



CURRENT AFFAIRS



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BHARATIYA NAGARIK SURAKSHA SANHITA BILL 2023

This article covers "Daily Current Affairs" and the topic details " Bharatiya Nagarik Suraksha Sanhita Bill 2023". The topic " Bharatiya Nagarik Suraksha Sanhita Bill 2023" has relevance in the Governance section of the UPSC CSE exam.

For Prelims:

About Bharatiya Nagarik Suraksha Sanhita Bill 2023?

For Mains:

GS 2: Governance

Significance and Implications?

Concerns and Limitations?

Way forward?

Why in the news:

The Bharatiya Nagarik Suraksha Sanhita, 2023 is set to replace the Code of Criminal Procedure (CrPC).

About Code of Criminal Procedure (CrPC):

The Code of Criminal Procedure (CrPC), enacted in 1973 and effective from 1 April 1974, serves as the primary legislation governing the procedural aspects of administering substantive criminal law in India. It encompasses various functions, including:

- Facilitating the investigation of crimes,
- Apprehending suspected individuals,
- Gathering evidence,
- Deciding the culpability or innocence of the accused,
- Determining appropriate punishments for those found guilty.

Furthermore, the CrPC addresses matters such as public disturbance, prevention of offenses, and the welfare of spouses, children, and parents.

In this context, the Bharatiya Nagarik Suraksha Sanhita Bill 2023 aims to replace the CrPC, marking a shift in India's approach towards criminal justice procedures.

About Bharatiya Nagarik Suraksha Sanhita Bill 2023

The Bharatiya Nagarik Suraksha Sanhita Bill 2023 is poised to replace the existing Code of Criminal Procedure (CrPC) in India. This momentous legislation is conceived with the primary objective of embracing India's sovereignty and fundamentally reshaping the criminal justice system to resonate with the nation's spirit of self-determination and progress.



Context:

- **Culmination of Azadi ka Amrit Mahotsav:** As Azadi ka Amrit Mahotsav concludes on August 15, 2023, India embarks on the journey from 75 to 100 years of independence, marking the commencement of a new era.
- **Panch Pran:** In his address on August 15, 2022, the Prime Minister laid out the Panch Pran (Five Vows), wherein one significant vow was to eliminate any lingering remnants of colonial subjugation.
- **Overcoming Colonial Legacy:** The Indian criminal justice system has functioned under laws inherited from the British Parliament since 1860, necessitating a comprehensive overhaul in line with contemporary Indian values.

Alignment with National Goals:

- **Nurturing a Sovereign Spirit:** The proposed legislation aligns perfectly with India's commitment to shedding colonial remnants and ushering in a phase of robust self-sovereignty.
- **Reinforcing Criminal Justice:** By initiating these comprehensive changes, the legislation addresses historical imbalances and infuses the Indian ethos into the very fabric of the criminal justice system.

Key Changes Proposed:

- **Leveraging Technology:**
 - **Proceedings in Electronic Mode:** Trials, appeal proceedings, and recording of depositions, including those of public servants and police officers, may be held electronically.
 - **Digital Evidence Collection:** The bill recognizes the significance of digital evidence collected through various communication devices, bolstering comprehensive investigations. Upon the instructions of a court or a law enforcement officer, an individual is obligated to present any document or device that is potentially harboring digital evidence, with the aim of facilitating an inquiry.
- **Modernizing Procedures:**

- **Electronic Communication:** The bill incorporates provisions for electronic issuance of summons, warrants, documents, and statements, streamlining communication processes.
- **Handcuff Regulations:** The legislation permits the use of handcuffs in arresting repeat offenders, escapees, and individuals involved in organized crime, enhancing law enforcement capabilities.
- **Enhanced Safeguards:**
 - Section 41A of the Code of Criminal Procedure (CrPC), known for its significant protection against unwarranted arrests, will be renumbered as Section 35. It says that no person can be arrested without prior permission of an officer, not below the rank of a DSP, in situations where the offense carries a penalty of fewer than 3 years or if the individual is aged 60 years or above.
- **Mercy Petitions and Sentencing:**
 - The bill introduces a provision specifying the timeframe for submitting mercy petitions in cases where death sentences are involved.
 - Upon receiving information from prison authorities regarding the outcome of a death row convict's petition, the convict, their legal heir, or a relative can lodge a mercy petition with the Governor within a period of 30 days.
 - If the Governor's decision is unfavorable, there is an allowance for the individual to appeal to the President within a subsequent timeframe of 60 days.
 - Importantly, the bill establishes that there shall be no scope for further appeal against the President's decision in any court.
- **Sanction to Prosecute:**
 - **Time-Bound Sanction:** The government is mandated to decide on the grant or rejection of sanction within 120 days, ensuring a time-bound process. Failure to do so will be deemed as sanction accorded.
 - **Exemption Cases:** Importantly, certain cases, including those related to sexual offenses and trafficking, won't require the sanction for prosecution, expediting legal proceedings.
- **Public Peace Maintenance:**
 - **Arms in Procession:** The provision under Section 144A empowers district magistrates to regulate the carrying of arms during processions, safeguarding public peace.
- **Effective Evidence Collection:**
 - **Non-Arrest Sample Collection:** The bill empowers magistrates to order the collection of samples such as signatures, handwriting, and more for investigation purposes without resorting to arrest.
- **Preventive Action and Detention:**
 - **Police Detention:** The bill introduces provisions empowering the police to detain or remove individuals resisting, refusing, ignoring, or disregarding directions issued as part of preventive action.
- **Trial in Absentia:**
 - **Applicability to Anti-Terror Laws:** The legislation prescribes trial in absentia as a stringent provision, primarily applying to anti-terror laws like the Unlawful Activities (Prevention) Act (UAPA). This reverses the burden of proof, placing the onus on the accused to prove innocence, ensuring the effective application of law.

Significance and Implications:

- **Speedy Justice Delivery:** The Bharatiya Nagarik Suraksha Sanhita Bill 2023 endeavors to guarantee time-bound investigations, trials, and judgments, fostering the swift dispensation of justice.

- **Embracing Digital India:** The legislation exemplifies India's digitalization thrust by recognizing the admissibility of digital or electronic records as evidence, conferring them with legal validity and enforceability akin to paper records.
- **Citizen-Centric Approach:** The legislation embodies a citizen-centric approach by offering digital FIRs and regular updates to victims, enhancing transparency and engagement.
- **Pragmatic Reforms:** The bill introduces pragmatic reforms such as summary trials for minor offenses and 'Zero FIR' provisions that simplify procedures and improve accessibility.
- **Jurisdictional Flexibility:** Notably, the introduction of 'Zero FIR' allows for the filing of an FIR in any police station regardless of whether the offense falls under its jurisdiction, promoting wider accessibility and swift action.

Concerns and Limitations

While the Bharatiya Nagarik Suraksha Sanhita Bill 2023 proposes significant changes to the criminal justice system, it is essential to consider certain concerns and limitations that may arise:

- **Implementation Challenges:** The practical implementation of the proposed changes could face obstacles, such as capacity constraints, technological gaps, and varying levels of readiness among law enforcement agencies and courts.
- **Balancing Speed and Fairness:** The emphasis on expediting trials and verdicts might inadvertently compromise due process and the right to a fair trial, raising questions about the quality and depth of justice delivered.
- **Digital Divide:** The reliance on technology for electronic proceedings, evidence collection, and communication may exclude segments of society lacking access to digital resources, potentially creating disparities in justice delivery.
- **Misuse of Power:** The provisions allowing handcuffs, preventive detention, and trial in absentia could be susceptible to misuse by law enforcement agencies, leading to potential human rights violations and abuse of power.
- **Data Security and Privacy:** The digitalization of evidence and communication introduces concerns about data security, hacking, and unauthorized access to sensitive information, undermining the confidentiality of legal proceedings.
- **Erosion of Judicial Authority:** Empowering magistrates to order non-arrest sampling and adopting trial procedures from anti-terror laws might weaken the traditional role of the judiciary as an impartial arbiter.
- **Subjectivity in Sanctioning:** The requirement for government sanction to prosecute public servants within a specific timeframe could potentially be influenced by political considerations, affecting the impartiality of justice.
- **Limited Judicial Review:** The provision that appeals against the President's order shall not be entertained in any court could restrict the avenues for seeking justice and judicial review in certain cases.
- **Loss of Regional Autonomy:** Centralizing certain procedures and protocols could potentially diminish the role of state and district-level authorities in criminal justice administration, impacting local autonomy.
- **Accountability and Transparency:** The Bill might need to address mechanisms for ensuring accountability and transparency in cases of misuse of electronic evidence, arbitrary preventive detention, and non-compliance with digital procedures.
- **Legislative Overhaul:** While the Bill aims to rectify historical imbalances, a comprehensive overhaul of the criminal justice system involves complexities beyond procedural changes, potentially necessitating broader legislative reforms.

Way forward:

- **Robust Implementation Strategy:**
 - Develop a comprehensive implementation plan that outlines timelines, responsibilities, and resources required for each aspect of the bill.
 - Establish specialized training programs for law enforcement officers, judges, and legal practitioners to ensure proper understanding and adherence to the new procedures.
- **Public Consultation:**
 - Conduct widespread public consultations involving legal experts, stakeholders, civil society, and the general public to identify potential pitfalls and refine the bill's provisions.
- **Technology Access Equity:**
 - Bridge the digital divide by ensuring accessibility to technology for all segments of the population, especially in remote and marginalized areas.
- **Safeguarding Rights:**
 - Institute clear guidelines for the use of technology in trials and investigations to ensure that rights of accused persons are protected.
 - Strengthen safeguards against misuse of power by law enforcement agencies, particularly in arrest procedures and evidence collection.
- **Strengthening Judiciary:**
 - Simultaneously focus on strengthening the judicial infrastructure to handle the increased workload resulting from expedited trials.
- **Flexibility for Regional Variations:**
 - Consider regional and cultural variations when implementing the bill's provisions to ensure that justice remains contextually relevant.
- **Education and Awareness:**
 - Launch educational campaigns to inform citizens about their rights under the new bill and the procedures involved in the criminal justice system.
- **Adaptive Approach:**
 - Be prepared to make necessary amendments based on feedback and emerging challenges to ensure that the bill evolves with changing circumstances.
- **Transparency and Accountability:**
 - Establish mechanisms to ensure transparency and accountability in the implementation of the bill's provisions, preventing any abuse of power.

In Conclusion the Bharatiya Nagarik Suraksha Sanhita Bill 2023 presents a significant opportunity to modernize India's criminal justice system and align it with the nation's values and aspirations. A careful, holistic, and adaptable approach, taking into account concerns and limitations, will ensure that the bill achieves its intended objectives of delivering swift, fair, and just outcomes for all citizens.

SOURCE:

<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1947941>

Q.1 What does the term "Zero FIR" refer to in the context of criminal procedures in India?

- (A) A FIR that involves zero criminal charges.
- (B) A FIR filed for a minor offense.
- (C) A FIR filed in any police station regardless of jurisdiction.
- (D) A FIR filed without any evidence.

ANSWER: (C)

Q.2 Consider the following statements regarding Bharatiya Nagarik Suraksha Sanhita Bill 2023:

1. It is being introduced to replace the Indian Penal Code (IPC).
2. It prohibits the use of electronic devices to be used as evidence.
3. It sets a time limit of 60 days after receiving a request to grant or reject sanction to prosecute a public servant.

How many of the above statement/s is/are NOT correct?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

ANSWER: C

Q.3 Discuss the key provisions and significance of the Bharatiya Nagarik Suraksha Sanhita Bill 2023 in transforming India's criminal justice system. Analyze the potential impact of the proposed changes on ensuring speedy justice delivery.

Rishabh

MONETARY POLICY

This article covers "Daily Current Affairs" and the topic details "Monetary Policy". The topic "Monetary Policy" has relevance in the "Indian Economy" section of the UPSC CSE exam.

For Prelims:

What is Monetary Policy?

What are various tools of Monetary Policy?

For Mains:

GS3: Indian Economy

Why in the news?

As anticipated, the Reserve Bank of India (RBI) has maintained the repo rate at 6.5% for the third consecutive instance, citing apprehensions regarding an increase in inflation.

What is Monetary Policy?

- Monetary policy constitutes the macroeconomic strategy formulated by a nation's central bank.
- This demand side economic policy employs specific tools and targeting mechanisms to accomplish macroeconomic goals, including maintaining price stability, revitalizing consumption, promoting growth, and ensuring sufficient liquidity.
- Consequently, monetary policy entails the utilization of monetary instruments within the central bank's jurisdiction to regulate factors like interest rates, money supply, and credit availability.
- These measures are employed with the aim of achieving specific objectives in alignment with broader economic policies.
- The Reserve Bank of India (RBI) is entrusted with the responsibility of executing monetary policy, a mandate explicitly established by the Reserve Bank of India Act, 1934.

Classification of Monetary Policy:

- There are two main types of monetary policies: expansionary and contractionary.
- **Expansionary Monetary Policy:**
 - Also known as a loose monetary policy, this approach aims to boost economic growth by increasing the availability of money and credit. During tough economic times, a central bank might use this policy to lower unemployment and stimulate investment.
 - The goal is to encourage spending and borrowing. This is achieved by reducing interest rates, making loans cheaper and more accessible.
 - When people and businesses have more money to spend at a lower cost, they tend to buy more goods and services, which helps the economy grow.
- **Contractionary Monetary Policy:**
 - This policy is used to prevent the economy from overheating and experiencing high inflation due to rapid growth.
 - It involves reducing the money supply and increasing interest rates to discourage borrowing.
 - This leads to decreased business investment because borrowing becomes less attractive for companies.
 - Higher interest rates also discourage consumers from borrowing for big purchases like homes and cars.

Rule- based vs. Discretionary Monetary Policy

- There's an ongoing debate about whether central banks should follow fixed rules or have more flexibility (discretion) in their monetary policies. Some argue that a fixed rule is reliable because it ensures a consistent plan of action that can't be changed later.
- On the other hand, discretionary policies allow central bankers to react to economic indicators as they see fit, which can sometimes lead to overreactions.
- While a rules-based approach might seem inflexible, it offers market certainty that the central bank won't prioritize short-term gains over long-term stability.

What is the Monetary Policy Committee (MPC)?

- The introduction of the Monetary Policy Committee (MPC) stems from an amendment made in the Reserve Bank of India (RBI) Act, 1934 through the Finance Act of 2016.
- Its purpose is to establish a body responsible for determining the benchmark interest rate in India, thereby enhancing transparency and accountability in the formulation of the country's monetary policy.
- **Composition:**
 - A total of six members, the committee is composed of three officials from the RBI and an equal number of external members selected by the Government of India (GoI).
 - RBI Governor serves as the chairperson
- The present objective assigned to this committee is to uphold an annual consumer price index-based inflation (CPI) rate of 4%, allowing for a permissible deviation of +/- 2%.
- If the inflation rate goes above the set limit for three quarters in a row, the committee has to explain to the government the reasons behind the same.

Instruments of Monetary Policy

The Reserve Bank of India employs both Quantitative and Qualitative Instruments of monetary policy to attain economic objectives.

Quantitative Instruments	Description
Bank Rate	The rate at which the Reserve Bank purchases or rediscounts bills of exchange or commercial papers.
Cash Reserve Ratio (CRR)	The average daily balance a bank must maintain with the Reserve Bank as a percentage of its liabilities.
Statutory Liquidity Ratio	The portion of a bank's liabilities to be held in liquid assets like government securities, cash, gold.
Open Market Operations	The purchase and sale of government securities to inject or absorb durable liquidity in the economy.
Marginal Standing Facility (MSF)	Allows banks to borrow additional overnight money from the Reserve Bank as a safety measure.
Repo Rate	The rate at which the Reserve Bank provides short-term liquidity to banks by accepting collateral and lending funds overnight.
Reverse Repo Rate	The interest rate at which the Reserve Bank absorbs overnight liquidity from banks against collateral.
Standing Deposit Facility (SDF)	An additional tool for absorbing liquidity without any collateral.
Liquidity Adjustment Facility (LAF)	Allows temporary liquidity adjustments using repo and reverse repo rates.
LAF Corridor	The range between the MSF rate and SDF rate influencing the daily call money rate.
Market Stabilisation Scheme (MSS)	Involves sale of short-term government securities to manage enduring liquidity from capital inflows.

Qualitative Instruments	Description
Rationing of Credit	RBI sets credit limits for commercial banks, curbing their lending amounts for specific purposes.
Regulation of Consumer Credit	Consumer credit, like installment sales and hire purchases, is controlled with preset terms to manage inflation.
Change in Marginal Requirement	Adjusting the proportion of loan financed by banks' margins to encourage lending to certain sectors.
Moral Suasion	RBI suggests, guides, and influences banks to restrain credit during inflationary periods without strict actions.

More about the news

- The Monetary Policy Committee (MPC) has chosen to maintain the policy repo rate at 6.5%, while the current Cash Reserve Ratio (CRR) stands at 4.5%, unaltered.

- For managing excess liquidity in the banking system, the RBI has directed banks to uphold an incremental cash reserve ratio (I-CRR) of 10%. This move aims to withdraw more than Rs 1 lakh crore of surplus liquidity from the banking realm.
- The RBI's focus remains on its strategy of 'withdrawal of accommodation' until all inflation-related risks are mitigated.
- The RBI is preparing to introduce "conversational payments" on UPI (Unified Payments Interface), allowing users to interact with an AI-powered system to initiate and finalize transactions. This feature will debut in Hindi and English languages.
- In a bid to facilitate transactions in low-connectivity situations, the RBI is planning to enable offline transactions using Near Field Communication technology.

Sources:

[Eye on inflation, RBI keeps repo rate unchanged | Mumbai News – The Indian Express](#)

Q1. With reference to Monetary Policy Committee, consider the following statements:

1. The purpose of the MPC is to create a body responsible for determining the benchmark interest rate in India, aiming to increase transparency and accountability in the formulation of the country's monetary policy.
2. The current objective of the committee is to maintain an annual consumer price index-based inflation (CPI) rate of 3%.
3. If the inflation rate surpasses the set limit for two quarters consecutively, the committee is required to explain the reasons to the government.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 3 only
- (d) None

Answer: (b)

Q2. Consider the following :

1. Marginal Standing Facility (MSF)	The interest rate at which the Reserve Bank lends overnight liquidity to banks against collateral.
2. Repo Rate	Allows banks to borrow additional overnight money from the Reserve Bank as a safety measure.
3. Reverse Repo Rate	The interest rate at which the Reserve Bank absorbs overnight liquidity from banks without any collateral.
4. Standing Deposit Facility (SDF)	A tool for absorbing liquidity with collateral.

How many of the abovementioned pairs are correctly matched?

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

Answer: (d)

Q3. Discuss the role and objectives of a Monetary Policy Committee (MPC) in shaping a country's economic landscape. Elaborate on the goals pursued by an MPC and explain their significance in the context of a nation's financial well-being.

Gaurav Nikumbh

