

# All-Inclusive Current Affairs for Prelims 2023

## Polity Class-11

### Bodily Autonomy

**THE WIRE** SUPPORT

POLITICS ECONOMY EXTERNAL AFFAIRS

### Nobody Can Be Forced to Take the COVID-19 Vaccine: Supreme Court

A bench of Justices L. Nageswara Rao and B.R. Gawai said bodily autonomy and integrity are protected under Article 21 of the Constitution.

The Wire Staff  
May 02, 2022

- It means having **rights over own body**
  - It is protected under **Article 21** (Protection of life and personal liberty)
  - **Examples:** Right to not take vaccine, Right to safe abortion
- 
- Govt can **force** people to get vaccinated? **No**
  - Govt can **impose restrictions** on unvaccinated people? **Yes**
- Note: Restrictions can be imposed, in public interest, if they pass three conditions mentioned in Puttaswamy case 2017*

**Puttaswamy case 2017** Right to privacy u/a 21, may be restricted by govt only on passing three tests:

- 1) **Law:** govt action must be based on some law
- 2) **Need:** there must be some legitimate objective
- 3) **Proportionality:** action cannot be disproportional to objective

**THE HINDU**

### UNFPA's population report turns spotlight on bodily autonomy

*State of World Population 2021 report*

The report, 'My Body is My Own', shows only 55% of women are fully empowered to make choices.

April 15, 2021 10:31 pm | Updated 10:32 pm IST - NEW DELHI

- UN Population Fund (UNFPA)** (1969, New York) (Not specialised agency)
- It is UN agency for sexual & reproductive health
  - Old name - UN Fund for Population Activities
- Example of violation of bodily autonomy:**
- Child marriage, female genital mutilation
  - Discrimination & violence against LGBTQ+
  - Unwanted sex exchanged for home or food
  - Lack of contraceptive causing unplanned pregnancy
- 

### Sealed Cover Jurisprudence

**THE HINDU**

### Explained | What is sealed cover jurisprudence and why is it being opposed?

Questioning the Kerala HC's decision to uphold the MIB's revocation of Malayalam news channel MediaOne's broadcasting license, 11 MPs and others criticised 'sealed cover jurisprudence'

February 18, 2022 01:43 pm | Updated March 16, 2022 02:39 pm IST

**Problem**

- It is against the principle of **open court**
- It is against the principle of **natural justice**

You are accused of #####  
You won't get bail because #####

#### Sealed Cover Jurisprudence:

- Court (SC/HC/Lower) accepting info in sealed envelope, that can be **accessed only by Judges**.
- It is not defined in any law

#### It may be used in cases like:

- National security, Official secrets, etc.
- To prevent hindrance in investigation
- To protect identity of rape victim

**Order XIII of Supreme Court Rules, 2013** (notified in May 2014):

- CJI or Court can direct any document to be kept confidential in a sealed cover, if its is not in public interest.

#### Section 123 of Evidence Act 1872

- A public officer cannot be compelled to disclose unpublished official documents
- No one can give evidence derived from unpublished official records, without govt's permission

#### Redaction (alternative to sealed envelope)

- **CAG** used it for the first time in **Rafale** deal report
- It means **removing sensitive info** from a document before publication
- It is **not used** in audit reports by Supreme Audit Institutions of **other countries**

I read I forget, I see I remember

See explanation of this PDF on **YouTube** [www.youtube.com/c/allinclusiveias](http://www.youtube.com/c/allinclusiveias)

## Bail



### Right to seek bail implicit in Constitution: Supreme Court

Against Rajasthan judge's order of blanket ban on bails and appeals

October 01, 2021 12:03 am | Updated 12:32 am IST - NEW DELHI

"The right of an accused, an undertrial prisoner or a convicted person awaiting appeal court's verdict to seek bail on suspension of sentence is recognised in Sections 439, 438 and 389 of the Code of Criminal Procedure," a judgment by a Bench of Justices L. Nageswara Rao and Aniruddha Bose said.

- ❖ Bail can be given even after conviction? **Yes** (if the person has appealed against the judgement)
- ❖ Not just judges, even Police officer can give bail? **Yes**
- ❖ Conditions for bail cannot be harsh or excessive.

### Aim of detention is

- ❖ To punish the accused? **No**
- ❖ To ensure appearance of accused for investigation & trial? **Yes**
- ❖ 'Bail is rule, jail is exception' was ruled by SC in Balchand/Baliya v. Rajasthan case 1978

### Bail vs Parole

- ❖ Bail is given to accused before/during trial.
- ❖ Parole is given to convict who is serving sentence. (class-6 pg-60)

- ❖ CrPC does not define "bail"
- ❖ Various sections of CrPC deals with "bail"
- ❖ CrPC defines "bailable" and "non-bailable" offence

### Bailable vs Non-bailable offence

- ❖ Bailable offence → bail is a right
- ❖ Non-Bailable offence → bail is not a right

### Statutory bail

- It is a right regardless of nature of the crime
- It is given when police fails to complete investigation in specified time

Regular bail	Anticipatory bail
After arrest i.e. person is in custody	when a person anticipates that he might be arrested for a non-bailable offence
Given by any judicial magistrate	Given by Sessions Court or HC

**Anticipatory Bail** (section 438 of CrPC) was added in 1973 on the recommendation of 41<sup>st</sup> Law Commission to protect liberty u/a 21

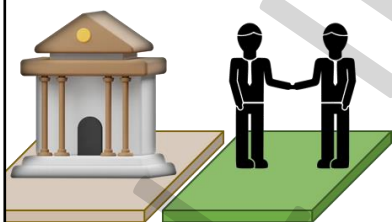
**Interim bail** before hearing for anticipatory bail or regular bail

### Transit Bail / Transit Anticipatory Bail

- It is not separately mentioned in CrPC.
- It gives time to the person to get bail from the state where case is registered.
- It is given to a person who is apprehending arrest by police of a State, other than the State he is presently in.

#### Example

- Case is registered in State "A". You will get bail from court in State "A".
- But currently you are in state "B". Before you go to State "A", police of "A" may come in "B" and arrest you.
- So, you approach court in "B", to get protection from arrest, till you can apply for bail in "A".



Compoundable offence	Non-Compoundable offence
compromise is allowed (parties can settle the matter between themselves)	compromise is not allowed (as society is also affected)
Defamation, theft, voluntarily causing hurt, etc	rash driving, murder, rape, etc.



I can clearly **recognize** that a serious offence has been committed

Cognizable offence	Non-Cognizable offence
Police can arrest without warrant	Police needs warrant to arrest
Kidnapping, murder, dowry death, rape, etc	Assault, cheating, forgery, defamation, etc

I read I forget, I see I remember | See explanation of this PDF on **YouTube** [www.youtube.com/c/allinclusiveias](http://www.youtube.com/c/allinclusiveias)

**Extra info - SC & ST (Prevention of Atrocities) Act 1989**

- Offences under this Act are **cognizable and non-bailable**.
- **Section 18 of SC/ST Act 1989**
  - Section 438 of CrPC does not apply
  - i.e. **Anticipatory bail is not allowed** for offences under SC/ST Act 1989
- **Supreme Court in Prathvi Raj Chauhan case 2020**
  - if complainant fails to make prima facie case for applicability of SC ST Act, then section 18 won't apply
- **Hence, for anticipatory bail**
  - person can approach special court, and also appeal against its order to High Court

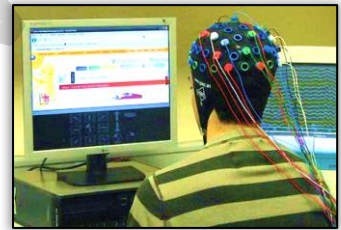
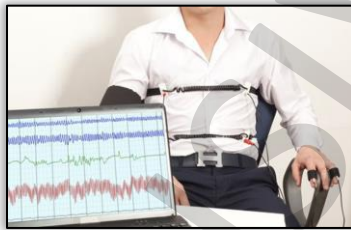
**Narco test**

**FREE PRESS JOURNAL**

**Ankita Bhandari murder: All accused refuse to undergo narco test; Court lists matter for January 3**

Agencies | Updated: Friday, December 23, 2022, 01:47 PM IST

- Sodium pentothal** / sodium thiopental / truth serum
- It is a general **anesthetic** that acts quickly but only for short time
  - It is used to sedate patients during **surgery**.
  - It belongs to **barbiturate** class of drugs
    - They act on central **nervous system** as depressants
    - Effect: sedation, anaesthesia, sleep, etc



Narco test	Polygraph test	Brain mapping test
❖ Sodium Pentothal <b>injection</b> is given	❖ No injection is given. ❖ <b>Instruments</b> (cardio-cuffs, electrodes, etc) measure pulse, blood pressure, sweat, etc.	❖ No injection is given. ❖ It uses <b>electroencephalogram</b> to study electrical behaviour of the brain
❖ Person becomes sedated / hypnotic / semi-conscious. ❖ Person becomes incapable of lying.	❖ Person is fully alert. ❖ He is capable of lying.	❖ Person is fully alert. ❖ He is capable of lying.
❖ It is assumed that he will only tell the <b>truth</b> .	❖ Change in <b>physiological responses</b> (heartbeat, sweating, etc.) can expose lies.	❖ Analysing <b>brain's response</b> to images or words related to crime can expose lies.

- Accuracy of such tests is **doubtful**. Brain mapping is considered best among them.
- These tests are **not admissible** to be confessions or evidence in court.
- But they can give police **important information** about the case.
- **Consent** of accused is needed for such tests.

**Supreme Court in Selvi vs Karnataka case 2010:**

- Narco-analysis, polygraphs, brain mapping, are **illegal without** the subject's explicit **consent**.
- Unless a person **voluntarily** submits to them, these methods violate right against **self-incrimination** provided u/a **20(3)** and right to **privacy** u/a **21**



**Note:**

- **Brain mapping** test is aka **Brain fingerprinting** tests and **P-300 test**
- Brain cells communicate by **electric impulses** and are active all the time, **even during sleep**.
- **Electroencephalogram (EEG)** measures electrical activity in brain using small metal discs (electrodes) attached to scalp.

I read I forget, I see I remember | See explanation of this PDF on **YouTube** [www.youtube.com/c/allinclusiveias](http://www.youtube.com/c/allinclusiveias)

## CPIA 2022



## Criminal Procedure Identification Act, 2022

- It replaces Identification of Prisoners Act, 1920
- It allows police and prison officers to take certain measurements of arrested people.
- Person cannot refuse to give measurements.

### Data

- NCRB will maintain the data
- Data will be stored for 75 years
- Data will be destroyed if person is not convicted

### Note

- 1920 law allowed collecting photo, fingerprint, footprint
- CRIA 2022 expands its scope - iris, retina, signature, handwriting, blood, hair, etc.

**The Indian EXPRESS**  
JOURNALISM OF COURAGE

## Explained: What is NAFIS — and the story of how fingerprinting began in India

Written by Raghu Malhotra Follow

New Delhi | August 21, 2022 09:56 IST

NewsGuard

According to the Ministry of Home Affairs, NAFIS, which was developed by the National Crime Records Bureau (NCRB), would help in the quick and easy disposal of cases with the help of a centralised fingerprint database.

## NAFIS

### 1897

World's first Fingerprint Bureau was opened in Calcutta in 1897

### Central Finger Print Bureau

- Established in 1955 in Calcutta
- Now at Delhi under NCRB

### Prelims 2014

In addition to fingerprint scanning, which of the following can be used in the biometric identification of a person?

- Iris scanning
- Retinal scanning
- Voice recognition

Select the correct answer

- (a) 1 only (b) 2 and 3 only (c) 1 and 3 only **(d) 1, 2 and 3**

### Fingerprints are unique

- Each person's fingerprints are unique
- Both genetic and environmental factors play a role
- Even identical twins who have the same DNA, have different fingerprints.
- In Europe, uniqueness of fingerprints was first proposed by German anatomist Johann Mayer in 1788

### Fingerprint Analysis & Criminal Tracing System (FACTS)

- It was launched in 1992 (National Police Commission had recommended digitization of manual records)
- It was India's first automated fingerprint identification system
- It was upgraded over the years and now replaced by NAFIS

### National Automated Fingerprint Identification System (NAFIS)

- Developed by NCRB, it is a database of crime related fingerprints from all States and UTs
- It is connected with CCTNS (Crime and Criminal Tracking Network & Systems)
- Law enforcement agencies can upload and match fingerprints in real time
- It gives a unique 10-digit National Fingerprint Number (NFN) to each person arrested for crime.
- NFN will remain same during person's lifetime and across different FIRs.
- NFN's first two digits are the state code, followed by a sequence number.

### In exam read options carefully

MP was first state to identify a deceased person using fingerprints? No

MP was first state to identify a deceased person using NAFIS? Yes

### Cri-MAC (Crime Multi Agency Centre)

- launched in 2020 by MHA, managed by NCRB
- to share crime related information in real time between states

I read I forget, I see I remember | See explanation of this PDF on YouTube [www.youtube.com/c/allinclusiveias](http://www.youtube.com/c/allinclusiveias)