

CURRENT AFFAIRS

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1. SC agrees to list pleas to criminalise marital rape before 3-judge Bench: The Hindu – Page 8

Why is it in news?	Chief Justice of India D.Y. Chandrachud agreed to list early a series of petitions seeking the criminalisation of marital rape.
UPSC SYLLABUS RELEVANCE for prelims and Mains	<p>Prelims: Polity and Governance</p> <p>Mains: General Studies II – Structure, organization and functioning of the Executive and the Judiciary.</p>
Important concepts	Criminalization of marital rape
<p style="text-align: center;">Today's prelims practice question:</p> <p>Q. Consider the following statements:</p> <ol style="list-style-type: none"> 1. The marital rape exception was included in IPC in the post-independence period. 2. The Doctrine of Coverture recognizes the individual legal identity of a woman after marriage. <p>Which among the statements mentioned above is/are correct?</p> <p>A. 1 only B. 2 only C. Both 1 and 2 D. Neither 1 nor 2</p> <p>Correct answer: D</p> <p>Explanation: The IPC was implemented in India during British colonial rule in 1860. Under the first version of the rules, the marital rape exception was applicable to women over 10 years of age which was raised to 15 in 1940. According to the Doctrine of Coverture, a woman has no individual legal identity after marriage. Notably, the Doctrine of Coverture found a mention during the hearing when the Supreme Court of India struck down adultery as a criminal offence in 2018.</p>	
Mains PYQ exercise:	We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this

	menace. (150 Words) (10 M) (2014)	
Today's mains practice question:	Do you think marital rape must be criminalized? Discuss your views.	
DETAILED EXPLANATION OF IMPORTANT CONCEPTS		
<p>Section 375 of the Indian Penal Code (IPC):</p> <ul style="list-style-type: none"> Section 375 of the IPC defines the acts that constitute rape by a man. The provision, however, lays down two exceptions as well. Apart from decriminalising marital rape, it mentions that medical procedures or interventions shall not constitute rape. Exception 2 of Section 375 of the Indian Penal Code states that “sexual intercourse by a man with his wife, and if the wife not being under fifteen years of age, is not rape”. In October 2017, the Supreme Court of India increased the age to 18 years. <p>Doctrine of Coverture:</p> <ul style="list-style-type: none"> According to the Doctrine of Coverture, a woman has no individual legal identity after marriage. Notably, the Doctrine of Coverture found a mention during the hearing when the Supreme Court of India struck down adultery as a criminal offence in 2018. It was held that Section 497, that classified adultery as a crime, is based on the Doctrine of Coverture. This doctrine, although not recognised by the Constitution, holds that a woman loses her identity and legal rights with marriage, is violative of her fundamental rights. <p>Domestic Violence Act, 2005:</p> <ul style="list-style-type: none"> It hints at marital rape by any form of sexual abuse in a live-in or marriage relationship. However, it only provides for civil remedies. 		

- There is no way for marital rape victims in India to initiate criminal proceedings against their perpetrator.

Justice JS Verma Committee:

- In 2012, the Justice JS Verma Committee was tasked with proposing amendments to India's rape laws.
- While some of its recommendations helped shape the Criminal Law (Amendment) Act passed in 2013, some suggestions, including that on marital rape, were not acted on.

Recent developments:

- Exception Two to Section 375 of the Indian Penal Code (IPC) decriminalises marital rape and holds that sexual intercourse by a man with his own wife, who is not under 18 years of age, without her consent is not rape.
- “A man is a man; an act is an act; rape is a rape, be it performed by a man the ‘husband’ on the woman ‘wife’,” the Karnataka High Court had observed in its decision, saying an accused should be brought to trial regardless of the immunity in the penal code.
- A Division Bench of the Delhi High Court had, however, in May 2022, delivered a split verdict in a separate case on the identical issue.
- Justice Rajiv Shakdher, who headed the two-judge Bench, had struck down as unconstitutional the Exception Two to Section 375 of the Indian Penal Code (IPC).

2. India climbs seven points to 80 on Passport Index; Singapore at top position: The Hindu – Page 10

Why is it in news?	India has climbed seven places on the Henley Passport Index, 2023 to the 80th rank from 87 last year, though the number of countries allowed visa-free access to Indian passport holders remains unchanged.
UPSC SYLLABUS RELEVANCE for prelims and Mains	Prelims: Current events of national and international importance. Mains: General Studies II – I.R. Miscellaneous.

Important concepts

Henley Passport Index

Today's prelims practice question:

Q. Consider the following statements:

1. India ranked 80th in the Henley Openness Index.
2. The Henley Passport Index includes 199 passports and 227 travel destinations.

Which among the statements mentioned above is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

Correct answer: B

Explanation: The Henley Passport Index is the ranking of all the world's passports according to the number of destinations their holders can access without a prior visa. The index includes 199 passports and 227 travel destinations. In the Henley Openness Index, which measures how many nations does a country allow visa-free access to, India was ranked 94 out of a total of 97 ranks for allowing only four countries visa-free access.

DETAILED EXPLANATION OF IMPORTANT CONCEPTS

Henley Passport Index:

- The Henley Passport Index is the ranking of all the world's passports according to the number of destinations their holders can access without a prior visa.
- The index includes 199 passports and 227 travel destinations.
- The index is brought out by Henley and Partners.
- The Henley Passport Index is the original ranking of all the world's passports according to the number of destinations their holders can access without a prior visa.
- Originally created by Dr. Christian H. Kaelin (chairman of Henley & Partners), the ranking is based on exclusive data from the International Air Transport Association (IATA), which maintains the world's largest and most accurate database of travel

information.

- It was launched in 2006 and includes 199 different passports.
- It is updated in real time throughout the year as and when visa policy changes come into effect.

Performance of India:

- India has climbed seven places on the Henley Passport Index, 2023 to the 80th rank from 87 last year, though the number of countries allowed visa-free access to Indian passport holders remains unchanged.
- In 2014, India ranked 76 with 52 countries allowing Indian passport holders visa-free access, but its performance has not been linear.
- It ranked 88 in 2015 (visa-free access to 51 countries), 85 in 2016, 87 in 2017, 81 in 2018, 82 in 2019

and 2020, and 81 in 2021.

Global Rankings:

- Japan, which occupied the top position on the Henley Passport Index for five years, dropped to the third place.
- It was replaced by Singapore, which is now officially the most powerful passport in the world, with its citizens able to visit 192 travel destinations out of 227 around the world visa-free.
- Germany, Italy, and Spain occupied the second place.
- Alongside Japan at the third position are Austria, Finland, France, Luxembourg, South Korea, and Sweden.
- The U.K. climbed two places to occupy the fourth place, while the U.S. continued its decade-long slide down the index, dropping two places to the eighth spot.
- Both the U.K. and the U.S. jointly held the first place on the index nearly 10 years ago in 2014.

Henley Openness Index:

- Henley & Partners also conducted an exclusive new research resulting in the Henley Openness Index which measures how many nations does a country allow visa-free access

to.

- Here, India was ranked 94 out of a total of 97 ranks for allowing only four countries visa-free access.
- At the bottom of the Index were four countries for scoring zero for not permitting visa-free access for any passport — namely, Afghanistan, North Korea, Papua New Guinea, and Turkmenistan.

3. Putin will not travel to South Africa for BRICS summit: The Hindu – Page 11

Why is it in news?	It was recently announced that Russian President Vladimir Putin will not travel to South Africa to attend the upcoming BRICS summit. Instead, Mr. Putin will participate in the summit through video conference.
UPSC SYLLABUS RELEVANCE for prelims and Mains	<p>Prelims: International Relations</p> <p>Mains: General Studies II – Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.</p>
Important concepts	BRICS
<p align="center">Prelims PYQ Exercise-Find answer:</p> <p>Q. The Fortaleza Declaration, recently in the news, is related to the affairs of-</p> <p>[A] ASEAN</p> <p>[B] BRICS</p> <p>[C] OECD</p> <p>[D] WTO</p>	
<p align="center">Today's prelims practice question:</p> <p>Q. Consider the following statements about BRICS:</p> <ol style="list-style-type: none"> 1. South Africa joined BRIC in 2015, which then became BRICS. 2. The BRICS summit for the year 2023 will be held at Johannesburg. 	

Which among the statements mentioned above is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

Correct answer: B

Explanation: The Johannesburg BRICS summit will be held during August 22-24, 2023. South Africa joined BRIC in 2010, which then became BRICS. BRICS is an acronym for the grouping of the world's leading emerging economies, namely Brazil, Russia, India, China, and South Africa

**Today's mains
practice question:**

DETAILED EXPLANATION OF IMPORTANT CONCEPTS

BRICS:

- BRICS is an acronym for the grouping of the world's leading emerging economies, namely Brazil, Russia, India, China, and South Africa.
- In 2001, Jim O'Neill, an economist at Goldman Sachs, came up with the term "BRIC" (without South Africa).
- He said that by 2050, the four BRIC economies would rule the world economy.
- In 2010, South Africa joined the list.
- BRICS, an acronym for "B-R-I-C-S," is used to rotate the chairmanship of the forum every year.
- India is the chair for 2021.
- The BRICS Summit began in 2009, and annual meetings are still held as formal summits today.
- In 2014, the leaders of the BRICS countries signed an agreement establishing the New Development Bank in Fortaleza (Brazil) (NDB – Shanghai, China).

Recent summit:

- The Johannesburg BRICS summit will be held during August 22-24.
- The Johannesburg BRICS summit will include discussion on increasing the number of member-states.
- That apart, the war in Ukraine is likely to feature prominently as BRICS has emerged as a major forum for dealing with the concerns of the developing economies.
- President Cyril Ramaphosa said “many countries” were interested in joining the organisation.

MODEL MAINS ANSWER FOR TODAY'S EXPECTED MAINS QUESTION

Q. Do you think marital rape must be criminalized? Discuss your views.

<p>Why this question</p>	<p>The question theme is reflected several times in UPSC (including prelims) and APPSC mains.</p> <p>UPSC PYQs</p> <p>We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. (150 Words) (10 M) (2014)</p>
<p><u>First step is to understand the demand of the question</u></p>	<p>Question has two parts:</p> <ol style="list-style-type: none"> 1. About marital rape 2. Criminalization of marital rape
<p>Introduction</p>	<p>Marital rape is the act of sexual intercourse with one's spouse without her consent. It is no different manifestation of domestic violence and sexual abuse. It is often a chronic form of violence for the victim which takes place within abusive relations.</p>
<p>Body</p>	<p>About marital rape</p>

Dimension	Content
Views on marital rape in India\	Historically considered as right of the spouses, this is now widely classified as rape by many societies around the world.
	In India, marital rape is not a criminal offense (as protected under IPC section 375).
	India is one of fifty countries that have not yet outlawed marital rape.
Dimension	Content
Why is the concept of marital rape disapproved?	Interpretations of religious doctrines
	Traditional views of marriage
	Cultural expectations of subordination of a wife to her husband
	Ideas about male and female sexuality
	It is widely held that a husband cannot be guilty of any sexual act committed by himself upon his lawful wife on account of their mutual matrimonial consent.
Criminalization of marital rape	
Dimension	Content
Why should it be criminalized	It is against the basic rights of women.
	It may occur as part of an abusive relationship.
	Rape by a spouse, partner or ex-partner is more often associated with physical violence and sexual mutilation.
	Marital rape is rarely a one-time event, but a repeated if not frequent occurrence.

		<p>There is research showing that marital rape can be more emotionally and physically damaging than rape by a stranger.</p> <p>In the case of marital rape the victim often has no choice but to continue living with their spouse.</p> <p>Marital rape is considered as a violation of FR guaranteed under Article 14 of the Indian constitution which guarantees the equal protection of laws to all persons.</p> <p>By depriving married women of an effective penal remedy against forced sexual intercourse, it violates their right to privacy and bodily integrity, aspects of the right to life and personal liberty under Article 21.</p>	
Conclusion:	<p>Exception Two to Section 375 of the Indian Penal Code (IPC) decriminalises marital rape and holds that sexual intercourse by a man with his own wife, who is not under 18 years of age, without her consent is not rape. It is high time that the legislature should take cognisance of this legal infirmity and bring marital rape within the purview of rape laws by eliminating Section 375 (Exception 2) of IPC. There is a need for laws that clarify boundaries in how we relate to one another and uphold constitutional ideas of equality, dignity and bodily autonomy, alongside the unpleasant social realities about their limited use in practice. The main purpose of marriage is procreation, and sometimes divorce is sought on the ground of non-consummation of marriage. Before giving a final interpretation, the judiciary must balance the rights and duties of both partners.</p>		