

ELECTRICITY ACT 2003

SYLLABUS: GS PAPER-III (INFRASTRUCTURE)

CONTEXT: The **All-India Power Engineers Federation** recently called for a strike in protest of the government's intention to introduce the **Electricity (Amendment) Bill 2022** in the Parliament.

The bill, which amends the Electricity Act of 2003, aims to bring competition and accountability to electricity distribution, which is the weakest link in the power sector.

ABOUT ELECTRICITY ACT 2003

Background:

- Electricity is on the **Concurrent list (Centre and States have equal rights to frame law) of the Constitution**.
- Before the Electricity Act 2003, **the generation, distribution, and transmission of electricity was carried out by the State Electricity Boards** in various states.
- Due to the politico-economic situation, the cross-subsidies reached an unsustainable level.
- The **Electricity Regulatory Commission Act was enacted in 1998** to detach state governments from tariff determination.
- The Electricity Act was enacted in 2003 in order to further reform the electricity sector through private sector participation and competition.

About the Act:

- It is an Act of the Parliament enacted to transform the power sector in India.
- The act aims at consolidating laws related to generation, transmission, distribution, trading, and the use of electricity and promoting competition in the industry.
- The Ministry of Power is responsible for enforcing the Electricity Act, 2003.

Main objectives of the Act:

- Supply of electricity to all users and protecting consumer interest.
- Rationalization of electric tariff.
- Transparency in policies regarding subsidies.
- Promotion of efficient and environmentally friendly policies constituted by **Central Electricity Authority (CEA), Regulatory Commissions** and establishment of Appellate tribunal.

CONCERNS RAISED BY THE UNION

- Previously, the Centre had informed that the bill would not be introduced until the provisions were discussed with the major stakeholders. However, these Unions were not consulted.
- The provisions for eliminating cross subsidies will harm farmers and consumers.
- As electricity is on the Concurrent list of the Constitution, the Bill in its current form encroaches on the State's powers and disadvantages utilities.
- It should be forwarded to the Ministry's standing committee for further consultation.

CRIMINAL PROCEDURE (IDENTIFICATION) ACT 2022

SYLLABUS: GS PAPER-II (JUDGEMENTS & CASES, FUNDAMENTAL RIGHTS)

CONTEXT: Recently, the Criminal Procedure (Identification) Act, 2022 has come into force after being passed by the Parliament in April 2022.

It replaces **the Identification of Prisoners Act, 1920**, a colonial era law, and authorises police officers to take measurements of people convicted, arrested, or facing trial in criminal cases.

ABOUT CRIMINAL PROCEDURE (IDENTIFICATION) ACT, 2022

- It provides **Legal sanction to the police to take physical and biological samples of convicts as well as those accused of crimes.**
- The police as per **section 53 or section 53A of the Code of Criminal Procedure (CrPC), 1973, can collect Data.**
- **Data that can be collected:** Finger-impressions, Palm-Print impressions, Footprint impressions,

Photographs, Iris and Retina scan, Physical, Biological samples and their analysis, Behavioural Attributes including signatures, Handwriting, or any other examination



A comparison between the two Identification Acts

The previous Identification of Prisoners Act, 1920 and the freshly notified Criminal Procedure (Identification) Act, 2022 have similarities as well as major differences. A quick look at how "measurements" of convicts and arrested persons will be collected from now on

| Relevant provisions | Identification of Prisoners Act | Criminal Procedure Identification Act |
|--|---|---|
| Persons whose measurements can be taken | <p>should be convicted of an offence punishable with rigorous imprisonment of one year or upwards</p> <p>should be arrested for an offence punishable with rigorous imprisonment of one year or upwards</p> <p>if directed by the Magistrate for measurements to be taken for the purposes of investigation of proceedings under the CrPC, provided the person has been arrested in connection with such investigation previously</p> <p>ordered to give security for his good behaviour under CrPC</p> | <p>if convicted of an offence punishable under any law</p> <p>if arrested for an offence punishable under any law or if detained under preventive detention laws</p> <p>if directed by the Magistrate for measurements to be taken for the purposes of investigation of proceedings under the CrPC or any other law in force; there is no requirement for the person to have been arrested in connection with such proceedings previously</p> <p>ordered to give security for his good behaviour under CrPC</p> |
| Measurements that can be taken | finger impressions, foot impressions, measurements and photographs | finger-impressions, palm-print impressions, foot-print impressions, photographs; iris and retina scan; physical, biological samples and their analysis; behavioural attributes including signatures, handwriting or any other examination referred to in section 53 or section 53A of the CrPC, 1973 |
| Destruction of measurements | In case of acquittal, discharge or release, if not previously convicted of any offence punishable with rigorous imprisonment of one year or upwards | In case of acquittal, discharge or release, if not previously convicted of any offence punishable with rigorous imprisonment for any term. For convicts, records are to be destroyed from 75 years of collection |

- CrPC is the primary legislation regarding the procedural aspects of criminal law.
- Any person convicted, arrested, or detained under any preventive detention law will be required to provide "measurements" to a police officer or a prison official.
- **National Crime Records Bureau (NCRB)** will store, preserve, share with any law enforcement agency, and destroy the record of measurements at national level. The records can be stored up to a period of 75 years.
- It aims to ensure the unique identification of those involved with crime and to help investigating agencies solve cases.

NEED TO REPLACE THE PREVIOUS ACT

- In 1980, **the 87th Report of the Law Commission of India** undertook a review of this legislation and recommended several amendments.
- This was done in the backdrop of the **State of UP vs Ram Babu Misra case**, where the Supreme Court had highlighted the need for amending this law.

- The first set of recommendations laid out the need to amend the Act to expand the scope of measurements to include **“palm impressions,” “specimen of signature or writing” and “specimen of voice.”**
- The second set of recommendations raised the need to allow measurements to be taken for proceedings other than those under the Code of Criminal Procedure (CrPC).
- The Law Commission Report also notes that the need for an amendment is reflected by the numerous amendments made to the Act by several States.
- It was felt that with advancements in forensics, **there is a need to recognise more kinds of “measurements” that can be used by law enforcement agencies for investigation.**

SIGNIFICANCE OF THE ACT

Modern Techniques:

- The Act makes provisions for the use of modern techniques to capture and record appropriate body measurements.
- The existing law allowed taking only fingerprint and footprint impressions of a limited category of convicted persons.

Help Investing Agencies:

- It seeks to expand the ‘ambit of persons’ whose measurements can be taken as this will help the investigating agencies to gather sufficient legally admissible evidence and establish the crime of the accused person.

Making Investigation More Efficient:

- It provides legal sanction for taking appropriate body measurements of persons who are required to give such measurements and will make the investigation of crime more efficient and expeditious and will also help in increasing the conviction rate.

ISSUES WITH THE LAW

Violation of Privacy:

- Technical, the legislative proposal undermines the right to privacy of not only persons convicted of crime but also every ordinary Indian citizen.
- It has provisions to collect samples even from protestors engaged in political protests.

Ambiguous Provisions:

- Replacing the 1920 Identification of Prisoners Act, the proposed law expands its scope and reach.
- The phrase ‘biological samples’ is not described further, hence, it could involve bodily invasions such as drawing of blood and hair, collection of DNA samples.
- These are acts that currently require the written sanction of a magistrate.

Violation of Article 20:

- Enables coercive drawing of samples and involves a violation of Article 20(3), which protects the right against self-incrimination.
- The Bill implied use of force in collection of biological information, could also lead to narco analysis and brain mapping.

Handling Data:

- The records will be preserved for 75 years, the other concerns include how the data collected will be preserved, shared, disseminated, and destroyed.
- Collection can also result in mass surveillance, with the database under this law being combined with other databases such as those of the Crime and Criminal Tracking Network and Systems (CCTNS).
- Crime and Criminal Tracking Network & Systems (CCTNS) is a plan scheme conceived in the light of experience of a non-plan scheme namely - Common Integrated Police Application (CIPA).

Unawareness among Detainees:

- Although it provides that an arrested person (not accused of an offence against a woman or a child) may refuse the taking of samples, not all detainees may know that they can indeed decline to let biological samples be taken.
- And it may be easy for the police to ignore such refusal and later claim that they did get the detainee's consent.

PRELIMS FACTS

INTERNATIONAL YOUTH DAY

- National Youth Day (NYD) is held every year on **12th January to observe the birth anniversary of Swami Vivekananda.**
- In 1999, the United Nations decided to commemorate International Youth Day every year on 12th August.
- In 1984, the Indian Government first declared to celebrate the birthday of Swami Vivekananda as National Youth Day. Since then, the day has been celebrated as National Youth Day all over the country.
- The day is celebrated **to highlight the youths who are the future of our country** and to commemorate the birth anniversary of Swami Vivekananda who always motivated the youth of the country and spoke about the right use of the youth in the development of the country.
- Theme 2022: **It is all in the mind.**

SMILE-75 INITIATIVE

- The **Ministry of Social Justice & Empowerment** has launched the "SMILE-75 Initiative".
- **SMILE (Support for Marginalized Individuals for Livelihood and Enterprise Scheme)** is aimed at **making cities/towns and municipal areas begging-free** and comprehensive rehabilitation of the persons engaged in the act of begging.
- Under the initiative, **seventy-five (75) Municipal Corporations in collaboration with NGOs and other stakeholders will cover several comprehensive welfare measures** for persons who are engaged in the act of begging.
- **Measures taken:** rehabilitation, provision of medical facilities, counselling, awareness, education, skill development, economic linkages, and convergence with other Government welfare programmes etc.
- According to the **Census 2011 total number of beggars in India is over 4 lakhs.**
- **West Bengal tops the chart followed by Uttar Pradesh and Bihar.**

- **Legal Status:** Though there is no central law on begging, some states have adopted the **Bombay Prevention of Begging Act, 1959**, which penalises beggary.

TRANS-HIMALAYAN NETWORK

- **China and Nepal have agreed to build the so-called Trans-Himalayan Multidimensional Connectivity Network.**
- The network, **under China's Belt and Road initiative**, will involve the **building of railways and communication networks.**
- Other networks: **The BCIM economic corridor aims to connect Kolkata with Kunming, the capital of the Yunnan province through Myanmar and Bangladesh.**
- It envisages the formation of a thriving economic belt, focusing on cross-border transport, energy, and telecommunication networks.

BUTTERFLY MINE

- The UK Ministry of Defence, in its intelligence assessment of the ongoing war in Ukraine, has and sounded an alarm on the possible use of **PFM-1 series 'Butterfly Mines' by the Russian military in Donetsk and Kramatorsk.**
- These mines have the potential to inflict widespread casualties amongst both the military and the local civilian population.
- PFM-1s were used to devastating effect in the Soviet-Afghan War where they allegedly maimed high numbers of children who "mistook them for toys."
- The PFM-1 and PFM-1S are two kinds of **anti-personnel landmines** that are commonly referred to as **'Butterfly mines' or 'Green Parrots'**. These names are derived from the shape and colour of the mines.
- The main difference between the PFM-1 and PFM-1S mine is that the latter comes with a self-destruction mechanism which gets activated within one to 40 hours.
- It is extremely sensitive **to touch** and just the act of picking it up can set it off. Because of the lesser explosive packed in this small mine, it often injures and maims the handler rather than killing them. These mines are also **difficult to detect because they are made of plastic and can evade metal detectors.**
- These mines can be deployed in the field of action through several means, which include being dropped from helicopters or through ballistic dispersion using artillery and mortar shells.

