



CURRENT AFFAIRS



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BHARATIYA NYAYA SANHITA BILL, 2023

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

For Prelims:

About Bharatiya Nyaya Sanhita Bill, 2023?

For Mains:

GS 2: Governance

Significance of Bharatiya Nyaya Sanhita Bill, 2023?

Concerns and Limitations of Bharatiya Nyaya Sanhita Bill, 2023?

Way forward?

Why in the news:

Bharatiya Nyaya Sanhita Bill, 2023 is set to replace the Indian Penal Code (IPC).

Background

In 2020, the Ministry of Home Affairs established a committee led by Dr. Ranbir Singh, former Vice Chancellor of National Law University, Delhi, to conduct a comprehensive review of the country's criminal laws. The primary goal of this committee was to recommend reforms that would ensure the safety and security of individuals, communities, and the nation while upholding constitutional values. The committee's recommendations were submitted in February and focused on amending criminal laws to align with these principles.

Introduction the BNS Bill, 2023:

- The Indian Penal Code (IPC) was originally drafted in 1834 by the first Law Commission, chaired by Thomas Babington Macaulay, and it came into effect in January 1860.
- Introduced in 2023, the BNS Bill aims to replace the IPC with a more modern and updated set of laws.
- While the IPC consists of 511 sections, the BNS Bill encompasses 356 provisions.

Key Highlights of the BNS Bill, 2023:

Sedition:

- Section 124-A of the IPC deals with the offense of sedition, which is punishable by either life imprisonment or imprisonment for a maximum of three years, coupled with the potential for a fine.

- Under the BNS Bill, this is covered in provision 150, within the “offences against the State” chapter. This provision deals with acts that endanger the sovereignty, unity, and integrity of India.

Terrorism:

- The BNS Bill provides for a definition of terrorism, which was not present in the IPC.
- It defines a terrorist as someone who commits acts with the intention of threatening India’s unity, integrity, and security, intimidating the public or a segment of it, or disturbing public order, in India or even a foreign country

Defamation:

- Defamation, as addressed in the BNS Bill, carries a penalty of simple imprisonment for up to two years, a fine, community service, or a combination thereof.

Mob Lynching:

- For the first time, capital punishment has been introduced for the crime of mob lynching, in addition to the option of sentencing the offender to either 7 years of imprisonment or life imprisonment.

Sexual Exploitation:

- The BNS Bill criminalizes the sexual exploitation of women on the pretext of marriage, job opportunities, promotions, or by concealing identity.

Adultery:

- The BNS Bill omits the provision on adultery, in line with the Supreme Court’s 2018 ruling in Joseph Shine v. Union of India. The Court had declared Section 497 of the IPC, which criminalized adultery, as unconstitutional.

Same-Sex Relations:

- Consistent with the Supreme Court’s unanimous decision in Navtej Singh Johar v. Union of India (2018), the BNS Bill excludes any punishment for “unnatural sexual offenses against men.”

Marital Rape:

- Notably, the BNS Bill retains the provision that excludes sexual intercourse or sexual acts by a man with his own wife, if the wife is not under eighteen years of age, from the definition of rape.

Murder:

- While the IPC’s Section 302 defines the punishment for murder, the BNS Bill covers it under provision 101. The penalties for murder, including life imprisonment and the death sentence, remain unchanged.

Speedy Legal Procedure:

- The BNS Bill proposes a more efficient legal process, requiring a charge-sheet to be filed within 90 days, extendable by an additional 90 days with court permission. Investigations are to be concluded within 180 days, followed by trial and a judgment within 30 days.

Significance of the BNS Bill, 2023:

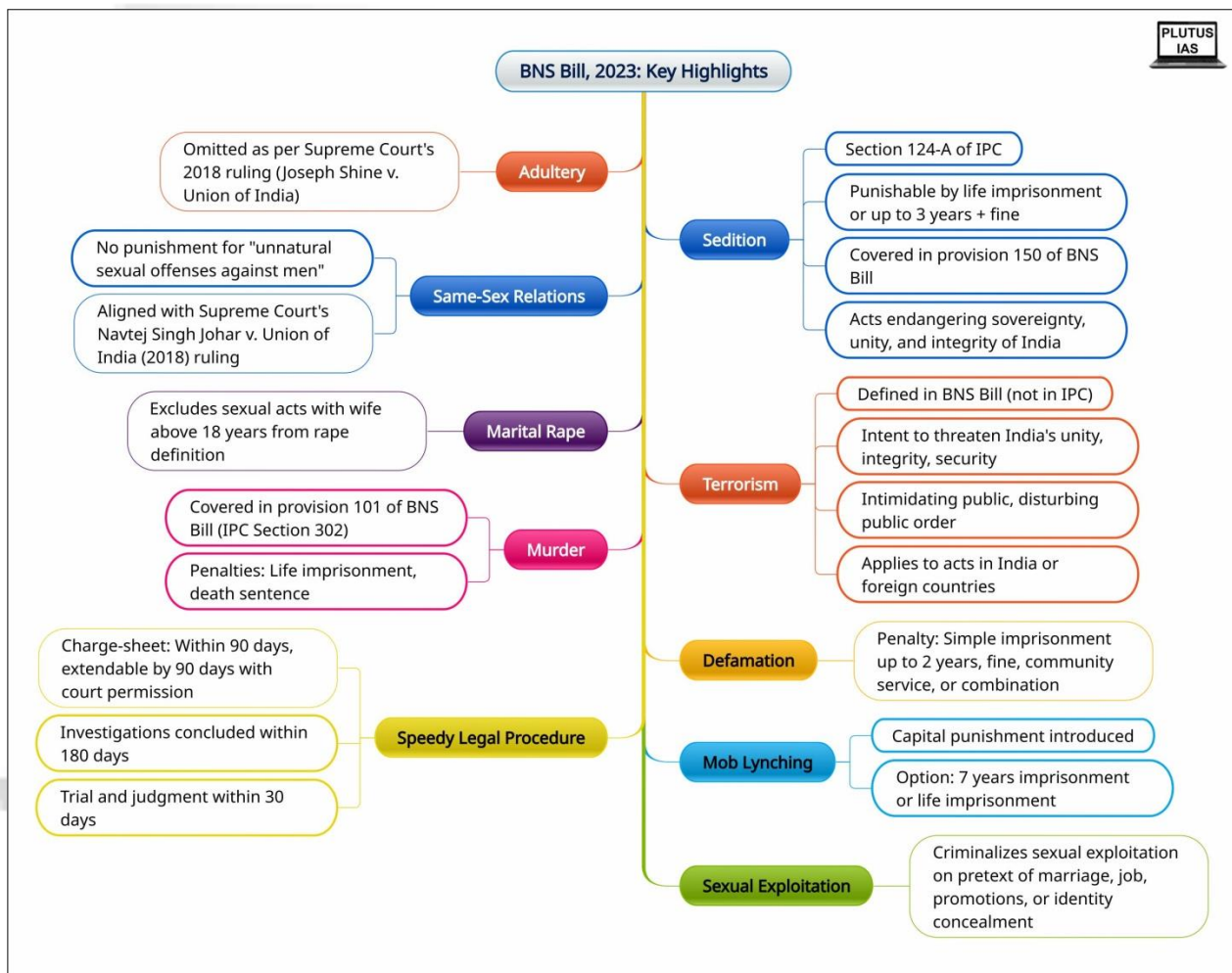
- **Modernization of Criminal Laws:** The BNS Bill replaces the outdated Indian Penal Code (IPC) drafted in 1834, aiming to bring the legal framework in line with contemporary challenges and societal norms.
- **Safety and Security:** The BNS Bill's provisions prioritize the safety and security of individuals, communities, and the nation. The inclusion of definitions and penalties related to offenses like terrorism and mob lynching reflects the commitment to maintaining public order and safety.
- **Addressing New Challenges:** The BNS Bill introduces provisions that address modern challenges, such as terrorism, mob lynching and online crimes, which were not adequately covered under the IPC. This enables law enforcement agencies to respond more effectively to these emerging threats.
- **Gender Justice:** The bill's provisions on offenses against women, sexual exploitation, and adultery align with the nation's ongoing efforts to enhance gender justice and protect the rights of women.
- **LGBTQ+ Rights:** The BNS Bill's approach to same-sex relations demonstrates the government's recognition of the LGBTQ+ community's rights. The bill aligns with the Supreme Court's landmark ruling in Navtej Singh Johar v. Union of India, upholding the rights of consenting adults in same-sex relationships.
- **Efficient Legal Processes:** The provisions promoting speedy legal procedures in the BNS Bill aim to address the issue of delayed justice in India. By setting specific timeframes for investigations, trials, and judgments, the bill seeks to expedite the legal process and reduce case backlogs.

Concerns and Limitations the BNS Bill, 2023

- **Capital Punishment Concerns:** The introduction of capital punishment for offenses like mob lynching raises concerns about its efficacy as a deterrent and the potential for wrongful convictions. **Subjective Definitions:** Some definitions in the BNS Bill, such as those related to terrorism and sedition, are subjective and open to interpretation. This could lead to misuse by authorities or potential restrictions on legitimate dissent or activism.
- **Lack of Focus on Reformation:** The BNS Bill largely emphasizes punitive measures, and there might be insufficient focus on rehabilitation and reformation of offenders, which are crucial aspects of a holistic criminal justice system.
- **Implications for Privacy:** The bill's provisions related to offenses against women and sexual exploitation might raise concerns about privacy violations and the potential for misuse in personal disputes.
- **Inclusivity of LGBTQ+ Rights:** While the bill addresses same-sex relations, some critics argue that it might not go far enough in fully protecting the rights of the LGBTQ+ community, especially concerning issues beyond sexual offenses.
- **Marital Rape Exception:** The retention of the provision excluding marital rape under certain circumstances might be seen as inconsistent with gender equality and individual rights, potentially leaving women vulnerable.
- **Impact on Online Expression:** With the evolution of technology, the bill may inadvertently impact online freedom of expression, as provisions related to defamation and sedition could be used to curb online discourse.
- **Speedy Trials' Quality:** While speedy trials are desirable, there's a concern that prioritizing rapid resolutions might compromise the quality of justice delivered, potentially leading to hasty verdicts.

Way forward:

- **Training for Law Enforcement:** Provide comprehensive training to law enforcement personnel to ensure they understand the nuances of the new provisions, promoting fair and uniform enforcement.
- **Regular Review Mechanism:** Establish a periodic review mechanism to assess the implementation and impact of the BNS Bill. This can help identify any unintended consequences and provide opportunities for necessary adjustments.
- **Focus on Rehabilitation and Reformation:** Augment the bill with provisions that prioritize rehabilitation and reformation of offenders, ensuring that punitive measures are balanced with efforts to reintegrate individuals into society.
- **Strengthen Digital Literacy:** As the bill addresses online offenses, invest in digital literacy programs to educate citizens about responsible online behavior and legal implications.
- **Review Definitions:** Continuously refine definitions like terrorism and sedition to ensure they are clear, unambiguous, and immune to subjective interpretation.



SOURCE:

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

Q.1 Consider the following statements regarding Bharatiya Nyaya Sanhita Bill, 2023 :

1. It is being introduced to replace the Code of Criminal Procedure (CrPC).
2. It criminalizes adultery.
3. It has introduced death penalty for the crime of mob lynching, as one of the possible punishment.

How many of the above statement/s is/are correct?

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

ANSWER: A

Q.2 Consider the following statements regarding Bharatiya Nyaya Sanhita Bill, 2023:

1. The BNS Bill provides for a definition of terrorism, which was not present in the IPC.
2. BNS Bill excludes any punishment for “unnatural sexual offenses against men.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

ANSWER: C

Q.3 Discuss the significance and key provisions of the Bharatiya Nyaya Sanhita (BNS) Bill, 2023, as a proposed replacement for the Indian Penal Code (IPC). Analyze the potential impact of the proposed changes on the criminal legal framework, individual rights, and the pursuit of justice in the Indian context.

Rishabh

INDIA'S FOREX RESERVES DROP BY \$2.42 BN TO \$601.45 BN

This article covers “Daily Current Affairs” and the topic details “India’s Forex Reserves”. The topic “India’s Forex Reserves” has relevance in the “Indian Economy” section of the UPSC CSE exam.

For Prelims:

What are forex reserves?

What do they constitute?

For Mains:

GS3: Indian Economy

Why in the news?

For the third consecutive week, India’s foreign exchange reserves experienced a decline, decreasing by USD 2.417 billion to reach USD 601.45 billion as of August 4th.

Foreign exchange reserves

- Foreign exchange reserves encompass assets in foreign currency held by a country’s central bank, comprising foreign currencies, government securities like bonds and treasury bills, and other relevant instruments.

- These reserves are pivotal for maintaining balance of payments equilibrium and are integral in evaluating a nation's external standing within the realm of its economy.

Composition of Forex Reserves

India's foreign exchange reserves comprises

- **Foreign Currency Assets (FCA)**
- **Gold**
- **Special Drawing Rights (SDR)**
 - Special Drawing Rights (SDRs) are reserve assets on a global scale that the International Monetary Fund (IMF) generates to complement the official reserves of its member nations.
 - SDRs are not a currency, but they are denominated in a basket of five currencies: the US dollar, euro, Japanese yen, Chinese renminbi, and British pound sterling.
 - SDRs can be used by IMF member countries to settle payments between each other, to purchase IMF-approved currencies, or to borrow from the IMF.
- **Reserve Tranche Position (RTP) in the IMF**
 - It is the difference between a member country's quota and the IMF's holdings of its currency.
 - The RTP is a reserve asset that can be used by a member country without any conditions or restrictions.

Note: Foreign Currency Assets excludes

1. SDR holdings of the RBI, since they are already counted under the SDR holdings
2. investment in bonds issued by India Infrastructure Finance Company (UK) Limited
3. amounts lent under the South Asian Association for Regional Cooperation (SAARC) Currency swap arrangements

Item	As on August 4, 2023	
	₹ Cr.	US\$ Mn.
Total Reserves	4982323	601453
Foreign Currency Assets	4418603	533400
Gold	370124	44680
SDRs	151376	18274
Reserve Position in the IMF	42220	5099

Role of Foreign Exchange Reserves

Foreign exchange reserves play a vital role in a country's economic stability and growth. In the Indian context, these reserves serve multiple crucial functions:

- **Balance of Payments Stability:**
 - Foreign exchange reserves help maintain a favorable balance of payments by covering trade deficits and ensuring the stability of the country's external accounts.
 - They act as a buffer against sudden outflows of capital, such as during financial crises or economic downturns.
- **Exchange Rate Management:**

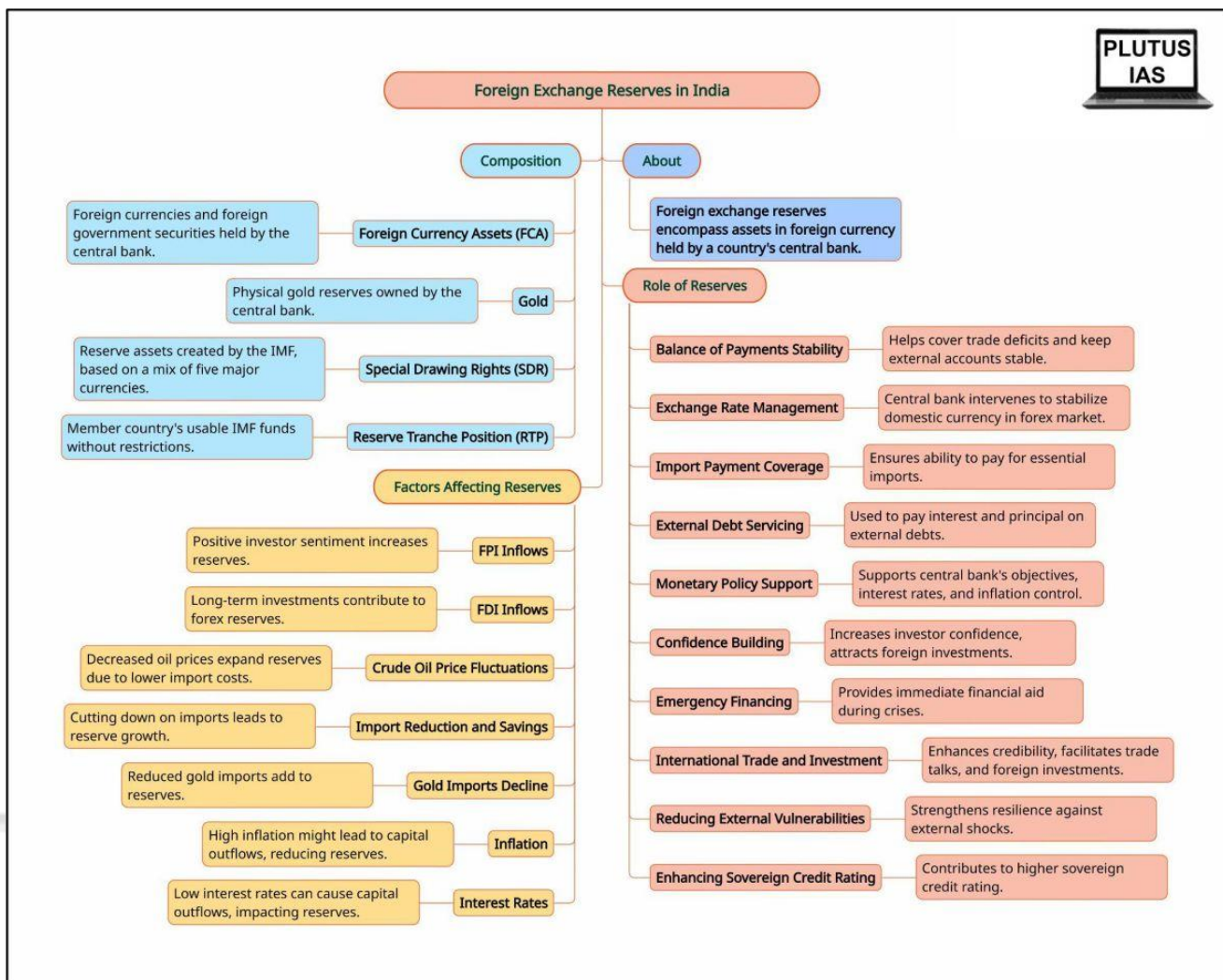
- Reserves provide a tool for the central bank to intervene in the foreign exchange market, stabilizing the value of the domestic currency against foreign currencies.
- They prevent excessive volatility in exchange rates, which can impact trade competitiveness and investor confidence.
- **Import Payment Coverage:**
 - Adequate reserves ensure the ability to pay for imports, including essential commodities like oil and machinery, even during times of economic stress.
- **External Debt Servicing:**
 - Reserves are used to service external debt obligations, including interest payments and principal repayments, ensuring timely and smooth debt management.
- **Monetary Policy Support:**
 - Foreign exchange reserves offer support to the central bank's monetary policy objectives, allowing for effective management of interest rates and inflation.
- **Confidence Building:**
 - Healthy reserves boost investor confidence in the economy's stability and ability to honor financial commitments, attracting foreign investments.
- **Emergency Financing:**
 - In times of emergencies like natural disasters or unforeseen events, reserves can be used to provide immediate financial support without disrupting the overall economy.
- **International Trade and Investment:**
 - Strong reserves signal the country's credibility, enhancing its position in international trade negotiations and facilitating foreign investment inflows.
- **Reducing External Vulnerabilities:**
 - Ample reserves reduce a nation's vulnerability to external shocks, ensuring it can navigate economic challenges with greater resilience.
- **Enhancing Sovereign Credit Rating:**
 - Maintaining substantial reserves contributes to a higher sovereign credit rating, enabling the government to access global capital markets at favorable terms.

Factors Affecting Foreign Exchange Reserves in India

Foreign exchange reserves in India are influenced by several key factors that impact the country's economic stability and growth:

- **FPI Inflows:**
 - Heightened Foreign Portfolio Investor (FPI) inflows contribute to an increase in the nation's foreign exchange reserves.
 - Robust FPI investments reflect positive investor sentiment and add to the forex pool.
- **FDI Inflows:**
 - A surge in Foreign Direct Investment (FDI) inflows translates to larger foreign exchange reserves.
 - Higher FDI indicates long-term investor confidence, bolstering the country's economic foundation.
- **Crude Oil Price Fluctuations:**
 - Given India's oil-importing status, a drop in crude oil prices leads to an expansion of the forex reserves.
 - Reduced oil costs alleviate the trade balance, supporting forex accumulation.
- **Import Reduction and Savings:**
 - A reduction in imports leads to a growth in foreign exchange reserves.
 - Import curtailment positively influences the trade balance, strengthening the reserves.

- **Gold Imports Decline:**
 - India's significant gold imports make their dip a noteworthy contributor to forex reserve augmentation.
 - A decrease in gold imports contributes to a healthier trade balance and higher forex reserves.
- **Inflation:**
 - If inflation in India is high, it can lead to capital outflows, which can deplete the forex reserves.
 - This is because investors may move their money to countries with lower inflation rates.
- **Interest rates:**
 - If interest rates in India are low, it can also lead to capital outflows.
 - This is because investors may move their money to countries with higher interest rates, where they can earn more money on their investments.



Sources:

[India's forex reserves drop USD 2.42 billion to USD 601.45 billion | The Financial Express](#)

Q1. With reference to Foreign Exchange Reserves, consider the following statements:

1. India's foreign exchange reserves comprises External Commercial borrowings along with Foreign Currency Assets.
2. Foreign Currency Assets form the major component of Forex Reserves followed by Gold Reserves.
3. The amounts lent under the SAARC Currency swap arrangements are included in Foreign Currency Assets.

Which of the statements given above is/are **NOT** correct?

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

Answer: (c)

Q2. Consider the following :

1. A rise in Foreign Direct Investment (FDI) outflows leads to increased foreign exchange reserves.
2. In the context of India, a decrease in crude oil prices results in an increase in foreign exchange reserves.
3. If interest rates in India are low, it can also lead to capital outflows leading to depleting reserves.
4. High inflation in India can lead to capital inflows, which can deplete the country's foreign exchange reserves.

How many of the abovementioned statements are correct?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All Four

Answer: (b)

Q3. "Foreign exchange reserves act as a cushion against external shocks and uncertainties." Analyze this statement in the context of India's economic growth and stability.

Gaurav Nikumbh

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