DAILY CURRENT AFFAIRS

14th December, 2023

S.NO.	TOPIC
1.	REVISED CRIMINAL REFORMS BILLS IN PARLIAMENT
2.	GPAI 2023 SUMMIT
3.	PRELIMS POINTERS

REVISED CRIMINAL REFORMS BILLS IN PARLIAMENT

SOURCE: INDIAN EXPRESS

WHY IN NEWS?

➤ *The Centre has presented three **updated criminal reform Bills** in Lok Sabha, **replacing versions introduced in August.***

➤ *The Bills **aim to replace the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), and the Indian Evidence Act.***

➤ *The previous Bills were referred to a **standing committee**, which proposed key changes.*

➤ *While **some recommendations are incorporated,** such as **restricting handcuff use** and defining "**community service,**" others, like the suggestion to **constitute a quasi-judicial board for mercy petitions, remain unaddressed**.*

OVERVIEW OF PREVIOUS CRIMINAL LAW BILLS:

➤ **Legislative Changes:**
  - ✓ **Bharatiya Nyaya Sanhita, 2023 (BNS), Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and Bharatiya Sakshya Bill, 2023 (BSB) replace IPC, CrPC, and IEA** respectively.

➤ **Objective:**
  - ✓ Modernize the **legal framework** and **overhaul the criminal justice system**.

➤ **Justice Approach:**
  - ✓ A shift towards **reformative justice** with community service, but retains a **predominantly punitive system.**

➤ **Civil Disputes:**
  - ✓ Retains civil dispute-like offences, **causing injury to individuals rather than offenses against public or state.**

➤ **Trial Procedure**:
  - ✓ **BNSS includes trial procedures**, but raises questions on **whether criminal procedure laws should address maintaining public order.**

REFORMING INDIA'S LEGAL SYSTEM

INDIAN PENAL CODE — BHARATIYA NYAYA SANHITA

CODE OF CRIMINAL PROCEDURE — BHARATIYA NAGARIK SURAKSHA SANHITA

INDIAN EVIDENCE ACT — BHARATIYA SAKSHYA BILLS

BHARATIYA NYAYA SANHITA, BHARATIYA NAGARIK SURAKSHA SANHITA, AND BHARATIYA SAKSHYA BILLS: AN ANALYSIS OF THE REFORM OF INDIAN JUSTICE SYSTEM

➤ **Overlap with Special Laws:**
  - ✓ Retains provisions from IPC and adds from **other special laws**, contributing to potential inconsistencies.

➤ **Age for Criminal Responsibility:**
  - ✓ **Retains minimum age at seven years**, contrary to international norms.

➤ **Undertrials and Bail:**
  - ✓ **Prohibits bail for those with multiple pending cases**, contributing to a high proportion of undertrials in jails.
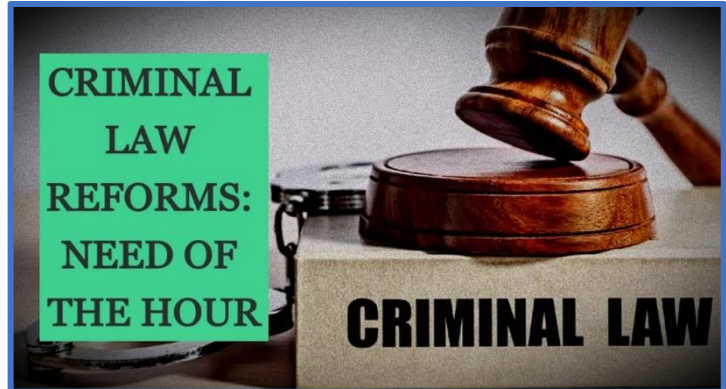
➤ **Court Directions and Recommendations:**

✓ **Fails to codify court directions and recommendations from committees** on various aspects of criminal law.

KEY ISSUES IN CRIMINAL LAW REFORMS:

Modernizing the Criminal Justice System

- ➤ **Reformative vs. Punitive Character:**
  - ✓ Bills **aim for reformative justice but maintain punitive aspects**.
  - ✓ **Inconsistencies in bailable** and compoundable offenses.
- ➤ **Civil Cases Treated as Criminal:**
  - ✓ Retains provisions **treating civil disputes as criminal cases**.
- ➤ **Public Order Functions:**
  - ✓ Retains provisions on maintaining public order, **raising concerns about overlap with state subjects**.
- ➤ **Codification of Court Directions**:
  - ✓ Bills partially codify court directions, **lacking comprehensive coverage**, especially on **arrests and bail.**
- ➤ **Sentencing Guidelines:**
  - ✓ Lack of guidelines may result **in judicial disparity**; many **jurisdictions adopt such guidelines for consistency.**
- ➤ **Minimum Age of Criminal Responsibility:**
  - ✓ **Retains the age at seven years**, contrary to international recommendations.
- ➤ **Limited Scope of Bail:**
  - ✓ **Restrictions on mandatory bail for undertrials**, especially those with multiple charges.
- ➤ **Plea Bargaining:**
  - ✓ **Limited to sentence bargaining**; plea bargaining for lesser offenses not allowed.
- ➤ **Committee Recommendations:**
  - ✓ Fails to incorporate recommendations from **high-level committees on various aspects of criminal law.**

KEY RECOMMENDATIONS AND CHANGES IN THE BILLS:

The previous Bills were referred to a standing committee, which proposed key changes are given below:

- ➤ **Handcuffs: Balancing Restrictions:**
  - ✓ The **use of handcuffs**, allowed for **serious offences**, faced scrutiny from the Parliamentary Standing Committee.
  - ✓ They recommended **restricting it to heinous crimes like rape and murder, excluding "economic offences."**
  - ✓ The *new Bill incorporates this recommendation*, refining the **scope of handcuff use**.
  - ✓ However, the **discretionary use of handcuffs for offences against the state raises questions**.
  - ✓ Handcuffs can now be **used when individuals** are **produced before a court.**
- ➤ **Mercy Petitions:**
  - ✓ The committee proposed establishing a **quasi-judicial board for mercy petitions** and providing a time frame.

- ✓ *The revised Bill*, while **altering the clause numbering**, **omits the provision for forwarding petitions to the Home Department.**
- ✓ It makes the **Governor's orders under Article 161 are now unappealable, broadening the scope of non-challengeable decisions.**
- ✓ Change in **provision numbering from clause 473 to 472**.
- ✓ **Deletion of the provision** allowing mercy petitions to be forwarded for review.
- ✓ **No appeal in any court against** the order of the **President made under Article 72**.

> **Preventive Detention Powers:**
> - ✓ The committee suggested **specifying the time period for preventive detention** and clarifying ambiguous language.
> - ✓ The *new Bill addresses this* by **adding a time limit of 24 hours for detention**, bringing clarity to the provision.
> - ✓ The terminology is also modified, **replacing "judicial magistrate" with "Magistrate."**

> **Community Service:**
> - ✓ The *earlier Bill included "community service"* as a penal measure without defining it.
> - ✓ The *new Bill introduces a clear definition*, stating that **it involves work ordered by the court for which the convict receives no remuneration**.
> - ✓ Additionally, Community service **extended to offences like unlawfully engaging public servants** in **trade and non-appearance** in response to a **proclamation under Section 84.**

Way Forward:

> **Capacity Building for Law Enforcement:**
> - ✓ **Provide specialized training programs for police officers** on the revised legal procedures.
> - ✓ **Equip law enforcement with updated resources**, including legal databases and manuals.
> - ✓ Establish a **feedback mechanism for officers to report challenges** and seek clarification on legal nuances.

> **Adaptive Legislation Review:**
> - ✓ **Create a legislative review committee** with representatives from **legal academia, judiciary, and civil society.**
> - ✓ **Schedule periodic reviews** to assess the relevance and responsiveness of criminal laws.
> - ✓ **Encourage public participation** through hearings and consultations for continuous improvement**.**

> **Conclusion:**
> - ✓ By implementing these strategies, the Indian government **can foster a smooth transition to the revised criminal laws**, **ensuring effective enforcement**, **public understanding**, and adherence to principles of justice.
> - ✓ It's important to monitor **parliamentary proceedings and public reactions** as the bills progress through each stage.

GPAI 2023 SUMMIT

SOURCE: INDIAN EXPRESS

WHY IN NEWS?

*The **Global Partnership on Artificial Intelligence (GPAI)** An alliance of 29 members, recently **adopted the New Delhi Declaration**, emphasizing the **dual goals of fostering AI innovation** and **mitigating associated risks**.*
This declaration stands in contrast to the UK AI Safety Summit's focus on risk mitigation, signifying a shift in India's stance from 'no regulation' to active legislative measures.

WHAT IS GLOBAL PARTNERSHIP ON ARTIFICIAL INTELLIGENCE (GPAI)?

➢ **About:**
  - ✓ The Global Partnership on Artificial Intelligence (GPAI) is a **collaborative initiative that brings together diverse stakeholders**, including experts from **science, industry, civil society, governments, international organizations, and academia.**
  - ✓ **Established in June 2020**, GPAI is committed to **bridging the gap between theoretical discussions** and practical applications of Artificial Intelligence (AI).
  - ✓ The **initiative operates** based on a **shared commitment to the OECD Recommendation** on Artificial Intelligence.

Objectives of GPAI:

➢ **Bridge Theory and Practice:**
  - ✓ Facilitate **collaboration between theory and practice in AI**.
  - ✓ Support **cutting-edge research** for responsible AI development.
➢ **International Cooperation:**
  - ✓ Serve as a **platform for diverse stakeholders** globally.
  - ✓ Encourage collaboration, **sharing research, and addressing AI challenges**.
➢ **Promote Trustworthy AI:**
  - ✓ Assess AI **impacts transparently** and comprehensively.
  - ✓ **Foster trust in AI technologies** and responsible development.
➢ **Working Groups:**
  - ✓ Organize **efforts through focused working groups**.
  - ✓ Themes include **responsible AI, data governance**, the future of work, and innovation**.**
➢ **Values and Principles:**
  - ✓ **Uphold values from the OECD Recommendation** on AI.
  - ✓ Emphasize **human rights, inclusion, diversity, innovation**, and economic growth.
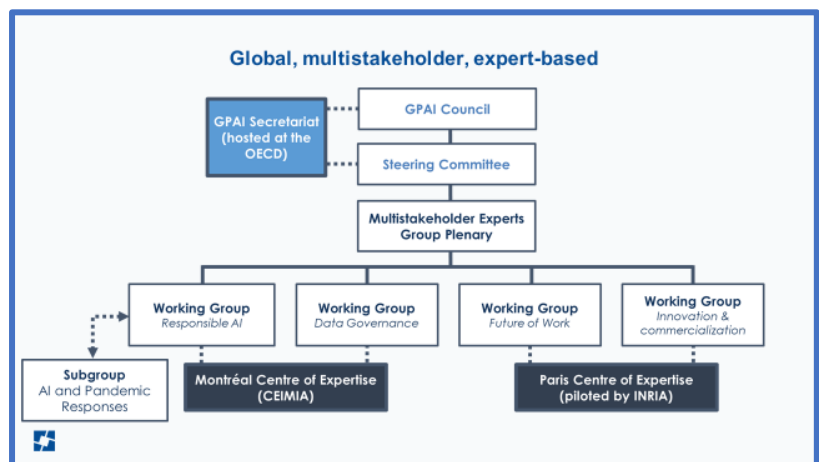
- ➢ **Principles for Responsible Stewardship:**
    - ✓ Adhere to principles like **inclusive growth, sustainability, human-centered values, fairness, transparency, explainability, robustness, security, safety, and accountability.**

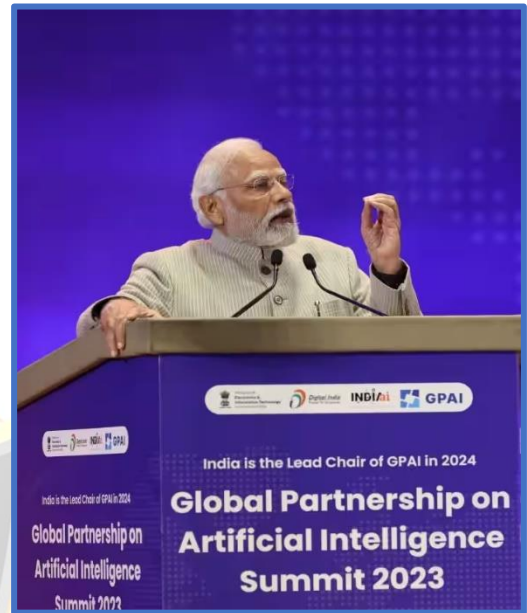## OVERVIEW OF THE NEW DELHI DECLARATION:

- ➢ **GPAI's Positioning:**
    - ✓ The New Delhi Declaration positions the Global Partnership on AI (GPAI) at the forefront, **emphasizing its role in shaping the future of AI** through innovation and collaboration among partner nations.
- ➢ **Inclusive Movement:**
    - ✓ GPAI commits to **being an inclusive movement, focusing on the participation of countries** from the Global South.
    - ✓ The **goal is to extend the benefits of AI platforms** and solutions globally.
- ➢ **Global Leadership:**
    - ✓ GPAI members **unanimously agree to lead global conversations on AI governance**, emphasizing the importance of **ensuring safety and trust in AI applications.**
- ➢ **Regulatory Granularity:**
    - ✓ Recognition that by the next **GPAI meeting in Korea,** there should be definitive and granular regulations around AI.
    - ✓ The group **aims to define specific rules governing user interactions with AI**.
- ➢ **Addressing AI Concerns:**
    - ✓ The declaration acknowledges the need to harness AI opportunities while addressing concerns such as **misinformation, unemployment, lack of transparency, protection of intellectual property, personal data, and threats to human rights and democratic values**.

SIGNIFICANCE OF THE NEW DELHI DECLARATION:

- ➢ **Mainstreaming AI Conversations:**
    - ✓ The meeting is notable as it occurs after the **rise of generative AI platforms like ChatGPT** and **Google Bard, bringing AI** discussions into the mainstream.
- ➢ **Thematic Priority – Agriculture:**
    - ✓ GPAI members, including India, **identify AI innovation in agriculture as a new thematic priority**.
    - ✓ This aligns with **India's push for resilient agricultural practices**, increased productivity, and climate change adaptation.
- ➢ **India's Collaborative Approach**:
    - ✓ The declaration represents a significant win for India, **advocating a collaborative approach in building AI systems.**
    - ✓ It aligns with **India's model of digital public infrastructure (DPI)** and emphasizes global cooperation.
- ➢ **Boost for Sovereign AI:**
    - ✓ Access to computing capabilities from **GPAI member nations supports India's plans to develop a sovereign AI system.**

- ✓ This is crucial for countering dominance from a **limited number of foreign companies in the AI space.**
- ➤ **Strategic Importance for Agriculture**:
  - ✓ The focus on **AI innovation in agriculture is strategic for India**, aiming to implement resilient practices, **enhance food production**, and strengthen capacity for climate change mitigation and adaptation.

CHALLENGES IN INDIA FOR REGULATING AI:

- ➤ **Changing Regulatory Landscape**:
  - ✓ The **rapid shift in India's position** on AI regulation poses a challenge in **creating a stable and consistent regulatory environment**, leading to potential confusion among stakeholders.
- ➤ **Ethical Concerns:**
  - ✓ Balancing the **economic benefits** of AI with ethical considerations and **associated risks requires careful consideration.**
  - ✓ Addressing concerns related to **privacy, bias, and misuse of AI is crucial.**
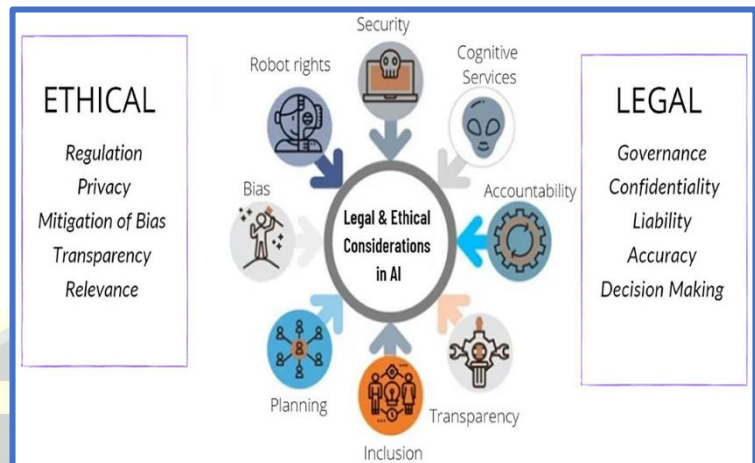
- ➤ **Deepfake Misinformation:**
  - ✓ The **rise of deepfakes and AI-based misinformation highlights** the challenges of regulating content generated by advanced AI algorithms.
  - ✓ Ensuring the authenticity of information becomes a significant hurdle.
- ➤ **Global Collaboration:**
  - ✓ The call for a **global framework indicates the complexity of regulating AI,** considering its cross-border nature.
  - ✓ **Establishing effective international collaborations** and agreements is essential but presents a challenge in terms of coordination and consensus.
- ➤ **Technology Evolution:**
  - ✓ The **dynamic nature of AI technology poses** challenges in keeping **regulations relevant and adaptable to evolving advancements.**
  - ✓ Ensuring that regulations remain effective amid **rapid technological changes is a continuous challenge.**

Way Forward:

- ➤ **Comprehensive Legislation:**
  - ✓ India **needs to develop comprehensive AI legislation** that addresses ethical concerns, safeguards user rights, and establishes **clear guidelines for responsible AI development** and deployment.
- ➤ **Risk-Based Framework:**
  - ✓ Implementing a **risk-based framework, as suggested by TRAI**, allows for a nuanced approach, focusing regulatory efforts where potential harms are greatest while fostering innovation in less risky areas.
- ➤ **International Collaboration:**
  - ✓ Collaborating with international agencies and governments is essential to create a harmonized global framework.

- ✓ India should **actively engage in discussions to contribute to and benefit from global AI regulations**.
- ➢ **Public Awareness and Participation:**
    - ✓ **Ensuring public awareness** and participation in the regulatory process is crucial.
    - ✓ **Involving stakeholders, including the public, industry experts**, and civil society, can lead to more informed and balanced regulations.
- ➢ **Adaptive Regulatory Mechanism:**
    - ✓ Establishing a regulatory mechanism that can **adapt to technological advancements is vital**.
    - ✓ Regular reviews and updates to existing regulations will ensure their relevance and effectiveness.
- ➢ **Promoting Innovation:**
    - ✓ While regulating AI, **it is essential to create an environment** that fosters innovation.
    - ✓ **Striking a balance between regulation and innovation** will support the growth of the AI sector while mitigating potential risks.
- ➢ **Capacity Building:**
    - ✓ **Building expertise and regulatory capacity** within government agencies is essential for effective implementation and enforcement of AI regulations.
    - ✓ **Training programs and collaborations with experts** can contribute to this capacity-building effort.
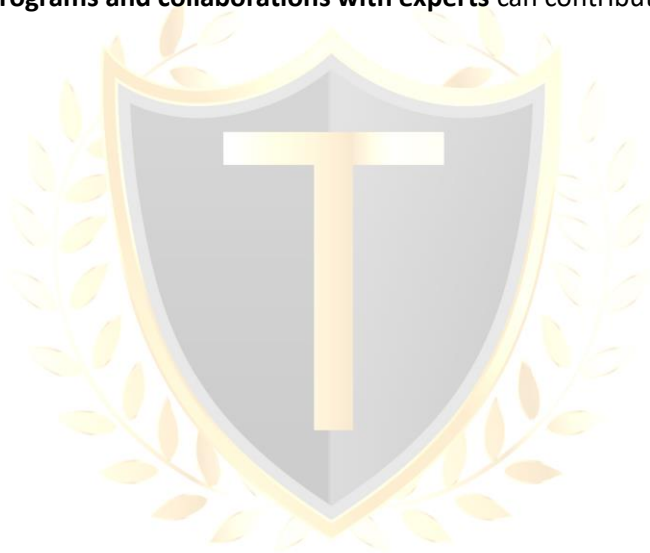
PRELIMS POINTERS:

TOPIC	DISCRIPTION
Road fatalities rise in India, despite global drop: WHO	**WHY IN NEWS?** ❖ The **World Health Organization (WHO)** has reported a **global decrease of 5% in road traffic deaths**, totaling **1.19 million annually between 2010 and 2021**. ❖ However, **India recorded a concerning 15% increase** in fatalities during the same period, **reaching 1.54 lakh in 2021**.

KEY HIGHLIGHTS OF THE REPORT

❖ **Global Trends:**
  ☞ The WHO's *'Global Status Report on Road Safety 2023'* reveals a **positive global trend with a 5% reduction** in road traffic fatalities, showcasing progress in **108 United Nations member countries**.

Fig. 1. Percentage distribution of country-reported deaths by road user type and WHO region, 2021

❖ **Indian Scenario:**
  ☞ In contrast, **India** witnessed a **notable increase** in road traffic deaths, rising from **1.34 lakh in 2010 to 1.54 lakh in 2021**, marking a 15% surge.

❖ **Top-performing Countries:**
  ☞ **Ten countries, including Belarus, Denmark, Japan, and the United Arab Emirates,** successfully **achieved a reduction of over 50%** in road traffic deaths.
  ☞ **Thirty-five countries made substantial progress**, achieving a 30% to 50% reduction.
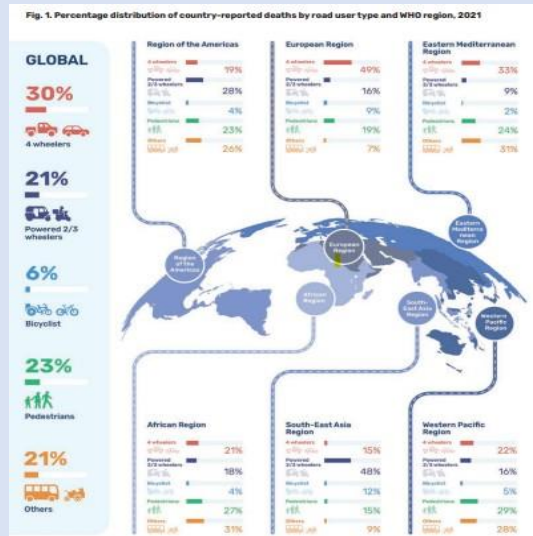
❖ **Age-specific Impact:**
  ☞ As of 2019, road crashes were the leading cause of deaths among **individuals aged five to 29 years**, and the **12th leading cause of deaths across all age groups.**
  ☞ **Two-thirds** of these deaths occurred among **people of working age**.

❖ **Decade Progress:**
  ☞ **Despite a 5% reduction** in absolute numbers of road traffic fatalities, the **global population increased by nearly 14 billion (13%)** in the past decade.
  ☞ The **road fatality rate per 1 lakh people declined** from 18 in 2010 **to 15 in 2021, reflecting a 16% reduction.**

❖ **Vehicle Growth:**
  ☞ The global motor vehicle fleet **expanded by 160% during the same period.**
  ☞ This growth **led to a 41% reduction** in annual **fatality rates per 1 lakh vehicles,** dropping from 79 deaths to 47 deaths.

❖ **Regional Distribution:**
  ☛ The WHO's **South-East Asia Region** accounted **for 28% of global road traffic deaths**, followed by the Western Pacific Region (**25%),** the African Region (**19%),** the Region of the Americas (**12%),** the Eastern Mediterranean Region (**11%),** and the European Region **(5%).**

❖ **Disparities in Low-Income Countries:**
  ☛ **Nine out of 10 road traffic deaths occur in low- and middle-income countries,** where the risk of death **is three times higher compared** to high-income countries.
  ☛ However, low-income countries **possess only 1% of the world's motor vehicles.**

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carbon capture and storage (CCS) and carbon-dioxide removal (CDR) technologies.

WHY IN NEWS?
❖ The **ongoing COP28** climate talks in Dubai have brought attention to the discussions around **carbon capture and storage (CCS) and carbon-dioxide removal (CDR) technologies.**
❖ The term **"abatement"** in draft decisions has become contentious, **emphasizing the need to understand the meaning and limitations of CCS and CDR.**

WHAT IS CCS AND CDR

Carbon Capture and Storage (CCS):
❖ **Definition**:
  ☛ **CCS involves technologies that capture carbon dioxide (CO_2)** at emission sources **before its release into the atmosphere**.

CCU vs CCS vs CDR – what's the difference?

❖ **Sources:**
  ☛ Common sources include **the fossil fuel industry (coal, oil, and gas combustion for power generation)** and industrial processes **like steel and cement production.**
❖ **Applications:**
  ☛ Applied techniques include **capturing emissions at the source** and **storing them permanently**, notably in geological formations.
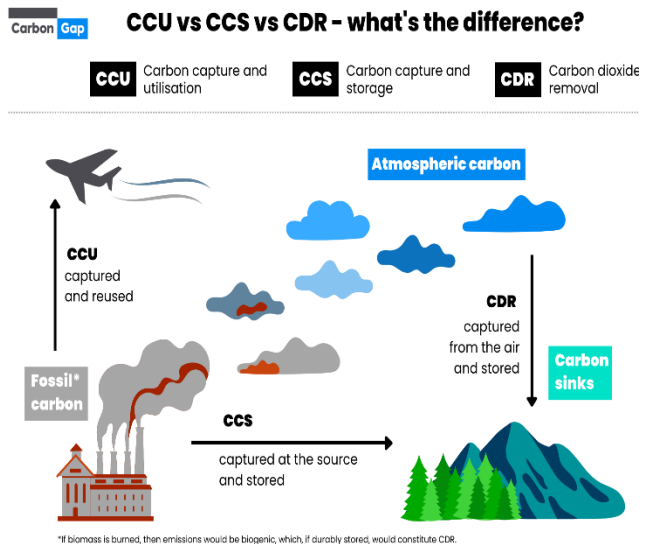
Carbon-Dioxide Removal (CDR):
❖ **Definition:**
  ☛ CDR encompasses natural and technological means **to remove CO_2 from the atmosphere.**
❖ **Natural Means:**
  ☛ Examples include **afforestation, reforestation, and other nature-based** solutions.

- ❖ **Technological Means**:
  - ☞ Direct air capture, enhanced rock weathering, and **bioenergy with carbon capture and storage (BECCS) are advanced CDR technologies**.

Parliament security breach

WHY IN NEWS?
- ❖ In a **concerning security breach on December 13, 2023**, two individuals accessed the **Lok Sabha chamber by utilizing authorization passes issued by BJP MP Pratap Simha.**
- ❖ The incident **raises questions about the vetting process for visitor passes** and the accountability of MPs endorsing them.
- ❖ The rules governing visitor passes stress the **personal acquaintance of members with applicants and require a certification of responsibility from MPs.**

VISITOR PASS ISSUANCE RULES:
- ❖ **Governance:**
  - ☞ **Rule 386 of Lok Sabha's Rules of Procedure** and Conduct of Business.
- ❖ **Speaker's Orders:**
  - ☞ **Admission of strangers** regulated by Speaker's orders.
- ❖ **Member Responsibility:**
  - ☞ Members can apply for visitor cards for **those well-known to them personally.**
- ❖ **Certification:**
  - ☞ Members provide a **certificate taking responsibility for the visitor**.
- ❖ **Security Measures**:
  - ☞ Visitors must carry a **photo identity card.**

HISTORICAL CONTEXT

Bhagat Singh's 1929 Act:
- ❖ **Heroic Act:**
  - ☞ **Bhagat Singh and Batukeshwar Dutt's 1929 bomb** and pamphlet act in Delhi's Central Assembly.
- ❖ **Objective:**
  - ☞ To challenge the **British-controlled Indian Parliament** and highlight repressive measures.

Context of 1929:
- ❖ **Political Situation:**
  - ☞ **Montague-Chelmsford Reforms of 1919** fell short of Indian **nationalists' autonomy demands.**
- ❖ **Revolutionary Response:**
  - ☞ HSRA, led by **Chandrashekhar Azad**, sought to **expose the farce of the Indian Parliament.**

Message of Revolutionaries:
- ❖ **HSRA Pamphlet:**

- Aimed to "**make the deaf hear**" by challenging the oppressive actions of the British government.
- ❖ **Protest Against Repressive Measures:**
  - ☞ **Opposition to Public Safety** and **Trade Disputes Bills.**