,597	13,980
Income share held by the richest 1%	21,210	10,633	79,451	20,883

The GDI value for India in 2021 is **0.490**.

HDI metric women are lagging behind men the most is the income per capita.

Gender Inequality Index:

Country (HDI rank)	world	India(132)	China(79)	Switzerland(1)
Maternal mortality ratio(death per 100,000 lives births)	225	122	29	5
adolescent birth rate (birth per 1,000 women ages 15-19)	43	17	11	2.2
share of seats in Parliament (% held by women)	26	13	25	40
female population with at least some secondary education (% ages 25 and older)	64	42	78	97
labour force participation rate (% ages 15 and older)	46	19	62	62
GII	0.465	0.49	0.192	0.018

Gender Inequality Index (GII) presents a complex measure of gender inequality using three dimensions:

In GII, India is **at the 122nd rank**.

Reproductive health,

Empowerment and

The labour market.

- **Multidimensional Poverty Index (MPI):.**

The MPI is used to check the many problems that is faced by the people of developing countries in their health, education and standard of living.

In India, it was reported in 2019, that India had more than 382 million suffering from multidimensional poverty.

Country (HDI rank)	India	Bangladesh	China	brazil
Population in severe MPI(in %)	8.8	6.5	0.3	0.9
Population in vulnerable MPI(in %)	19.3	18.2	17.4	6.2
Population living below income poverty line (%) (PPP \$1.90 a day)	22.5	14.2	0.5	4.2

Planetary pressures-adjusted Human Development Index:

It balances the HDI for planetary pressures in the Anthropogenic to reflect a concern for intergenerational inequality, similar to the Inequality-adjusted HDI adjustment — which is motivated by a concern for intragenerational inequality.

The PHDI value can be determined as the level of human development adjusted by CO2 emitted per person and the material footprint per person to account for excessive human pressure on the planet.