

New criminal law

The central government introduced three Bills in Parliament in August. Called the Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the Bharatiya Sakshya (BS) Bill, 2023 they are to replace the existing Indian Penal Code, 1860, the Code of Criminal Procedure (CrPC), 1973 and the Indian Evidence Act, 1872, respectively.

Practice (known as recording first information report, or FIR at Zero) has been in use for many years now, its formal inclusion in the BNSS may help complainants get their cases registered as a matter of right without running around.

A provision has been added to permit the conduct of a preliminary inquiry to ascertain the existence of a prima facie case even if the information discloses commission of a cognisable offence punishable with more than three years but less than seven years of imprisonment.

This is at variance with the ratio of the Supreme Court judgement in Lalita Kumari versus Govt. of Uttar Pradesh (2013), where it was held that the police have no option but to register an FIR if the information discloses commission of a cognisable offence.

All provisions of the CrPC on arrest have been retained in the BNSS.

It would have been appropriate to include the ratio of the Supreme Court judgement in Arnesh Kumar versus State of Bihar (2014) to justify an arrest by making it mandatory for the police officer to mention reasons of arrest supported with justifiable material, and for the judicial magistrate to record satisfaction and make it a formal part of the BNSS.

A new clause says that for offences punishable with less than three years of imprisonment, an arrest could be done only with the prior permission of Deputy Superintendent of Police if the accused person is infirm or is

aged over 60.

This may provide some relief to these two categories of persons provided the Deputy Superintendent of Police uses the clause judiciously.

The new Codes provide for handcuffing in at least a dozen categories of persons who are accused of serious offences inter alia such as one who commits a terrorist act, murder, rape, acid attack or offence against the state.

This is sure to help police, who may be short staffed, to secure their custody. But the enabling section that guides handcuffing has not changed.

It says that ‘the person arrested shall not be subjected to more restraint than is necessary to prevent his escape’.

The new Sanhita provides for a mandatory visit of the crime scene by a forensic expert and the collection of forensic evidence for offences punishable with more than seven years of imprisonment.

But on realisation of the ground reality (of limited forensic

infrastructure at field level), a maximum five years of leverage has been given to State governments to bring this clause into operation.

The Sanhita rightly encourages the use of audio video means in recording the various steps of investigation; this includes searches.

However, the preferred use of smartphones (as recommended) has its limitations.

The Supreme Court in *Shafiq Mohammad vs The State Of Himachal Pradesh* (2018) directed the Ministry of Home Affairs and States to develop facilities for the videography and photography of crime scenes during investigation at the level of the police station.

A provision in the Sanhita that has raised the eyebrows of critics is the increase in the period of police custody exceeding 15 days, as provided in the CrPC.

This may help the police to interrogate an accused person again

if additional evidence is found during an investigation

The Sanhita also proposes enlarging the scope of judicial inquiry into suspicious deaths by including dowry deaths, but relaxes the provision of the mandatory recording of statement of a woman, a male under the age of 15 or above 60 (65 years in the CrPC) at the place of their residence based on their willingness.

It is hoped that this provision is not misused by the police, especially in crimes against women and children.

A standing order that could have been included in the Sanhita with respect to inquest is the videography and photography of a post mortem, particularly in cases where it is a custodial death or is a death caused in an exchange of fire with the police or other authorities.

The Supreme Court and the National Human Rights Commission of India have repeatedly asked States to comply with such instructions.

The Hindu

India and ASEAN

Annual ASEAN India summit was an opportunity to cement traditional ties with the neighbouring Asian economies at a time of heightened global trade uncertainty.

As the trade facilitation body UNCTAD noted in its June 21 'Global Trade Update', the 'outlook for global trade in the second half of 2023 is pessimistic as negative factors including downgraded world economic forecasts, persistent inflation, financial vulnerabilities and geopolitical tensions dominate.

Against this backdrop, the joint leaders' statement on 'Strengthening Food Security and Nutrition in Response to Crises' at the ASEAN India summit underscores the shared vulnerability the region perceives in the face of the ongoing heightened global food insecurity, which has been exacerbated by the war in

Ukraine, climate change and national policy responses to inflationary pressures.

India's recent curbs on export of rice have triggered some alarm, with the prices of the regional staple reportedly nearing a 15year high.

The onset of an El Niño, which is historically associated with disruptive weather events, queers the ground further, and ASEAN leaders are justifiably wary.

Mr. Modi's pitch, laying stress on the need for a rules based postCOVID19 world order and a free and open Indo Pacific, was clearly directed at members among the Asian bloc who are increasingly disquieted by China's recent muscle flexing and claims over the South China Sea.

The Prime Minister's notso veiled message to the ASEAN members is that India is a more reliable long term strategic and economic partner, which has no territorial ambitions that could discomfit them.

India also sought to position itself as a voice to amplify the concerns of the Global South, stressing that it would be mutually beneficial for all.

For India, grappling as it is with an underwhelming free trade agreement (FTA) with the 10nation grouping, trade ties with the eastern economies have grown in volume but asymmetrically, with imports far outpacing the country's exports.

The Hindu

Project NAMAN

The first such centre will be established in Delhi Cantonment soon.

The Directorate of Indian Army Veterans (Adjutant General Branch) of the Indian Army signed an MoU with HDFC Bank Limited and CSE e-Governance India Limited for Project 'NAMAN'- an ode to the

veterans.

In Phase II of the Project, 13 more centres will be established at various military stations across India.

The Hindu

[NASA robotic spacecraft](#)

It is a NASA robotic spacecraft currently orbiting the Moon in an eccentric polar mapping orbit.

Data collected by LRO have been described as essential for planning NASA's future human and robotic missions to the Moon. Its detailed mapping program is identifying safe landing sites, locating potential resources on the Moon, characterising the radiation environment, and demonstrating new technologies.

LRO and LCROSS were launched as part of the United States's Vision

for Space Exploration program.

