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## 1. Indian Penal Code to Nyaya Sanhita: What's new, what is out, what changes

### Introduction

From bringing terrorism and organised crime under the ambit of ordinary criminal law, introducing gender neutrality for offences pertaining to children, to repealing Section 377 that criminalised homosexuality, the Bharatiya Nyaya Sanhita Bill, 2023 makes several key departures from the Indian Penal Code it seeks to replace.

### New offences

**Promise to marry:** The BNS introduces Clause 69 that seems to ostensibly tackle the "love jihad" narrative by criminalising "deceitful" promise to marry. The phrase "sexual intercourse not amounting to the offence of rape" essentially criminalises consensual sexual activity too.

"Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine," the provision reads adding that "deceitful means" shall include the false promise of employment or promotion, inducement, or marrying after suppressing identity.

**Mob lynching:** The BNS provisions codify offences linked to mob lynching and hate-crime murders, for cases when a mob of five or more individuals commits murder based on factors such as race, caste, community, or personal belief. The provision has punishment that extends from life imprisonment to death.

In its earlier version, the Bill had proposed a minimum sentence of seven years, but this was brought at par with murder. The Supreme Court in 2018 had asked the Centre to consider a separate law for lynching.

**Organised crime:** For the first time, tackling organised crime is brought under the realm of ordinary criminal law. There are several special state legislations for prevention and control of criminal activity by organised crime syndicates or gangs, the most popular being the Maharashtra Control of Organised Crime Act, 1999. These special laws prescribe vast powers of surveillance and relax standards of evidence and procedure in favour of the state, which is not found in ordinary criminal law.

Interestingly, in the new legislation, the punishment for attempt to commit organised crime and for committing organised crime is the same, but a distinction is drawn based on whether a death is caused or not by the alleged offence. For cases involving death, the punishment ranges from life imprisonment to death but where there is no death involved, a mandatory minimum sentence of five years is prescribed which may extend to life imprisonment.

A separate category of “petty organised crime” has also been brought in, which criminalises “theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers.”

**Terrorism:** Importing large parts of the language in defining “terror activities” from the stringent Unlawful Activities Prevention Act, the BNS brings terrorism under the ambit of ordinary criminal law. Crucially, the offence involving terror financing is broader in the BNS than in UAPA.

It is unclear how both the UAPA and the BNS will operate concurrently, especially when procedurally the UAPA is more stringent and the cases are heard in special courts.

**Attempt to suicide:** The BNS introduces a new provision that criminalises “whoever attempts to commit suicide with the intent to compel or restrain any public servant from discharging his official duty”, and prescribes a jail term which may extend to one year with community service. This provision could be invoked to prevent self-immolations and hunger strikes during protests.

**Changes in accidental death provisions:** The BNS increased the imprisonment term for causing accidental death from 2 years to a maximum of 5 years. An additional clause has been introduced for incidents where the person at fault flees or fails to report the incident for which BNS allows imprisonment of up to 10 years.

Union Home Minister Amit Shah said in Parliament that the provisions for increased punishment will reduce cases of hit and run. He, however, added that as the clause is also used for cases of medical negligence, an amendment has been moved to exempt doctors from it.

As per the amendment, “If such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to 2 years, and shall also be liable to fine.” This means criminal cases can still be lodged for cases of deaths due to medical negligence, but the maximum imprisonment will be less than that of other cases such as road accidents.

## Deletions

**Unnatural sexual offences:** Section 377 of the Indian Penal Code, which criminalised homosexuality among other “unnatural” sexual activities, has been repealed under the BNS. However, the total omission of Section 377 has raised concerns, since the provision is still helpful to tackle non-consensual sexual acts, especially when rape laws continue to be gendered. The Supreme Court in 2018 read down the provision as unconstitutional only to the extent that it criminalised consensual homosexual relationships.

**Adultery:** The offence of adultery, which was struck down by the Supreme Court as unconstitutional in 2018, has been omitted under the BNS.

**Thugs:** The IPC under Section 310 criminalises those who have been “habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder,” and labels them a thug. This provision is criticised for attaching colonial notions of criminality for certain tribes. The BNS has fully omitted this provision.

**Gender neutrality:** While rape laws continue to operate only for women, the BNS has tweaked some other laws, especially those dealing with children, to bring gender neutrality.

The offences dealing with procuration of a girl (for “illicit intercourse”, 366A of the IPC) has been made gender neutral. For the offence dealing with kidnapping of minors, the IPC (Section 361) prescribes different age limits: 16 years for male and 18 years for a female. The BNS makes it 18 for both.

For adults, the offence of outraging the modesty of women (354A of the IPC) and voyeurism (354C) now has gender neutrality for the accused under the BNS, which means that women can also be booked under the law.

## Other tweaks

**Fake news:** The IPC currently contains Section 153B which deals with “imputations, assertions prejudicial to national integration.” This, commonly referred to as the “hate speech” provision, criminalises, among other aspects, causing “disharmony or feelings of enmity or hatred or ill-will” between communities. The BNS introduces a new provision here which criminalises publishing false and misleading information.

**Sedition:** When the Sanhitas were first introduced in the Lok Sabha in August, Union Home Minister Amit Shah had said that the law on sedition had been repealed. However, the BNS introduces the offence under a new name and with a wider definition. Apart from a name change from ‘rajdroh’ to ‘deshdroh’, the new provision

brings under its sweep aiding through financial means acts of “subversive activities”, and those encouraging “feelings of separatist activities.”

**Mandatory minimum sentence:** Section 303 of the IPC prescribed a mandatory death sentence for murder committed by a life-convict. In 1983, the Supreme Court struck down the provision as unconstitutional since it took away the discretion of judges in awarding a sentence. The BNS has now tweaked this provision to prescribe a punishment of “death or imprisonment for life, which shall mean the remainder of that person’s natural life.”

In several other provisions, mandatory minimum sentences are prescribed. While the prescription of a minimum sentence limits the scope for judicial discretion and arbitrariness, it is seen to be unfair to the convict, whose mitigating circumstances, such as if they are a first-time offender or the sole breadwinner in the family, are often overlooked.

Also, under the BNS, offences related to causing damage to public property now carry a graded fine, which means the fine corresponds to the amount of damage caused.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

## 2. Kejriwal skips ED summons for Vipassana: What is Vipassana

### Introduction

Delhi Chief Minister Arvind Kejriwal will once again skip a summons by the Enforcement Directorate in the Delhi excise policy case, this time to attend a 10-day Vipassana meditation retreat in Punjab.

Here is all you need to know about the ancient Buddhist meditation technique which saw a resurgence, and subsequent global proliferation, in the 20th century.

### 1. What is Vipassana?

Vipassana, literally “super-seeing” or “seeing things as they really are” in Pali, is an ancient meditation technique, derived from the teachings of the Buddha. It “is the essence of what he practiced and taught during his forty-five year ministry,” Vipassana Research Institute’s website says.

### 2. What is the goal behind this technique?

In simple terms, Vipassana is a way of self-transformation through the process of self-observation. The idea is to “Know Thyself”, not just at an intellectual or emotional level, but “to experience the truth about yourself, within yourself, at the experiential level,”

VRI's website says. This, its practitioners believe, helps achieve true "peace of mind", and thus lead a "happy, useful life."

### **3. When, and how, did Vipassana originate?**

"Vipassana is the oldest of Buddhist meditation practices... coming directly from the Satipatthana Sutta, a discourse attributed to the Buddha himself," renowned Buddhist scholar BH Gunaratna wrote for Tricycle: The Buddhist Review. Buddha is said to have "rediscovered" an even older practice of meditation, roughly 2500 years ago. Since then, it has been handed down, to the present day, by an unbroken chain of teachers belonging to the Theravada tradition, the oldest extant school of Buddhism.

### **4. How exactly does the popular 10-day course work?**

The most popular course, which Arvind Kejriwal will be taking, is a 10-day residential course conducted at Vipassana centres, during which students are meant to have zero contact with the outside world. Moreover, students must refrain from reading and writing, any sensual entertainment, and intoxicants, and observe "noble silence" by not communicating with fellow students (though they are allowed and encouraged to ask questions to teachers). A strict Code of Discipline must be followed at all times.

### **5. What are the 3 steps to the training?**

First is the practice of sila or morality. This involves abstaining from actions which cause harm — killing, stealing, sexual misconduct, lying and the use of intoxicants. Second is Anapana meditation, focussing attention on one's breath. This helps gaining control over one's unruly mind, and is practised for the first three-and-a-half days. Third is the actual practice of Vipassana, where one "penetrates one's entire physical and mental structure with the clarity of panna (wisdom, insight)."

Relevance: GS Prelims

Source: The Indian Express

## **3. CISF set to take over Parliament security: All you need to know about the force**

### **Introduction**

The Ministry of Home Affairs (MHA) has asked the Central Industrial Security Force (CISF) to take security charge of the Parliament building from the Delhi Police. The CISF will first conduct a survey of the premises prior to the deployment of its security and fire wing.

This comes a week after the December 13 Parliament security breach, in which two individuals jumped into the Lok Sabha chamber from the visitors' gallery, and opened canisters emitting yellow smoke.

### **1. Established in 1969 after a fire in Ranchi's HEC**

In June 1964, a devastating fire had broken out in Ranchi's Heavy Engineering Corporation plant, with reports suggesting sabotage. This led to the appointment of the Justice Mukherjee Commission which recommended the establishment of a dedicated industrial protection force. Thus, the CISF was set up by an Act of Parliament on March 10, 1969.

## **2. Provides security to India's industrial undertakings**

As the name suggests, the CISF was created "for the better protection and security of Industrial undertakings." It was first inducted at the Fertilizer Corporation of India manufacturing plant in Trombay, Maharashtra, on November 1, 1969. Initially, its remit was restricted to protecting government-owned industries, but this was expanded to include joint-ventures and private undertakings in 2009. It also provides consultancy services to the private sector.

## **3. One of seven Central Armed Police Forces**

It is one of seven Central Armed Police Forces (CAPF) under the MHA — the other six being the Border Security Force, the Indo-Tibetan Border Police, the Sashastra Seema Bal, the Assam Rifles, the National Security Guard, and the Central Reserve Police Force.

## **4. Has a dedicated fire wing**

'Security' also includes fire coverage, especially given CISF's origin story. The first fire wing unit with a strength of 53 personnel was Inducted in Cochin's FACT on April 16, 1970. Eventually a separate fire service cadre within the force was set up in 1991, which today is India's largest, and best trained and equipped fire fighting force. It is also the only CAPF with a dedicated fire fighting wing.

## **5. Expanding role over time**

Over the years, CISF's strength and remit has significantly evolved to include much more than simply guarding factories and industrial premises. Today, the force is deployed in over 350 locations across the country, in diversified areas such as atomic energy and space installations, sea-ports, steel plants, coal fields, hydro-electric and thermal power plants, defence production units, fertiliser and chemical industries, RBI's note-printing mints, heritage monuments such as the Taj Mahal, more than 60 airports, Delhi Metro, and other important government buildings. Notably, it is a compensatory cost force — which means that it bills its clients for the services it provides.

## **6. Has a sanctioned strength of 1,80,000**

The CISF operates with a sanctioned strength of 1.8 lakh personnel. This is exponentially more than the force's strength at the time of inception, which was roughly 3,000 personnel only. Headquartered in Delhi, it is headed by an Indian Police Service officer with the rank of Director-General. The force is divided into nine sectors (Airport, North, North-East, East, West, South, Training, South-East, Central), in addition to its Fire Service Wing.

## **7. Women power**

CISF has the largest percentage of women in its force, in comparison to all other CAPFs. The first batch of women constables was inducted in 1987, and the first woman officer joined as Asstt. Comdt in 1989. CISF is currently headed by Special DG Nina Singh, the first woman to occupy the post.

Relevance: GS Prelims & Mains Paper III; Internal Security

Source: The Indian Express