



CURRENT AFFAIRS



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BILKIS BANO CASE

This article covers 'Daily Current Affairs' and the topic details of "Supreme Court overturned remission given to 11 men sentenced in the Bilkis Bano Gangrape Case." This topic is relevant in the "Executive & Judiciary" section of the UPSC CSE exam.

Why in the News?

The Gujarat government's remission of 11 convicted criminals in the case of Bilkis Bano has been overturned by the Supreme Court. These prisoners were ordered by the supreme court to report to the jail administration in two weeks.

About the case?

- A small group of individuals attacked Bilkis Bano and the rest of her family following the 2002 Godhra riots in Gujarat.
- After a vicious gangrape, seven of Bilkis' family members were killed.
- Only a three-year-old, a man, and Bilkis made it out of the attack alive.
- The National Human Rights Commission (NHRC) took up her complaint, and the Supreme Court ordered the CBI to conduct an investigation.
- The case was transferred from Gujarat to Mumbai, where accusations were brought against these individuals, due to recurrent threats of death.
- A special CBI court in Mumbai had convicted all eleven suspects to life in jail in January 2008.

Release of the convicts :

- After serving 15 years and 4 months of his life sentence, one of the prisoners, Radheshyam Shah, appealed to the SC in 2022 in order to be released early.
- The Gujarat government was given this case by the Supreme Court in May 2022 and then SC requested that the Gujarat government take Shah's request for an early release into account in accordance with the state's 1992 remission policy.
- With its remission policy, the Gujarat government freed all 11 of the gangrape case's inmates on August 15, 2022.
- But this decision provoked a strong outcry from the people and led to petitions from opposing Members of Parliament.
- **Review Bilkis Bano's petition** – In order to evaluate the Gujarat government's decision to order the release of the 11 gangrape convicts, Bilkis Bano, the defendant, filed a petition for review with the Supreme Court in 2022. The present ruling was rendered in reaction to the Bano's review petition.

Current judgement of Supreme Court

- Since the trial took place in Maharashtra, the Gujarat government didn't qualify as the proper government to issue the remission order. There is incompetence in the exemption order. Only the state where they are prosecuted has the authority to release criminals.
- The bench further declared that deception and the omission of facts were used to attain the May 13, 2022, SC order.
- The Gujarat government needs to have submitted a plea arguing that they are not the appropriate government and asking for a reconsideration of the 2022 judgement.
- In May 2022, the Supreme Court severely disregarded its own ruling. The SC decided in May 2022 that two separate states cannot have simultaneous authority over the matter of remission.
- The policy in effect in the State where the crime was committed must be taken into consideration when deciding whether to release a criminal early. Therefore, the Gujarat government's remission policy was used to have these prisoners released.

What is remission?

A sentence that ends completely at a reduced point is called a remission. It is different from both furlough and parole because it is a sentence reduction rather than a release from incarceration.

Constitutional provision about remission –

- The Constitution grants the sovereign power of pardon to both the President and the Governor.
- According to Article 72, the President may pardon, reprieve, respite, or remit punishment, or he may suspend, remit, or commute the sentence of any individual found guilty of any offence –
 - (a) in any situation in which the prison term or sentence was handed down by a court martial
 - (b) in all situations where the sentence consists of the death penalty
 - (c) in all situations where the penalty or punishment is death.
- A Governor under "Article 161", can pardon, reprieve, respite, or remit the punishment, as well as suspend, remit, or commute the sentence.

Statutory remission authority –

- The "Code of Criminal Procedure (CrPC)" allows for prison term remission. This is due to the fact that prisons are a state subject. Although the Bharatiya Nagarik Suraksha (Second) Sanhita is planned to succeed the CrPC. The law was successfully approved by Parliament and had received the President's approval, but it has yet to go into effect.
- **Section 432** – The 'relevant government' may suspend or remit a sentence, in whole or in part, with or without restrictions,
- **Section 433** – The appropriate authorities can commute any sentence to a lighter one.
- State governments have this authority, which allows them to order the release of prisoners before their sentences are completed.

Case law related to remission :

The Supreme Court established five grounds for remission in '**Laxman Naskar v. Union of India**' (2000) –

1. Whether that offence is a single act of crime which has no societal impact.

2. Is there a probability that the crime may be committed in the future?
3. Whether the convicted person has perished the ability to conduct crime
4. Whether there is any benefit in retaining the offender in prison.
5. The convict's and his / her family socio-economic situation

Conclusion :

The ruling explains who has jurisdiction in remission matters, emphasising the significance of due process and legal conformity. This decision establishes an example for future remission cases, emphasising the importance of carefully considering the nature of the offence and its societal impact in such determinations.

Prelims practice question –

Q1) Which constitutional principle is often invoked when exercising remission power?

1. Rule of Law
2. Separation of Powers
3. Due Process
4. Federalism

Answer: **B**

Q2) The remission power is primarily exercised in cases related to:

1. Civil offenses
2. Constitutional violations
3. Criminal offenses
4. Administrative misconduct

Answer: **C**

Mains practice question :

Q1) Discuss the significance of the remission power in the criminal justice system and its role in ensuring fairness and rehabilitation.

Q2) Explore the balance required between executive discretion and the principles of justice, taking into account potential abuse of the remission power.

7 ODISHA PRODUCTS GET GI TAG

This article covers 'Daily Current Affairs' and the topic details of '7 Odisha products get GI tag' This topic is relevant in the "Culture and Indian Economy" section of the UPSC CSE exam.

Why in the News?

Owing to their uniqueness within the state, seven goods from Odisha—from the embroidered Kapdaganda shawl to the Similipal Kai chutney prepared with red weaver ants—have been awarded the

coveted Geographical Indication (GI) marking. Recently, a total of 17 items from various states have been assigned the GI tag.

What is a GI tag?

- A geographical indicator, often known as a GI, is a label applied to goods that are known for coming from a certain place and have characteristics or an image that is unique to that place.
- According to the Paris Convention for the safeguarding of Industrial Property, geographical indications are protected as a form of intellectual property.
- The WTO Declaration on Trade-Related Aspects of Intellectual Property Rights (TRIPS) governs and guides it.
- The Geographical Indications of Goods (Registration and Protection) Act, 1999 oversees the Geographical Indications certification process in India.
- Products related to agriculture, cuisine, wine and spirit drinks, handicrafts, and industry are generally classified according to their geographic origin.
- Famous goods like Pashmina Shawls, Basmati Rice, Kancheepuram Silk, and Darjeeling Tea are just a few that have been awarded GI tags.
- **Validity :** 1) A product can use its GI tag for 10 years after it was first issued.
2) It could still be extended for an additional ten years.
3) No one else may use a GI tag for a goods that is not made in the designated geographical region while the tag is valid.
4) By doing this, the original producer' rights are safeguarded and other parties are prevented from using the tag on their goods.
5) Customers are additionally reassured regarding the product's genuineness thanks to it.

GI registration :

- The correct procedure for registering geographically indicated products involves submitting an application, being subject to preliminary investigation and scrutiny, publishing a show cause notice in the geographical indications magazine, receiving objections to registration, and finally registering the product.
- Applications may be made by any group of individuals, producers, organisations, or authorities created by or under the legislation.
The applicant needs to speak on behalf of the producers.

Advantages of GI Labeling :

- It assists in locating the authentic goods originating from a particular area.
- This contributes to the products' promotion and rise in consumption.
- By prohibiting others from using the GI tag on their products, it aids in defending the rights of the original creators.
- This aids in preserving the products' authenticity and quality.
- It aids in advancing the conventional knowledge and abilities related to the product's production.
- This contributes to the preservation of the area's cultural legacy.

A brief overview of the seven products –

- **Kapdaganda shawl** : The shawl is a representation of the rich tribal heritage of the Dongria Kondh tribe. It was spun and beaded by the women of the tribe. The Dongria Kondh tribe is one of the particularly vulnerable tribal groups (PVTG).
- **Lanjia Saura Painting**: Also referred to as Idital, this painting is among the earliest examples of tribal art. The artworks are renowned for their symbolism, ritual associations, beauty, and elegance. The Lanjia Saura community, a PVTG that primarily resides in the Rayagada district, is the owner of the art form.
- **Koraput Kala Jeera Rice**: Known as the “Prince of Rice,” this black-colored rice type is renowned for its flavour, texture, scent, and nutritional content. This rice variety has been conserved for over a millennium by tribal farmers in the Koraput region.
- **Similipal Kai Chutney**: In the Mayurbhanj region of Odisha, tribal households have an ancestral delicacy created from red weaver ants. The Similipal forests are home to the ants in the Mayurbhanj forests.
- **Kanteimundi Brinjal** : The entire plant, as well as the stems, of the Kanteimundi brinjal are renowned for their sharp thorns. The plants may be cultivated with little pesticide because they are resistant to large insects.
- **Khajuri Guda**: Originating in the Gajapati area of Odisha, “Khajuri Guda” or jaggery is a natural sweetener made from date palm trees. Since jaggery is organic by nature, it is traditionally made in a trapezoidal form known as “Patali Gur.”

Although India is confronted with the following GI-Tag challenges:

- **State Conflicts**: As evidenced by the Rasogolla case, state-level disagreements persist on GI ownership.
- **Absence of Commercial Strategy**: Inadequate plans for utilising GIs in international trade.
- **Unauthorised Use**: When GIs are misused by unapproved parties, they deceive customers and harm legitimate producers.
- **IP Controversy Still Alive**: The topic of GI protection in intellectual property rights is still quite controversial.
- **Limited Organised activities**: Not much in the way of organised activities other than defining uniqueness.
- **Neglecting Quality Control**: Pay more attention to source indication than to quality control, as demonstrated by Alphonso Mango.
- **Marketing and Branding Gaps**: Poor branding, advertising, and promotion—Basmati rice is one example of this.

Prelims practice questions :

Q1) Which of the following is the primary purpose of a Geographical Indication (GI) tag?

- To protect the rights of individuals
- To promote global trade
- To identify products as originating from a specific geographical location
- To encourage competition among producers

Answer: c)

Q2) A Geographical Indication (GI) tag ensures that:

- Products are available worldwide without restrictions
- Only products from a specific region can use the designated name

- c) Any producer can use the GI tag without permission
- d) Consumers are not aware of the product's origin

Answer: **b)**

Mains practice Question :

Q1) Explain the role of the World Intellectual Property Organization (WIPO) in the protection of Geographical Indications (GIs). How does WIPO contribute to the global framework for safeguarding the rights associated with GIs?

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